

ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

**REGULAR AND EXTRAORDINARY
SESSIONS 1915**

**AUTHORIZED BY SENATE CONCURRENT RESOLUTION No. 5,
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List of Members and Officers of the Legislature of West Virginia.

REGULAR SESSION, 1915.

SENATE

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 Clerk—JOHN T. HARRIS, Parkersburg.
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	John L. Hatfield (D).....	Morgantown, Monongalia County.
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Thirteenth	*Richard E. Talbott (D).....	Phillippi, Barbour County.
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Fourteenth	*S. O. Billings (R)	Parsons, Tucker County.
	A. Bilss McCrum (R).....	Kingwood, Preston County.
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HOUSE OF DELEGATES

Speaker---VERNON E. JOHNSON, Berkeley Springs.

Clerk---JOHN GUY PRICHARD, Fairmont.

Sergeant-at-Arms---GEO. W. OTTO, Wheeling.

Door-Keeper---A. W. DAVIS, Clarksburg.

County.	Name.	Postoffice.
Barbour	George M. Kittle, (R.)	Phillippi.
Berkeley	S. S. Cline, (R.)	Bunker Hill.
	Chas. Beard, (R.)	Martinsburg.
Boone	Lawson Garrlson, (D.)	Peytona.
Braxton	John I. Bender, (R.)	Burnsville.
	James C. Boone, (R.)	Belfont.
Brooke	W. W. Pilchard, (R.)	Bethany.
Cabell	J. Leslie Blackwood, (D.)	Milton.
	J. S. Shafer, (D.)	Huntington.
	Carney M. Layne, (D.)	Huntington.
Calhoun	Howard Waldo, (D.)	Grantsville.
Clay	W. R. Balles, (R.)	Clay.
Doddridge	Ira E. Smith, (R.)	West Union.
Fayette	C. W. Lemon, (F.)	Claremont.
	Frauk T. Burnham, (F.)	Oak Hill.
	Henry McGraw, (F.)	Ansted.
Gilmer	C. W. Marsh, (D.)	Glenville.
Grant	George B. Harman, (R.)	Maysville.
Greenbrier	A. E. Huddleston, (D.)	White Sulphur Springs.
	J. S. Thurmond, (D.)	Alderson.
Hampshire	R. P. Monroe, (D.)	Barnes' Mill.
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	Flavius B. Davlsson, (R.)	Bridgeport.
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	W. H. Kelbaugh, (R.)	Sandyville.
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Kanawha	A. E. Scherr, (R.)	Charleston.
	W. W. Wertz, (R.)	Charleston.
	Garfield Barlow, (R.)	Charleston.
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	W. J. Sigmund, (R.)	Handley.
Lewis	Fred F. Balley, (R.)	Weston.
Lincoln	Jesse Courts, (R.)	West Hamlin.
Logan	Robert Bland, (D.)	Logan.
Marlon	C. L. Shaver, (D.)	Fairmont.
	Ira Akins, (D.)	Fairmont.
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	E. M. Hinerman, (R.)	Moundsville.
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	W. B. Honaker, (R.)	Matoaka.

Mineral	S. N. Moore, (R.)	Keyser.
Mingo	Ireland James, (R.)	Williamson.
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Monroe	John T. Ballard, (D.)	Cloverdale.
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	W. W. Hughes, (R.)	Welch.
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	Harry A. Weiss, (R.)	Wheeling.
	Jesse A. Bloch, (R.)	Wheeling.
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Pocahontas	B. M. Yeager, (D.)	Marlington.
Preston	Carleton C. Pierce, (R.)	Kingwood.
	W. Henry Glover, (R.)	Terra Alta.
Putnaa	W. W. Thomas, (D.)	Winfield.
Raleigh	V. E. Sullivan, (R.)	Raleigh.
Randolph	James W. Weir, (D.)	Elkins.
Ritchie	M. K. Duty, (R.)	Pennsboro.
	W. E. Talbott, (R.)	Harrisville.
Roane	A. M. Hersman, (R.)	Spencer.
	M. T. Board, (R.)	Reedy.
Summers	J. W. Alderson, (D.)	Bellepoint.
Taylor	Chas. A. Sinsel, (R.)	Grafton.
Tucker	George B. Thompson, (R.)	Davis.
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	Arlen G. Swiger, (R.)	Sistersville.
Upshur	L. F. Everhart, (R.)	Buckhannon.
Wayne	B. J. Prichard, (D.)	Wayne.
	L. G. Sansom, (D.)	East Lynn
Webster	W. T. Talbott, (D.)	Webster Springs.
Wetzel	Septimius Hall, (D.)	New Martinsville.
	John M. McKimble, (D.)	Reader.
Wirt	John A. Davis, (R.)	Elizabeth.
Wood	J. B. Yeager, (R.)	Walker.
	Frank H. Markey, (R.)	Parkersburg.
	James A. Smith, (R.)	Belleville.
Wyoming	A. J. Mullens, (R.)	Mullens.
56 Republicans		R—Republican.
27 Democrats		D—Democrat.
3 Fusion.		F—Fusion.

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EDUCATION.

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LABOR.

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RAILROADS.

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TABLE OF CONTENTS

ACTS AND RESOLVES

REGULAR SESSION 1915

APPROPRIATIONS.

Chapter.	Page.
1. On account contingent expenses of legislature.....	1
2. To pay per diem and mileage of members and per diem of officers and attaches regular session of legislature	2
3. To pay salaries of officers of the government	6
4. To pay general charges on the treasury	9
5. Relating to boards, etc., not having an office at the capital	32
6. To erect monument in memory of late General Adam Stephens.....	33

GENERAL LAWS, NEW ENACTMENTS AND AMENDMENTS.

7. Relating to enforcement of the prohibition of liquor traffic	33
8. Enlarging powers of public service commission	39
9. Creating compensation commissioner and providing for administration of workmen's compensation fund	52
10. Creating department of mines, to redistrict for inspection and regulate mining conditions	82
11. Creating a state department of health, changing name of state board of health, to vest management and control of state tuberculosis sanitarium in department of health, and to appropriate money	115
12. Creating state bureau of labor	124
13. For prevention, control and eradication of infectious or otherwise communicable diseases among domestic animals and poultry	126
14. Amendments to law for protection and preservation of game, fish, forest and stream	148
15. Amendments to chapter 62 of the code, and creating state forester....	162
16. Amending chapter 59, of acts of 1882, and providing a standard of weights and measures	167
17. Amendments to chapter 11, of acts of 1913, concerning hydro-electric and other companies	181
18. To prevent fraud in sale of stocks, bonds, etc., (new Blue Sky law)....	201
19. Relating to trespassing on railroad cars or trains	211
20. Extending time within which railroads may commence construction of roads	211
21. Regulating contracts of surety between common carriers and employees	213
22. Relating to public uses for which private property may be taken or damaged	214
23. Relating to taking land without owner's consent for purposes of public utility	216
24. Concerning wilful injury to property of railroad companies or others, and powers of trainmen, etc.	219
25. Requirement of transportation companies in relation to enforcement of prohibition amendment	221
26. Primary election law	223
27. To prevent corrupt practices in primary and other elections	246

Chapter.	Page.
28. Amendments relating to the registration of voters	260
29. Re-districting the state for representatives in congress.....	270
30. Apportionment of representation in the house of delegates	270
31. Amendments to chapter 58, acts of 1909, creating state board of control	271
32. Relating to the practice of dentistry.....	278
33. To create veterinary examining board and regulate practice	287
34. Relating to the appointment of the board of pharmacy.....	293
35. To prevent introduction and spread of San Jose scale and other dan- gerous plant diseases	294
36. To provide for collection, examination and testing of seeds sold for agricultural purposes	307
37. Providing for investigation of corporate surety companies before accept- ance, and requiring bond	313
38. Prescribing method of procedure in equity for dissolution of corporations	315
39. Relating to payment of moneys into the state treasury and appropri- ation of money paid in	316
40. To provide for an annual report of state's financial transactions and eliminating same from separate reports	317
41. Repealing section 5, chapter 51, of the code, relative to gaming, and en- acting new section	318
42. Punishment for false statements to obtain credit	319
43. To provide against fraudulent advertising	320
44. To prevent and punish desecration of the flag of the United States....	321
45. Concerning the powers and duties of state librarian	323
46. To create a new Virginia debt commission	325
47. Requiring plat or tract of land sub-divided into lots to be recorded..	327
48. Changing the names of certain state hospitals and asylums	328
49. Providing for protection of persons dealing in mineral waters, etc....	329
50. Authorizing counties to issue bonds in aid of construction of canal from Pennsylvania to Ohio	332
51. Amending and re-enacting chapter 58, of the code, concerning insane persons	338
52. Providing for payment of deposits in banks by minors to such minors..	357
53. Providing for submission of an amendment to section 23, article 8, of the state constitution	358
54. Concerning the distribution of the session acts	360
55. Providing for submission of an amendment to section 1, article four, of the state constitution	362
RELATING TO EDUCATION.	
56. Re-enactment, amendments and re-numbering of educational code....	365
57. Relating to school levies	378
58. Relating to education, and authority of boards of education	382
59. Boards of education and when elected	384
60. Relating to salaries of teachers in free schools	385
61. Establishment of high schools, classification and distribution of state aid	387
62. For normal training departments in high schools	389
63. To provide for payment of tuition by boards of education not maintain- ing high school	301
64. To authorize cities, towns, etc., to levy taxes for establishing libraries and reading rooms	391
65. Concerning cadets of military department of the university	395
66. Changing the name of the West Virginia colored institute	397
JUDICIAL PROCEDURE.	
67. Declaring 1913 code, edited by Charles E. Hogg, competent evidence..	308
68. Relating to the supreme court of appeals, fixing terms of court, etc.	399
69. Amending and re-enacting chapter 135, of the code, relating to jurisdic- tion of supreme court of appeals and method of appeals thereto ..	402
70. Creating juvenile court for dependent, neglected or delinquent children..	407
71. Relating to residence of judges and certain limitations, disqualifying	

Chapter.	Page.
them from taking cognizance of suits	434
72. Concerning instructions by courts to juries in trial of civil and criminal cases	435
73. Relating to divorce procedure	438
74. Relating to proof by affidavit of debts for money due on contracts....	442
75. To cure defective deeds and acknowledgments	444
76. Relating to appointment of special commissioners, etc., and the deposit of moneys	445
77. Relating to jury commissioners	447
78. Concerning motions for judgment for moneys due on contract	449
79. Authorizing proof by affidavit for money due on contract in civil actions before justices of the peace	450
80. To empower courts to release on parole or probation certain minor offenders	451
81. Concerning bail	452
82. Regulating practice of law and licensing attorneys admitted to practice in other states	453
COUNTY COURTS AND COUNTY OFFICERS.	
83. Fixing salaries of sheriffs, clerks of county courts, clerks of circuit courts and prosecuting attorneys	454
84. To provide county depositories for public money	471
85. Relating to rate and manner of laying levies, special debt levy, etc. . .	479
86. Relating to the assessment of taxes	484
87. Relating to assessors, assistant assessors and salaries	486
88. Concerning vacancies in office of prosecuting attorney, surveyor of lands and assessor	488
89. Permitting county courts to aid county agricultural organizations....	489
90. Authorizing county courts to expend county funds for hospital service rendered the poor	491
91. County road engineers, their appointment and removal	495
92. Providing for special levy where court house or jail has been or may be destroyed by fire, etc.	499
93. Relating to jailer's fees in civil and criminal cases	500
94. To authorize advertising resources and advantages of counties and opportunities of cities, towns and villages	501
ACTS AFFECTING CERTAIN COUNTIES, MUNICIPALITIES, COURTS AND SCHOOL DISTRICTS.	
95. To reform, alter and modify county court Randolph county	502
96. Concerning independent school district of Grafton	505
97. To enable directors of Clay county high school to raise funds to improve premises	506
98. To authorize the establishment of school teachers' retirement pension fund for district of Wheeling	507
99. Fixing terms of circuit court, eighteenth circuit	508
100. To provide special election to vote on school levy in Cabin Run district, Mineral county, and other districts	509
101. To authorize establishment of a high school in Pleasants county	510
102. To authorize establishment of a high school in Wayne county.....	513
103. Pertaining to the school district of Huntington.....	515
104. To create the independent school district of Pennsboro, Ritchie county..	516
105. Abolishing independent school district of Fayetteville	530
106. To authorize establishment of a high school in Mingo county.....	531
107. Relating to the independent school district of Burnsville, Braxton county	533
108. To authorize city of Charleston to convert Ruffner graveyard into a park	534
109. To establish a court of limited jurisdiction within the county of Kanawha	534
110. To enlarge the boundaries of Charleston independent school district....	543
111. To authorize the establishment of a high school in Calhoun county....	544
112. Terms of court for criminal court of McDowell county	547
113. To authorize county court of Lewis county to lay a special levy to permanently improve four public roads	548

Chapter.	Page.-
114. To empower judge of circuit court in nineteenth circuit to employ a competent stenographer	549
115. Authorizing the county court of Wayne county to lay a special levy for general road purposes	551
116. Amendments to the act relating to the school district of Martinsburg..	552
117. Fixing terms and times for holding circuit courts in the sixth judicial circuit	554
118. Relating to the independent school district of Weston	555
119. Fixing the annual allowance of the clerk of the county court of McDowell county	558
120. Concerning the salary and duties of prosecuting attorney of Raleigh county	558
121. Providing for the appointment and compensation of the official reporter for the seventh judicial circuit	559
122. To provide additional territory to the independent school district of Buckhannon	560
123. To change the boundaries of independent school district of Elkins....	563
124. To authorize the establishment of a high school in Putnam county....	564
125. To authorize the county court of Monongalia county to lay a special levy for purposes of the West Virginia university	567
126. To authorize the establishment of a high school in Wirt county	568
127. Concerning the salary of the judge of the criminal court of Raleigh county	571
128. Amendments to the act creating the Parkersburg independent school district	571
129. To abolish the criminal court of Wood county	574
130. To authorize the judge of the thirteenth judicial circuit to employ an official reporter	576
131. Concerning the salary of the clerk of the circuit court of Raleigh county	577
132. Fixing the times of circuit court in the counties of Mingo and Wyoming	578
133. Relating to the maximum levy, etc., for the city of Clarksburg	578
134. To authorize the county court of Jefferson county to change the site of the county jail	580
135. To establish the independent school district of Williamson, in Mingo county	581
136. To authorize the establishment of a high school in Mingo county....	585
137. Authorizing the county court of Jefferson county to substitute bonds and prescribing conditions	587
138. Relating to the independent school district of Point Pleasant	589
139. To authorize the employment of a stenographer by the judge of the fourth judicial circuit	590
140. To authorize state board of control to grant city of Weston an easement over a parcel of land the property of the state	591
141. Empowering the board of education of Parkersburg district to retire an issue of bonds heretofore authorized	595
142. Fixing the maximum of the county clerk's salary in the county of Jefferson	596
143. Authorizing the board of education of independent district of Sistersville to establish a library	596

HOUSE JOINT RESOLUTIONS.

	Page.
Requesting the state board of health to issue a certificate to practice medicine to Anthony R. Brown	597
Authorizing the state board of health to issue a license to practice medicine to S. J. Ross	597

SENATE JOINT RESOLUTIONS.

Assenting to and accepting the provisions of the "Smith-Lever Act".....	598
Amending section one of article four of the constitution of West Virginia,	

	Page.
granting to women the right of suffrage	599
Authorizing the secretary of state to furnish the law library of West Virginia university with copies of supreme court reports	599
Adopting rules for the government of the two houses of the legislature during the present session, or until otherwise ordered	600
Proposing an amendment to the constitution in relation to county courts....	601
HOUSE CONCURRENT RESOLUTION.	
Raising a special committee to attend the funeral of Hon. H. N. Ogden, late member of the public service commission	602
SENATE CONCURRENT RESOLUTIONS.	
Raising a joint committee to notify the governor that the legislature is organized and ready for business	602
Raising a joint committee to confer with the governor on the Virginia debt..	602
Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 79.....	603
Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 131	603
To provide for the printing and distribution of advance copies of the acts of the regular session, 1915	604
Raising a joint committee to wait upon the governor	605
EXTRA SESSION ACTS.	
Chapter.	Page.
1. Amendments to chapter nine, acts regular session, 1915, workmen's compensation act	610
2. Appropriations for payment of per diem of members for the extraordinary session, and for salaries of attaches	619
HOUSE JOINT RESOLUTIONS.	
Raising a joint committee of the two houses to notify the governor that the legislature is assembled in extraordinary session	622
Authorizing the auditor to draw his warrants for the per diem of the members and officers and attaches of the legislature	623
Raising a joint committee to notify the governor that the extraordinary session of the legislature is ready to adjourn	623

LEGISLATURE OF WEST VIRGINIA

ACTS OF 1915

REGULAR SESSION

CHAPTER 1.

(House Bill No. 1.)

AN ACT making appropriations of public money on account of the contingent expenses of the legislature of one thousand nine hundred and fifteen.

Passed January 22, 1915. In effect from passage. Approved by the Governor January 26, 1915.]

- | | |
|--|--|
| <p>SEC.
1. For contingent expenses of the Senate; for contingent expenses House of Delegates.
2. Method of purchase of supplies upon the part of the officers of</p> | <p>SEC.
the Senate and House of Delegates.
3. Auditor authorized and directed to issue his warrants upon the treasury.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. That there is hereby appropriated out of the public treasury the following sums of money on account of the contingent expenses of the present session of the legislature:

For contingent expenses of the senate, one thousand five hundred dollars, or so much thereof as may be necessary for said purposes.

For contingent expenses of the house of delegates, two thousand dollars, or so much thereof as may be necessary for said purposes.

Sec. 2. No supplies shall be purchased for either house, except upon resolution or upon an order signed by the president of the senate and the clerk thereof, or by the speaker of the house and the clerk thereof.

Sec. 3. The auditor is hereby authorized and directed to
 2 issue his warrants upon the treasurer for such amounts as may
 3 be authorized by the resolution of either house to be paid.

CHAPTER 2.

(House Bill No. 197.)

AN ACT making appropriations of public money to pay the per diem
 of the members of the legislature for the regular session of one
 thousand nine hundred and fifteen, and for salaries of the officers
 and attaches thereof.

[Passed January 26, 1915. In effect from passage. Approved by the Governor Jan-
 uary 26, 1915.]

SEC.

1. Appropriations:
 Per diem and mileage of mem-
 bers of the House of Delegates.
 Per diem of officers, assistant
 clerks and other attaches of
 the House of Delegates.
 Per diem and mileage of mem-
 bers of the Senate.
 Per diem of officers, assistant
 clerks and other attaches of

SEC.

the Senate.
 Per diem of janitor, his assist-
 ants and charwomen, during
 the regular session.
 Per diem of messenger to finance
 committees of House and Sen-
 ate.
 2. Authorizing Auditor to issue war-
 rants.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out
 2 of the public treasury for the payment of the per diem of the
 3 members of the legislature for the session of one thousand nine
 4 hundred and fifteen and the per diem of the officers and attaches
 5 thereof the following sums of money:

House of Delegates.

- 7 To pay the per diem of the members, fifteen thousand six
 8 hundred and ten dollars.
 9 To pay the mileage of members, three thousand one hundred
 10 and forty-two dollars and seventy cents.
 11 To pay the per diem of the clerk, five hundred and fifty
 12 dollars.
 13 To pay the per diem of the sergeant-at-arms, two hundred
 14 and twenty-five dollars.
 15 To pay the per diem of the assistant sergeant-at-arms, one
 16 hundred and eighty dollars.

- 17 To pay the per diem of the doorkeeper, one hundred and
18 eighty dollars.
- 19 To pay the per diem of the assistant doorkeeper, one hundred
20 and eighty dollars.
- 20 To pay the per diem of two gallery doorkeepers, three hun-
21 dred and sixty dollars.
- 22 To pay the per diem of three cloak room attendants, one
23 hundred and thirty-five dollars each, four hundred and five-
24 dollars.
- 25 To pay the per diem of the day watchman, one hundred and
26 eighty dollars.
- 27 To pay the per diem of the night watchman, one hundred
28 and eighty dollars.
- 29 To pay the per diem of the librarian, one hundred and
30 eighty dollars.
- 31 To pay the per diem of thirteen committee clerks, two thous-
32 and three hundred and forty dollars.
- 33 To pay the per diem of the clerk of the committee on taxa-
34 tion and finance, two hundred and seventy dollars.
- 35 To pay the per diem of the clerk of the judiciary committee,
36 two hundred and seventy dollars.
- 37 To pay the per diem of ten floor pages, nine hundred dollars.
- 38 To pay the per diem of mailing and banking page, one hun-
39 dred and thirty-five dollars.
- 40 To pay the per diem of four floor stenographers, seven
41 hundred and twenty dollars.
- 42 To pay the per diem of four journal pages, three hundred
43 and sixty dollars.
- 44 To pay the per diem of the stenographer of the committee
45 on taxation and finance, two hundred and seventy dollars.
- 46 To pay the per diem of the stenographer of the committee
47 on the judiciary, two hundred and seventy dollars.
- 48 To pay the per diem of the private secretary to the speaker,
49 two hundred and seventy dollars.
- 50 To pay the per diem of the stenographer to the clerk, two
51 hundred and seventy dollars.
- 52 To pay the per diem of fifteen assistant clerks, four thousand
53 and fifty dollars.

Senate.

- 55 To pay the per diem of the members, five thousand four
56 hundred and ninety dollars.
- 57 To pay the mileage of the members. one thousand one hun-
58 dred and thirty-two dollars and ten cents.
- 59 To pay the per diem of the clerk, five hundred and fifty
60 dollars.
- 61 To pay the per diem of the sergeant-at-arms, two hundred
62 and twenty-five dollars.
- 63 To pay the per diem of the assistant sergeant-at-arms, two
64 hundred and twenty-five dollars.
- 65 To pay the per diem of the reading clerk, two hundred and
66 seventy dollars.
- 67 To pay the per diem of the supervisor of printing, two hun-
68 dred and seventy dollars.
- 69 To pay the per diem of the clerk to the committee on en-
70 grossed bills, two hundred and seventy dollars.
- 71 To pay the per diem of the clerk to the committee on en-
72 rolled bills, two hundred and seventy dollars.
- 73 To pay the per diem of the doorkeeper, one hundred and
74 eighty dollars.
- 75 To pay the per diem of two assistant doorkeepers, three hun-
76 dred and sixty dollars.
- 77 To pay the per diem of the librarian, one hundred and eighty
78 dollars.
- 79 To pay the per diem of the gallery doorkeeper, one hundred
80 and eighty dollars.
- 81 To pay the per diem of the day watchman, one hundred
82 and eighty dollars.
- 83 To pay the per diem of the night watchman, one hundred
84 and eighty dollars.
- 85 To pay the per diem of two cloak room attendants, two hun-
86 dred and seventy dollars.
- 87 To pay the per diem of the stenographer to the president,
88 two hundred and seventy dollars.
- 89 To pay the per diem of the clerk of the finance committee,
90 two hundred and seventy dollars.
- 91 To pay the per diem of the assistant clerk of the finance
92 committee, two hundred and seventy dollars.

- 93 To pay the per diem of the clerk of the judiciary committee,
94 two hundred and seventy dollars.
- 95 To pay the per diem of the stenographer to the judiciary
96 committee, two hundred and twenty-five dollars.
- 97 To pay the per diem of the chaplain, ninety dollars.
- 98 To pay the per diem of seventeen committee clerks, three
99 thousand and sixty dollars.
- 100 To pay the per diem of supervisor of stenographers, one
101 hundred and eighty dollars.
- 102 To pay the per diem of five floor stenographers, one thous-
103 and one hundred and twenty-five dollars.
- 104 To pay the per diem of manager of pages, one hundred and
105 eighty dollars.
- 106 To pay the per diem of mailing and banking page, one hun-
107 dred and thirty-five dollars.
- 108 To pay the per diem of three journal and bill pages, four
109 hundred and five dollars.
- 110 To pay the per diem of eight floor pages, one thousand and
111 eighty dollars.
- 112 To pay the per diem of the page to the clerk, one hundred
113 and thirty-five dollars.
- 114 To pay the per diem of twenty assistant clerks, five thousand
115 four hundred dollars.
- 116 To pay the per diem of the stenographer to the clerk, two
117 hundred and seventy dollars.

Janitors.

- 119 To pay the per diem of the janitor, extra compensation dur-
120 ing the regular session of the legislature as provided by section
121 one of chapter eleven of the code, at three dollars per day, one
122 hundred and thirty-five dollars.
- 123 To pay the per diem of ten assistants to the janitor, during
124 the regular session of the legislature, as provided in section one
125 of chapter eleven of the code, at three dollars per day, one
126 thousand and three hundred and fifty dollars.
- 127 To pay the per diem of two charwomen, during the regular
128 session of the legislature, at one dollar and fifty cents per day
129 each, one hundred and thirty-five dollars.
- 130 To pay the per diem of the messenger to the finance com-
131 mittee of the senate and the committee on taxation and finance

132 of the house, one-half to be paid out of the senate contingent
133 fund and one-half out of the house contingent fund, one hun-
134 dred and eighty dollars.

Section 2. The auditor of this state is hereby authorized and
2 directed to issue his warrants upon the treasury from time to time
3 for such amounts as are or may become due to the several members,
4 officers and attaches of the senate and the house of delegates and
5 janitor's help, upon the request of the clerk of the senate and
6 the sergeant-at-arms of the house of delegates, respectively. The
7 three items in regard to janitor and assistants to be paid one-half
8 out of the senate contingent fund and one-half out of the house
9 contingent fund.

CHAPTER 3.

(House Bill No. 28C.)

AN ACT making appropriations of public moneys for salaries of the
officers of the government, in pursuance of the forty-second
section of the sixth article of the Constitution.

[Passed February 26, 1915. In effect from passage. Approved by the Governor
February 28, 1915.]

SEC.

1. Appropriations for the fiscal
years ending June 30, 1916-
1917, respectively.
Salary of Governor and oth-
er state officers, adjutant
general, compensation commis-
sioner, state librarian, chief
road engineer, state tax com-
missioner, state historian and
archivist, state commissioner
of health.
Salaries of judges of the supreme
court and circuit judges, def-
icit in salaries of judges of cir-
cuit courts, 1914-15.

SEC.

Salary keeper of the rolls, jan-
itor, commissioner of banking,
department of mines, bureau of
labor, public service commis-
sioners, forestry, game and fish
warden, board of control, state
board of regents.
2. Section one defined, and appropri-
ations classified for payment.
3. Auditor authorized and directed to
issue his warrants upon the
treasury; how and when; lim-
itations.

Be it enacted by the Legislature of West Virginia:

Section 1. That there shall be and are hereby appropriated
2 out of the treasury for the fiscal year ending June thirtieth one
3 thousand nine hundred and sixteen, and the fiscal year ending
4 June thirtieth one thousand nine hundred and seventeen, re-
5 spectively, the following sums of money to pay the salaries of
6 the officers of the Government:

Executive Department.

	Fiscal Year ending June 30th, 1916.	Fiscal Year ending June 30th, 1917.
To pay the salary of the Governor.....	\$ 5,000.00	\$ 5,000.00
To pay the salary of the Auditor.....	4,500.00	4,500.00
To pay the salary of the Treasurer.....	3,500.00	3,500.00
To pay the salary of the Attorney General	4,000.00	4,000.00
To pay the salary of the Compensation Commissioner	6,000.00	6,000.00
To pay the salary of the Superintendent of Free Schools	4,000.00	4,000.00
To pay the salary of the Secretary of State	4,000.00	4,000.00
To pay the salary of the Adjutant General	3,600.00	3,600.00
To pay the salary of the State Librarian..	1,800.00	1,800.00
To pay the salary of Chief Road Engineer	3,500.00	3,500.00
To pay the salary of State Tax Commis- sioner	4,000.00	4,000.00
To pay the salary of the Commissioner of Agriculture	4,000.00	4,000.00
To pay the salary of the State Historian and Archivist	2,700.00	2,700.00
To pay the salary of the State Commis- sioner of Health	3,000.00	3,000.00

Judicial Department.

To pay the salaries of the Judges of the Supreme Court	\$27,500.00	\$27,500.00
To pay the salaries of the Judges of the Circuit Court	79,200.00	79,200.00
To pay deficit in salaries of the Judges of the Circuit Courts for 1914-15.....	25,575.00	

Keeper of the Rolls.

To pay the salary of the Keeper of the Rolls \$	300.00	300.00
To pay the salary of the Janitor.....	1,500.00	1,500.00

Commissioner of Banking.

To pay the salary of the Commissioner of Banking	\$ 3,500.00	\$ 3,500.00
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Department of Mines.

To pay the salary of the Chief of the De- partment of Mines	\$ 3,000.00	\$ 3,000.00
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Bureau of Labor.

To pay the salary of the Commissioner of Labor	\$ 2,400.00	2,400.00
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Public Service Commission.

To pay the salaries of the members of the Public Service Commission	\$18,000.00	\$18,000.00
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Forestry, Game and Fish Warden.

To pay the salary of the Forestry, Game and Fish Warden	\$ 1,800.00	\$ 1,800.00
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Board of Control.

To pay the salaries of the members of the Board of Control	\$15,000.00	\$15,000.00
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State Board of Regents.

To pay the salaries of the four members of the Board of Regents	\$ 4,000.00	\$ 4,000.00
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Sec. 2. The first column of figures appearing in the fore-
 2 going section of this bill shall be deemed to indicate the amount
 3 intended to be appropriated by the Legislature for the aforesaid
 4 salaries, respectively, for the fiscal year beginning July first, one
 5 thousand nine hundred and fifteen, and ending June thirtieth.
 6 one thousand nine hundred and sixteen; and the second column
 7 of figures shall be deemed to indicate the amount intended to be
 8 appropriated by the legislature for the aforesaid salaries, respec-

9 tively for the fiscal year beginning July first, one thousand nine
10 hundred and sixteen, and ending on the thirtieth day of June,
11 one thousand nine hundred and seventeen.

Sec. 3. The auditor is hereby authorized and directed, when
2 properly demanded, to issue his warrants upon the treasury in
3 the same manner as he would be required to if every item of the
4 expenditure were directed to be paid to the creditor by name, and
5 no money shall be drawn from the treasury for the purpose here-
6 in named during the fiscal year ending June thirtieth, one thou-
7 sand nine hundred and sixteen, and June thirtieth, one thousand
8 nine hundred and seventeen, respectively, beyond the amount
9 hereby appropriated unless the same is authorized by the consti-
10 tution or some general law.

CHAPTER 4.

(House Bill No. 423.)

AN ACT making appropriations of public moneys to pay general charges upon the treasury.

[Passed February 26, 1915. In effect March 3, 1915.]

[Note—Items printed in italic type were vetoed by the Governor; the remainder of the bill became a law without his approval].

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| <p>SEC.
1. Appropriations to pay general charges upon the treasury for the fiscal years ending June 30, 1916-1917, respectively.
2. Criminal charges; transportation of prisoners and extradition of criminals; lunatics in jail.
3. Board of optometry.
4. Florence Crittendon Home.
5. Berkeley Springs board, current and contingent, paving and improvements.
6. King's Daughters and city hospitals, on approval of board of control.
7. Commissioners of pharmacy.
8. State board of regents; field agent state board of regents.
9. Insurance on public buildings.
10. Contingent expenses and traveling expenses weights and measures act; salaries two deputy inspectors; free public employment bureau; salaries clerk and stenographer; salaries two factory inspectors and traveling expenses.
11. Storer college; salaries of teachers; industrial department.
12. State geological survey, completing and publication of reports.</p> | <p>SEC.
13. Printing, binding and stationery; deficiency for 1914-1915; general appropriation.
14. Judicial department; compensation of judges of circuit courts; mileage of judges of supreme court; mileage of circuit court judges; contingent and current expenses supreme court; salaries of clerks, messengers and janitors; clerk, order clerk, stenographer and assistant clerks.
15. Governor's office; civil and contingent fund, to be expended on the order of the Governor; salary private secretary, stenographers and other clerk hire; salary of pardon attorney and stenographer; contingent expense pardon attorney.
16. Governor's mansion and grounds.
17. Capitol buildings and grounds.
18. Labor fund, capitol building.
19. Contingent legislative expenses; for the Senate; for the House of Delegates.
20. Commissioner of banking; salaries of assistants, of stenographers, traveling and contingent expenses; deficit for salary of commissioner.</p> |
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|--|---|
| <p>SEC.
21. Attorney general's office; salaries of assistants to attorney general, printing clerk, stenographers, current and contingent expenses.</p> <p>22. State treasurer's office; salary of chief clerk, additional clerks, current and contingent expenses.</p> <p>23. Secretary of State's office; salaries of clerks, current and contingent fund, distribution of the acts, journals and bills.</p> <p>24. Auditor's office; salary of chief clerk, stenographer, other clerks, expenses of insurance department, contingent and current expenses, publishing delinquent corporations, rebinding and rewriting records; refunding moneys erroneously paid into state treasury; pay of state agents; limitations; refunding to counties, districts and municipal corporations taxes for redemption of land; refunding county, district and municipal corporation taxes paid by railroad and other companies; for publication of sale of delinquent taxes.</p> <p>25. Tax commissioner's office; expenses of office, including assistants, clerks, stenographer, etc.; salary chief accountant; uniform system of accounting; auditing state departments; expenses office of commissioner of prohibition.</p> <p>26. The militia; to carry into effect provisions of chapter 41, Acts of 1897.</p> <p>27. Department of mining; salaries of inspectors, traveling expenses, current and contingent fund, stenographers and clerks.</p> <p>28. Department of archives and history; salary of curator, stenographer, messenger and janitor; current and contingent expenses.</p> <p>29. Forestry, game and fish; mileage and traveling expenses of warden, current and contingent expenses, salaries of chief deputies, expenses of chief deputies, mileage of two chief deputies; for protection of forests and protection and propagation of fish and game, under provisions of section 60, Acts of 1909.</p> <p>30. Department of agriculture; traveling expenses, salary of chief clerk, stenographer; diseased animals; collecting statistics and advertising, current and contingent expenses, and for controlling foot and mouth disease.</p> <p>31. Department of schools; salary of chief clerk, stenographer and other clerks; current and contingent expenses; purchase of books, printing, binding and stationery; expenses incurred under article 12, section 28, of Constitution; per diem and expenses state board of education; compensation institute instructors; expenses conducting uniform examinations; salaries</p> | <p>SEC.
county superintendents; supplemental aid for teachers' fund; state aid for classified high schools; all appropriations in this section to be paid out of general school fund.</p> <p>32. State hotel inspector; salary, contingent and traveling expenses; salary to June 30, 1915; provision as to payment.</p> <p>33. State board of control; salaries clerical force; traveling expenses; current and contingent expenses; repairs and improvements.</p> <p>34. Virginia debt commission; general expenses.</p> <p>35. West Virginia University; salaries of officers, teachers and employes; current general expenses; repairs and improvements; agricultural, horticultural and home economics extension work; athletic board; mining extension work, girls' dormitory and agricultural buildings; provision as to requirement of Monongalia county.</p> <p>36. Agricultural experiment station; current general expenses.</p> <p>37. Preparatory branch West Virginia University at Montgomery; salaries of officers, teachers and employes; current general expenses.</p> <p>38. Preparatory branch of West Virginia University at Keyser; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>39. Marshall college state normal school; salaries of officers, teachers and employes; current general expenses; repairs and improvements, buildings and land.</p> <p>40. Fairmont state normal school; salaries of officers, teachers and employes; current general expenses; repairs and improvements; buildings and land.</p> <p>41. West Liberty state normal school; salaries of officers, teachers and employes; current and contingent expenses; repairs and improvements; buildings and land.</p> <p>42. Glenville state normal school; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>43. Shepherd college state normal school; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>44. Concord state normal school; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>45. West Virginia collegiate institute; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> |
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| <p>Sec.
46. Bluefield colored institute; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>47. West Virginia industrial home for girls; current general expenses; repairs and improvements; buildings and land.</p> <p>48. West Virginia industrial home for boys; current general expenses; repairs and improvements.</p> <p>49. West Virginia school for the deaf and the blind; salaries of officers, teachers and employes; current general expenses; repairs and improvements.</p> <p>50. State tuberculosis sanitarium; current general expenses; repairs and improvements; buildings and land.</p> <p>51. West Virginia colored orphans' home; current general expenses; repairs and improvements; buildings and land.</p> <p>52. West Virginia children's home; current general expenses; repairs and improvements; field work humane society.</p> <p>53. Weston state hospital; current general expenses; repairs and improvements; buildings and land.</p> <p>54. Spencer state hospital; current general expenses; repairs and improvements; buildings and land.</p> <p>55. Huntington state hospital; current general expenses; repairs and improvements; buildings and land.</p> <p>56. Welch hospital No. 1; current general expenses; repairs and improvements.</p> <p>57. McKendree hospital No. 2; current general expenses; repairs and improvements.</p> <p>58. Fairmont hospital No. 3; current general expenses; repairs and improvements.</p> <p>59. State librarian; current and contingent expenses and clerk hire; purchase and binding books; librarian at Charles Town.</p> <p>60. Department of health; current general expenses.</p> | <p>Sec.
61. Public service commission; current general expenses; to be paid out of special license fees.</p> <p>62. Workmen's compensation; current and contingent expenses.</p> <p>63. State road bureau; current and contingent expenses; to carry out provisions of chap. 41, Acts of 1913; current and contingent expenses for remainder of fiscal year 1915.</p> <p>63-a Point Pleasant monument; for improvement of park.</p> <p>64. Miscellaneous appropriations.</p> <p>65. Refunding overpayments into treasury on account of taxes, licenses, fines and commissions.</p> <p>66. Directions as to foregoing appropriations.</p> <p>67. Appropriations herein made for state boards and institutions to be drawn upon requisition of proper officers thereof at such times and in such amounts as may be necessary; requisitions for appropriations for new buildings and substantial betterments, except under control of board of control, to be accompanied by architect's estimate; no warrants to be issued except for immediate use; provisions as to per diem and traveling expenses of state boards and board of regents; no mileage paid; itemized statement required; penalties.</p> <p>68. Provisions as to printing, binding and stationery for state superintendent of free schools; printing, binding and stationery for boards, officers and institutions designated to be paid out of expense or contingent fund; method of procuring same and manner of payment; provisions as to annual or biennial reports.</p> <p>69. No sum to be paid beyond amounts hereby appropriated.</p> <p>70. Directions to clerk of House and clerk of the Senate.</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 thirtieth, one thousand nine hundred and sixteen, and for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen, the following sums of money for the following purposes:

Criminal Charges.

	1916	1917
Sec. 2. For criminal charges ..	\$ 75,000.00	\$ 75,000.00

2	For transportation of prisoners and ex-		
3	tradition of criminals	5,000.00	5,000.00
4	For support of lunatics in jail.....	2,500.00	2,500.00

Board of Optometry.

2	Sec. 3. For expenses Board of Optometry	\$ 250.00	\$ 250.00
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Florence Crittenden Home.

2	Sec. 4. For the Florence Crittenden den Home at Wheeling	\$ 1,250.00	\$ 1,250.00
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Berkeley Springs Board.

2	Sec. 5. For current and contin- gent expenses of board	\$ 500.00	\$ 500.00
3	For paving and improvements	5,000.00	5,000.00

King's Daughters and City Hospitals.

2	Sec. 6. For King's Daughters and City Hospitals, for the treatment of		
3	laborers and others who may become		
4	a public charge, said amount to be		
5	paid upon approval of the state board		
6	of control	\$ 10,000.00	\$ 10,000.00

Commissioners of Pharmacy.

2	Sec. 7. For salaries and expenses of board	\$ 2,100.00	\$ 2,100.00
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State Board of Regents.

2	Sec. 8. For expenses members and secretary state board of regents.....	\$ 1,200.00	\$ 1,200.00
3	For salary and traveling expenses of		
4	secretary and field agent state board		
5	of regents	2,400.00	2,400.00

Insurance on Public Buildings.

Sec. 9. Insurance for 1915.....\$ 15,000.00 \$.....

Bureau of Labor.

Sec. 10. For contingent and travel-
 2 ing expenses in connection with
 3 weights and measures act.....\$ 3,500.00 \$ 3,500.00
 4 For salaries two deputy inspectors 2,400.00 2,400.00
 5 For free public employment bureau.... 1,200.00 1,200.00
 6 For salaries clerk and stenographer.... 2,100.00 2,100.00
 7 *For the salary of two factory inspectors* 2,400.00 2,400.00
 8 *For traveling expenses of same.....* 2,000.00 2,000.00

Storer College.

Sec. 11. For salaries of teachers..\$ 1,200.00 \$ 1,200.00
 2 For industrial department 1,500.00 1,500.00

State Geological and Economic Survey.

Sec. 12. For completing, prepara-
 2 tion and publication of reports....\$ 7,500.00 \$ 7,500.00

Printing, Binding and Stationery.

Sec. 13. For deficiency 1914-1915
 2 due to no appropriation having been
 3 made for the printing, binding and
 4 stationery for public service commis-
 5 sion, the department of agriculture
 6 and increase in legislative work....\$ 22,000.00 \$.....
 7 For printing, binding, stationery and
 8 storage.....\$ 50,000.00 \$ 50,000.00

Judicial Department.

Sec. 14. For compensation special
 2 judges of circuit courts\$ 1,500.00 \$ 1,500.00
 3 To pay mileage of judges of the su-
 4 preme court 500.00 500.00
 5 To pay mileage of circuit court judges.. 3,000.00 3,000.00

Supreme Court.

6	For contingent and current expenses of		
7	the supreme court	1,000.00	1,000.00
8	To pay salaries of law clerks	9,000.00	9,000.00
9	To pay salaries of criers, messengers and		
10	janitors	1,500.00	1,500.00
11	To pay salary of the clerk	1,500.00	1,500.00
12	To pay the salary of order clerk and		
13	stenographer	1,800.00	1,800.00
14	To pay salaries of assistant clerks	2,600.00	2,600.00

Governor's Office.

	<i>Sec. 15. For civil contingent fund,</i>		
2	<i>to be expended upon the order of the</i>		
3	<i>governor, no part of which, however,</i>		
4	<i>is to be used for clerk hire in any of</i>		
5	<i>the state offices or institutions, other</i>		
6	<i>than the governor's office</i>	\$ 20,000.00	\$20,000.00
7	For salary private secretary to the		
8	governor	4,000.00	4,000.00
10	For stenographers and other clerk hire	3,700.00	4,000.00
11	For salary pardon attorney	3,000.00	3,000.00
12	For stenographer pardon attorney	1,200.00	1,200.00
13	For contingent expenses pardon attorney	250.00	250.00

Governor's Mansion and Grounds.

	<i>Sec. 16. For repairs and better-</i>		
2	<i>ments</i>	\$ 1,000.00	\$ 1,000.00
3	For maintenance	1,250.00	1,250.00
4	For service in mansion	1,200.00	1,200.00

Capitol Buildings and Grounds.

	<i>Sec. 17. For water, light, heat, re-</i>		
2	<i>pairs and contingent and current ex-</i>		
3	<i>penses for capitol building, annex and</i>		
4	<i>grounds, to be expended only upon</i>		
5	<i>the order of the board of public</i>		
6	<i>works</i>	\$ 12,500.00	\$ 12,500.00

Labor Fund, Capitol Building.

Sec. 18.	Chief engineer	\$1,350.00	\$ 1,350.00
2	Night engineer	990.00	990.00
3	Two night watchmen, capitol and annex	1,980.00	1,980.00
4	One day fireman	980.00	980.00
5	One night fireman	980.00	980.00
6	Janitor and messenger, board of control	1,000.00	1,000.00
7	Nine janitors at \$75 per month	8,100.00	8,100.00
8	Two charwomen	960.00	960.00
9	Two elevator men (capitol and annex)	960.00	960.00

Contingent Legislative Expenses.

Sec. 19	For contingent expenses		
2	of the house of delegates, or so much		
3	thereof as may be necessary,	\$ 12,500.00	\$
4	For contingent expenses of the senate,		
5	or so much thereof as may be nec-		
6	essary	12,500.00	.....

Commissioner of Banking.

Sec. 20.	To pay the salaries of		
2	three assistant commissioners	\$ 6,000.00	\$ 6,000.00
3	To pay the salary of the stenographer..	1,200.00	1,200.00
4	Traveling expenses commissioners	3,000.00	3,000.00
5	Contingent expenses	1,000.00	1,000.00
6	To pay the deficit in the salary of the		
7	banking commissioner from June 1,		
8	1913, to June 30, 1915	2,083.33	.....

Attorney General's Office.

Sec. 21.	To pay the salaries of		
2	three assistant attorney generals...\$	7,500.00	\$ 7,500.00
3	To pay the salary of the printing clerk	1,800.00	1,800.00
4	To pay the salary of stenographers....	2,750.00	2,750.00
5	Current and contingent fund	3,500.00	3,500.00

State Treasurer's Office.

2	Sec. 22. To pay the salary of chief clerk.....	\$ 2,000.00	\$ 2,000.00
3	To pay the salaries of additional clerks	3,500.00	3,500.00
4	Current and contingent expenses	1,000.00	1,000.00

Secretary of State's Office.

2	Sec. 23. To pay the salaries of the clerks in the office of secretary of state	\$12,600.00	\$ 12,600.00
3	Current and contingent fund	2,000.00	2,000.00
4	For distribution of the acts	500.00	.....
5	For distribution of the journals and bills of the legislature as provided for in section 386 of the Code of one thousand and nine hundred and thirteen	4,200.00	.....

Auditor's Office.

2	Sec. 24. To pay the salary of the chief clerk	\$ 2,000.00	\$ 2,000.00
3	To pay the stenographer's salary	1,200.00	1,200.00
4	To pay the salaries of other clerks....	\$ 19,000.00	19,000.00
5	To pay expenses of insurance department	9,000.00	9,000.00
6	Contingent and current expenses	3,000.00	3,000.00
7	Publishing list of delinquent corporations.....	400.00	400.00
9	Re-binding and re-writing records	5,000.00	5,000.00
10	For refunding moneys erroneously paid into the treasury such sum is hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.....		.....
15	For pay of state agents, such amount is hereby appropriated as may be necessary to pay commission of state agents, payable out of the fund collected; <i>provided</i> , that in no case shall the amount so paid exceed ten per		

21 centum of the funds collected and
 22 paid into the treasury by any such
 23 agent.....

24 For refunding to counties, districts and
 25 municipal corporations, county, dis-
 26 trict and municipal taxes paid into
 27 the treasury for the redemption of
 28 lands, such an amount is hereby ap-
 29 propriated as will be necessary to re-
 30 fund to the counties, districts and
 31 municipal corporations entitled
 32 thereto, the taxes so paid into the
 33 treasury

34 For refunding county, district and mu-
 35 nicipal taxes paid into the treasury
 36 by railroad and other companies,
 37 such sum is hereby appropriated as
 38 will be necessary to refund to each
 39 county, district and municipal cor-
 40 poration the amount of such taxes as
 41 may be paid into the treasury to the
 42 credit of such county, district and
 43 municipal corporation

44 The auditor shall credit all delinquent
 45 taxes due the state to the fund to
 46 which they belong, and the cost of
 47 certification and publication of sale
 48 shall be paid out of the fund to which
 49 they are credited, and there is hereby
 50 appropriated so much as may be
 51 necessary for the payment of the
 52 same.....

Tax Commissioner's Office.

2 Sec. 25. For expenses of state tax
 3 commissioner's office, including com-
 4 pensation of assistants, clerks, sten-
 ographers and all other expenses.. \$ 17,500.00 \$ 17,500.00

5	For salary of chief accountant.....	4,500.00	4,500.00
6	For expenses of uniform system of ac-		
7	counting, including compensation of		
8	assistants, clerks, stenographers and		
9	all other expenses	5,000.00	5,000.00
10	For expenses auditing state departments		
11	and compiling financial report	7,500.00	7,500.00
12	For expenses of office of commissioner		
13	of prohibition, including compensa-		
14	tion of assistants, clerks, stenograph-		
15	ers and all other expenses	15,000.00	15,000.00

The Militia.

2	<i>Sec. 26. To carry into effect the</i>		
3	<i>provisions of chapter forty-one of the</i>		
4	<i>acts of one thousand eight hundred</i>		
5	<i>and ninety-seven, as amended by the</i>		
6	<i>acts of one thousand nine hundred</i>		
	<i>and nine, relating to the militia....</i>	\$ 65,000.00	\$ 65,000.00

Department of Mining.

2	<i>Sec. 27. To pay the salaries of fif-</i>		
3	<i>teen inspectors</i>	\$ 31,500.00	\$ 31,500.00
4	<i>To pay traveling expenses of the inspec-</i>		
5	<i>tors.....</i>	10,800.00	10,800.00
6	<i>Current and contingent fund.....</i>	2,500.00	2,500.00
7	<i>To pay salaries of stenographers and</i>		
	<i>clerks.....</i>	5,500.00	5,500.00

Department of Archives and History.

2	<i>Sec. 28. To pay the salary of cura-</i>		
3	<i>tor of museum</i>	\$ 1,800.00	\$ 1,800.00
4	<i>To pay the salary of the stenographer..</i>	1,200.00	1,200.00
5	<i>To pay the salary of the messenger and</i>		
6	<i>janitor.....</i>	900.00	900.00
7	<i>Current and contingent</i>	1,500.00	1,500.00

Forestry, Game and Fish.

Sec. 29.	Mileage and traveling ex-		
2	penses of warden	\$ 500.00	\$ 500.00
3	Current and contingent expenses.....	500.00	500.00
4	Salaries two chief deputies	1,800.00	1,800.00
5	Current and contingent expenses two		
6	chief deputies	500.00	500.00
7	Mileage and traveling expenses two chief		
8	deputies	500.00	500.00
9	<i>For the protection of forests, and the</i>		
10	<i>protection and propagation of fish</i>		
11	<i>and game, to be expended by and</i>		
12	<i>upon the approval of the forest,</i>		
13	<i>game and fish warden, in the man-</i>		
14	<i>ner and for the purposes provided</i>		
15	<i>by section 60 of the acts of one</i>		
16	<i>thousand nine hundred and nine..</i>	<i>\$ 10,000.00</i>	<i>\$ 10,000.00</i>
17	<i>Which sums are appropriated to be</i>		
18	<i>paid out of the fund known as "the</i>		
19	<i>forest, game and fish protective</i>		
20	<i>fund," which was created by section</i>		
21	<i>\$1 of chapter 60 of the acts of one</i>		
22	<i>thousand nine hundred and nine.</i>		

Department of Agriculture.

Sec. 30.	Traveling expenses	\$ 500.00	\$ 500.00
2	Salary of chief clerk	1,800.00	1,800.00
3	Salary of stenographer	900.00	900.00
4	Diseased animals	5,000.00	5,000.00
5	Collecting statistics and advertising ..	2,000.00	2,000.00
6	Current and contingent expenses	1,000.00	1,000.00
7	<i>For the purpose of controlling the foot</i>		
8	<i>and mouth disease and to be used</i>		
9	<i>for no other purpose.....</i>	<i>5,000.00</i>	<i>.....</i>

Department of Schools.

Sec. 31.	Salary of chief clerk....	\$ 1,800.00	\$ 1,800.00
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2	Salaries of stenographers	1,800.00	1,800.00
3	Salaries of other clerks	8,400.00	8,400.00
4	Current and contingent expenses	3,000.00	3,000.00
5	Purchase of books	50.00	50.00
6	Printing, binding and stationery	10,000.00	10,000.00
7	Expenses to be incurred by the state su-		
8	perintendent under the provisions of		
9	article twelve, section two, of the con-		
10	stitution	500.00	500.00
11	Per diem and expenses of the state board		
12	of education	1,000.00	1,000.00
13	Compensation of institute instructors..	8,000.00	8,000.00
14	Expenses of conducting uniform exami-		
15	nations.....	8,600.00	8,600.00
16	Salaries of county superintendents	56,000.00	56,000.00
17	Supplemental aid for teachers' fund ..	75,000.00	75,000.00
18	Supplemental aid for building fund ..	15,000.00	15,000.00
19	State aid for classified high schools ..	85,000.00	88,000.00
20	All the appropriations provided for		
21	in this section to be paid out of the gen-		
22	eral school fund.		

State Hotel Inspector.

	Sec. 32. Salary Hotel Inspector..\$	1,500.00	\$ 1,500.00
2	Contingent and traveling expenses	1,500.00	1,500.00
3	Necessary to run to June 30, 1915:		
4	<i>Salary Hotel Inspector</i>	<i>812.50</i>	
5	<i>Contingent and traveling expenses.....</i>	<i>750.00</i>	
6	The above items to be paid out of the		
7	fees collected by the department and not		
8	otherwise.		

State Board of Control.

	Sec. 33. Salaries of clerical force \$	18,000.00	\$ 18,000.00
2	Traveling expenses	1,500.00	1,500.00
3	Current and contingent expenses	5,000.00	5,000.00
4	<i>Repairs and improvements.....</i>	<i>5,000.00</i>	<i>.....</i>

Virginia Debt Commission.

Sec. 34. General expenses\$ 25,000.00 \$ 25,000.00

West Virginia University.

Sec. 35. Salaries of officers, teach-

2	ers and employes	\$140,000.00	\$140,000.00
3	Current general expenses	50,000.00	50,000.00
4	Repairs and improvements	15,000.00	15,000.00
5	Agricultural, horticultural and home		
6	economics extension work.....	35,000.00	40,000.00
7	To the athletic board, provided the school		
8	raise the sum of \$5,000.00 to sup-		
10	plement this appropriation. No		
10	portion of this appropriation to be		
11	available until said sum of \$5,-		
12	000.00 is raised and placed at the		
13	disposal of the state board of		
14	control	5,000.00	5,000.00
15	<i>Mining extension work</i>	<i>10,000.00</i>	<i>10,000.00</i>
16	<i>For girls' dormitories and agricultural</i>		
17	<i>buildings.....</i>	<i>100,000.00</i>	<i>100,000.00</i>
18	<i>Provided, that the citizens or county</i>		
19	<i>court, or both, of Monongalia county,</i>		
20	<i>shall raise and place at the disposal</i>		
21	<i>of the state board of control for the</i>		
22	<i>purposes of the university the sum</i>		
23	<i>of \$37,500.00 for the year 1916. and</i>		
24	<i>the same amount for the year 1917.</i>		
25	<i>Said appropriation for the year 1916</i>		
26	<i>to be available for use upon the</i>		
27	<i>raising of said sum of \$37,500.00</i>		
28	<i>and placing the same at the dis-</i>		
29	<i>posal of said state board of control</i>		
30	<i>for that year.</i>		

Agricultural Experiment Station.

Sec. 36. For current general ex-
 2 penses\$ 20,000.00 \$ 20,000.00

Preparatory Branch of West Virginia University at Montgomery.

Sec. 37. Salaries of officers, teach-		
2	ers and employes	\$ 5,000.00 \$ 4,000.00
3	Current general expenses	1,500.00 1,500.00

Preparatory Branch of West Virginia University at Keyser.

Sec. 38. Salaries of officers, teach-		
2	ers and employes	\$ 10,000.00 \$ 10,000.00
3	Current general expenses	5,000.00 5,000.00
4	Repairs and improvements.....	5,000.00 5,000.00

Marshall College State Normal School.

Sec. 39. Salaries of officers, teach-		
2	ers and employes	\$ 40,000.00 \$ 42,000.00
3	Current general expenses	8,000.00 8,000.00
4	Repairs and improvements	7,500.00 7,500.00
5	Buildings and land.....	22,500.00 22,500.00

Fairmont State Normal School.

Sec. 40. Salaries of officers, teach-		
2	ers and employes.....	\$ 30,000.00 \$ 31,000.00
3	Current general expenses	8,000.00 8,000.00
4	Repairs and improvements	7,500.00 7,500.00
5	Buildings and land	30,000.00 30,000.00

West Liberty State Normal School.

Sec. 41. Salaries of officers, teach-		
2	ers and employes	\$ 14,000.00 \$ 14,000.00
3	Current general expenses	3,000.00 3,000.00
4	Repairs and improvements	1,500.00 1,500.00
5	Buildings and land.....	27,500.00 27,500.00

Glennville State Normal School.

Sec. 42. Salaries of officers, teach-		
2	ers and employes	\$ 16,500.00 \$ 17,000.00
3	Current general expenses	4,000.00 4,000.00
4	Repairs and improvements	2,000.00 2,000.00

Shepherd College State Normal School.

Sec. 43. Salaries of officers, teach-		
2	ers and employes	\$ 14,500.00 \$ 15,000.00
3	Current general expenses	3,000.00 3,000.00
4	Repairs and improvements	1,500.00 1,500.00

Concord State Normal School.

Sec. 44. Salaries of officers, teach-		
2	ers and employes	\$ 18,000.00 \$ 18,000.00
3	Current general expenses	6,000.00 6,000.00
4	Repairs and improvements	5,000.00 5,000.00

West Virginia Collegiate Institute.

Sec. 45. Salaries of officers, teach-		
2	ers and employes	\$ 21,500.00 \$ 23,000.00
3	Current general expenses	10,500.00 10,500.00
4	Repairs and improvements	8,500.00 8,500.00

Bluefield Colored Institute.

Sec. 46. Salaries of officers, teach-		
2	ers and employes	\$ 9,000.00 \$ 9,000.00
3	Current general expenses	3,000.00 3,000.00
4	Repairs and improvements	2,000.00 2,000.00

West Virginia Industrial Home for Girls.

Sec. 47. Current general expenses \$ 22,000.00 \$ 22,000.00		
2	Repairs and improvements.....	10,000.00 10,000.00
3	Buildings and land	10,000.00 10,000.00

West Virginia Industrial School for Boys.

Sec. 48. Current general expenses \$ 50,000.00 \$ 50,000.00		
2	Repairs and improvements.....	5,000.00 5,000.00

West Virginia School for the Deaf and the Blind.

Sec. 49. Salaries of officers, teach-		
2	ers and employes	\$ 28,000.00 \$ 28,000.00
3	Current general expenses.....	37,000.00 37,000.00
4	Repairs and improvements.....	10,000.00 10,000.00

State Tuberculosis Sanitarium.

Sec. 50.	Current general expenses	\$ 35,000.00	\$ 35,000.00
2	Repairs and improvements	10,000.00	10,000.00
3	<i>Buildings and land</i>	15,000.00	15,000.00

West Virginia Colored Orphans' Home.

Sec. 51.	Current general expenses	\$ 10,000.00	\$ 10,000.00
2	Repairs and improvements	2,500.00	2,500.00
3	<i>Buildings and land</i>	3,000.00	3,000.00

West Virginia Childrens' Home.

Sec. 52.	Current general expenses	\$ 10,000.00	\$ 10,000.00
2	Repairs and improvements	2,000.00	2,000.00
3	Field work and expenses of humane		
4	society	7,200.00	7,200.00

Weston State Hospital.

Sec. 53.	Current general expenses	\$150,000.00	\$150,000.00
2	Repairs and improvements	10,000.00	10,000.00
3	<i>Buildings and land</i>	20,000.00	20,000.00

Spencer State Hospital.

Sec. 54.	Current general expenses	\$ 85,000.00	\$ 85,000.00
2	Repairs and improvements	7,500.00	7,500.00
3	<i>Buildings and land</i>	7,500.00	7,500.00

Huntington State Hospital.

Sec. 55.	Current general expenses	\$ 85,000.00	\$ 85,000.00
2	Repairs and improvements	7,500.00	7,500.00
3	<i>Buildings and land</i>	7,500.00	7,500.00

Welch Hospital No. 1.

Sec. 56.	Current general expenses	\$ 35,000.00	\$ 35,000.00
2	Repairs and improvements	5,000.00	5,000.00

McKendree Hospital No. 2.

Sec. 57.	Current general expenses	\$ 18,000.00	\$ 18,000.00
2	Repairs and improvements	1,500.00	1,500.00

Fairmont Hospital No. 3.

Sec. 58.	Current general expenses	\$ 18,000.00	\$ 18,000.00
2	Repairs and improvements	1,500.00	1,500.00

State Librarian.

Sec. 59.	Current and contingent expenses and clerk hire	\$ 2,500.00	\$ 2,500.00
2	Purchase and binding of books for the		
3	law library	2,500.00	2,500.00
4	For librarian at Charles Town (salary)	500.00	500.00

Department of Health.

Sec. 60.	Current general expenses	\$20,000.00	\$ 25,000.00
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Public Service Commission.

Sec. 61.	Current general expenses	\$60,000.00	\$ 60,000.00
2	The appropriation in this section to		
3	be paid out of the special license fees		
4	authorized by section fifteen, public		
5	service law.		

Workmen's Compensation.

Sec. 62.	Current and contingent		
2	expenses workmen's compensation		
3	fund	\$ 86,200.00	\$ 86,200.00

State Road Bureau.

Sec. 63.	Current and contingent		
	expenses	\$ 1,500.00	\$ 1,500.00
2	To carry out the provisions of Sec. 3,		
3	Chap. 41, Acts of 1913	\$ 1,800.00	\$ 1,800.00
4	For current and contingent expenses		
5	for the remainder of the fiscal year		
6	of 1915	750.00	

Point Pleasant Monument.

Sec. 63-a. For improvement and

2	<i>ornamentation of Tu-Endie-Wei</i>		
3	<i>Park at Pt. Pleasant, owned by</i>		
4	<i>the State and containing Pt. Pleas-</i>		
5	<i>ant Battle Monument, and to be in</i>		
6	<i>lieu of the appropriations made for</i>		
7	<i>"protecting and improving river</i>		
8	<i>bank around Pt. Pleasant Monu-</i>		
9	<i>ment," by chapter three of the acts</i>		
10	<i>of one thousand nine hundred and</i>		
11	<i>thirteen five thousand dollars,</i>		
12	<i>which is unexpended</i>	\$ 2,500.00	\$ 2,500.00

Miscellaneous Appropriations.

Sec. 64. For the payment of the following miscellaneous

2	items, the sum set opposite each item are hereby appropriated:	
3	Prentice Ashton Co., 6 gro. safety matches,	\$ 3.60
4	Burlew Hardware Co., supplies for house and senate.	3.80
5	The H. O. Baker Co., chairs, desks, tables	109.00
6	Capital Syndicate, typewriter rental	60.00
7	G. M. Clinedinst, cleaning windows, house and senate.	60.00
8	A. B. Moore, typewriter rental	6.00
9	Chesapeake & Potomac Telephone Company, telephone	
10	service for this session and during the interim be-	
11	tween sessions of 1913 and 1915.	410.16
12	Commercial Law Company, 125 copies (3 volumes)	
13	Hogg's Annotated Code	1,625.00
14	Charleston Paper & Stationery Co., drinking cups and	
15	stationer's boxes	85.74
16	Daniels Department Store, carpet covers, linoleum, car-	
17	pet runners, etc., for house and senate.	388.71
18	Diamond Shoe & Garment Co., laces for journal books	2.10
19	Pattie L. Denison, stenographic work for house.	20.00
20	P. A. Donovan, gas and electric fixtures.	128.60
21	Dawley Furniture Co., janitor's supplies	5.25
22	W. T. Eisensmith, clock for house	6.50
23	Eskew, Smith & Cannon, sundry supplies for house and	
24	senate.	32.30
25	Elk Plumbing Co., labor and supplies	49.20
26	Grossman & Co., glass and glazing	12.10

27	Homer Hutchinson, back salary as railroad clerk.....	981.65
28	Gallia Oil Co., refund of corporation tax.....	50.00
29	Kanawha Repair Co., keys, locks and repairs for house	
30	and senate.....	167.20
31	Lovett Printing Co., rubber stamps	5.20
32	Krieg & Price, combs, brushes and wisp brooms.....	13.20
33	C. A. Lemkuhl, typewriter desks, tables, chairs.....	176.00
34	<i>County Court, McDowell county, for clothing furnished</i>	
35	<i>prisoners.....</i>	<i>2,455.23</i>
36	S. S. Moore Co., shades, sharpeners, pens and supplies	
37	furnished senate and house	341.40
38	Morgan Lumber & Mf'g Co., desk tops.....	7.20
39	Remington Typewriter Co., rental machines, typewriter	
40	tables and copyholders	133.25
41	A. W. Cox Department Store Co., assignee E. L. Sprad-	
42	ling, 2 journal filing cases	55.00
43	The W. F. Shawver Co., water coolers and screens.....	22.75
44	Underwood Typewriter Co., purchase of typewriter ma-	
45	chines and rentals	390.99
46	Walnut Hill Lithia Water Co., water for house and sen-	
47	ate.....	156.40
48	The Opera Pharmacy, toilet articles for house and sen-	
49	ate.....	12.20
50	F. C. Ritter, furniture for house and senate	200.00
51	United Brokerage Co., brokerage license refund.....	302.00
52	John Shackelford, brokerage license refund.....	200.00
53	W. A. Shultz, brokerage license refund	200.00
54	J. P. Woods & Co., brokerage license refund.....	189.55
55	Baltimore Office Supply Co., stationery for senate ses-	
56	sion of 1913	71.99
57	Roy Rhodes, per diem as page in the house, session of	
58	1913.....	45.00
59	H. M. Scott, administering oath to 84 members and offi-	
60	cers of the house, session 1911.....	21.00
61	M. F. Leonard, six paving certificates, Marshall College	
62	paving, including three per cent. interest	2,061.52
63	S. K. Whitehair, administrator Russell Clyde Whitehair,	
64	deceased. (R. C. Whitehair died while in the service	
65	of the state as a member of the guard).....	1,200.00

66	Harvey Cochran, injured in line of duty as guardsman	1,200.00	
67	William A. Sarver, expenses of son to and from Tuber-		
68	culosis Sanitarium	49.73	
69	County Court Webster county, jury expenses in trial of		
70	B. A. Smith, et al	964.40	
71	County Court Webster county, jailer's fees, B. A. Smith,		
72	et al	511.50	
73	For expenses of office of commissioner of prohibition, in-		
74	cluding compensation of assistants, clerks, stenog-		
75	raphers and all other expenses remainder fiscal year		
76	1915.....	5,000.00	
77	To reimburse the governor's contingent fund on ac-		
78	count of expenditures in the Virginia Debt case.....	25,800.80	
79	To pay the salary of the Compensation Commissioner		
80	for the months of May and June, 1915.....	1,000.00	
81	To compensate E. A. Dover, for his services rendered		
82	the state in the Va. Debt case, being additional to		
83	the regular annual salary received as chief accountant	2,500.00	
84	To pay Sevilla Grass for washing towels	25.00	
85	John Lavender, license refund	486.09	
86	P. R. Gress, license refund	486.09	
87	Simon Schwartz, license refund	316.65	
88	To reimburse the tax commissioner's office for services		
89	rendered in Va. Debt case	2,700.00	
90	To pay John H. Holt for services rendered and to be		
91	rendered in Va. Debt case	16,000.00	
92	To reimburse Federal and Confederate		
93	veterans for their traveling expenses,		
94	in attending the semi-centennial of		
95	the battle of Gettysburg, and to		
96	compensate Capt. W. S. Clark as		
97	commissioner, to be disbursed by the		
98	Governor.....	1,500.00	.....
99	To pay salary of three additional in-		
100	spectors for mine department from		
101	May 1st, to June 30th, 1915.....	1,050.00	.....
102	To pay traveling expenses of same....	360.00	.....
103	To pay stenographer and clerk hire....	400.00	.....
104	To pay E. J. Gross amount allowed by		

105	criminal court of Fayette county		
106	for exhuming and examining the		
107	body of Sylvester White.....\$	57.40	.....
108	To pay Dr. James R. Bloss amount		
109	allowed him by the criminal court		
110	of Fayette county for expert testi-		
111	mony in the case of the State vs.		
112	Ray Koontz\$	50.00	.....
113	To pay James Coleman license refund \$	500.00	.....
114	To pay H. H. Rice, attorney-at-law,		
115	fees in cases of the Socialist Print-		
116	ing Company and Wyatt H.		
117	Thompson, et als. vs. Henry D.		
118	Hatfield, Governor, and in case of		
119	Henry D. Hatfield, Governor, et		
120	als., vs. John T. Graham, Judge, et		
121	als., in the Circuit Court of Cabell		
122	county and in the Supreme Court		
123	of Appeals\$	1,500.00	.....
124	To pay J. O. Henson, attorney-at-law,		
125	fees in certain damage suits against		
126	former Governor W. E. Glasscock,		
126	et als., in the United States Dis-		
127	trict Court and Kanawha County		
128	Circuit Court\$	500.00	.....

Sec. 65. For refunding overpayments made into the treasury on account of taxes, licenses, fines and commissions, to be paid out of the fund into which they were paid, such an amount as may be necessary for such purpose is hereby appropriated.

Sec. 66. Wherever the figures "1916" are used in this act, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and sixteen; and wherever the figures "1917" are used in this act, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen.

Be it further enacted by the Legislature of West Virginia:

Sec. 67. 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 neces-
5 sary for the purposes for which such appropriations are made;
6 and the auditor shall pay the amount named in any such requisition
7 at such times and in such installments as shall be necessary for the
8 purpose for which any such appropriation is made. But all requi-
9 sitions for appropriations for new buildings and substantial bet-
10 terments, except such as are under control of the board of con-
11 trol, shall be accompanied by the architect's estimate that the
12 amount named in such requisition is needed for immediate use.
13 The auditor shall not issue his warrants to pay any money out of
14 the state treasury unless the same is needed for present use.

15 The members of all state boards, and of boards of regents or
16 of directors of state institutions, unless a different rate of com-
17 pensation is provided by law, shall be allowed four dollars per
18 day for each day necessarily employed as such (including the
19 time spent in going to and returning from the place of meeting)
20 and the actual and necessary expenses incurred by them in the
21 discharge of their duties, and no mileage shall be paid. But be-
22 fore payment to any such member of any such compensation or
23 expenses, he shall make up in duplicate and certify to its correct-
24 ness an itemized statement of the number of days spent (giving
25 dates) and of the expenses, which statement shall be filed with the
26 secretary or clerk of the institution, the original whereof the sec-
27 retary or clerk shall file or preserve in his office, and the duplicate
28 he shall at once forward to the auditor. If any such member shall
29 wilfully make a greater charge for such services or expenses than
30 truth justifies, he shall be guilty of embezzlement and punished
31 accordingly.

Sec. 68. All printing, binding and printing paper and sta-
2 tionery for the state superintendent of free schools shall be paid
3 for out of the general school fund. No printing, binding or print-
4 ing paper or stationery for the following named boards, officers
5 or institutions shall be paid for out of the appropriation for
6 public printing, public binding, or for supplying paper or sta-
7 tionery, but shall be paid for out of the appropriations therefor

8 herein made, or out of the expense fund or contingent expense
9 fund thereof, namely:

10 Board of dental examiners, state vaccine agents, commis-
11 sioners of pharmacy, state board of examiners, state board of
12 agriculture, state board of embalmers, Welch hospital No. 1,
13 McKendree hospital No. 2, Fairmont hospital No. 3, West Vir-
14 ginia humane society, normal schools, schools for the deaf and
15 the blind, the university and all its departments and branches,
16 including the experiment station, Weston and Spencer state hospi-
17 tals, industrial school for boys, the collegiate institute, the industrial
18 home for girls and the Huntington state hospital. Such boards, offi-
19 cers and institutions, except the state superintendent of free schools,
20 that are herein required to pay for their own printing, stationery
21 and printing paper and binding, have authority to procure the
22 same, or have the same done on requisition of the superintendent
23 of public printing, or may buy such printing and stationery, or
24 have such printing and binding done on competitive bids, under
25 such rules as may be made by the commissioners of public printing.

26 When stationery or printing paper is procured from the
27 superintendent of public printing, or printing and binding are
28 done on requisition on his office, by any such board, officers and
29 institutions, the superintendent of public printing as to such
30 printing, binding, stationery and printing paper, shall certify the
31 cost thereof to the auditor, stating to what officer, board or institu-
32 tion the same was furnished, and the auditor shall charge against
33 the proper fund or appropriation of such officers, institution or
34 board the amount thereof, and credit such amount to the proper ap-
35 propriation made by this act for public printing, binding, station-
36 ery, and printing paper. *Provided*, that the annual or biennial
37 reports required by law to be made to the governor by such board,
38 officers and institutions shall be printed and paid for out of the
39 appropriation for public printing, public binding and for sup-
40 plying printing paper and stationery, but all such reports shall
41 be typewritten, or prepared in such a manner that the same shall
42 be legible and suitable for printers' copy, and only so much of
43 any such reports shall be printed as may be ordered by the gov-
44 ernor; and no such reports shall be printed by the public printer
45 except on requisition therefor, signed by the governor, which requi-
46 sition shall state the number to be printed and how the same are
47 to be bound. Such officers, boards and institutions as are required

48 by law to make a report to the governor shall place the same in
49 his hands within thirty days after the close of the period which
50 they are to cover.

Sec. 69. No sum of money shall be paid out of the treasury
2 for the years ending June thirtieth, one thousand nine hundred and
3 sixteen, and one thousand nine hundred and seventeen, beyond
4 the amounts hereby appropriated, unless the same be provided for
5 by the constitution or some general law.

Sec. 70. 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, without delay, a certi-
4 fied copy of this and all other acts carrying appropriations.

CHAPTER 5.

(House Bill No. 210.)

AN ACT relating to the payment of appropriations for officers, com-
missions, boards or institutions not having an office at the state
capital.

[Passed February 2, 1915. In effect July 1, 1915. Approved by the Governor
February 11, 1915.]

<p>SEC. 1. Appropriations for officers, com- missions, boards or institutions, not having an office at the state capital; expenditures to be ap-</p>	<p>SEC. proved by board of control. Institutions under state board of control not affected by this act. 2. Act effective July 1, 1915.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. All appropriations now or hereafter made for officers.
2 commissions, boards, or institutions, public or private, not having
3 an office at the state capital, shall be expended on requisitions of
4 such officer, commission, board or institution, after approval by the
5 state board of control. Nothing herein shall be construed to affect
6 any provision of chapter fifty-eight of the acts of one thousand
7 nine hundred and nine, nor to include any institution whose man-
8 agement and control is now vested by law in the state board of
9 control.

Sec. 2. This act shall go into effect July first, one thousand
2 nine hundred and fifteen.

Sec. 3. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 6.

(House Bill No. 393.)

AN ACT to authorize the county court of Berkeley county, West Virginia, to expend a sum not exceeding three hundred dollars from the county funds for the purpose of marking the grave of the late General Adam Stephens in said county.

[Passed February 19, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. Authorizing the county court of Berkeley county to expend sum not to exceed three hundred dollars for the purpose of erecting suitable marker, mound or monument over the grave of the late

SEC.

- General Adam Stephens; fund may be added to by public subscription; expenditure, how made.
2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Berkeley county, West Virginia, is authorized to expend a sum not exceeding three hundred dollars from the county funds of said county, for the purpose of erecting a suitable marker, mound or monument over the grave of the late General Adam Stephens in said county, which funds so authorized to be used may be added to by public subscription or otherwise from private sources. All funds expended under this order shall be upon the regular voucher of the county court and when honored and paid by the sheriff shall be credited to him in his settlement.

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

CHAPTER 7.

(Senate Bill No. 79.)

AN ACT to amend and re-enact section seven of chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, relating to prohibiting the manufacture, sale and keeping for sale of intoxicating liquors and the enforcement of the amendment of section forty-six of article six of the state constitution ratified on the fifth day of November, one thousand nine hundred and twelve; and to further amend said chapter thirteen of the acts of the legislature of one thousand nine hundred and thirteen by enacting

as additional thereto seven sections, to be numbered sections twenty-seven to thirty-three inclusive, as parts thereof.

[Passed January 27, 1915. In effect thirty days from passage. Approved by the Governor February 3, 1915.]

Sec.

7. Unlawful for personal use or otherwise to have, keep or use, intoxicating liquors at any restaurant, store, office building, club, place where soft drinks are sold, fruit stand, news stand, room, or place where bowling alleys, billiard or pool tables are maintained, livery stable, boat house, public building, park, road, street or alley; penalty for violations; exceptions: the word "home" defined for purposes of this section; provisions and exceptions as to common carriers; further exceptions as to search and seizure.
27. Penalty for corporations or associations to give to minors or habitual drunkards, under provisions of section 7, same as though committed by officer or agent.
28. Unlawful under section seven, or otherwise, to give intoxicating liquor to minor, person of intemperate habits, or one addicted to use of any narcotic drug; penalty.
29. Failure of county, district or municipal officer to discharge duty of enforcing prohibition of manufacture, sale, keeping and stor-

Sec.

- ing for sale intoxicating liquor, to be grounds for removal from office; method of procedure against such officer; vacancy created, how filled; any citizen or commissioner of prohibition may prefer charges.
30. Method of procedure in trials on indictment where fair and impartial hearing cannot be had; duty of judge, clerk and jury.
31. Unlawful to bring or carry into the state, even for personal use, liquors in excess of one-half gallon; exceptions; penalty for violations, and authority of officers.
32. Jurisdiction of justices co-extensive with circuit and other courts on trial of first offenses; defendant entitled to trial by jury; procedure; transcript of first trial admissible as evidence for second offense; rights of the state; fees and costs; duty and rights of prosecuting attorney and state commissioner of prohibition.
33. Persons called by the state as witnesses concerning violations of this act to be immune from prosecution; inconsistent provisions repealed.

Be it enacted by the Legislature of West Virginia:

That section seven of chapter thirteen, acts of the legislature of nineteen hundred and thirteen, relating to prohibiting the manufacture, sale, and keeping for sale of intoxicating liquors, and the enforcement of the amendment of section forty-six of article six of the state constitution ratified on the fifth day of November, one thousand nine hundred and twelve, be amended and re-enacted so as to read as hereinafter set out; and that said chapter thirteen of the acts of the legislature of one thousand nine hundred and thirteen be and is hereby further amended by enacting as additional thereto seven sections as parts thereof, numbered twenty-seven to thirty-three inclusive, as hereinafter set out.

Sec. 7. It shall be unlawful for any person to keep or have, for personal use or otherwise, or to use, or permit another to have, keep or use, intoxicating liquors at any restaurant, store, office building, club, place where soft drinks are sold (except a drug store may have and sell alcohol and wine as provided by

6 sections four and twenty-four), fruit stand, news stand, room, or
7 place where bowling alleys, billiard or pool tables are maintained,
8-9 livery stable, boat house, public building, park, road, street or
10 alley. It shall also be unlawful for any person to give or furnish
11 to another intoxicating liquors, except as otherwise hereinafter
12 provided in this section. Any one violating this section shall be
13 guilty of a misdemeanor, and upon conviction thereof shall be fined
14 not less than one hundred dollars, nor more than five hundred dol-
15 lars, and be imprisoned in the county jail not less than two nor
16 more than six months; *provided, however*, that nothing contained
17 in this section shall prevent one, in his home, from having and
18 there giving to another intoxicating liquors when such having or
19 giving is in no way a shift, scheme or device to evade the provis-
20 ions of this act; but the word "home" as used herein, shall not be
21 construed to be one's club, place of common resort, or room of a
22 transient guest in a hotel or boarding house. And, *provided, fur-*
23 *ther*, that no common carrier, for hire, nor other person, for hire
24 or without hire, shall bring or carry into this state, or carry from
25 one place to another within the state, intoxicating liquors for an-
26 other, even when intended for personal use; except a common car-
27 rier may, for hire, carry pure grain alcohol and wine, and such
28 preparations as may be sold by druggists for the special purposes
29 and in the manner as set forth in sections four and twenty-four;
30 and, *provided, further, however*, that in case of search and seizure,
31 the finding of any liquors shall be *prima facie* evidence that the
32 same are being kept and stored for unlawful purposes.

Sec. 27. If any corporation or association shall violate any
2 of the provisions of this act, any officer, agent or employee thereof
3 acting for it in any such unlawful act, or authorizing the same to
4 be done, shall be personally guilty thereof the same as though such
5 officer, agent or employee himself had committed the offense. and
6 shall be subject to all of the fines, penalties and imprisonments
7 therefor.

Sec. 28. It shall be unlawful for any person to give, under
2 the proviso in section seven, or otherwise, intoxicating liquors to
3 any minor, person of intemperate habits, or one who is addicted to
4 the use of any narcotic drug. If any person shall violate the pro-
5 visions of this section he shall be guilty of a misdemeanor, and,
6 upon conviction, shall be fined not less than one hundred dollars,

7 nor more than five hundred dollars, and imprisoned in the county
8 jail not more than six months.

Sec. 29. If any county, district or municipal officer, or any
2 municipal police, shall fail, refuse or neglect to discharge any duty
3 imposed upon him by law, prohibiting the manufacture, sale, keep-
4 ing and storing for sale of intoxicating liquors, he shall be re-
5 moved from office in the manner provided in this section. Such
6 removal shall be made by the circuit court of the county wherein
7 such officer resides. The charges against any such officer shall be
8 reduced to writing, and entered of record by the court, and a sum-
9 mons shall thereupon be issued by the clerk of such court, contain-
10 ing a copy of the charges, and requiring the officer named therein
11 to appear and answer the same on a day to be named therein, which
12 summons may be served in the same manner as a summons com-
13 mencing an action may be served, and the service must be made
14 at least five days before the return day thereof. And the court it-
15 self shall, without a jury, hear the charges, and upon satisfactory
16 proof thereof, remove any such officer from the discharge of the
17 duties of his office, and place the records, papers and property of his
18 office in the possession of some other officer or person for safe-
19 keeping until the vacancy is filled. Any vacancy created under this
20 section shall be filled in the manner required by law as to coun-
21 ty and district officers, and in the manner prescribed by the ordi-
22 nances of the municipality. Any citizen of the county, district
23 or municipality, as the case may be, or the commissioner of
24 prohibition, may prefer and prosecute to final judgment charges
25 for removal against any of the officers, including municipal po-
26 lice, mentioned in this section. The word "officer", as used here-
27 in, shall include and embrace municipal police. Either party shall
28 have the right of appeal to the supreme court of appeals of the
29 state from the judgment of the circuit court.

Sec. 30. Whenever it shall be made to appear to any criminal
2 or circuit court, having the trial of offenses under this act, that the
3 state cannot have a fair and impartial trial by jury in the county
4 wherein an indictment has been returned, charging an offense un-
5 der this act, the court shall enter an order of record to such effect.
6 In said order the court shall fix a day for the trial of the accused,
7 and in such order shall be indicated the county from which jurors
8 shall be drawn to try the accused, and the number of jurors to be
9 drawn. An attested copy of such order shall be certified to the

10 judge of the circuit court of the county designated, and thereupon
11 the judge of such circuit court shall, by order, direct that a jury
12 be drawn, in the manner provided by law for the drawing of petit
13 jurors in his county, and proceedings respecting the drawing of
14 such jurors, including the names of the jurors, shall be certified by
15 the clerk of the circuit court of the county designated to the clerk
16 of the court wherein the accused is to be tried. Thereupon writ of
17 *venire facias* shall be issued by the clerk of the court wherein the
18 accused is to be tried, directed to the sheriff of the county wherein
19 the jurors have been drawn, commanding him to summon the ju-
20 rors so drawn to attend for jury service in the county wherein the
21 accused is to be tried upon the day named in the writ. Said ju-
22 rors shall attend for the purpose of the trial of the accused, and
23 the jury shall be selected in the manner provided by law. For their
24 services, the jurors so drawn shall be paid the per diem and mileage
25 out of the same funds that the jurors of the county wherein the
26 accused is to be tried are paid.

Sec. 31. It shall be unlawful for any person to bring or carry
2 into the state, or from one place to another within the state, even
3 when intended for personal use, liquors exceeding in the aggregate
4 one-half of one gallon in quantity, unless there is plainly printed
5 or written on the side or top of the suit case, trunk or other con-
6 tainer, in large display letters, in the English language, the con-
7 tents of the container or containers, and the quantity and kind of
8 liquors contained therein. If any person shall violate this section,
9 he shall be deemed guilty of a misdemeanor; and the liquors in
10 the possession of any person violating this section may be seized,
11 and shall be conclusive evidence of the unlawful keeping, storing
12 and selling of same by the person having such liquors in his pos-
13 session; and upon the conviction of such person he shall be sub-
14 ject to the fines and imprisonments as provided for in section
15 three.

Sec. 32. A justice of the peace shall have concurrent jurisdic-
2 tion with the circuit court and other courts having criminal juris-
3 diction in his county for the trial of first offenses arising under this
4 act. The defendant shall be entitled to a trial by jury, if he shall
5 demand the same, upon depositing with the justice the amount as
6 fixed by law for payment for attendance of the jurors. The state
7 shall have the same right as the defendant to preemptorily chal-
8 lenge any two of the jurors selected and returned by the officer un-

9 der the writ issued by the justice commanding the summoning of
10 the same. Upon conviction of the accused, the justice shall impose
11 the fines and penalties and required bonds as provided by this act
12 for first offenses; and shall thereupon certify to the prosecuting
13 attorney, for filing in his office, a transcript from his docket of the
14 judgment in the case. Such transcript shall be admissible evidence
15 upon the trial of the accused for any second offense alleged in an
16 indictment found and returned against him. The justice shall also
17 certify to the prosecuting attorney copies of all bonds given by the
18 defendant upon conviction. The state shall have the same right
19 of appeal as the defendant from any judgment of the justice.
20 Whenever the prosecuting attorney of the county shall appear for
21 the state for any prosecution for any offense under this act, there
22 shall be allowed and taxed as part of the costs a fee of ten dollars,
23 to be recovered and collected by the prosecuting attorney in the
24 same manner as like fees are collected in criminal and other courts
25 wherein trials are had upon indictments. The provisions of section
26 twenty of this act shall apply to trials before a justice of the peace.
27 *Provided, however,* that in any prosecution before a justice of the
28 peace, the prosecuting attorney, or the state commissioner of pro-
29 hibition or any of his deputies, shall have the right, before trial, to
30 elect whether the case shall be tried and judgment entered, or
31 whether the justice shall hold a preliminary hearing to determine
32 whether the accused shall be held to the grand jury; *provided, how-*
33 *ever,* that should the defendant desire to confess, then neither the
34 prosecuting attorney, nor the state commissioner of prohibition or
35 any of his deputies, shall have such right to elect, and the justice
36 shall enter judgment upon the confession.

Sec. 33. Any person called on behalf of the state to testify
2 concerning any violations of this act, who shall give freely and
3 truthfully any testimony tending in any way to incriminate him-
4 self, shall be immune from prosecution under this act.

CHAPTER 8.

(Senate Bill No. 189.)

AN ACT to amend and re-enact sections one, two, three, four, five,
nine, ten, fourteen, fifteen and twenty-two, of chapter nine of
the acts of one thousand nine hundred and thirteen, creating a

public service commission, prescribing its powers and duties, and penalties for violation of provisions of said chapter, and to add thereto six sections to be known as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, enlarging the powers and duties of said public service commission, prescribing additional penalties and giving to the commission power to punish for contempt.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec.

1. Public service commission created; to consist of three members, appointed by the governor and confirmed by the senate: when appointed and length of term of each member; qualifications; vacancies, how filled; oath of office: governor may remove members for cause; if removed statement of charges to be filed; chairman designated by governor; concurrent judgment of two to be action of commission: members prohibited from holding relations to any public service corporations or holding stocks or bonds thereof; not to hold other public office or be a member of political committee, nor to receive any pass or other thing of value; office vacated under certain conditions; to appoint secretary, salary and duties; other employes appointed to hold at pleasure of commission; secretary may administer oaths; salary of commissioners and how paid; general offices at capitol and office hours; hearings may be had at other places; duty of attorney general; commission may employ counsel in its discretion; terms of public service commissioners now in office to expire May 31, 1915.
2. Commission to prescribe rules of procedure; may not be bound by technical rules; to have seal, inscription, to be affixed to all writs, etc.; courts to take judicial notice of same.
3. Jurisdiction of commission; common carriers, telegraph, telephone, gas, electric, hydro-electric and all other public service corporations, and all persons, associations, corporations and agencies employed or engaged in businesses enumerated; "public service corporation" defined.
4. Public service corporations required to provide safety appliances; charges, tolls, fares and rates to be reasonable, and no change made except as hereinafter provided; provision as to switch connections for intra-state business; requirement of railroads as to public service facilities,

Sec.

- connection of trains and stop of passenger trains at junctions or intersections; to prescribe number of men to constitute safe crews; no regular passenger train to be discontinued without authority of commission.
5. Power of commission to investigate methods and practices of public service corporations or other persons subject to provisions of this act; other powers to compel obedience of lawful orders; may change intrastate rate, charge or toll and prescribe other rate, fare, charge or toll, and change or prohibit practice, device or method to prevent discrimination, etc.; limitations; order to be in force until revoked or modified, or suspended or modified by court.
9. Rates, joint rate, fares, classifications, charges or rental not to be changed except after thirty days notice to commission and the public; how made; other method in lieu of written notice; changes permitted under certain conditions; hearing on changes in schedules; proceedings.
10. Commission to have general supervision of persons, firms or corporations having franchises in cities, towns, county courts or other tribunals; authority to inspect quality of water, quantity of gas or electricity, and property, plants, fixtures, power houses and offices, and to subpoena witnesses; to appoint inspectors of gas, electric and water meters, and stamp same; use of meters not inspected prohibited, except under certain conditions; provision as to inspection of meter on request; action in case of inspection; commission may change or modify method of inspection.
14. Commission to collect information annually of value of all property owned or controlled by person or public service corporations, tabulate same on or before June first for use of board of public works.
15. Special license fee required of all public service corporations; fee

Sec.		Sec.	
	to be fixed by auditor according to property value on last preceding assessment, to produce \$60,000; when to be paid; amount appropriated for use of public service commission and employes.	25.	Physical connection permitted and terms prescribed to be lawful conditions and compensation.
22.	Power of commission to enforce, establish, modify, change, adjust and promulgate tariffs, rates, joint rates, tolls and schedules for all public service corporations, including municipalities.	26.	Commission may establish system of accounts to be kept by public service corporations, not inconsistent with an act of congress approved February 4, 1887, and acts supplementary thereto, but nothing to affect power of commission to prescribe forms of accounts in addition thereto; making of false entries in accounts, books of account, records or memorandum by persons, officers, agents or employee, etc., a misdemeanor; penalty.
23.	Power of commission to fix other rates in lieu of regulations, measurements, practices, acts or service found to be unjust, unreasonable, insufficient or unjustly discriminating; penalty in case of failure of public service corporations to comply with order.	27.	Violation of order of commission; contempt; power of commission in such cases.
24.	Provision as to use of conduits, subways, poles, etc.; of one public service corporation by another for convenience of the public, how compensation shall be fixed and paid; nothing in this section to prevent public service corporations from performing their public duties, nor that might result in injury.	28.	Penalty for failure to comply with requirements of commission; further criminal proceedings authorized, and penalty on conviction; what constitutes a separate offense; intermediate and circuit courts of Kanawha county given concurrent jurisdiction of all offenses and violations; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, nine, ten, fourteen, fifteen and twenty-two, of chapter nine of the acts of one thousand nine hundred and thirteen be amended and re-enacted and that six additional sections be added to said chapter to be known as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, which amended sections and added sections shall read as follows:

Section 1. There shall be, and there is hereby created, a public service commission of West Virginia, and by that name the commission may sue and be sued.

The public service commission shall consist of three members who shall be appointed by the governor with the advice and consent of the senate, and who shall have and possess all the powers and duties provided in this chapter as hereby amended.

On or before the first day of June, one thousand nine hundred and fifteen, the governor shall appoint three commissioners, who shall be citizens and residents of this state, one of whom shall be a lawyer of not less than ten years actual experience at the bar. Said commission shall immediately enter upon their duties and hold office for two, four, and six years respectively from the first day of June, one thousand nine hundred and fifteen, the term of each to be designated by the governor, but their successors shall be

16 appointed for the term of six years each, except that any person
17 appointed to fill a vacancy shall serve only for the term of the
18 commissioner whom he succeeds.

19 The commissioners before entering upon their duties shall take,
20 subscribe and file with the secretary of state the oath provided
21 by section five of article four of the constitution.

22 The governor may remove any commissioner for incompetency,
23 neglect of duty, gross immorality or malfeasance in office, giving
24 such commissioner a copy of the charges against him, and an op-
25 portunity to be publicly heard in person or by counsel in his own
26 defense, upon not less than ten days' notice. If such commissioner
27 shall be removed, the governor shall file in the office of the secretary
28 of state a complete statement of all the charges made against such
29 commissioner, and his findings thereunder, together with a com-
30 plete record of the proceedings; and his decision therein shall be
31 final.

32 The governor shall annually designate one of the commissioners
33 as chairman thereof.

34 The concurrent judgment of two of the commissioners shall be
35 deemed the action of the commission when in session as a board,
36 and no vacancy in the commission shall embarrass the right of
37 the remaining commissioners to exercise all of the powers of the
38 commission.

39 No person while in the employ or holding any official relation
40 to any public service corporation subject to the provisions of this
41 act, or holding any stocks or bonds thereof, or who is pecuniarily
42 interested therein, shall enter upon the duties of or hold said
43 office. Nor shall any of said commissioners be a candidate for
44 or hold public office, or be a member of any political committee
45 while acting as such commissioner; nor shall any commissioner
46 or employee of said commission receive any pass, free transporta-
47 tion or other thing of value, either directly or indirectly, from
48 any person, firm or corporation subject to the provisions of this
49 act. In case any of said commissioners shall become a candidate
50 for any other public office, or shall become a member of any
51 political committee, his office as commissioner shall be *ipso facto*
52 vacated.

53 The commission shall appoint a secretary, whose salary shall be
54 not more than five thousand dollars per annum, and all fees and
54-a emoluments coming into his hands shall be turned into the state

54-b treasury, and such other employees as may be neces-
54-c sary to carry out the provisions of this act, and fix
55 their compensation, who shall hold office during the pleas-
56 ure of the commission. It shall be the duty of the secretary
57 to keep a full and true record of all proceedings of the commission,
58 to issue all necessary process, returns and notices, to keep all
59 books, maps, documents and papers ordered filed by the com-
60 mission, and all orders made by the commission or approved and
61 confirmed by it and ordered to be filed; and shall be responsible
62 to the commission for the safe custody and preservation of all
63 such documents in its office. He may administer oaths in all
64 parts of the state, so far as the exercise of such power is properly
65 incidental to the performance of his duty or that of the com-
66 mission.

67 Each of the commissioners shall receive a salary of six thousand
68 dollars per annum, to be paid monthly. The general office shall
69 be kept at the capitol of the state, and kept open each working
70 day between the hours of nine o'clock a. m., and five o'clock p. m.,
71 and in charge of the secretary or some other competent person.
72 But hearings and the taking of evidence may be had at such
73 times and places and in each particular case as the commission may
74 designate.

75 The attorney general shall perform legal service under this
76 act when required by the commission; *provided, however,* the
77 commission in its discretion may employ counsel to look after
78 legal matters of the commission, and fix his compensation, which
79 shall be paid as other employees of the commission.

80 The terms of office of the public service commissioners now in
81 office, or their successors, unless sooner terminated, shall cease
82 and determine on the thirty-first day of May, one thousand nine
83 hundred and fifteen.

Sec. 2. The commission shall prescribe the rules of procedure
2 and for taking evidence in all matters that may come before it,
3 and enter such orders as may be just and lawful.

4 In the investigations, preparations and hearings of cases, the
5 commission may not be bound by the strict technical rules of
6 pleading and evidence, but in that behalf it may exercise such
7 discretion as will facilitate their efforts to understand and learn
8 all the facts bearing upon the right and justice of the matters
9 before them.

10 The commission shall have a seal bearing the following inscrip-
11 tion: "The Public Service Commission of West Virginia." The
12 seal shall be affixed to all writs and authentications of copies of
13 records, and to such other instruments as the commission shall
14 direct. All courts shall take judicial notice of said seal.

Sec. 3. The jurisdiction of the commission shall extend to
2 and include:

3 (a) Common carriers, railroads, street railroads, express com-
4 panies, sleeping car companies, freight lines, car companies, toll
5 bridges, ferries, and steam and other boats engaged in the trans-
6 portation of freight or passengers; and

7 (b) Telegraph and telephone companies and pipe line com-
8 panies for the transportation of oil, gas or water; and

9 (c) Gas companies, electric lighting companies and munici-
10 palities furnishing gas or electricity for lighting, heating or power
11 purposes; and

12 (d) Hydro-electric companies for the generation and trans-
13 mission of light, heat or power, and water companies, and munici-
14 palities furnishing water; and

15 (e) All other public service corporations, and all persons,
16 associations, corporations and agencies employed or engaged in
17 any of the businesses hereinbefore enumerated.

18 The words "Public Service Corporation" used in this act shall
19 include all persons, associations of persons, firms, corporations,
20 municipalities and agencies engaged or employed in any business
21 herein enumerated, or in any other public service business whether
22 above enumerated or not, whether incorporated or not.

Sec. 4. Every person, firm or corporation engaged in a pub-
2 lie service business in this state shall establish and maintain ade-
3 quate and suitable facilities, safety appliances or other suitable
4 devices, and shall perform such service in respect thereto as shall
5 be reasonable, safe and sufficient for the security and convenience
6 of the public, and the safety and comfort of its employes, and in
7 all respects just and fair, and without any unjust discrimination
8 or preference. All charges, tolls, fares and rates shall be just and
8-a reasonable, and no change shall be made in any tariffs,
8-b rates, joint rates, fares, tolls, schedules or classifications
8-c in force at the time this act takes effect, except as
9 hereinafter provided. Every railroad company shall permit
10 switch connections for intra-state business to be made with its

11 tracks at suitable and safe points, by other carriers or shippers,
12 upon such terms and conditions as the commission may prescribe,
13 whenever the business to be offered by the connecting company
14 or shipper, in the judgment of the commission, justifies it.
15 Every railroad and other transportation company may be required
16 by the commission to establish and maintain such suitable public
17 service facilities and conveniences as may be reasonable and just;
18 to make reasonable connection with trains on branch lines of such
19 railroads and with all connecting railroad lines; to require any
20 passenger trains to stop at junctions or intersections with other
21 railroads; and may prescribe the number of men required to
22 constitute safe crews for the handling of trains on any steam
23 railroad in this state or any division of any such railroad. No
24 steam railroad shall discontinue any regular passenger train, or
25 other public service facility, or change any regular passenger
26 train schedule or time table, without first obtaining authority
27 from the commission so to do.

Sec. 5. The commission is hereby given power to investigate
2 all methods and practices of public service corporations or other
3 persons subject to the provisions of this act; to require them to
4 conform to the laws of this state and to all rules, regulations and
5 orders of the commission not contrary to law; and to require
6 copies of all reports, rates, classifications, schedules and time
7 tables in effect and used by such corporation or other person,
8 to be filed with the commission, and all other information desired
9 by the commission, relating to such investigation and requirements.
10 The commission may compel obedience to its lawful orders by
11 proceedings of mandamus or injunction or other proper pro-
12 ceedings in the name of the state in any circuit court having
13 jurisdiction of the parties or of the subject matter, or the supreme
14 court of appeals direct, and such proceedings shall have priority
15 over all pending cases. The commission may change any intra-
16 state rate, charge or toll which is unjust or unreasonable and
17 may prescribe such rate, fare, charge or toll as would be just and
18 reasonable, and change or prohibit any practice, device or method
19 of service in order to prevent undue discrimination or favoritism
20 as between persons, localities or classes of freight; *provided*, that
21 the commission shall not reduce any rate, toll or charge within
22 ten years after the completion of the railroad or plant to be
23 used in the public service below a point which would prevent

24 such public service corporation, person, persons or firm from
25 making a net earning of eight per centum per annum on the cost
26 of construction and equipment of said railroad or plant. But in
27 no case shall the rate, toll or charge be more than the service is
28 reasonably worth, considering the cost thereof.

29 Every order entered by the commission shall continue in
30 force until the expiration of the time, if any, named by the
31 commission in such order, or until revoked or modified by the
32 commission, unless the same be suspended, modified or revoked
33 by order or decree of a court of competent jurisdiction.

Sec. 9. No person, firm or corporation subject to the provisions
2 of this act shall modify, change, cancel or annul any rate, joint
3 rate, fares, classifications, charge or rental except after thirty days'
4 notice to the commission and the public, which shall plainly state
5 the changes proposed to be made in the schedule then in force and
6 the time when the changed rates, fares or charges shall go into ef-
7 fect, unless a written protest is made by the public service com-
7-a mission, in which case the proposed rate shall stand suspended
7-b until it is determined by the commission whether or not such
7-c proposed rate is just or reasonable. *Provided*, in lieu of the
7-d written protest, the commission may enter an order prohibiting
7-e such person, firm or corporation from putting such proposed new
7-f rate into effect pending the hearing and final decision of the mat-
8 ter and the proposed changes shall be shown by printing new sched-
9 ules, or shall be plainly indicated upon the schedules in force at the
10 time, and kept open to public inspection; *provided, however*, that
11 the commission may, in its discretion, and for good cause shown,
12 allow changes upon less time than the notice herein specified, or
13 may modify the requirements of this section in respect to publish-
14 ing, posting and filing of tariffs, either by particular instructions
15 or by general order.

16 Whenever there shall be filed with the commission any schedule
17 stating a change in the rates, fares or charges, or joint rates, fares
18 or charges, or stating a new individual or joint rate, fare or charge
19 or joint classification or any new individual or joint regulation
20 or practice affecting any fare, rate or charge the commission shall
21 have, and it is hereby given authority, either upon complaint or
22 upon its own initiative without complaint, at once, and, if it so
23 orders, without answer or other form of pleading by the interested
24 parties, but upon reasonable notice to enter upon a hearing con-

cerning the propriety of such rate, fare, charge, classification,
regulation or practice; and pending such hearing and the decision
thereon the commission, upon filing with such schedule and de-
livering to the carrier or carriers or public service corporation
affected thereby, a statement in writing of its reasons for such
suspension, may suspend the operation of such schedule and defer
the use of such rate, fare, charge, classification, regulation or
practice, but not for a longer period than one hundred and twenty
days beyond the time when such rate, fare, charge, classi-
fication, regulation or practice would otherwise go into effect; and
after full hearing, whether completed before or after the rate,
charge, fare, classification, regulation or practice goes into effect,
the commission may make such order in reference to such rate,
fare, charge, classification, regulation or practice as would be
proper in a proceeding initiated after the rate, fare, charge,
classification, regulation or practice had become effective; *provided*,
that if any such hearing cannot be conducted within the period
of suspension, as above stated, the commission may in its dis-
cretion extend the time of suspension for a further period, not
exceeding six months. At any hearing involving a rate sought
to be increased or involving the change of any fare, charge,
classification, regulation or practice, after the passage of this act,
the burden of proof to show that the increased rate or proposed
increased rate, or the proposed change of fare, charge, classifica-
tion, regulation or practice is just and reasonable shall be upon the
public service corporation making application for such change.
When in any case pending before the commission all evidence shall
have been taken, and the hearing completed, the commission shall,
within three months, render a decision in such case.

Sec. 10. The commission shall have general supervision of all
persons, firms or corporations having authority under any charter
or franchise of any city, town or municipality, county court, or
tribunal in lieu thereof, or otherwise, to lay down and maintain
wires, pipes, conduits, ducts or other fixtures in, over or under
streets, highways or public places for the purpose of furnishing and
distributing gas, or for furnishing and transmitting electricity for
light, heat or power, or maintaining underground conduits, or
ducts for electrical conductors, or for telegraph or telephone
purposes, and for the purpose of furnishing water, either for
domestic or power purposes and of oil and gas pipe lines.

12 The commission may ascertain the quantity, healthfulness and
13 quality of the water or quality and quantity of gas or electricity
14 supplied by such persons, firms or corporations, and examine the
15 methods employed, and shall have power to order such improve-
16 ments as will best promote the public interests and preserve the
17 public health.

18 The commission shall have power, through its members, in-
19 spectors, or employees to enter in, upon and to inspect the property,
20 buildings, plants, fixtures, power houses and offices of any such
21 persons, firms, corporations or municipalities, and shall have power
22 to examine the books and affairs to be investigated by it, and shall
23 have the power, either as a commission or by any of its members,
24 to subpoena witnesses and take testimony and administer oaths
25 to any witness in any proceeding or examination instituted
26 before it or conducted by it in reference to any matter within its
27 jurisdiction. The commission shall, when and as necessary, ap-
28 point inspectors of gas, electric and water meters, whose duty
29 shall be when required to inspect, examine, prove and ascertain
30 the accuracy of any gas, electric, or water meters used or in-
31 tended to be used for measuring or ascertaining the quantity of
32 gas, electricity or water furnished to, by or for the use of any
33 person, firm or corporation, and when found to be correct, or
34 made so, the inspector shall stamp or mark each of such meters
35 with some suitable device, which device shall be recorded in the
36 office of the commission. No person, firm or corporation shall,
37 furnish or put in use any gas, electric or water meter which shall
38 not have been inspected, proved and stamped or marked by an
39 inspector of the commission. *Provided*, that in cases of emergency,
40 gas, electric or water meters may be installed and used before
41 being inspected, but notice thereof shall be immediately given to
42 the public service commission by the public service corporation
43 installing the same, and such meters shall be inspected, proved
44 and stamped or marked, as soon thereafter as practicable. Every
45 gas, electric and water company or corporation shall provide and
46 keep in and upon its premises suitable and proper apparatus, to
47 be approved and stamped or marked by the commission, for
48 testing and proving the accuracy of gas, electric and water meters
49 furnished for use by it and by which apparatus every meter may
50 and shall be tested on the written request of the consumer to

51 whom the same shall be furnished, and in his presence if he so
52 desires.

53 If any person, firm or corporation to or by whom a meter has
54 been furnished shall request the commission in writing to inspect
55 such meter, the commission shall have the same inspected and
56 tested. If the same on being tested shall be found to be two per
57 cent. from being correct, or to the prejudice of the user, the
58 inspector shall order the owner of such meter forthwith to remove
59 the same and to place instead thereof a correct meter, and the
60 expense of such inspecting and testing shall be borne by the
61 owner. If the meter, on being so tested, shall be found to be
62 correct, or within two per cent of being correct, as above provided,
63 the expense of such inspection and testing shall be borne by the
64 user. A uniform charge and rule shall be fixed by the commission
65 for this service.

66 *Provided*, that nothing in this act shall prevent the commission
67 from changing and modifying the method of inspecting meters
68 and adopting such rules and regulations therefor as to the com-
69 mission may seem just and proper.

Sec. 14. The commission shall collect annually full and com-
2 plete information of the value of all property owned and con-
3 trolled by any person or public service corporation subject to the
4 provisions of this act, and tabulate in statistical form and
5 furnish the same to the board of public works on or before the
6 first day of June in each year, which information shall be used by
7 the said board of public works in fixing the value of the property
8 of such person or public service corporation for assessment for
9 the purpose of taxation as provided by law.

Sec. 15. There shall be paid by all public service corporations
2 subject to the provisions of this act a special license fee in addi-
3 tion to those now required by law. Such fee shall be fixed by the
4 auditor upon each of such public service corporations, according
5 to the value of its property, as ascertained by the last preceding
6 assessment, and shall be apportioned among such public service
7 corporations upon the basis of such valuation, so as to produce
8 a revenue of sixty thousand dollars per annum, or so much thereof
9 as may be necessary, which shall be paid on or before the 20th day
10 of January in each year. Such sum of sixty thousand dollars, or
11 so much thereof as may be necessary, is hereby appropriated and
12 set aside for the purpose of paying the salaries, compensations,

13 cost and expenses of the commission, its members and employees.

Sec. 22. The commission shall have the power to enforce, originate, establish, modify, change, adjust and promulgate tariffs, rates, joint rates, tolls and schedules for all public service corporations, including municipalities supplying gas, electricity or water; and whenever the commission shall, after hearing, find any existing rates, tolls, tariffs, joint rates or schedules unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this act, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls, charges or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of law, and the said commission, in fixing the rate of any railroad company may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of said railroad.

Sec. 23. Whenever, under the provisions of this act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this act, or shall find that any service is inadequate, or that any service which can be reasonably demanded cannot be obtained, the commission shall determine and declare, and by order fix, reasonable measurements, regulations, acts, practices or service, to be furnished, imposed, observed and followed in the state in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory, inadequate or otherwise in violation of this act; and shall make such other order respecting the same as shall be just and reasonable.

14 If any public service corporation, or other person, shall fail or
15 refuse to comply with the order of the commission under the
16 provisions of the last two sections, such public service corpora-
17 tion or other person in addition to the other penalties provided
18 for in this act, shall be subject to a fine not to exceed five thousand
19 dollars.

Sec. 24. Whenever, after hearing, upon notice, the public
2 service commission shall determine that public convenience or
3 necessity requires that conduits, subways, poles or other equipment
4 on, over or under any street or highway belonging to or used by

5 any public service corporation, should be used in part by another
6 public service corporation for the operation of its property in any
7 locality not reached by the lines or connections of one of said
8 corporations, or a municipality, the said public service commis-
9 sion may, by order, fix the just and reasonable terms and condi-
10 tions of such use, and prescribe the compensation to be paid
11 therefor.

12 And, whenever, after hearing, upon notice, the public service
13 commission shall determine that public convenience and necessity
14 require a physical connection for the establishment of a continuous
15 line of communication between any two or more public service cor-
16 porations regularly engaged in the conveyance of telephone or tele-
17 graph messages, for the conveyance of such messages between
18 different localities, which are not reached by the lines or connection
19 of one of said companies, the said public service commission may,
20 by order, ascertain, determine and fix the just and reasonable terms
21 and conditions of such physical connection, including just and
22 reasonable rules and regulations and the just and rea-
23 sonable charge that shall be made to the public for the use of
24 such continuous line between such localities and the division of
25 the charge between such two or more public service corpora-
26 tions, and the apportionment of the cost of making such physical
27 connection between such public service corporations, and it shall
28 be the duty of such public service corporation thereafter to con-
29 form to such order of said public service commission. But no order
30 shall be made by the public service commission under this section
31 to apply where the said use or physical connection will prevent
32 those owning, operating, managing or controlling any part of such
33 conduits, subways, poles or other equipment, or such proposed
34 continuous lines of communication, from performing their public
35 duties, nor result in serious injury to those owning, operating,
36 managing or controlling any part of such conduits, subways, poles
37 or other equipment, or of the proposed continuous line of com-
38 munication.

Sec. 25. Such use so ordered shall be permitted and such
2 physical connection or connections so ordered shall be made; and
3 the terms, conditions and compensation so prescribed for such use
4 and such physical connections shall be the lawful conditions and
5 compensation for such use and physical connection, and the lawful
6 terms and conditions upon which such use and physical connections

7 shall be had and made. Any such order may be from time to
8 time revised by the commission upon application of any interested
9 party or upon its own motion.

Sec. 26. The commission may establish a system of accounts
2 to be kept by public service corporations or classify said public
3 service corporations and establish a system of accounts for each
4 class, and prescribe the manner in which such accounts shall be
5 kept. It may also in its discretion prescribe the forms of ac-
6 counts, records and memorandum to be kept by such public ser-
7 vice corporations, including the accounts, records and memoran-
8 dum of the movement of traffic as well as the receipt and expendi-
9 ture of moneys, and any other forms, records and memorandum
10 which in the judgment of the commission may be necessary to
11 carry out any of the provisions of this act.

12 The system of accounts established by the commission and the
13 form of accounts, records and memorandum prescribed by it shall
14 not be inconsistent in the case of corporations subject to the pro-
15 visions of the act of congress entitled "An act to regulate com-
16 merce," approved February 4th, 1887, and the acts amendatory
17 thereof and supplemental thereto, with the systems and forms
18 from time to time established for such corporations by the Inter-
19 state Commerce Commission, but nothing herein contained shall
20 affect the power of the commission to prescribe forms of ac-
21 counts, records and memorandum covering information in addition
22 to that required by the Interstate Commerce Commission. The
23 commission may, after hearing had upon its own motion or upon
24-34 complaint, prescribe by order the accounts in which particular
35 outlays and receipts shall be entered, charged or credited.

36 Any person, officer, agent or employee of such public service
37 corporation who shall wilfully make any false entries in the ac-
38 counts, books of account, records or memorandum kept by any
39 public service corporation, or who shall wilfully destroy, mutilate,
40 alter or by any other means or device falsify the record of any
41 such account, book of accounts, record or memorandum, or who
42 shall wilfully neglect or fail to make full, true and correct entries
43 of or in such account, book of accounts, record or memorandum
44 of all the facts and transactions appertaining to such public ser-
45 vice corporation, or who shall falsely make any statement required
46 to be made to the commission, shall be deemed guilty of a mis-

47 demeanor and, upon conviction thereof, shall be fined not more
48 than one thousand dollars or be confined in jail not more than
49 one year or both, in the discretion of the court.

Sec. 27. Any person or public service corporation, firm or asso-
2 ciation who shall violate any of the orders or findings of the com-
3 mission shall be guilty of contempt and the commission shall have
4 the same power to punish therefor as is now conferred on the circuit
5 court, with the right of appeal in all cases to the supreme court.

Sec. 28. If any person, firm or corporation subject to the pro-
2 visions of this act shall fail or refuse to comply with any re-
3 quirement of the commission hereunder, for which a penalty has
4 not been hereinbefore prescribed, such person, firm or corporation
5 shall be subject to a fine of not less than one hundred dollars nor
6 more than five hundred dollars for each offense; and such person
7 or firm and the officers of such corporation may be indicted for
8 their failure to comply with any requirement of the commission
9 under the provisions of this act, and upon conviction thereof, may
10 be fined not to exceed five hundred dollars, and, in the discretion
11 of the court, confined in jail not to exceed thirty days.

12 Every day during which any person, firm or corporation, or
13 any officer, agent or employee thereof shall fail to observe and
14 comply with any order or direction of the commission, or to per-
15 form any duty enjoined by this act, shall constitute a separate and
16 distinct violation of such order or direction of this act, as the case
17 may be.

18 The intermediate and circuit courts of Kanawha county shall
19 have concurrent jurisdiction of all offenses and violations of any of
20 the provisions of this act.

21 All acts and parts of acts in conflict with this act are hereby
22 repealed.

CHAPTER 9.

(House Bill No. 374.)

AN ACT to provide for the administration of a workmen's compen-
sation fund by the West Virginia compensation commissioner,
creating the office of compensation commissioner, and to define the
powers, duties and liabilities of said commissioner, and to provide

a method of compensation for employees that may be injured, or the dependents of those killed in the course of their employment, either from said fund to be raised and paid into the hands of the state treasurer as herein set forth, or directly from the employers of such employees, as the case may be; and to define and fix the rights of employees and employers; and to define the defenses that may be made by employers in actions for damages arising from death and personal injuries; and to provide a method of raising said fund to meet the disbursements that may be ordered to be made under this act, and also to provide for the payment of the salaries and expenses of said commissioner and his employees; and for appeals from the rulings of said commissioner; and for defining the classes of employers and employees who may bring themselves under this act; and also defining those defenses that those employers not bringing themselves under this act may make in actions for damages arising from death of, or personal injury to their employees; and to amend and re-enact sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-three, forty-four, forty-five, forty-six, forty-eight, forty-nine, fifty-one, fifty-two and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen; and to repeal sections five, thirty-two, forty-seven, and fifty-five of chapter ten of the acts of one thousand nine hundred and thirteen.

(Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.)

- SEC.
1. Office of compensation commissioner created; appointment, how made, and term of office; oath; removal from office for cause; legal services of attorney general; inconsistent employment of commissioner; salary and how payable; seal, courts to take judicial notice of same; duties to be performed by public service commission until commissioner is appointed and qualified.
 2. Salaries and expenses.
 3. Manner of payment of salaries and expenses.
 4. Office hours; legal holidays except-

- SEC.
- ed; secretary to be in charge; proceedings to be kept in public record.
 6. Office to be at seat of government; meetings may be held anywhere in state, on notice; all documents appertaining to compensation department to be turned over to commissioner, and all powers under chapter 10, Acts of 1913, vested in commissioner, including jurisdiction.
 7. Commissioner authorized to employ subordinates and fix compensation; how paid.
 8. Rules of procedure, method of making investigations, form of

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| <p>Sec.</p> <p>application and physical examinations.</p> <p>9. Employers and employees defined under this act; exceptions; who may elect to pay into compensation fund; statements and deposit required under section 24; provision as to foreign corporations.</p> <p>10. Information required of employer to aid commissioner</p> <p>11. Report blanks for use of employer to be furnished; what to contain, and disposition of same.</p> <p>12. Commissioner, secretary and inspectors have power to administer oaths, certify official acts, take depositions, issue subpoenas, etc.</p> <p>13. Procedure in event of failure or refusal to comply with order; duty of circuit court.</p> <p>14. Fee for serving process and fees of witnesses; how paid.</p> <p>15. Depositions permitted under usual court procedure.</p> <p>16. Transcript of evidence on investigation may be received as evidence.</p> <p>17. Blank forms, to be furnished free.</p> <p>18. Schedule of industries: (a) coal mines, etc.; (b) paint manufactories, etc.; (c) iron and steel mills, etc.; (d) sheet and tin plate mills, etc.; (e) foundries, etc.; (f) stamped metal works, etc.; (g) logging, etc.; (h) planing mills, etc.; (i) glass houses, etc.; (j) printing plants, etc.; (k) woolen mills, etc.; (l) breweries, etc.; (m) slaughter houses, etc.; (n) steam laundries, etc.; (o) steam and other railroads, etc.; (p) street and interurban railroads, etc.; (q) telegraph and telephone plants, etc.; (r) quarries, etc.; (s) other works without power driven machinery; (t) match factories, etc.; (u) construction of tunnels, etc.; (v) construction and installation of sewers, etc.; (w) other industries not specified; commissioner given power to reclassify schedules; (x) duty of commissioner to fix and maintain lowest possible rates under certain requirements: (1) to keep accounts of premiums paid, liability incurred, etc.; (2) premium rate, etc.; (3) re-adjustment of rates on July 1, 1916, and annually thereafter; notice to be given, etc.</p> <p>19. Workmen's compensation fund established from fund of employers and employees; rules to be adopted for employers.</p> <p>20. State treasury custodian of funds; to be kept separate and distinct; disbursements, how made; board of public works given authority to invest funds; bonds purchased to be placed in hands of state auditor; attorney general to investigate all bond purchases.</p> <p>22. Employer electing under this act not liable in damages at common law; exceptions.</p> | <p>Sec.</p> <p>23. Employer electing under this act to post notices; exemption contract prohibited.</p> <p>24. Premium rate for employer to be based upon percentage of payroll determined by commissioner; premiums to be paid monthly; minimum premium; premium rate of employee, and how paid; receipt to be given employee by employer; penalty for failure to pay premiums; method of reinstatement; to insure payment of monthly premiums; deposits held as advance credit to the employer; balance due to be refunded in case of withdrawal.</p> <p>25. Method of disbursement: requirement as to claims for hernia resulting from injury, and compensation therefor; no compensation allowed if employee refuses to undergo surgical operation; exceptions.</p> <p>27. Rate of pay for medical, surgical and hospital treatment; exceptions.</p> <p>28. Excepting employees whose injuries are self-inflicted; power of commissioner to adopt rules to prevent accidents; privilege of widow, widower or child or dependent in case of injury or death from deliberate intention of employer; cause of action also saved.</p> <p>29. Allowance for funeral expenses.</p> <p>30. Disability period: of less than one week, except as provided in sections 27 and 29; (a) of longer than one week, same provision.</p> <p>31. Compensation schedule: (a) temporary total disability; (b) temporary partial disability; (c) limitations as to (a) and (b); (d) accident; (e) award for permanent disabilities to be in same proportion as foregoing schedules; (f) limitations as to (d) and (e); (g) loss of arm; (h) no limit of compensation receivable for permanent injury during period of total disability under (a) and (b) of this section; (i) permanent disabilities defined, and to be determined in accordance with fact.</p> <p>33. Benefits in case of death from injury within 26 weeks: (a) if there be no dependents; (b) if the deceased be under 21 and unmarried; (c) if deceased leave a widow or invalid widow, etc.; exceptions; (d) if deceased be an adult and no widow, widower or child under age; (e) if no widow, widower or child under age; (f) dependent defined.</p> <p>34. Benefits in case of death, to whom paid.</p> <p>35. Benefits, to be applied in accordance with direction of commissioner.</p> <p>37. Weekly wage basis for computing benefits; time of injury defined.</p> <p>38. Payments to be made at discretion of commissioner.</p> <p>39. Limit in which application for</p> |
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| <p>Sec.</p> <p>40. compensation may be made. Power and jurisdiction of commissioner.</p> <p>41. May commute periodical benefits under special circumstances.</p> <p>43. Full authority conferred on commissioner to hear and determine all questions and decisions thereon final; exceptions; appeals may be taken to supreme court of appeals; how taken, and duty of attorney general.</p> <p>44. Commissioner not bound by usual common law or statutory rules of evidence.</p> <p>45. Expenditure authorized.</p> <p>46. Annual report required; when to be made and what to contain.</p> <p>48. Secretary may act in absence of commissioner.</p> | <p>Sec.</p> <p>49. Failure of person, firm or corporation to make report a misdemeanor; penalty; making false report is perjury.</p> <p>51. Duty of board of public works to invest fund not required for immediate use.</p> <p>52. Employer engaged in interstate or foreign commerce exempt, except as to mutual connection with work in this state.</p> <p>54. Employers of sufficient responsibility may maintain their own benefit funds or systems of compensation; bond required to be approved by commissioner; rules and regulations to be prepared by commissioner; individual compensation prohibited in certain cases.</p> <p>56. Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That sections five, thirty-two, forty-seven, and fifty-five of chapter ten of the acts of one thousand nine hundred and thirteen, be hereby repealed; and that sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-five, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-three, forty-four, forty-five, forty-six, forty-eight, forty-nine, fifty-one, fifty-two, and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen be amended and re-enacted so as to read as follows:

Section 1. The office of state compensation commissioner 2 is hereby created. The governor, by and with the consent of the sen- 3 ate, shall on or before the thirty-first day of May, one thousand 4 nine hundred and fifteen, appoint as state workmen's compensa- 5 tion commissioner some citizen of this state entitled to vote, whose 6 term of office shall begin at the date of appointment and shall con- 7 tinue for six years and until the successor of such commissioner 8 is appointed and qualified, unless he be sooner removed. An ap- 9 pointment may be made to fill a vacancy or otherwise when the 10 senate is not in session, but shall be acted upon at the next ses- 11 sion thereof. The person so appointed shall make the oath or 12 affirmation prescribed by section five of article four of the consti- 13 tution, and such oath shall be certified by the person who adminis- 14 ters the same and shall be filed in the office of the secretary of 15 state. He shall give bond in the penalty of ten thousand dollars 16 conditioned for the faithful performance of the duties of his

17 office, which bond shall be approved by the attorney general as
18 to form, and by the governor as to sufficiency, and when so ap-
19 proved, shall be filed and recorded in the office of the secretary
20 of state. The surety of said bond may be a bonding or surety
21 company, in which case the premium shall be paid out of the ap-
22 propriation made for the administration of this act.

23 (a) The commissioner may be removed by the governor for
24 incompetency, neglect of duty, gross immorality or malfeasance
25 in office, after giving him notice and a copy of the charges and the
26 right to be heard in an investigation of the truth thereof. A
27 record of the proceedings, including the evidence, shall be kept.

28 (b) The attorney general shall perform all legal services
29 required by the commissioner under the provisions of this act.

30 (c) The commissioner shall hold no position of trust or
31 profit, or engage in any occupation or business, interfering or in-
32 consistent with his duties as such commissioner.

33 (d) The said commissioner shall receive an annual salary
34 of six thousand dollars, payable in the same manner as the sal-
35 aries of other state officers are paid and charged to the appropria-
36 tions which shall be made from time to time hereafter by the state
37 for the administration of this act.

38 (e) The commissioner shall have an official seal for the au-
39 thentication of his orders and proceedings, upon which seal shall be
40 engraved the words, "West Virginia Compensation Commissioner,"
41 and such other design as the commissioner may prescribe; and the
42 courts in this state shall take judicial notice of the seal of the said
43 commissioner, and in all cases copies of orders, proceedings or rec-
44 ords in the office of the West Virginia compensation commis-
45 sioner certified by the secretary of the said commissioner under
46 his seal, shall be equal to the original in evidence.

47 Until the appointment and qualification of said compensation
48 commissioner the duties of said compensation commissioner shall
49 be performed by the public service commission as is now prescribed
50 by law.

Sec. 2. It is the intent of this act that the expenses of the
2 administration of said fund shall be paid by the state, so that the
3 fund created as hereinafter provided shall be applied solely to the
4 payment of the benefits provided for in this act; and all expenses
5 peculiar to the administration of this act, including the premium
6 to be paid for the bond of the state treasurer required under this

7 act, the salary, and when on official business, the traveling and in-
8 cidental expenses of the commissioner, and salaries or other com-
9 pensation, traveling and other expenses of all officers or employees
10 of the commissioner, and all expenses for furniture, books, maps,
11 stationery, appliances and property of all kinds shall be paid by
12 the state by appropriations made from time to time for this pur-
13 pose.

Sec. 3. All payments of salaries and expenses in the adminis-
2 tration of this act shall be made by the state treasurer upon order
3 or voucher approved and signed by the commissioner, directed to
4 the auditor of the state, who shall draw his warrant therefor, and
5 any such payment shall be charged to the appropriations which
6 shall be made from time to time hereafter by the state for the ad-
7 ministration of this act.

Sec. 4. The offices of the commissioner shall be open for the
2 transaction of business between the hours of nine o'clock, A. M.,
3 and five o'clock P. M., of each and every day, excepting Sundays
4 and legal holidays, and be in charge of his secretary or some other
5 competent person. All proceedings of the commissioner shall be
6 shown on his record of proceedings, which shall be a public re-
7 cord and shall contain a record of each case considered and the
8 award with respect thereto and of all salaries allowed to any em-
9 ployee of the commissioner or to any other person for services.

Sec. 6. The commissioner shall keep and maintain his office
2 at the seat of government, and shall provide a suitable room or
3 rooms, necessary office furniture, supplies, books, periodicals, maps,
4 and other equipment. After due notice, showing the time and
5 place, the commissioner may hold hearings anywhere within the
5-a state.

6 As soon as said commissioner shall have been appointed and
7 qualified, all records, books, papers, documents, office sup-
8 plies and furniture, and other effects, appertaining to the adminis-
9 tration of the workmen's compensation fund, shall be turned over
10 to said commissioner, and placed in his custody and control, and
11 the workmen's compensation fund heretofore created shall there-
12 upon become subject to orders or vouchers approved by him as
13 hereinafter provided, and from such time he shall have the same
14 jurisdiction, rights, powers and duties, in respect to the pay-
15 ment of compensation out of the workmen's compensation fund

16 upon awards theretofore made by the public service commission
17 under said chapter ten of the acts of one thousand nine hundred
18 and thirteen, and the same continuing jurisdiction in respect to
19 awards theretofore made by said public service commission as was
20 vested by said chapter ten in the public service commission and
21 is vested by this act in the said commissioner; and said com-
22 missioner shall also have jurisdiction of all applications for com-
23 pensation from said fund pending before said public service com-
24 mission when said commissioner shall have been appointed and
25 have qualified, and of all applications for compensation based upon
26 accidents theretofore occurring as if they had occurred there-
27 after.

Sec. 7. The commissioner may employ a secretary, actuary,
2 accountants, inspectors, examiners, experts, clerks, stenographers
3 and other assistants, and fix their compensation, which shall be
4 paid out of such funds as may be appropriated by the legislature
5 for that purpose. The commissioner, secretary, actuaries, account-
6 ants, inspectors, examiners, experts, clerks, stenographers and
7 other assistants that may be employed shall be entitled to receive
8 from the state treasury their actual and necessary expenses while
9 traveling on business of the commissioner. Such expenses shall
10 be itemized and sworn to by the person who incurred the expense,
11 and allowed by the commissioner.

Sec. 8. The commissioner shall adopt reasonable and proper
2 rules of procedure, regulate and provide for the kind and charac-
3 ter of notices, and the service thereof, in cases of accident and
4 injury to employees, the nature and extent of the proofs and evi-
5 dence, and the method of taking and furnishing the same, to es-
6 tablish the rights to benefits or compensation from the fund here-
7 inafter provided for, or directly from employers as hereinafter
8 provided, as the case may require, the forms of application of those
9 claiming to be entitled to benefits or compensation therefrom, the
10 method of making investigations, physical examinations and in-
11 spections, and prescribe the time within which adjudications and
12 awards shall be made.

Sec. 9. All persons, firms, associations and corporations
2 regularly employing other persons for profit, or for the purpose
3 of carrying on any form of industry or business in this state, (cus-
4 tomal employment excepted), are employers within the meaning of

5 this act, and subject to its provisions. All persons in the service of
6 employers as herein defined, and employed by them for the purpose
7 of carrying on the industry or business in which they are engaged,
8 (casual employment excepted), are employees within the meaning
9 of this act, and subject to the provisions hereof; *provided*, that this
10 act shall not apply to employers of employees in domestic or agricul-
11 tural service, persons prohibited by law from being employed, trav-
12 eling salesmen, to employees of any employer who are employed
13 wholly without this state; nor shall a member of a firm of em-
14 ployers, or any officer of an association, or of a corporation em-
15 ployer, including managers, superintendents, assistant managers,
16 or assistant superintendents, be deemed an employee within the
17 meaning of this act.

18 Any employer whose employment in this state is to be for a
19 definite or limited period, which could not be considered "regularly
20 employing" within the meaning of this act, may elect to pay into
21 the workmen's compensation fund the premiums herein provided
22 for, and at the time of making application to the commissioner,
23 such employer shall furnish a statement under oath showing the
24 probable length of time the employment will continue in this state,
25 the character of the work, an estimate of the monthly pay roll,
26 and any other information which may be required by the commis-
27 sioner. At the time of making application such employer shall
28 deposit with the state treasurer to the credit of the workmen's
29 compensation fund the amount required by section twenty-four
30 of this act, which amount shall be returned to such employer
31 if his application be rejected by the commissioner. Upon notice
32 to such employer of the acceptance of his application by the com-
33 missioner, he shall be an employer within the meaning of this act,
34 and subject to all of its provisions.

35 Any foreign corporation employer electing to comply with the
36 provisions of this act and to receive the benefits hereunder, shall
37 at the time of making application to the commissioner, in addition
38 to the other requirements of this act, furnish such commissioner
39 with a certificate from the secretary of state showing that it has
40 complied with all of the requirements necessary to enable it to
41 legally do business in this state, and no application of such foreign
42 corporation employer shall be accepted by the commissioner until
43 such certificate is filed.

Sec. 10. Every employer shall furnish the commissioner, upon request, all information required by him to carry out the purposes of this act. The commissioner, or any person employed by the commissioner for that purpose, shall have the right to examine under oath any employer or officer, agent or employee of any employer.

Sec. 11. The commissioner shall prepare report blanks for the use of, and furnish the same to, employers subject to this act; and every employer receiving from the commissioner any blank or blanks with directions for filling out and returning the same, shall return the same filled out so as to answer fully and correctly all pertinent questions therein propounded, and if unable to do so, shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the commissioner within the period fixed by the commissioner for such return. Every employer subject to the provisions of this act, who may hereafter elect to pay the premiums as provided herein, and to receive the benefits hereunder, shall make application on the forms prescribed by the commissioner for such purpose; and all employers who desire to discontinue the payment of the premiums required under this act, shall so notify the commissioner on forms to be furnished by the commissioner for the purpose.

Sec. 12. The commissioner, secretary and every inspector or examiner appointed by the commissioner shall, for the purposes contemplated by this act, have power to administer oaths, certify official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

Sec. 13. In case of failure or refusal of any person to comply with the order of the commissioner, or subpoena issued by him, his secretary, or one of his inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the circuit judge of the county in which the person resides, on application of the commissioner, or any inspector or examiner appointed by him, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from said court on a refusal to testify therein.

Sec. 14. Each officer who serves such subpoena shall receive
2 the same fee as a sheriff, and each witness who appears, in obedi-
3 ence to a subpoena, before the commissioner, or an inspector or an
4 examiner, shall receive for his attendance the fees and mileage
5 provided for witnesses in civil cases in the circuit court, which
6 shall be audited and paid from the state treasury in the same man-
7 ner as other expenses are audited and paid, upon presentation
8 of proper vouchers approved by the commissioner.

9 No witness subpoenaed at the instance of a party other than
10 the commissioner, or an inspector, or an examiner, shall be entitled
11 to compensation from the state treasury unless the commissioner
12 shall certify that his testimony was material to the matter investi-
13 gated.

Sec. 15. In an investigation, the commissioner may cause
2 depositions of witnesses residing within or without the state to be
3 taken in the manner prescribed by law for like depositions as
4 provided for transcripts in the circuit court.

Sec. 16. A transcribed copy of the evidence and proceed-
2 ings, or any specific part thereof, on any investigation, taken by
3 a stenographer appointed by the commissioner, being certified
4 and sworn to by such stenographer to be a true and correct tran-
5 script of the testimony in the investigation, or of a particular
6 witness, or of a specific part thereof, or to be a correct transcript
7 of the proceedings had on such investigation so purporting to be
8 taken and subscribed, may be received in evidence by the com-
9 missioner with the same effect as if such stenographer were present
10 and testified to the facts certified. A copy of such transcript shall
11 be furnished on demand to any party upon payment of the fee
12 therefor, as provided for transcripts in the circuit court.

Sec. 17. The commissioner shall prepare and furnish free
2 of cost blank forms (and provide in his rules for their distribution
3 so that the same may be readily available), of applications for
4 benefits for compensation from the workmen's compensation fund,
5 or directly from employers, as the case may be, notices to employ-
6 ers, proofs of injury or death, of medical attendance, of employ-
7 ment and wage earnings, and such other blanks as may be deemed
8 proper and advisable, and it shall be the duty of employers to con-
9 stantly keep on hand a sufficient supply of such blanks.

Sec. 18. For the purposes of this act the industries that

2 now are or hereafter may be subject thereto, are divided into sched-
2-a ules as follows:

3 (a) Coal mines, including their tipples, power, light, heat-
4 ing and ventilating plants, tramways, private tracks and sidings,
5 and accessory and auxiliary plants working in or with by-products.

6 (b) Paint manufactories, oil refineries, oil and gas wells,
7 including their pipe lines, storage, power or light plants, tram-
8 ways, private tracks and sidings, and accessory and auxiliary plants
9 working in or with by-products.

10 (c) Iron and steel mills, including blast furnaces, smelters,
11 tube works, rolling mills, and their accessory and auxiliary plants,
12 working in or with by-products, generating power, light or heat or
13 operating tramways, private tracks and sidings.

14 (d) Sheet and tin plate mills, including their accessory and
15 auxiliary plants working in or with by-products, generating power,
16 light or heat or operating tramways, private tracks and sidings.

17 (e) Foundries, machine shops, fire-arms factories, tool fac-
18 tories, car building and repairing, structural iron works, and
19 working in or with iron or steel, not otherwise specified, where
20 power driven machinery is used, together with their accessory
21 and auxiliary plants working in or with by-products, or generating
22 power, light or heat, or operating tramways, private tracks and
23 sidings.

24 (f) Stamped metal works, can factories, enamel iron works,
25 and working in or with sheet iron or tin plate, not otherwise speci-
26 fied, where power driven machinery is used, together with their
27 accessory and auxiliary plants working in or with by-products,
28 or generating power, light or heat, or operating tramways, pri-
29 vate tracks and sidings.

30 (g) Logging, logging railroads and tramways, saw mills,
31 including their accessory and auxiliary plants working in or with
32 by-products, or generating power, light or heat, or operating tram-
33 ways, private tracks and sidings.

34 (h) Planing mills, wood pulp, cordage and paper mills, box
35 factories, cooperage plants, furniture factories, woodenware or
36 wood fibre ware manufactories, vehicle works of every kind, in-
37 cluding their accessory and auxiliary plants working in or with
38 by-products, or generating power, light or heat, or operating tram-
39 ways, private tracks and sidings.

40 (i) Glass houses of all kinds, including manufactories of

41 tableware, bar goods, bottles, tumblers, lamps, glass light fixture
42 parts, window and plate glass potteries of all kinds, including tile,
43 bricks, terra cotta, fire clay, earthenware, porcelain, china and
44 crockeryware using automatic machinery, together with accessory
45 and auxiliary plants working in or with by-products, or generating
46-54 light or heat, or operating tramways, private tracks and sidings.

55 (j) Printing plants of all kinds, electrotyping, photo en-
56 graving, engraving, lithographing, embossing, book binding, and
57 accessory and auxiliary lines of work and manufacture.

58 (k) Woolen mills, knitting mills, cotton mills, carpet and
59 rug mills, clothing manufactories of every kind and working in or
60 with textiles not otherwise specified.

61 (l) Breweries, bottling works, canneries of fruits, vege-
62 tables, oils, fish, milk or meat, manufactories of preserves, jellies,
63 ketchup, sauces, relishes, pickles, flour and feed mills, bakeries,
64 confectioneries, drug and extract manufactories, tobacco, cigar,
65 stogie and cigarette manufactories, in which power driven ma-
66 chinery is used.

67 (m) Slaughter and packing houses, stock yards, soap, tal-
68 low, lard and grease manufactories, tanneries, artificial ice, and
69 refrigerating and cold storage plants, creameries, and carbon black
70 factories, in which power driven machinery is used.

71 (n) Steam laundries, dyeing and cleaning plants, stamping,
72 embossing and working with leather, shoe and harness manufac-
73 tories, mattress and bedding factories, upholstering factories,
74 manufacturers of rubber goods, and auxiliary and accessory lines
75 of work and manufacture not otherwise specified.

76 (o) Steam and other railroads and transportation systems
77 not otherwise specified.

78 (p) Street and interurban railways, whether propelled by
79 electricity or other power.

80 (q) Telegraph and telephone plants and systems, electric
81 light and power plants and systems, steam heat and power plants
82 and systems, water works systems, gas works and systems, grain
83 elevators, and all lighting, heating or power systems not otherwise
83-a specified.

84 (r) Quarries, stone crushers, gravel pits, mines other than
85 coal mines and working with asphalt, cement, stone or other build-
86 ing material not otherwise specified, power propelled ferries, sand
87 diggers and other water craft.

88 (s) Such works, occupations and manufactories specified in
89 the foregoing schedules as are operated without power driven
90 machinery.

91 (t) Match factories, powder mills, fireworks factories, and
92 works in which articles of an explosive nature are mixed or man-
93 ufactured.

94 (u) Construction of tunnels, shafts, bridges, trestles, stee-
95 ples, towers, grain elevators, tanks, water towers, wind mills, sub-
96 aqueous works, iron or steel frame structures, or parts of struc-
97 tures, blast furnaces, smoke stacks, cupolas or chimneys more
98 than fifty feet high, water works and systems, electric lights and
99 power plants and systems, gas works and systems, installation of
100 steam boilers, engines and dynamos, steam railroads, logging
101 railroads, street railways and systems, boat building with scaf-
102 folds, floating docks, engineering works, structural work on
103 buildings over three stories in height, not otherwise specified,
104 and drilling of wells.

105 (v) Construction and installation of sewers, fire escapes,
106 freight or passenger elevator, advertising signs, ornamental metal
107 work on or in buildings, metal ceilings, plate or window glass,
108 electrical wiring, stairways, buildings which require galvanized
109 iron or tin work, marble, stone or brick work, roof work, slate
110 work, plumbing work, carpenter work, electric work, installing
111 automatic sprinklers, electric or fire alarm systems, heating or
112 ventilating systems, or machinery not otherwise specified, cover-
113 ing steam pipes and boilers, road and street making, street or
114 other grading, and structural work not otherwise specified.

115 (w) Any industry or business not specified in the foregoing
117 schedules, for which any employer shall voluntarily apply to the
118 commissioner to be brought under the provisions of this act. And
119 the commissioner shall have the authority to classify and place in
120 one of the schedules aforesaid, or any schedule created by him as
121 hereinafter mentioned, any industry or business subject to this act
122 not hereinbefore specifically mentioned.

123 The commissioner shall have the power to re-classify into
124 schedules, at any time, the industries subject to this act, and to
125 create additional schedules if deemed advisable by him.

126 In addition to classifying into schedules the industries subject
127 to this act, as hereinbefore provided, it shall be the duty of said
128 commissioner, when in his opinion there is a sufficient number of

129 employers with different degrees of hazard in any schedule to war-
130 rant the same, to sub-divide any schedule into classes based upon
131 the respective degrees of hazard of such employer as shown upon
132 the books of the commissioner for a period of twelve months pre-
133 vious to the time of such sub-division; and any such employer who
134 shall not have been a subscriber for said period of twelve months
135 shall be assigned to one of said classes as may be deemed proper
136 by the commissioner until his record for one year can be obtained.

137 The risk of the different classes shall be determined from the
138 record of the employers forming each class as shown upon the
139 books of the commissioner, and the commissioner shall fix the
140 rate of premium for each class according to the risk of the same.

141 (x) It shall be the duty of the commissioner in the exercise
142 of the powers and discretion conferred upon him in the preceding
143 sub-section, to fix and maintain the lowest possible rates of premi-
144 um consistent with the maintenance of a solvent workmen's com-
145 pensation fund and the creation and maintenance of a reasonable
146 surplus after providing for the payment of all liability incurred
147 by reason of injury or death to employees entitled to benefits un-
148 der the provisions of this act; and, in order that said object may
149 be accomplished, the commissioner shall observe the following re-
150 quirements in classifying occupations and fixing the rates of pre-
151 mium for the risk of the same:

152 (1) He shall keep an accurate account of the money paid
153 in premiums by each of the several schedules, and the liability
154 incurred, and disbursements on account of injuries and death
155 of employees thereof; and also keep an account of the money re-
156 ceived from each individual employer, and the liability incurred
157 and disbursements on account of injuries and death of the em-
158 ployees of such employer.

159 (2) Ten per centum of all that may hereafter be paid into
160 the workmen's compensation fund shall be set aside for crea-
161 tion of a surplus fund until such surplus shall amount to the
162 sum of one hundred thousand dollars, after which time the sum
163 of five per centum of all the money paid into the said fund shall
164 be credited to such surplus fund, until such time as, in the judg-
165 ment of the commissioner, such surplus shall be sufficiently large
166 to cover the catastrophe hazard and all other unanticipated losses.

167 (3) On the first day of July, one thousand nine hundred and
168 sixteen, and annually thereafter, a re-adjustment of the rates shall

169 be made for each of the several classes in accordance with the ex-
170 perience of the commissioner in the administration of the law, as
171 shown by the accounts kept, as provided herein; *provided*, that
172 nothing contained in this sub-section shall prevent the commis-
173 sioner from adjusting at any time the premium rate for any class.

174 It shall be the duty of the commissioner whenever he changes
175 any rate to notify every employer affected thereby of that fact and
176 of the new rate and when the same takes effect. It shall also be
177 his duty to furnish to each employer yearly, or oftener if request-
178 ed by the employer, a statement giving the name of each of his
179 employees who were paid for injury and the amount so paid dur-
180 ing the period covered by the statement.

Sec. 19. The commissioner shall establish a workmen's com-
2 pensation fund from premiums and other funds paid thereto by
3 employers and employees as herein provided, for the benefit of
4 employees of employers that have paid the premium applica-
5 ble to the classes to which they belong and for the benefit of the
6 dependents of such employees, and shall adopt rules and regula-
7 tions with respect to the collection, maintenance and disbursement
8 of said fund, not in conflict with the provisions of this act.

9 Employers electing as herein provided to individually and di-
10 rectly compensate their injured employees and their fatally in-
11 jured employees' dependents, shall do so in the manner prescribed
12 by the compensation commissioner and shall make all reports, exe-
13 cute all blanks, forms and papers as directed by said commissioner
14 and as herein provided in this act.

Sec. 20. All payments into the workmen's compensation
2 fund shall be made into the state treasury in the manner prescribed
3 in chapter seventeen of the code of West Virginia, and such fund
4 shall consist of such payments and all interest accruing thereto
5 upon investments and deposits in state depositories, and any other
6 moneys or funds which may be given, appropriated or otherwise
7 designated or accruing thereto. Said fund shall be a separate and
8 distinct fund and shall be so kept upon the books and records of
9 the auditor and treasurer. Disbursements from such fund shall
10 be made upon requisition signed by the secretary and approved by
11 the compensation commissioner. The board of public works shall
12 have authority to invest the surplus, reserve or other moneys be-
13 longing to the fund in the bonds of the United States, of this state,
14 or of any county, city, town, village, or school district of the state.

15 No such investment shall be made, nor any investment sold or
16 otherwise disposed of without the concurrence of a majority of all
17 members of the board of public works. It shall be the duty of ev-
18 ery county, school district, or municipality issuing any bonds, to
19 offer the same in writing to the board of public works, prior to
20 advertising the same for sale, except such thereof as may
21 have been taken by the trustees of the sinking fund of the county,
22 district or municipality, and the board of public works shall, with-
23 in fifteen days after receipt of such offer, accept the same and pur-
24 chase such bonds or any portion thereof at par and accrued inter-
25 est, or make an offer to purchase the same at such price as the
26 board named in such offer. or reject such offer. All bonds pur-
27 chased by the board of public works for investment for the work-
28 men's compensation fund shall be placed in the hands of the au-
29 ditor as the custodian thereof, and it shall be his duty to keep and
30 account for the same as he keeps and accounts for other securities
31 of the state, and to collect the interest thereon as the same be-
32 comes due and payable, and the principal when the same is due.
33 No bonds or other securities shall be purchased by the board of
34 public works until and unless the attorney general shall investi-
35 gate the issuance of such bonds or securities and shall give a writ-
36 ten opinion to the board that the same have been regularly issued
37 according to the constitution and the laws of this state, which
38 opinion, if such bonds or securities be purchased, shall be filed
39 with the auditor with such bonds or securities.
40

Sec. 22. Any employer subject to this act who shall elect to
2 pay into the workmen's compensation fund the premiums provided
3 by this act, shall not be liable to respond in damages at common
4 law or by statute for the injury or death of any employee, how-
5 ever occurring, after such election and during any period in which
6 such employer shall not be in default in the payment of such pre-
7 miums; *provided*, the injured employee has remained in his service
8 with notice that his employer has elected to pay into the work-
9 men's compensation fund the premiums provided by this act. The
10 continuation in the service of such employer with such notice shall
11 be deemed a waiver by the employee and by the parents of any
12 minor employee of the right of action as aforesaid, which
13 the employee or his or her parents would otherwise have.

Sec. 23. Each employer electing to pay the premiums provided by this act into the workmen's compensation fund, or electing to make direct payments of compensation as hereinafter provided, shall post and keep posted in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such election, and the same when so posted shall constitute sufficient notice to all his employees and to the parents of any minor employees of the fact that he has made such election.

No employer or employee shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be *pro tanto* void.

Sec. 24. For the purpose of creating such workmen's compensation fund each employer subject to this act shall pay into the state treasury the premiums of liability based upon and being such a percentage of the pay-roll of such employer as may have been determined by the commissioner and be then in effect. The premiums provided for in this act shall be paid by the employers into the treasury of the state, and be contributed in the proportion of ninety per centum by the employers, and ten per centum by the employees. The premium shall be paid monthly on or before the twenty-fifth of each month, for the preceding month, and shall be the prescribed percentage of the total earnings of all employees subject to this act for such preceding month. The minimum premium to be paid by any employer for any month shall be one dollar.

Each employer is authorized to deduct from the pay of his employees (excepting persons casually employed) for each month, ten per centum of the premium paid or to be paid for such month, in proportion to the pay received by them respectively, for such month, the proper percentage to be deducted from each installment of pay, whether paid monthly or more frequently. The minimum deduction from the earnings of each employee in any one month for which settlement is made to be five cents.

Each employer shall give a receipt or statement to each employee of the amount which has been deducted for the workmen's

24 compensation fund, and shall file with the commissioner on making
25 his next payment to the fund a sworn statement showing what
26 per centum of said payment herein provided to be paid by the
27 employees, (disregarding fractions of a cent), has been deducted;
28 and that no more than ten per centum (subject to the minimum
29 requirement aforesaid), has been so deducted. The state treasurer
30 shall issue his receipt for any sums paid him hereunder, in dupli-
31 cate, the original to be delivered to the person, firm or corpora-
32 tion paying the same, the duplicate to be filed with the com-
33 missioner.

34 If such premiums be not paid as herein provided, a penalty
35 of ten per centum of the amount of such premium shall be col-
36 lected and paid into the workmen's compensation fund, as afore-
37 said; and the failure to pay all premiums and penalties as herein
38 provided for two succeeding months shall deprive the employer
39 so delinquent of the benefits and protection afforded by this act,
40 and shall terminate the election of such delinquent employer to
41 pay into the workmen's compensation fund as herein provided,
42 and such employer shall be liable to employees as provided in sec-
43 tion twenty-six of this act; and the commissioner shall not be
44 required to notify the delinquent employer of such termination
45 or suspension, but he shall notify the employees of such employer
45-a thereof in such manner as he may deem best and sufficient.

46 The employer so delinquent may be re-instated upon applica-
47 tion under such terms as are prescribed by this act, and by the
48 commissioner hereunder, after the payment into the workmen's
49 compensation fund of all unpaid premiums, penalties, interest
50 and charges. Such re-instatement shall be in force from and after
51 the date that the new application is accepted by the commissioner,
52 and said delinquent employer shall not receive any benefits here-
53 under during such suspension, nor shall his employees receive
54 compensation for injuries received during the period of such sus-
55 pension.

56 To insure the payment of the monthly premiums herein pro-
57 vided for, all employers who have heretofore elected to accept the
58 provisions of the workmen's compensation act shall pay into the
59 workmen's compensation fund, in addition to the premiums pro-
60 vided for, an amount at least equal to the amount of premiums
61 paid for the last two preceding months, and said employer shall

62 be required to keep on deposit at all times in the said workmen's
63 compensation fund an amount at least equal to the premiums for
64 the last two preceding months. Such employer, upon the receipt of
65 notice from the commissioner, that the amount which he is re-
66 quired to keep deposited in said fund is not equal to the premiums
67 paid for the last preceding two months, shall immediately deposit
68 as herein provided a sum sufficient and necessary to comply with
69 the requirements of this act.

70 Any employer hereafter electing to avail himself of the bene-
71 fits of this act shall at the time of making application to the com-
72 missioner deposit in the workmen's compensation fund an amount
73 estimated to be equal to the amount of the premiums which will
74 be paid by him hereunder for the next succeeding two months.

75 The deposit in said workmen's compensation fund shall be
76 held as an advance credit to the employer and used to pay or to
77 apply on the payment of the monthly premiums and any other
78 sums due the said fund when said employer becomes delinquent in
79 the payment of same. Upon the withdrawal of any employer from
80 the fund, he shall be refunded the balance due him of this ad-
81 vanced deposit, after deducting all amounts owed by said em-
82 ployer to the workmen's compensation fund.

Sec. 25. The commissioner shall disburse the workmen's
2 compensation fund to the employees of such employers as have
3 paid into said fund the premiums for the month in which the in-
4 jury occurs, or who have on deposit in said fund, as hereinbefore
5 provided for, an amount sufficient to guarantee the payment of
6 said premiums, and which employees shall have received injuries
7 in this state in the course of and resulting from their employment,
8 or to the dependents, if any, of such employees in case death has
8-a ensued according to the provisions hereinafter made.

9 In all claims for compensation for hernia resulting from in-
10 jury received in the course of and resulting from the employee's
11 employment. it must be definitely proven to the satisfaction of the
12 commissioner:

13 First, That there was an injury resulting in hernia;

14 Second, That the hernia appeared suddenly;

15 Third, That it was accompanied by pain;

16 Fourth, That the hernia immediately followed an injury;

17 Fifth, That the hernia did not exist prior to the injury for
18 which compensation is claimed.

19 All hernia, inguinal, femoral or otherwise, so proven to be the
20 result of an injury received in the course of and resulting from the
21 employment, shall be treated in a surgical manner by radical
22 operation. If death results from such operation, the death shall be
23 considered as a result of the injury, and compensation paid in
24 accordance with the provisions of section thirty-three. In non-fatal
25 cases, time loss only shall be paid, unless it is shown by special ex-
26 amination that the injured employee has a permanent partial disa-
27 bility resulting after the operation. If so, compensation shall be
28 paid in accordance with the provisions in section thirty-one with
29 reference to permanent partial disability.

30 In case the injured employee refuses to undergo the radical
31 operation for the cure of said hernia, no compensation will be
32 allowed during the time such refusal continues. If, however, it
33 is shown that the employee has some chronic disease or is other-
34 wise in such physical condition that it is considered unsafe for
35 him to undergo said operation, he shall be paid as provided in
36 section thirty-one.

Sec. 27. The commissioner shall disburse and pay from the
2 fund for such injuries to such employees as may be entitled thereto
3 hereunder, as follows:

5 (a) Such sums for medical, surgical and hospital treatment as
6 in the opinion of the commissioner may reasonably be required,
7 not, however, in any case to exceed the sum of one hundred and
8 fifty dollars; *provided*, that in case an injured employee has sus-
9 tained a permanent disability and it is the opinion of the com-
10 missioner that the per centum of said disability can be reduced
11 or made negligible by surgical or medical treatment, the amount
12 expended for medical, surgical and hospital treatment may be, but
13 shall not exceed, three hundred dollars in any case.

15 (b) Payment for such medical, surgical and hospital treatment
16 may be made to the injured employee, or to the persons who have
17 furnished the service, or to the persons who have advanced pay-
18-19 ment for same, as the commissioner may deem proper.

20 (c) Notwithstanding anything hereinbefore contained, no
21 payment shall be made out of the workmen's compensation fund
22 for medical, surgical or hospital treatment for an injured employee
23 if said employee be entitled under contract connected with his
24 employment or otherwise, to medical, surgical or hospital treat-
25 ment without further charge to him.

Sec. 28. Notwithstanding anything hereinbefore or hereinafter
2 contained, no employee or dependent of any employee shall be
3 entitled to receive any sum from the workmen's compensation fund,
4 or to direct compensation from any employer making the election
5 and receiving the permission mentioned in section fifty-four hereof,
6 or otherwise under the provisions of this act, on account of any in-
7 jury to or death of an employee caused by a self-inflicted injury, the
8 wilful misconduct, or disobedience to such rules and regulations as
9 may be adopted by the employer and approved by the commissioner,
10 or the intoxication of such employee.

11 For the purpose of this act, and to prevent accidents to em-
12 ployees, the commissioner may require all employers to adopt rules
13 for the protection and safety of their employees and keep the same
14 posted in conspicuous places in and about the work, which rules
15 shall be submitted to the commissioner for his approval.

16 If injury or death result to an employee from the deliberate
17 intention of his employer to produce such injury or death, the
18 employee, the widow, widower, child or dependent of the
19 employee shall have the privilege to take under this act, and also
20 have cause of action against the employer as if this act had not
21 been enacted, for any excess of damages over the amount received
22 or receivable under this act.

Sec. 29. In case death ensues from the injury within the
2 period of twenty-six weeks, reasonable funeral expense, not to
3 exceed seventy-five dollars, may be paid from the fund, payment
4 to be made to the persons who have furnished the service and
5 supplies, or to the persons who have advanced payment for same,
6 as the commissioner may deem proper, in addition to such award
7 as may be made to the employee's dependents.

Sec. 30. If the period of disability does not last longer than
2 one week from the day the employee leaves work as the result of

3 the injury, no award shall be allowed, except the disbursement
4 provided for in sections twenty-seven and twenty-nine.

5 (a) If the period of disability lasts longer than one week from
6 the day the employee leaves work as the result of the injury, no
7 award shall be allowed for the first week of such disability, ex-
8 cept the disbursement provided for in sections twenty-seven and
9 twenty-nine.

Sec. 31. Where compensation is due an employee under the
2 provisions of this act, such compensation shall be as provided in the
3 following schedule:

4 (a) If the injury causes temporary total disability, the
5 employee shall receive during the continuance thereof fifty per
6 centum of his average weekly earnings, not to exceed a maximum
7 of ten dollars per week nor to be less than a minimum of five dol-
8 lars per week.

9 (b) If the injury causes temporary partial disability, the
10 employee shall receive during the continuance thereof fifty per
11 centum of the weekly loss in wages, not to exceed a maximum of
12 ten dollars per week.

13 (c) Paragraphs (a) and (b) of this sub-division shall be
14 limited as follows: Aggregate award for a single injury caus-
15 ing temporary disability shall be for a period not exceeding twenty-
16 six weeks; *provided*, that in case an injured employee, by reason of
17 having an ununited fracture, or having undergone a surgical opera-
18 tion to correct a vicious union following a fracture, or for the re-
19 pair of an ununited fracture, or having suffered an injury to the
20 spine or pelvic bones which is of a temporary nature, is disabled for
21 a longer period than twenty-six weeks, the period for which com-
22 pensation shall be paid may be, but shall not exceed, fifty-two
23 weeks.

24 (d) If the accident causes permanent disability, the per-
25 centage of disability to total disability shall be determined and the
26 award computed and allowed as follows:

27 For a ten per centum disability, fifty per centum of the aver-
28 age weekly earnings for a period of thirty weeks;

29 For a twenty per centum disability, fifty per centum of the
30 average weekly earnings for a period of sixty weeks;

31 For a thirty per centum disability, fifty per centum of the
32 average weekly earnings for a period of ninety weeks;

33 For a forty per centum disability, fifty per centum of the
34 average weekly earnings for a period of one hundred and twenty
35 weeks;

36 For a fifty per centum disability, fifty per centum of the aver-
37 age weekly earnings for a period of one hundred and fifty weeks;

38 For a sixty per centum disability, fifty per centum of the
39 average weekly earnings for a period of one hundred and eighty
40 weeks;

41 For a seventy per centum disability, fifty per centum of the
42 average weekly earnings for a period of two hundred and ten weeks;

43 For a disability exceeding seventy per centum and less than
44 eighty-five per centum, forty per centum of the average weekly
45 earnings during the remainder of life;

46 For a disability from eighty-five to one hundred per centum,
47 fifty per centum of the average weekly earnings during the re-
48 mainder of life.

49 (e) The award for permanent disabilities intermediate to
50 those fixed by the foregoing schedule and from ten per centum to
51 seventy per centum disabilities shall be in the same proportion and
52 shall be computed and allowed by the commissioner.

53 (f) Paragraph (d) and (e) of this sub-division shall be
54 limited as follows: Not to exceed a maximum of eight dollars
54-a per week nor to be less than a minimum of four dollars per week.

55 (g) The loss of an arm at or above the elbow shall be con-
56 sidered a fifty per centum to sixty-five per centum disability and
57 shall be used as a basis in determining the per centum of perma-
58 nent disability. Account shall also be taken of the nature of the
59 physical injury, the occupation of the injured employee and his
60 age at the time of such injury.

61 (h) Nothing contained in the foregoing schedule of perma-
62 nent disability awards shall be held to limit the amount of com-
63 pensation receivable for any such permanent injury during any
64 period of total disability under paragraphs (a) and (b) of sec-
65 tion thirty-one, but any sum so received shall be deducted from the
66 compensation payable in accordance with the said schedule. Com-
67 pensation under this section shall be payable only to the injured
68 employee, or to his dependents at the time of the injury, and the
69 right thereto shall not vest in his estate, nor in the estate of his
70 dependents.

71 (i) The following permanent disabilities shall be conclusive-
72 ly presumed to be total in character:

73 Loss of both eyes or the sight thereof;

74 Loss of both hands or the use thereof;

75 An injury resulting in practically total paralysis.

76 In all other cases permanent total disability shall be deter-
77 mined in accordance with the fact.

Sec. 33. In case the injury causes death within the period
2 of twenty-six weeks from date of injury, the benefits shall be in
3 the amounts and to the persons as follows:

4 (a) If there be no dependents, the disbursements shall be
5 limited to the expense provided for in section twenty-seven and
6 section twenty-nine of this act and such award under section
7 thirty-one of this act as may have accrued and been paid.

8 (b) If the deceased employee be under the age of twenty-
9 one and unmarried and leave a dependent father or mother, the
10 father, or if there be no father, the mother shall be entitled to a
11 payment of fifty per centum of the average weekly wages, not to
11-a exceed a maximum of six dollars per week, to continue until
12 the employee would have been twenty-one years of age, or until
13 the death of said dependent, if same occurs before said employee
14 would have been twenty-one years of age.

15 (c) If the deceased employee leave a widow or invalid
16 widower, the payment shall be twenty dollars per month until
17 the death or re-marriage of such widow or widower, and in ad-
18 dition five dollars per month for each child under the age at
19 which he or she may be lawfully employed in any industry, to be
20 paid until such child reaches such age; *provided*, that the total
21 payment shall not exceed thirty-five dollars per month; and, *pro-*
22 *vided, further*, if such widow or invalid widower shall re-marry
23 within two years from date of the death of such employee,
24 such widow or widower shall be paid at the time of re-marriage
25 twenty per centum of the amount that would be due for the period
26 remaining between the date of such re-marriage and the end of
27 ten years from date of death of said employee; *provided, further*,
28 that if upon investigation it shall be ascertained that said widow
29 or widower is living with a man or woman, as the case may be, as
30 man and wife and not married, or the widow living a life of
31 prostitution, the commissioner shall stop the payment of the
32 benefits herein provided to said widow or widower.

33 If the deceased employee be a widow or widower and leave a
34 child or children under the age of fifteen years, the payment shall
35 be ten dollars per month to each such child until he or she reaches
36 the age of fifteen years, the total payment in any case not to
37 exceed thirty dollars per month.

38 The word "child" as used in this act shall include a post-
39 humous child, or a child legally adopted prior to the injury caus-
40 ing death.

41 (d) If the deceased employee be an adult and there be no
42 widow, widower or child under the age at which he or she may be
43 lawfully employed in any industry, but there are wholly depend-
44 ent persons at the time of death, the payment shall be fifty per
45 centum of the average monthly support actually received from
46 the employee during the preceding twelve months, to continue for
47 the remainder of the period between the date of death and six
48 years after the date of injury, and shall not amount to more than
49 a maximum of twenty dollars per month.

50 (e) If there be no widow, widower or child under the age
51 at which he or she may be lawfully employed in any industry, or
52 wholly dependent persons, but there are partly dependent persons
53 at the time of death, the payment shall be fifty per centum of the
54 average monthly support actually received from the employee dur-
55 ing the preceding twelve months, and to continue for such portion
56 of the period of six years after the date of death as the commis-
57 sioner in the case may determine, and not amount to more than
58 a maximum of twenty dollars per month.

59 Compensation under sub-sections (d) and (e) hereof shall
60 cease upon the death of the dependent, and the right thereto shall
61 not vest in his or her estate.

62 (f) Dependent, as used in this act, means a widow, invalid
63 widower, child under fifteen years of age, invalid child over such
64 age, or a posthumous child, who, at the time of the injury causing
65 death, is dependent in whole or in part for his or her support
66 upon the earnings of the employee; also, the following persons who
67 are and continue to be residents of the United States or its terri-
68 torial possessions: step-child under fifteen years of age, child un-
69 der fifteen years of age legally adopted prior to the injury causing

70 death; father, mother, grandfather or grandmother, who, at the
71 time of the injury causing death, is dependent in whole or in part
72 for his or her support upon the earnings of the employee.

Sec. 34. The benefits, in case of death, shall be paid to such
2 one or more dependents of the decedent, or to such other persons,
3 for the benefits of all of the dependents, as may be determined by
4 the commissioner, who may apportion the benefits among the de-
5 pendents in such manner as he may deem just and equitable. Pay-
6 ment to a dependent subsequent in right may be made if the com-
7 missioner deems proper, and shall operate to discharge all other
8 claims therefor.

Sec. 35. The dependent or person to whom benefits are paid
2 shall apply the same to the use of the several beneficiaries thereof
3 according to their respective claims upon the decedent for support,
4 in compliance with the finding and direction of the commissioner.

Sec. 37. The average weekly wage or earnings of the injured
2 person at the time of injury shall be taken as the basis upon which
3 to compute the benefits. The time of injury within the meaning
4 of this act shall be such reasonable time prior to the injury as
5 shall enable the commissioner to make a fair award, taking into
6 consideration both the rate of wage and earnings of such person
7 prior to his entering the service in which he was injured.

Sec. 38. Payments may be made in such periodical install-
2 ments as may seem best to the commissioner in each case. Not-
3 withstanding anything herein contained, the commissioner may, in
4 his discretion, direct the re-payment of, and pay out of any in-
5 stallment, any advances for necessities that may have been made
6 by any person pending the payment of such installment.

Sec. 39. To entitle any employee or dependent of a deceased
2 employee to compensation under this act the application therefor
3 must be made in due form within six months from and after the
4 date of injury or death, as the case may be, and all proofs of de-
5 pendency in fatal cases must be filed with the commissioner within
6 nine months from and after the date of death. Non-resident aliens
7 may be officially represented by the consular officers of the coun-
8 try of which such aliens may be citizens or subjects.

Sec. 40. The power and jurisdiction of the commissioner
2 over each case shall be continuing, and he may from time to time

3 make such modification or change with respect to former findings
4 or orders with respect thereto, as, in his opinion, may be justified.

Sec. 41. The commissioner, under special circumstances and
2 when the same is deemed advisable, may commute periodical bene-
3 fits to one or more lump sum payments.

Sec. 43. The commissioner shall have full power and author-
2 ity to hear and determine all questions within his jurisdiction,
3 and to review the action of any employer taken under section
4 fifty-four thereof, and the decision of the commissioner thereon
5 shall be final; *provided, however*, in case the final action of said
6 commissioner denies the right of the claimant to receive compen-
7 sation from the fund or directly from the employer, as the case
8 may be, on the ground that the injury was self-inflicted, or on the
9 ground that the injury was not received in the course of
9-a and resulting from his employment, or upon any other
10 ground going to the basis of the claimant's right,
11 then the claimant may, within sixty days after notice
12 of the final action of such commissioner, apply for an ap-
13 peal to the supreme court of appeals. The appellant shall file a
14 petition before said supreme court of appeals against such com-
15 missioner as defendant, within said period of sixty days, and the
16 commissioner shall be notified by the clerk of said court, forth-
17 with, of the filing of such petition for appeal. And the commis-
18 sioner shall within ten days after the receipt of such notice, file
19 with the clerk of said court the record of such proceedings before
20 the commissioner, including a transcript of the evidence. The
21 court, or any judge thereof, may thereupon decide whether an ap-
22 peal shall be granted or not. If granted, the commissioner and the
23 claimant or the claimant's attorney shall be notified of the fact by
24 mail. If an appeal is granted the case shall be tried by said court
25 in the same manner as other cases before it, save and except that
26 neither the record nor briefs need be printed, and that every such
27 appeal granted prior to thirty days before the beginning of any
28 term shall be on the docket for such term, and such appeals shall
29 have precedence over other cases on such docket. The attorney
30 general, without extra compensation, or other counsel, if the com-
31 missioner sees fit to employ the same, shall represent the
32 commissioner on such appeal. The supreme court on such appeal
33 shall determine the right of the claimant and certify its decision

34 to the commissioner, and, if it determines the right in his favor,
35 the commissioner shall fix his compensation within the limits
36 and under the rules prescribed in this act. The cost of such pro-
37 ceedings, including a reasonable attorney's fee, not exceeding one
38 hundred dollars, to the claimant's attorney, to be fixed by the
39 court, shall be taxed against the unsuccessful party. No fees,
40 expenses or costs shall be paid out of any compensation awarded.

Sec. 44. Such commissioner shall not be bound by the usual
2 common law or statutory rules of evidence, or by any technical or
3 formal rules of procedure, other than herein provided, but may
4 make the investigation in such manner as in his judgment is best
5 calculated to ascertain the substantial rights of the parties and to
6 carry out justly and liberally the spirit of this act.

Sec. 45. The commissioner may make necessary expenditures
2 to obtain statistical and other information to establish the classes
3 provided for in section eighteen.

Sec. 46. Annually on or about the fifteenth day of September
2 in each year, the commissioner under oath, shall make a report as
3 of the thirtieth day of June, to the governor, which shall include
4 a statement of the number of awards made by him, and a general
5 statement of the causes of the accidents leading to the injuries for
6 which the awards were made; a detailed statement of all dis-
7 bursements, and the condition of the fund, together with any
8 other matters which such commissioner deems it proper to call to
9 the attention of the governor, including any recommendations he
10 may have to make, and the commissioner whenever required by
11 the governor shall report to him as to any designated subject or
12 matter, and furnish such information as may be required.

Sec. 48. Whenever it shall appear that the commissioner will be
2 absent or unable to act for one week or more, the secretary of the
3 commissioner may be designated by the commissioner to act dur-
4 ing his absence or inability to act, and during such period he shall
5 have all the duties and powers of the commissioner.

Sec. 49. Any person, firm or corporation, knowingly failing
2 to make any report or perform any duty required by the commis-
3 sioner within the time specified, shall be guilty of a misdemeanor,
4 and upon conviction thereof, shall be punished by a fine of not
5 more than twenty-five hundred dollars. Any person, or firm, or

6 the officer of any corporation, who knowingly makes a false report
7 or statement under oath, or affidavit respecting any information
8 required by the commissioner, or who shall knowingly testify false-
9 ly in any proceeding before the commissioner, shall be deemed
10 guilty of perjury and upon conviction thereof shall be punished
11 as provided by law.

Sec. 51. Whenever there shall be in the state treasury any
2 funds belonging to the workmen's compensation fund not likely,
3 in the opinion of the commissioner, to be required for immediate
4 use, it shall be the duty of the board of public works, when so re-
5 quested by the commissioner to invest the same as prescribed in
6 section twenty hereof. Whenever it may become necessary or ex-
7 pedient to use any of the funds so invested, the board of public
8 works shall, when requested by the commissioner, collect, sell or
9 otherwise realize upon any investment to the amount deemed nec-
10 essary or expedient to use.

Sec. 52. In case any employer within the meaning of this
2 act is also engaged in interstate or foreign commerce, this act shall
3 apply to him, only to the extent that his mutual connection with
4 work in this state is clearly separable and distinguishable from his
5 interstate work, and in such case such employer and any of his em-
6 ployees thus engaged in both intrastate and interstate work, may
7 with the approval of the commissioner elect to pay into the fund
8 the premiums provided by this act on account of work done in this
9 state only, by filing written acceptances, or a joint election with
10 the commissioner, and such election when filed and approved by
11 the commissioner shall subject the acceptors irrevocably to the pro-
12 visions of the act to all intents and purposes as if they had been
13 originally included in its terms. Payments of premiums shall be
14 on the basis of the pay-roll of the employees who accept as
15 aforesaid, for work done in this state only.

Sec. 54. Notwithstanding anything contained in this act,
2 employers subject to this act who are of sufficient financial respon-
3 sibility to insure the payment of compensation to injured em-
4 ployees and the dependents of fatally injured employees, whether
5 in the form of pecuniary compensation or medical attention, fu-
6 neral expenses or otherwise as herein provided, of the value at
7 least equal to the compensation provided in this act, or employers

8 of such financial responsibility who maintain their own benefit
9 funds or systems of compensation, to which their employees are
10 not required or permitted to contribute, or such employers as
11 shall furnish bond or other security to insure such payments,
12 may, upon a finding of such facts by the compensation commis-
13 sioner, elect to pay individually and directly or from such benefit
14 funds, department or association the said compensation and ex-
15 penses to injured employees or fatally injured employees' depend-
16 ents; and the compensation commissioner shall require such se-
17 curity or bond from said employer to be approved by him and of
18 such amount as is by him considered adequate and sufficient to
19 compel or secure to said employees, or their dependents, payment
20 of the compensation and expenses herein provided for, which
21 shall in no event be less than the compensation paid or furnished
22 out of the state workmen's compensation fund in similar cases, to
23 injured employees or the dependents of fatally injured employees
24 whose employers contribute to said fund; and said commissioner
25 shall make and publish rules and regulations governing the mode
26 and manner of making application and the nature and extent of
27 the proof required to justify the finding of facts by said com-
28 missioner, to consider and pass upon such election by employers
29 subject to this act, which said rules and regulations shall be gen-
30 eral in their application; and any employer subject to this act
31 who shall elect to carry his own risk and who has complied with
32 the requirements of this section and the rules of the compensation
33 commissioner, shall not be liable to respond in damages at common
34 law or by statute for the injury or death of any employee, how-
35 ever occurring, after such election and during the period that
36 he is allowed to carry his own risk by said commissioner; *provided*,
37 the injured employee has remained in his service with notice given,
38 as provided for in section twenty-three of this act, that his em-
39 ployer has elected to carry his own risk as herein provided. The
39-a continuation in the service of such employer with such notice
40 shall be deemed a waiver by the employee and by the parents
41 of any minor employee of the right of action, as aforesaid, which
42 the employee or his or her parents would otherwise have.

43 And, *provided, further*, that any employer whose record upon

44 the books of the public service commission or compensation com-
45 missioner, shows a liability against the workmen's compensation
46 fund, incurred on account of injury to or death of any of his em-
47 ployees, in excess of premiums paid by said employer, shall not
48 be granted the right to individually and directly or from such
49 benefit funds, department or association, to compensate his injured
50 employees and the dependents of his fatally injured employees
51 until he has paid into the workmen's compensation fund the
52 amount of said excess of liability over premiums paid, including
53 his proper proportion of the liability incurred on account of ex-
54 plosions of catastrophes occurring within the state and charged
55 against said fund.

56 And, *provided, further*, that in any case under the provisions
57 of this section that shall require the payment of compensation
58 or benefits by an employer in periodical payments, and the nature
59 of the case makes it possible to compute the present value of all
60 future payments, the commissioner may, in his discretion, at any
61 time, compute and permit or require to be paid into the workmen's
62 compensation fund an amount equal to the present value of all
63 unpaid compensation for which liability exists, in trust; and
64 thereupon such employer shall be discharged from any further
65 liability upon such award and payment of the same shall be as-
66 sumed by the workmen's compensation fund.

Sec. 56. All acts and parts of acts, in conflict with this act,
2 are hereby repealed.

CHAPTER 10.

(Senate Bill No. 131.)

AN ACT to create a department of mines; to re-district the state for the purpose of mine inspection; to provide a more efficient system of inspection; to regulate mining conditions; to provide penalties for violations and to amend and re-enact chapter seventy-eight of the acts of one thousand nine hundred and seven, relating to mines.

(Passed February 6, 1915. In effect ninety days from passage. Approved by the Governor February 11, 1915.)

SEC.

1. Department of mines created, to be executive and in charge of official known as "chief of the department of mines;" to have full charge.
2. Present chief to continue in office until December 31, 1917; governor to appoint successor with consent of the senate.
3. Oath of chief of department of mines and bond required; vacancies to be filled for unexpired term.
4. Qualification of chief of department of mines, salary and traveling expenses; how paid.
5. Duty of chief; to keep record of inspection, record to be permanent, indexed and open to the public; authority to visit any mine.
6. Annual report to the governor required, as of year ending June 30; what report shall contain; when to be filed, appropriation for printing.
7. Mining districts and inspectors; fifteen districts to be created, on approval of governor; one inspector authorized for each district; terms of office expire December 31, 1917; term of office of inspectors appointed after December 31, 1917, to be four years.
8. Penalty for violation by chief of any provision of this act.
9. Qualifications and duties of inspectors; term of office; may be removed for cause; salary and expenses, how paid; requirements.
10. Oath of office, and bond required, both to be filed with secretary of state.
11. Duties of district mine inspectors.
12. Written annual report required for year ending June 30; to be filed with chief of the department.
13. Working places in advance of air current; what to be done.
14. Penalty for failure to comply.
15. Mine maps required of operators or agents of coal mines; scale and what shall be shown thereon; certificate of engineer required; form prescribed; penalty for making false statement.
16. In case of failure of operator, etc., to furnish map, mine inspector authorized to have same made at expense of operator.
17. Ventilation required in all mines, shaft, slope or drift; cubic feet of air required and how to be circulated; break-through for air and distance apart; stop-plugs built subject to approval of mine inspector; number to work in same air current; exceptions.
18. Use of petroleum, alcohol or other compound prohibited.
19. Work not permitted unless under certain conditions; exception as to employment of men to make place safe; exceptions.
20. Accumulations of coal dust in mines to be removed and mine

SEC.

- watered; penalty for violations of sections 17, 18, 19, 20.
21. Sound shafts required in shaft mines for signaling and conversation; requirements as to safety catch and cover for cage, and brake for drum; other requirements.
22. Uniform system of checking employees required; penalty for failure.
23. Requirement as to shaft or slope mine and duty of operator as to machinery and persons employed; limit of persons to ride on cage or car.
24. Stretcher required in mine for every ten men employed, with blankets, etc.; penalty for violations of sections 23 and 24.
25. Inspector to have proper facilities for inspection; notice in writing to be given of result of inspection; chief to be notified in certain cases; mine to be closed if found unsafe; remedy of operator in circuit court.
26. Ventilation in all mines liberating explosive gas; requirements.
27. Unused workings must be protected to prevent accumulation and overflow of gas; penalty for violation of sections 26, 27.
28. Use of locked safety lamps required in mines liberating explosive gas; penalty for violations of this section.
29. Ventilation produced by fans, mechanically operated, unless otherwise ordered; how operated; procedure in case of accident; penalty for mine foreman for failure to comply.
30. Duty of operator as to new or additional openings; penalty for failure or refusal to comply.
31. Unlawful for operator, agent or mine owner to employ any person unless two openings, etc., separated by natural strata; dimensions, etc.; this section not to apply as to certain mines; penalty for violations of this section.
32. Child labor; employment of females prohibited; penalties.
33. Employment of boys while school is in session, prohibited, except under certain conditions; no boy under 16 to be employed in hazardous position; penalty for violation of this section.
34. Annual report required as of June 30, to be sent to chief of the department of mines; what report shall contain; change of ownership to be reported; penalty for violations of this sections.
35. Penalty for working in mine in violation of written instructions.
36. Solid shooting; permit and how obtained; penalty for violation of this section.
37. Use of steam locomotive unlawful except under certain conditions; penalty for violations of this section.

SEC.

38. Rules to be adopted for inside and outside working not in conflict with mining laws; to be printed on cardboard in language of ten or more employees, and posted; copy of rules for each employee; penalty for violation of this section.
39. Penalty for refusal to furnish supplies to mine foreman.
40. Penalty for miner, workman or other person for injury to shaft, etc.
41. Right of search for intoxicating drinks, matches or pipes into mines where electric or safety lamps are exclusively used.
42. Intimidation, force, threats, menaces, by person or persons to prevent working in or about mine forbidden; exceptions and penalty for violation of this section.
43. What to be done in case of explosion or other accident; notice goes to chief of the department of mines, to the coroner, or in his absence to any justice of the peace; power of chief in such cases; duty of coroner or justice of the peace; chief or inspector may examine witnesses; a copy of testimony and verdict to be delivered to inspector; penalties for violations of this section.
44. Horse or mule stable inside mine forbidden except in certain cases; requirement as to air current, open lights and feed; penalty for violation of this section.
45. Requirement as to construction of magazines for storing powder and other explosives, and penalty for violation.
46. Power houses to be constructed of non-combustible material when near opening; penalty for violation of this section.
47. Electricity in mines; sections 48, 49, 50, 51 and 52 of this chapter to govern.
48. Protection on haulage roads, landings and partings.
49. Insulation of feed wires.
50. Trolley and positive feed wires to be placed subject to order of department of mines.
51. Power wires and cables in hoisting shafts and how fixed.
52. Electric haulage locomotive not permitted in certain mines.
53. Electric coal cutting machines to be flame-proof and approved by the department of mines; requirement as to person in charge.
54. Precaution in gaseous portion of mine; machine not to be used where gas is found until same is removed.
55. Further precaution to detect fire-damp; machine under control of mine foreman in certain cases.
56. Limit of operation of machine in gaseous portion of mine without examination.

SEC.

57. Duties of machine men; no one permitted to remain near machine when in operation; penalty for violations of sections 53, 54, 55, 56, 57.
58. Fire boss and his duties; to be employed in certain mines; shall hold certificate and be subject to examination as to qualifications.
59. Shall prepare danger signals, red in color; persons prohibited from passing beyond; further duties of fire boss; to remove danger signal in certain cases.
60. Written record after examinations; where to be kept.
61. Fire bosses to have no superior officer; employees working inside subordinate to fire boss.
62. Unlawful to enter mine until signal has been given by fire boss; punishment for violation.
63. Mine foreman and his duties; qualifications and experience; shall take an examination and hold a certificate; assistants authorized in certain cases.
64. Further duties; shall keep watch over ventilation apparatus and always, etc., shall have all water drained or hauled out of working places, and that cross-cuts are made and ventilation preserved; to measure air currents and keep record thereof.
65. Other duties of mine foreman as to slopes, engine planes and haulage roads.
66. System of signals to be provided where hauling is done by machinery.
67. To bore holes in advance of the face and sides of working places in dangerous proximity to abandoned mine.
68. Duty of mine foreman or assistant to instruct persons as to danger in mines.
69. Daily examinations of mines directed; what to do in case of danger.
70. Duty of mine foreman as to mine liberating explosive gas; to post danger signals.
71. Removal of all dangers reported, and what to be done until removed; further examinations to be made at least once each week.
72. Mine foreman to notify in writing operator of conditions, and penalty for failure to comply with provisions of this section.
73. Countersigning fire bosses' report each day by mine foreman required; penalty, failure to comply with sections 67, 68, 69, 70, 71, 72 and 73.
74. Provision for appointment of mine foreman in case of vacancy.
75. Explosives, quantity permitted to be taken in mine.
76. Precautions required by miners before commencing work.
77. Provisions as to props, cap pieces and timbers.
78. Shots prohibited in places known to liberate explosive gas until properly examined.

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| <p>SEC.
79. Not more than one shot to be fired at a time; precautions required.</p> <p>80. But one kind of explosive permitted in same drill hole; further precautions.</p> <p>81. Restrictions as to riding loaded cars; intoxicated persons prohibited from mine or mine buildings.</p> <p>82. Duties of motormen and trip riders, to use care in handling locomotives and cars; penalty for violation of sections 75, 76, 77, 78, 79, 80, 81 and 82.</p> <p>83. Reporting accidents; duty of operator or agent in cases of personal injury or death; to whom report shall be made; penalty for failure to comply with the provisions of this section.</p> | <p>SEC.
84. Bureau of mine research in college of engineering, West Virginia University, established; purposes; to better safeguard lives, to make tests and investigations and to bring about greater efficiency and conservation in mining and mineral industries; to be conducted under rules, etc., prescribed by board of regents.</p> <p>85. Definitional.</p> <p>86. Provisions to apply only to miners employing five or more persons.</p> <p>87. Circuit, criminal, intermediate courts, and justices of the peace have concurrent jurisdiction, with right of appeal.</p> <p>88. Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That chapter seventy-eight, acts one thousand nine hundred and seven, be and is hereby amended and re-enacted so as to read as follows:

Section 1. There is hereby created an executive department 2 to be known as the "department of mines" which shall have for 3 its purpose the supervision of the execution and enforcement of 3-a all state laws pertaining to the inspection of mines, heretofore 4 and hereafter enacted for the safety of persons employed within 5 or at the mines within this state, and the protection of mine 6 property and other property used and in connection therewith; 7 and the said department of mines shall be in charge of an official 8 to be known as the "chief of the department of mines", who shall 9 have full charge of said department, and who shall superintend 10 and direct the inspection of mines as herein provided and as pro- 11 vided by any other state law not in conflict with this act.

Sec. 2. The present chief of the department of mines, pro- 2 vided his appointment be confirmed by the senate, shall continue 3 in office under the title of "chief of the department of mines" 4 until December thirty-first, one thousand nine hundred and seven- 5 teen, or until his successor shall be duly appointed and qualified, 6 unless sooner removed as provided by law; and the governor of 7 the state shall, with the consent of the senate, appoint a chief of 8 the department of mines whose term of office shall begin January 9 first, one thousand nine hundred and eighteen, and shall be for 10 four years, or until his successor shall be duly appointed and 11 qualified; and the governor, with the consent of the senate, shall 12 each four years thereafter appoint a chief of the department of

13 mines for the term of four years or until his successor be ap-
14 pointed and qualified.

Sec. 3. The chief of the department of mines shall, before
2 entering upon the discharge of his duties, take the oath of office pre-
3 scribed by the constitution and shall furnish bond in the sum of
4 two thousand dollars, with security to be approved by the governor,
5 conditioned upon the faithful discharge of his duty, a certificate of
6 which oath and which bond shall be filed in the office of the secre-
7 tary of state. Vacancies in the office of the chief of the depart-
8 ment of mines shall be filled by appointment for the unexpired
9 term.

Sec. 4. The chief of the department of mines shall be a male
2 citizen of West Virginia, and shall be a competent person, having
3 had at least eight years experience in the working, ventilation and
4 drainage of coal mines in this state, and having a practical and
5 scientific knowledge of all noxious and dangerous gases found in
6 such mines. He shall devote all of his time to the duties of his
7 office, and shall not be directly or indirectly interested in a finan-
8 cial way in any coal mine in this state. The salary of the chief of
9 the department of mines shall be three thousand dollars per annum,
10 and traveling expenses, which shall be paid monthly out of the state
11 treasury upon a requisition upon the state auditor, properly cer-
12 tified by the chief of the department of mines.

Sec. 5. The chief of the department of mines shall keep a
2 record of all inspections made by himself and the district mine in-
3 spectors, which shall be a permanent record properly indexed; rec-
4 ords of the department of mines shall, at all times, be open to the
5 inspection of any citizen of this state, and shall be laid before the
6 governor of the state upon his request at any time. The chief of
7 the department of mines shall have authority to visit, enter and
8 examine any mine and may call the assistance of any district mine
9 inspector, or inspectors, to any mine.

Sec. 6. The chief of the department of mines shall annually
2 make a full and complete written report of his proceedings to the
3 governor of the state for the year ending the thirtieth day of June;
4 such report shall include the reports of the district mine inspec-
5 tors, the number of visits and inspections made in the state by the
6 district inspectors, the quantity of coal and coke produced in the
7 state, the number of men employed, number of mines operated,
8 ovens in and out of blast, improvements made, prosecutions, etc.,

9 and such other information in relation to the subject of mines,
10 mining inspections and needed legislation as he may deem of public
11 interest and beneficial to the mining interests of the state; such
12 report shall be filed with the governor on or before the thirty-first
13 day of December next succeeding the year for which it was made,
14 and such report shall be printed upon the requisition of the gover-
15 nor; and, in order that the report shall be annually printed and
16 distributed among the operators, miners and citizens of the state,
17 the sum of fifteen hundred dollars annually, or so much thereof
18 as may be necessary, is hereby appropriated out of the state
19 treasury for this special purpose.

Mining Districts and Inspectors.

Sec. 7. As soon as practicable after this act becomes a law,
2 the chief of the department of mines, by and with the approval
3 of the governor, shall divide the state into fifteen mining dis-
4 tricts, in such manner as to equalize as far as practicable the work
5 of each inspector. The chief of the department of mines shall
6 appoint such an additional number of district mine inspectors,
7 which with those now in office, shall give one inspector for each
8 mining district within the state, whose term of office shall expire
9 the thirty-first day of December, one thousand nine hundred and
10 seventeen, unless sooner removed as provided by law; and he shall
11 direct and prescribe in which of the said districts each of the said
12 inspectors shall serve. After December thirty-first, one thousand
13 nine hundred and seventeen, appointments of all inspectors shall
14 be for a term of four years, except those appointments made to
15 fill out unexpired terms.

Sec. 8. Any chief of the department of mines who shall vio-
2 late any of the provisions of this act shall, upon conviction, be fined
3 not less than twenty-five dollars nor more than two hundred dol-
4 lars, and may, in the discretion of the court, be imprisoned in the
5 county jail not exceeding one year.

Qualifications and Duties of Inspectors.

Sec. 9. Every person appointed to the office of district mine
2 inspector shall be a citizen of West Virginia, having a practical
3 knowledge of mining and the proper ventilation and drainage of
4 mines, and a knowledge of the gases met with in coal mines, and
5 must be a miner of at least six years experience in coal mines,

6 or having otherwise been engaged as an employee for six years
7 within coal mines, and he shall not while in office be interested
8 as owner, operator, stockholder, superintendent, or engineer of
9 any coal mine, and he shall be of good moral character and
10 temperate habits. His term of office shall expire on December
11 thirty-first, one thousand nine hundred and seventeen, or when his
12 successor is appointed and qualified, unless sooner removed as
13 provided by law. An inspector of mines shall be removed from
14 office by the chief of the department of mines for incompetency,
15 neglect of duty, drunkenness, malfeasance, or for other good
16 cause. The salary of each district mine inspector shall be two
17 thousand one hundred dollars per annum, and actual traveling
18 expenses; such salary and expenses shall be paid monthly
19 out of the state treasury upon approval of the chief of the depart-
20 ment of mines; *provided*, that before payment of such expense
21 shall be made to the inspector he shall file an account of such
22 expense, verified by his affidavit, showing that they accrued in
23 the discharge of his official duties.

Oath of Office.

Sec. 10. The district mine inspector shall, before entering
2 upon the discharge of his duties, take the oath of office prescribed
3 by the constitution and shall furnish bond in the sum of two
4 thousand dollars, with security to be approved by the governor,
5 conditioned upon the faithful discharge of his duty, a certificate
6 of which oath and which bond shall be filed in the office of the
7 secretary of state. Vacancies in the office of district mine in-
8 spector shall be filled by appointment for the unexpired term.

Duties.

Sec. 11. Each of the district mine inspectors shall report,
2 in writing, weekly to the chief of the department of mines, the
3 number and condition of all mines inspected by him during each
4 week and shall deliver to the operator, or operators, of each mine
5 inspected a certificate of inspection, and shall post a duplicate
6 certificate at a prominent place of the operating company where
7 it may be conveniently read by any of the mine employees; said
8 duplicate certificate shall remain posted until a subsequent cer-
9 tificate is issued by the district mine inspector. He shall visit
10 each mine in his district at least once in every three months, or

11 oftener if called upon in writing by ten men engaged in any one
12 mine, or the owner, operator or superintendent of such mine, and
13 make a personal examination of each working place and also
14 abandoned parts of the mine where gas is liberated, and out-
15 side of the mine where any danger may exist to the workmen,
16 in their respective districts, and shall particularly examine in-
17 to the condition of the mines as to ventilation, drainage and
18 general safety and shall make a report of such examination, and
19 he shall see that all the provisions of the mining statutes are
20 strictly carried out, and it shall be unlawful for any district mine
21 inspector to appoint any deputy or other person to do and per-
22 form any work required of such inspector.

Written Report.

Sec. 12. Each district mine inspector shall for each year
2 ending the thirtieth day of June, make a written report to the
3 chief of the department of mines of his proceedings, stating there-
4 in the number of mines in his district, the improvements made
5 in and at the mines, the extent to which the mining statutes are
6 obeyed and violated, and such other information in relation to
7 mines and mining as he may deem of public interest, or as may be
8 required of him by the chief of the department of mines; he shall
9 also suggest or recommend such legislation on the subject of min-
10 ing as he may think necessary; such report shall be filed with the
11 chief of the department of mines on or before the thirtieth day
12 of September next succeeding the year for which it was made.

Working Places in Advance of Air Current.

Sec. 13. Should the mine inspector, discover any room,
2 entry, airway, or other working places, being driven in advance of
3 the air currents contrary to the requirements of the mining
4 statutes, he shall order the workmen in such places to cease work
5 at once until the law is complied with.

Penalty.

Sec. 14. Any mine inspector failing to comply with the re-
2 quirements of this act shall be guilty of a misdemeanor, and up-
3 on conviction thereof, shall be fined not less than one hundred
4 dollars nor more than five hundred dollars and be dismissed from
5 office.

Mine Maps.

Sec. 15. The operator, or agent, of every coal mine shall make,
 2 or cause to be made, an accurate map or plan of such mine, on a
 3 scale to be stated thereon, of one hundred, two hundred or three
 4 hundred feet to the inch; such map or plan shall show the open-
 5 ings or excavations, the shafts, slopes, entries, airways, with darts
 6 or arrows showing direction of air currents, headings, rooms,
 7 pillars, etc., and such portions of such mine or mines as may
 8 have been abandoned, the general inclination of the coal strata,
 9 and so much of the property lines and the outcrop of the coal
 10 seam of the tract of land on which said mine is located, as may
 11 be within one thousand feet of any part of the workings of such
 12 mine; a true copy of such map or plan shall be delivered by such
 13 operator to the inspector of his district, to be preserved among
 14 the records of his office and turned over to his successor in office;
 15 but it is provided that in no case shall any copy of the same be
 16 made without the consent of the operator or his agent; and the
 17 original map, or a true copy thereof, shall be kept by such opera-
 18 tor at the office of the mine, and open at all reasonable times
 19 for the examination and use of the inspector, and such operator
 20 shall, twice within every twelve months, while the mine is in
 21 operation, cause such mine to be surveyed and the map thereof
 22 extended so as to accurately show the progress of the workings,
 23 the property lines, and outcrops, as above provided.

24 The map, or maps, required by this section shall have the
 25 certificate of the engineer making same, acknowledged thereon
 26 before a notary public, or justice of the peace, in the following
 27 form:

27-a I, the undersigned, hereby certify that this map is correct
 27-b and shows all the information, to the best of my knowledge and
 28 belief, required by the mining laws of this state, and covers the
 29 period ending

30
 31 Engineer.

32 Acknowledged before me a, this ..day of
 33

34 Any engineer who shall knowingly make any such map which
 35 does not correctly show the data required in this section or know-
 36 ingly makes any false statement in connection therewith, shall be

37 deemed guilty of a misdemeanor and upon conviction shall be
38 fined not less than fifty dollars nor more than two hundred dollars.

Sec. 16. If the operator, or agent, of any coal mine shall
2 neglect or fail to furnish to the mine inspector of his district, any
3 copy of map, or extension thereof, as provided in the preceding sec-
4 tion of this act, the mine inspector is hereby authorized to cause a
5 correct survey and map, or plan, of said coal mine, or the extension
6 thereof, to be made at the expense of the operator of such mine,
7 the cost of which shall be recoverable from said operator as other
8 debts are recoverable by law; and if at any time the chief of the
9 department of mines has reason to believe that such map, or plan,
10 or extension thereof, furnished in pursuance of the preceding sec-
11 tion be materially incorrect, such as will not serve the purpose for
12 which it was intended, he may have the survey and map, or plan, or
13 the extension thereof, made, or corrected, and the expense of
14 making such survey and map, or plan, or extension thereof, under
15 the direction of said chief of the department of mines, shall be
16 paid by the operator, and the same may be collected as other debts
17 are recoverable by law; and if found correct, the expense thereof
18 to be paid by the state.

Sec. 17. The operator, agent or mine foreman of every coal
2 mine, whether worked by shaft, slope or drift, shall provide and
3 hereafter maintain for every such mine ample means of ven-
4 tilation, affording no less than one hundred cubic feet of air per
5 minute for each and every person employed in such mine, and
6 as much more as the district mine inspector may require, which
7 shall be circulated around the main headings and cross-headings
8 and working places, to an extent that will dilute, render harmless
9 and carry off, the noxious and dangerous gases liberated therein;
10 and as the working places shall advance, break-throughs for air
11 shall be made, not to exceed eighty feet apart, in pillars, or brat-
12 tice, shall be used so as to properly ventilate the face, and all the
13 break-throughs between the intake and return airways not re-
14 quired for the passage of air shall be closed with stoppings sub-
15 stantially built with suitable material, which shall be approved
16 by the district mine inspector, so as to keep the working places
17 well ventilated. Not more than sixty persons shall be permitted
18 to work in the same air current; *provided*, that a larger number,
19 not exceeding eighty persons, may be allowed by the district mine

20 inspector where, in his judgment, it is impracticable to comply
21 with the foregoing requirement.

Sec. 18. No product of petroleum, or alcohol, or any com-
2 pound that in the opinion of the inspector will contaminate the
3 air to such an extent as to be injurious to the health of the miner
4 shall be used as motive power in any mine.

Sec. 19. No operator, agent or mine foreman, shall permit
2 any persons to work where they are unable to maintain at least
3 one hundred cubic feet of air per minute; but this shall not be
4 construed to prohibit the operator from employing men to make
5 the place of employment safe and to comply with this require-
6 ment; *provided further*, that while the repair work necessary to
7 get the mine in condition to comply with the law is in progress,
8 no person or persons shall be permitted to enter that part of the
9 mine affected except those actually employed in doing the neces-
10 sary repair work.

Sec. 20. In all mines accumulations of fine dry coal dust
2 shall, as far as practicable, be removed from the mine and all dry
3 and dusty sections kept thoroughly watered down at all times.

4 For violations of the foregoing provisions of sections seven-
5 teen, eighteen, nineteen, and twenty, the operator, agent or mine
6 foreman shall, upon conviction, be fined not less than fifty nor
7 more than five hundred dollars, or be imprisoned in the county
8 jail not less than ten nor more than ninety days, in the discre-
9 tion of the court.

Sec. 21. The operator, or agent, of every coal mine worked
2 by shaft shall forthwith provide, and hereafter maintain, a metal
3 tube from the top to the bottom of such shaft suitably adapted to
4 the free passage of sound through which conversation may be held
5 between persons at the top and at the bottom of the shaft; also
6 the ordinary means of signaling, and an approved safety catch,
7 and a sufficient cover overhead on every cage used for lowering or
8 hoisting persons, and at the top of the shaft an approved safety
9 gate, and an adequate brake on the drum of every machine used
10 to lower or hoist persons in such shaft; and the said operator or
11 agent shall have the machinery used for lowering or hoisting per-
12 sons into or out of the mine kept in safe condition, and inspected
13 once in each twenty-four hours by some competent person; and
14 there shall be cut out or around the side of hoisting shaft or
15 driven through the solid strata at the bottom thereof a traveling

16 way of not less than five feet high and three feet wide to enable a
17 person to pass the shaft in going from one side of it to the other
18 without passing over or under the cage or other hoisting appara-
19 tus.

Sec. 22. The operator or agent of every shaft mine shall in-
2 stall a uniform system of checking the employees in and out of
3 the mine, whereby each employee upon entering the mine shall be
4 given a check by which he shall be identified, and which check
5 shall be placed in its proper place on the check board by the em-
6 ployee when leaving the mine.

7 Any operator, agent or employee who shall fail or refuse to
8 comply with any of the requirements of sections twenty-one and
9 twenty-two shall be guilty of a misdemeanor, and upon conviction
10 shall be fined not less than fifty nor more than five hundred dol-
11 lars; or be imprisoned in the county jail not less than thirty days
12 nor more than one year, in the discretion of the court.

Sec. 23. No operator or agent of any coal mine, worked by
2 shaft, slope or incline shall place in charge of any engine or drum
3 used for lowering or hoisting any persons employed in such mine
4 any but competent and sober engineers or drum runners; and no
5 engineer in charge of such machinery shall allow any person ex-
6 cept such as may be deputed for this purpose, by the operator or
7 agent, to interfere with any part of the machinery; and no per-
8 son shall interfere with or intimidate the engineer or drum run-
9 ner in the discharge of his duties; and in no case shall more than
10 ten persons ride on any cage or car at one time, and no person
11 shall ride on a loaded cage or car in any shaft or slope or on any
12 incline.

Sec. 24. At every mine where ten men are employed un-
2 derground, it shall be the duty of the operator thereof to keep
3 always on hand at the mine a properly constructed stretcher, a
4 woolen and water proof blanket, and all necessary requisites which
5 may be advised by the medical practitioner employed by the com-
6 pany, and if as many as one hundred and fifty men be employed,
7 two stretchers with the necessary equipments as above advised.

8 For violation of the foregoing provisions of sections twenty-
9 three and twenty-four, the operator or agent or miner, shall, upon
10 conviction be fined not less than fifty nor more than three hun-
11 dred dollars, or be imprisoned in the county jail not less than
12 ten nor more than ninety days, in the discretion of the court.

Sec. 25. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not in respect to appliances for the safety of the persons employed therein, conform to the provisions of this act, or that by reason of any defect or practice in or at such mine the lives or health of persons employed therein, are endangered, he shall immediately, in writing, notify such operator or agent thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous and if he deems it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to the said operator or agent, in writing, notify immediately the chief of the department of mines, who shall immediately examine the mine reported to be unsafe.

If upon such examination the mine reported to be unsafe is in fact found to be in an unsafe condition the chief of the department of mines shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations; the owner or operator of any mine so closed may apply to the circuit court wherein such mine is located, or the judge thereof, in vacation, by petition for an order directing said mine to be reopened, and such court, or the judge thereof in vacation, shall immediately hear and determine the matters arising upon such petition, and if upon full hearing thereof the court, or the judge thereof in vacation, shall find that said mine is in a reasonably safe condition, the prayer of said petition shall be granted; but notice of said hearing shall be given to the district mine inspector or the chief of the department of mines three days at the least before said hearing; and in all such hearings the attorney general shall appear for the state and defend the same.

Ventilation.

Sec. 26. In all mines liberating explosive gas, and where there is any reason to believe that gas will be encountered in the future workings and developments of the mine, the minimum ventilation shall be one hundred and fifty cubic feet per minute, for each and every person employed therein, and as much more as one or more of the district mine inspectors may deem requisite; and all stoppings on the main entries shall be substantially built

8 of masonry, concrete or other incombustible material, which shall
9 be approved by the district mine inspector, so as to keep the work-
10 ing places well ventilated; doors on main haulways shall be avoid-
11 ed in gaseous mines where practicable, and overcasts built of ma-
12 sonry, or other incombustible material, and of ample strength
13 shall be adopted, and where doors are used they must be built in
14 a substantial manner, and hung so as to close automatically when
15 unobstructed.

Sec. 27. All unused workings and abandoned parts of the
2 mines must be protected by such safeguards as will prevent so far
3 as practicable the accumulation or overflow of gas therein, and all
4 avenues leading thereto shall be so arranged and conducted so
5 as to give cautionary notice to all persons of the danger in entering
6 therein; and in order to secure the safety of the workmen in gen-
7 eral against the danger in said unused or abandoned sections of
8 the mine, notice shall be posted warning all persons not to enter
9 such parts of said mine, except persons authorized to make exami-
10 nation of the above section, and it shall be unlawful for any per-
11 son, except as aforesaid, to enter such parts of said mine.

12 Any operator, agent or mine foreman violating the forego-
13 ing provisions of sections twenty-six and twenty-seven shall, upon
14 conviction, be fined not less than fifty nor more than two hundred
15 dollars, or be imprisoned in the county jail not less than thirty
16 nor more than ninety days, in the discretion of the court.

Sec. 28. Mines, which in the opinion of the department of
2 mines, liberate explosive gas in dangerous quantities from the coal
3 or adjacent strata shall be worked exclusively by the use of locked
4 safety lamps, or approved electric lamps, and no open lamp or
5 torch shall be used except as may be permitted in writing by the
6 district mine inspector; the safety lamps used for examining any
7 mine or which may be used for working therein, shall be furnished
8 by, and be the property of, the operator of the mine, and shall be
9 in charge of some person to be designated by the "fire boss",
10 and at least two safety lamps shall be kept at every coal mine
11 whether such mine liberates fire damp or not.

12 Any operator, agent or other person who shall fail or refuse
13 to comply with the requirements of this section shall be guilty of
14 a misdemeanor and upon conviction shall be fined not less than
15 fifty nor more than five hundred dollars, or be imprisoned in the

16 county jail not less than thirty days nor more than one year, in
17 the discretion of the court.

Sec. 29. The ventilation of all mines shall be produced by
2 means of fans, mechanically operated, unless otherwise ordered by
3 the chief of the department of mines. The fan (or fans) shall be
4 kept in operation night and day, unless written permission be
5 granted by the chief of the department of mines, or the district
6 inspector in whose district the mine is located. In case of acci-
7 dent to a ventilating fan or its machinery, whereby the ventila-
8 tion of the mine would be seriously interrupted, the mine fore-
9 man shall order the men to withdraw immediately from the mine,
10 and he shall not allow them to return to their work until the ven-
11 tilation has been restored, and the mine has been thoroughly ex-
12 amined by him, or by an assistant mine foreman or fire boss, and
13 reported safe.

14 Any mine foreman who shall fail or refuse to comply with
15 the requirements of this section, shall be guilty of a misdemeanor
16 and upon conviction shall be fined not less than fifty nor more
17 than two hundred dollars, or be imprisoned in the county jail not
18 less than thirty days nor more than one year, in the discretion of
19 the court.

Sec. 30. Any operator, or agent of a coal mine before making
2 any new or additional openings, shall submit to the chief of the
3 department of mines, for his information and approval, a plan
4 showing the proposed system of ventilation and equipment of the
5 openings with their location and relative positions to adjacent de-
6 velopments; and no such new or additional openings shall be made
7 until approved by the chief of the department of mines.

8 Any operator, agent or other person who shall fail, or refuse
9 to comply with the requirements of this section, shall be guilty
10 of a misdemeanor, and upon conviction, shall be fined not less
11 than fifty nor more than five hundred dollars, or be imprisoned in
12 the county jail not less than sixty days nor more than one year,
13 in the discretion of the court.

Sec. 31. It shall be unlawful for the operator, agent or mine
2 foreman of any coal mine, to employ any person to work in said
3 mine, or permit any persons to be in said mine for the purpose of
4 working therein, unless they are in communication with at least
5 two openings, or outlets, to each seam, separated by natural strata,
6 such openings to be not less than three hundred feet apart, if the

7 mine be worked by shaft, and not less than fifty feet apart at the
8 outlets, if worked by slope or drift; but this requirement of a dis-
9 tance of three hundred feet between openings or outlets to shaft
10 mines, shall not apply where such openings, or outlets, have been
11 made prior to the passage of this act. To each of said outlets there
12 shall be provided from the interior of the mine, a safe and avail-
13 able roadway properly drained, which shall at all times, while the
14 mine is in operation, be kept free from all obstructions that might
15 prevent travel thereon in case of an emergency, and if either of
16 said outlets be by shaft, it shall be fitted with safe and available
17 appliances, such as stairs or hoisting machinery, which shall at all
18 times, when the mine is in operation, be kept in order and ready
19 for immediate use, whereby persons employed in the mine may
20 readily escape in case of an accident, and in addition to the regu-
21 lar hoisting machinery every shaft used for lowering or hoisting
22 men shall be provided with a complete emergency windlass, or
23 other hoisting device of ample strength for hoisting men from the
24 mine, the same to be approved by the department of mines.

25 This section shall not apply to any mine while work is being
26 prosecuted with reasonable diligence in making communication
27 between said outlets, necessary repairs and removing obstructions,
28 so long as not more than twenty persons are employed at any one
29 time in said mine; neither shall it apply to any mine, or part of
30 a mine, in which a second outlet has been rendered unavailable by
31 reason of the final robbing of pillars, preparatory to abandonment,
32 so long as not more than twenty persons are employed therein at
33 any one time; but before said limited number of men are so per-
34 mitted to work, approval of the necessity therefor shall first be ob-
35 tained from the department of mines, by the operator.

36 For violation of this section the operator, agent, or mine fore-
37 man, shall, upon conviction, be fined not less than fifty nor more
38 than five hundred dollars, or be imprisoned in the county jail not
39 less than ten nor more than ninety days, in the discretion of the
40 court.

Child Labor; Employment of Females Prohibited.

Sec. 32. No boy under fourteen years of age, nor female per-
2 sons of any age, shall be permitted to work in any coal mine.
3 Whenever any boy is so employed the parent or guardian of such
4 boy shall make affidavit that his age is fourteen years or more,

5 which affidavit shall be immediately filed with the employer, in
6 duplicate, one of which said affidavits, in duplicate, shall be im-
7 mediately filed with the district inspector of the district in which
8 the mine is located, which affidavit shall as to the employer, be
9 conclusive as to the age of such boy. Any operator, agent or mine
10 foreman who shall knowingly violate the provisions of this sec-
11 tion, or any person knowingly making a false statement as to the
12 age of any boy under fourteen years of age, applying for work
13 in any coal mine, shall, upon conviction, be fined not less than ten
14 nor more than one hundred dollars, or be imprisoned in the coun-
15 ty jail not less than ten nor more than ninety days, in the discre-
16 tion of the court.

Employment of Boys While School is in Session.

Sec. 33. It shall be unlawful for any person, operator, agent
2 or mine foreman, to employ or permit any boy between the ages
3 of fourteen and sixteen years, to work in or about a coal mine at
4 any time in which a free school is in session in the school district
5 where said boy resides. Before any person, operator, agent or
6 mine foreman, employs or permits any boy to work in or about
7 a coal mine at any time in which a free school is in session in the
8 school district where said boy resides, he shall require from the
9 parent or guardian of such boy, affidavits in duplicate, that such
10 boy has, at the time of his employment or permission to work,
11 reached the age of sixteen years. A duplicate of said affidavit,
12 or affidavits, shall be immediately forwarded to the district in-
13 spector of the district in which the mine is located. No boy under
13-a the age of sixteen shall be employed or permitted to work in or
14 about any coal mine, at any time in a position which, in the opin-
15 ion of the district inspector, is hazardous. Any person violating
16 the provisions of this section, or making any false statement in
17 the affidavit required herein, shall be guilty of a misdemeanor
18 and upon conviction, fined not less than twenty-five dollars nor
19 more than one hundred dollars, or be imprisoned in the county
20 jail not more than thirty days, in the discretion of the court.

Sec. 34. The operator or agent of every coal mine shall an-
2 nually, during the month of July, mail or deliver to the chief of
3 the department of mines, a report for the preceding twelve months,
4 ending with the thirtieth day of June; such report shall state the
5 names of the operators and officers of the mine, the quantity of

6 coal mined and such other information, not of a private nature,
7 as may from time to time be required by the chief of the depart-
8 ment of mines; blank forms of such reports shall be furnished by
9 the chief of the department of mines. At any time any person,
10 company or corporation operating a coal mine shall transfer the
11 ownership of any mine to another person, company or corporation,
12 the person, company or corporation, transferring such ownership
13 shall, within thirty days make a report to the chief of the depart-
14 ment of mines of such change, and a statement of the tons of coal
15 produced since the first of July last, previous to the date of such
16 sale or transfer of such mine or mines; any operator or agent
17 failing to furnish the reports as required in this section shall be
18 guilty of a misdemeanor, and upon conviction, shall be fined not
19 less than fifty nor more than five hundred dollars, or be impris-
20 oned in the county jail not less than thirty nor more than ninety
21 days, in the discretion of the court.

Sec. 35. Any operator, agent, superintendent, or mine fore-
2 man having in charge any mine, who shall knowingly permit any
3 person to work in any part of a mine in violation of written in-
4 structions issued by the mine inspector, made in compliance with
5 the requirements of this act, shall, upon conviction, be fined not
6 less than fifty nor more than one hundred dollars for each person
7 permitted to work in violation of such instructions, and any em-
8 ployees who shall work in violation of such instructions shall, upon
9 conviction, be fined not less than ten nor more than fifty dollars.

Sec. 36. In any mine in which solid shooting is done the
2 district mine inspector is authorized to prescribe the condition
3 under which such solid shooting may be done; any operator, or
4 mine foreman, who causes or permits any solid shooting to be
5 done therein without having first obtained a written permit from
6 the district inspector, or any miner therein who shoots coal from
7 the solid without first having obtained permission so to do from
8 the operator or mine foreman, shall be guilty of a misdemeanor
9 and upon conviction shall be fined not less than ten nor more
10 than fifty dollars, or be imprisoned in the county jail not less
11 than thirty nor more than ninety days, in the discretion of the
12 court.

Sec. 37. No steam locomotive shall be used in mines where
2 men are actually employed in the extraction of coal, except by the

3 consent of the district mine inspector, but this shall not be con-
4 strued to prohibit any mine owner from operating a steam loco-
5 motive through any tunnel, haulway or part of a mine that is
6 not in actual operation and furnishing coal; any operator or agent
7 who violates this section shall be guilty of a misdemeanor and
8 upon conviction shall be fined not less than fifty nor more than
9 five hundred dollars, or be imprisoned in the county jail not less
10 than thirty nor more than ninety days, in the discretion of the
11 court.

Sec. 38. There shall be adopted by the operator of every
2 mine in this state special rules for the government and operation
3 of his mine or mines, covering all the work pertaining thereto in
4 and outside of the same, which, however, shall not be in conflict
5 with the provisions of the mining laws of this state. Such rules
6 when established shall be printed on cardboard, in the languages
7 spoken by ten or more employees, and shall be posted up in the
8 drum house, tippie or some other conspicuous place about the
9 mines where the same may be seen and observed by all the em-
10 ployees at such mines, and when said rules are so posted the same
11 shall operate as a notice to all employees at such mine of their
12 acceptance of the contents thereof; and it shall be the duty of
13 each mine operator to furnish a printed copy of said rules to
14 each of his employees when requested by either or any of them.
15 Any operator or agent who violates the provisions of this section
16 shall be guilty of a misdemeanor, and, upon conviction, shall be
17 fined not less than fifty nor more than five hundred dollars, or
18 be imprisoned in the county jail not less than thirty nor more than
19 ninety days, in the discretion of the court.

Sec. 39. If any operator of a mine shall in any manner
2 refuse to furnish all supplies necessary for the mine foreman to
3 comply with the requirements of this act, after being requested
4 so to do in writing by the mine foreman, he shall be guilty of a
5 misdemeanor, and upon conviction thereof, shall be fined not
6 less than fifty nor more than two hundred dollars, or imprisoned
7 in the county jail not less than thirty nor more than ninety days,
8 in the discretion of the court.

Sec. 40. No miner, workman or other persons, shall know-
2 ingly injure any shaft, lamp, instrument, air course, or brattice,
3 or obstruct or throw open airways or carry matches or open lights

4 in the places worked by safety lamps or disturb any part of the
5 machinery or appliances, open a door used for directing ventila-
6 tion and not close it again, or enter any part of a mine against
7 caution, or disobey any order given in carrying out any of the
8 provisions of this act, or do any other act whereby the life or
9 health of any person employed in the mine or the security of
10 the mine is endangered. Any person who shall violate the pro-
11 visions of this section shall, upon conviction, be fined not less than
12 ten nor more than five hundred dollars, or be imprisoned in the
13 county jail not less than ten nor more than ninety days, in the
14 discretion of the court.

Right of Search.

Sec. 41. The operator, mine foreman, assistant mine fore-
2 man or district inspector may search or cause to be searched any
3 miner or other employee, including mine officials, or any other
4 person, if he has reason to believe that intoxicating drinks, matches
5 or pipes are being carried into the mine where electric or safety
6 lamps are exclusively used.

Sec. 42. Nor shall any person or persons or combination of
2 persons, by force, threats, menaces, or intimidation of any kind,
3 prevent or attempt to prevent from working in or about any mine,
4 any person or persons who have the lawful right to work in or
5 about the same, and who desire so to work; but this provision
6 shall not be so construed as to prevent any two or more persons
7 from associating together under the name of knights of labor, or
8 any other name they may desire, for any lawful purpose, or for
9 using moral suasion or lawful argument to induce any one not
10 to work in and about any mine. Any person or persons who shall
11 violate the provisions of this section shall, upon conviction, be
12 fined not less than fifty nor more than five hundred dollars, or be
13 imprisoned in the county jail not less than ten days nor more
14 than ninety days, in the discretion of the court.

Sec. 43. Whenever by reason of any explosion or other ac-
2 cident in any coal mine, or the machinery connected therewith,
3 loss of life or serious personal injury shall occur, it shall be the
4 duty of the superintendent of the colliery, and in his absence, the
5 mine foreman in charge of the mine, to give notice forthwith,
6 by mail or otherwise, to the chief of the department and the in-

7 spector of the district, stating the particulars of such accident;
8 and if any one is killed thereby, to the coroner of the county also,
9 or in his absence or inability to act, to any justice of the peace;
10 and the said inspector shall, if he deems it necessary from the
11 facts reported, immediately go to the scene of such accident and
12 make such suggestions and render such assistance as he may deem
13 necessary for the future safety of the men and investigate the
14 cause of such explosion or accident, and make a record thereof
15 which he shall preserve with the other records of his office; and
16 to enable him to make such investigation, he shall have the power
17 to compel the attendance of witnesses, and to administer oaths or
18 affirmations; and the costs of such investigation shall be paid by
19 the county in which such accident occurred, in the same manner
20 as the costs of the coroner's inquest are now paid. If the coroner
21 or justice shall determine to hold an inquest upon the body of any
22 person killed, as aforesaid, he shall impanel a jury, no one of
23 whom shall be directly or indirectly interested.

24 The chief of the department of mines, or the district in-
25 spector, if present at such inquest, shall have the right to appear
26 and testify and to offer any testimony that may be relevant and
27 to question and cross-question any witness; and the coroner or
28 justice shall deliver to the inspector a copy of the testimony and
29 verdict of the jury.

30 Any operator, agent, superintendent, or mine foreman who
31 shall fail to perform the duty provided in this section, shall upon
32 conviction, be guilty of a misdemeanor, and shall be fined not less
33 than ten nor more than five hundred dollars, or be imprisoned
34 in the county jail not less than ten nor more than ninety days,
35 in the discretion of the court.

Sec. 44. No operator, agent or mine foreman shall provide a
2 horse or mule stable inside of any mine unless space for stable is
3 excavated in solid strata of rock, slate or coal. If excavated in
4 the coal seam, the wall shall be built of brick, stone or concrete,
5 not less than four inches in thickness, or steel plates, and the
6 said wall shall be built from the bottom slate to the roof. No
7 wood or other combustible material shall be used in the con-
8 struction of the inside of said stable. The air current used for
9 the ventilation of the said stable shall not be intermixed with
10 the air current used for ventilating any other portion of the mine,

11 but shall be conveyed directly to the return air-current. No
12 open lights shall be permitted in any stable in any mine. No
13 hay or straw shall be taken into any mine, unless pressed or made
14 up in compact bales, which shall be kept in a storehouse, built
15 apart from the stable, constructed in the same manner as the
16 stable. Under no circumstances shall hay be stored in the stable.
17 All refuse and waste shall be removed from the stable and shall
18 not be allowed to accumulate in the mine.

19 Any operator, agent or person who shall fail or refuse to com-
20 ply with the requirements of this section, after six months from
21 the date upon which this act becomes effective, shall be guilty
22 of a misdemeanor, and, upon conviction, shall be fined not less
23 than fifty nor more than three hundred dollars, or be imprisoned
24 in the county jail not less than thirty days nor more than one
25 year, in the discretion of the court.

Sec. 45. Within six months after this act becomes a law all
2 magazines used for storing powder or other explosives in quanti-
3 ties greater than an estimated daily supply, shall be constructed
4 of non-combustible material and located not less than three hun-
5 dred feet from any mine opening or buildings used or occupied
6 by any person, or persons; buildings in which the ventilating fan
7 is enclosed shall be constructed of non-combustible material; or
8 otherwise protected from damage by fire, by such safeguards as
9 may be approved by the department of mines.

10 A violation of this section shall be a misdemeanor and sub-
11 ject the offender to a fine of not less than one hundred dollars,
12 and each month's failure to comply with this section shall be a
13 separate offense.

Sec. 46. After the passage of this act, power houses and all
2 other buildings erected at or near any opening of a mine, shall
3 be constructed of non-combustible material, to be approved by the
4 department of mines.

5 Any operator, or agent who fails to comply with this section
6 shall, upon conviction, be fined not less than three hundred nor
7 more than five hundred dollars.

Electricity in Mines.

Sec. 47. The operator, agent or mine foreman of any coal
2 mine in which electricity is used as means of power, shall, within
3 six months after the passage of this act, comply with the provisions

4 of the following sections, forty-eight, forty-nine, fifty, fifty-one and
5 fifty-two.

Sec. 48. On all haulage roads, landings and partings, where
2 men are required to regularly work or pass under trolley or other
3 bare power wires which are placed less than six and one-half feet
4 above top of rail, a suitable protection shall be provided. This pro-
5 tection shall consist of channeling the roof, placing boards along the
6 wire, which shall extend below it, or the use of other approved
7 devices that afford protection.

Sec. 49. All machine feed wires shall be placed on glass or
2 porcelain insulators, which shall be so placed as to prevent the
3 wires coming in contact with the coal. When machine or feed
4 wires are carried in same entry as trolley wire, they shall be placed
5 on the same side as the trolley wire, between trolley wire and rib
6 and protected so far as practicable from contact therewith, and
7 positive feed wires crossing places where persons or animals are
8 required to travel, shall be safely guarded or protected from such
9 persons or animals coming in contact therewith, as provided in
10 the preceding section.

Sec. 50. All trolley and positive feed wires shall be placed
2 on opposite sides of track from refuge holes or necks of rooms,
3 when so ordered by the department of mines, and wires may be
4 placed across the necks of rooms when protected as provided for
5 in section forty-eight. Switches or circuit-breakers shall be pro-
6 vided to control the current at the mine, and all important sections
7 in the mine.

Sec. 51. All power wires and cables in hoisting shafts or
2 manway compartments shall be properly insulated, substantially
3 fixed and well protected.

Sec. 52. Electric haulage by locomotives operated from a
2 trolley wire is not permissible in any mines worked by safety or
3 approved electric lamps, except upon the intake airway, fresh from
4 the outside.

5 For the violation of the foregoing provisions of section forty-
6 seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two the
7 operator, agent or mine foreman, shall, upon conviction, be fined
8 not less than fifty nor more than three hundred dollars, or be
9 imprisoned in the county jail not less than thirty nor more than
10 ninety days, in the discretion of the court.

Electric Coal-Cutting Machines.

Sec. 53. Within six months after this act becomes a law all
2 electric coal-cutting machines used in gaseous portions of the
3 mines shall be flame proof, and be approved by the department of
4 mines. No man shall be placed in charge of a coal-cutting ma-
5 chine in any gaseous portion of a mine who is not a competent
6 person, capable of determining the safety of the roof and the sides
7 of the working places and detecting the presence of explosive gas.

Sec. 54. In any gaseous portion of a mine, a coal-cutting
2 machine shall not be brought within the last break-through next the
3 working face, until the machine man shall have made an inspec-
4 tion for gas in the place where the machine is to work, unless
5 such examination is then made by some other competent person
6 authorized or appointed for that purpose by the mine foreman.
7 If any explosive gas is found in the place, the machine shall not
8 be taken in until the gas is removed.

Sec. 55. In working places where gas is likely to be encoun-
2 tered, a safety lamp, or other suitable apparatus for the detection
3 of fire-damp, shall be provided for use with each machine when
4 working, and should any indication of fire-damp appear on the
5 flame of the safety lamp, or other apparatus used for the detec-
6 tion of fire-damp, the person in charge shall immediately stop the
7 machine, cut off the current at the nearest switch, and report the
8 matter to the mine foreman, or fire boss, and the machine shall
9 not again be started in such place until the mine foreman, fire
10 boss, or a person duly authorized by either has examined it and
11 pronounced it safe.

Sec. 56. No coal-cutting machine shall be continued in oper-
2 ation in a gaseous portion of a mine for a longer period than half
3 an hour without an examination as above described being made
4 for gas, and, if gas is found, the current shall at once be switched
5 off the machine, and the trailing cable shall forthwith be discon-
6 nected from the power supply.

Duties of Machine Men.

Sec. 57. Machine runners and helpers shall use care while
2 operating mining machines. They shall not permit any person to
3 remain near the machine while it is in operation; they shall ex-
4 amine the roof of the working place, and see that it is safe before

5 starting to operate the machine. They shall not move the ma-
6 chine while the cutter chain is in motion.

7 For violation of the foregoing provisions of sections fifty-
8 three, fifty-four, fifty-five, fifty-six and fifty-seven the person shall,
9 upon conviction, be fined not less than fifty nor more than three
10 hundred dollars, or be imprisoned in the county jail not less than
11 thirty nor more than ninety days, in the discretion of the court.

Fire Boss and His Duties.

Sec. 58. It shall be the duty of every mine owner or opera-
2 tor in this state whose mines are known to liberate fire damp or
3 other dangerous gas or gases to employ a fire boss, or bosses, (if
4 necessary), who shall be a citizen or resident of this state, and who
5 shall hold a certificate of competency for such position, issued to
6 him by the department of mines, after taking an examination held
7 by the department of mines under its rules and regulations for
8 such examination. He shall have such knowledge of fire damp
9 and other dangerous gases as to be able to detect the same with
10 the use of safety lamps, and shall have a practical knowledge of
11 the subject of the ventilation of mines and the machinery and ap-
12 pliances used for that purpose, and be a person with at least three
13 years' experience in mines liberating explosive gases.

Sec. 59. It shall be the duty of said fire boss, or bosses,
2 where employed in such gaseous mines to prepare a danger signal
3 with red color at the mine entrance and no person except the mine
4 owner, operator or agent, and only then in case of necessity, shall
5 pass beyond this danger signal until the mine has been examined
6 by the fire boss, and the same or certain parts thereof reported
7 by him to be safe. It shall further be the duty of said fire boss,
8 or bosses, to go into all the working places of such mine or mines
9 where gas is known to exist, or liable to exist, and carefully ex-
10 amine the same with a safety lamp, and do, or cause to be done,
11 whatever may be necessary to remove from such working place, or
12 places, all dangerous or noxious gases, and make the same safe for
13 persons to enter therein as workmen in such mine or mines; such
14 examination and removal of said gases shall begin within three
15 hours before the time each shift commences work, and it shall be
16 the duty of said fire boss at each examination to leave evidence of
17 his presence at the face of every place examined, by plainly mark-
18 ing on a board at the face for that purpose, the date of examina-

19 tion. If the mine is safe, he shall remove the danger signal at
20 the mine entrance, or change the color thereof to safety, in order
21 that employees may enter said mine and begin work.

Sec. 60. The fire boss shall, upon having completed the ex-
2 amination of the mine before each shift, make a written record
3 of the condition of the mine within a book having a form pre-
4 scribed by the chief of the department of mines, which record shall
5 at all times be kept at the mine, subject to the inspection of the
6 district mine inspector or chief of the department of mines.

Sec. 61. In the performance of the duties devolving upon
2 the fire bosses they shall have no superior officer; but all the em-
3 ployees working inside of said mine or mines shall be subordinate
4 to said fire boss, or bosses, in his particular work.

Sec. 62. It shall be unlawful for any person to enter said
2 mine or mines for any purpose at the beginning of work upon each
3 shift therein until such signal or warning has been given by said
4 fire boss or bosses on the outside of said mine or mines as to the
5 safety thereof, as by statute provided, except under the direction
6 of said fire boss or bosses, and then for the purpose of assisting
7 in making said mine safe; and each person who shall enter such
8 mine except as aforesaid, before such notice or signal has been
9 given, or any operator, agent or fire boss who shall violate the pro-
10 visions of this act, shall be guilty of a misdemeanor and, upon
11 conviction thereof, shall be fined not less than fifty dollars nor
12 more than five hundred dollars, or imprisoned in the county jail
13 not less than sixty days nor more than one year.

Mine Foreman and His Duties.

Sec. 63. In order to better secure the proper ventilation of
2 every coal mine, and promote the health and safety of persons em-
3 ployed therein, the operator or agent shall employ a competent
4 and practical inside overseer, to be called mine foreman, who shall
5 be a citizen or resident of this state, having had at least five years'
6 experience in the working, ventilation and drainage of coal mines,
7 and who shall hold a certificate of competency for such position,
8 issued to him by the department of mines, after taking an exami-
9 nation held by the department of mines under its rules and regu-
10 lations for such examination. In mines in which the operations are
11 so extensive that all the duties devolving upon the mine foreman
12 cannot be discharged by one man, competent persons having had

13 at least three years' experience in coal mines may be designated
14 and appointed as assistants, who shall act under the mine foreman's
15 instruction, and shall be responsible for their conduct in the dis-
16 charge of their duties under such designation or employment.

Sec. 64. The duties of the mine foreman shall be to keep a
2 careful watch over the ventilating apparatus and the airways,
3 traveling ways, pumps and drainage; and shall see that as the
4 miners advance their excavations, proper break-throughs are made
5 as required by law to properly ventilate the mine, and that all
6 loose coal, slate and rock overhead in the working places and along
7 the haulways be removed or carefully secured so as to prevent
8 danger to persons employed in such mines; and that sufficient
9 props, caps and timbers, as nearly as possible of suitable dimen-
10 sions, are furnished for the places where they are to be used, and
11 such props, caps and timbers shall be delivered and placed at
12 such points, as the rules for the government of each respective
13 mine provide for them to be delivered. The said mine foreman
14 shall have all water drained or hauled out of the working places
15 where the same is practicable before the miners enter and said
16 working places kept dry as far as practicable while the miners are
17 at work. It shall be the duty of the mine foreman to see that the
18 cross-cuts are made, as required by law; that the ventilation shall
19 be conducted by means of said cross-cuts through the rooms by
20 means of check doors placed on the entries or other suitable places,
21 and he shall not permit any room to be opened in advance of the
22 ventilating current. The mine foreman shall measure the air cur-
23 rent with an anemometer at least twice each month at the inlet
24 and outlet and at or near the faces of the advanced headings, and
25 shall keep a record of such measurements in a book having a form
26 prescribed by the chief of the department of mines; sign boards
27 directing the way to outlets or escape way shall be conspicuously
28 placed throughout the mine.

Sec. 65. The mine foreman shall require that all slopes, en-
2 gine planes and haulage roads used by any persons in the mine
3 shall be made of sufficient width to permit persons to pass mov-
4 ing cars with safety; or refuge holes shall be made on one side of
5 said haulage road not less than five feet in width, nor less than
6 four feet in depth, and on a level with the road. The refuge
7 holes shall be not more than sixty feet apart, and shall be kept

8 free from obstructions. The roof and sides thereof shall be made
9 secure and be kept whitewashed at all times.

Sec. 66. On all haulways, where hauling is done by ma-
2 chinery of any kind, the mine foreman shall provide a proper
3 system of signals, and a conspicuous light on the front and rear
4 of every trip or train of cars when in motion in a mine. When
5 hoisting or lowering of men occurs in the morning before daylight,
6 or in the evening, after darkness, at any mine operated by shaft,
7 the mine foreman shall provide and maintain at the shaft mouth
8 a light of a stationary character sufficient to show the landing
9 and all surrounding subjects distinctly, and sufficient light of a
10 stationary character shall be located at the bottom of the shaft
11 so that persons coming to the bottom may clearly discern the
12 cages and other objects closely contiguous thereto. The mine fore-
13 man shall require that no cages on which men are riding shall be
14 lifted or lowered at a rate of speed greater than six hundred feet
15 per minute, and that no mine cars, either empty or loaded, shall
16 be hoisted while men are being lowered or hoisted, and no cages
17 having an unstable self-dumping platform shall be used for the
18 carrying of workmen unless the same is provided with some de-
19 vice by which the same may be securely locked when men are be-
20 ing hoisted or lowered into the mine.

Mine Foreman and Assistants.

Sec. 67. It shall further be the duty of the mine foreman
2 to have bore holes kept, not less than twelve feet in advance of
3 the face, and, where necessary, on sides of the working places that
4 are being driven toward and in dangerous proximity to an aban-
5 doned mine, or part of mine, suspected of containing inflamma-
6 ble gases or which is filled with water.

Sec. 68. It shall be the duty of the mine foreman, or the
2 assistant mine foreman, of every coal mine in this state to see
3 that every person employed to work in such mine shall, before be-
4 ginning to work therein, be instructed in the particular danger
5 incident to his work in such mine, and furnished a copy of the
6 mining law and rules of such mine. Every inexperienced person
7 so employed shall work under the direction of the mine foreman,
8 his assistant or such other experienced worker as may be designa-

9 ted by the mine foreman or assistant until he is familiar with the
10 danger incident to his work.

Sec. 69. The mine foreman or his assistants shall visit and
2 carefully examine each working place in the mine each day while
3 the miners of such places are at work, and shall direct that each
4 and every working place shall be secured by props or timbers
5 where necessary, to the end that the working places shall be made
6 safe; should the mine foreman or his assistants find a place to
7 be in a dangerous condition, they shall not leave the place until
8 it is made safe, or remove the persons working therein until the
9 the place is made safe by some competent persons designated for
10 that purpose.

Sec. 70. The mine foreman shall see that every mine liber-
2 ating explosive gas is kept free of standing gas in all working
3 places and roadways. Any accumulations of explosive gas or
4 noxious gases in the worked out or abandoned portions of any
5 mine shall be removed as soon as possible after its discovery, if
6 it is practicable to remove it. No person who may be endangered
7 by the presence of said explosive gas or noxious gases shall be
8 allowed in that portion of the mine until said gases have been
9 removed. The mine foreman shall direct and see that all danger-
10 ous places and the entrance or entrances to worked out and aban-
11 doned places in all mines are properly fenced off across the open-
12 ings, so that no person can enter, and that danger signals are
13 posted upon said fencing to warn persons of the existing danger.

Removal of All Dangers Reported.

Sec. 71. The mine foreman shall give prompt attention to
2 the removal of all dangers reported to him by his assistants, the
3 fire boss, or any other person working in the mine, and in case
4 it is impracticable to remove the danger at once, he shall notify
5 every person whose safety is menaced thereby to remain away
6 from the portion where the dangerous condition exists. He or
7 his assistants shall, at least once each week, travel and examine
8 all the air courses, roads and openings that give access to old
9 workings or falls, and make a record of the condition of all places
10 where danger has been found, with ink in the book provided for
11 that purpose.

Sec. 72. The mine foreman shall notify, in writing, the
2 operator or agent of the mine of his inability to comply with any

3 of the requirements of these sections, and it shall then become the
4 duty of any operator or agent to at once attend to the matter
5 complained of by the mine foreman so as to enable him to com-
6 ply with the provisions hereof if the same can be practicably done.
7 Any operator or agent of any coal mine, or other person, who
8 shall neglect to comply with the requirements of this section
9 shall, upon conviction, be guilty of a misdemeanor and shall be
10 fined not less than fifty nor more than five hundred dollars, or
11 be imprisoned in the county jail not less than ten days nor more
12 than ninety days, in the discretion of the court.

Countersigning Fire Bosses' Report.

Sec. 73. The mine foreman shall also, each day, read care-
2 fully and countersign with ink all reports entered in the record
3 book of the fire bosses.

4 Any operator, mine foreman or assistant mine foreman fail-
5 ing to comply with any of the provisions of sections sixty-seven,
6 sixty-eight, sixty-nine, seventy, seventy-one, seventy-two and sev-
7 enty-three, shall, upon conviction, be fined not less than twenty-
8 five nor more than one hundred dollars, or imprisoned in the
9 county jail not less than ten days nor more than ninety days, in
10 the discretion of the court.

Sec. 74. In case of the death or resignation of a mine fore-
2 man, the superintendent or manager, shall appoint a certified man,
3 if one be available; and if not, he may temporarily appoint any
4 other competent man who may serve with the approval of the
5 chief of the department of mines until the next examination. He
6 shall while acting as mine foreman be liable to the same penalty
7 as the mine foreman for any violation of this act.

Explosives and Haulage.

Sec. 75. No miner or other employee shall take into any
2 mine in this state any larger quantity of powder or other explo-
3 sive than he may reasonably expect to use in any one shift, and
4 all powder shall be carried into the mine in a metallic cannister,
5 or fibre receptacle, of a capacity not to exceed five pounds, which
6 shall be properly closed with an approved top.

Sec. 76. Every miner shall thoroughly examine the roof
2 and general conditions of his working place before commencing

3 work, and if he finds loose rock or other dangerous conditions.
4 he shall not commence work in such place unless he is granted
5 permission by the mine foreman or his assistants.

Sec. 77. Every workman in want of props, cap pieces and
2 timbers shall notify the mine foreman, or such other person who
3 may be designated for that purpose, at least one day in advance,
4 giving the length and number of props or timbers and cap pieces
5 he requires; but in case of an emergency the timbers may be or-
6 dered immediately upon discovery of any danger; and it shall
7 be the duty of each miner to properly prop and secure his place
8 in order to make the same secure for him to work therein.

Sec. 78. No shots shall be fired in any place known to
2 liberate explosive gas until such place has been properly examined
3 by a competent person who is designated for that purpose, and
4 no shots shall be fired in any place where gas is detected until
5 said gas has been removed by means of ventilation.

Sec. 79. No miner shall fire more than one shot at a time,
2 and after firing said shot he shall not return to the working place
3 until the smoke has cleared away; and before starting to work
4 he shall make a careful examination as to the condition of the
5 roof, and do what is necessary to make himself safe before be-
6 ginning to load coal.

Sec. 80. In no case shall more than one kind of explosive
2 be used in the same drill hole. Every blasting hole shall be
3 tamped full from the explosive to the mouth and no coal dust
4 or inflammable material shall be used for tamping. No fuse
5 shall be used unless permission is granted by the mine foreman;
6 and in no case shall fuse be used of less length than the drill
7 hole, nor shall dynamite be used in blasting coal. Where per-
8 missible explosives are used the detonators and explosives shall be
9 kept separate; no black powder, high explosives, or detonators
10 shall be hauled on any trip operated by electric haulage motors,
11 unless enclosed in non-conducting boxes approved by the district
12 inspector.

Sec. 81. No person, except the persons necessary to operate
2 the trip or car, shall ride on any loaded car or on the outside of
3 any car, or get on or off a car while in motion. No person shall
4 be permitted to or shall enter, work in or about the mine or mine
5 buildings, tracks, or machinery connected therewith while under
6 the influence of intoxicants.

Duties of Motormen and Trip Riders.

Sec. 82. Motormen and trip riders shall use care in handling locomotive and cars. It shall be their duty to see that there is a conspicuous light on the front and rear of each trip or train of cars when in motion. They shall not permit any person or persons to ride on locomotives or loaded cars unless granted permission by the mine foreman.

Any person or persons who shall violate the provisions of sections seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one or eighty-two, shall, upon conviction, be fined not less than ten nor more than fifty dollars, or be imprisoned in the county jail not less than ten nor more than sixty days, in the discretion of the court.

Reporting Accidents.

Sec. 83. Whenever any accident occurs in or about any coal mine to any employee or person connected with the mining operation, resulting in personal injury or death, the operator or agent shall, within twenty-four hours after the happening of such accident, report the same to the chief of the department of mines, and to the district mine inspector of the district in which the accident occurs, in writing, giving full details thereof upon forms prescribed and furnished by the department of mines.

Any operator or agent failing to comply with the provisions of this section shall, upon conviction, be fined not less than ten nor more than fifty dollars, or imprisoned in the county jail not less than ten nor more than thirty days.

Sec. 84. There is hereby established in the college of engineering of the West Virginia university a mining experiment station (or bureau of mine research), which shall have for its purpose the conducting of investigations and making tests, to better safeguard the lives of miners, and to bring about greater efficiency and conservation in the mining and mineral industries; to make such tests and investigations as may be required by the department of mines in the prosecution of its work, to conduct such experiments and tests as may promote the development of the mineral industries of the state, to co-operate with the department of mines in the investigation of the cause of mine disasters, and common mine accidents.

13 The work of the mining experiment station (or bureau of
14 mine research) shall be conducted under such rules, regulations,
15 and methods as may be prescribed by the board of regents and
16 approved by the department of mines.

Definitions.

Sec. 85. *Mine*: In this act the term "mine" includes the shafts,
2 slopes, drifts, or incline planes connected with excavations pene-
3 trating coal stratum or strata, which excavations are ventilated by
4 one general air current, or divisions thereof, and connected by
5 one general system of mine railroads over which coal may be de-
6 livered to one or more points outside the mine, when such is op-
7 erated by one operator.

8 *Excavations and Workings*: The term "excavations and
9 workings" includes all the excavated portions of a mine, those
10 abandoned as well as the places actually being worked; also all
11 underground workings and shafts, tunnels, and other ways and
12 openings, and all such shafts, slopes, tunnels, and other openings
13 in the course of being sunk or driven, together with all roads,
14 appliances, machinery, and material connected with the same be-
15 low the surface.

16 *Shaft*: The term "shaft" means a vertical opening through
17 the strata that is or may be used for the purpose of ventilation
18 or drainage, or for hoisting men or material, or both, in connec-
19 tion with the mining of coal.

20 *Slope*: The term "slope" means an incline or opening used
21 for the same purpose as a shaft.

22 *Operator*: The term "operator" means any firm, corpora-
23 tion, or individual operating any coal mine, or any part thereof.

24 *Superintendent*: The term "superintendent" means the
25 person who shall have, on behalf of the operator, immediate
26 supervision of one or more mines.

27 *Mine Foreman*: The term "mine foreman" means the per-
28 son whom the operator or superintendent shall place in charge of
29 the inside workings of the mine and of the persons employed
30 therein.

31 *Approved Safety Lamps or Electric Lamps*: The term "ap-
32 proved safety lamps or electric lamps" shall mean any safety
33 lamp, or electric lamp, approved by the department of mines.

Sec. 86. The provisions of this act shall apply only to coal
2 mines in which five or more persons are employed in a period of
3 twenty-four hours; but no mine employing less than ten men
4 shall be required to employ a mine foreman.

Sec. 87. In all prosecutions under this act the circuit court,
2 criminal court, intermediate court and justice of the peace, shall
3 have concurrent jurisdiction, with right of appeal.

Sec. 88. All acts and parts of acts inconsistent with the
2 provisions of this act are hereby repealed.

CHAPTER 11.

(Senate Bill No. 129.)

AN ACT to create a state department of health, defining its powers and duties; to change the name of the state board of health, and limit and define its duties; to amend the public health laws; to invest the department of health with the management and control of the state tuberculosis sanitarium; to provide penalties for violation; and to appropriate money for purposes of public health.

(Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.)

SEC.

1. State department of health created: shall exercise the powers and duties now conferred upon board of health; other powers and duties provided for: shall consist of commissioner of health, office at seat of government; public health council, commissioner *ex-officio* member; directors and other employees provided for.
2. Commissioner appointed by the governor and confirmed by the senate, shall be a skilled physician, experienced in public health administration; term of office, salary and expenses: to engage in no other business; head of health department, member of public health council; duties: to administer laws of the department, prepare rules of public health council, appoint, remove, and fix compensation, not to exceed appropriation therefor; assist local health officers in making annual survey, maintaining sanitary supervision; determine jurisdiction of local health officers; study cause of excessive mortality or morbidity; promote registra-

SEC.

- tion of births, deaths, and notifiable diseases; inspect and report sanitary conditions of schools, school houses, public conveyances, dairies, creameries, slaughter houses, workshops, factories, labor camps, hotels and other trades and industries; enlist co-operation of physicians, promulgate information pertaining to public health; perform executive duties now required of state board of health; shall provide for necessary offices and equipment; make report, make recommendations; report shall be printed and distributed; shall report as to designated subject matter upon request of governor; may direct officials of department in the study, control, suppression and prevention of diseases; necessary expenses to be paid while in performance of such duty.
3. Public health council consists of commissioner and six other members; appointed by governor and confirmed by senate; must be graduates of regular medical school, with five years

Sec.

- practical experience; terms of office; vacancies, how filled; shall meet twice a year, meetings, how called; members, other than commissioner, to receive ten dollars per diem and expenses for not more than sixty days in one year; shall elect president of council; terms of office; commissioner secretary of council; duty of public health council; powers; to adopt general regulations, to be filed with secretary of state; copies to each health officer in the state; manner of publication to be determined by health council; violations of regulations, how punishable.
4. Inspectors, examiners and other persons to be appointed by commissioner when necessary; duties: to act as representatives of commissioner, secure enforcement of laws and regulations; shall have the right to enter any workshop, public school, factory, dairy, creamery, slaughter house, hotel or other place of business, or any common carrier or public utility; interfering with any inspector or examiner punishable by fine.
 5. Divisions, preventable diseases and sanitary engineering; commissioner to appoint director for each division; compensation to be fixed by governor.
 6. Department of health; authority; shall make investigations, inspect food, drink and drugs, make reports to prosecuting attorney; commissioner may make complaint, institute proceedings; not required to give security for costs.
 7. Power to regulate drainage, water supply, sewage, garbage or other waste materials, ventilation, warming and lightning; power to make and enforce rules; shall regulate by rules the disposal of excreta in coal mines, examine into ventilation of coal mines; not empowered to regulate drainage from mines or manufacturing plants; to establish and maintain quarantine; power to enforce same by arrest; may enter private property for investigation; take charge of epidemic; expenses, how paid; department shall

Sec.

- provide vaccine lymph, diphtheria antitoxin, typhoid antitoxin and distribute same free for benefit of poor.
8. Commissioner shall investigate nuisances; empowered to apply for an injunction to restrain, prevent or abate nuisances.
 9. Failure or refusal to enforce laws; commissioner may enforce rules; expenses, how paid; failure or refusal of local health officer to perform duty sufficient cause for removal from office; successor, how appointed.
 10. Public health council shall provide clean and safe milk and fresh milk products.
 11. State department of health shall have supervision of the state tuberculosis sanitarium; board of control to have charge of fiscal affairs thereof; commissioner shall encourage measures for the suppression of tuberculosis, such as clinics, camps, open air schools, sanatoria, district nursing, anti-tuberculosis societies, diffusion of knowledge, and other means.
 12. Public health council, commissioner and six other members; additional duties, to examine applicants to practice medicine and surgery, issue certificates; examinations, how governed; "state board of health" and the "practice of medicine and surgery" defined; not to apply to regularly registered optometrists.
 13. Commissioner of health, may with the advice of the public health council, establish branches of the hygienic laboratory; provide for bacteriological examinations; cost not to exceed one thousand dollars; appeal from any order of the public health council shall be in the circuit court; right of appeal limited to thirty days; counties may combine to co-operate with state department of health; may employ trained health officers; expenses of co-operation, how paid; sum paid out to group of counties not to exceed five hundred dollars in any one year; co-operation of state limited to three thousand dollars annually.
 14. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created and established a state department of health, which shall be constituted as provided in this act, and shall exercise all the powers and duties now conferred and imposed by law upon the state board of health, and such other powers and duties as are herein provided for.

The state department of health shall consist of a commis-

7 sioner of health, whose office shall be located at the seat of gov-
8 ernment; a public health council, of which the commissioner shall
9 be an *ex-officio* member; directors of divisions, and other em-
10 ployees as herein provided for.

Sec. 2. The commissioner of health shall be appointed by
2 the governor, by and with the consent of the senate, and shall be
3 a physician skilled in sanitary science, and experienced in public
4 health administration. The term of office of the commissioner of
5 health shall be four years; he shall receive an annual salary of
6 three thousand dollars and necessary expenses incurred in the per-
7 formance of official business, and shall not engage in any other oc-
8 cupation or business.

9 The commissioner of health shall be the administrative head
10 of the state department of health and he shall be *ex-officio* a mem-
11 ber of its public health council. His duties shall be to administer
12 the laws and regulations of the department; to prepare rules and
13 regulations for the consideration of the public health council;
14 and with the approval of said council, to appoint, remove, and fix
15 the compensation of the directors of divisions and all other em-
16 ployees; but said compensation shall be within the limitations of
17 appropriation therefor; to advise with the public health council;
18 keep himself informed as to the work of each local health officer
19 within the state; aid each health officer in the performance of his
20 duties; assist each local health officer in making an annual sani-
21 tary survey of the territory within his jurisdiction, and in main-
22 taining therein a continuous sanitary supervision; adjust ques-
23 tions of jurisdiction arising between local health officers within
24 the state; study the cause of excessive mortality or morbidity
25 from any disease in any portion of the state; promote efficient
26 registration of births, deaths, and notifiable diseases; inspect and
27 report from time to time the sanitary condition of institutions,
28 schools and schoolhouses, public conveyances, dairies, creameries,
29 slaughter houses, workshops, factories, labor camps, hotels, and
30 places where offensive trades or industries are conducted; inspect
31 and report the sanitary condition of streams, sources of water
32 supply, and sewerage facilities; endeavor to enlist the co-operation
33 of all physicians, and volunteer health organizations in the im-
34 provement of public health; promulgate information to the gen-
35 eral public in all matters pertaining to the public health. He
36 shall perform all executive duties now required by law of the state

37 board of health and other customary duties incident to his posi-
38 tion as chief executive officer, and shall provide for offices and
39 equipment necessary for the transaction of the business of the
40 state department of health, out of funds appropriated for the
41 state department of health.

42 He shall submit annually to the governor on or before the
43 first day of November, or as soon thereafter as practicable, a re-
44 port of the operations of the department, with any recommenda-
45 tions he may have to make, which report shall be printed and dis-
46 tributed as soon as practicable thereafter in the same manner as
47 other public documents of the state.

48 The commissioner whenever required by the governor shall
49 report to him as to any designated subject or matter, and furnish
50 such information as may be required.

51 The commissioner of health may direct any official or em-
52 ployee of the state department of health to assist in the study,
53 control, suppression and prevention of diseases in any part of the
54 state, and necessary expenses shall be paid while in the perform-
55 ance of such duty.

Sec. 3. The public health council shall consist of the com-
2 missioner of health and six other members, who shall be appointed
3 by the governor, by and with the consent of the senate. Said com-
4 missioner and other members shall be graduates of a regular
5 medical school and shall have had at least five years' experience in
6 the practice of medicine. Of the members, other than the com-
7 missioner, first appointed, three shall hold office for two years,
8 and three for four years; the terms of office of members thereaf-
9 ter appointed, except to fill vacancies, shall be four years. Vacan-
10 cies shall be filled by appointment for the unexpired term. The
11 public health council shall meet at least twice a year, and at such
12 other times as they shall determine by their rules, or upon the
13 request of the commissioner of health, the members, other than
14 the commissioner, to receive ten dollars per diem, not to exceed six-
15 ty days in any one calendar year, and actual and necessary trav-
16 eling expenses, when engaged in the actual discharge of their
17 duties.

18 The public health council shall elect one of its members
19 president, whose term of office shall be two years. The commis-
20 sioner of health shall be secretary of the public health council.

21 It shall be the duty of the public health council to promul-

22 gate rules and regulations; take evidence in appeals; approve
23 plans and appointments; hold hearings; advise with the com-
24 missioner of health; define the qualifications of local health au-
25 thorities, and directors of divisions, (said directors of divisions
26 shall be graduates of reputable colleges) and discharge other like
27 duties required by law of the present state board of health.

28 The public health council shall have power, by the affirmative
29 vote of the majority of its members, to establish and from time to
30 time, amend regulations under the public health laws, the en-
31 forcement of which devolves upon the state commissioner of health.

32 Every general regulation adopted by the public health council
33 shall state the day on which it takes effect, and a copy thereof, duly
34 signed by the commissioner of health, shall be filed in the office of
35 the secretary of state, and a copy thereof shall be sent by the com-
36 missioner of health to each health officer within the state, and shall
37 be published in such manner as the public health council may de-
38 termine. Any violation of the regulations so promulgated when
39 said regulations are reasonable and not inconsistent with the law
40 shall be a misdemeanor, and punishable by a fine of not less than
41 ten dollars nor more than three hundred dollars, and by im-
42 prisonment. in the discretion of the court, for not more than
43 thirty days in the county jail.

Sec. 4. Inspectors, examiners or other persons appointed
2 by the commissioner of health may be appointed at such time or
3 times as by him deemed necessary; and they shall act as repre-
4 sentatives of the commissioner of health, and under his direction,
5 shall secure the enforcement of the provisions of the public health
6 laws and regulations, and shall have the right of entry into any
7 workshop, public school, factory, dairy, creamery, slaughter house,
8 hotel, or other place of business or employment, or any common
9 carrier or public utility when in the discharge of official duties.
10 Any person interfering with or attempting to interfere with any
11 inspector, examiner or any other duly authorized employee of the
12 commissioner in the discharge of his duties under this section
13 shall be guilty of a misdemeanor and upon conviction fined not ex-
14 ceeding one hundred dollars.

Sec. 5. There shall be in the state department of health the
2 following divisions:

- 3 Division of preventable diseases;
- 4 Division of sanitary engineering.

5 The commissioner of health shall appoint, with the advice
6 of the public health council, a director to take charge of each di-
7 vision and shall prescribe, with the advice of the public health
8 council, the duties pertaining to each division and arrangement
9 of the sub-divisions, if any, thereof. The compensation of di-
10 rectors of divisions shall be fixed by the governor and commis-
11 sioner of health, in the manner herein provided.

Sec. 6. The state department of health shall have the au-
2 thority to enforce all the laws of the state concerning the public
3 health, and shall take care to protect the life and health of the in-
4 habitants of the state and to that end shall make or cause to be
5 made sanitary investigations and inquiries respecting the cause of
6 diseases, especially of epidemics, endemics and the means of pre-
7 vention, suppression or control, the source of mortality and the
8 effects of localities, employments, habits and circumstances of life
9 on the public health, and shall gather information in respect to
10 these matters, and kindred subjects for diffusion among the peo-
11 ple. It shall inspect and examine food, drink and drugs offered
12 for sale or public consumption in such manner as shall be deemed
13 necessary, and shall report all violations of all laws of this state
14 relating to pure food, drink and drugs to the prosecuting attorney
15 of the county in which such violations occur, and lay before such
16 prosecuting attorney the evidence in its knowledge of such viola-
17 tions. The commissioner of health, or any member of the public
18 health council, may make complaint and cause proceedings to be
19 instituted against any person or persons or corporation for a vio-
20 lation of any of the health laws of this state, without the sanction
21 of the prosecuting attorney of the county in which proceedings
22 are instituted, if said officer fail or refuse to discharge his duty,
23 and in no such cases shall they be required to give security for
24 costs.

Sec. 7. Whenever the character and location of plumbing,
2 drainage, water supply, sewers and disposal of sewage, garbage,
3 or other waste materials of cities, towns and villages, offensive
4 trades, hotels and labor camps; and the ventilation, warming, nat-
5 ural lighting and excreta disposal in public utilities, in public
6 halls, churches, school houses, work shops, prisons and all other
7 public institutions, are such as to endanger the public health,
8 the public health council shall have power to make and enforce
9 rules regulating the same.

10 It shall promulgate and recommend regulations, not inconsis-
11 ent with law, governing the disposal of excreta in coal mines, ex-
12 amine into and advise with the chief of department of mines as to
13 the ventilation of coal mines, and how to treat promptly accidents
14 resulting from poisonous gases. Nothing herein contained shall be
15 construed to give the state department of health the power to reg-
16 ulate or interfere with the drainage from any mine or manufactur-
17 ing plant unless the drainage from said mine or manufacturing
18 plant shall contain disease-producing bacteria in sufficient numbers
19 to endanger health. The state department of health is empowered
20 to establish and strictly maintain quarantine at such places as it
21 may deem proper, and may adopt rules and regulations to ob-
22 struct and prevent the introduction or spread of small-
23 pox or other contagious or infectious diseases into or within the
24 state, and shall have the power to enforce these regulations by de-
25 tention and arrest, if necessary. It shall have power to enter into
26 any town, city, factory, railroad train, steamboat, or other place
27 whatsoever, and enter upon and inspect private property for the
28 purpose of investigating the sanitary and hygienic conditions and
29 the presence of cases of contagious and infectious diseases, and
30 may, at its discretion, take charge of any epidemic or endemic con-
31 ditions, and enforce such regulations as it may prescribe. All ex-
32 penses for guards, or other expenses incurred in controlling any
33 endemic or epidemic conditions shall be paid by the county or mu-
34 nicipality in which such epidemic occurs.

35 The state department of health shall provide, at its discre-
36 tion, vaccine lymph, diphtheria antitoxin, tetanus antitoxin and
37 other forms of serum or vaccine preventives of disease that it may
38 deem necessary, and distribute same free of charge to county and
39 municipal health officers, to be used for the benefit of the poor and
40 indigent, and in other cases where it may be urgently necessary to
41 check contagions and control epidemics.

Sec. 8. The commissioner of health shall inquire into and
2 investigate all nuisances affecting the public health in any county,
3 city or village in the state, and is authorized and empowered to
4 apply to the judges or to any judge of the circuit court for the
5 county in which such nuisance shall exist, in term or vacation,
6 for an injunction forthwith to restrain, prevent or abate such
7 nuisances.

Sec. 9. When in the opinion of the public health council any

2 local health authority shall fail or refuse to enforce necessary laws
3 and regulations to prevent and control the spread of contagious or
4 infectious disease declared to be dangerous to the public health,
5 or when, in the opinion of the said council, a public health emer-
6 gency exists, the commissioner of health may enforce the rules and
7 regulations of the state department of health within the territorial
8 jurisdiction of such local health authorities, and for that purpose
9 shall have and may exercise all the powers given by statutes to local
10 health authorities; all expenses so incurred to be a charge against
11 the counties, cities, or towns concerned. And in such cases, the
12 failure or refusal of any local health officer or local
13 health body, to carry out the lawful orders and regula-
14 tions of the public health council, shall be sufficient cause for the
15 removal of such local health officer or local health body from office,
16 and upon such removal the proper county or municipal authorities
17 shall at once nominate a successor other than the person removed
18 as now provided by law.

Sec. 10. The public health council shall make regulations to
2 provide clean and safe milk and fresh milk products and when pro-
3 mulgated these regulations shall be the minimum requirements to
4 be enforced by local health authorities throughout the state.

Sec. 11. The state department of health shall have the advisory
2 medical supervision of the state tuberculosis sanitarium, and the
3 state board of control shall have the control of the business and fis-
4 cal affairs thereof. The director of the division of preventable dis-
5 eases under the supervision of the commissioner of health, shall en-
6 courage measures for the suppression of tuberculosis, such as clin-
7 ics, camps, open air schools, sanatoria, district nursing, anti-tuber-
8 culosis societies, diffusion of knowledge, and other means.

Sec. 12. The public health council, consisting of the com-
2 missioner of health and six other members as specified in section
3 three of this act, shall, in addition to the duties hereinbefore or
4 hereinafter specified, examine all applicants for license for the
5 practice of medicine and surgery in this state, and issue certifi-
6 cates of license to all applicants who are legally entitled to receive
7 same; and said certificates of license shall be signed by the presi-
8 dent of the council and by the commissioner of health as secretary
9 thereof. The examination of applicants and the issuing of certifi-
10 cates of license thereto shall be governed by sections nine, ten and
11 eleven of chapter one hundred and fifty of the code of West Vir-

12 ginia, and the words "state board of health," wherever used in
13 said sections, shall mean public health council, as established by
14 this act. The term "practice of medicine and surgery" as used
15 by this act shall be construed to be treatment of any human ail-
16 ment or infirmity by any method. To open an office for such pur-
17 pose or to announce to the public in any way a readiness to treat
18 the sick or afflicted, shall be deemed to engage in the practice of
19 medicine and surgery within the meaning of this act; *provided*, this
20 clause shall not apply, however, to regularly registered optometrists.

Sec. 13. The commissioner of health, **may**, with the advice of
2 the public health council, establish branches of the hygienic lab-
3 oratory at such points within the state as he may deem necessary in
4 the interest of the public health to insure prompt bacteriologic ex-
5 aminations, and for said purpose may expend annually a sum not
6 in excess of one thousand dollars. The right of appeal from any
7 order of the public health council or any of its officers or
8 agents, shall lie to the circuit court of the county where the pro-
9 perty rights or personal liberties have been affected, and the right
10 of appeal shall be limited to thirty days from the time a general
11 order is entered.

12 Any two or more counties may combine to co-operate with the
13 state department of health, either by special vote or by vote of
14 their respective boards of health, and participate in the employ-
15 ment of trained health officers and other agents or in the installa-
16 tion and maintenance of a common laboratory and other equip-
17 ment. Whenever such counties shall decide to so co-operate and
18 shall appropriate a sum or sums of money for such joint or co-
19 operative action, a sum equal to two-fifths of the total amount con-
20 tributed by the co-operating counties, shall be added thereto from
21 the appropriation made for the state department of health; *pro-*
22 *vided*, that the general place of co-operation, as well as the princi-
23 pal health officer, executive agent or laboratory director employed
24 by such counties shall first have been approved by the public health
25 council; and, *provided, further*, that no sum so paid to any group
26 of counties, shall exceed five hundred dollars in any one year; and
27 provided such co-operation by the state department of health shall
28 be limited to not more than three thousand dollars annually.

Sec. 14. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 12.

(House Bill No. 103.)

AN ACT to amend and re-enact chapter fifteen-h of the code of West Virginia, to provide for the establishment of a state bureau of labor, to be under the control and management of a commissioner, to be known as the state commissioner of labor.

(Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.)

SEC.

1. State commissioner of labor, appointed by the governor and confirmed by the senate; term; vacancies.
2. Duties of commissioner: report to governor: to visit and inspect factories and workshops of state.
3. Power of commissioner: may require persons or companies employing labor to give information essential to the discharge of his duties; refusal or neglect to give such information punishable by fine.
4. Commissioner to report violations to prosecuting attorney: his duties: conviction, a misdemeanor, punishable by fine or imprisonment or both.
5. Commissioner to be furnished in-

SEC.

- formation by State, county, district and city officers upon request; shall report to governor by December first of each year, suggesting necessary legislation to promote prosperity and to protect the lives and health and promote prosperity of the persons employed.
6. Commissioner shall appoint not more than two factory inspectors; may divide state into inspection districts; salary and expenses; shall appoint a chief clerk, salary; stenographer, salary.
7. Commissioner's salary not to exceed two thousand four hundred dollars per annum; allowed actual travelling expenses.
8. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen-h of the code of West Virginia, providing for the establishment of a state bureau of labor, to be under the control and management of a commissioner, to be known as the state commissioner of labor, be amended and re-enacted so as to read as follows:

Section 1. The governor shall, with the advice and consent of the senate, appoint a competent person, who is identified with the labor interests of the state, to be state commissioner of labor, who shall hold his office for a term of four years and until his successor is appointed and qualified. In case of a vacancy in the office of the commissioner of labor, caused by death, resignation, removal or otherwise, the governor shall appoint a commissioner of labor for the unexpired term in the manner above provided.

Sec. 2. It shall be the duty of the commissioner of labor to collect, compile and present to the governor an annual report, statistical details relating to all departments of labor and the industrial interests of the state, especially in relation to the financial, social, educational and sanitary condition of the laboring

6 classes, and all statistical information that may tend to increase
7 the prosperity of the productive industries of the state. He shall,
8 once at least in every year, visit and inspect the principal fac-
9 tories and workshops of the state; and shall, upon complaint and
10 request of any three or more reputable citizens, visit and inspect
11 any place where labor is employed and make true report of the
12 result of his inspection.

Sec. 3. The commissioner of labor shall have power, in
2 the discharge of his duties, to enter and inspect any public insti-
3 tution of the state and any factory, workshop or other place where
4 labor is employed. He may furnish a written or printed list of
5 interrogatories asking information essential to a proper discharge
6 of his duties, to any person, company or corporation employing
7 labor, and require full and complete answers thereto. And if any
8 person, or the officers of any company or corporation shall neglect
9 or refuse to answer, within a reasonable time, any proper ques-
10 tion propounded to him by the commissioner of labor, or if any
11 person or the officers of any company or corporation to whom a list
12 of interrogatories has been furnished, shall neglect or refuse to
13 fully and truthfully answer and return the same, such person or
14 such officer of such company or corporation shall be deemed guilty
15 of a misdemeanor.

Sec. 4. The commissioner of labor shall report to the
2 prosecuting attorney of the proper county all such violations
3 of this act; whereupon said prosecuting attorney shall proceed
4 against the guilty persons thereof, as in any other cases of mis-
5 demeanor; and any person, or any officer, or any company or
6 corporation, convicted in such proceedings shall be fined not less
7 than ten dollars, nor more than fifty dollars, or shall be con-
8 fined in the county jail not less than ten nor more than ninety
9 days, or shall be both fined and imprisoned within the above limits.

Sec. 5. All state, county, district and city officers shall
2 furnish the commissioner of labor, upon request, all statistical
3 information relating to labor which may be in their possession
4 as such officers. The commissioner of labor shall report to the
5 governor, on or before the first day of December in each year, all
6 the statistics he has collected and compiled, with such sugges-
7 tions as he may deem advisable as to legislation tending to pro-
8 mote and increase the prosperity of the industrial establishments

9 of the state, and to protect the lives and health and to promote
10 the prosperity of the persons employed therein.

Sec. 6. The commissioner of labor, shall by written order filed
2 with the governor, appoint not more than two factory inspectors
3 who shall be under the supervision of the commissioner of labor.
4 The commissioner of labor may at any time when the conditions are
5 changed or in his discretion the good of the service requires, by an
6 order filed with the governor, divide the state into inspection dis-
7 tricts as to him may seem advisable.

8 The salary of a factory inspector shall be twelve hundred
9 dollars per annum and necessary traveling and hotel ex-
10 penses.

11 The commissioner of labor shall appoint a chief clerk whose
12 salary shall not exceed twelve hundred dollars per annum and
13 a stenographer whose salary shall not exceed nine hundred dollars
14 per annum.

Sec. 7. The salary of the commissioner of labor provided
2 for in this act, shall be two thousand four hundred dollars per
3 annum, and he shall be allowed his actual and necessary traveling
4 and incidental expenses.

Sec. 8. All acts and parts of acts in conflict with this
2 act are hereby repealed.

CHAPTER 13.

(House Bill No. 86.)

AN ACT providing for the prevention, control and eradication of
infectious, contagious or otherwise communicable diseases among
domestic animals and poultry, and providing for quarantine and
such rules and regulations as may be necessary for its enforcement.

(Passed February 16, 1915. In effect from passage. Approved by the Governor
February 25, 1915.)

Sec.

1. Providing for the prevention, control and eradication of diseases among domestic animals and poultry; certain words defined, (a) "domestic animal," (b) "owner," (c) "person," (d) "premises."
2. Commissioner of agriculture, duties; may prohibit importation of animals or poultry, may cause quarantine, may cause

Sec.

- disinfection of premises, may cause destruction of animals or poultry, may prohibit transportation of animals and poultry from one place to another, may cause investigations regarding the causes, and methods of preventing, controlling and eradicating diseases.
3. Commissioner may employ veterinarians who must be graduates

SEC.

- of veterinary colleges; commissioner shall enforce this act; collect and disseminate information; consulting veterinarians to receive five dollars per diem and actual expenses, to be paid out of current appropriation.
4. Commissioner may appoint city veterinary, sanitary officer as deputy state veterinarian; such officers to receive but one salary; appointment revocable by commissioner; commissioner authorized to appoint veterinarians to examine animals to be moved to states where laws require such examination; shall specify and regulate fees for examinations, and remove veterinarian whenever he may see fit; no charge shall be made against the state for services rendered.
 5. Power of enforcement of this act; may enter any premises, public or private; shall have power to call on sheriffs and their deputies, constables and police officers, mayors of cities, city and town sergeants to assist in the enforcement of this act; duty of such officers to assist; failure or refusal to act punishable by fine.
 6. Various diseases to be immediately reported to the commissioner by every practitioner of veterinary medicine in the state upon receiving information thereof; report shall be in writing; duty of every person to report to commissioner any animal suspected to be affected with any infectious, contagious or communicable disease; failure to report persons interfering with or obstructing the commissioner or consulting veterinarians in the discharge of their duties, a misdemeanor.
 7. Unlawful to drive into this state any animal affected with contagious, infectious or communicable disease; animals brought in subject to certain restrictions unless accompanied by a certificate of good health issued by accredited authority; certificate to be made in triplicate; animals not accompanied by a certificate of health may be placed in quarantine by commissioner at owner's expense; such expenses collectable by law; importation restricted, certain animals excepted; commissioner may prohibit entirely or restrict importations.
 8. Importation of domestic animals for dairy and breeding purposes restricted; health certificate to be issued by person duly authorized to issue same to be made in triplicate, original to accompany way bill; what certificate and chart must show; herd certificate may be used in lieu of tuberculin test chart; animals for immediate

SEC.

- slaughter or for temporary purposes not affected by sections seven and eight; commissioner may issue duration permits; certain animals not subject to tuberculin test; commissioner may refuse to permit importation of animals when genuineness of health certificate is questioned.
9. Any bovine animal not accompanied by health certificate brought into this state subject to section seven and to certain regulations; animal to be held in quarantine for physical examination by the commissioner or his agent; such to be at expense of owner.
 10. When quarantine may be established; special and general terms defined; power to establish quarantine, duties; powers to establish special quarantine, or whom; general quarantine, by whom; necessary to post notices, publication required.
 11. Quarantine established by commissioner by posting notices; special permit necessary to remove any quarantined animal or food; unlawful for dog to run at large in quarantined locality; no liability for destroying animal having escaped from such quarantine.
 12. Unlawful to tear down notices of quarantine.
 13. Unlawful for owner of any domestic animal to allow same to run at large within limits of quarantine; animal to be taken up by constable and held at expense of owner; pay for such services; excess of fees to be paid to owner, if known, and if not known, into state treasury.
 14. Suitable quarters shall be provided for quarantined animals, at expense of owner; after default for ten days such animals to be sold at public auction for such expenses; any surplus to go to owner; no animal to be removed until such expenses are paid.
 15. To prevent spread of disease carcass of animal shall be destroyed; *first*, by cremation; *second*, boiling carcass or heating same with steam; *third*, by burying carcass of such animals; to be covered by quick lime; duty of owner of such animal to destroy or dispose of the carcass of such animal at owner's expense.
 16. Transporting diseased animals prohibited except upon written permission of commissioner or his agents.
 17. Making tuberculin tests; who may make such tests; tests to be made under rules made by commissioner; infected animals to be marked or branded with a capital "T"; pure bred animals may be kept by owner under certain restrictions; ani-

SEC.

mals deemed tuberculous shall be slaughtered; appraised before being slaughtered; owner entitled to indemnity; animal to be appraised before being slaughtered; commissioner or agent shall act as appraiser; amount of appraisal not to exceed seventy-five dollars; if appraisal is not satisfactory to owner arbitrators shall be appointed; fee for appraisement; commissioner or his agent shall prescribe manner of disposal of carcass of slaughtered animal; commissioner or his agent shall furnish the owner with list of animals found to be tuberculous, the date when and place of slaughter; officer designated to supervise slaughter; the appraised value of animal or animals; the name and address of the owner; officer shall indorse upon certificate that he witnessed the slaughter of such animals, place and date; owner shall be indemnified by officer supervising slaughter according to the following rules: (1) animal found not to be infected to be sold, the price received to be deducted from amount of appraisal, the balance, if any, to be paid the owner; (2) if animal is found to be affected and the lesions are such that parts are passed for food, the veterinarian shall sell same for the best price obtainable when price shall be paid the owner and deducted from eighty per centum of amount of appraisal, the balance, if any, shall be paid the owner; (3) if animal is condemned for offal the veterinarian shall sell the hide and offal for best price obtainable which price shall be paid the owner and deducted from forty per centum of the amount of appraisal, and the balance, if any, remaining, shall be paid the owner; veterinarian shall, within thirty days, report to commissioner; file with the county court certificates with owner's claim for indemnity; if claim is regular, the court shall pay one-half of indemnity, other half to be paid out of moneys appropriated for carrying out the provisions of this act; full amount to be paid if total does not exceed appropriation, otherwise amount shall be paid pro rata at end of fiscal year; no right of indemnity in the following cases; (1) for animals owned by the

SEC.

- United States, this state, any county, city, town or village in the state; (2) for animals brought into the state contrary to law, or where owner has failed to comply with the law; (3) when owner had reason to believe animal to be afflicted with dangerous or contagious diseases; (4) when owner shall have been guilty of negligence or had carelessly exposed such animal to contagious or infectious disease.
18. To prevent spread of disease; commissioner to cause animal killed when necessary; owner required to execute agreement to clean and disinfect premises as prescribed by commissioner; agreement in duplicate, one for signer, other for commissioner; to be in force for two years; diseased animal to be appraised five days prior to slaughter, amount based on market value; animal reaching to test, how appraised; appraisement of registered and non-registered animals not to exceed; foot and mouth disease, half paid by federal government; appraisement may be made by arbitrators; duty of commissioner; certificate to be delivered to owner, two-thirds to be paid out of current appropriations; amount not to exceed; may be paid pro rata; hides and offal to be disposed of by owner.
 19. Unlawful to sell without commissioner's permission; notice to purchaser in case of sale necessary; milk from tuberculous cows to be sold under regulations prescribed by commissioner.
 20. Commissioner to prescribe methods of making tests for diagnosis of diseases of animals.
 21. Sale of certain animals and test made to be reported to commissioner within one week; report to contain what; unlawful to fail or refuse to make such report.
 22. Sale of biological product unlawful unless officially approved.
 23. Milk of affected cow to be sold under certain restrictions; examination by commissioner necessary.
 24. First conviction punishable by fine; second, by fine or imprisonment or both.
 25. Prosecuting attorney's duty to prosecute offenses against this act.
 26. Enforcement of this act; commissioner's power and authority.
 27. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. (a) The words "domestic animal," as used in 2 this act, shall mean any equine animal or bovine animal, sheep,

3 goat, pig, dog, cat or poultry; and shall be taken to include the
4 singular or plural as may be necessary in any given case.

5 (b) The word "owner," as used in this act, shall mean any
6 person owning any domestic animal, or leasing any domestic
7 animal from another; or any person who allows a domestic animal
8 habitually to remain about the premises inhabited by such person.

9 (c) The word "person," as used in this act, shall mean any
10 person, co-partnership, association, or corporation, and shall be
11 taken to include the singular or plural as may be necessary in any
12 given case.

13 (d) The word "premises," as used in this act, is to be taken
14 in its widest sense; and is to include land, any structure erected on
15 land, and any vehicle or vessel used in transporting passengers,
16 goods, or animals by land or by water.

Sec. 2. It shall be the duty of the commissioner of agri-
2 culture, hereinafter known as the "commissioner," to prevent,
3 suppress, control and eradicate, so far as possible, any transmissible
4 diseases of such animals or poultry, to issue circulars or bulletins
5 for public distribution, giving information on the prevalence and
6 control of diseases and their treatment and such other information
7 as would be of value to the stock industry of the state; and to en-
8 force the laws of the state relating to diseases of animals and
9 poultry, and the manufacture, preparation, storage, sale and offer-
10 ing for sale, of the food and food products derived from diseased
11 animals and poultry. Whenever and whenever deemed necessary
12 to prevent the spread of diseases the commissioner may regulate
13 and prohibit the importation into this state of animals or poultry;
14 may cause general or special quarantine of premises and animals
15 and poultry to be established and maintained; may cause the dis-
16 infection of any premises; may cause the destruction of animals
17 and poultry and personal property, and may regulate and prohibit
18 the moving or transportation of animals and poultry from one
19 place to another in this state. The commissioner may also cause
20 such investigations to be conducted as may seem advisable regard-
21 ing the causes, and the methods of preventing, controlling and
22 eradicating diseases thereof.

Sec. 3. The commissioners may employ such competent and
2 experienced veterinarians as may be necessary from time to time

3 to assist him in discharging the duties imposed upon him by this
4 act; such veterinarians shall be graduates of veterinary colleges
5 recognized by the American veterinarian medical association,
6 and to be hereafter known as consulting veterinarians. The com-
7 missioner shall have general charge of the enforcement of the pro-
8 visions of this act, and shall collect and disseminate information
9 and statistics in relation to the diseases of domestic animals, the
10 proper care and sanitation of stables and other buildings used for
11 stabling of farm animals for the purpose of preventing the exist-
12 ence and spread of infectious and contagious diseases. For any
13 services rendered under the provisions of this act, the consulting
14 veterinarians shall receive a per diem of five dollars per day and
15 actual expenses while engaged in carrying out the directions of
16 the commissioner, which expenses shall be paid out of the cur-
17 rent appropriation made for the enforcement of this act.

Sec. 4. Whenever any incorporated city of this state shall
2 have in its employ any veterinary sanitary officer engaged in the
3 inspection of meat, milk, or animals, and the qualifications of such
4 officer are equal to those in this act providing for consulting
5 veterinarians, then the commissioner may appoint such city veter-
6 inary sanitary officer a consulting veterinarian, but such officer
7 shall not be entitled to claim compensation or expenses from both
8 the state and the city for the same services, and his appointment
9 at any time shall be revocable by the commissioner.

10. The commissioner shall have the authority to appoint, at
11 different points in this state, veterinarians whose qualifications are
12 equal to the requirements for consulting veterinarians, to examine
13 any of the animals enumerated in this act that are to be moved to
14 states where the sanitary laws require such examination, and pro-
15 vided the owners request such inspection. It shall also be the duty
16 of said commissioner to specify and regulate the fees charged for
17 such examination, and to remove such veterinarian whenever he
18 may see fit; *provided*, that no inspector herein provided for shall
19 make any charge against the state for such service as he may
20 render.

Sec. 5. In the enforcement of this act and the rules and
2 regulations adopted by the commissioner, he and his
3 employees and the consulting veterinarians may enter any
4 premises, public or private, where they have reason to believe

5 that diseased animals or poultry may be or may have been con-
6 fined or kept in or on such premises.

7 Said commissioner, the consulting veterinarians, and
8 their duly appointed and authorized assistants or em-
9 ployees, in the performance of their duties under this act,
10 shall have power to call on sheriffs and their deputies, constables
11 and police officers, mayors of cities, city and town sergeants and
12 policemen to assist them in carrying out its provisions; and it is
13 hereby made the duty of all such officers to assist in carrying out
14 the provisions of this act when ordered so to do; and said com-
15 missioner, and the consulting veterinarians shall have, while
16 engaged in carrying out the provisions of this act, the same
17 powers and protection that other peace officers have, and
18 any such officer who fails or refuses to enforce the lawful orders
19 and quarantine of said commissioner or any veterinarian acting
20 under him, in the proper execution of the powers conferred by this
21 act, shall be guilty of a misdemeanor and be punished upon con-
22 viction thereof by a fine of not less than twenty-five dollars nor
23 more than two hundred dollars.

Sec. 6. It shall be the duty of every practitioner of veter-
2 inary medicine in West Virginia, immediately upon receiving in-
3 formation thereof, to report to the commissioner each case of any
4 of the following diseases, namely: Glanders, anthrax, blackleg or
5 black quarter; contagious pleuro-pneumonia, or lung plague of
6 cattle; rinderpest or cattle plague; hemorrhagic septicemia; foot
7 and mouth disease, or aphthous fever of cattle; southern cattle
8 fever, or Texas fever, John's disease; contagious abortion; sheep
9 scab, mange of cattle or horses; hog cholera, or swine plague; fowl
10 cholera, avian tuberculosis; rabies, or hydrophobia; maladic du
11 coit, or dourine, of horses; advanced or generalized tuberculosis, or
12 tuberculosis of the udder; or any other disease now or hereafter
13 proclaimed by the commissioner to be of a transmissible character,
14 or any domestic animal reacting to tuberculin or mallein test.
15 This report shall be in writing, and shall include a description of
16 each animal affected, with the name and exact address of the
17 owner or person in charge of the animal, and the exact locality of
18 the animal, and the number of susceptible domestic animals that
19 have been exposed to the disease. It is hereby made the duty of
20 every person who has upon his premises or in his possession any
21 domestic animal which is, or which he has good reasons to suspect

22 may be affected with infectious, contagious or communicable
23 disease, immediately to report the same to the commissioner.
24 If any person or veterinarian knowingly fail to report such a case,
25 or wilfully or maliciously interferes with or obstructs the commis-
26 sioner or consulting veterinarians in the performance of their
27 official duties under this act, or attempts to conceal the existence of
28 such disease, shall be guilty of a misdemeanor.

Sec. 7. It shall be unlawful for any person, or their
2 agents or employees to knowingly drive, cause to be driven, bring or
3 cause to be brought in any manner whatsoever, into this state any
4 domestic animal affected with any contagious, infectious or com-
5 municable disease. All domestic animals being brought into the
6 state for any purpose, by any means of transportation shall be
7 subject to the following restrictions, unless such animal is ac-
8 companied by a certificate of good health issued by the state veter-
9 inarian or other accredited authority of the state from which such
10 animal originates, or the certificate of a veterinary inspector of the
11 bureau of animal industry of the United States department of
12 agriculture, setting forth that such animal is free from all con-
13 tagious, infectious, or communicable diseases and does not originate
14 from a district of quarantine or infection, such certificate showing
15 inspection to have been made within a period of thirty days prior
16 to the arrival of such animal, certificate to be made in triplicate,
17 the original to be retained by the owner or person in charge of such
18 animal, and by him attached to the bill of lading accompanying
19 shipment of the animals, duplicate will be forwarded to the com-
20 missioner and triplicate to be retained by the veterinarian mak-
21 ing the inspection. It shall be the duty of the owner or owners of
22 such animal which is to enter the state without a certificate of
23 health to notify the commissioner, and such notice shall state
24 when, where and how the animal is to be brought into this state,
25 and must reach the commissioner before the animal arrives at
26 the point of destination. Any animal entering the state without
27 such a certificate of health may be placed in quarantine by the
28 commissioner under such rules and regulations as the commission-
29 er may approve, and held therein at the expense of the owner, and
30 if such animal is found affected with any contagious, infectious
31 or communicable disease, it shall, at the option of the owner,
32 be killed, without compensation to the owner, or continued in
33 quarantine at the expense of the owner. It shall be unlawful to

34 remove any such domestic animal from quarantine unless it shall
35 have passed a satisfactory examination, and the tuberculin test in
36 the case of bovine animals for dairy and breeding purposes and
37 unless the charges for the quarters, feed, water and attendance
38 have been paid to the person entitled thereto; the expenses incurred
39 in providing such animal or animals with proper quarters, food,
40 and water may be recovered by the commissioner from the owner
41 by an action at law as other debts are by law collectible. When
42 notified by an officer or agent of the commissioner not to do so, it
43 shall be unlawful for any person to receive or keep or have in his
44 keeping or possession, any domestic animal imported or brought
45 into this state in violation of any of the provisions of this act, or to
46 allow any such domestic animal to come into contact with any
47 other domestic animal; *provided, however,* that this provision shall
48 not apply to the importation of goats, dogs, cats or poultry at any
49 other time than during an epidemic of any of the diseases men-
50 tioned in section six hereof. And whenever the commissioner
51 shall consider the importation of goats, dogs, cats and poultry un-
52 safe on account of the prevalence of such diseases in any other state
53 of the union, he may prohibit entirely or restrict such importa-
54 tions in such manner as he may deem necessary, and after the pub-
55 lication of his proclamation thereof, all of the provisions and pen-
56 alties of this section and this act shall have full force and effect.

Sec. 8. No domestic animal that has been used or is to be
2 used for dairy or breeding purposes shall be imported or brought
3 into this state except subject to the following regulations: There
4 shall be provided for each bovine animal over six months old a
5 health certificate and a tuberculin test chart, each in triplicate,
6 from a veterinary inspector of the United States bureau of animal
7 industry, or from the state veterinarian, or duly authorized and
8 officially certified veterinarian of the state from whence the animal
9 has been transported or moved. The original of the certificate and
10 of the chart shall be attached to the waybill, when the animal shall
11 be brought into the state by common carrier, and the duplicate sent
12 so as to reach the office of the commissioner before the animal
13 reaches the point of destination, and the triplicate shall be retained
14 by the veterinarian issuing the certificate. If the animal shall be
15 brought into the state other than by common carrier the office of
16 the commissioner shall be notified before such animal shall be
17 brought in. The original certificate and the chart shall be in the

18 possession of the person who shall bring such animal into the state,
19 and shall be surrendered to any officer or agent of the commissioner
20 on demand. The duplicates thereof shall be sent to the com-
21 missioner as aforesaid. Such notice to the commissioner
22 shall state when and where and how the animal is to be brought
23 into the state. Such certificates and chart shall show that the
24 animal is free from Texas fever ticks, and all transmissible diseases.
25 The chart must show that an approved preparation of tuberculin
26 has been used, and that the examination and tuberculin test have
27 been carried out in a manner approved by the commissioner; *pro-*
28 *vided, however,* that from herds which are recorded and certified as
29 free from tuberculosis either by the state veterinarian or other ac-
30 credited authority of such state as the commissioner may see fit
31 to recognize for this purpose, or may be so recorded and certified
32 by the United States bureau of animal industry, animals may be
33 permitted to enter the state upon such herd certificate in lieu of
34 the tuberculin test chart hereinbefore required.

35 This section and section seven of this act shall not apply to
36 animals brought into the state for immediate slaughter, or to
37 animals brought into the state for temporary exhibition purposes
38 only, after a permit for each animal for exhibition purposes shall
39 have been obtained from the commissioner, who shall prescribe
40 such conditions for the issuance and duration of such permits as
41 to him may seem proper.

42 No apparently healthy bull or heifer under six months of age
43 shall be subject to tuberculin test.

44 If the commissioner shall suspect the genuineness of any
45 health certificate or tuberculin test chart relating to imported
46 animals, or shall question the competency of the person of the state
47 of export who shall have issued such chart or certifi-
48 cate, he may decline to accept the same; and may refuse
49 to permit the importation of the animals concerned, unless
50 a certificate and chart be furnished from the proper inspector of
51 the bureau of animal industry of the United States, or unless the
52 said commissioner shall otherwise determine. It shall be unlawful
53 for any person to sell for dairy or breeding purposes any domestic
54 animals brought into the state for immediate slaughter, or to use
55 or permit to be used any such animal for dairy or breeding pur-
56 poses.

Sec. 9. Any bovine animal, not accompanied by the health

2 certificate and tuberculin test chart required by section eight of this
3 act, may be brought into this state only under the direct super-
4 vision of an officer, or agent of the commissioner, subject to the
5 provisions of section seven of this act and to the following regula-
6 tions:

7 Each animal shall be held in close quarantine at such place,
8 under such conditions and during such time as may be prescribed
9 by the commissioners and during the period of such quarantine
10 shall be submitted to a physical examination and tuberculin test by
11 an agent of the commissioner. The examination and test shall be
12 at the expense of the owner. During the continuance of such
13 quarantine the animal shall be provided with proper quarters, food
14 and water by the owner, or at his expense.

Sec. 10. Whenever any of the diseases enumerated in
2 section six of this act, or any other disease of domestic animals or
3 poultry now or hereafter adjudged and proclaimed by the com-
4 missioner to be of a transmissible character, shall exist anywhere
5 in the state, a quarantine of any locality or premises, or of any
6 infected or exposed animals or poultry, may be established.
7 Quarantine shall be of two kinds, special and general.

8 A "special quarantine" shall mean a quarantine of a single
9 animal; or a quarantine of a single building, structure, pen, coop,
10 car, vessel, vehicle, field, or enclosure; or a quarantine of any num-
11 ber of animals or poultry when confined or contained in the same
12 building, structure, pen, coop, car, vessel, vehicle, field or en-
13 closure.

14 A "general quarantine" shall include all quarantines not in-
15 cluded under the term "special quarantine" as herein defined.

16 A special quarantine may be established and maintained when-
17 ever any domestic animal or poultry shall be affected with or ex-
18 posed to any of the diseases enumerated in section six of this act, or
19 any other disease of domestic animals or poultry now or hereafter
20 adjudged and proclaimed by the commissioner to be of a trans-
21 missible character, or there shall be any animal or poultry which
22 it is deemed necessary by the commissioner to have examined or
23 tested. The commissioner or his authorized agent shall have the
24 power to establish and maintain any special quarantine. It shall
25 be the duty of the commissioner, or his agent establishing a spe-
26 cial quarantine, to post on the building, structure, pen, coop, car,
27 vessel, vehicle, field, or enclosure, wherein the animal or animals

28 or poultry quarantined are confined or contained, a notice declar-
29 ing the quarantine, a description of the animal or animals or poul-
30 try quarantined, and of the premises where quarantined, and of
31 the duration of such quarantine. Such quarantine may continue
32 for such time as the commissioner, or his agent establishing the
33 same, may deem advisable to accomplish the purpose of quaran-
34 tine.

35 A general quarantine may be established and maintained
36 whenever any of the diseases enumerated in section six of this act,
37 or any other disease of domestic animals or poultry now or here-
38 after adjudged or proclaimed by the commissioner to be of a
39 transmissible character, shall exist in any locality in the
40 state larger in extent than that which may be included
41 in a special quarantine. A general quarantine shall be
42 established and maintained by the commissioner only.
43 Such quarantine shall include such premises, locality or
44 territorial district, and such animals, and shall continue
45 for such time as may be deemed necessary or advisable
46 by the said commissioner. In establishing and maintain-
47 ing such quarantine the said commissioner may act through
48 and by an officer, or agent employed by him to whom such power is
49 delegated; and the establishment and maintenance of such quaran-
50 tine by any officer, agent or employee of said commissioner shall be
51 *prima facie* the establishment and maintenance of quarantine by
52 said commissioner. Whenever any premises or any locality or
53 territorial district shall be placed in or under quarantine by said
54 commissioner, it shall be the duty of the officer, agent or employee
55 of said commissioner by whom the order of the commissioner as
56 to quarantine is executed, to post notices within the premises,
57 locality or territorial district quarantined, declaring the extent and
58 limits of premises, locality, or territorial district so quarantined,
59 and the animals subject to such quarantine. At least ten such
60 notices shall be posted in the most public places within said quar-
61 antined area. A copy of such notice shall be published in one
62 newspaper published within such quarantined area; or if there be
63 no such newspaper, then in one newspaper circulating generally
64 within such area. If the quarantine shall be for the purpose of
65 preventing the spread of rabies or hydrophobia, and, if in the
66 judgment of the commissioner, in the case of other infectious,
67 contagious or otherwise communicable diseases, such action is nec-

68 essary, the notice shall contain a warning to the owners of dogs
69 within the quarantined area to confine closely all such dogs.

Sec. 11. After the establishment of any quarantine au-
2 thorized by this act, and the posting of notices required by law, it
3 shall be unlawful for any person, without a special permit in writ-
4 ing from the commissioner, to remove from or to any
5 premises within the limits of the quarantine any do-
6 mestic animal or poultry; or to remove from any quar-
7 antined area or premises any hay, straw, grain, fodder, or
8 other food, or animals or poultry, or to remove any car or wagon
9 or vessel so quarantined, or to sell or exchange or give away or
10 lease or lend or remove, or allow to be removed, any quarantined
11 domestic animal or animals or poultry. It shall be unlawful after
12 notice as aforesaid, for the owner of any dog to permit such dog to
13 run at large in any such quarantined locality; or for any person
14 to remove, or permit to be removed, any dog from such quarantined
15 area. Any dog found running at large in such quarantined area,
16 or known to have been removed from or to have escaped from such
17 area, as aforesaid, may be secured and confined, or may be shot or
18 otherwise destroyed by any person, without liability therefor.

Sec. 12. It shall be unlawful for any person to tear down
2 or deface or to destroy any notice of quarantine posted by any offi-
3 cer, agent, or employe of the commissioner, or to remove or destroy,
4 wholly or partially, any portion of a building or tree or fence
5 whereon the same shall have been posted.

Sec. 13. When any quarantine shall be established under
2 this act, it shall be unlawful for the owner of any domestic animal
3 within the limits of the quarantined area to allow such domestic
4 animal to run at large during the continuance of the quarantine.
5 Any animal so found running at large shall be taken up by the
6 proper constable, and kept at the expense of the owner until the
7 lifting of the quarantine. For such service he shall be entitled to
8 one dollar for each animal. Each animal shall be kept until such
9 fee and all cost of keeping such animal shall have been paid. If
10 not paid within two weeks from the lifting of the quarantine, the
11 animal may be sold; and after the deduction of all fees, costs and
12 expenses, the residue shall be paid to the owner, if known, and if
13 not known, shall be paid into the state treasury. This section
14 shall not apply to dogs, or affect the special provisions of this act
15 in reference to dogs.

Sec. 14. Animals that shall be placed in quarantine by
2 authority of the commissioner, or his agents, shall be
3 provided with suitable quarters, and fed and watered by
4 or at the expense of the owner. In default of payment by such
5 owner of the expense of providing suitable quarters and of feeding
6 and watering any of such animals within ten days after the lifting
7 of said quarantine, the commissioner may sell or cause to be sold
8 any such animal, at public sale, to collect such expense. Any
9 surplus received at said sale, over the expense aforesaid, shall be
10 paid to such owner. No animal shall be removed from a quaran-
11 tined area until such sale, except upon payment of such expense.

Sec. 15. Whenever it shall be required to destroy or dispose
2 of the carcass of any animal to prevent the spread of disease such
3 destruction or disposal shall be made by one of the following
4 methods:

5 *First.* Complete cremation of the entire carcass with all its
6 parts and products.

7 *Second.* Boiling the carcass and all its parts and products
8 in water, or heating the same with steam at the temperature of
9 boiling water, continuously during at least two hours.

10 *Third.* Burial of the carcass and all its parts and products
11 in such place that shall not be subjected to overflow from ponds
12 or streams, and which shall be distant not less than one hundred
13 feet from any water course, well, or spring, public highway, house
14 or stable. In burying such carcass it shall be covered with quick-
15 lime to a depth of not less than three inches, and the top of such
16 carcass shall not be within two feet of the surface of the ground
17 when the grave is filled and smoothed to the level of the sur-
18 rounding surface. Such grave shall be so protected that the car-
19 cass may not be accessible to dogs or other animals.

20 Whenever any animal affected with any of the diseases
21 enumerated in section six of this act, or with any disease now or
22 hereafter adjudged and proclaimed by the commissioner to be
23 of a transmissible character, shall die or be killed, it shall be the
24 duty of the owner of such animal at once to destroy or dispose
25 of the carcass of such animal in the manner provided in this sec-
26 tion. It shall be unlawful to sell any such carcass or any part
27 thereof or any hide or offal therefrom; *provided, however,* that
28 if the owner of such animal shall not within twenty-four hours
29 dispose of the carcass as provided by law, it shall be the duty of

30 the commissioner, or his agent, to cause the same to be destroyed
31 or disposed of according to law, at the cost of such owner. The ex-
32 pense of such destruction or disposal may be collected from such
33 owner as debts of like amount are by law collectible.

Sec. 16. It shall be unlawful for any person to knowingly
2 drive or move or transport on or across or along any public highway,
3 or in wagons or railroad cars or other vehicles, any animal affected
4 with any disease enumerated in section six of this act, or with any
5 disease now or hereafter adjudged and proclaimed by the com-
6 missioner to be of a transmissible character, except upon express
7 permission in writing from the commissioner or his agents.

Sec. 17. The commissioner or his agents or the inspec-
2 tors of the United States bureau of animal industry,
3 shall possess authority to test with tuberculin any bovine
4-5 animal kept within this state, subject to such rules and
6 regulations as the commissioner may prescribe. The tuberculin
7 test shall be applied to bovine animals at such times as may be
8 designated by the commissioner as may be necessary in the con-
9 trol and eradication of bovine tuberculosis in this state, and all
10 cows whose milk is sold for human consumption or manufacture
11 and all uncastrated beef animals shall be tested with tuberculin
12 in so far as may be possible. When any such bovine animal is
13 found by the officer making the test to give what the commis-
14 sioner shall have prescribed by his rules and regulations to be
15 a clearly defined reaction to such test, the said animal shall be
16 considered to be affected with bovine tuberculosis, and shall be
17 marked or branded upon the right side of the neck from six to
18 ten inches back from the jawbone with a capital "T", not less
19 than two inches high, one and one-half inches wide with mark
20 one-fourth of an inch wide, unless the owner elects, as hereinafter
21 provided, to keep the animal in quarantine for eight weeks, when
22 the animal shall be again tested by the commissioner or his
23 agent at the expense of the owner, and if the animal again gives
24 a clearly defined reaction it shall be branded. Any bovine animal
25 affected with advanced or generalized tuberculosis or tuberculosis
26 of the udder may be similarly branded, and such branding shall
27 not be construed as cruelty to animals within the meaning of the
28 penal laws of this state. If such a reacting animal be pure-bred
29 and registered or eligible to registry, and the owner of such re-
30 acting animal shall desire to keep it, such option is allowed, pro-

31 vided the animal does not, in the judgment of the officer making
32 the examination and test, show evidence of physical breakdown,
33 then or at any time thereafter, probably due to the disease, and
34 it shall then be the duty of the commissioner or his agents
35 to place such animal in quarantine, and the owner or owners
36 thereof, their agents or employees, shall maintain the said animal
37 in quarantine as prescribed by the commissioner or his agents
38 and the product or products of such reacting animal shall only
39 be disposed of under such restrictions as the commissioner shall
40 designate.

41 Except as hereinbefore provided all bovine animals within
42 this state which are deemed tuberculous, either as a result of phys-
43 ical examination or the tuberculin test, shall be slaughtered
44 within a time and at a place designated by the commissioner
45 or his agent, and if the owner of any such tuberculous animal
46 shall desire to receive indemnity therefor, he shall be required by
47 the commissioner, before the appraisal and slaughter of the ani-
48 mal, to execute an agreement that he will thoroughly clean and
49 disinfect all premises that may have been infected by such tuber-
50 culous animal, in such a manner as the commissioner may pre-
51 scribe; will have his entire herd of bovine animals tested with
52 tuberculin by the commissioner or his agent at such times as
53 the commissioner may designate, and will not admit to his herd
54 any bovine animal that has not given a negative reaction to the
55 tuberculin test. Such an agreement shall be in duplicate, one
56 copy to be retained by the signer, and in such form as the com-
57 missioner shall designate, and shall be signed by the owner or
58 owners or their agents, and shall be in effect for a period of two
59 years from the date thereof. All such tuberculous animals shall be
60 appraised before being slaughtered, the owners to be indemnified,
61 as hereinafter provided.

62 The commissioner or his agent shall act as appraiser
63 and shall appraise each tuberculous animal within five
64 days prior to the date of slaughter, basing the amount upon the
65 class and market value of the animal at the time of appraisal,
66 whether for breeding purposes or whether for milk or meat pro-
67 duction. Animals reacting to the tuberculin test, but not exhibit-
68 ing any physical evidence of tuberculosis, shall be appraised with-
69 out considering the presence of a diseased condition, but animals
70 exhibiting any physical evidence of tuberculosis shall be appraised

71 as diseased animals. The amount of appraisal shall not exceed
72 the sum of seventy-five dollars for a pure-bred registered animal
73 or the sum of fifty dollars for a grade or non-registered animal.
74 If the amount of appraisal of any animal, as determined by the
75 appraiser is designated, is not satisfactory to the owner of such an-
76 imal, a written notice of such fact, setting forth the reasons for
77 complaint, shall be made to the appraiser at once. The amount of
78 the appraisal shall then be determined by arbitrators, one to be
79 appointed by the appraiser and one by the owner of the animal.
80 If said arbitrators are not able to agree as to the amount of ap-
81 praisal, a third arbitrator shall be appointed by them, whose de-
82 cision shall be final. Arbitrators shall be paid one dollar for each
83 appraisement of five or less than five animals, and two dollars
84 if more than five animals are appraised. Compensation for the
85 arbitrator appointed by the owner, and the third arbitrator, if ap-
86 pointed, shall be paid by the commissioner if the decision made
87 is against the arbitrator appointed by the veterinarian, but if
88 the decision is in favor of such arbitrator the owner shall pay the
89 compensation of the arbitrator appointed by him and the third
90 arbitrator, if appointed.

91 After such agreement has been executed and appraisal has been
92 made it shall be the duty of the commissioner or his agent to
93 see that the animal is slaughtered and the carcass disposed of in
94 accordance with the meat inspection regulations of the United
95 States bureau of animal industry, or in such manner as the com-
96 missioner shall prescribe. When the animal is to be slaughtered,
97 as herein provided, the commissioner or his agent shall make
98 and deliver to the owner a certificate which may cover any number
99 of animals belonging to the same owner, showing the age and
100 description of each animal found to be tuberculous, the name and
101 place of test, the mark or brand as tuberculous and any other
102 mark or brand which the animal may bear, the date when and the
103 place to which the animal was sent for slaughter by
104 the veterinarian, the designation of the officer who is
105 to supervise the slaughter, the appraised value of said
106 animal or animals, the name and address of the owner
107 of the animal and the fact that he has executed the agreement
108 hereinbefore provided for. The officer supervising the slaughter
109 shall, immediately after the same, indorse upon or add to the fore-
110 going certificate that he has witnessed the slaughter of each of

111 said animals, the place and date thereof, that the number, age,
112 description and brand or mark corresponding to those given in the
113 certificate of the officer who made the former certificate and shall
114 state the result of his post-mortem examination, the disposition
115 made of the carcass, and the price received for the same by the
116 veterinarian. The slaughter may be supervised and certificate
117 thereof may be made by the commissioner or any of his agents, or
• 118 any person possessing the authority of an agent, or any officer
119 of the United States bureau of animal industry. The commis-
120 sioner may require such other particulars to be added to either
121 of said certificates or the affidavit hereinafter required, and may
122 make and enforce such rules and regulations governing the hand-
123 ling, shipping and slaughter of such animals, as may be deemed
124 necessary.

125 The owners of such animals shall be indemnified in such
126 amount as shall be determined by the results of post-mortem in-
127 spection by the officer supervising the slaughter according to the
128 following rules:

129 **RULE 1.** If any animal is found, upon post-mortem in-
130 spection, not to be affected with tuberculosis, the carcass and
131 other edible portions shall be passed as food, and the veterinarian
132 shall sell the same, including all accompanying parts, for the best
133 price obtainable, which price shall be paid to the owner and de-
134 ducted from the amount of appraisal, and the balance, if any,
135 thus remaining, shall be paid the owner.

136 **RULE 2.** If any animal is found, upon post-mortem inspec-
137 tion, to be affected with tuberculosis, and the lesions are such that
138 the carcass and parts of the carcass are passed for food, the
139 veterinarian shall sell the same, including all accompanying
140 parts, for the best price obtainable, which price shall be paid to
141 the owner and deducted from eighty per centum of the amount
142 of the appraisal, and the balance, if any, thus remaining shall
143 be paid the owner.

144 **RULE 3.** If any animal, upon post-mortem inspection, is
145 condemned for offal, the veterinarian shall sell the hide and offal
146 for the best price obtainable, which price shall be paid to the
147 owner and deducted from forty per centum of the amount of
148 appraisal, and the balance, if any, thus remaining shall be paid
149 the owner.

150 After such tuberculous animals shall have been slaughtered

151 as herein provided for, the veterinarian shall as soon as possible
152 forward to the commissioner, who shall, if found to be correct, ap-
153 prove the same and within thirty days, file with the county court
154 of the county in which said animals were owned at the time
155 they were condemned as tuberculous, as herein provided, the
156 foregoing certificates, together with the owner's claim for in-
157 demnity, and his affidavit that he has thoroughly cleaned and
158 disinfected his premises and complied with all the regulations
159 of the commissioner in respect thereto and in respect to the re-
160 mainder of his herd. If the said county court, upon examination
161 of the certificates filed as aforesaid and of the affidavit of the
162 claimant and any evidence that may be presented, shall find the
163 claim is regular and the facts therein set up are true, and that
164 the claimant is entitled to indemnity as herein provided, the coun-
165 ty court shall make an order allowing the claimant one-half of the
166 indemnity hereinbefore provided for, which shall be paid upon
167 the order of the county court out of the general funds of the coun-
168 ty. The commissioner shall at the end of the fiscal year issue his
169 warrant upon the state auditor in favor of the claimant, for the
170 remaining one-half of the indemnity allowed, which shall be paid
171 out of any moneys appropriated for carrying out the provisions of
172 this act; *provided*, that at the end of each fiscal year the claimants
173 for such certificates of value shall be paid the same from the cur-
174 rent appropriations made for that purpose; *provided, further*,
175 that the amount to be paid on such certificates in any one year
176 shall not exceed the amount appropriated for such purpose, which
177 amount shall be paid pro rata at the end of each fiscal year; *pro-*
178 *vided, further, however*, that the right to indemnify shall not
179 exist nor shall payment be made in either of the following cases:

180 (1) For animals owned by the United States, this state or
181 any county, city, town or village in this state.

182 (2) For animals brought into this state contrary to the pro-
183 visions of this act, or where the owner of the animal or person
184 claiming compensation has failed to comply with the provisions
185 of the same.

186 (3) When the owner or claimant, at the time of coming into
187 possession of the animal, knew or had reason to believe it to be
188 afflicted with a dangerous or contagious disease.

189 (4) When the owner shall have been guilty of negligence or

190 had carelessly exposed such animals to the influence of con-
191 tagious or infectious disease.

Sec. 18. Whenever, to prevent the spread of any disease
2 mentioned in section six of this act, it shall be deemed necessary by
3 the commissioner or any of his agents to cause any domestic
4 animal to be killed, and the owner thereof shall desire to receive
5 indemnity therefor, the owner thereof shall be required to execute
6 an agreement with the commissioner or his agent that he will
7 thoroughly clean and disinfect all premises that may have been
8 infected by such diseased animal in such manner as the commis-
9 sioner or his agent may prescribe. Such an agreement shall be
10 in duplicate, one copy to be retained by the signer, and in such
11 form as the commissioner may designate and shall, be signed by
12 the owner or owners or their agents, and shall be in force for a
13 period of two years from the date thereof. The commissioner
14 or any agent so authorized shall act as appraiser and
15 shall appraise each such diseased animal within five days
16 prior to its slaughter, basing the amount upon the market value
17 of the animal at the time of appraisal. Animals reacting to any
18 approved test for a disease, but otherwise apparently healthy,
19 shall be appraised without considering the presence of a diseased
20 condition, but animals exhibiting any physical evidence of dis-
21 ease shall be appraised as diseased animals, taking into considera-
22 tion the condition of the animal as to disease, and the nature and
23 extent of the disease, and its present and probable effect on the ani-
24 mal, and having regard to the probable sums to be derived from
25 the sale of the carcass, hide and offal. The amount of appraisal
26 shall in no case exceed for a non-registered equine animal the sum
27 of seventy-five dollars, for a registered equine animal the sum of
28 one hundred dollars, for a non-registered bovine animal fifty dol-
29 lars, for a registered bovine animal seventy-five dollars; for a
30 sheep or pig the sum of ten dollars; *provided, however*, that in case
31 of an outbreak of foot and mouth disease, or any other dangerous-
32 ly contagious or infectious disease, among bovine animals and on
33 account of which disease, bovine animals are being destroyed by
34 order of federal authority, and for which said bovine animals so
35 destroyed the federal government pays one-half the true and
36 actual value according to the appraisalment, that the state of
37 West Virginia pay one-half and only one-half the true and
38 actual value as above stated. If the amount of appraisal of

39 any animal as determined by the appraiser designated is not sat-
40 isfactory to the owner of such animal, the appraisal may be made
41 by arbitrators as provided in section seventeen of this act. After
42 such agreement has been executed and appraisal has been
43 made, it shall be the duty of the commissioner or his agent
44 to see that the animal is killed and the carcass disposed
45 of in accordance with the provisions of this act and the
46 rules of the commissioner. When the animal is to be killed
47 the commissioner or his agent shall make and deliver
48 to the owner a certificate which may cover any number of ani-
49 mals belonging to the same owner, showing the age and descrip-
50 tion of each animal, the appraised value of said animal or animals,
51 the name and address of the owner of the animal and the fact that
52 he has executed the agreement hereinbefore provided for. At the
53 end of each fiscal year the holders of such certificates of value
54 shall be paid two-thirds of the value of the same from the current
55 appropriations made for carrying out the purposes of this act;
56 *provided*, that the amount paid on such certificates and those
57 similarly provided for in section seventeen of this act in any one
58 year shall not exceed the appropriation made therefor, which
59 amount shall be paid *pro rata* at the end of each fiscal year on an
60 order signed by the commissioner. When any animal
61 is so killed the owner, subject to the regulations of the
62 commissioner, may dispose of the whole or any part of the carcass
63 and of the hides and oil in such manner as may not tend to
64 spread disease or affect the health of the public.

Sec. 19. Without express permission in writing from the
2 commissioner, or his agent, it shall be unlawful for any
3 person to sell or offer for sale, or to give away, or
4 to allow to stray, any animal affected with any disease enumerated
5 in section six of this act, or with any disease now or hereafter
6 adjudged and proclaimed by the United States bureau of animal
7 industry to be of a transmissible character, or any animal that
8 has reacted to any tuberculin or mallein test, or with such per-
9 mission to sell or offer for sale, or to give away, any such animal,
10 without notifying the purchaser or any prospective purchaser or
11 the person to whom the animal shall be sold or given, that the
12 animal is affected or has reacted as aforesaid, or that it has been
13 in a herd affected with such a disease within one year, except
14 when for immediate slaughter in accordance with the meat in-

15 spection regulations of the United States department of agricul-
16 ture; or to dispose of to another in any manner any animal that
17 may be in quarantine until such time as the quarantine shall have
18 been raised by the proper officer, or to dispose of the meat or milk
19 of any animal that may be affected with such contagious, infec-
20 tious or communicable disease for use as food or for other pur-
21 poses except in such manner as shall be provided by the commis-
22 sioner; *provided, however*, that nothing in this section shall be con-
23 strued as interfering with the provisions of the state or national
24 pure food or meat inspection laws except that the milk from tu-
25 berculous cows may be sold under such regulations for its sterili-
26 zation before use as the commissioner may prescribe.

Sec. 20. The commissioner may prescribe methods of mak-
2 ing tests with tuberculin, mallein or other recognized tests for the
3 diagnosis of diseases of animals.

Sec. 21. Each sale in this state of tuberculin for cattle,
2 or of mallein for horses, jacks or mules, and each injection or
3 test made with tuberculin or mallein, shall be reported in writing
4 to the commissioner within one week after such sale or test.
5 Each such report shall be signed by the person who shall have made
6 the sale or test, and shall give the name of the purchaser of the
7 tuberculin or mallein, with the amount sold, the date of sale, the
8 name and address of the owner of the cattle or horses or mules or
9 jacks tested, the locality where such test has been made, a descrip-
10 tion of the animal or animals tested, and a complete statement of
11 the actual result of such test. It shall be unlawful for any per-
12 son, whose duty it is hereby made to make such report, to fail
13 or refuse to do so.

Sec. 22. It shall be unlawful for any person to manu-
2 facture for sale, or sell or offer for sale, any biological product
3 intended for diagnostic or therapeutic purposes with animals un-
4 less such product is officially approved by the bureau of animal
5 industry of the United States.

Sec. 23. Milk produced by a cow which has reacted to a
2 tuberculin test, or is affected with a dangerously transmissible
3 disease, shall not be sold as food for human beings or other ani-
4 mals, unless it has been previously heated to at least one hundred
5 and seventy-eight degrees fahrenheit, or heated to one hundred and
6 forty degrees F. and held at that point for at least twenty minutes,
7 except when a special examination has been made under the direc-

8 tion of the commissioner and written permission to use such
9 milk has been given by him.

Sec. 24. Any person, firm or corporation that shall vio-
2 late any of the provisions of this act shall be guilty of a mis-
3 demeanor, and upon conviction thereof shall, for the first offense,
4 be sentenced to pay a fine of not more than one hundred dollars.
5 For each subsequent offense such person, firm or corporation shall
6 be sentenced to pay a fine of not more than five hundred dollars,
7 and in addition thereto, such person, or each of the members of the
8 firm or each of the directors of the corporation, as the case may be,
9 with guilty knowledge of the fact, may be sentenced to undergo
10 imprisonment in the jail of the proper county for a period of not
11 less than ten nor more than ninety days, or either or both, at the
12 discretion of the court.

Sec. 25. It shall be the duty of the prosecuting attorney
2 in the county in which offenses are committed against the provis-
3 ions of this act, to prosecute the same upon information fur-
4 nished by the commissioner or his agents.

Sec. 26. The commissioner shall be charged with the en-
2 forcement of this act, and shall have the power to make all needful
3 rules and regulations for the enforcement thereof, and shall have
4 authority to accept on the part of the state the laws, rules and
5 regulations of the United States bureau of animal industry for
6 the prevention, control and eradication of contagious, infectious or
7 otherwise communicable diseases among domestic animals and
8 poultry.

Sec. 27. All acts or parts of acts in conflict with this act
2 are hereby repealed.

CHAPTER 14.

(House Bill No. 165.)

AN ACT to amend and re-enact sections six, fifteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-six, thirty-one, thirty-four, forty-four, forty-five and fifty-six of chapter sixty-two, of the code of one thousand nine hundred and thirteen, (being respectively, serial sections 3454, 3473, 3477, 3478, 3480, 3482, 3486, 3491, 3494, 3508, and 3520 of said code), and to add thereto two sections, numbered fifty-*a* and fifty-*b*, all relating

to the protection and preservation of certain animals, birds and fishes, forest and streams.

(Passed February 26, 1915. In effect ninety days from passage. Became a law without the Governor's approval.)

SEC.

6. Forest, game and fish warden and chief deputies to execute bond; to be approved by governor; same requirement as pistol bond.
15. Requirement as to reports of deputies; forest, game and fish warden; stationery to be furnished deputies; what reports shall contain; method of paying over moneys collected; justices and clerks of courts, also required to report to forest, game and fish warden all money collected and the status of cases pending.
19. No person not a citizen of the United States permitted to hunt or have in possession fire arms for the purpose; no person permitted to hunt without a license; requirement as to license and how obtained; license fee as to non-resident of state; license fee as to *bona fide* resident of state; no fee to be charged by clerk for issuing license; all license fees to be paid by county clerk to state treasurer the first day of each month for month preceding; must have license in possession while hunting; license good for one year only; provisions as to license tag, color, etc., and county in which issued to appear on all tags; form of license and affidavit for procuring same; carrying of uncased gun in fields *prima facie* evidence of violation of provisions; exceptions as to owner of fields or woods; penalty for failure to produce license tag and duty of warden or deputy; requirement as to non-resident members of clubs or organizations owning or leasing game preserves; penalty for violation of provisions of this section; provision as to issuing license to minors prohibited except in certain cases.
21. Alteration, loan, sale or transfer of license tag prohibited; misdemeanor, penalty for violation.
23. Game birds defined.
25. Hunting, chasing or killing of elk prohibited for eight years; exceptions; penalty for violation of section; close season for deer, December 1st until October 15th following, of any year; hunting deer, with dogs prohibited; killing of fawn or doe prohibited; violation of game law to have in possession deer, quail, pheasant, ruffed

SEC.

- grouse or game fishes with intent to transport beyond limits of the state; penalty for violation of this section.
26. Close season for ruffed grouse, pheasant and wild turkey; limit of quail, ruffed grouse or wild turkey that may be killed; also wild duck, goose or brant; exceptions as to wood duck, woodcock, plover, ortolan or sandpiper, rail, snipe, gray, black, red or fox squirrel; rabbits; close season, except as to owners of land; red fox, raccoon, mink or skunk, close season; exceptions as to owners of land; penalties; each bird or animal killed to constitute a separate offense; exceptions as to capture of game birds and game animals under direction of warden for propagation purposes; exceptions also as to permits by game warden.
31. Disposition of moneys collected under provisions of this chapter; to be credited to the "school fund" after payment of amount fixed by this chapter; appropriation authorized for carrying out purposes of this chapter.
34. Destruction of nests or eggs of wild birds prohibited; exceptions.
44. License required for fishing; method to be followed to secure license; fee for license and form; how issued and by whom; license fees to be paid to state treasurer; owner of license must have same in his possession; exceptions as to non-resident owners of land; limitations as to fishing other than with hook and line; seines, traps and other devices prohibited; provisions as to jack salmon, white salmon, pike, black bass, trout, etc.; method of measurement, and close season for jack salmon, trout, land-lock salmon, black bass, green bass, willow bass, pike or pickerel, wall-eyed pike, etc.; exceptions as to fish of the sucker variety; unlawful to destroy fish in any dam or pond; exceptions: unlawful to knowingly and wilfully let water out of pond with intent to injure or take fish therein; penalty; provisions as to erection of sign at ponds and penalty for defacing or tearing down same.
45. Lawful to destroy nets, traps or other devices when found in any creek, run or river, and no

SEC. recourse at law against parties destroying same; penalty for violations; erection of dam in any river, creek or water course prohibited, without providing ladders or way to allow fish to ascend or descend; ladder to be built under plan satisfactory to forest, game and fish warden; penalties for violation; special provisions as to duty of forest, game and fish warden.

50-a. Bounty authorized for killing certain animals and predatory birds; amount of bounty; how paid and when; method of

SEC. destruction after surrender to authorities; limitations as to number to be killed; publication required; penalty for false statements.

50-b. Perpetual close season for game of all kinds and wild birds found upon sanctuaries or refuges set apart by forest, game and fish warden; provisions as to fire line and notices to be posted; limit of acreage in preserves and provisions as to hunting thereon; penalties for violation of provisions of this section.

Be it enacted by the Legislature of West Virginia:

That sections six, fifteen, nineteen, twenty-one, twenty-three, twenty-five, twenty-six, thirty-one, thirty-four, forty-four, forty-five and fifty-six of chapter sixty-two, of the code of one thousand nine hundred and thirteen, (being, respectively, serial sections 3454, 3473, 3477, 3478, 3480, 3482, 3486, 3491, 3494, 3504, 3508 and 3520 of said code), be amended and re-enacted and that sections fifty-a and fifty-b be added thereto so that said chapter will read as follows, to-wit:

Sec. 6. The forest, game and fish warden and the chief
2 deputy wardens, shall each, before entering upon the discharge of
3 their respective duties, execute a bond in the penalty of three
4 thousand five hundred dollars, with security therein to be ap-
5 proved by the governor, and conditioned for the faithful perform-
6 ance of their duties, and to account for and pay over all moneys
7 and property coming into their hands, due and belonging to the
8 state, and also conditioned according to the requirements of the
9 present law with reference to the carrying of revolvers, which
10 said bonds, after having been approved by the governor, shall be
11 deposited with the auditor.

Sec. 15. The appointed deputy wardens shall, on the
2 first of the months of January, April, July and October of each
3 year make a report under oath to the forest, game and fish warden,
4 which reports shall show in detail the work done by them
5 severally during the three months next preceding. The forest,
6 game and fish warden shall furnish the deputy wardens all nec-
7 essary blank forms and stationery for making said reports. All
8 such reports shall show an account of the suits commenced, the
9 justice or court before whom such proceedings were had, the num-
10 ber and kinds of game, fish, birds and property seized, and what

11 disposition was made of the same, the amount of proceeds of sale,
12 and the amount of money, if any, received by him for fines im-
13 posed, or from any other source provided for by this chapter. All
14 *ex-officio* deputy wardens shall make a report to the forest, game
15 and fish warden on the first day of January, April, July and
16 October of each year if they have instituted any proceedings or
17 collected any moneys under the provisions of this chapter during
18 such preceding three months, and all deputy wardens shall with-
19 in thirty days after its receipt pay over to the forest, game and
20 fish warden the fines collected by him, and the bonds of all *ex-*
21 *officio* wardens shall be liable for any such moneys received by
22 them. All justices and clerks of circuit and criminal courts be-
23 fore whose courts any case under this chapter comes, shall, on the
24 first day of January, April, July and October, of each year,
25 if there has been before this court any case under this chapter,
26 report to the state forest, game and fish warden all money collect-
27 ed by him and the status of all cases pending or started in his
28 court.

Sec. 19. No person not a citizen of the United States
2 of America shall at any time hunt, pursue, kill or catch any wild
3 animals, or wild birds in this state, or have in his possession fire-
4 arms of any kind for such purpose. No person shall, at any time,
5 hunt, pursue, kill or catch any wild animals, or wild birds in this
6 state, without first having secured a license so to do, and then
7 only during the respective periods when it shall be lawful to hunt
8 such game animals and game birds. Such license shall be pro-
9 cured in the following manner, to-wit: The applicant shall go
10 before the clerk of the county court of the county and fill out a
11 blank application, stating his citizenship, name, age, occupation
12 or profession, weight, height, place and county of residence, col-
13 or of hair, eyes and complexion; the application shall be subscrib-
14 ed in ink and sworn to by the applicant, that his statements are
15 correct and true to the best of his knowledge and belief, before
16 the county clerk issuing said license; the applicant, if a non-resi-
17 dent of this state, and a citizen of the United States of America,
18 shall pay to said county clerk the sum of sixteen dollars, as a
19 license tax. If the applicant is a *bona fide* resident of this state,
20 and a citizen of the United States of America, he shall make
21 application to the clerk of the county court of the county of which
22 he is such *bona fide* resident, and shall be granted such license

23 free of cost, if he desires to hunt only in such county, but if he
24 desires to hunt in any other or all counties of this state, he
25 shall pay to such clerk a license tax of three dollars, whereupon
26 the clerk shall issue him a hunter's license, entitling him to
27 hunt accordingly; *provided*, that such *bona fide* resident and citi-
28 zen shall fill out said application and send the same to the
29-31 county clerk, together with the amount of such license tax, and
32 such clerk shall send him such license. Said license shall be sign-
33 ed by said clerk, and bear the seal of the county court of the
34 county in which same is issued, and shall bear a number according
35 to the serial order in which it was issued, and no fee shall be
36 charged by the said clerk for any services under this act. All
37 such license taxes shall be paid by the county clerk to the state
38 treasurer on the first day of each month for the next month pre-
39 ceding. No person to whom such license has been issued, shall be
40 entitled to hunt, pursue or kill game in this state, unless at the
41 time of such hunting, pursuing or killing of game he shall have
42 such license in his actual possession; and he shall exhibit the same
43 to any officer of this state, or owner, tenant or lessee of any land on
44 which he is hunting, on demand. All such licenses shall be good and
45 valid only until the end of the calendar year in which the same
46 were issued. At the same time that such clerk issues such license
47 to the applicant, he shall also deliver to him a tag bearing in fig-
48 ures the same number as his said license, which tag shall, if the
49 license be confined to hunting in the county of the residence of
50 the applicant, be red in color, and shall also bear the name of the
51 county wherein it was issued; and if such license be issued to a
52 resident of the state, entitling him to hunt in any and all coun-
53 ties of the state, the same shall be white in color, and bear in fig-
54 ures the same number as his license, and the name of the county
55 wherein the same was issued; and if such license be issued to a
56 non-resident of the state, the same shall be blue in color, and like-
57 wise bear the same number in figures as the license, and the name
58 of the county wherein the same was issued. The form of said
59 license to be issued hereunder, and the said affidavits to be made
60 by the applicant therefor, and the tags hereinbefore required to
61 be delivered to the applicant, shall be designed and supplied to
62 the clerk by the state forest, game and fish warden, and such tags
63 shall at all times be worn prominently exhibited on the arm of
64 the licensee while hunting under the authority of said license.

65 The carrying of any uncased gun in any of the fields or woods of
66 this state, by any person not having the lawful right to hunt, pur-
67 sue or kill game birds or animals in such fields or woods, shall,
68 as to such person, other than the *bona fide* owner, or owners of
69 such fields or woods, his or their child or children, tenant or
70 tenants, lessee or lessees, be deemed *prima facie* evidence of a vio-
71 lation of this section; and any person claiming to hold a license
72 to hunt in this state, having in his possession any gun or other
73 hunting paraphernalia in such woods, or fields, shall, on failure
74 to produce such license for inspection to any warden of this state
75 or owner or agent of the owner of such woods and fields, on de-
76 mand, or upon failure to at all times wear, as hereinbefore re-
77 quired, the said tag while in such woods or fields, be deemed
78 guilty of a misdemeanor and shall be punished on conviction,
79 as provided later in this section; *provided, however*, that any
80 resident owner of any lands in this state, his resident child or
81 children, or *bona fide* tenants, shall have the right, without se-
82 curing any such residence license, to hunt, kill and pursue game
83 birds or animals on such lands of which he, or they, are the *bona*
84 *fide* owners or tenants, during the season when it is lawful to kill,
85 catch or pursue such game birds or animals. All non-resident
86 members of any club or organization owning or leasing a game
87 preserve in this state, shall be required to secure a non-resident
88 hunter's license. Any person violating any of the provisions of
89 this section, shall be deemed guilty of a misdemeanor, and upon
90 conviction thereof, shall be fined not less than twenty-five dollars
91 nor more than fifty dollars for each and every offense, and the
92 costs of the prosecution, including a fee of ten dollars to the at-
93 torney prosecuting the case, and in addition thereto may be con-
94 fined in the county jail for a period not exceeding thirty days,
95 in the discretion of the justice or court trying the case, and upon
96 failure to pay said fine and costs, the person convicted shall be
97 confined in the county jail until such fine and costs are paid, but
98 such imprisonment shall not exceed twenty days for any one of-
99 fense. No hunter's license shall be issued to any minor under
100 the age of fifteen years, without the consent in writing from
101 the parent or guardian of such minor, such consent to be filed
102 with the clerk issuing such license and by him preserved.

Sec. 21. Any person who shall, at any time, alter or
2 change in any manner, or loan, sell or transfer to another any

3 license or tag provided for in this chapter, or any person who
4 shall buy or borrow such license or tag shall be deemed guilty of
5 a misdemeanor and upon conviction thereof shall be fined not less
6 than twenty nor more than fifty dollars and in addition thereto
7 may be confined in the county jail not more than thirty days.

Sec. 23. For the purposes of this chapter the follow-
2 ing are considered game animals, to-wit: elk, deer, rabbits and
3 squirrels. And the following shall be considered game birds, to-
4 wit: The anatadae, commonly known as ducks, geese, swan and
5 brant; the rallidae, commonly known as mud hens, rails, coots,
6 and gallinules; the limicolae, commonly known as shore birds,
7 plover, snipe, woodcock, tattlers, curlews, ortolan, sandpiper;
8 and gallinae, commonly known as wild turkey, ruffed grouse or
9 pheasant, quail or bob white.

Sec. 25. No person shall hunt, chase, wound or kill any
2 elk in this state at any time for a period of eight years from and
3 after the passage of this act; *provided*, that the owner of any elk,
4 which shall be kept in any park or field, sufficiently inclosed to
5 reasonably prevent their escape therefrom, shall have the right
6 to kill any elk of his own; *provided, further*, that such owner may
7 pursue, recapture or kill any of his elk that may escape from his
8 inclosure. No person or persons shall chase or hunt deer
9 with dogs in this state at any time. Any person violating any
10 provision of this paragraph shall be guilty of a felony, and
11 on conviction thereof shall be confined in the penitentiary not
12 less than six months nor more than five years.

13 No person shall hunt, chase, kill or wound any deer
14 from the first day of December until the fifteenth day of October
15 following, of any year, except tame deer owned by the person kill-
15-a ing the same; nor shall any one person kill more than two deer in
16 any one season. No person shall at any time kill any fawn, doe
17 or any other deer than bucks with horns or antlers over four inches
18 in length, or have the fresh skin of any doe or fawn in his pos-
19 session. No person shall at any time kill or have in his possession,
20 any deer, quail, pheasant or ruffed grouse, wild turkey, squirrel,
21 or any part of the same, or game fishes with the inten-
22 tion of sending or transporting the same or having the same sent
23 or transported beyond the limits of this state. Any person vio-
24 lating any provision of this paragraph shall be guilty of a misde-
25 meanor and on conviction thereof shall be fined not less than

26 twenty-five nor more than fifty dollars for each and every deer
27 unlawfully hunted, chased, wounded or killed, and for each doe
28 or fawn's skin had in his possession, and not less than twenty dol-
29 lars nor more than fifty dollars for each and every quail, ruffed
30 grouse or pheasant, wild turkey, or any part of the same, for each
31 and every game fish, and for each and every deer or part of a deer,
32 killed or had in possession with the intention of sending or trans-
33 porting the same, or having the same sent or transported beyond
34 the limits of this state. And in addition to the fine or fines pre-
35 scribed in this paragraph, the person or persons convicted may be
36 confined in the county jail not to exceed sixty days for each and
37 every offense; and upon default of the payment of the fine and
38 costs shall be confined in the county jail until the same are paid,
39 but not to exceed a period of sixty days.

Sec. 26. It shall be unlawful for any person to catch, kill
2 or injure, or pursue with the intent to catch, kill or injure, any
3 ruffed grouse or pheasant, or wild turkey between the first day
4 of December and the fifteenth day of October of the
5 following year; or any quail or Virginia partridge be-
6 tween the first day of December and the first day of
7 November following. Nor shall any one person kill more than
8 twelve quail or six ruffed grouse or two wild turkeys in any one
9 day, nor more than ninety-six quail or twenty-five ruffed grouse
10 or six wild turkeys in any one open season. No person shall kill
11 any wild duck, goose or brant between the fifteenth day of Janu-
12 ary and the first day of October; *provided*, that the wood duck shall
13 not be killed at any time within this state; woodcock between the
14 thirtieth day of November and the first day of October following;
15 plover, ortalan or sandpiper between the fifteenth day of December
16 and the first day of September following; rail between the thirtieth
17 day of November and the first day of September following; or any
18 snipe between the fifteenth day of December and the fifteenth day
19 of October following; nor any gray, black, red or fox squirrel be-
20 tween the first day of December and the fifteenth day of Septem-
21 ber, both inclusive, of the following year. Nor shall any person
22 kill more than twelve squirrels in any one day, nor more than one
23 hundred during any open season.

24 It shall be lawful for any person at any time and by any
25 means to catch, kill or pursue, with intent to catch or kill any
26 rabbit upon his own land or any lands upon which he may be

27 an actual *bona fide* tenant or resident, and also for the agent of the
28 owner or tenant of such land to so hunt and kill any rabbit there-
29 on by the direction of such owner or tenant, but it shall be un-
30 lawful for any person otherwise than upon his own land, or the
31 land upon which he is a resident or tenant, or the agent of such
32 owner or tenant, by his direction, to catch, kill or injure, or pur-
33 sue with intent to catch, kill or injure any rabbit between the
34 thirty-first day of December and the fifteenth day of October fol-
35 lowing.

36 It shall be unlawful for any person to catch, kill or injure
37 by means of a gun, snare, trap or poison any red fox, raccoon,
38 mink or skunk between the first day of January and the first day
39 of November following; *provided, however*, that it shall be law-
40 ful for any person at any time or by any means to catch, kill or
41 pursue, any red fox, raccoon, mink or skunk upon his own lands, or
42 on any lands upon which he may be an actual *bona fide* tenant or
43 resident, and also for the agent of the owner or tenant of such
44 land, to so hunt and kill any red fox, raccoon, mink, or skunk
45 thereon by the direction of such owner or tenant, but it shall be
46 unlawful for any person at any time to set or maintain any snare
47 or trap upon the improved or enclosed lands of another without
48 the express permission of the owner or tenant of such land, or at
49 any time to set or maintain any steel or spring bear trap upon any
50 lands not his own.

51 Any person violating any of the provisions of this section
52 shall be guilty of a misdemeanor, and upon conviction thereof
53 shall be fined not less than twenty-five nor more than fifty dol-
54 lars for each offense, and in the discretion of the justice or court
55 trying the case, be imprisoned in the county jail for a period not
56 exceeding thirty days for each offense. And the unlawful catch-
57 ing, killing or injuring of each and every wild game bird, or wild
58 game animal hereinbefore mentioned in this section, shall be
59 deemed a separate offense; and in default of the payment of the
60 fine and costs, the person convicted shall be confined in the county
61 jail for a period not exceeding thirty days, unless such fine and
62 costs be sooner paid; *provided, however*, that the forest, game and
63 fish warden or deputy wardens, or other persons, under the direc-
64 tion of the warden, may capture by any means any of the game
65 birds or game animals to keep them alive for propagation pur-
66 poses. And, *provided, further*, that the warden may give written

67 permission to any responsible person, as provided by section thirty-
68 eight of this chapter.

Sec. 31. All moneys collected and due the state, under
2 and by virtue of the provisions of this chapter, shall be disposed of
3 as follows: The net proceeds of all fines collected from convictions
4 of the violations of any section of this chapter, shall, after the pay-
5 ment of the amounts fixed by this chapter to the proper deputy
6 wardens and the costs as provided by law, be paid into and credited
7 to the "school fund" of the state, as provided by the constitution;
8 all other moneys due the state by virtue of any of the provisions
9 of this chapter, as now amended, shall be paid into the state treas-
10 ury and credited to the "forest, game and fish protective fund,"
11 and the same shall be applicable to the payment of the expense of
12 inaugurating, carrying out and maintaining any and all of the
13 purposes of this act set forth in this chapter as now amended, and
14 of any other law relating to the protection of forests
15 or the protection and propagation of game and fish, and
16 shall be paid out upon the requisition of the forest, game and
17 fish warden, approved by the governor, for which purposes said
18 fund is hereby appropriated.

Sec. 34. No person, except the game warden, or his
2 deputies, by his direction, shall within the state of West Virginia,
3 wantonly take or destroy, or attempt to take or destroy, the nest
4 or the eggs of any wild bird, except that of the English or Euro-
5 pean house sparrow, owl, hawk, eagle, crow and the kingfisher,
6 or have such nest or eggs in his possession.

Sec. 44. It shall be unlawful for any person not a citizen
2 of the United States of America or not a *bona fide* resident of this
3 state, or any corporation doing business in this state, to
3-a catch or destroy any of the fish in the creeks or rivers of
4 this state, or subject to the jurisdiction thereof, without first hav-
5 ing obtained a license so to do, and then only by the means whereby
6 and during the respective periods when it shall be lawful so to
7 do. Such license shall be procured in the following manner, to-
8 wit: The applicant shall go before the clerk of the county court
9 of some county of this state and fill out a blank application, to be
10 provided by the forest, game and fish warden, stating his name,
11 age, occupation, weight, height, place of residence, and color of
12 hair, eyes and complexion; said application shall be subscribed by
13 the applicant in ink, and sworn to by the applicant before said

14 clerk, and shall aver that his statements made therein are true
15 and correct to the best of his knowledge and belief; the applicant
16 shall thereupon pay to said county clerk the sum of five dollars
17 as a license tax. The said clerk shall thereupon issue to such ap-
18 plicant a license of the form to be furnished by the said warden,
19 entitling such applicant to catch and take fish, according to law,
20 from any of the creeks or rivers in this state; *provided, however,*
21 that such applicant may fill out said application and sign and
22 swear to the same before some notary public or justice of the
23 peace of the county wherein such application is made and send
24 the same to said clerk, together with the amount of said license
25 tax, and such clerk shall send him such license. Such license shall
26 be signed by said clerk, and shall bear the seal of the county court
27 of the county in which the same is issued and no fee shall be
28 charged therefor by the said clerk. All such license taxes shall
29 be paid by the said clerk to the state treasurer on the first day
30 of each month for the month next preceding. No person to whom
31 such license has been issued shall exercise the privilege thereby
32 conferred without at the time having such license in his actual
33 possession, and he shall exhibit the same on demand to any officer
34 of this state, or owner, tenant or lessee of any land upon which
35 such person is fishing; *provided, however,* that nothing herein
36 contained shall be construed to require the non-resident owner
37 of any lands in this state, or his children, to obtain such license in
38 order to lawfully fish upon such lands.

39 It shall not be lawful for any person to catch or destroy any
40 of the fish in the creeks or rivers in this state by any other means
41 than hook and line, including a trot line having the hooks thereon
42 not less than two feet apart. It shall not be lawful for any per-
43 son to have in his possession, or to set and maintain anywhere in
44 this state, or on any waters subject to the jurisdiction thereof,
45 any seines, trap or device whereby fish may be taken or caught.
46 Nor shall it be lawful for any person to catch or have in his pos-
47 session any jack salmon, commonly called jack fish, or any white
48 salmon of less than seven inches in length, or any pike of less
49 than ten inches in length, or any black bass less than eight inches
50 in length, or any trout less than six inches in length, or any fish
51 caught out of season or caught in any manner prohibited by law.
52 And all fish less than the length prescribed herein shall be re-
53 turned to the water immediately with as little injury as possible.

54 And the measurement of fish shall be from the end of nose
55 to center fork of tail. It shall be unlawful to take or destroy any
56 jack salmon (commonly called jack fish or white salmon) in any
57 manner, between the first day of April and the first day of July
58 of each year; or to catch or destroy any trout or land-lock salmon
59 in any manner, between the first day of August and the first day
60 of April following. It shall not be lawful for any person to catch
61 any black bass, green bass, willow bass, rock bass, pike or pickerel,
62 or wall-eyed pike (commonly known as salmon) between the
63 first day of April and the first day of July of each year.

64 It shall be unlawful to catch fish of the sucker variety, known
65 as suckers, carp, mullet and red horse, between the first day of
66 April and the first day of July.

67 It shall not be lawful for any person to catch or destroy fish
68 in any dam or pond the property of any person, except with the
69 consent of the owner of such dam or pond, unless such dam or
70 pond be in some of the rivers in this state. But nothing in this
71 chapter shall be so construed as to prevent the catching of minnows
72 or other small fish, except salmon, bass, shad and trout, by means
73 of hand, or cast nets, to be used for angling or scientific purposes;
74 nor to prevent the warden of the state or his deputies or any per-
75 son with their or his consent from catching any fish at any time
76 with nets or seines for the purpose of propagation or stocking other
77 waters, nor to prevent any person from taking in any way fish from
78 his private dam, spring or pond at any time.

79 Any person who shall knowingly and wilfully let the water
80 out of any pond mentioned herein, with the intent to take or in-
81 jure fish therein, shall be guilty of a misdemeanor and shall be
82 punished, upon conviction, by imprisonment in the county jail,
83 not less than one month nor more than six months, or by a fine
84 of not less than fifty nor more than two hundred dollars, or by both
85 fine and imprisonment.

86 The owners or those in control of lands or rights in land, in
87 or bordering upon any pond designated in this act, shall have
88 erected and maintained in a conspicuous place along those ponds,
89 when they are unenclosed, a sign at least a foot square and which
90 shall have thereon the name of the party in control and the words,
91 "Trespassers warned off under penalties of the law." Any person
92 who shall wilfully and wrongfully tear down, deface or injure the

93 boards provided for in this section, shall be guilty of a misde-
94 meanor and liable to a penalty as hereinafter provided.

95 Any person violating any provision of this section, except as
96 otherwise herein provided, shall be guilty of a misdemeanor, and
97 for every conviction thereof shall be fined not less than ten dollars
98 nor more than one hundred dollars, and may, at the discretion of
99 the court or justice trying the case, be confined in the county
100 jail not exceeding thirty days.

Sec. 45. It shall be lawful for any person at any time to
2 remove or destroy any nets, traps or other devices placed in any
3 creeks, runs or rivers within this state, and the person or persons
4 claiming ownership or possession of such nets, seines or other
5 devices shall have no recourse at law against the party destroying
6 the same.

7 Any person violating any of the above provisions of this sec-
8 tion shall be guilty of a misdemeanor and upon conviction thereof
9 shall pay a fine of not less than ten dollars nor more than fifty
10 dollars or be confined in the jail not exceeding thirty days.

11 And no person, firm or corporation shall build, erect, keep or
12 maintain any dam or anything in any river, creek or water course
13 in this state, which shall in any way or manner prevent or obstruct
14 the free and easy passage of fish up or down such river, creek or
15 other water course, without placing, building and maintaining
16 on such dam or other thing, a good and sufficient ladder or way,
17 so planned or built as to allow all fish to easily ascend or descend
18 the same; and said ladder or way shall be constructed upon plans
19 and in a manner and at a place satisfactory to the forest, game and
20 fish warden of the state of West Virginia. Any person, firm or
21 corporation violating this provision shall be guilty of a misde-
22 meanor and upon conviction thereof shall be fined not less than
23 ten dollars nor more than fifty dollars; and each week shall con-
24 stitute a separate offense; *provided*, that any person, firm or cor-
25 poration now maintaining or keeping any such dam or other thing,
26 shall be allowed six months from the time this act shall take effect
27 in which to comply therewith.

28 And it shall be the special duty of said forest, game and fish
29 warden, upon the information of the violating of this provision,
30 to immediately investigate the same, and cause this provision to
31 be fully carried out.

Sec. 50-a. From and after the time this act shall take

2 effect a reward or bounty shall be paid out of the "forest, game and
3 fish protective fund" created by this act, for the killing within
4 this state only of the following animals and predatory birds, to-wit:
5 for each wild cat, bob-cat or catamount, the sum of five dollars; for
5-a each hawk, except the sparrow or mouse hawk, the
5-b sum of twenty-five cents; for each great horned owl,
6 the sum of twenty-five cents, and for each crow, the
7 sum of ten cents; the payment of such reward or bounty may be ob-
8 tained by the person killing any such bird in the following manner
9 and not otherwise: he shall produce such killed animal or bird
10 within thirty days from the killing thereof before a justice of the
11 peace of the county in which such animal or bird was killed,
12 and make an affidavit before such justice that he killed the same,
13 stating clearly the time and place of such killing and that such
14 place was within the state of West Virginia. Upon the produc-
15 tion of such animal or bird, and the making of such affidavit,
16 the said justice shall, in the presence of the party making such
17 affidavit and at least one reputable witness residing in said
18 county, cut off the head of such animal or bird and de-
18-a stroy the same by burning; and he shall not charge
19 any fee for any service required of him hereby. Upon the destruc-
20 tion of such head said justice shall endorse upon the said affidavit
21 and sign a certificate of such fact, and deliver said affidavit to the
22 affiant, who shall present or mail the same to the forest, fish and
23 game warden, and he shall thereupon deliver or mail to said affiant
24 a check for the amount of the said bounty or reward, and charge
25 the same against the fund out of which said bounty or reward is
26 hereby made payable; *provided, however,* that not more than ten
27 per cent. of the amount derived from the license taxes collected
28 in any one calendar year under the provisions of this act shall
29 be applicable to the payment of such bounties or rewards claimed
30 during the succeeding calendar year, and in the event the amount
31 of such bounties or rewards so claimed in any calendar year should
32 equal in the aggregate such ten per centum of such license taxes,
33 the game warden shall immediately thereupon give notice of such
34 fact in two papers representing two different political parties pub-
35 lished at the seat of government, and thereafter no further boun-
36 ties or rewards for any such birds killed during such calendar year
37 shall be paid; and all claims for bounties or rewards made as afore-

38 said shall be paid in the order in which they are received by the
39 forest, game and fish warden.

40 Any person who shall make any false statement in such
41 affidavit, or who shall claim such reward or bounty for any such
42 bird not killed within the state of West Virginia, shall be deemed
43 guilty of a misdemeanor, and upon conviction thereof shall be fined
44 not less than twenty-five nor more than one hundred dollars, and at
45 the discretion of the court or justice trying the case may be con-
46 fined in the county jail not exceeding thirty days, and any justice
47 falsely making any such certificate, as hereinbefore required, shall
48 be deemed guilty of a misdemeanor, and upon conviction thereof
49 shall be fined not less than fifty nor more than two hundred dol-
50 lars, and at the discretion of the court trying the case may be
51 confined in the county jail not exceeding sixty days.

Sec. 50-b. From and after the time that this act takes
2 effect there shall be a perpetual closed season for game of all kinds,
3 and wild birds found upon such tracts of land in this state as
4 may be set apart by the forest, game and fish warden as sanctua-
5 ries or refuges for games of all kinds, and wild birds, under the
6 provisions of this act; *provided*, the said tracts of land, if wild
7 or unimproved land, shall be surrounded by a well defined fire line
8 or cleared strip of land, and by at least one wire extending around
9 the boundary thereof, and whether it be such wild land, or im-
10 proved or cultivated land, the same shall be surrounded with no-
11 tices, reading: "State Game Refuge. Hunting is Unlawful,"
12 posted on said boundary at conspicuous places; and, *provided*,
13 *further*, that the combined area of such tracts of land in any one
14 county shall not exceed ten thousand acres; and for the purpose
15 of creating such state game sanctuaries or refuges, the forest,
16 game and fish warden is authorized to secure supervisory control
17 of any tracts of land which he may deem suitable for such purpose,
18 and to prohibit all hunting thereon, and provide for the placing
19 of game and wild birds thereon for the purpose of breeding and
20 propagating the same, and protecting them from injury or mole-
21 station from any person, or predatory animal or bird.

22 Any person who shall by any means hunt, kill, injure, dis-
23 turb or molest any game or wild birds found upon such tract of
24 land otherwise than by the direction of the forest, fish and game
25 warden for the purpose of destroying such predatory animal or
26 bird as is not protected by this chapter, shall be deemed guilty of

27 a misdemeanor, and upon conviction thereof shall be fined not
 28 less than twenty-five nor more than one hundred dollars, and at
 29 the discretion of the court or justice trying the case may be im-
 30 prisoned in the county jail not exceeding thirty days.

CHAPTER 15.

(House Bill No. 177.)

AN ACT to amend and re-enact sections fifty-one, fifty-two, fifty-three and fifty-four of chapter sixty-two of the code of West Virginia, (being serial sections numbered 3515, 3516, 3517 and 3518 of the code of one thousand nine hundred and thirteen,) and add sections fifty-four-a and fifty-four-b to said chapter sixty-two.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.
 51. Forest, game and fish warden made *ex-officio* fire warden of the state; authorized to appoint state forester; his duties; to give bond to be approved by forest, game and fish wardens; all deputy forest, game and fish warden to be deputy fire wardens; may appoint special deputies and inspectors to prevent forest fires; duty and authority in case of forest fires.

52. Pay of deputy wardens a charge against counties; method of payment and duty of deputy as to reports; penalty for false statements; forest, game and fish warden to audit and approve reports.

53. Building fires in abandoned field, road, wood or forest, a misdemeanor in certain cases; negligently setting fire to woods, fields or lands, a misdemeanor; penalty; unlawfully setting fire to woods, fence, grass,

SEC.
 straw, etc., a felony; penalty; unlawful to set fire to woods, brush, logs, leaves, grass or clearing, unless under conditions; what constitutes *prima facie* proof.

54. Duty of railroad company as to right of way through forest land or lands subject to fire; to provide netting for smokestacks; duty of railroad company and officers in case of fires; violations a misdemeanor; penalty.

54-a. Forest, game and fish warden to recover amount expended in extinguishing fires.

54-b. Forest, game and fish warden given authority to purchase lands in name of the state for forest culture; to make rules and regulations; to accept gifts of land to the state; duty of attorney general as to conveyance.
 Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections fifty-one, fifty-two, fifty-three and fifty-four of chapter sixty-two of the code of West Virginia (being serial sections 3515, 3516, 3517 and 3518 of the code of 1913), be amended and re-acted and that sections fifty-four-a and fifty-four-b be added to said chapter so as to read as follows, to-wit:

Section 51. The forest, game and fish warden shall be *ex-officio* 2 fire warden of the state of West Virginia, and shall appoint some

3 suitable person of sufficient education, training and practical ex-
4 perience in forestry, as state forester, who shall work under the
5 direction of the forest, game and fish warden, and assist him in
6 formulating the best methods of re-foresting cut over and denud-
7 ed lands, preventing the destruction of forests by fire, adminis-
8 tering the forests on forestry principles, instructing and encour-
9 aging private owners in preserving and growing timber for com-
10 mercial and manufacturing purposes, establishing, equipping and
11 maintaining patrol routes and lookout stations, and securing the
12 aid and co-operation of individuals, companies, organizations and
13 the federal government.

14 Before entering upon the discharge of his duties, the said
15 state forester shall execute a bond in the penalty of three thou-
16 sand five hundred dollars, with surety therein, to be approved
17 by the forest, game and fish warden, and conditioned for the faith-
18 ful performance of his duties, and to account for and pay over
19 all moneys coming into his hands due and belonging to the state,
20 and also conditioned according to the requirements of the present
21 law, with reference to the carrying of revolvers, which said bond,
22 after having been approved by the warden, shall be deposited with
23 the auditor.

24 All deputy forest, game and fish wardens shall also be dep-
25 uty fire wardens for their respective counties in which they may
26 reside, and shall have jurisdiction in the adjoining counties there-
27 to in case of emergency or where their services may be required.

28 The forest, game and fish warden may also appoint such spe-
29 cial deputies and inspectors as are necessary to meet the conditions
30 and requirements of the federal government in securing federal
31 co-operation under the provisions of the Weeks' law, and may ap-
32 point special deputy fire wardens for each county, whose duty it
33 shall be to assist in preventing and controlling forest fires, who
34 shall be vested with the same authority with regard to such fires
35 and be paid in the same manner as is provided for the deputy for-
36 est, game and fish wardens.

37 In case of fire in or threatening to forests or woodlands, the
38 deputy fire wardens, shall upon receiving notice thereof, forthwith
39 attend and use all necessary means to confine and extinguish the
40 same. He may destroy fences, plough land, or, in an emergency,
41 set back fires to check fire. He may hire volunteers or summon
42 any resident of his county to assist in putting out fires. Any per-

43 son summoned, who is physically able, and refuses to assist, shall
44 be guilty of a misdemeanor, and upon conviction thereof, be fined
45 not less than ten, nor more than fifty dollars, and in the discre-
46 tion of the court or justice trying the case, be confined in the
47 county jail for a period of not more than sixty days; and upon
48 the default of the payment of fine and costs, he shall be confined
49 in the county jail for not less than twenty, nor more than thirty
50 days, unless said fine and costs are sooner paid.

51 An action of trespass shall not lie against persons crossing
52 or working upon lands of another to extinguish fire.

Sec. 52. Deputy wardens shall receive the sum of two dol-
2 lars per day for the time actually employed at forest fires, and all
3 persons employed or summoned by them, not to exceed the sum of
4 one dollars and fifty cents per day for their services. All services so
5 rendered shall be a charge against the county, and each deputy war-
6 den shall within twenty days after such fire render to the forest,
7 game and fish warden a sworn report, in duplicate, giving the loca-
8 tion and area burned over, the quantity of timber, wood, logs, bark
9 or other forest product, and of fences, bridges and buildings de-
10 stroyed, with an estimate of the value thereof, the time used by
11 him, the names and postoffice address of all persons hired or sum-
12 moned by him, who assisted him thereat, together with the time
13 each worked.

14 Any deputy warden who shall make any false statement in
15 his said report, hereinbefore required to be made to the forest,
16 game and fish warden, as to the time used by him, the names of
17 the persons so hired or summoned by him, and who assisted him
18 in fighting such fire, or as to the time of any such person working
19 thereat, shall be guilty of a misdemeanor, and upon conviction
20 thereof, be fined not less than twenty-five nor more than one hun-
21 dred dollars, and for such cause shall be removed from office by the
22 said forest, game and fish warden.

23 It shall be the duty of the forest, game and fish warden to
24 carefully audit such report, and after having satisfied himself of
25 the correctness of same, he shall approve said report and certify
26 same to the county court of the county wherein the fire occurred
27 for payment, which amounts shall be paid to the parties entitled
28 thereto, out of the county funds, at the first session of said court
29 thereafter.

Sec. 53. Whoever by himself, or by his servants, agents or

2 guide, or as the servant, agent or guide of any other person, shall
3 build any fire, or use an abandoned fire in a field, public or private
4 road, or adjacent to, or in any woods or forest in this state, shall,
5 before leaving such fire, totally extinguish the same, and upon
6 failure to do so, if failure to do so shall cause damage to any prop-
6-a erty within, such person or persons shall be deemed guilty
7 of a misdemeanor, and on conviction thereof shall be fined not
8 less than twenty-five dollars nor more than one hundred dollars
9 and the costs of the prosecution, and upon default in paying said
10 fine and costs, shall be confined in the county jail not more than
11 ninety days unless said fine and costs be sooner paid. If any
12 person, or persons, negligently set on fire, any woods, fields or
13 lands within this state, so as thereby to occasion loss, damage or
14 injury to any other person, he shall be guilty of a misdemeanor,
15 and on conviction thereof, shall be fined not less than fifty dol-
16 lars nor more than five hundred dollars, and in the discretion of
17 the justice or court trying the case, be imprisoned in the county
18 jail not to exceed one year. If any person unlawfully and
19 maliciously set fire to any woods, fence, grass, straw or other
20 inflammable material which may spread fire on lands, he shall
21 be guilty of a felony, and on conviction thereof shall be confined
22 in the penitentiary not less than one year nor more than two years,
23 and shall moreover be liable to any person injured thereby, or in
24 consequence thereof, for double the amount of damages sustained
25 by such person.

26 It shall be unlawful for any person or corporation as land
27 owner to set, or procure another to set fire to any woods, brush,
28 logs, leaves, grass or clearing upon their own land, unless they
29 shall have previously given notice of their intention of firing such
30 lands, to adjoining land owners and taken all possible care and
31 precaution against the spread of such fire to other lands not their
32 own, by previously having cut and piled the same, or carefully
33 cleared around the land which is to be burned, so as to prevent
34 the spread of such fire. The setting of fire contrary to the pro-
35 visions of this section, or allowing it to escape to the injury of ad-
36 joining lands, shall be *prima facie* proof of willfulness, or neglect,
37 and the land owner from whose land the fire originated shall be
38 liable in a civil action for damages for the injury resulting from

39 such fire and also for the cost of fighting and extinguishing the
40 same.

Sec. 54. Every railroad company shall, on such part of
2 its road as passes through forest land or lands, subject to fires
3 from any cause, cut and remove from its right of way along such
4 lands, at least twice a year, all grass, brush and other inflammable
5 materials, and employ in seasons of drought and before vegetation
6 has revived in the spring, sufficient trackmen to promptly put
7 out fires on its right of way; and every person, firm or cor-
8 poration operating any locomotive steam engine in this state shall
9 provide the same with netting of steel or iron wire so constructed,
10 and at all such times maintained as to prevent the escape of fire
11 and sparks from the smoke stacks thereof, and with adequate de-
12 vices to prevent the escape of fire from ash pans and furnaces
13 which shall be used on such locomotives.

14 No railroad company or employee thereof shall deposit fire coals
15 or ashes on its track or right of way near such lands. In case
16 of fire on its own or neighboring lands, the railroad company shall
17 use all practicable means to put it out. Engineers, conductors or
18 trainmen discovering or knowing of fires in fences or other mate-
19 rial along or near the right of way of the railroad in such lands
20 shall report the same at the first station to the station agent, and
21 such station agent shall forthwith notify the nearest fire warden
22 and use all necessary means to extinguish the same. And any
23 railroad company or officer, or employee thereof, and any person,
24 firm or corporation operating any such locomotive steam engine
25 who shall violate any provisions of this section, shall each be
26 guilty of a misdemeanor, and upon conviction thereof, shall be
27 fined a sum not less than twenty nor more than two hundred
28 dollars.

Sec. 54-a. The forest, game and fish warden in the name
2 of the county in which any forest fire has occurred, and which has
3 been extinguished or suppressed by his efforts, shall recover from
4 the person or persons, firm or corporation, giving origin to such
5 fire, the amount so expended in extinguishing said fire and the
6 costs thereof, and the same shall not bar the rights of damage
7 between the parties thereto.

Sec. 54-b The forest, game and fish warden, by and with
2 the consent of the governor, shall have the power to purchase

3 lands in the name of the state, suitable for forest culture and re-
 4 serves, at a price which shall not exceed five dollars per acre,
 5 using for such purchase any surplus money not otherwise appro-
 6 priated which may be standing to the credit of the forest, game
 7 and fish protective fund; and to make all rules and regulations
 8 governing state reserves; and is hereby authorized, by and with
 9 the consent of the governor, to accept gifts of land to the state,
 10 the same to be held, protected and administered by the forest,
 11 game and fish warden as state forest reserves, and to be used so as
 12 to demonstrate the practical utility of timber culture and as a
 13 breeding place for game. Such gifts must be absolute, except for
 14 the reservation of all mineral and mining rights over and under
 15 said lands, and a stipulation that they shall be administered as
 16 state forest reserves, and the attorney general of the state is di-
 17 rected to see that all deeds to the state of lands mentioned above
 18 are properly executed before the gift is accepted.

19 All acts and parts of acts in conflict with this act are
 20 hereby repealed.

CHAPTER 16.

(House Bill No. 186.)

AN ACT to amend and re-enact chapter fifty-nine of the acts of the session of one thousand eight hundred and eighty-two, chapter fifty-nine of the code of one thousand nine hundred and thirteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

Sec.

1. Standard weights and measures established; received from the United States; additional or renewal shall be supplied by the state; to be kept at state university or elsewhere at discretion of commissioner of labor, *ex-officio* commissioner of weights and measures.
2. Additional set of copies of standards provided for; to be verified by commissioner once each year; if accurate, to be sealed by stamping with letters "W. V.," office standards, how used.

Sec.

3. Commissioner of labor *ex-officio*, commissioner of weights and measures, authorized to appoint deputies; salaries of deputies not to exceed.
4. Commissioner shall give bond approved by the attorney general for the faithful performance of his duties.
5. Commissioner to have charge of standards; to maintain state standards; shall keep record, report to the governor; assistant, duties.
6. Powers of commissioner; penalty for failure of witnesses to tes-

- SEC. tify; may compel obedience by attachment.
7. Standards to be proved once in five years; to be inspected; record to be kept; duties of commissioner; his deputy or inspectors to visit cities and towns and inspect local sealers; other weighing or measuring appliances; commissioner to issue regulations.
 8. Commissioner to have general supervision of weighing or measuring devices sold in the state; shall make tests upon request; shall report to; appoint employees.
 9. Commissioner's powers and duties; shall make tests at least twice a year; prosecute violations.
 10. Commissioner shall compare and seal or mark such weights and measures.
 11. Power to condemn, seize or destroy incorrect weights and measures; same to be tagged "condemned for repairs;" owner to have necessary repairs made; commissioner shall have power; to confiscate.
 12. Same powers and duties imposed upon deputies and inspectors as upon commissioner.
 13. Sheriff shall be *ex-officio* county sealer of weights and measures; no fee allowed for testing; county commissioners may appoint deputy sealers and fix salaries; term of office, powers and duties.
 14. Provision for sealer in certain cities; salary, term of office, duties.
 15. Two or more counties may combine; employ one set of standards; term, authority, jurisdiction, duties.
 16. No additional bond required of

- SEC. sheriff as county sealer; county sealer to give bond in penal sum of one thousand dollars.
17. County commissioners to keep set of weights and measures to be sealed and certified; provision when county commissioners neglect or fail to provide such standards.
 18. County sealer, powers and duties.
 19. County sealer to keep record and make report.
 20. Commissioner, assistant, deputies and county sealers made special policeman; power and authority.
 21. Obstruction of commissioner, his deputy or inspectors in the discharge of official duty, a misdemeanor.
 22. Impersonation of commissioner, his deputy or inspectors, a misdemeanor.
 23. Net quantity of package must be marked on outside; small packages exempted under certain conditions; "package" defined; certain packages exempt under this act.
 24. Butter or oleomargarine to be sold by weight; each print to bear print of weight; "prints, bricks and rolls" defined; farmers' products exempted.
 25. Capacity of bottles to be used; certain bottles to be "sealed;" penalty for violations; certain persons excepted.
 26. "Standard barrel" defined.
 27. "Standard bushel" defined; "barrel of flour;" "barrel of lime."
 28. Unlawful to employ other weight than the net weight.
 29. Violations defined; punishable by a fine or imprisonment or both. defined.
 30. Terms defined: "person," "weights," "measures or weighing or measuring devices," and "sell" or "sale."

Be it enacted by the Legislature of West Virginia:

That chapter fifty-nine of the acts of the session of the legislature of one thousand eight hundred and eighty-two and all the sections of said chapter be amended so as to read as follows:

Section 1. The weights and measures received from the
 2 United States under a resolution of congress approved June
 2-a fourteen, one thousand eight hundred and thirty-six, and
 3 such new weights and measures as shall be received from the
 4 United States as standard weights and measures in addition there-
 5 to or in renewal thereof, and such as shall be supplied by the state
 6 in conformity therewith and certified by the national bureau of
 7 standards, shall be the state standards of weights and measures.
 8 Said state standards may be kept at the state university in its
 9 physical laboratory, or elsewhere at the discretion of the state

10 commissioner of labor, who shall be *ex-officio* commissioner of
11 weights and measures.

Sec. 2. In addition to the state standards of weights and
2 measures provided for in this act, there shall be supplied by the
3 state at least one complete set of copies of these standards, to be
4 known as office standards; and such other weights, measures and
5 apparatus as may be found necessary to carry out the provisions
6 of this act, to be known as working standards. Such weights,
7 measures and apparatus shall be verified by the state commissioner,
8 or his deputy or inspectors, at his discretion, upon the initial re-
9 ceipt of such weights, measures and apparatus and at least once
10 in each year thereafter, the office standards by direct comparison
11 with the state standards, the working standards by comparison
12 with the office standards. When found accurate upon these tests
13 the office and working standards shall be sealed by stamping on
14 them the letters "W. V." and the last two figures of the year with
15 seals which the state commissioner shall have and keep for that
16 purpose. The office standards shall be used in making all com-
17 parisons of weights, measures and weighing and measuring de-
18 vices submitted for test in the office of the commissioner, and the
19 state standards shall be used only in verifying the office standards
20 and for scientific purposes.

Sec. 3. The state commissioner of labor shall be *ex-officio*
2 commissioner of weights and measures, and he shall be author-
3 ized to appoint and fix the salaries of such deputies and inspect-
4 ors not to exceed two in number as may be required to carry out
5 the purpose of this act, within the limits of such appropriations
6 as may be made by the legislature for the maintenance of the
7 work of the state bureau of labor; *provided*, the salaries of such
8 deputies or inspectors shall not exceed twelve hundred dollars
9 per annum.

Sec. 4. The state commissioner of labor shall forthwith, on his
2 appointment, give bond in the penal sum of five thousand dollars,
3 with sureties to be approved by the attorney general, for the faith-
4 ful performance of the duties of his office as state commissioner of
5 weights and measures, and for the safe keeping of the standards
6 entrusted to his care and for the surrender thereof immediately
7 to his successor in office or to the person appointed by the governor
8 to receive them.

Sec. 5. The commissioner of weights and measures shall

2 take charge of the standards adopted by this act as the standards
3 of the state, and cause them to be kept in a safe and suitable place,
4 from which they shall not be removed except for repair or for
5 certification, and he shall take all other necessary precautions for
6 their safe-keeping. He shall maintain the state standards in
7 good order and shall submit them at least once in ten years to the
8 national bureau of standards for certification. He shall keep a
9 complete record of the standards, balances, and other apparatus
10 belonging to the state and take a receipt for same from his suc-
11 cessor in office. He shall annually, on the first day of January,
12 make to the governor a report of all work done by his office. The
13 director of the physical laboratory of the West Virginia university
14 shall, by virtue of his appointment to that position by the state
15 board of regents, become the assistant commissioner of weights
16 and measures. It shall be his duty, upon the request of the com-
17 missioner, to make or cause to be made at said physical laboratory
18 all such tests, calibrations and determinations as may be necessary
19 for the carrying out of this act.

Sec. 6. In the exercise of his powers and the performance
2 of his duties under this act, the commissioner of weights and meas-
3 ures shall have the power to administer oaths and issue subpoenas
4 to compel the attendance of witnesses and the production of books,
5 papers, accounts and documents. In case of disobedience on the
6 part of any person or persons to comply with any proper order of
7 the commissioner, or any subpoena issued in behalf of said com-
8 missioner, or on the refusal of any witness to testify with refer-
9 ence to any matters upon which such witness may be lawfully in-
10 terrogated, it shall be the duty of the circuit court of any circuit,
11 upon application of the commissioner, to compel obedience by at-
12 tachment proceedings for contempt as in the case of disobedience
13 of the requirements of a subpoena issued from such court or a re-
14 fusal to testify therein.

Sec. 7. The commissioner of weights and measures, or his
2 assistant commissioner, deputy, or inspectors, at his direction, shall
3 at least once in five years try and prove by the office standards all
4 standard weights, measures and other apparatus which may belong
5 to any county or city required to appoint a sealer and to purchase
6 and keep standards of weights and measures by the provisions of
7-8 this act, and shall seal such when found to be accurate by stamp-

9 ing on them the letters "W. V." and the last two figures of the year,
10 with seals which he shall have and keep for that purpose.

11 The state commissioner, or his assistant, deputy or inspectors,
12 at his direction, shall inspect all standard weights, measures and
13 other apparatus used by such counties and cities at least once in two
14 years, and shall keep a record of the same. He, or his deputy,
15 or inspectors, at his direction, shall at least once in two years visit
16 these cities and counties for the purpose and in order to inspect
17 the work of the local sealers, and in the performance of such duties
18 they may inspect the weights, measures, balances, or any other
19 weighing or measuring appliances of any person, and shall have
20 the same powers as the local sealer of weights and measures. The
21 commissioner shall issue from time to time regulations for the
22 guidance of county and city sealers, and the said regulations shall
23 govern the procedure to be followed by the aforesaid officers in the
24 discharge of their duties.

Sec. 8. The state commissioner of weights and measures,
2 shall have and keep a general supervision of the weights and
3 measures, and weighing or measuring devices offered for sale, sold,
4 or in use in the state. He or his assistant commissioner, deputy, or
5 inspectors, at his direction, shall, upon the written request of any
6 citizen, firm or corporation, or educational institution in the state,
7 test or calibrate weights, measures and weighing or measuring de-
8 vices used as standards in the state. He, or his assistant commis-
9 sioner, deputy, or inspectors, at his discretion, shall at least once
10 annually test all scales, weights and measures used in checking the
11 receipts or disbursements of supplies in every institution for the
12 maintenance of which moneys are appropriated by the legislature,
13 and he shall report in writing his findings to the state board of
14 control and to the executive officer of the institution concerned,
15 and, at the request of such board or executive officer, the commis-
16 sioner of weights and measures shall appoint, in writing, one or
17 more employes then in the actual service of the institution who
18 shall act as special deputies for the purpose of checking the re-
19 ceipts and disbursements of supplies.

Sec. 9. The state commissioner shall have the power, and
2 it shall be his duty, either personally or by deputy or through the
3 agency of a county or city sealer of weights and measures, to in-
4 spect, test, try and ascertain if they are correct, all weights, meas-
5 ures, and weighing or measuring devices kept, offered or ex-

6 posed for sale, sold, or used or employed by any proprietor, agent,
7 lessee, or employee in proving the size, quantity, extent, area, or
8 measurement of quantities, things, produce, or articles for distribu-
9 tion or consumption purchased or offered or submitted by such
10 person or persons for sale, hire, or award; and he shall have the
11 power to and shall from time to time weigh or measure and in-
12 spect packages or amounts of commodities of whatsoever kind kept
13 for the purpose of sale, offered or exposed for sale, or sold or in the
14 process of delivery, in order to determine whether the same contain
15 the amounts represented, and whether they be offered for sale or
16 sold in a manner in accordance with law. He shall at least twice
17 a year and as much oftener as he may deem necessary see that all
18 weights, measures and weighing or measuring devices are correct.
19 He and his authorized deputies may for the purpose above men-
20 tioned, and in the general performance of their official duties,
21 enter and go into or upon, and without formal warrant, any stand,
22 place, building, or premises, or stop any dealer whatsoever, and re-
23 quire him, if necessary, to proceed to some place which the state
24 commissioner may specify, for the purpose of making the proper
25 tests. Whenever the state commissioner finds a violation of the
26 statutes relating to weights and measures, he shall cause the vio-
27 lator to be prosecuted.

Sec. 10. Whenever the state commissioner compares weights,
2 measures, or weighing or measuring instruments and finds
3 that they correspond, or causes them to correspond, with the stand-
4 ards in his possession, he shall seal or mark such weights, measures,
5 or weighing or measuring instruments with appropriate devices.

Sec. 11. The state commissioner shall condemn and seize
2 and may destroy incorrect weights, measures or weighing or meas-
3 uring devices which, in his best judgment, are not susceptible of
4 satisfactory repair, but such as are incorrect and yet may be re-
5 paired, he shall mark or tag as "condemned for repairs." The
6 owner or users of any weights, measures, or weighing or measur-
7 ing devices of which such disposition is made, shall have the same
8 repaired or corrected within ten days, and said owner or users may
9 neither use nor dispose of the same in any way, but shall hold the
10 same at the disposal of the commissioner. Any weights, measures,
11 or weighing or measuring devices which have not been repaired as
12 required above, shall be confiscated by the commissioner.

Sec. 12. The powers and duties given to and imposed upon

2 the state commissioner of weights and measures by sections six,
3 nine, ten and eleven, are hereby given to and imposed upon his
4 deputies and inspectors also, when acting under his instructions
5 and at his directions.

Sec. 13. Except in counties where the county commission-
2 ers shall appoint a sealer of weights and measures as herein-
3 after provided, the sheriff of the county shall be *ex-officio* county
3a sealer of weights and measures in each county, and no fee shall
4 be charged by him or by the county for the inspection, testing, or
5 sealing or the repairing or adjusting of weights, measures, or
6 measuring devices. Whenever the county commissioners of any
7 county shall deem it necessary, they may appoint and fix the sal-
8 ary of one sealer and one or more deputy sealers of weights and
9 measures. Such sealer or deputies, when not appointed merely
10 for some temporary purpose, shall hold office for a term of four
11 years from the date of their appointment, and all deputies shall
12 have the same power and may perform the same duties as the
13 county sealer when acting under his instructions and at his direc-
14 tion.

Sec. 14. There shall be a city sealer of weights and meas-
2 ures in cities of not less than twenty-five thousand population, ac-
3 cording to the latest official state or United States census, to be
4 appointed by the mayor from a list to be furnished by the civil
5 service board and under the rules of such board, where such board
6 exists; otherwise he shall be appointed by the mayor, by and with
7 the advice and consent of the common council, for a term of four
8 years. He shall be paid a salary to be determined by the common
9 council, and no fee shall be charged by him or by the city for the in-
10 specting, testing or sealing, or the repairing or adjusting of
11 weights, measures or weighing or measuring devices. Whenever
12 the mayor and common council of cities of not less than twenty-
13 five thousand population shall deem it necessary, one or more
14 deputy sealers of weights and measures may be appointed and their
15 salaries fixed as above, who, when not appointed merely for some
16 temporary purpose, shall hold office for a term of four years from
17 the date of their appointment. All deputies appointed shall have
18 the same powers and perform the same duties as the city sealer,
19 when acting under his instructions and his directions. In those
20 cities in which no sealer is required by the above, the county sealer

21 of the county shall perform in said cities the duties and have like
22 powers as in the county.

Sec. 15. Nothing in sections thirteen and fourteen of this
2 act shall be construed to prevent two or more counties or a county
3 and any city therein, from combining the whole or any part of
4 their districts, as may be agreed upon by the county commissioners
5 of the counties, or such county commissioners and the mayor and
6 common council of the city employing one set of standards and
7 one sealer, upon the written consent of the state commissioner of
8 weights and measures. A county sealer or city sealer appointed in
9 pursuance of an agreement for such combination shall, subject to
10 the terms of his appointment, have the same authority, jurisdiction,
11 and duties as if he had been appointed by each of the authorities
12 who are parties to the agreement.

Sec. 16. Any official bond given by a sheriff as to duties to
2 be performed on or after the first day of July, one thousand nine
3 hundred and fifteen, shall, whether so stipulated therein or not, ex-
4 tend to and cover his official acts as county sealer of weights and
5 measures, the same in all respects as a bond given by him to cover
6 the same specifically. Each county sealer of weights and measures
7 under the provisions of section twelve of this act and each city
8 sealer of weights and measures required to be appointed by the pro-
9 visions of section thirteen of this act shall, forthwith on his ap-
10 pointment give bond in the penal sum of one thousand dollars,
11 with sureties to be approved by the appointing power, for the
12 faithful performance of the duties of his office.

Sec. 17. The county commissioners of each county and the
2 common council of each city required to appoint a sealer under the
3 provisions of this act shall procure at the expense of the county or
4 city, and shall keep at all times a set of weights and measures and
5 other apparatus as complete and of such material and construction
6 as the state commissioner of weights and measures may direct. All
7 such weights, measures, and other apparatus having been tried and
8 accurately proven by the state commissioner shall be sealed and
9 certified to by him as hereinbefore provided, and shall then be de-
10 posited with and preserved by the county or city sealer as public
11 standards for such county or city.

12 Whenever the county commissioner of such county or the
13 common council of such city shall neglect for six months so to do,
14 the county clerk of said county, or the city clerk or recorder of

15 said city, on notification and request by the commissioner of
16 weights and measures, shall provide such standards and cause the
17 same to be tried, sealed and deposited at the expense of the county
18 or city.

Sec. 18. Where not otherwise provided by law, the county
2 or city sealer shall have the same powers and shall perform the
3 same duties within his county or city as are granted to and im-
4 posed upon the state commissioner of weights and measures pro-
5 vided for in sections nine, ten and eleven of this act.

Sec. 19. The county or city sealer shall keep a complete
2 record of all his official acts, and shall make an annual report, duly
3 sworn to, on the first day of November, to the state commissioner of
4 weights and measures, on blanks furnished by the commissioner.

Sec. 20. The commissioner of weights and measures, his
2 assistant, deputy and inspectors, and the county and city sealers and
3 deputy sealers of weights and measures, are hereby made special
4 policemen and are authorized and empowered to arrest, without
5 formal warrant, any violator of the statutes in relation to weights
6 and measures, and to seize for use as evidence, without formal
7 warrant, any false or unsealed weight, measure or weighing and
8 measuring device or package or amount of commodity found to be
9 used, retained, or offered or exposed for sale or sold in violation
10 of the law.

Sec. 21. Any person who shall hinder or obstruct in any
2 way the commissioner of weights and measures, his deputy, or in-
3 spectors, or any county or city sealer or deputy sealer of weights and
4 measures, in the performance of his official duty shall be guilty of
5 a misdemeanor, and, upon conviction thereof in any court of com-
6 petent jurisdiction, shall be punished by a fine of not less than
7 two hundred dollars, or by imprisonment in the county jail for
8 not less than three months, or by both such fine and imprisonment.

Sec. 22. Any person who shall impersonate in any way the
2 commissioner of weights and measures, his deputy, or inspectors,
3 or any county or city sealer or deputy sealer of weights and meas-
4 ures, by the use of his seal or counterfeit of his seal, or otherwise,
5 shall be guilty of a misdemeanor, and upon conviction thereof, in
6 any court of competent jurisdiction, shall be punished by a fine of
7 not less than one hundred nor more than five hundred dollars, or by
8 imprisonment for not more than one year, or by both such fine and
9 imprisonment.

Sec. 23. It shall be unlawful to keep for the purpose of
2 sale, offer or expose for sale, or sell any commodity in package form
3 unless the net quantity of the contents be plainly and conspicuously
4 marked on the outside of the package, in terms of weights,
5 measures, or numerical count; *provided, however*, that reasonable
6 variations or tolerances and also exemptions as to small packages
7 shall be established by rules and regulations made by the com-
8 missioner of weights and measures; and, *provided, further*, that
9 this section shall not be construed to apply to those commodities
10 in packages the manner of sale of which is specifically regulated
11 by the provisions of other sections of this act.

12 The word "package" as used in this section shall be construed
13 to include the package, carton, case, can, box, barrel, bottle, phial,
14 or other receptacle put up by the manufacturer; or when
15 put up prior to the order of the commodity, by the
16 vendor; which may be labeled, branded, or stenciled or
17 otherwise marked, or which may be suitable for labeling,
18 branding, or stenciling, or marking otherwise, making one
19 complete package of the commodity. The word "package" shall
20 be construed to include both the wholesale and the retail package;
21 *provided*, that a box or carton used for shipping purposes con-
22 taining a number of similar packages which are individually
23 marked, as hereinbefore provided, will not be required to bear
24 the weight or measure of contents; and, *provided, further*, that
25 all commodities in packages, boxes, cans, bottles or other con-
26 tainers in the hands of merchants, both wholesale and retail, at
27 the time of the passage of this act, shall be and are hereby exempt
28 from the provisions of the same.

Sec. 24. It shall be unlawful for any person to sell or offer
2 for sale any butter or renovated or process butter or oleomargarine
3 in any other manner than by weight. Whenever such butter,
4 renovated or process butter or oleomargarine, is sold, offered or ex-
5 posed for sale in the form of prints, bricks or rolls, each print,
6 brick or roll shall bear a definite, plain and conspicuous statement
7 of its true net weight, on the principal label, where there be such
8 a label, otherwise on the outside wrapper of said print, brick or
9 roll, when such statement is made part of the printed matter on the
10 label, wrapper or carton of any such print, brick or roll, the state-
11 ment as to net weight shall be in gothic type not less than one
12 quarter of an inch square.

13 The prints, bricks, or rolls referred to in this section shall be
14 construed to include those prints, bricks, or rolls put up by the
15 manufacturer or producer; or when put up prior to the order of the
16 commodity, by the vendor; *provided, however*, that this section
17 shall not apply to farmers who manufacture and sell their own
18 butter.

Sec. 25. Bottles used for the sale of milk or cream shall
2 be of the capacity of one-half gallon, three pints, one quart, one
3 pint, one-half pint, and one gill, when filled to within one-fourth of
4 an inch of the cap seat or stopple in the case of those bottles having
5 an inside diameter immediately below this cap seat or stopple of not
6 over two inches; or when filled to within one-eighth of an inch of
7 the cap seat or stopple in the case of those having an inside di-
8 ameter immediately below this cap seat or stopple of over two
9 inches. The following variations on individual bottles or jars may
10 be allowed, but the average contents of not less than twenty-five
11 bottles selected at random from at least four times the number
12 tested must not be in error more than one-quarter of these toler-
13 ances: six drams above and six drams below on the half gallon;
14 five drams above and five drams below on the three pint; four
15 drams above and four drams below on the quart; three drams
16 above and three drams below on the pint; two drams above and
17 two drams below on the gill. Bottles or jars used for the sale of
18 milk or cream shall have clearly blown or otherwise permanently
19 marked in the side of the bottle, the capacity of the bottle and the
20 word "sealed;" and, the side or bottom of the bottle the name,
21 initial, or trademark of the manufacturer and a designating num-
22 ber, which designating number shall be different for each manu-
23 facturer and may be used in identifying the bottles. The desig-
24 nating number shall be furnished by the state commissioner of
24-a weights and measures upon application by the manufacturer,
25 and upon the filing by the manufacturer of a bond in the sum of
26 one thousand dollars with sureties to be approved by the attorney
27 general conditioned upon their conformance with the requirements
28 of this section. A record of the bonds furnished, and the desig-
29 nating numbers and to whom furnished shall be kept in the office
30 of the commissioner of weights and measures.

31 Any manufacturer who sells or offers to sell milk or cream
32 bottles to be used in this state that do not comply as to size
33 and markings with the provisions of this section shall suffer a

34 penalty of five hundred dollars, to be recovered by the attorney
 35 general in an action against the defender's bondsmen to be
 36 brought in the name of the state of West Virginia. Any dealer who
 37 uses, for the purpose of selling milk or cream, jars or bottles pur-
 38 chased after this law takes effect that do not comply with the re-
 39 quirements of this section as to markings and capacity, shall be
 40 deemed guilty of using a false and insufficient measure.

41 Sealers of weights and measures are not required to seal
 42 bottles or jars for milk or cream marked as in this section pro-
 43 vided, but they shall have the power to and shall from time to
 44 time make tests on individual bottles used by various firms in the
 45 territory over which they have jurisdiction in order to ascertain
 46 if the above provisions are being complied with, and they shall
 47 immediately report violations found to the state commissioner
 48 of weights and measures; *provided, however*, that this section shall
 49 not apply except to farmers and dairymen who own and milk ten
 50 or more cows.

Sec. 26. The standard barrel for fruits, vegetables and
 2 produce shall be of the following dimensions when measured with-
 3 out distension of its parts: diameter of head inside of staves, sev-
 4 enteen and one-eighth inches; distance between heads, inside
 5 measurements, twenty-six inches; the outside bilge or circumfer-
 6 ence not less than sixty-four inches; and the thickness of staves
 7 not more than four-tenths of an inch; *provided*, that any barrel
 8 of a different form having the same distance between heads and
 9 a capacity of seven thousand and fifty-six cubic inches shall be a
 10 standard barrel.

Sec. 27. A bushel of the respective articles hereinafter
 2 mentioned shall be the amount of weight, avoirdupois, viz:—

3 Apples (green)	50
4 Apples (dried)	24
5 Barley	48
6 Beans (dry and shelled)	60
7 Beans, Castor	46
8 Bran	20
9 Broom corn seed	57
10 Blueberries	42
11 Blue grass seed	14
12 Buckwheat	52
13 Carrots	50

14 Clover seed	60
15 Charcoal	20
16 Coal	80
17 Coke	40
18 Peas (dry)	60
19 Peaches	48
20 peaches (dried)	33
21 Potatoes (Irish)	60
22 Potatoes (Sweet)	50
23 Rape seed	50
24 Red top grass seed	14
25 Rye	56
26 Salt (coarse)	70
27 Salt (fine)	50
28 Sorghum	57
29 Timothy seed	45
30 Tomatoes	56
31 Wheat	60
32 Hungarian grass seed	50
33 Corn (ear dry)	68
33-a Corn (ear green)	72
34 Corn (shelled)	56
35 Corn Meal	48
36 Cranberries	36
37 Cucumbers (green)	50
38 Currants	40
39 Flaxseed	56
40 Hempseed	44
41 Gooseberries	40
42 Lime	70
43 Malt	34
44 Millet	50
44 Nuts (hickory)	50
46 Oats	32
47 Onions	55
48 Orchard grass seed	14
49 Parsnips	42
50 One barrel of flour shall contain one hundred and ninety-six	
51 pounds.	
52 One barrel lime shall contain two hundred pounds.	

Sec. 28. Whenever any commodity is sold on a basis of
2 weight, it shall be unlawful to employ any other weight in such
3 sale than the net weight of the commodity; and all contracts con-
4 cerning goods sold on a basis of weight shall be understood and
5 construed accordingly. Whenever the weight of a commodity is
6 mentioned in this act, it shall be understood and construed to
7 mean the net weight of the commodity.

Sec. 29. Any person who, by himself or by his servant or
2 agent, or as the servant or agent of another person shall knowingly
3 offer or expose for sale, sell, use in the buying or selling of any com-
4 modity or thing or for hire or award, or retain in his possession a
5 false weight or measure or weighing or measuring device which has
6 not been sealed by a sealer or deputy sealer of weights and measures
7 within one year, or shall dispose of any measure, or weighing or
8 measuring device contrary to law, or remove any tag placed there-
9 on by a sealer or deputy sealer of weights and measures; or who
10 shall sell or offer or expose for sale less than the quantity he
11 represents, or shall take or attempt to take more than the quan-
12 tity he represents, when as the buyer, he furnishes the weights,
13 measures, or weighing device by means of which the amount of
14 commodity is determined; or who shall keep for the purpose of
15 sale, offer or expose for sale, or sell any commodity in a manner
16 contrary to law; or who shall violate any provisions of this act for
17 which a specific penalty has not been provided; or who shall sell
18 or offer for sale, or use or have in his possession for the purpose of
19 selling or using, any device or instrument to be used to or calcu-
20 lated to falsify any weights or measures, shall be guilty of a misde-
21 meanor, and shall be punished by a fine of not less than ten
22 nor more than one hundred dollars, or by imprisonment for not
23 more than sixty days, or by both such fine and imprisonment,
24 upon a first conviction in any court of competent jurisdiction,
25 and upon a second or subsequent conviction in any court of com-
26 petent jurisdiction he shall be punished by a fine of not less than
27 ten, nor more than five hundred dollars, or by imprisonment in
28 the county jail for not more than sixty days, or by both such fine
29 and imprisonment.

Sec. 30. The word "person" as used in this act, shall be
2 construed to impart the plural and singular, as the case demands,
3 and shall include corporations, companies, societies and associa-
4 tions.

4-a The word "weights, measures or weighing or measuring devices" as used in this act, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

9 The words "sell" or "sale" as used in this act shall be construed to include barter and exchange.

CHAPTER 17.

(House Bill No. 303.)

AN ACT to amend and re-enact chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing and selling hydraulic, electric or other power; authorizing such companies to exercise the right of eminent domain; defining and regulating the powers, rights, duties, and obligations of such companies, and levying royalties and assessments thereon; regulating the building and maintenance of dams across water streams, and of all structures, works and property connected or used in connection therewith.

(Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.)

Chapter II, Acts of 1913, amended and re-enacted.

Sec.

1. Chapter designated "water power act;" definitions.
2. Extent of control and supervision; exceptions.
3. Corporations heretofore or hereafter organized to manufacture, supply and sell to the public hydraulic, electrical or other energy or power, to have certain rights, powers and authority; to acquire by condemnation, within limits designated by public service commission, lands to construct and operate works; to acquire by condemnation, within the limits of territory designated by the public service commission, lands, waters, interests, rights or easements in waters likely or liable to be flooded or damaged by impounding or diverting the water of any water course or tributary; to acquire by condemnation, same limitations, land for sub-stations; limitations and exceptions; just compensation required.
4. Rights as to water-mill, steam-mill, mill-dam, mill-race, franchise, etc.
5. Rights as to flooding of public and private ferries.

Sec.

6. Rights as to private and public roads and bridges, streets or alleys.
7. Rights as to public or private cemeteries; requirement as to removal of boulders and monuments; what to be done in case of disagreement.
8. Rights as to easements, ways and rights-of-way, not exceeding 100 feet, for erection of towers, poles or wire lines for transmission of electrical or other energy; exceptions as to steam or electric railways, pipe lines, telegraph or telephone companies, and section 11, chapter 32 of code to apply.
9. Right to erect, operate wires, poles and wire lines across public roads and bridges subject to regulations by county court.
10. Rights as to condemnation for rights-of-way for constructing earth, steam and electric roads for transportation of material, etc., for construction of work.
11. Rights as to condemnation of lands owned by churches and public or private schools.
12. Corporations authorized to condemn right to flood, raise or

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| <p>SEC. change location of any pipe line, necessary for dam, under certain restrictions.</p> <p>13. Right to remove timber adjacent to right-of-way by condemnation.</p> <p>14. Proceedings in condemnation governed by chapter 42 of code.</p> <p>15. Permits to use bed or banks of streams to construct and maintain power dam or other structure restricted to corporations organized under laws of this state, and subject to control by proper authority; such agreement to be a part of permit; exceptions as to foreign corporations already established; exceptions as to all corporations selling electricity or other energy outside the state.</p> <p>16. Corporation subject to all provisions of chapter 9, Acts of 1913, and any act amendatory.</p> <p>17. Applications to public service corporation for permit; how made and what to contain; all to be filed with public service commission.</p> <p>18. Public service commission may require change of location, plans, drawings, etc., for protection of life and property, etc.; condemnation by courts prohibited in certain cases; notice of application to be given by publication; how made; hearings on application; prior rights in location.</p> <p>19. Corporations heretofore incorporated under section 3, having expended as much as \$50,000, etc., have all powers conferred by this act without filing application or obtaining such permit.</p> <p>20. Public service commission has power to levy assessments on corporations making application for permits under section 19, to cover cost of employment of experts, etc.; additional assessments and for what purpose.</p> <p>21. Has power to make rules and regulations, examine dams, order alterations, and may cause dam to be removed; what commission may do in emergencies.</p> <p>22. Discretion of commission absolute in dam construction; duty of commission on power site and dam as to effect of construction upon city, town or village, etc.; permits to be refused in certain cases; public sentiment a factor.</p> <p>23. Royalties; how fixed and paid; one per cent. of gross income for license year ending June 30, to be ascertained by state tax commissioner, to whom reports are made; what reports shall contain.</p> <p>24. Remedy in case of grievance to be to the board of public works; no appeal in certain cases.</p> <p>25. Duty of tax commissioner in case of failure to pay royalty; royalties a lien; moneys collected to be covered into state treasury; assessments levied in section 20 to be certified to the auditor and to be a lien; penal-</p> | <p>SEC. ties; assessments to constitute a special fund.</p> <p>26. Power of commission as to rates to be charged by corporations operating under this act.</p> <p>27. Power to regulate rates at all points vested in public service commission; shall be just and reasonable; contracts for sale subject to approval by same; limit for which contracts may be made.</p> <p>28. Nothing in this act to be construed to interfere with jurisdiction of U. S. government over navigable streams; requirements as to construction of locks, booms, sluices, fish ways, boat houses, etc., necessary to the interests of navigation; provision as to toll charges.</p> <p>29. Jurisdiction; to include persons, firms, corporations, municipalities, agencies, etc.</p> <p>30. Charters renewable only on conditions prescribed by law; unexpired assessments to be returned.</p> <p>31. Power vested in commission to investigate method of construction of dam, etc., to conserve and protect public and private rights; no franchise to limit this authority.</p> <p>32. Limit of permit, fifty years; all rights to terminate and vest in state; state may operate or transfer to another agency; may also renew permit; may be revoked for failure to comply with provisions of this act.</p> <p>33. Capital stock, bonds and other securities to be subject to approval by commission.</p> <p>34. Accounting system to be installed, subject to audit by expert accountant, and to show cost of power site as provided in section 35; yearly reports to be filed with commission; expenses for organization, promotion, etc., to be just and reasonable; bonuses, etc., given promoters for services or for water rights or dam sites, having purely speculative value, to be surrendered, to be exchanged at cash value and paid by corporation; accountants to be paid in accordance with section 20 of this act.</p> <p>35. Permits, rights, etc., granted under this act subject to right of the state to acquire same after fifty years, on one year's notice, and at its actual value, to be ascertained by arbitration; no allowance to be made for unreasonable cost; limitations as provided in section 34.</p> <p>36. No transfer valid unless approved by the commission.</p> <p>37. Nothing in this act to exempt person, firm or corporation from common law or statutory liability for damages.</p> <p>38. Nothing to prevent municipality or public service corporations from taking water for use, under regulations to be prescribed.</p> |
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SEC.
39. Authority of state to take over improvement if an unlawful combination in restraint of trade; members of commission to be receivers in court proceedings.

40. Acceptance of permit void unless filed within ninety days; also void as to section 19, unless dam is completed in five years; time may be extended for good cause.

SEC.
41. Dam authorized under this statute a dam authorized by the legislature.

41-a. Provision as to applications heretofore made.

42. Section or part of section hereafter held to be unconstitutional not to affect remainder of act.

43. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter eleven of the acts of one thousand nine hundred and thirteen be amended and re-enacted so as to read as follows:

Section 1. This chapter shall be known as the "water power act."

3 In this act unless the context otherwise requires:

4 (a). "Commission" means the public service commission
5 of West Virginia, or any other officer or body hereafter author-
6 ized to exercise the powers or perform the duties now or here-
7 after conferred and imposed by law upon said public service
8 commission

9 (b). "Municipality" means any incorporated city, town or
10 village in this state.

11 (c). "Permit" means a grant of authority under this act
12 to construct, maintain and operate a dam in or across navigable
13 or non-navigable waters for the development of hydraulic power
14 and hydro-electric energy for sale to the public; or to construct,
15 maintain and operate transmission lines and auxiliary power
16 plants operated by steam, gas or otherwise for the development
17 and sale to the public of electric or other energy or power; or
18 for other lawful purposes.

Sec. 2. All water streams within the state capable of de-
2 veloping hydraulic, electrical or other energy or power, shall be
3 under the control and supervision of the state; *provided, however,*
4 that nothing contained in this section shall deprive any riparian
5 owner of any right or interfere with his exercise of the same.

Sec. 3. Any corporation heretofore or hereafter organized
2 under the laws of this state, and which by its charter has the
3 right to manufacture, supply and sell to the public, hydraulic,
4 electrical or other energy or power produced by water as a mo-
5 tive force, or produced by any auxiliary plant or plants operated
6 by steam or other power, belonging to such corporation, and
7 which has been granted a permit by said public service com-

8 mission, shall, in addition to the other powers conferred by law,
9 have the following rights, powers and authority:

10 To acquire by condemnation, within the limits only of the
11 territory designated by the public service commission, the lands
12 and rights necessary for the construction and operation of dams
13 across any of the streams of this state, and works connected
14 therewith or useful thereto, either up or down stream therefrom,
15 within said limits; and to construct and operate at the site there-
16 of or at other points, up or down stream therefrom, within the
17 said limits, and across said stream, dams, together with all works
18 incident, necessary or related thereto, and in connection there-
19 with; to condemn, within said limits, lands or easements therein
20 for the purpose of impounding the waters of any water course
21-2 or water courses of the state, or of diverting the same without
23 injury to the rights of others; and to raise higher such dams,
24 and to enlarge the works necessary, incident or related thereto,
25 either up or down stream therefrom, within said limits desig-
26 nated by the public service commission, as may be required or
27 deemed expedient by such corporations in the manufacture and
28 supply of electrical or other energy or power produced by water,
29 steam, or gas as a motive force.

30 To acquire by condemnation, within the limits only of the
31 territory designated by the public service commission, all lands
32 or water or interests or rights or easements in lands or waters
33 likely or liable to be flooded or damaged by impounding or di-
34 verting the water of any water course or its tributaries in this
35 state, or necessary for the construction or operation of dams or
36 power houses or works necessary, incident or related thereto, or
37 likely or liable to be flooded or damaged by the construction or
38 operation or enlargement of the dams or works incident, neces-
39 sary or related thereto, or necessary to be damaged or taken
40 in the construction, operation or use of canals, flumes, tunnels,
41 pipe lines, tail races or other water ways, necessary, useful or
42 convenient for the conveyance or escape of the water used in the
43 operation of such works or power plants; but nothing herein
44 shall be construed to prevent free access to and from, and the
45 reasonable free use of the water so impounded, by the riparian
46 owner, or to impair the rights of any person to the free use of
47 the water streams of this state.

48 To acquire by condemnation, within the limits only of the

49 territory designated by the public service commission the neces-
50 essary land for sub-stations and transmission lines; such corpora-
51 tions shall have no right to condemn a private residence, nor
52 any out-house, garden or orchard within the curtilage of a pri-
53 vate residence for a sub-station site, or for the right-of-way for its
54 transmission lines; but this shall not restrict the right of such
55 company to condemn for its dams and power stations the lands
56 liable to be flooded thereby, any dwelling house, orchard, ferry,
57 water-mill, mill-dam, mill-race, school-house, public or private
58 cemetery, county or private road, street or alley, or any other
59 structure within said flooded area.

60 In all cases just compensation shall be paid to the owner
61 in the manner provided by law for all property taken or dam-
62 aged.

Sec. 4. Such corporations shall have the right and author-
2 ity to condemn and acquire thereby, within the limits only of the
3 territory designated by the public service commission, any wa-
4 ter-mill, steam-mill, mill-dam, mill-race, franchise, rights and
5 powers, privileges, and appurtenances thereunto belonging, with
6 the area of the lands and water courses liable to be flooded by its
7 dams.

Sec. 5. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the
3 territory designated by the public service commission, the right
4 to flood public and private ferries and the approaches thereto,
5 but said corporations in the event of acquiring said property
6 by condemnation shall re-locate and place public ferries and the
7 approaches thereto in a condition satisfactory to the county
8 court of the county in which said public ferries are located, and
9 to the circuit court of said county or counties trying such con-
10 demnation proceedings.

Sec. 6. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the ter-
3 ritory designated by the public service commission, the right to
4 flood private roads and bridges, and shall have the right to flood
5 public roads and bridges by first paying to the county court of the
6 county in which the public roads and bridges are located, the rea-
7 sonable cost of re-locating and making public roads and bridges
7-a in lieu thereof, satisfactory to the county court; also to
8 acquire by condemnation, when necessary, any streets or al-

9 leys, or portions thereof, in incorporated cities and towns, and
10 other public property.

Sec. 7. Such corporation shall have the right and author-
2 ity to acquire by condemnation, and to flood, within the limits
3 only of the territory designated by the public service commis-
4 sion, the lands embraced within public and private cemeteries;
5 and the right and authority to acquire by condemnation other
6 lands for the purpose of removing the bodies and monuments
7 or other structures from such public or private cemeteries to
8 such other lands. All the rights of the state of West Virginia
9 in and to lands in such cemeteries to be flooded shall pass to and
10 vest in such corporations, and title to the lands acquired for the
11 removal of said cemeteries, shall vest in the former owners of the
12 cemeteries so condemned, or the holders of the legal title thereto.

13 Before such corporations shall flood such cemeteries they
14 shall remove the bodies, and monuments, or other structures to
15 the lands acquired for such purpose and re-inter bodies and re-
16 set monuments under the direction and to the satisfaction of
17 the circuit court. If the parties in interest fail to agree as to
18 the location and area of the additional lands to be acquired in
19 which to re-inter the bodies and on which to replace the monu-
20 ments and other structures, the same shall be determined by the
21 circuit court in which such condemnation proceedings are pend-
22 ing.

Sec. 8. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the ter-
3 ritory designated by the public service commission, easements,
4 ways and rights-of-way, not exceeding a width of one hundred
5 feet for the total length of such rights-of-way, upon which to
6 erect towers, poles, or wire lines for the transmission, supply
7 and sale of electrical or other energy or power produced by wa-
8 ter as a motive force, or by steam power or otherwise; *provided,*
9 that such corporations shall have no right without consent to
10 construct and operate towers, poles, and wire lines upon the right-
11 of-way of any steam or electrical railway, pipe lines, telephone
12 or telegraph company, except to cross the same. Such corpora-
13 tions shall have the right to procure a right-of-way for crossing
14 over any railroad, pipe line, telegraph or telephone lines, or other
15 power companies' lines, as provided in section eleven of chapter
16 fifty-two of the code of West Virginia; but no such crossing

17 shall be constructed except in accordance with plans and speci-
18 cations previously approved by the public service commission.

Sec. 9. Such corporations shall have the right and author-
2 ity to erect and operate wires, poles and wire lines across public
3 roads and bridges, within the limits only of the territory designated
4 by the public service commission, and subject to the regulation
5 thereof, and to the reasonable regulations of the county court of
6 the county in which said roads and bridges are located.

Sec. 10. Such corporations shall have the right and author-
2 ity to acquire by condemnation, within the limits only of the ter-
3 ritory designated by the public service commission, ways and
4 rights-of-way not exceeding a width of one hundred feet, for the
5 purpose of constructing earth, steam, and electric roads for the
6 transportation of material, equipment and supplies required or
7 useful in the construction, or operation and maintenance of their
8 dams and works incidental and necessary thereto.

Sec. 11. Such corporations shall have the right and author-
2 ity to condemn, within the limits only of the territory desig-
3 ned by the public service commission, the lands owned by
4 churches and their trustees, and public and private school house
5 sites, when within the area liable or likely to be flooded, or nec-
6 essary for their dams and generating stations.

Sec. 12. Such corporations are hereby authorized to con-
2 demn the right to flood, raise or change the location of any pipe
3 line within the area liable or likely to be flooded or necessary for
4 their dams; *provided*, that in so doing the use of any such pipe
5 line shall not be destroyed, and such corporations shall have
6 the right to condemn the lands and easements necessary for rais-
7 ing or changing the location of such pipe line.

Sec. 13. Such corporations shall have the right and author-
2 ity to remove any timber adjacent to said rights-of-way which
3 may endanger by shading, falling or otherwise, any of their
4 works or transmission lines, when they shall have acquired the
5 right to do so, and for that purpose may acquire such timber by
6 condemnation.

Sec. 14. Proceedings for condemnation shall be governed
2 by chapter forty-two of the code of West Virginia. In proceed-
3 ings to condemn cemeteries, or to condemn lands for the purpose
4 of re-interring bodies, as provided in section seven hereof.
5 notice shall be given also to abutting land owners.

Sec. 15. No permit to use any part of the bed or banks of a
2 stream in this state or to construct and maintain any power dam or
3 other structure thereon or therein shall be granted except to a cor-
4 poration created and organized for such purpose under the laws of
5 this state, nor shall any right, privilege, franchise or authority
6 granted under the provisions of this act ever be exercised other
7 than by such a corporation. Every corporation in its application
8 for a permit shall agree for itself, its successors and assigns, that
9 the state of West Virginia by its proper authority shall at all times
10 have and freely exercise the power to regulate and control the
11 distribution and sale of all power generated under such a permit
12 to the extent, at the election and discretion of the state by its
13 proper authority of requiring that such power shall be distributed,
14 sold and used within the state of West Virginia, and such agree-
15 ment and stipulation shall be signed by the applicant as a part of
16 its application, and shall be incorporated by the public service
17 commission into and as a part of each and every permit that may
18 be granted hereunder; *provided, however,* that any foreign cor-
19 poration which constructed a dam in any of the waters of this
20 state and was operating the same before the first day of January,
21 one thousand nine hundred and thirteen, and is now operating the
22 same, shall have the right to continue such operation, but such
23 corporation shall be subject to all the provisions of this act except
24 that it shall have the right to transmit and sell any part of its
25 product or all of it outside of the limits of this state; and, *provid-*
26 *ed, further,* that no corporation shall transmit and sell to the public
27 in this state electrical or other energy or power generated outside
28 this state unless granted the privilege to do so by the public service
29 commission; and every corporation granted such privilege shall be
30 a public service corporation and shall be subject to all the pro-
31 visions of this act, including the payment of royalty on the gross
32 income derived from such sales in this state.

Sec. 16. Such corporations shall be public service corpora-
2 tions, and shall be subject to all the provisions contained in chap-
3 ter nine of the acts of one thousand nine hundred and thirteen,
4 and any act amendatory thereof or supplementary thereto.

Sec. 17. Before such corporations shall exercise any of the
2 powers herein authorized, including the right to condemn prop-
3 erty or the right of eminent domain, they shall make application
4 to and have the approval of the public service commission, and

5 the permit provided for in section three of this act. In such ap-
6 plication shall be set forth in detail the location of the proposed
7 dam, or other method of impounding water; the area and charac-
8 ter of land that will be flooded by the impounded water; the
9 amount of water in gallons that will be impounded; the charac-
10 ter of the proposed dam; the horse power that will be developed
11 thereby; the approximate area and amount of land the corpora-
12 tion proposes to acquire, and such other information as the pub-
13 lic service commission may require. With such application shall
14 be filed general plans and drawings of the proposed dam, and a
15 statement of the character of materials to be used therein. De-
16 tailed plans, specifications and drawings shall be filed with and
17 approved by the public service commission before the work cov-
18 ered thereby shall be commenced.

19 No land or other real estate shall be acquired by such cor-
20 poration without the approval of the commission; and any such
21 corporation may make application to the commission at any time
22 after permit is granted for authority to acquire additional land
23 or other real estate, which shall be described in such application;
24 and the commission may issue a permit to the corporation to ac-
25 quire the same if in the discretion of the commission the same
26 shall be convenient or necessary for the purposes of the corpora-
27 tion. The public service commission shall have power to em-
28 ploy expert engineers or other experts or persons to examine and
29 report upon such locations, plans, drawings and specifications.

Sec. 18. The public service commission shall require or
2 may authorize such changes in the location, plans, drawings or
3 specifications of any proposed dam as may be necessary for the
4 protection of life and property, or for other reasons; and may
5 refuse the application if, in its discretion, the same should not
6 be granted; or grant to such corporation a permit to exercise
7 the powers named in its application, or specified in the permit.
8 The corporation shall then have the right to purchase property
9 or condemn the same, within the limit designated by the com-
10 mission, for the purposes named in this act. No court shall en-
11 ter any order giving any such corporation the right to condemn
12 property except within the limits only of said territory, and not
13 then unless the petition avers, and the averment be supported by
14 competent proof, that the public service commission has ap-
15 proved the location and general plans and drawings of the pro-

16 posed dam, and authorized such corporation to condemn prop-
17 erty. Before making application to the public service commis-
18 sion for a permit, such corporation shall give notice thereof by
19 publication once in each week for four successive weeks in two
20 newspapers of general circulation published in the county where-
21 in the proposed dam is to be located, if there be such; if not, by
22 publishing the same in two newspapers of general circulation in
23 such counties, and by written or printed notices posted, at least
24 four weeks prior to making such application, at fifty places with-
25 in the area likely to be flooded by the water to be impounded
26 by such dam. The public service commission shall hear and con-
27 sider any objections or remonstrances against the proposed un-
28 dertaking. Any corporation incorporated for any of the pur-
29 poses named in section three of this act, which has filed applica-
30 tion for a permit and any corporation which has located a dam
31 for such purposes and has expended as much as fifty thousand
32 dollars in the construction thereof on or before May twenty-sec-
33 ond, one thousand nine hundred and thirteen, shall have prior
34 right of location at the site covered by plans submitted to the pub-
35 lic service commission by such corporation, but such priority right
36 of location shall not extend beyond June thirtieth, one thousand
37 nine hundred and eighteen, unless such corporation, on or before
38 said date, shall have secured a permit, or the approval of its
39 plans and specifications as provided in section nineteen of this
40 act. No priority of location shall be recognized by the public
41 service commission in application for permits hereafter filed un-
42 der this act. In case there are two or more applicants for per-
43 mits covering the same location, the commission shall have power
44 to refuse to grant permits to any or all such applicants, or to
45 grant a permit to such applicant as the commission, in its dis-
46 cretion, may deem best.

Sec. 19. Any corporation incorporated for any of the pur-
2 poses named in section three, of this act, and which shall have
3 in good faith located a dam for its purposes, together with the
4 probable contour lines of the water proposed to be impounded
5 thereby, and which shall have actually expended as much as fifty
6 thousand dollars in the construction of said dam on or before
7 May twenty-second, one thousand nine hundred and thirteen,
8 shall, as shall also its lessees, successors, receivers, trustees or as-
9 signs, have all the powers, as to such dam and the land and prop-

10 erty within such contour lines, conferred by this act, without fil-
11 ing the application and obtaining the permit named in this act;
12 and such corporation shall not be liable to any penalty provided
13 by this act for failure to make such application and obtain such
14 permit before proceeding with the construction of such dam;
15 but said commission may require or authorize any change in the
16 plans, drawings, specifications and constructed portions of such
17 dam as shall be necessary for the protection of life and property,
18 or for other reasons, as hereinbefore provided. The commission
19 shall have the same power as to the further construction of said
20 dam as if it were one for which an application and permit were
21 required under this act as hereby amended.

Sec. 20. The public service commission shall have the pow-
2 er to levy an assessment on any corporation making application
3 to said commission for a permit to build any dam over ten feet
4 in height or any structures and transmission lines necessary for
5 the production and transmission of hydraulic, electrical or other
6 energy or power, and on any corporation, its lessees, receivers,
7 trustees, successors or assigns, owning any dam constructed with-
8 out such permit, as specified in section nineteen of this act, to
9 cover the cost of the employment of expert engineers or other ex-
10 perts or persons, to pass upon the plans and designs of dams,
11 structures and transmission lines, in such an amount as may be
12 deemed proper by the said commission, and to be paid at such
13 time as it may demand, as a condition precedent to the consider-
14 ation of any application for a permit. The commission shall
15 have the power to levy an additional assessment on each appli-
16 cant, from time to time, sufficient to pay the cost of a proper
17 and sufficient inspection of said dams, structures and transmis-
18 sion lines by qualified engineers and inspectors, and the compen-
19 sation of accountants, who may be employed by the commission
20 during the construction of said dams, structures and transmis-
21 sion lines, and thereafter.

Sec. 21. The public service commission shall have the
2 power to make such rules and regulations as it may deem nec-
3 essary to carry out the provisions of this act. The commission
4 shall have the power to examine any dam, whenever in its dis-
5 cretion the public safety or welfare shall so require, and after
6 hearing, either on its own motion or on complaint, to make and
7 serve an order directing any person, corporation, officer or board

8 constructing, maintaining or using any dam situate on any of
9 the publicly or privately owned waters or lands of this state, to
10 make such dam safe within a reasonable time, and in such man-
11 ner as shall be specified in such order. The commission shall
12 determine what alterations, additions, or repairs are necessary
13 to make the same safe, and may cause any dam to be removed on
14 failure of the owners thereof to comply with the commission's
15 orders. The commission may, in case of emergency, without no-
16 tice, cause to be drawn off, in whole or in part, the water im-
17 pounded in any dam, whether such dam be situated on publicly
18 or privately owned lands or waters of this state, whenever the
19 commission shall determine that such action is necessary to pre-
20 vent impending damages to persons or property.

Sec. 22. The public service commission shall have full and
2 absolute discretion as to the granting of any permit for the con-
3 struction of a dam above ten feet in height, and shall not grant
4 or issue a permit for the building of any such dam which is not
5 so designed as to satisfy the commission, after full investigation,
6 and it finds and enters of record, that the proposed dam will be
7 safe and secure beyond a reasonable doubt, and that the construc-
8 tion of such dam will be economically advantageous to the people
9 of this state.

10 The commission shall have power to prescribe such factors of
11 safety to be observed in the construction of any dam as will, in the
12 discretion of the commission, be necessary to make such dam se-
13 cure against failure from sliding, overturning, rupture or any
14-23 other cause whatsoever.

24 Before granting any permit for the appropriation of a pow-
25 er site and the construction of a dam, the public service commis-
26 sion shall make an investigation as to the effect of such construc-
27 tion upon any city, town or village, and as to the economic value
28 and importance of all agricultural lands, forests, coal, oil, gas,
29 mineral deposits, and other natural resources, likely or liable to
30 be submerged, damaged, destroyed, rendered inaccessible, or more
31 difficult of access, within or adjacent to the contour of the area to
32 be flooded by such dam. The findings of the public service com-
33 mission, upon such investigation, shall be made a part of the rec-
34 ord of any order of the commission granting or refusing a per-
35 mit for the appropriation of a power site or the construction of
36 a dam. In no case shall the public service commission grant

37 such permit where its investigation shall show that the economic
38 value of the natural resources to be damaged or destroyed in the
39 development of the proposed power site is greater than the eco-
40 nomic value to the people of West Virginia of the power which
41 might be made available by such development. In estimating
42 and comparing such economic values, the commission shall con-
43 sider such public inconvenience as may result from the removal
44 and re-location of roads, bridges, railroads and other public utili-
45 ties, the flooding of suitable and desirable routes or locations for
46 roads, railroads, or other means of transportation, and other
47 changes to be made necessary by the development of such power
48 site. In passing upon any application for a permit the commission
48-a shall take into consideration any probable future developments
48-b of power upon any stream or streams that may be named in such
48-c application or affected by a permit granted in pursuance of such
48-d application, and if the granting of any such permit would
48-e have the effect to destroy or greatly impair the commercial value
48-f of any stream or streams for water power developments, such
48-g permit shall not be granted.

49 In considering an application for a permit to construct any
50 such dam, the public service commission shall have due regard
51 for public sentiment in the district to be affected, shall hold the
52 safe-guarding of life and property of the first importance and
53 shall take abundant precaution against loss or disaster which
54 might result from the failure of any such dam.

Sec. 23. In addition to the annual license tax on its charter,
2 as provided in chapter thirty-two of the code of West Virginia,
3 and all other taxes and assessments, every such corporation shall
4 pay an annual royalty to the state for the privilege of exercising
5 the rights, franchises and privileges granted under this act, which
6 annual royalty shall be based upon and measured by its gross
7 income derived from the sale of hydraulic, electrical, or other
8 energy or power, and from all other sources. Such royalty, un-
9 til otherwise fixed by law, shall be one per cent of such gross in-
10 come for the license year ending with the thirtieth day of June
11 of each year. Such royalty shall be ascertained by the state tax
12 commissioner under such rules and regulations as shall from time
13 to time be prescribed by him. For the purpose of ascertaining
14 the same, the president, secretary or treasurer or other manag-
15 ing officer of such corporation shall file with the state tax com-

16 missioner within thirty days after the thirtieth day of June each
17 year, a written detailed report, under oath, showing the gross in-
18 come of such corporation for the year ending on the thirtieth
19 day of June preceding the filing of such report, and from what
20 source or sources derived. The state tax commissioner, or any
21 person authorized by him, is authorized, for the purpose of ascer-
22 taining such tax, to take any evidence and examine under oath,
23 which he is hereby authorized to administer, any officer or agent
24 of such corporation or other person. The phrase "gross income",
25 as used in this section, shall mean that income which should be
26 derived by such corporation from the sale of hydraulic, electrical
27 or other energy or power, and income derived from all other
28 sources, either within or without the state, whether direct or
29 through any distributing or affiliated company or agency. When
30 the state tax commissioner has ascertained the amount of such
31 royalty that any corporation should pay for any year, he shall
32 notify the corporation of the amount thereof by written notice de-
33 posited in the post office, addressed to such corporation at its prin-
34 cipal office or place of business. Such finding shall be final and
35 conclusive, unless appealed from within thirty days in the man-
36 ner hereinafter provided.

Sec. 24. Any corporation feeling itself aggrieved by the
2 findings of the state tax commissioner as to the amount of such
3 royalty shall have the right within thirty days from the date of
4 the notice mailed to it, as provided in section twenty-three here-
5 of, to appeal therefrom to the board of public works, which ap-
6 peal the board shall promptly consider and determine. The
7 board shall fix the amount of such royalty as it shall deem just
8 and according to law; and the corporation shall pay the same to
9 the state tax commissioner. If any such corporation shall fail
10 or refuse to file such report in the time prescribed therefor, or to
11 make such report as is required by this act, the state tax com-
12 missioner shall ascertain from the best sources obtainable, the
13 amount of such royalty which such corporation should pay, and
14 no appeal shall lie from his finding.

Sec. 25. If any corporation shall fail to pay the amount of
2 such royalty within sixty days after the date of the notice of the
3 amount thereof sent to it by the state tax commissioner, or within
4 thirty days after the amount is fixed by the board of public
5 works on appeal, the state tax commissioner shall proceed to col-

6 lect the same by any appropriate remedy, with a penalty of ten
7 per cent added thereto. Such royalty shall from the time of its
8 ascertainment by the state tax commissioner, or the board of pub-
9 lic works, on appeal, be a lien on all the property of the corpora-
10 tion in favor of the state, superior to all other liens, except liens
11 for taxes. All such moneys collected by the state tax commis-
12 sioner shall be paid by him into the state treasury monthly.

13 The amount of any assessment levied by the public service
14 commission on any corporation, as provided in section twenty
15 hereof, shall be certified to the corporation and to the auditor by
16 the secretary of the commission, together with the date when
17 such assessment is payable, as fixed by the commission. It shall
18 be the duty of the corporation to pay the same into the state
19 treasury within the time specified. Any such assessment shall be
20 a lien in favor of the state on all the property of the corporation
21 on which it is levied, superior to all other liens, except liens for
22 taxes. If any corporation shall fail to pay the same within said
23 time, it shall be the duty of the auditor to collect the same in the
24 manner that taxes or other claims due the state are collected,
25 with a penalty of ten per cent, added thereto. When paid, the
26 amount of such assessments shall constitute a special fund, to be
27 drawn out of the treasury from time to time on the order of the
28 public service commission, to be expended for the purposes for
29 which levied; and such sums as may from time to time be paid
30 into the treasury are hereby appropriated for such purposes.

Sec. 26. Any corporation which exercises any of the rights
2 conferred by this act, shall be under the duty and obligation to
3 manufacture and sell to the state and to the people thereof to
4 the extent of their demand or to the limit of production, hydrau-
5 lic power, or electric current or energy or other power, without
6 unjust discrimination at reasonable rates, and in accordance with
7 any classification now or hereafter prescribed by law, at rates
8 made or approved by the commission. The commission upon its
9 own motion or upon complaint shall have power to vacate any
10 rate, and to set aside rules or regulations which are unreasonable
11 or unjust, with right of appeal to the complainant or the corpora-
12 tion from the decision of the public service commission to the
13 circuit court of Kanawha county, and an appeal from said court
14 to the supreme court of appeals by the complainant, the corpora-
15 tion, or the commission.

Sec. 27. The public service commission shall have the right to regulate rates and charges for service to consumers of electricity and other power produced by any public service corporation, at the site described in the permit, and at all points where distributed within this state; and to fix and determine the prices and manner of the sale and distribution of the same. All such rates, charges and tolls for electricity and other power produced by any public service corporation shall be just and reasonable, and subject to the regulation and control of the public service commission, as provided in chapter nine of the acts of one thousand nine hundred and thirteen, and any act amendatory thereof or supplementary thereto. All forms of contract for the sale or delivery of electrical or other energy or power by such corporations shall be as prescribed and approved by the public service commission. No such contract shall be made for a period longer than ten years, except by permission of the public service commission and no such contract shall become effective unless made in accordance with the rules and regulations prescribed by the public service commission.

Sec. 28. Nothing contained in this act shall be construed to interfere with the exercise of jurisdiction by the government of the United States over navigable streams.

Whenever a permit is granted for the construction of a dam across any stream or whenever any dam is constructed without such permit under the provisions of section nineteen of this act, and the public service commission decides that the public interest and convenience so demand, the corporation building or owning such dam shall construct, maintain and operate, without expense to the state, in connection with such dam and accessory or appurtenant works, a lock or locks, booms, sluices, fish ways, boat hoists, marine railway, by-pass canal, or other device or other structures which the public service commission at any time may deem necessary to the interest of navigation, in accordance with such plans as the public service commission may approve. And said commission shall have power to determine whether tolls shall be charged by such corporation for the use of said locks, canals or other devices constructed under the commission's order in the interest of navigation, to prescribe rules and regulations for the use of such devices and to fix the rates of any tolls that may be charged for the use thereof.

Sec. 29. The jurisdiction of the public service commission 2 under this act shall extend to and include all persons, associa- 3 tions of persons, firms, corporations, municipalities and agen- 4 cies engaged in the generation of electricity or other power by 5 water, as a motive force, and the transmission of the same for 6 the purpose of furnishing customers with light, heat, or power, 7 or for other purposes; and shall also include the furnishing or 8 transmission of water taken from such dams for power, manu- 9 facturing, municipal, domestic, irrigation or other purposes.

Sec. 30. The charter or franchise of any corporation now 2 organized, or that shall be hereafter organized, to engage in or 3 carry on any business subject to the provisions of this act, shall 4 be renewable only upon such terms and conditions as shall then 5 be prescribed by law. Any balance of any assessment remaining 6 unexpended shall be returned to the corporation which paid such 7 assessment or its assignee.

Sec 31. The commission shall have power, authority, and 2 jurisdiction to investigate, ascertain, and determine all reasonable 3 methods of construction, equipment, maintenance, and operation 4 of any dam and improvement so as to conserve and protect all pub- 5 lic and private rights in any of the waters of the state, promote 6 the improvement of navigation, and protect life, health, and prop- 7 erty. The commission shall, at any time, in the interest of public 8 safety or public rights, order and require anything reasonably 9 necessary therefor. No franchise or permit granted under this 10 act shall limit the authority of the commission to protect and 11 conserve all public rights.

Sec. 32. No permit shall be granted for a longer period than 2 fifty years from the date of its grant, at the end of which time, 3 both by operation of law as a provision of said permit and the ac- 4 ceptance thereof, all rights thereunder shall terminate, and full 5 control, occupancy and enjoyment of the subject of such permit 6 shall at the expiration of the period named therein, not more than 7 fifty years, revert to and revest in the state, and the people thereof, 8 with full power and right to make such disposition thereof as to 9 the state shall then appear best; and the permit shall provide that 10 if at the expiration thereof the same shall not be renewed, and if 11 the state should elect, either by itself or by another agency, to op- 12 erate said power site, dam and plant, the state may acquire the 13 same as defined and provided in section thirty-five hereof. And

14 said permit at the expiration of said period of fifty years may,
15 at the discretion of the public service commission, be renewed upon
16 such terms and conditions as shall then be provided by law.

17 But any such permit may be revoked at any time by the public
18 service commission, after at least thirty days' notice to the corpora-
19 tion, specifying the matters in which the corporation is in default,
20 after hearing, for failure to comply with the provisions of this act,
21 or for misuser or non-user of its corporate rights, franchises and
22 privileges, subject to the right of appeal to the supreme court of
23 appeals of this state within sixty days.

Sec. 33. All issues of capital stock, bonds and other securi-
2 ties, and all mortgages, deeds of trust and other liens made by
3 such public service corporation for the purpose of raising funds
4 to be used by the said corporation and invested in its plant and
5 property, shall be subject to the approval of the public service com-
6 mission.

Sec. 34. Every such corporation shall install and maintain
2 a complete system of accounting to be prescribed for such corpora-
3 tion by the commission, according to which all financial transac-
4 tions and receipts and expenditures of the corporation shall be kept
5 and reported annually, and such additional reports shall be made
6 as may be required by the commission. The accounts and vouchers
7 for all receipts and disbursements may be examined and audited by
8 an expert accountant whenever the commission shall order, and
9 the reports of such accountants shall be filed and kept in the of-
10-11 fice of the commission.

12 Such system of accounting shall be so kept as to show the de-
13 tailed and itemized cost of the power site, as referred to in sec-
14 tion thirty-five hereof. After such corporation shall have
15 completed its plant and begun the sale of its products the
16 public service commission shall make up and enter on its
17 record a detailed statement of the cost of the power site of such
18 corporation; and the commission may revise such statement at any
19 time thereafter for good cause, and on notice to the corporation.

20 Such corporation shall file with the commission a report for
21 each calendar year, giving the names and addresses of all stock-
22 holders of record, directors, officers, managers and superintendents,
23 and the salaries paid to each.

24 All expenses for organization and promotion, and engineering
25 and legal services and salaries shall be just and reasonable. All

26 discounts and charges by underwriters or by financial agents for
27 the marketing of bonds and other securities of said corporation,
28 shall be just and reasonable.

29 All bonuses, by way of stock or other obligations, given to pro-
30 moters for services, or in payment for alleged water rights
31 or locations of dam sites, having a purely speculative value and
32 heretofore issued, shall be surrendered and cancelled, and in lieu
33 thereof, the fair cash value of such services and rights shall be
34 ascertained by the commission, and paid by said corporation.

35 The compensation to be paid to the accountants appointed to
36 act in behalf of the commission in auditing the accounts of said
37 corporations shall be paid out of the fund provided for in section
38 twenty of this act.

Sec. 35. All permits, rights, franchises and privileges grant-
2 ed by this act, or that may be granted under the provisions there-
3 of, are granted subject to the right of the state, at any time after
4 fifty years from the date of the permit, upon at least one year's
5 notice thereof, to acquire all the property of the grantee acquired,
6 constructed, or maintained and used and useful in carrying out
7 the purposes for which the permit, rights, franchises and privi-
8 leges were granted, at its actual value to be determined by arbitra-
9 tion, one arbitrator to be selected by the public service commission,
9-a one by the owner of the property, and in case of disagreement
9-b the two thus selected shall select a third and the determination
9-c of the majority shall be considered the just compensation therefor;
10 but no allowance shall be made for unreasonable costs of financing
11 for promoters' profits, or for the value of any permit, or of any
12 franchise, right or privilege granted by the state or any political
13 sub-division thereof: *provided*, that no more shall be paid for the
14 lands, buildings, waters, rights-of-way, easements, or any other por-
15 tion of the power site, than the value of such power site as as-
16 certained by the commission as provided in section thirty-four of
17 this act.

Sec. 36. No transfer, sale, lease, or assignment of the
2 property rights or franchises of any corporation to which a permit
3 has been granted under this act, or of any corporation named in
4 section nineteen of this act, shall be valid unless approved by the
5 public service commission.

Sec. 37. Nothing in this act shall be so construed as to ex-
2 empt or release any person, firm or corporation owning or operating

3 any dam and appurtenant works under the provisions thereof from
4 any common law or statutory liability for damages resulting from or
5 growing out of the construction, maintenance, or operation of such
6 dam, or works; or as in any manner affecting such liability of any
7 person, firm or corporation; or as in any manner creating any lia-
8 bility on the part of the state for damages resulting from or grow-
9 ing out of the construction, maintenance, or operation of any such
10 dam or works.

Sec. 38. Nothing in this act contained shall be construed
2 so as to prevent any municipality or any public service corporation
3 engaged in supplying water to any municipality from taking water
4 for the purpose of such municipality and the use of the inhabitants
5 thereof from waters impounded by any dam constructed and main-
6 tained by any public service corporation, under such regulations as
7 the public service commission may prescribe.

Sec. 39. If any improvement maintained under any permit
2 granted pursuant to the provisions of this act, shall be owned,
3 leased, trusteeed, possessed, or controlled by any device perma-
4 nently, temporarily, directly, indirectly, tacitly, or in any manner,
5 whatsoever, so that the same form part of or in any way affect
6 any unlawful combination, or shall be in any wise controlled by
7 any combination in the form of an unlawful trust, or form the
8 subject of any contract or conspiracy to limit the output of any
9 hydraulic or hydro-electric power derived therefrom, or in any
10 manner or degree in restraint of trade in the generation, sale, or
11 distribution of hydraulic or hydro-electric power derived there-
12 from, the state may take possession by proceedings instituted by
13 the commission as in cases of receivership; and in such proceed-
14 ings the members of the commission shall be appointed to act as
15 receivers during such period as the court may determine.

Sec. 40. No permit granted under this act shall become
2 effective unless within ninety days after notice from the com-
3 mission that the same has been granted, the grantee shall file
4 with the commission a written acceptance thereof. Any permit
5 granted under this act and any approval of plans of corporations
6 named in section nineteen of this act, shall be null and void un-
7 less the dam thereby authorized to be constructed be completed
8 within five years from the time when such permit or approval be-
9 comes effective and in force. The commission may, however,

10 upon good cause being shown, extend such time for an additional
11 period as the commission may in its discretion determine.

Sec. 41. Any dam when authorized and erected in accordance with the provisions of this statute shall be considered a dam authorized by the legislature of this state at the particular site upon which the same is located.

Sec. 41-a. All applications or petitions for permits or approval of plans heretofore made to or pending before the public service commission may be prosecuted to completion and final determination by making such amendments or changes in the papers or proceedings as the public service commission or any tribunal acting in lieu of said commission under any present or future law, shall deem necessary in order to comply with the provisions of this act; or said applicants may file new applications or petitions, and in that event shall be entitled to all rights which they would have had if such former applications or petitions had been so prosecuted to completion and final determination. Also all proceedings now pending in any of the courts of this state instituted by any corporation such as is mentioned in section three and section nineteen of this act, for the condemnation of lands may be proceeded with to completion and final determination by making such amendments in the petitions or pleadings as such court shall direct in order to comply with the provisions of this act; or said corporations may institute new proceedings for condemnation of such lands as such corporations may elect, as provided for in this act.

Sec. 42. If any section, or part of a section of this act hereafter be held by any court to be unconstitutional, such decision and holding shall in no wise affect or render void the remainder of the act.

Sec. 43. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 18.

(House Bill No. 156.)

AN ACT to prevent fraud in the sale and disposition of stocks, bonds, notes, contracts, or other securities, and certain real estate, sold or offered for sale, within the state of West Virginia, and providing penalties for the violations thereof.

(Passed February 8, 1915. In effect from passage. Approved by the Governor February 15, 1915.)

SEC.

1. To prevent fraud in the sale of stocks, bonds, notes, contracts, other securities and certain real estate in this state; oath, with fee, must be filed with auditor; section not to apply to *bona fide* offers made directly to banks; auditor attorney in fact, notice to auditor, auditor to file copy of such process or notice; actions,
2. "Speculative securities" defined.
3. Notice to the auditor.
- 3-a. Listing and description necessary.
- 4-(1). Subscription blank to be filed with auditor, may require deposit in escrow.
- (11). Promotion expense limited.
- (III). Sections one, two and three not to apply to stocks of state and national banks; other exceptions.
- (IV). Act applies to speculative and non-speculative securities.
5. Auditor to examine papers and may waive same under certain conditions; additional proof may be required; auditor's decision subject to review of court.
6. Overt attempt to defraud under this act constitutes a felony.
7. False statements concerning the value of real estate situate outside of the state constitutes a felony.
8. The filing of any statement, circular, prospectus or other advertising matter required by this act, which is materially false, constitutes a felony hereunder.
9. Attorney general and prosecuting attorney to prosecute violations.
10. Persons allowed to make amend-

SEC.

- ments to charters, changing any statement made and filed under section one; under certain conditions.
11. Agents of persons mentioned in section six must be registered; fee; authority granted by registration.
12. Persons operating within the scope of sections one and two required to make sworn financial condition; statements to be made yearly; filing fee; failure to report, penalty.
13. Auditor has general supervision and control, duties, rights, powers and privileges; expense to be paid, penalty for failure.
14. Person or persons to keep records, open for inspection.
15. Failure to file circulars, papers, statements, prospectuses, documents and other advertising matter; fees required; attorney general and prosecuting attorney to make investigation; jurisdiction of courts, remedy.
16. If any part be declared unconstitutional or unauthorized it shall affect no other section of this act.
17. Certain corporations, companies, associations, partnerships and individuals not subject to the provisions hereof.
18. Auditor to collect fees, duty: authorized to appoint additional clerk; paid by state treasurer out of fees collected under this act; 1913 appropriation remaining in state treasury, is appropriated for the purposes of this act.
19. "Person or persons" defined.
20. Penalty for violations.
21. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That no person or persons mentioned in section 2 six of this act, shall, as principal or agent, promote by advertise- 3 ment, circular, prospectus, or any other form of public or general 4 offering, inducement or persuasion, the issuance, transfer, distribu- 5 tion, sale or negotiation of any speculative securities, as hereinaf- 6 ter defined in section two of this act, unless prior thereto he, or 7 they, shall have filed with the auditor of this state, duly verified 8 by his, or their, oath or affirmation and accompanied by a filing 9 fee of five dollars, a statement containing the following; *provided,* 10 *however,* that this section shall not apply to a *bona fide* offer 11 directly made to banks, bankers, brokers or trust companies who 12 deal in such securities:

- 14 (a) A copy of the securities so to be promoted.
- 15 (b) A copy of the charter, or articles of association, and by-
- 16 laws, and such other information as may be necessary to
- 17 establish the character of the promotion, and validity and
- 18 value of the securities, not otherwise referred to in this
- 19 section.
- 20 (c) A statement in substantial detail of the assets and liabili-
- 21 ties of the person or company issuing such securities and
- 22 of any company or person guaranteeing the same, includ-
- 23 ing specifically the total amount of such securities and
- 24 of any securities prior thereto in interest or lien.
- 25 (d) If such securities are secured by mortgage or other lien,
- 26 a copy of such mortgage or of the instrument creating
- 27 such lien, and a competent appraisal or valuation of the
- 28 property covered thereby with a specific statement of all
- 29 prior liens thereon, if any.
- 30 (e) A full statement of facts showing the gross and net earn-
- 31 ings, actual or estimated, of any person or company issu-
- 32 ing or guaranteeing such securities, or of any property
- 33 covered by any such mortgage or lien.
- 34 (f) All knowledge or information in the possession of such
- 35 promoter, relative to the character or value of such securi-
- 36 ties, or of the property or earning power of the person
- 37 or company issuing or guaranteeing the same, including
- 38 a statement that such promoter has fully investigated the
- 39 same and believes the facts as stated to be reliable and
- 40 true, with such exceptions, if any, as may be stated.
- 41 (g) A copy of any prospectus or advertising matter which is
- 42 to be used in connection with such promotion. Such
- 43 prospectus shall contain a clear and concise statement of
- 44 the amount of money estimated as necessary to carry out
- 45 the objects of the promotion; the price at which it is in-
- 46 tended to sell securities; the amount of promotion expense,
- 47 commissions and other overhead expenses contemplated,
- 48 and the net amount to be derived by the company from
- 49 the sale of each share of stock, bond, note, contract or
- 50 other security, and no prospectus or other advertising mat-
- 51 ter shall be used unless the same has been filed hereunder.
- But in case no prospectus or advertising matter is filed or

52 used, a statement containing the information referred to
53 in this sub-section shall be filed with the auditor.

54 (h) The names and addresses of any agents by or through
55 whom any securities are to be sold in this state, and no
55-a agent shall be employed or act unless such statement with
56 respect to them has been filed hereunder.

57 (i) The name and address of such promoter, including the
58 names and addresses of all partners, if the promoter be a
59 partnership, and the names and addresses of the directors
60 or trustees (and of any and all persons owning ten per
61 centum or more of the capital stock), if the promoter be a
62 corporation or association.

63 Compliance by any person or persons mentioned in section six
64 of this act, with the provisions of this section, shall *ipso facto*
65 operate to appoint the auditor of this state as his, or their attorney-
66 in-fact, irrevocable, for the specific purpose of receiving service
67 of notices and processes which may be issued against him or them
68 in any action arising out of the promotion, negotiation, issuance,
69 transfer, distribution, or sale by him, or them in this state, of any
70 of the speculative securities concerning which such compliance is
71 made, and the service of any such notice or process on said auditor,
72 or his acceptance or service endorsed thereon shall be equivalent
73 for all purposes to, and shall be and constitute due and legal
74 service of such notice or process upon any such person or persons.

75 Immediately after being served with or accepting any such
76 process or notice, the auditor shall file a copy of such process or
77 notice with a note thereon endorsed of the time of service or
78 acceptance, as the case may be, and transmit such process or
79 notice by registered mail to the head office of such person or persons.

80 Suits and actions may be commenced against such person or
81 persons in the proper court of any county in this state in which a
82 cause of action may arise, or in which the plaintiff may reside.

Sec. 2. The term "speculative securities," as used in this
2 act, shall include all the stocks and securities mentioned in section
3 six of this act, which shall, in their subscription, issuance, sale,
4 transfer, negotiation or distribution, be represented to yield a
5 profit to the purchaser, or other transferee of more than eight per
6 per centum on the price at which they are offered.

Sec. 3. No person or persons described in section six of this
2 act, and not coming within the terms of section two of this act,

3 shall, as principal or agent, promote by advertisement, circulation,
4 prospectus, or any other form of public or general offering, in-
5 ducement or persuasion, the issuance, sale, transfer, negotiation or
6 distribution of any of the securities mentioned in section six of
7 this act, without first having notified the auditor, describing such
8 securities, and if it shall appear therefrom, or from any investiga-
9 tion which the auditor is hereby authorized to make, that such in-
10 formation is not sufficient to determine the character and value of
11 such securities, or of such promotion, or of the honesty thereof,
12 then such securities shall be taken and deemed to be speculative
13 under the terms of the preceding section hereof, and after notice
14 in writing by the auditor of state, such securities shall be subject
15 in all respects to the provisions of this act regarding speculative
16 securities.

Sec. 3-a. The listing and necessary description of any securi-
2 ties, with the price thereof, in any sales list distributed or adver-
3 tised by any dealer in securities, shall be subject to the provisions
4 of this section.

Sec. 4. (I) In the case of a person or persons mentioned
2 in section six of this act, not yet on a dividend paying basis, if
3 more than five hundred dollars in cash, or the equivalent at par
4 in the stocks or securities to be promoted, has been or is to be
5 paid or issued for intangible assets or property taken over by
6 such person or persons, a subscription blank showing the amount
7 of such payment or issue, and such other information in connection
8 therewith as may be deemed necessary by the auditor, shall be
9 filed with said auditor, and subscriptions or applications for said
10 stocks and securities shall be recognized by such person or persons
11 only when made upon such subscription blank and signed by the
12 subscriber or applicant.

13 The auditor may require stock or securities, issued or to be
14 issued for property or intangible assets as aforesaid, to be deposited
15 in escrow under such terms as he may prescribe.

16 (II) In the case of stocks, the total promotion expense shall
17 not exceed ten per centum of par value of stock sold, and if sold
18 at less than par, ten per centum of the selling price.

19 In the case of bonds, notes, contracts, or other securities, the
20 total promotion expense shall not exceed five per centum of par
21 value.

22 (III) The provisions of sections one, two and three of this

23 act, shall not apply to the stocks of state and national banks,
24 building and loan associations, and corporations not organized
25 for profit; nor to other stocks and securities:

- 26 (a) When sold pursuant to the order of any court;
27 (b) When sales are confined to the old stockholders of the
28 issuing company;
29 (c) When the issue is taken by the incorporators only as *bona*
30 *fide* final holders;
31 (d) When the issue is taken by the stockholders, bondholders,
32 or incorporators in connection with a merger;
33 (e) When *bona fide* private holdings of promoted stocks, bonds,
34 notes, contracts or other securities are offered for sale.
35 (IV) All the provisions of this section shall apply to both
36 speculative and non-speculative securities.

Sec. 5. The auditor shall immediately examine the papers
2 submitted under section one of this act; *provided*, that as to any
3 of the papers required to be filed under sub-paragraphs (c), (d)
4 and (e) of section one, the auditor may waive same, or any part
5 thereof, if he has on file sufficient information believed by him to
6 be reliable, with reference thereto.

7 If the provisions of this act are complied with, the auditor
8 shall give notice to the applicant that the papers have been filed,
9 and notice from the auditor of said filing, shall, so long as it
10 remains unrevoked, be conclusive evidence of compliance with this
11 act.

12 If, from the examination of such papers, or of any additional
13 information or proof, or by reason of the failure to file any in-
14 formation or proof required as aforesaid, it shall appear that the
15 issuance, transfer, sale, promotion, negotiation or distribution of
16 such stocks or securities, constitutes, or would constitute, a viola-
17 tion of this act, the auditor shall so notify such applicant in writ-
18 ing, and no such applicant or other person shall thereafter issue,
19 transfer, sell, promote, negotiate or distribute any such stocks or
20 securities or commit any overt act in connection therewith.

21 Any person aggrieved by the decision of the auditor of state
22 under this section, shall within sixty days thereafter, have the
23 right to petition any court having jurisdiction, or the judge there-
24 of in vacation, for a writ of mandamus, or for other appropriate
25 remedy, provided by existing law, for the correction of said de-
26 cision, if the same be erroneous or unjust, or without jurisdiction.

Sec. 6. Any person, co-partnership, association or domestic corporation, or foreign corporation, doing business within the state of West Virginia, or any or all of the officers or agents thereof, alone or in conjunction with others, having devised or intending to devise any scheme or artifice to defraud any person or persons by securing subscriptions for, or by promoting or negotiating the issuance, transfer, distribution or sale of any stocks, bonds, notes, contracts, or other securities of any kind or character, who shall for the purpose of executing or attempting to execute such scheme or artifice commit any overt act within this state, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the penitentiary for not more than five years, or by both such fine and imprisonment, at the discretion of the court.

Sec. 7. If any person or persons mentioned in section six of this act, with intent to induce the purchase of any of the securities mentioned in section six of this act, or of any real estate situate outside of this state, shall knowingly or recklessly make any false statement, either oral or written, or knowingly or recklessly conceal any fact materially affecting the value of any such securities, or of such real estate, he or they shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the penitentiary or county jail for not more than twelve months, or by both fine and imprisonment, at the discretion of the court, and shall be liable in damages to any party who has been occasioned loss thereby.

Sec. 8. Any person, whether as principal or agent, who shall knowingly make or file, or cause to be made or filed, any statement, circular, prospectus or other advertising matter required by this act, which is materially false, shall be guilty of a felony and subject to punishment as provided in section six hereof.

Sec. 9. Upon request of the auditor the attorney general or the prosecuting attorney having jurisdiction, shall direct and control any prosecution for violation of this act.

Sec. 10. No person or persons, mentioned in section six of this act, and operating within the scope of sections one and two of this act, shall make any amendments to his or their charter,

4 articles of incorporation, constitution, or by-laws, or any other
5 change materially affecting any statement or representation made
6 in his or their statement filed under section one hereof, unless
7 he or they first prepare and file with the auditor of the state, a
8 duly verified supplemental statement, setting forth clearly and con-
9 cisely all material facts in connection with the change, which
10 said supplemental statement shall be subject in all respects to
11 the provisions of section one hereof in like manner as the original.

Sec. 11. Any person or persons mentioned in section six
2 of this act, and operating within the scope of sections one and two
3 of this act, may appoint one or more agents, but no agent shall
4 act, or attempt to act for or in behalf of his principal, until he
5 shall have first registered with the auditor as such agent, and
6 for each registration, such person or persons shall pay to said
7 auditor a registration fee of two dollars. Such registration shall
8 authorize the agent to represent such person or persons so register-
9 ing him until the first day of July following, unless the registra-
10 tion is theretofore cancelled and recalled by such person or persons,
11 or by the auditor, for failure to comply with the provisions of
12 this act, authority for which revocation or cancellation is hereby
13 given to such person or persons and to said auditor.

Sec. 12. Every person, or persons mentioned in section six of
2 this act, and operating within the scope of sections one and two
3 of this act, shall file at the close of business on June thirtieth
4 of each year, and at such other times as may be required by the
5 auditor, a sworn statement in such form as may be prescribed
6 and furnished by the auditor, setting forth his or their financial
7 condition, the amount of assets and liabilities, and such other
8 information as the auditor may require. Every regular statement
9 of June thirtieth shall be accompanied by a filing fee of two dol-
10 lars, and if such person or persons fail, neglect or refuse to file
11 his or their regular statement within fifteen days from said date,
12 or to file any other special report herein provided for within
13 thirty days from receipt of request therefor, then the right of such
14 person or persons to transact business in this state shall be deemed
15 to be in abeyance during the continuance of such delinquency.

Sec. 13. The auditor shall have general supervision and
2 control over any person or persons mentioned in section six of
3 this act, residing or doing business in this state, engaged in secur-

4 ing subscriptions for, or in the issuance, transfer, sale, promotion,
5 negotiation or distribution of any speculative securities, and every
6 such person or persons shall be subject to examination by said
7 auditor, or by his duly authorized deputies, at any time he may
8 deem it advisable. The rights, powers and privileges of the
9 auditor in making such examinations shall be the same as now
10 provided with reference to the examination of insurance companies
11 by the insurance commissioner, and such person or persons shall
12 pay the expense of such examination, and their failure or refusal
13 to pay upon the demand of the auditor shall work a forfeiture of
14 their right to do business in the state.

Sec. 14. Any person or persons mentioned in section six of
2 this act shall keep proper records and books of accounts in a busi-
3 ness-like and intelligent manner, which shall be open to the in-
4 spection of stockholders and investors in their stocks or securities.

Sec. 15. Whenever it shall appear to the auditor that any
2 person or persons who have complied with the provisions of this
3 act are insolvent, or are conducting their business in such manner
4 as to jeopardize the interests of creditors or investors, or whenever
5 they shall fail, neglect or refuse to file any circulars, papers, state-
6 ments, prospectuses, documents or other advertising matter or re-
7 ports, or to pay any of the fees required or provided for by this act,
8 without satisfactory reason therefor, the auditor may report the
9 facts to the attorney general, or to the prosecuting attorney having
10 jurisdiction, who shall at once make an investigation of the case
11 and institute such proceedings in law or in equity in the name
12 of the state, in any circuit court having jurisdiction, as may be ap-
13 propriate to enforce the provisions of this act, and to protect the
14 interests of stock and bondholders and other creditors and in-
15 vestors. The jurisdiction of the circuit court shall extend to the
16 enforcement of any proper remedy now existing for the protection
17 of any creditor, stockholder, bondholder, or other person bene-
18 ficially interested, and the suit, action or proceeding may be
19 brought in any county in which any one or more of the parties
20 reside, or in Kanawha county.

Sec. 16. Should the courts of this state declare any section
2 or provision of this act unconstitutional or unauthorized, or in
3 conflict with any other sections or provisions of this act, then such
4 decision shall affect only the section or provision so declared to be

5 unconstitutional or unauthorized, and shall not affect any other
6 section or part of this act.

Sec. 17. All corporations, companies, associations, partner-
2 ships and individuals now holding the statement or license of the
3 auditor, under chapter fifteen, acts one thousand nine hundred
4 and thirteen, shall be deemed to have complied with the provisions
5 of this act.

Sec. 18. All expenses and fees herein provided for shall be
2 collected by the said auditor and shall be accounted for and turned
3 into the state treasury, and the amount of the expenses and fees
4 so turned into the state treasury are hereby re-appropriated to the
5 said auditor for the purpose and in an amount sufficient to pay the
6 cost and expense of carrying this act into effect; and the said
7 auditor is hereby authorized to appoint an additional clerk, if the
8 same shall be found by him to be actually and absolutely neces-
9 sary to carry this act into full force and effect. All money actually
10 and necessarily paid out, or expenses incurred by the said auditor
11 or any clerk under his direction, under this act, shall be paid by
12 the state treasurer out of such sums for expenses and fees received
13 under this act, upon the state auditor's warrants, to be issued upon
14 vouchers containing an itemized account of the salaries or ex-
15 penses for which the same are issued.

16 All expenses and fees which have been collected by the auditor
17 under the provisions of chapter fifteen of the acts of one thousand
18 nine hundred and thirteen, and now remaining in the state
19 treasury, are hereby appropriated to the said auditor for the pur-
20 poses of this act.

Sec. 19. "Person or persons" as used in this act, shall in-
2 clude any person, co-partnership, association, domestic corporation
3 or foreign corporation.

Sec. 20. Any person or persons, violating any of the pro-
2 visions of the preceding sections of this act, for which no specific
3 penalty is provided, shall be fined not more than five hundred dol-
4 lars, or imprisoned in the county jail for not more than thirty
5 days, or both at the discretion of the court.

Sec. 21. Chapter fifteen of the acts of one thousand nine
2 hundred and thirteen, and all acts and parts of acts in conflict
3 herewith are hereby repealed.

CHAPTER 19

(House Bill No. 54.)

AN ACT to amend and re-enact serial section 5234, section thirty-one-a one, chapter one hundred and forty-five of the code of one thousand nine hundred and thirteen, relating to trespassing on railroad cars or trains.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC. 31-a-1	Trespassing on railroad trains, violations punishable by		fine or imprisonment or both; justices of the peace have juris- diction to try such offenders.
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Be it enacted by the Legislature of West Virginia:

That serial section 5234, section thirty-one-a one, chapter one hundred and forty-five of the code of one thousand nine hundred and thirteen, relating to trespassing on railroad cars or trains, be amended and re-enacted so as to read as follows:

Section 31-a-1. That if any person, not being a passenger
2 or employee, shall be found trespassing upon any railroad car or
3 train of any railroad in this state, by jumping on or off any car
4 or train while in motion, on its arrival, or departure at or from
5 any station or depot of such railroad, or on the passage of any
6 such car or train over any part of any such railroad, such person
7 so offending shall be deemed a disorderly person, and on convic-
8 tion as such, shall be punished by a fine not exceeding twenty-five
9 dollars, or by imprisonment in the county jail not exceeding thir-
10 ty days, or both. Justices of the peace shall have concurrent jur-
11 isdiction to try all offenders under this section.

CHAPTER 20

(House Bill No. 65.)

AN ACT extending the times within which, and the terms upon which, railroad companies heretofore organized under the laws of this state since the first day of January, one thousand nine hundred and two, may commence the construction of their roads, if such construction has not already been commenced, and complete the same and put them in operation, whether heretofore begun or not.

[Passed February 11th, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.
1. Extending the time in which railroad companies may commence construction of roads, if such has not already been commenced; this section not to apply in certain cases; corporate exist-

SEC.
ence to cease upon failure to comply with provisions of this act; certain railroad corporations exempt where requirements have been complied with.
2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any railroad company heretofore organized under the laws of this state since the first day of January, one thousand nine hundred and two, which shall have heretofore spent, or which shall hereafter, and within two years from the passage of this act, actually and in good faith spend, upon the construction of its road, twenty per centum of its stock actually subscribed and shall also within five years after the passage of this act complete and put in operation its road, then and in every such case, the corporate existence, franchises and powers of such railroad company shall be and remain the same as though the provisions of section sixty-six of chapter seventeen of the acts of one thousand eight hundred and eighty-one had been fully complied with by such company, and no forfeiture of judgment of ouster shall be rendered against said company by reason of its failure to comply with said section. But if any of said railroad companies have not heretofore spent, or shall not within two years from the passage of this act, spend in good faith, upon the actual construction of its road twenty per centum of its subscribed capital, and shall not finish its railroad and put it in operation within five years from the passage of this act as aforesaid, its corporate existence and powers shall cease; except that if any such corporation shall have, within the time limited by this act, constructed a portion of its road and put the same, or some part thereof so completed, into actual operation, its corporate powers and rights shall be preserved as to all of the said road so completed and in operation. But this shall not be construed to prevent railroad corporations, organized prior to one thousand nine hundred and two, which have heretofore filed location of their line, have paid to the state of West Virginia the license taxes due and have constructed a portion of said railroad, from exercising their corporate powers and from completing said railroads as located within five years from this date.

Sec. 2. All acts and parts of acts coming within the purview of this act and inconsistent therewith are hereby repealed.

CHAPTER 21.

(House Bill No. 305.)

AN ACT regulating contracts of surety between common carriers and their employees and sureties upon such contracts.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.

1. Surety companies refusing to become responsible to common carriers for employees in positions of trust, or cancel surety after becoming responsible, to furnish to such employee statement of reasons in writing; how delivered; other surety to be

SEC.

accepted by common carrier unless other reasons exist; surety company not required to disclose source of information and to be exempt from proceedings for libel or slander.

2. Violations of this act a misdemeanor; penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. That if any common carrier authorized to do business in this state shall employ any person in any position of trust in this state, and shall apply to any surety company for surety for the faithful performance of duty by such employee, or for any form of fidelity insurance, and such surety company shall refuse to become responsible for such employee or, having become responsible for such employee, shall thereafter cancel such responsibility, such surety company shall furnish to such employee a statement in writing of the reasons therefor, which statement shall be sent by registered mail to such place as he shall designate, addressed to such employee, promptly on his demand therefor, in writing sent by registered mail to the head office of such surety company addressed to such surety company or officer thereof; and, unless such common carrier shall have other reasons for refusing to employ such employee than the facts of said refusal of such surety company to so become or continue responsible for such employee, such common carrier shall, on request of such employee, accept as security for the fidelity of such employee, a bond or obligation in the same form or substantially in the same form as that under which such surety refused to become or continue responsible for such employee, when duly executed and

21-22 acknowledged by any other solvent surety company authorized to
 23 execute such bond or obligation in this state, or a personal bond
 24 with satisfactory surety and furnished to such common carrier
 25 by such employee without cost or expense to such common carrier;
 26 *provided, however*, that such surety company shall not be required
 27 to disclose the sources of its information regarding such employee,
 28 and that all communications, written or verbal, between such sure-
 29 ty company or any officer or representative thereof and such com-
 30 mon carrier or any officer or representative thereof or such em-
 31 ployee or any person, firm or corporation mentioned in any state-
 32 ment made by such employee to such surety company shall be
 33 deemed privileged communications; and further provided that no
 34 action or legal proceeding for libel or slander shall lie against
 35 such surety company or such common carrier by reason thereof.

Sec. 2. Any surety company or any common carrier which
 2 shall, by its officers or representatives, violate any of the provis-
 3 ions of this act, shall be deemed guilty of a misdemeanor and be
 4 punished by a fine of not less than fifty dollars nor more than
 5 two hundred dollars.

CHAPTER 22.

(House Bill No. 188.)

AN ACT to amend and re-enact section two of chapter thirteen of the
 acts of one thousand nine hundred and seven, as amended and
 re-enacted by chapter twelve of the acts of one thousand nine
 hundred and thirteen, relating to public uses for which private
 property and public highways may be taken or damaged.

[Passed February 19, 1915. In effect ninety days from passage. Became a law
 without the Governor's approval.]

SEC.
 2. Public uses for which private prop-
 erty may be taken or damaged:
 1st. Construction of railroads,
 etc.; 2d. Incorporated compan-
 ies of which state is part own-
 er; 3d. Court houses and other
 public buildings and grounds;
 4th. Cemetery associations, etc.;
 exceptions; 5th. Companies for
 transporting carbon oil, etc.;
 6th. Traction companies, trans-
 mission lines; nothing shall be
 construed to give hydro-elec-

SEC.

tric companies right to take
 or damage private property for
 use in manufacture and sale of
 hydraulic or other energy, except
 under provisions of water pow-
 er act; 7th. Public school
 houses, etc.; 8th. For furnish-
 ing water for public use; limit-
 ations; 9th. By the U. S. gov-
 ernment for certain purposes,
 subject to provisions of chapter
 of the code.
 Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter thirteen of the acts of one thousand nine hundred and seven, as amended and re-enacted by chapter twelve of the acts of one thousand nine hundred and thirteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 2. The public uses for which private property may be taken or damaged are as follows:

3 *First.* For the construction of railroads, canals, turnpike
4 roads, county roads, public landings, bridges and public streets
5 and alleys, and all other roads and internal improvements for
6 public use.

7 *Second.* For incorporated companies of which the state is
8 sole or part owner.

9 *Third.* For court houses and other public buildings and
10 grounds, for the use of the state or any county or municipal cor-
10-a poration.

11 *Fourth.* For cemetery associations and for other cemeteries;
12 *provided*, that the property to be taken for such other cemeteries
13 adjoins the land upon which a church or another cemetery is locat-
14 ed, but no land shall be taken for cemetery purposes which lies
15 within four hundred feet of a dwelling house, unless to extend the
16 limits of a cemetery already located and then only so that such
17 limits shall not be extended nearer to any dwelling house which is
18 within four hundred feet.

19 *Fifth.* For companies organized for the purpose of trans-
20 porting carbon oil or natural gas, or both, by means of pipes or
21 otherwise, when for public use, but this act shall not be construed
22 to interfere with the power of municipal corporations to enact and
23 enforce such ordinances as may be necessary to protect the lives
24 and property of citizens from the effects of explosions of carbon
25 oil or natural gas.

26 *Sixth.* For traction companies and for transmission lines,
27 conduits, plants, stations, sub-stations and towers of telegraph, tel-
28 ephone, electric light, heat and power companies, when for public
29 use; *provided*, that nothing herein contained shall be construed to
30 give hydro-electric companies the right to take or damage private
30-a property for use in the manufacture and sale to the public of
30-b hydraulic, electrical or other energy or power produced by water
30-c as a motive force, except in so far as given to such companies for

30-d such purposes under the provisions of the law known as the "wa-
30-e ter power act".

31 *Seventh.* For public school houses.

32 *Eighth.* For the purpose of securing and furnishing to the
33 inhabitants of any city, town or village, water for public use, by
34 the city or town itself or by any company when the object and pur-
35 pose is to furnish water for public use, and for any land necessary
36 for the construction of water works, not to exceed fifty acres in
37 any one block when for the purpose of reservoirs or cisterns for
38 furnishing water for public use, and all necessary easements and
39 rights-of-way for the purpose of laying pipes and conduits for the
40 conveyance of water and sewage, and any spring or mountain
41 streams, and so much of the surrounding land, water rights and
42 easements as may be necessary to protect, preserve and maintain
43 the purity of the springs of waters so acquired for the purpose of
44 furnishing water to an incorporated city or town of this state.

45 *Ninth.* By the government of the United States for the pur-
46 pose of erecting thereon light houses, signal stations, beacons, locks,
47 dams, works for improving navigation, postoffices, custom houses,
48 court houses or any other needful public structure or work of im-
49 provement whatever, subject to the provisions of chapter one of
50 the code of West Virginia.

51 All acts or parts of acts inconsistent with this act are hereby
52 repealed.

CHAPTER 23.

(House Bill No. 260.)

A BILL to amend and re-enact section eighteen of chapter seventy-
four of the acts of one thousand nine hundred and seven, relat-
ing to taking land without the owner's consent for purpose of
public utility.

[Passed February 19, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

Sec.

18. Any time within three months after report or verdict of jury has been confirmed, or three months after this section takes effect, sum ascertained may be paid into court; upon payment title to be vested in fee simple in the applicant; exceptions as to turnpike or other road, not railroad; exceptions as to railroad companies, pipe line, telegraph

Sec.

or telephone, electric power, heat and light companies other than hydro-electric; what to be done in case less than a fee is taken; duty of assessor when less than a fee is taken by railroad company, section 43-a of chapter 29 of code of 1891 to apply.

Inconsistent provisions repealed.

Be it enacted by the Legislature of West Virginia:

That section eighteen of chapter seventy-four of the acts of one thousand nine hundred and seven be amended and re-enacted so as to read as follows:

Section 18. At any time within three months after the report, 2 or verdict of a jury, if there be one, has been confirmed and or- 3 dered to be recorded, or where such report or verdict has already 4 been confirmed, at any time within three months after this sec- 5 tion takes effect, the sum so ascertained with legal interest thereon 6 from the date of the report or verdict until payment, may be paid 7 by the applicant to the persons entitled thereto or into court; up- 8 such payment, the title to that part of the land so paid for, shall 9 be absolutely vested in fee simple in the applicant, except that in 10 case of a turnpike, or other road (not including, however, a rail- 11 road), the right-of-way only shall be so vested; *provided*, that a 12 railroad company desiring to construct a bridge, viaduct, tunnel 13 or any part of its railroad, or a pipe line company organized 14 for the purpose of transporting carbon oil or natural gas, or both, 15 by means of pipes or otherwise, and desiring to construct its pipe 16 lines, or telegraph or telephone companies, electric power, heat 17 and light companies other than hydro-electric companies, organiz- 18 ed for the purpose of producing electric power, heat and light, and 19 transmitting the same by means of poles, towers, wires or other- 20 wise for public use, and desiring to construct its lines for such 21 purposes, may as to all or any part of the real estate sought to 22 be taken for that purpose, describe in its application an estate or 23 interest therein less than a fee, and with respect to the same may 24 proceed as in other cases; and upon payment therefor, such estate 25 and interest as is stated and described in the application shall vest 26 in the applicant; but when less than a fee is taken, in assessing 27 damages, the commissioners and jury shall take into consideration 28 the actual damage that is done or that may be done to the fee by 29 such construction; *provided*, that when an estate or interest less

30 than a fee is taken by a railroad company for any part of its rail-
 31 road, the assessor shall assess the value of said real estate, as if
 32 taken in fee, against such party condemning less than a fee, and
 33 the provisions of section forty-three-a of chapter twenty-nine of
 34 the code of one thousand eight hundred and ninety-one shall
 35 apply to such cases.

36 All acts and parts of acts in conflict with the provisions of
 37 this act are hereby repealed.

CHAPTER 24.

(Senate Bill No. 99.)

AN ACT to amend and re-enact section thirty-one of chapter one hundred and forty-five of the code of West Virginia, being serial section five thousand two hundred and thirty-three, concerning wilful injury to bridges, tracks, engines and other property of railway companies or others; murdering, maiming or disfiguring persons on trains; shooting at or on passenger cars; disorderly conduct on trains and cars; powers of conductors, flagmen and brakemen; special police officers for railroad companies; appointment, removal, powers and duties.

[Passed February 13, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

31. Unlawful to injure, impair, weaken, destroy or misplace any building, bridge, rail, side-track, switch, etc., which may be or is now owned by any company operating or using railroad, or other internal improvement, or to obstruct any corporation, the owner or lessee of any railroad or internal improvement; a misdemeanor; penalty; if death occur from commission of act, it is murder; if maimed or disfigured by reason of such unlawful act, a felony; to shoot, throw stones or other dangerous missile at or into passenger car or railroad used for carrying passengers, a felony; disorderly behavior on train, whether passenger or not, a misdemeanor; disorderly person

may be ejected from train; conductor, flagman or brakeman, as well as every conductor of every train is a conservator of the peace, and as such may obtain license to carry pistol, under provision of chapter 51 of Acts of 1909; railroad company may apply to governor for appointment of special police officers; officer so appointed shall qualify by taking oath; oath to be filed with clerk of county court and secretary of state; duty of police officer under provisions of this act; governor may revoke appointment for cause, or remove said officer; services may be dispensed with by company employing officer; powers thereupon cease; may wear uniform; all services to be paid for by railroad company.

Be it enacted by the Legislature of West Virginia:

Section 31. Any person who shall wilfully and unlawfully injure, impair, weaken, destroy or misplace any building, bridge,

3 rail, track, side-track, switch, rail bonds, spur-track, work, engine,
4 machine, locomotive, hand-car, depot, car, trestle, telegraph line,
5 telegraph pole, telegraph wire, telegraph instrument, or any other
6 instrument, machine, invention, or mechanical or electric appli-
7 ance whatever, which may be, or is now used by any company
8 operating or using any railroad, or other line or work of internal
9 improvement in this state; or obstruct any corporation which is
10 the owner or lessee of any railroad, or other work of internal im-
11 provement, in this state, in the use of any such property, shall
12 be guilty of a misdemeanor, and shall be fined not exceeding one
13 thousand dollars, and imprisoned not exceeding six months; and
14 if the death of any person occur in consequence of any such un-
15 lawful act, the person or persons committing the same shall be
16 guilty of murder, and punished accordingly. Or if any person
17 on a train or locomotive or passenger car is maimed or disfigured
18 by reason of any such unlawful acts, the person convicted of caus-
19 ing the same shall be guilty of a felony, and shall be punished by
20 confinement in the penitentiary not less than one year nor more
21 than twenty years. And if any person shall shoot or throw stones,
22 or other dangerous missiles, at or into any passenger car, or
23 other railroad car used for carrying passengers, or other persons,
24 while any such passenger or other person is within the same, he
25 shall be guilty of a felony and shall be confined in the penitentiary
26 not less than two nor more than ten years. And if any person,
27 whether a passenger or not shall, while on any passenger car or
28 on any train of cars, behave in a riotous or disorderly manner, he
29 shall be guilty of a misdemeanor, and fined not less than twenty-
30 five dollars nor more than two hundred dollars, and may, at the
31 discretion of the court, be confined in jail not less than one nor
32 more than six months, and may be ejected from such car or
33 train by the person or persons in charge thereof; and such
34 force as is necessary for that purpose may be used by such
35 persons in charge of such passenger car or train of cars with
36 such other person as they may call to their aid. And the con-
37 ductor of every passenger car, and flagman and brakeman em-
38 ployed on such car, as well as the conductor of every train of
39 railroad cars, shall have all the powers of a conservator of the peace
40 while in charge of such car or train; and all conductors in charge of,
41 and all flagmen and brakemen, not exceeding two, employed on any
41-a passenger train or passenger car, wholly within this state, or run-

42 ning into the state from another state, or through this state,
43 whether they are residents of this state or not, may obtain a license
44 to carry about their person a revolver or other pistol while in the
45 discharge of their duties, in the manner and under
45-a such provisions as are provided in chapter fifty-one of
46 the acts of one thousand nine hundred and nine. Any rail-
47 road company owning or leasing and operating, or using any rail-
48 road lying wholly or partly within this state, whether such rail-
49 road be operated by steam or electric power, may apply to the
50 governor to appoint such citizen, or citizens, of this state as such
51 railroad company may designate, to act as special police officers for
52 such railroad company, with the consent of said citizen
52-a or citizens; and the governor may, upon such applica-
53 tion, appoint and commission such person or persons, or so many
54 of them as he may deem proper, as such police officers. Every
55 police officer so appointed shall appear before some person author-
56 ized to administer oaths and take and subscribe the oath prescribed
57 in the fifth section of the fourth article of the constitution, and
58 shall file such oath with the clerk of the county court, or other
59 tribunal established in lieu thereof, of the county in which he
60 shall reside. He shall also file certified copies of such oath in the
61 office of the secretary of state, and in the office of the clerk of the
62 county court, or other tribunal established in lieu thereof, of each
63 county through which such railroad or any portion thereof may
64 extend. Every police officer appointed under the provisions of
65 this act shall be a conservator of the peace within each county in
66 which any part of said railroad may be situated, and in which
67 such oath or a certified copy thereof shall have been filed with the
68 clerk of the county court or other tribunal established in lieu
69 thereof; and, in addition thereto, he shall possess and may exercise
70. all the powers and authority, and shall be entitled to all the
71 rights, privileges and immunities within such counties as are now
72 or hereafter may be vested in or conferred upon the regularly
73 elected or appointed constables of said county. Any appointment
74 made by the governor under the provisions of this act may be re-
75 voked by him for good cause shown, and such police officers may
76 be removed from office for official misconduct, incompetence,
77 habitual drunkenness, neglect of duty or gross immorality, in the
78 same manner in which regularly elected or appointed constables
79 may be removed from office; and whenever any such railroad

80 company shall desire to dispense with the services of any such
 81 police officer, it may file a notice to that effect, under the cor-
 82 porate seal, attested by its secretary, in each of the several offices
 83 in which such oath or certified copy thereof shall have been filed;
 84 and, thereupon, the powers of such police officer shall cease and
 85 determine. Such police officers may wear such uniform and badge,
 86 or either, of authority as the railroad company, upon whose appli-
 87 cation they were appointed, may designate, and such railroad com-
 88 pany shall pay them for all services rendered by them pursuant
 89 to such appointment.

CHAPTER 25.

(Senate Bill No. 340.)

AN ACT to amend and re-enact section nineteen of chapter thirteen,
 acts of one thousand nine hundred and thirteen, relating to pro-
 hibiting the manufacture, sale and keeping for sale of intoxicat-
 ing liquors.

[Passed February 20, 1915. In effect from passage. Approved by the Governor
 March 4, 1915.]

SEC.

19. Express, railroad and transporta-
 tion companies required to keep
 books containing name of every
 person to whom liquors are
 shipped; form of record; open
 to inspection of state, county
 and municipal officers; excep-
 tions as to licensed druggist or
 registered pharmacist; books

prima facie evidence; refusal of
 agent to comply with provisions
 a misdemeanor; penalty; noth-
 ing in this section construed as
 permitting transportation com-
 panies to carry intoxicating
 liquors other than as provided
 in sections 4 and 24.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter thirteen, acts of the legislature
 of one thousand nine hundred and thirteen, relating to prohibiting
 the manufacture, sale and keeping for sale of intoxicating liquors,
 be amended and re-enacted so as to read as follows:

Section 19. All express companies, railroad companies and
 2 transportation companies within this state are hereby required
 3 to keep books in which shall be entered immediately upon re-
 4 ceipt thereof the name of every person to whom liquors are ship-
 5 ped; the amount and kind received; the date when delivered, and
 6 by whom, and to whom delivered; after which record shall be
 7 a blank space, in which the consignee shall be required to sign
 8 his name in person to such record, which book shall be open to

9 the inspection of any state, county or municipal officer of this
10 state, at any time during business hours of the company; except
11 that in the absence or sickness of a duly licensed druggist, having
12 authority to sell pure grain alcohol and wine for the purposes
13 prescribed by law, a registered pharmacist in the employ of such
14 druggist, duly designated by such druggist, in writing personally
15 signed by him, to the agent of the transportation company, may
16 sign such druggist's name to the record of shipments of alcohol
17 for medicinal, pharmaceutical, scientific and mechanical pur-
18 poses, or wine for sacramental purposes by religious bodies, such
19 registered pharmacist being required to write immediately be-
20 neath such druggist's name his own name and his connection
21 with such druggist. Such books shall constitute *prima facie* evi-
22 dence of the facts therein stated, and be admissible as evidence
23 in any court in this state having jurisdiction, or in any manner
24 empowered with the enforcement of the provisions of this act.
25 Any employee, or agent of any express, railroad company or trans-
26 portation company knowingly failing or refusing to comply with
27 the provisions of this section, shall be guilty of a misdemeanor
28 and punished by a fine of not less than fifty nor more than one
29 hundred dollars, and may be imprisoned in the county jail not
30 less than thirty days nor more than six months. *Provided, how-*
31 *ever,* that nothing herein contained shall permit, or be construed
32 as permitting or authorizing any common carrier or trans-
33 portation company to bring or carry into this state, or carry
34 from one place to another within the state, intoxicating liquors
35 for another, even when intended for personal use, other than
36 pure grain alcohol and wine, and such preparations for druggists
37 as may be sold by them for the special purposes and in the man-
38 ner set forth in sections four and twenty-four.
39 All acts or parts of acts inconsistent herewith are hereby
40 repealed.

CHAPTER 26.

(Senate Bill No. 11.)

AN ACT providing for the nomination of candidates for public office, including candidates for United States senator; members of the United States house of representatives; delegates to the national

political convention; selection of members of party executive committees; the designation of party preference for president of the United States; defining and regulating political parties; and to repeal conflicting laws.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Sec.

1. Hereafter all state, district and county executive committees, delegates to national conventions to be chosen, all candidates of political parties, (except for judges of courts), and candidates to be voted for at special elections to fill vacancies, presidential candidates and electors, candidates for office in cities, town or villages of less than 5,000, shall be nominated by direct primary election in accordance with this act: "municipality" defined; "political party" defined.
2. Primary elections, other than municipal, to be held in each election precinct first Tuesday in June, before general election for President; all other years first Tuesday in August, to be known as June and August primaries; notice of primary election to be published in each county of state; what papers to receive publication and length of time; primary for municipalities fixed by ordinance; exceptions; municipal publications; time of opening and closing polls.
3. State executive committee for each political party to be chosen at June primary; each senatorial district to have two; state committee elected to appoint three additional committeemen, a congressional, judicial, state senatorial and county executive committee; how chosen and exceptions as to cities of over 10,000; members of committee to reside in territory chosen, and no person holding elective or appointive political office eligible; terms of committeemen; vacancies; how filled; organization of executive committees, how effected; committees now in office to exercise powers until successors are chosen in accordance with this act.
4. County court at regular or special session second Tuesday of month preceding primary election to appoint commissioners and clerks; qualifications of commissioners and clerks, and how selected; duty of court when executive committee submits writing; who eligible to act as commissioner or poll clerk; what may be done on failure of any commissioner

Sec.

- or poll clerk to appear at hour appointed; what to be done if none appear; list of commissioners and clerks shall be published in two newspapers of opposite politics.
5. County executive committee or chairman, to name primary ballot commissioner; circuit clerk third member; action in case of failure to serve.
6. Clerk of county court to deliver to one commissioner in each precinct certified list of registered voters, also (after first general primary) affirmation books, and affirmation book called for in section 13, of this act; what books to contain and heading; duty of clerk as to listing of voters; clerk county court to furnish booths and ballot boxes, etc.
7. Oaths to be taken and subscribed by commissioners, by clerks; for the purposes of this act all commissioners authorized to administer oaths.
8. Announcements of candidates; for an office to be filled by voters of more than one county, a certificate with the secretary of state for a county; of a subdivision less than a county, with the clerk of the circuit court. Form of certificate to be sworn to.
9. Thirty days before day fixed for general primary election, secretary of state to arrange names of candidates and certify same under lesser seal; duplicate copies to go by registered mail to clerk circuit court in each county in which candidates are to be voted for; shall also post list; what may be done in case of emergency; what lists shall contain.
10. Separate ballot for candidates of each party and on different colored paper; secretary of state to select paper; same to be used as sample ballots; names not to be certified unless assessments are paid.
11. Fifteen days before primary election, ballot commissioners to prepare official primary ballot, same to be published; ballots to be printed and circulated in same manner as for general election.
12. Description of official ballot, how names of candidates shall be arranged; form of ballot;

Sec.

- names to appear in alphabetical order; quality of paper to be used; style of type to be used.
13. Method of voting; book to be signed by voter and what to contain; oath; what to be done with book and affidavits as provided in section 83 of chapter 3 of the code; penalty for making false affidavit; ballots, how voted; duty of clerks; what to be done in case of illiterate vote.
 14. When polls are closed primary election officers shall. 1st—destroy all ballots not voted; 2d—ascertain the total number of ballots of each party cast; 3d—count the ballots; method prescribed; 4th—make out and sign certificates of the vote for all parties; form of certificate, and what to be done with same.
 15. Duty of primary ballot commissioners to appoint one commissioner at each precinct to receive ballots etc.; compensation allowed; provision for special messenger in certain cases; compensation.
 16. In case of accident or casualty to ballot boxes, poll books or other supplies, what to be done.
 17. Duty of commissioner appointed to receive ballots, and what to be done in case he cannot act.
 18. The county court as a canvassing board to meet on Friday next succeeding any general primary election, and canvass returns; result of canvass and form of certificate; report when entered to be signed by canvassing board, or a majority.
 19. Certificates of board of canvassers; how disposed of: one to the secretary of state for offices to be filled by voters of a political division greater than a county; one showing rate for candidates of each party of the county or magisterial district to be filed with the clerk of the circuit court; one to each political party if so requested; duty of secretary of state as to issuing certificates.
 20. Vacancies in nominations to be filled by executive committee; what to be done in case of a tie.
 21. Assessment of candidates; how paid as to candidates of a political division greater than a county; how paid for offices to be filled by voters of a county or district; secretary of state to apportion amounts paid among counties and to be applied for expenses of said general primary election; balance, if any, goes to county fund; fees as to municipalities.
 22. Right of appeal from board of canvassers is to the circuit court; contests to be governed

Sec.

- by provisions of chapter 6 of the code.
23. Expense of general primary election and per diem of election officers to be paid by county court same as other election expenses; no compensation for executive committee; candidates for public office may be nominated otherwise than by direct primary election; how and method to be followed, with restrictions; no person qualified to sign certificate who participated in direct primary election; violation a misdemeanor; certificates not to be circulated until after general primary election; nominees under this section to pay same fees as those otherwise chosen.
 24. Chapters 3 and 5 of the code, not in conflict, to apply.
 25. Penalties, against primary election officer, member of political committee or other person for failure to perform duty: to tamper with, change or destroy any ballot, etc., a felony; penalty.
 26. No candidate eligible unless having filed affidavit required by corrupt practices act.
 27. State executive committee may make rules not inconsistent with law, reviewable by the courts; national committeemen to be elected by state committee elected by senatorial districts; vacancies in national committee and how filled; nothing in this chapter to prohibit political subcommittees for campaign work.
 28. Municipal executive committees to exercise similar functions and governed as county committees; municipalities to pay election expenses.
 29. Provision for state meeting to formulate platform, to be held between first and fifteenth of August; candidates for judge or judges of the supreme court of appeals to be then nominated; candidates for judges, circuit, intermediate and criminal courts to be nominated by similar conventions in their respective circuits and counties; county committees to adopt rules to govern such conventions.
 30. Candidate receiving plurality vote to be declared nominee of his party.
 31. In presidential election years to vote on choice for President; names of aspirants to appear on primary ballot, and same rules to govern; candidates for delegate or alternate to national convention to file statement with announcement.
 32. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Hereafter the members of all state executive
2 committees, all district executive committees, and county execu-
3 tive committees, and delegates to national conventions of every
4 political party shall be chosen, and all candidates of political
5 parties to be voted for by the people (except candidates for judges
6 of the supreme court of appeals, candidates for judge of the cir-
7 cuit court, and candidates for judge of the criminal or intermedi-
8 ate court, and such candidates as are to be voted for at special
9 election to fill vacancies, presidential candidates and electors, and
10 candidates for office to be filled by cities, towns or villages of less
10-a than five thousand inhabitants) shall be nominated at a direct
10-b primary election, held in accordance with this act.

11 For the purposes of this act a municipality shall be taken
12 to be an incorporated town or city of not less than five thousand
13 inhabitants. A political party shall be taken to be an affiliation
14 of electors representing a political party or organization, which
15 at the last preceding general election polled for its candidates for
16 representatives in congress in the several districts, at least five
17 per cent. of the entire vote cast for that office in the state.

Sec. 2. Primary elections for the purposes of this act, other
2 than for nominating municipal candidates, shall be held in each
3 election precinct in the state on the first Tuesday in June, next
4 before the general election in the year in which a president of the
5 United States is to be elected; and in all other years, on the first
6 Tuesday in August, next before every general election; and be
7 known and designated as the June and August primaries, respec-
8 tively. The time of holding any such general primary election,
9 and describing the object thereof, shall be published in two news-
10 papers—if any there be—of the two opposite parties which polled
11 the largest number of votes at the preceding general election, and
12 published in each county of the state, of general circulation therein,
13 once a week for two successive weeks next preceding the date of
14 any such primary election. The time for holding primaries for
15 the purpose of nominating municipal candidates shall be fixed by
16 charter or ordinance of the respective municipalities; *provided*,
17 that no such municipal primary shall be held on the same day as
18 the general primary, nor less than twenty-five days immediately
19 preceding the corresponding municipal election. The time of hold-

20 ing any such general or municipal primary election, and describing
21 the object thereof, shall be published in two newspapers—if any
22 there be—of the two opposite parties which polled the largest
23 number of votes at the preceding general election, and published
24 in each county of the state, of general circulation therein, once a
25 week for two successive weeks next preceding the date of any such
26 primary election. At all primary elections the polls shall be opened
27 at six-thirty o'clock, A. M., and closed at thirty minutes after six
28 o'clock, P. M., eastern standard time. Said primary shall be con-
29 ducted in one room at the regular voting place in each precinct.

Sec. 3. For the purposes of this act, there shall be chosen
2 at the June primary for each political party, as hereinafter pro-
3 vided, a state executive committee, consisting of two members from
4 each senatorial district, to be selected by the party voters in
5 such district, and who shall not be residents of the same county;
6 *provided, however*, that the committee elected shall appoint three
7 additional committeemen at large; a congressional executive com-
8 mittee; a judicial executive committee, and a state senatorial execu-
9 tive committee for each of the respective congressional, judicial
10 and state senatorial districts, each committee to consist of one
11 member from each county in the respective districts, to be elected
12 by the party voters of such county; and a county executive com-
13 mittee, consisting of two members from each magisterial district
14 therein, except that in all cities of ten thousand or more in popula-
15 tion there shall be one additional member of the executive com-
16 mittee from each ward. All members of executive committees
17 selected for each political division, as herein provided, shall reside
18 within the county or district, senatorial or magisterial, from which
19 chosen; *provided*, that no person holding any appointive or elective
20 political office shall be eligible to serve on any of the committees
21 named in this section.

22 The term of office of all committeemen so elected shall
23 begin on the fifteenth day of June, succeeding said June primary,
24 and shall continue for four years thereafter and until their suc-
25 cessors are elected and qualified. Vacancies in the state execu-
26 tive committee shall be filled by the members of the committee
27 for the unexpired term. Vacancies in the congressional, judicial
28 senatorial and county executive committees shall be filled by the
29 executive committee of the county in which such vacancy exists,
30 and shall be for the unexpired term.

31 As soon as possible after the fifteenth of June, succeeding
32 the selection of the new executive committees as herein provided,
33 they shall convene within their respective political divisions, on
34 the call of the chairman of corresponding outgoing executive
35 committees, and proceed to select a chairman, a treasurer, and a
36 secretary, each of which officers shall for their respective commit-
37 tees perform the duties that usually appertain to such offices.

38 The various executive committees and officers thereof, now
39 in existence, shall exercise the powers and possess the duties herein
40 prescribed until their successors are chosen in accordance with
41 this act.

Sec. 4. The county court of every county shall hold a reg-
2 ular or special session at the court house of their county, on the
3 second Tuesday of the month next preceding the month in which
4 any primary election is to be held, and shall appoint three quali-
5 fied voters as commissioners of election, and two poll clerks, for
6 each precinct in their county, who shall be legal voters in such
7 precinct. Said commissioners and poll clerks shall be persons of
8 good standing and character, and not addicted to drunkenness.
9 They shall be selected from the two political parties which at the
10 last preceding general election cast the highest number of votes in
11 the county in which the election is to be held, and not more
12 than two of said commissioners shall belong to the same politi-
13 cal party. But if at any time during said session the county
14 executive committee of either political party from which said
15 commissioners of election and poll clerks are to be selected or
16 appointed, as hereinafter provided for, shall present to said court
17 a writing signed by them, or by the chairman of said committee
18 on their behalf, requesting the appointment of a qualified voter
19 of their political party for commissioner and poll clerk, respective-
20 ly, and who is otherwise qualified to act as such under the pro-
21 visions of this act, it shall be the duty of the county court to
22 appoint the person so named in such writing as such commis-
23 sioner and poll clerk. No person shall be eligible to appointment
24 as commissioner or poll clerk, or in any way to act as such, who
25 has anything of value bet or wagered on the result of such primary
26 election or has received a promise, agreement or understanding that
27 he is to receive appointment as deputy from any candidate to be
28 voted for at such primary election, or has any agreement, under-
29 standing or arrangement that he shall receive any sum of money

30 or any portion of the salary, fees or emoluments of any office, for
31 which any candidate to be voted for, at said primary election,
32 should said candidate be nominated at such primary election and
33 elected to such office at the ensuing general election, or who is a
34 candidate to be voted for at such primary election.

35 If any of the commissioners of election and poll clerks so
36 selected shall fail to appear at the hour appointed for the opening
37 of the polls, the remainder of the commissioners may select a
38 commissioner and poll clerk, if necessary, who shall be of the same
39 political party as the absent commissioner or poll clerk; but if
40 the qualified voters of the party of such absent commissioner or
41 poll clerk, present at the polls, shall nominate a voter having the
42 same qualifications to act under the provisions of this section. for
43 commissioner or poll clerk, or both if necessary, such nominee or
44 nominees shall be appointed. If none of the commissioners of
45 election or poll clerks appear at the hour appointed for opening
46 the polls, the qualified voters present, being at least ten in number,
47 shall elect three commissioners of election, and two poll clerks,
48 to act in their stead, by a *viva voce* vote; not more than two of
49 such commissioners and one poll clerk shall belong to or be elected
50 by the same political party, as herein provided for.

51 A list of all commissioners and poll clerks appointed by the
52 county court as herein provided, shall be published in two news-
53 papers of general circulation in the county, of opposite politics,
54 if such there be, for at least two weeks prior to such general
55 primary election.

Sec. 5. The said county executive committees, or the chair-
2 men thereof, mentioned in section four of this chapter, shall on
3 or before the second Tuesday next preceding the month in which
4 any primary election is to be held, name a member of their re-
5 spective parties, as a primary ballot commissioner, who, together
6 with the clerk of the circuit court, shall constitute a board of pri-
7 mary ballot commissioners for such primary election. If any
8 person so named fails or refuses to serve as such ballot commis-
9 sioner, the vacancy shall be filled by the chairman of the execu-
10 tive committee.

Sec. 6. The clerk of the county court shall provide and
2 cause to be delivered to one of said commissioners in each of the
3 several election precincts of said county at least three days pre-

4 vious to any primary election, a duly certified copy of the list of
5 registered voters for their respective precincts; also (after the first
6 general primary), the affirmation books used at the respective pre-
7 cincts at the last preceding general election; also the blank affirma-
8 tion book called for in section thirteen of this act, which blank book
9 shall have pages arranged for signing names alphabetically, with
10 columns for entering place of residence, street and number; also
11 proper poll books bearing on the front page of each the following
12 head: "Names of persons voting for candidates, at precinct
13 number, in the district of, in the county of,
14 this day of, in the year" Said poll books
15 shall have columns headed respectively, "Number of Voters;"
16 "Names of Voters;" "Residence of Voters;" "Party Affiliation."
17 The oath of commissioners of election and poll clerks shall be
18 written or printed on said poll books and two copies of said poll
19 books supplied for each voting precinct for each political party
20 as represented at the same. Each clerk shall list the name of
21 each voter in the proper poll book, and properly set out the infor-
22 mation as to each as indicated in the heading of the column in
23 said poll books. The said clerk of the county court shall also fur-
24 nish proper booths and ballot boxes as provided at general elec-
25 tions; and also strong and durable envelopes for returns, and
26 whatever else is necessary for holding the primary election and
27 making due return thereof, as herein provided.

Sec. 7. Each commissioner and clerk of said primary elec-
2 tion before entering upon the discharge of his duties, shall take
3 and subscribe the following oath:

4 *Oath of Commissioner.*
5 State of West Virginia,)
6) ss.
7 County.)

I,, do solemnly swear that I will
9 support the constitution of the United States and the constitu-
10 tion of this state; that I will faithfully and impartially discharge
11 the duties of commissioner of primary election assigned by law;
12 that I will not knowingly permit any person to vote who is not
13 qualified, and will not knowingly refuse the vote of any qualified

14 voter, or cause any delay to persons offering to vote further than
 15 is necessary to procure satisfactory information of the qualifica-
 16 tions of such person as a voter; and I have been a resident of the
 17 state of West Virginia for one year, and of the county and magis-
 18 terial district and of the precinct in which I am to act as commis-
 19 sioner of primary election, for sixty days next preceding this date;
 20 and that I will not disclose nor communicate to any person how any
 21 voter has voted at such election, nor how any ballot has been folded,
 22 marked, printed or stamped; that I have nothing of value bet or
 23 wagered upon the result of said election or have received a promise,
 24 agreement or understanding that I am to receive appointment as
 25 deputy from any candidate to be voted for at such primary election,
 26 or have any agreement, understanding or arrangement that I shall
 27 receive any sum of money or any portion of the salary, fees or
 28 emoluments of any office, for which any candidate is to be voted for
 29 at said primary election, should said candidate be nominated at
 30 such primary election and elected to such office at the ensuing
 31 general election, and am not a candidate at this election. So help
 32 me God.

.....
 33 Subscribed and sworn to before me this day of

Oath of Poll Clerk.

34 State of West Virginia, }
 35 County. } ss.

36 I, do solemnly swear that I will faithfully and
 37 honestly discharge my duties as clerk of the primary election now
 38 about to be held in precinct No....in the district ofcounty
 39 of, state of West Virginia, and that I will not disclose nor
 40 communicate to any person how any elector voted, nor how any bal-
 41 lot was folded, marked, printed or stamped, nor have I a prom-
 42 ise, agreement or understanding that I am to be appointed as dep-
 43 uty by any candidate voted for at such primary election, or have
 44 an agreement, understanding or arrangement that I am to receive
 45 any sum of money or any portion of the salary, fees or emolu-
 46 ments from any office for which any candidate is to be voted for at
 47 said primary election, should such candidate be nominated at

47-a such primary election, and elected at the ensuing general elec-
47-b tion.

48 Subscribed and sworn to before me this.....day of.....

49 Said oaths may be taken before any person authorized to
50 administer oaths, but if no such person be present at any place
51 of holding any primary election, they may be taken before, and
52 administered by, one of the commissioners of such election so ap-
53 pointed, who in turn may take the same before another of said
54 commissioners. Either of said commissioners may administer the
55 oath to the poll clerks. For the purposes of this act all commis-
56 sioners of election are authorized to administer oaths.

Announcement of Candidates.

Sec. 8. Any person who is eligible to hold any office (includ-
2 ing member of a state or a county executive committee) may file
3 with the secretary of state, if it be for an office to be filled by the
4 voters of more than one county, or with the clerk of the circuit
5 court, if it be for an office to be filled by the voters of a county
6 or a sub-division less than a county, a certificate declaring him-
7 self a candidate for the nomination for such office, which certificate
8 shall be in form or effect as follows:

9 I hereby certify that
10 I am a candidate for the nomination for the office of
11 to representparty, and desire my name printed on
12 the official ballot of said party to be voted at the primary election
13 to be held on the day of 19....;
14 that I am a legally qualified voter of the county of.....,
15 state of West Virginia; that my residence address is number
16 of street, in the city (or town) of....
17 in county, in said
18 state; that I am eligible to hold the said office; that I am a mem-
19 ber of and affiliated with said political party, and intend to sup-
20 port the same in the ensuing general election; that I am a candi-
21 date for said office in good faith.

22
23 (Signature of Candidate)

24 Subscribed to and acknowledged before me this.....
25 day of..... 19.....

26
27 (Signature of officer taking acknowledgement)

28 Such announcement shall be signed and acknowledged by the
29 candidate before some officer qualified to administer oaths, who
30 shall certify the same.

Sec. 9. Within thirty days before the day fixed by law for
2 any general primary election, the secretary of state shall arrange
3 all the names of all the candidates who have filed announcements
4 with him, as provided by this act, and who are entitled to have their
5 names printed on any political party ballot in accordance with
6 the provisions of this chapter, and shall forthwith certify the
7 same under his name and the lesser seal of the state, and file the
8 same in his office, and make and transmit a duplicate thereof by
9 registered mail to the clerk of the circuit court of each county in
10 the state, in which such candidate or candidates is or are to be vot-
11 ed for. He shall also post a duplicate of such list or lists in a con-
12 spicuous place in his office, and keep the same posted until after
13 said primary election has taken place. In case of emergency, the
14 secretary of state may transmit such duplicate list or lists by tele-
15 graph. Said certifications to be made by the secretary of state as
16 herein provided, shall give the name and residence of each candi-
17 date; the name of the office for which he is a candidate; the name
18 of political party of which he is a candidate; and upon what ballot
19 his name is to be printed as such candidate.

Sec. 10. There shall be a separate ballot of candidates of
2 each political party who may file their petition and pay the as-
3 sessments as required by this act, on different color of paper, and
4 the ballot of no two parties shall be of the same color or tint. The
5 secretary of state shall select and determine the color of the paper
6 of the ballot of each of the respective parties, and shall notify the
7 clerk of the circuit court of each county thereof; at the same
8 time he shall certify the names of the candidates of the various
9 parties to said clerk, as hereinbefore provided.

10 The same color of paper as selected and designated by the
11 secretary of state for any party shall also be used for sample bal-
12 lot of such party; but there shall be printed across the face of such
13 sample ballot in large letters, the words, "Sample Ballot," and no
14 sample ballot shall be voted or counted.

15 The secretary of state shall not certify the name of any candi-
16 date to the clerk of the circuit court until and unless such candi-

17 date shall have paid the assessments provided by this act; and the
18 name of no candidate shall be placed on the primary ballot of his
19 party, unless he has paid all assessments required by this act.

Sec. 11. At least fifteen days before the holding of any pri-
2 mary election, the primary ballot commissioners of each county
3 shall prepare from the list and certificate or certificates furnished
4 by the secretary of state, and the announcements filed with the
5 circuit clerk as herein provided, a sample official primary ballot
6 for each party, placing thereon the names of all candidates of such
7 party to be voted for at said primary election, and publish the
8 same in a newspaper of general circulation published in said county
9 representing such party, if one there be; if not, then in some other
10 newspaper published in said county, in at least two issues of such
11 paper. Said ballot commissioners shall cause the official ballots to
12 be used at said primary election to be printed and distributed as
13 required in case of ballots at any general election; except that the
14 number thereof shall be for each party twice the number of votes
15 cast by such party at the last preceding general election.

Sec. 12. Said official primary ballot shall contain at the left
2 of each column of names of candidates a perpendicular column,
3 and so printed as to leave a square at the left of each name on
4 the ballot.

5 On said primary ballot, the names of candidates for President
6 of the United States, United States senator, for representa-
7 tives in congress, and delegates to the national convention of the
8 party shall be placed in the first column of candidates; the names
9 of candidates for all state offices, except judges of the supreme
10 court of appeals, and all other offices to be filled by the voters of
11 a political division greater than a county, including the state
12 executive committee, in the second column, the names of all candi-
13 dates for county offices, except judges of the circuit, criminal or
14 intermediate courts, including members of the house of delegates,
15 and congressional, judicial and senatorial committeemen, in the
16 third column; and the names of all candidates for office in the
17 magisterial districts, including members of the county executive
17-a committee, shall be placed in the fourth column.

18 The face of every primary election ballot shall conform as
19 nearly as practicable to the form given below, and in all respects

20 the general form of the ballot used, both front and back, shall be
21 that of the ballot used at the general election.

22 The secretary of state, or the circuit clerk, as the case may
23 be, shall arrange the names of the candidates to be printed on the
24 ballot in alphabetical order.

OFFICIAL BALLOT OF

The.....Party.

Primary Election, 19...

30 To vote for a candidate make an X in the square opposite
31 to and to the left of his name.

	NATIONAL		STATE
	For President: (Vote for one)		For Governor: (Vote for one)
	A. B.		G. H.
	C. D.		I. J.
	E. F.		K. L.
	For U. S. Senator: (Vote for one)		For Auditor: (Vote for one)
	B. A.		H. G.
	D. C.		J. I.
	For Congress: (Vote for one)		For State Senator: (Vote for one)
	L. M.		A. A.
	N. T.		B. S.

COUNTY	DISTRICT
For Sheriff: (Vote for one)	For Justice of the Peace: (Vote for one)
M. N.	W. T.
O. P.	U. V.
Q. R.	W. X.
For Pros. Attorney: (Vote for one)	For Constable: (Vote for one)
N. M.	T. W.
P. O.	U. X.
For House of Dele- gates: (Vote for one)	For County Com- mittee: (Vote for one)
N. M.	T. R.
E. R.	O. H.

32 All ballots used in primary elections shall be printed on paper
33 conforming as nearly as practicable in weight, texture and color, to
34 the samples furnished by the secretary of state, and the paper
35 shall be sufficiently thick that the printing can not be discernible
36 from the back. On the back of the ballot shall be printed in black
37 ink, and in plain, legible, black face pica type the name of the
38 political party as contained in the heading, followed by the word
39 "ballot." Under this designation shall be printed blank lines
40 followed by the words, "poll clerks."

Sec. 13. On entering the election room, the voter shall an-

2 nounce his name, and if he is duly registered, or has obtained
3 transfer as provided by law, he shall sign his name and place
4 of residence in a book of the party whose ballot he wishes to cast,
5 which book shall be paged alphabetically, and have at the top of the
6 page thereof in form and effect the following oath or affirmation
7 with blank spaces properly filled in as to the party and precinct as
8 indicated: "The undersigned do each for himself severally swear or
9 affirm that I am a regular and qualified member and voter of the
10 party, and am a duly qualified resident and voter
11 in precinct No., district,
12 county, West Virginia, and reside at the place designated opposite
13 my name signed hereunder; that the one ballot which I am about
14 to cast will be the only primary election ballot cast this day by me;
15 that I have neither received, nor do I expect to receive, anything of
16 value for myself or another, given or promised with the manifest
17 intent to influence my vote or the vote of another or others at
18 this time."

19 Having so signed, said voter shall be allowed to cast the bal-
20 lot of the party named in said oath or affirmation. Every voter
21 whose name is so signed upon said affirmation book, shall be conclu-
22 sively presumed to have taken the same in due form. Said affirma-
23 tion book, together with all written affidavits made at said primary,
24 shall be placed in a strong and durable envelope and securely
25 sealed by the commissioners of election, and each commissioner
26 shall write his name across the back of such envelope, which shall
27 be delivered by one of said commissioners to the clerk of the circuit
27a court, who shall preserve said affirmation book in his office,
27b and deliver the affidavits to the foreman of the grand jury when
28 next in session, as provided by section eighty-three of chapter three
29 of the code. Those falsely making affidavits shall be subject to
30 the same penalties as provided in section fifty-one of the same
31 chapter, in connection with all other penalties prescribed by law.
32 Section fifty of said chapter three of the code is specifically made
33 to apply to primary elections.

34 The clerks shall write their names at the place designated on
35 the back of the official ballot called for, and deliver it to the voter,
36 who shall have but one ballot, unless he shall return the same
37 spoiled; if he shall return the same spoiled, the clerks shall im-
38 mediately destroy the ballot so spoiled, and deliver to him another

39 ballot in the same manner as they delivered the first one. The
40 voter shall then forthwith, and without leaving the room, retire
41 alone to the booth or compartment prepared for the purpose, and
42 there prepare his ballot. Any voter who so desires shall receive
43 the assistance as provided in section sixty of chapter three of the
44 code. After preparing the ballot the voter shall fold the same so
45 that the face shall not be exposed, but so fold it as to show plainly
46 the name of the political party and the names of the poll clerks
47 signed thereon. The voter shall then announce his name and present
48 his ballot to the commissioner of his party, if there be one, who
49 shall hand the same to another election officer, who shall deposit
50 it in the ballot box; *provided*, that said ballot is the official one
51 properly signed. The poll clerks shall then enter the name of the
52 voter on their respective poll books, and number the same in the
53 order in which the ballot was cast. When the voter has voted, he
54 shall retire immediately from the election room, and beyond the
55 sixty foot limit thereof, and shall not return, except by permis-
56 sion of the commissioner.

57 If any person is unable to sign the affirmation book, by
58 physical disability or otherwise, the same shall be signed for him
59 by one of the poll clerks, and such person shall make his mark.

Sec. 14. When the polls are closed, the commissioners of
2 election and the poll clerks shall proceed to ascertain the result of
3 the election as follows:

4 *First.* All ballots remaining not voted shall be immediately
5 destroyed by burning or otherwise, and before the ballot box is
6 opened.

7 *Second.* The commissioners and clerks shall ascertain from
8 the party affirmation book, and set down therein, the total number
9 of ballots of each party cast.

10 *Third.* The ballot box shall be opened and one of the com-
11 missioners shall take therefrom one ballot at a time, in the presence
12 of all the other officers, and shall announce what political party's
13 ballot it is, and shall read therefrom the result of the vote on such
14 ballot for each office, and hand the ballot to another of said com-
15 missioners differing in politics from himself, who, if satisfied
16 that it is correctly read, shall string the same on a thread. The
17 ballots of each party shall be strung on separate threads. Each
18 poll clerk shall keep an accurate tally of the contents of each

19 ballot of each party on tally papers, which shall be provided for
 20 the purpose, so as to show the number of votes received by every
 21 person for any office. The ballots shall be counted as they are
 22 strung upon the thread, and whenever the number counted for
 23 any party shall equal the number of votes entered upon the affirma-
 24 tion book of that party, any other ballot of such party found in
 25 the ballot box shall be immediately destroyed by fire or other-
 26 wise, without unfolding the same, or allowing any one to examine
 27 or know the contents thereof.

28 *Fourth.* As soon as the results at such precinct are ascer-
 29 tained, the commissioners and clerks shall make out and sign two
 30 certificates for each party represented of the vote for all candi-
 31 dates of such party, in the following form:

32 "*Certificate of Result for Party Candidates.*

33 "We, the undersigned, commissioners and poll clerks of the
 34 primary election held at precinct No.....of.....district of
 35 county, W. Va., on the day of, 19....,
 36 do hereby certify that, having been first duly sworn, we have
 37 carefully and impartially ascertained the result of said election
 38 at said precinct for the candidates on the official ballot of the
 39party, and the same is as follows:

40 "For the office of governor, A. B. received.....votes.

41 "For the office of governor, E. F. received.....votes.

42 "For the office of governor, G. H. received.....votes."

43 (And so on as to each office for which any candidate was
 44 voted for, stating in words and figures the number of votes cast
 45 for each candidate.)

46 "Given under our hands this day of, 19.....

47 "....."

48 "....."

49 The two certificates for each party shall then be sealed, each
 50 in a separate envelope, furnished for the purpose, and all ballots
 51 voted for candidates of each party shall be sealed up in separate
 52 envelopes, and the commissioners and clerks shall each sign his
 53 name across the seals.

Sec. 15. It shall be the duty of the board of primary ballot
 2 commissioners to appoint one of the commissioners of election at
 3 each precinct of the county to attend at the offices of the clerks
 4 of the circuit and county courts at least three days before each

5 primary election, to receive the ballots, ballot box, poll books and
6 all other supplies and material for conducting the election at his
7 precinct, as provided in this act; and the said clerks shall deliver
8 to such commissioner the ballots, ballot box, poll books and other
9 supplies required to be furnished by this act for conducting the
10 election at such precinct, and take from him receipts for same,
11 which shall be filed in their respective offices. It shall be the
12 duty of such commissioner to attend at said clerk's office and to
13 receive the said ballots and all other election supplies used in
14 conducting the election at his precinct, and to deliver the same,
15 with the seal of all sealed packages unbroken, at his election pre-
16 cinct, in time to open the election. Said commissioner shall
17 receive the per diem and mileage allowed by law for this service.

18 In case any commissioner of election so appointed shall fail
19 to appear at the offices of the clerks of said county and circuit
20 courts by the close of the second day prior to any election, as re-
21 quired by this section, the board of ballot commissioners, or the
22 chairman thereof, shall forthwith dispatch a special messenger
23 to his precinct with the ballots, poll books, ballot box and other
24 supplies for such precinct. Such messenger shall be allowed two
25 dollars for his time, and five cents per mile for the distance neces-
26 sary to be traveled by him, and shall promptly report to the clerk
27 of the circuit court and file with him receipts of the person to
28 whom he delivered such ballots and other supplies, and his affi-
29 davit, stating when and to whom he delivered them.

Sec. 16. If by any accident or casualty the ballot boxes,
2 poll books or any of the other supplies delivered to a commis-
3 sioner of election or to any messenger shall be lost or destroyed,
4 it shall be the duty of such commissioner or messenger to report
5 the loss forthwith to the board of ballot commissioners, or the
6 clerk of the court from whom the same were obtained, and make
7 affidavit of the circumstances of the loss; whereupon such board or
8 clerk shall at once send a new supply by messenger, as provided
9 in other cases.

Sec. 17. It shall be the duty of the commissioner of elec-
2 tion at each precinct who was appointed to attend at the offices
3 of the clerks of the county and circuit courts, respectively, and re-
4 ceive the ballot boxes, poll books and other supplies for his pre-
5 cinct, without delay to return to the clerk of the county court

6 the ballot boxes and the several packages of ballots, poll books,
7 tally sheets and certificates, and all other returns of election, ex-
8 cept the packages addressed to the clerk of the circuit court,
9 which shall contain one poll book, one tally sheet, and one certifi-
10 cate of each political party, which package he shall deliver to
11 such clerk. If, for any good reason, such commissioner cannot
12 act, one of the other commissioners shall be selected by them to
13 discharge said duty.

Sec. 18. When any such election is held in a county or
2 district, the county court sitting as a board of canvassers shall
3 meet at the court house thereof on Friday next succeeding any
4 general primary election, and publicly, carefully and impartially
5 ascertain the result of such election in the county and in the
6 district, and election precincts thereof, and cause to be prepared
7 and recorded in the primary election precinct record book, a
8 table or tables which shall show as to each candidate of each
9 political party for each office, the number of votes cast for him
10 at each precinct, and the total number thereof cast in the entire
11 county.

12 The board shall then make up and enter in said record book
13 a certificate for each political party, showing as to each candidate
14 for each political party for each office, the total number of votes,
15 (in words and also in figures) cast for him in the entire county,
16 the number of votes received by all the candidates of such party in
17 such district, which shall be in the following form:

18 "The board of canvassers of the county of state
19 of West Virginia, having carefully and impartially examined the
20 returns of the primary election held in said county on the
21 day of, 19 , do hereby certify that in said
22 county or district at said election, on the official ballot of the
23 party for the office of, A. B. received
24 (.) votes; C. D. received
25 (.) votes."

26 And so on for each particular office for each political
27 party according to the truth.

28 When the certificates are all entered, the report shall be
29 signed by the members of the board or a majority thereof. Said
30 members shall also sign separate certificates of the result of said

31 election, within the county, for each of the offices to be filled by
32 each political party, as provided by the next section.

Sec. 19. The certificates of the board of canvassers made
2 pursuant to the preceding section shall be by them disposed of
3 as follows: One of the certificates showing the votes received by
4 each candidate of each party for each office to be filled by the
5 voters of a political division greater than a county, including
6 state committeemen, shall be filed with the secretary of state,
7 and by him preserved in his office, and a copy thereof filed in the
8 office of the clerk of the circuit court of the county of such board
9 to be preserved by such clerk, and which shall be open to public
10 inspection. One certificate showing the votes received by each
11 candidate of each party for each office to be filled by the voters
12 of the county or magisterial district within such county, shall be
13 filed with the clerk of the circuit court, and by him preserved in
14 his office. If requested, the board of canvassers will furnish to
15 the county chairman of each political party a certificate, showing
16 the number of votes received by all the candidates of such party in
17 the county or magisterial district therein.

18 The secretary of state shall certify, under the seal of the state,
19 to the clerk of the circuit court of each county in which a candi-
20 date is to be voted for, the name of the candidate of each politi-
21 cal party receiving the highest number of votes in the political
22 division in which he is a candidate, and who is entitled to have
23 his name placed on the official ballot in the general election as
24 the nominee of his party for such office.

Sec. 20. If any vacancy occurs in the nominees of any
2 party after the holding of any primary election, the same shall be
3 filled by the executive committee of that party, in the municipal-
4 ity, county, district or state, as the case may be.

5 In case of a tie for the nomination for any office, the re-
6 spective committee shall choose by lot which of the two tying
7 shall be the nominee.

Sec. 21. Each candidate to be voted for at a general primary
2 election, except candidates for President of the United States, for
3 membership of committees and delegates to national conventions,
4 shall pay as hereinafter provided, the following sums, respectively:
5 candidates for nomination for United States senator, five hundred
6 dollars; for governor and all other state offices, the sum of three

7 hundred dollars; candidates for member of the United States house
8 of representatives, the sum of three hundred dollars; candidates
9 for members of the state senate the sum of twenty dollars; candi-
9-a dates for county offices as follows: county clerk, circuit
10 clerk, sheriff, assessor, and prosecuting attorney the sum
11 of twenty-five dollars each; for all other county offices the sum
12 of ten dollars each; for members of the house of delegates the sum
13-16 of ten dollars.

17 The candidates for all offices to be filled by the voters of a
18 political division greater than a county shall, at the time of filing
19 with the secretary of state the nomination, petition and affidavits
20 as required by this chapter, also file a certified check for the
21 amount of their respective assessments, and take receipts for same.

22 The candidates for nomination for all offices to be filled by
23 the voters of a county or district therein, shall pay to the sheriff
24 of the county the amount of their assessments, required by this
25 section, and take from such sheriff duplicate receipts, one of which
26 shall be filed with the chairman of the board of ballot commis-
27 sioners.

28 The secretary of state shall apportion the amounts so paid to
29 him hereunder among the several counties entitled thereto, and
30 remit the same to the sheriffs of such counties, within twenty days
31 after the time for filing nomination announcements closes.

32 The sums so paid under the provisions of this section shall
33 be applied in the several counties towards defraying the expenses
24 of the general primary election, and the balance, if any, shall be
35 used for county purposes.

36 In the case of municipalities, said fee shall be paid to the
37 municipal treasurer, or corresponding officer, and a receipt issued
38 by him, in triplicate.

Sec. 22. The action of the board of canvassers, or of any
2 political committee, at any primary election, may be appealed from
3 by any candidate thereat, to the circuit court of the county. All
4 such contests shall be governed by the provisions of the code of
5 West Virginia, so far as the same are applicable, as found in chapter
6 six thereof.

Sec. 23. The expense of said general primary election and
2 the per diem of election officers shall be paid by the county court
3 the same as other election expenses are now provided for and
4 paid by general law; *provided*, that no compensation to any mem-

5 ber of any executive committee shall be included in said expense.

6 Candidates for public office may be nominated otherwise than
7 by direct primary election. In such case, a certificate shall be
8 signed by voters resident within the state, district or political
9 division for which the candidate is presented, to a number equal to
10 five per cent. of the entire vote cast at the last preceding election
11 in the state, circuit, district, county or other division for which
12 the nomination is made. No voter signing such certificate shall be
13 counted unless his residence and postoffice address be designated.
14 Such certificates shall state the name and residence of each of such
15 candidates; that he is legally qualified to hold such office; that
16 the subscribers desire and are legally qualified to vote for such
17 candidates; and may designate, by not more than five words, a
18 brief name of the party or principle which said candidates repre-
19 sent. No person shall be legally qualified to sign such a certificate
20 who participated in a direct primary election held in accordance
21 with this act. Every person not legally qualified to sign such a
22 certificate and who subscribes his name to the same shall be
23 guilty of a misdemeanor and fined not less than ten dollars nor
24 more than fifty dollars, and a justice of the peace shall have
25 jurisdiction in such case.

26 Such certificates shall not be circulated to be signed by
27 voters until after the direct primary election provided for in this
28 act and such certificates shall be filed within the time and with
29 the same officers as is prescribed by law for the making up of the
30 official ballot and all candidates nominated by the signing of such
31 certificates shall pay the sums as provided for in section twenty-
32 two of this act and unless such sums have been so paid no candi-
33 date so nominated shall be eligible to hold the office for which he is
34 a candidate. The money so paid shall be used for county purposes.

Sec. 24. All provisions of chapters three and five of the
2 code of West Virginia, so far as the same are not in conflict with
3 and are not modified by this act, shall, so far as they are ger-
4 mane, apply to and are hereby made applicable to the primary
5 elections.

Sec. 25. Any primary election officer, members of any po-
2 litical committee or other person, who shall wilfully fail and
3 neglect to perform any duty by this act required of him, or who
4 shall tamper with, change or destroy any ballot, return or certifi-
5 cate of election, or delay the return of ballot boxes, ballots and

6 other election returns to the county clerk, or wilfully do any other
7 act, the object of which is to destroy any ballot, or the record of
8 any canvass of votes, or in any way wilfully interfere with the
9 utmost honesty and fairness in conducting any such primary elec-
10 tion, or in making nominations thereat, and any voter who shall
11 cast more than one primary election ballot on the same day, or
12 who shall vote under a name other than that by which he is gener-
13 ally known, who shall make any false oath, affirmation or affidavit
14 respecting the right of himself or any other person to vote, shall
15 be guilty of a felony, and upon conviction thereof, shall be confined
16 in the penitentiary not less than one year nor more than three years.

Sec. 26. No candidate shall be considered a nominee nor
2 his name be placed on the regular election ballot by the ballot
3 commissioners until said candidate has filed the affidavit required
4 by the corrupt practices act as to the amount of expenses as pro-
5 vided by said act.

Sec. 27. The state executive committee of each party may
2 make such rules for the government of such party, not incon-
3 sistent with law, as may be deemed expedient; and it may also
4 revoke, or alter, or amend, in any manner not inconsistent with
5 law, any present or future rules of such party: and all acts of
6 such state or other committees may be reviewable by the courts.

7 National committeemen shall be elected by the state commit-
8 tee of each respective party, unless the rules of the national party
9 otherwise provide, in which case they shall be elected in the man-
10 ner provided by the rules of the national party; and all state
11 committeemen shall be elected by senatorial districts.

12 Vacancies happening at any time in the office of national
13 committeemen shall be filled by the state committee of the re-
14 spective parties, unless the rules of the national party otherwise
15 provide; and vacancies in all other committees shall be filled as
16 provided in section three of this act.

17 Nothing in this chapter contained shall be so construed as to
18 prohibit any political committee from appointing any sub-com-
19 mittee of its own members, or other committee charged with any
20 duty named in the order or resolution providing for the selection
21 of said sub-committee; nor the appointment of any campaign
22 or central committee to have charge of the administrative or
23 executive work of the political campaign; but no such central

24 committee or sub-committee shall be competent to discharge any
25 duties devolved by this chapter on any political party committee,
26 or the members thereof.

Sec. 28. Municipal executive committees shall exercise
2 similar functions and be governed by the same laws in regard to
3 primary elections as county executive committees in regard to
4 general primary elections, so far as the same may be applicable.
5 All expenses of conducting such primary election shall be paid
6 by the municipality.

7 The provisions of this act referring more specifically to
8 primary election shall, so far as the same can be applied, and not
9 otherwise provided, govern the conduct of municipal primary elec-
10 tions.

Sec. 29. Between the first and fifteenth day of August in
2 each year in which a president of the United States is to be
3 elected, each political party shall at some convenient place to be
4 designated by the chairman of the state committee thereof, hold a
5 meeting for the purpose, and shall formulate and promulgate a
6 state platform, and select presidential electors for the state at large,
7 and each congressional district. And if at the said election a judge
8 or judges of the supreme court of appeals is or are to be elected,
9 the candidates of such party for such judge shall be nominated,
10 and the name of such candidates for such offices of judge, and elec-
11 tor shall be certified by the officers of said convention to the
12 secretary of state.

13 Candidates for judges of the circuit court of the several cir-
14 cuits, as well as judges of the intermediate and criminal courts of
15 those counties having such courts, shall also be nominated by simi-
16 lar conventions in their respective circuits and counties, and the
17 results similarly certified to the clerks of the circuit courts of the
18 counties composing such circuits and counties having such inter-
19 mediate and criminal courts.

20 The respective executive committees of each party shall have
21 the right and power to adopt such rules as they shall see fit to
22 govern the holding of such conventions, and the number and selec-
23 tion of delegates to the same.

24 Any nominations so made shall have the same force and ef-
25 fect as if made by a primary.

Sec. 30. Of the candidates for each office respectively, in-

cluding that of party committeemen and delegates and alternates to national conventions, the one receiving a plurality of the votes cast for the candidate for that office by his political party in the territory for which he is a candidate, shall be declared the nominee of his party for the office for which he was a candidate.

Sec. 31. In presidential election years, in addition to the candidates hereinbefore required to be nominated at the general primary election, the qualified voters of each political party shall have the opportunity of voting for their choice among those aspiring to be the candidates of their respective parties for the President of the United States. The names of such aspirants shall be printed on the official primary election ballot of their respective parties, as provided in section twelve of this chapter, upon the filing with the secretary of state the announcement as provided in section eight of this act, and the ballot shall be marked and the vote shall be counted, canvassed and returned under the same condition as to names, certificates and other matters, as the names and certificates of the party aspirants for the party nomination for the office of governor.

Any person or persons who shall become a candidate for delegate or alternate to the national convention as herein provided shall file with his announcement, or include therein, a statement as to whether or not he will support the popular choice of such primary.

Sec. 32. All acts and parts of acts inconsistent and in conflict with this act, are hereby repealed.

CHAPTER 27.

(Senate Bill No. 106.)

AN ACT to amend and re-enact chapter twenty-two of the acts of one thousand nine hundred and eight, included in the code of one thousand nine hundred and thirteen, as sections eight-b I, eight-b II, eight-b III, eight-b IV, eight-b V, eight-b VI, eight-b VII, eight-b VIII, eight-b IX, eight-b X, eight-b XI, eight-b XII, eight-b XIII, eight-b XV, eight-b XVI, eight-b XVII, eight-b XVIII, eight-b XIX of chapter five; to prevent corrupt practices in elections, to limit the expenses of candidates and political committees, and to provide penalties for the violation of this act.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

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|--|--|
| <p>Sec.</p> <ol style="list-style-type: none"> 1. In all primary elections for nomination of candidates, election of party committeemen and at all elections for public offices (except in towns of less than 5,000, and for district officers), records of receipts and expenditures to be kept; sworn statements filed as public records by candidates and political agents, all subject to regulations of this act. 2. "Election" defined; "candidate" defined; "public office" defined. 3. Treasurer of political committees; his duties and restrictions; one person may be treasurer of two or more political committees. 4. Treasurer of state committee not to act unless statement designating him as such be filed with secretary of state sixty days before election; same provision as to treasurer of lesser division, including counties and municipalities. 5. Accounts and vouchers, how kept. 6. Sworn statements must be made fifteen days before primary or other election; what to contain and to whom delivered; unexpended balances and how disposed of; statements to be filed and with whom. 7. Blank forms for preservation of statements to be prepared by secretary of state, and to be received, endorsed and filed. 8. Penalties for failure to file statements, a misdemeanor; penalty; duty of secretary of state, county clerk or city clerk on failures to file statement and to whom notice shall be given; candidate failing to file statement disqualified. 9. Restrictions on contributions to candidates, and soliciting prohibited. 10. Expenditures of money unlawful except: <i>First</i>, for rent, offices, clerk hire, etc.; <i>Second</i>, printing and distribution of books, etc.; <i>Third</i>, renting and decorating halls, etc.; <i>Fourth</i>, necessary travelling expenses, stationery. | <p>Sec.</p> <p><i>Fifth</i>, preparing and circulating petitions; <i>Sixth</i>, examining lists of registered voters, etc.; <i>Seventh</i>, for conveying infirm or disabled voters to and from the polls; every liability to be reasonable.</p> <ol style="list-style-type: none"> 11. Limitation of expenditure, for candidates for United States senators, for candidates for the legislature, for candidates for member of congress, for any county office, for any other office; expenditure may be made by financial agent, under restrictions herein imposed. 12. Persons deemed guilty of corrupt practices defined. 13. Practices forbidden. 14. Penalties for violations. 15. Judicial inquiry, to be instituted by attorney general, any prosecuting attorney, any candidate or any one hundred voters; how begun and conducted. 16. Certificate of findings, in case of United States senator to be certified to the governor; in case of executive department of the State or any member of the legislature, to speaker of the house of delegates and president of the senate; judicial inquiry as to other officers; election void in certain cases; governor to issue writ for new election. 17. Privilege of witnesses at any trial under provisions of this act; exceptions in actions for perjury. 18. Costs may be awarded against losing party in a judicial inquiry for corrupt and illegal practice. 19. Appeals, except in case of presidential electors, members of congress, members of the legislature and executive officers, may be taken in the same manner as appeals in civil actions, but party appealing not entitled to stay; no injunction to issue except upon application to supreme court or presiding judge. 20. Inconsistent acts repealed. |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. That at all primary elections for the nomination
 2 of candidates, and for the election of party committeemen, and at
 3 all other elections for public officers, (except elections for local
 4 officers in towns of less than five thousand population, and for
 5 school district officers), records of receipts and expenditures for
 6 political purposes shall be kept by or on behalf of all candidates;
 7 sworn statements of such receipts and expenditures shall be made
 8 and filed as public records by all candidates and by their political
 9 agents, representatives, or any person acting for or on behalf

10 of such candidate, and the treasurers of all political committees;
11 and such receipts and expenditures shall be subject to the regula-
12 tions and provisions of this act.

Sec. 2. (a) The term "election" shall apply to all primary
2 elections, to all other elections, general or special, by the legal
3 voters of this state or its sub-divisions, and to elections by the
4 legislature, or either house thereof.

5 (b) The term "candidate" shall apply to any person
6 whose name is printed on an official ballot for public office, and
7 to any person who has been proposed for nomination or election
8 to public office, and who either tacitly or expressly consents to
9 so be considered, except candidates for president and vice-presi-
10 dent of the United States, and presidential electors.

11 (c) The term "financial agent" shall apply to any person
11-a acting for and by himself or to any two or more natural
12 persons acting together or co-operating in a financial way to
13 aid or take part in the nomination or election of any candi-
14 date for public office, or to aid or promote the success or defeat
15 of any political party or principle at any election, or any proposi-
16 tion submitted to vote at a public election.

17 (d) The term "public office" shall apply to any elective
18 office provided for by the constitution or laws of the state of
19 West Virginia to which a salary or other compensation attaches.

Treasurer of Political Committee.

Sec. 3. Every political committee shall appoint and main-
2 tain a treasurer, to receive, keep and disburse all sums of money
3 which may be collected or received by such committee, or by any
4 of its members, for election expenses; and unless such treasurer
5 is first appointed and thereafter maintained, it shall be unlawful
6 for a political committee or any of its members to collect, receive
7 or disburse money for any such purpose. All money collected or re-
8 ceived by any political committee, or by any of its members, for
9 election expenses, shall be paid over to and made to pass through
10 the hands of the treasurer and shall be disbursed by him; and it
11 shall be unlawful for any political committee, or any of its mem-
12 bers, to disburse any money for election expenses unless such
13 money shall have been paid to and disbursed by the treasurer.

14 One person may be designated to act as treasurer for two or
15 more political committees and candidates.

Sec. 4. No person shall act as the treasurer of any political committee or as financial agent for any candidate for any office to be nominated or elected by the votes of the entire state, including delegates and alternates at large to a national convention, and candidates for president of the United States, unless a written statement designating him as such treasurer or financial agent shall be filed with the secretary of state, at least sixty days before the election at which he is to act.

No person shall act as a treasurer of any political committee or as financial agent for any candidate to be nominated or elected by the votes of any political division less than the entire state or greater than a county, including candidates for the state executive committees and delegates to national conventions, unless a written statement designating him as such treasurer or financial agent is filed with the clerk of the county court of each county within such political division at least sixty days before the election at which he is to act.

No person shall act as treasurer of any political committee, or as financial agent for any candidate to be nominated or elected by the votes of a county or district therein, or the treasurer or financial agent for a candidate for the nomination or election to any other office not herein mentioned, unless a written statement designating him to act as such treasurer or financial agent shall be filed with the clerk of the county court at least sixty days before the election at which he is to act.

No person shall act as treasurer of any city political committee, or financial agent for any candidate to be nominated or elected by the votes of a city, unless written notice of such designation is filed with the clerk or recorder of such city at least twenty days before the election at which he is to act.

Accounts and Vouchers.

Sec 5. Every candidate, financial agent and the treasurer of every political committee, shall keep detailed accounts of all money, or its equivalent, received by them, and of all expenditures, disbursements made, and liabilities incurred by such candidate, agent or political committee for political purposes, or by any of the officers or members of such committee, or any person acting under its authority or on its behalf.

Sworn Statements.

Sec. 6. Not less than seven nor more than fifteen days before each primary or other election, and again within thirty days after each primary or other election, every candidate for public office, (except in towns of less than five thousand population), and every financial agent, and the treasurer of every political committee, shall file with the officers hereinafter prescribed a detailed, itemized statement subscribed and sworn to before an officer authorized to administer oaths, setting forth all financial transactions in connection with such primary or other election. Such statements shall show each and every sum of money or other thing of value contributed or advanced; the name of each person, firm, association or committee by whom it was contributed or advanced; the amount and purpose of every expenditure made or liability incurred, and the name of each person, firm, association or committee to whom such expenditure was made or liability incurred, with dates of each transaction.

Any unexpended balance remaining in the hands of the treasurer of any political committee at the time of making the statements herein provided for, shall be properly accounted for in said statement and shall appear as a balance in the next following report of such treasurer or his successor in office.

Such sworn statements shall be filed with the secretary of state by candidates for state and other offices to be nominated or elected by the votes of a political division greater than a county; with the clerk of the county court by candidates for offices to be nominated or elected by the votes of a county or district therein, and by all candidates for other offices not otherwise provided for, and with the clerk or recorder of the city in the case of candidates for city offices.

Blank Forms and Preservation of Statements.

Sec. 7. Blank forms of all financial statements required under this act shall be prepared by the secretary of state, and copies thereof, together with a copy of this act, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to all treasurers of political committees, to all political agents and to all candidates for nomination or election to any office upon the filing of petitions or announcement

8 for nomination, and to all other persons required by law to file
9 such statements who apply therefor.

10 All statements filed in accordance with this act shall be re-
11 ceived, endorsed and filed by the secretary of state, county clerks
12 and city clerks or recorders.

13 All statements filed in accordance with the provisions of this
14 act shall be preserved for one year after the election to which they
15 relate.

Penalties for Failure to File Statements.

Sec. 8. Any candidate, financial agent or treasurer of a
2 political committee who shall fail to file a sworn, itemized state-
3 ment as above provided, within the time required, shall be guilty
4 of a misdemeanor and upon conviction shall be fined not less than
5 fifty dollars, or imprisoned in the county jail for not more than
6 six months, or both, at the discretion of the court.

7 Forty days after any such primary or other election, the sec-
8 retary of state, county clerk or city clerk or recorder, as the case
9 may be, shall give notice of any failure to file such statement by
10 any candidate, financial agent or treasurer of a political committee,
11 to the prosecuting attorney of the county where such delinquent
12 resides.

13 No candidate nominated at a primary election who has failed
14 to make a sworn statement as required by this act, shall have his
15 name placed on the official ballot for the ensuing election, unless
16 there has been filed by or on behalf of said candidate, or by his
17 financial agent, if any, the financial statement relating to nomina-
18 tions required by this act; and it shall be unlawful to issue a
19 commission or certificate of election or to administer the oath
20 of office to any person elected to any public office who has failed
21 to file a sworn statement as required by this act; and no such
22 person shall enter upon the duties of his office until he has filed
23 such statement, nor shall he receive any salary or emolument for
24 any period prior to the filing of such statement.

Restrictions on Contributions.

Sec. 9. No officer of any corporation, or agent or person on
2 behalf of such corporation, whether incorporated under the laws
3 of this or any other state, or foreign country, shall pay, give or lend,
4 or authorize to be paid, given or lent, any money or other thing of

5 value belonging to such corporations, to any candidate, financial
6 agent or political committee or other person, for the payment of any
7 primary or other election expenses whatever. No person shall so
8-9 licit or receive such payment, contribution or other thing from any
10 corporation, officer or agent thereof, or other person acting on be-
11 half of such corporation.

Lawful Expenditures.

Sec. 10. No candidate, financial agent or treasurer of a
2 political committee, shall pay, give or lend, or agree to pay, give
3 or lend, either directly or indirectly, any money or other thing of
4 value for any election expenses, except for the following pur-
5 poses:

6 *First.* For rent, maintenance and furnishing of offices to be
7 used as political headquarters and for the payment of neces-
8 sary clerks, stenographers, typewriters, janitors and messengers
9 actually employed therein.

10 *Second.* For printing and distributing books, pamphlets,
11 circulars and other printed matter relating to political issues
12 and candidates and painting, printing and posting signs, banners
13 and other advertisements.

14 *Third.* For renting and decorating halls for public meetings
15 and political conventions, for advertising public meetings, and
16 for the payment and transportation of speakers and musicians at
17 such meetings.

18 *Fourth.* For the necessary traveling and hotel expenses of can-
19 didates, political agents and committees, and for stationery, postage,
20 telegrams, telephone, express, freight and public messenger service.

21 *Fifth.* For preparing, circulating and filing petitions for
22 nomination of candidates.

23 *Sixth.* For examining the lists of registered voters, investi-
24 gating the right to vote of the persons listed therein, and con-
25 ducting proceedings to prevent unlawful registration or voting.

26 *Seventh.* For conveying infirm or disabled voters to and
27 from the polls.

28 Every liability incurred and payment made shall be at a rate
29 and for a total amount which is proper and reasonable and fairly
30 commensurate with the services rendered.

Limitation of Expenditures.

Sec. 11. No payment shall be made and no liability shall be incurred by or on behalf of any candidate for office in this state to aid in securing his nomination or election, or both, which shall in the aggregate exceed the amounts herein provided for; that is to say, candidates for United States senate or any state office, the sum of seventy-five dollars for each county in the state for the primary election, and a like amount for the general election; candidates for members of the legislature, the amount of one hundred and twenty-five dollars in each county in which said candidate is voted for, for the primary election, and a like amount for the general election; for members of the United States house of representatives, the sum of seventy-five dollars for each county in the district at the primary election, and a like amount for the general election; for any county office a sum not to exceed two hundred dollars in each county at the primary election, and a like amount for the general election; and any other office, not hereinbefore mentioned, a sum not to exceed fifty dollars in the political division in which such person is candidate in the primary election, and a like amount for the general election.

Any candidate may delegate to a financial agent or a political committee, in writing duly subscribed by him, the expenditure of any portion of the total expenses authorized to be incurred by him or on his behalf; but the aggregate of all expenses made and incurred by such candidate, by any political agent on his behalf and by any political committee on his behalf, shall not exceed the amounts hereinbefore provided.

No payments shall be made and no liability shall be incurred by any financial agent or political committee which shall exceed in the aggregate the sum of the amounts theretofore delegated to such committee by the candidate in writing as herein provided.

Corrupt Practices.

Sec. 12. The following persons shall be deemed guilty of corrupt practices, and upon conviction shall be punished in accordance with the provisions of this act:

(a) Any person, other than a financial agent or a member of a political committee, duly appointed and designated as pro-

6 vided in this act, who shall solicit from any candidate for nomi-
7 nation or election to any public office, any money, gift, contribu-
8 tion, emolument, or other valuable thing, for the support, assist-
9 ance, benefit or expenses of any person or persons, club, company,
10 organization, religious body, society, association, or for any other
11 purposes except as herein provided, or for the expenses of any
12 primary or other election campaign.

13 (b) Any person who shall demand, solicit, ask or invite
14 any candidate to make any contribution or incur any obligation
15 to any religious, charitable or fraternal cause, or organization
16 other than political committees duly designated under the pro-
17 visions of this act, or to buy tickets to any entertainments or ball,
18 or to subscribe or pay for space in any book, program, periodical,
19 newspaper or other publication; or any candidate who shall make
20 or promise any such payment or contribution with the apparent
21 hope or intent to influence the result of any election; *provided,*
22 that this paragraph shall not apply to the solicitation of any
23 business advertisements in a periodical in which such candidate
24 regularly advertised prior to his candidacy, nor to ordinary busi-
25 ness advertising, nor to the regular and normal payments to any
26 religious, charitable or other organization to which he may have
27 been a contributor for more than six months before his candidacy.

28 (c) Any person who shall, directly or indirectly, by himself
29 or by any other person on his behalf, make use of, or threaten to
30 make use of, any force, violence or restraint, or inflict, or threaten
31 to inflict any damage, harm or loss, upon or against any person,
32 or by any other means attempt to intimidate or exert any undue
33 influence, in order to induce such person to vote or refrain from
34 voting, or on account of such person having voted or refrained
35 from voting, at any election, or who shall by abduction, duress or
36 any fraudulent device or contrivance, impede or prevent the free
37 exercise of the suffrage by any elector, or shall thereby compel,
38 induce or prevail upon any elector either to vote or refrain from
39 voting for or against any particular candidate or measure.

40 (d) Any person who, being an employer, or acting for or on
41 behalf of any employer, shall give any notice or information to
42 his employees, containing any threat, either express or implied,
43 intended or calculated to influence the political view or actions of
44 his workmen or employees.

45 (e) Any person who shall, knowingly, make or publish, or

46 cause to be made or published, any false statement in regard to
47 any candidate, which statement is intended or tends to affect any
48 voting at any election whatever.

49 (f) Any person who shall pay any owner, publisher, editor
50 or employee, or any newspaper or other periodical to advocate or
51 oppose editorially, any candidate for nomination or election, or
52 any political party, or any measure to be submitted to the vote
53 of the people; any owner, publisher, editor, or employee who
54 shall solicit or accept such payment.

Practices Forbidden.

Sec. 13. (a) No person shall publish, issue or circulate,
2 or cause to be published, issued or circulated, any anonymous let-
3 ter, circular, placard, or other publication tending to influence
4 voting at any election.

5 (b) No owner, publisher, editor or employee of a newspaper
6 or other periodical, shall insert, either in its advertising or read-
7 ing columns any matter, paid for or to be paid for, which tends to
8 influence directly or indirectly, the voting at any election what-
9 ever, unless it is distinctly designated as a paid advertisement,
10 and states the name of the person authorizing its publication and
11 the candidate in whose behalf it is published.

12 (c) No person shall, in any room or building occupied for
13 the discharge of official duties by any officer or employee of the
14 state or a political sub-division thereof, solicit orally or by written
15 communication delivered therein, in any other manner, any con-
16 tribution of money or other thing of value for any party or polit-
17 ical purpose, whatever, from any postmaster or other officer or
18 employee of the federal government, or officer or employee of the
19 state or a political sub-division thereof. No officer, agent, clerk, or
20 employee of the federal government, or of this state or any politi-
21 cal sub-division thereof, who may have charge or control of any
22 building, office or room, occupied for any official purpose, shall
23 permit any person to enter the same for the purpose of therein
24 soliciting or delivering written solicitations for, or receiving from,
25 or giving notice of any political assessments to any officer or em-
26 ployee of the state, or a political sub-division thereof.

Penalties.

Sec. 14. (a) Any person who shall be guilty of the cor-

2 rupt practice under sections twelve and thirteen of this act, shall,
3 on conviction, be disqualified from voting or from holding any
4 office or employment during a period of five years from the date
5 of conviction, and if elected to or occupying any public office or
6 employment, such office or employment shall be vacated from
7 the date of conviction. Any person convicted of a second or sub-
8 sequent offense hereunder shall be forever disqualified from vot-
9 ing or holding any public office.

10 (b) Any person who shall violate any of the other pro-
11 visions of this act, for the violation of which no other penalty is
12 provided, shall, on conviction be disqualified from voting or hold-
13 ing any public office, or employment, during a period of three
14 years from the date of conviction, and if elected to, or occupying
15 any public office or employment, such office or employment shall
16 be vacated from the date of conviction. Any person convicted of
17 a second or subsequent offense hereunder shall be disqualified
18 from voting or holding any public office in this state for a period
19 of twenty-one years.

20 (c) Any corporation which shall violate any provision of
21 this act, or shall reimburse or compensate in any manner what-
22 ever any person who shall have given, loaned or promised any
23 money or other thing of value in violation of this act, on convic-
24 tion thereof, for the first offense, shall be fined not less than one
25 thousand dollars nor more than ten thousand dollars; and upon
26 conviction of any second or subsequent offense, if organized under
27 the laws of this state, shall forfeit its charter and all rights, privi-
28 leges and immunities thereunder, or if organized under the laws
29 of another state or country, shall forfeit all right to carry on any
30 business in this state.

31 (d) Any officer, agent or employee of any corporation who
32 may on behalf of himself or such corporation do any of the things
33 prohibited by this act, shall on conviction thereof, be fined not
34 to exceed five hundred dollars, and be imprisoned in the county
35 jail not to exceed one year; and shall be disqualified from voting
36 or holding office for a period of three years.

37 (e) Any voter who shall, before or during any election,
38 directly or indirectly by himself, or by any other person on his
39 behalf, solicit, demand, receive, agree or contract for any money,
40 gift, loan, or valuable considerations, office, place or employment,
41 or solicit any endorsement on a note or other paper, public or pri-

42 vate, for himself or for any other person, for voting or agreeing
43 to vote, or for voting for any person or candidate or object, or
44 agreeing to refrain therefrom, or from refraining or agreeing
45 to refrain from voting at any election; or any person who shall,
46 after any election, directly or indirectly by himself, or any other
47 person on his behalf, solicit, demand or receive any money or
48 valuable consideration on account of any person having voted
49 or refrained from voting, or having induced any other person
50 to vote or refrain from voting at any election, shall, on convic-
51 tion, be disqualified from voting or holding any public office in
52 this state for a period of five years from the date of his convic-
53 tion; but if any such voter or person mentioned in this sub-sec-
54 tion shall testify and speak the truth on behalf of the state in
55 any prosecution against the giver or promisor, he shall not be
56 prosecuted for any offense under this sub-section.

57 (f) Any person who shall directly or indirectly, by him-
58 self or by other person on his behalf, give, lend, or agree to give
59 or lend, or offer, promise, or promise to procure or endeavor to
60 procure any money or valuable consideration, or any place or em-
61 ployment, public or private, to or for any voter, or to or for any
62 person on behalf of any voter, or to or for any person
62-a in order to induce any voter to vote or refrain from vot-
63 ing, or to vote for any particular person or candidate, or object,
64 or to refrain therefrom; or shall do any such act as aforesaid on
65 account of such voter having voted or refrained from voting
66 at an election, or having voted for any particular person or candi-
67 date or object, or refraining therefrom, shall be guilty of a misde-
68 meanor, and upon conviction thereof shall be fined not less than
69 twenty-five dollars nor more than five hundred dollars and may be
70 imprisoned not to exceed ninety days for every such offense; and in
71 addition thereto shall be disqualified from voting or holding office
72 in this state for a period of five years from the date of his convic-
72-a tion.

72-b (g) Any person who shall advance or pay or contribute, or
72-c cause to be paid or contributed, any money or other thing of
72-d value to or for the use of any other person with the intent that
72-e such money or other thing of value, or any part thereof, shall be
72-f expended in bribery for any primary or other election, or who
72-g shall knowingly pay or cause to be paid any money or other thing
73 of value, shall, on conviction thereof, be disqualified from voting.

74 or holding any public office in this state for a period of five years
75 from the date of his conviction.

76 (h) Any person or persons, firm, corporation, association, or
77 organization of persons or the individual members thereof, who, by
78 themselves, their officers or agents, shall solicit, demand or require
79 of any candidate at or before any primary or final election a prom-
80-81 ise or pledge directly or indirectly, to vote for or against any par-
82 ticular candidate or measure, shall be guilty of a misdemeanor and
83 upon conviction thereof shall be fined not to exceed five hundred
84 dollars. Any candidate from whom has been exacted any such
85 promise or pledge, shall be disqualified from holding the office to
86 which he may be nominated or elected.

Judicial Inquiry.

Sec. 15. At any time within sixty days after any primary
2 or other election, the attorney general, any prosecuting attorney,
3 any candidate voted for at such election, or any one hundred
4 qualified voters, upon giving bond to indemnify the person whose
5 election is contested, from all costs, attorneys' fee and expenses
6 incurred by him in defending his title to office in the event that
7 such person's title to his office is upheld, may present to any cir-
8 cuit judge a petition setting forth under oath, upon information
9 or personal knowledge, that corrupt and illegal practices con-
10 trary to the provisions of this act, specifying the same, were com-
11 mitted in connection with such election, naming any candidate as
12 defendant, and praying for a judicial inquiry into the alleged
12-a facts.

13 If such judge shall be of the opinion that the interests of
14 public justice require such a judicial inquiry, he shall authorize
15 such inquiry.

16 Such petition shall be tried without a jury; the petitioner or
17 petitioners, and all candidates at such election, shall be entitled
18 to appear and be heard as parties; and the court shall have power
19 to compel the attendance of witnesses and the production of
20 books and papers which are relevant and material, and all the evi-
22 dence taken shall be properly certified and made a part of the rec-
23 ord of such proceeding.

Certificate of Findings.

Sec. 16. In the case of a judicial inquiry into corrupt and

2 illegal practices connected with the election of presidential elect-
3 ors, a United States senator or a member of the United States
4 house of representatives, the evidence and the opinion and deter-
5 mination of the court shall be certified to the governor, who shall
6 transmit the same to the proper authorities of the United States
6-a government for such action as said authorities may deem proper.

7 In the case of a judicial inquiry into corrupt and illegal
8 practices connected with the election of any officer of the exec-
9 utive department of this state, or of any member of the legisla-
10 ture, the evidence and the opinion and determination of the court
10-a shall be certified to the speaker of the house of delegates; or, (in
10-b a case referring to a member of the state senate), to the presi-
10-c dent of the senate, for such action as may be deemed proper. In
11 case of such judicial inquiry as to a circuit judge such proceed-
12 ing shall be heard and determined by the circuit court of any
13 adjoining circuit.

14 In the case of a judicial inquiry into corrupt and illegal
15 practices connected with the election of any other public officer,
16 the trial court shall certify to the governor his decision and judg-
17 ment with reference to the existence of corrupt and illegal prac-
18 tices, the effect of any such practices on the validity of the elec-
19 tion, and the guilt or innocence of any candidate or his political
20 agent. If any such court shall decide that any successful candi-
21 date so petitioned against, in person or through his political
22 agent, had committed corrupt or illegal practices, sufficient to
23 materially influence the result, the election of such candidate shall
24 be void. In case of any election except a primary election so held
25 to be void, the governor shall, within twenty days after the re-
26 ceipt of such decision, issue a writ for a new election, to be held
27 within forty days after the issuance of such writ.

Privilege of Witnesses.

Sec. 17. At any trial, inquiry or hearing under the provis-
2 ions of this act, no person shall be excused from attending and
3 testifying, or from producing books, papers or other documents
4 before the court upon the ground, or for the reason, that the tes-
5 timony or evidence, documentary or otherwise, required of him,
6 may tend to incriminate him, or subject him to a penalty or for-
7 feiture, but no person shall be prosecuted or subjected to any pen-
8 alty or forfeiture except forfeiture of nomination or election to

9 office for or on account of any transaction, matter or thing concern-
10 ing which he may so testify, or produce evidence against him
11 in any criminal investigation or proceeding, except in an action
12 for perjury in giving such testimony.

Punitive Costs.

Sec. 18. In the decision of any court for a judicial in-
2 quiry into corrupt and illegal practices at any election, costs may
3 be awarded against the losing party; and the trial court shall
4 have power to award additional punitive costs against the peti-
5 tioner or petitioners, if it shall find that the allegations of the
6 petition are materially untrue, and that the petition was brought
7 from vexatious or malicious motives.

Appeals.

Sec. 19. Appeals except in the case of presidential electors,
2 United States senators, or a member of the United States house of
2-a representatives, a member of the legislature and the executive
2-b officers of the state may be taken from the determination in
2-c such judicial inquiry in the same manner as appeals may be tak-
3 en as provided by law in civil actions; but the party appealing
4 shall in no case be entitled to or obtain a stay of proceedings.
5 No injunction shall issue in any such judicial inquiry suspend-
6 ing or staying any procedure therein or connected therewith, ex-
7 cept upon application to the court or the presiding judges there-
8 of, upon notice to all parties and after hearing.

Sec. 20. All acts and parts of acts in conflict with the pro-
2 visions of this act, are hereby repealed.

CHAPTER 28.

(Senate Bill No. 332.)

AN ACT to amend and re-enact sections 98-a-I, 98-a-III, 98-a-IV, 98-a-
VI, 98-a-VII and 98-a-XI of chapter three of the code of West
Virginia, edition of one thousand nine hundred and thirteen,
(being serial sections one hundred and twenty-one, one hundred
and twenty-three, one hundred and twenty-four, one hundred
and twenty-six, one hundred and twenty-seven and one hundred
and thirty-one of said code,) relating to the registration of voters.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.

98-a-I.

County court in each county to hold regular or special session first Monday in March in years when President of U. S. is to be elected, in all other years first Monday in May; to appoint two registrars, one from each of the dominant parties; executive committees through proper officials, to file writing requesting appointment of competent persons, and if court reject such recommendation, same committee to recommend another; recommendations to be matter of record; offense and penalty for presenting a forged writing; eligibility of registrars and what to be done if suitable person does not reside in precinct; failure or refusal to serve, court or clerk may appoint in vacation; one registrar to perform duties in case of failure or refusal of the other to serve; oath to be taken by registrars.

98-a-III.

Duty of county clerk to notify registrars of appointment and to provide all books and blanks; registrars to meet together first Monday in April year of Presidential election, and first Monday in June in all other years, and proceed to register names of all qualified voters; proceeding in case of one registrar failing or refusing to perform duty, and action of county clerk at sittings; appeals allowable to circuit and supreme court; penalty for violation of this provision; has authority to examine registration of previous election and transfer names in certain cases, but not to be relieved from visiting abode of every voter; clerk to provide certified registration list; method of registering voters; exceptions as to special elections; form of registration and questions to be answered; no other questions to be asked, and no one except registrars

SEC.

permitted to ask questions; persons to be registered who will be qualified to vote on election day.

98-a-VI.

Registrars to sit together two days commencing first Monday in May when President is to be elected, in all other years first Monday in July; hours for sittings; shall give notice by posting notices; at sitting books open for public inspection and to register all qualified voters not heretofore registered; then to make out two alphabetical lists of persons entitled to vote and return same to clerk of county court on or before second Monday in May in presidential years, and on or before second Monday in July in all other years; open to public inspection in the clerk's office; copies of registration may be furnished upon payment of fee.

98-a-VII.

County court to convene, and when, for hearing as to registration of voters, to examine returns of registration, and what action to be taken in case an affidavit is filed on appeal to the circuit court; what to be done in case of special elections; what to be done with lists by county court; no voter to be stricken from list until after five days notice and shall have certain rights; appeal from county court is to the circuit or supreme court; clerk not to register any name except by order of court; violations a felony, penalty.

98-a-XI.

No person allowed to vote unless registered; duty of commissioners of election; exceptions as to persons not registered, and form of affidavit to be made to entitle person to vote; name then to be listed on registration books; commissioners violating these provisions guilty of misdemeanor, penalty. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections 98-a-I, 98-a-III, 98-a-IV, 98-a-VI, 98-a-VII, 98-a-XI of chapter three of the code of West Virginia, edition of one thousand nine hundred and thirteen, (being serial sections one hundred and twenty-one, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven and one hundred and thirty-one of said code), relating to the registration of voters, be amended and re-enacted so as to read as follows:

Section 98-a-I. The county court of each county in this state

2 shall hold a regular or special session at the court house of their
3 county on the first Monday in March next before the election in
4 the year in which a President of the United States is to be elected,
5 and in all other years on the first Monday in May next before the
6 election, and shall then appoint for each voting precinct in their
7 county two competent persons as registrars, one each from the po-
8 litical parties which, at the last preceding election, cast the high-
9 est number of votes in the county in which the election is to be
10 held. But, if at any time during said session, the county execu-
11 tive committee of either political party from which said regis-
12-21 trars are to be selected, through its chairman or secretary, shall
22 present to the court, or shall before any such appointments are
23 made, at any time file in the office of the clerk of the county court
24 of said county, a writing signed by the chairman of said committee,
25 on their behalf, requesting the appointment of a qualified voter of
26 their political party, and who shall appear to be competent to said
27 court, the court shall appoint the person named in such writing as
28 such registrar; or, if the court reject any one so recommended, it
29 shall notify the chairman of the committee of said rejection, and
30 such chairman shall recommend another to be so appointed, until
31 a competent person is accepted by the court. Every writing so pre-
32 sented shall be filed, preserved and kept by the clerk of said court
33 in his office. And if it shall appear that said writing was a for-
34 gery, and that it was forged by the person presenting the same to
35 the court, knowing it to be a forgery, upon conviction thereof such
36 person shall be confined in the penitentiary not less than one nor
37 more than five years; or, at the discretion of the court, he may be
38 fined not less than one hundred dollars, nor more than five hun-
39 dred dollars, and be confined in the county jail not less than three
40 nor more than six months. No person shall be eligible to appoint-
41 ment as registrar, or in any way act as such, who has been convicted
42 of a felony, or who holds any elective or appointive political office
43 under the laws of the state of West Virginia, or the United States,
44 or who is not a qualified voter in the precinct for which he is ap-
45 pointed, who cannot read or write the English language, or who is a
46-47 candidate to be voted for at such election; *provided*, that if in
48 any precinct there should not be a competent person in the opin-
49 ion of the chairman of the executive committee, or the county
50 court, the chairman of said committee may recommend some com-
51 petent voter of said county from some other precinct therein, to

52 act as such registrar. If any such registrar shall fail or refuse to
53 serve, the vacancy shall be filled either by the county court or by
54 the clerk thereof, in vacation, in the manner hereinbefore provided
55-56 for the appointment of registrars, and such clerk shall forthwith
57 notify such party of his appointment as such registrar, and record
58 such appointment in the minute book of said county court. If no
59 appointment is made to fill such vacancy, or if either of such reg-
60 istrars fail or refuse to act, it shall be lawful for the other registrar
61 to register the voters in such precinct and discharge his duties here-
62 under. Said registrars shall, before entering upon the discharge of
63 their duties, take an oath to support the constitution of the United
64 States, the constitution of West Virginia, and to perform the du-
65 ties of their office to the best of their ability, and that they will
66 support the nominees of the party for which they are respectively
67 appointed. Said oath shall be filed in the office of the clerk of the
68 county court.

Sec. 98-a-III. The clerk of the said county court shall with-
2 in five days after the appointment of said registrars as aforesaid,
3 notify each of the registrars so appointed of his appointment and
4 give the name of the other registrar, which notice may be sent by
5 registered mail, and the clerk shall likewise, on or before the third
6 Monday in March next before the election in the year in which a
7 president of the United States is to be elected, and in all other
8 years on the third Monday in May next before the election, deliver
9 or cause to be delivered, to said registrars, in person, if they shall
10 call at the office of said county clerk for the same, or to the resi-
11 dence or usual place of abode of said registrars, if they shall not
12 call in person at said county clerk's office for the same, copies of
13 the books and blanks prepared as aforesaid, for the registration of
14 voters of the respective precincts, and upon the receipt of the said
15 blanks, the said registrars shall meet together on the first Monday
16 in April next before the election in the year in which a president of
17 the United States is to be elected and in all other years on the first
18 Monday in June next before the election, and proceed to register
19 the names of all the qualified voters within their respective pre-
20 cincts, and shall endeavor to ascertain and register each and every
21 qualified voter entitled to vote within the precinct, and for this
22 purpose shall visit the usual place of abode of each and every voter ;
23 if either one of the registrars refuse or fail to register the voters

24 of his precinct, as herein required, then the other registrar may,
25 in the absence of such registrar, so refusing or failing, proceed
26 to make or complete such registration; and it shall be the duty of
27 such registrar, so refusing or failing to do so, to copy the names of
28 the persons so registered by the other registrar, in his registration
29 book, and if he fails to do so, then it shall be the duty of the county
30 court to have the same done at its sittings, for the purpose of
31 completing and revising said registration list. From the action of
32 the county court an appeal may be taken to the circuit court, and
33 from the circuit court to the supreme court of appeals of this state.

34 Any registrar violating any of the provisions of this section
35 shall be fined not less than fifty dollars and confined in jail not less
36 than thirty days. And said registrars, to ascertain the qualified
37 voters, may examine the registration list made for such precinct
38 for the last preceding general election, and may transfer the names
39 of all voters registered on such former list, who, at the time of such
40 registration being made, may be qualified voters in said precinct,
41 to the registration being so made. But nothing herein contained
42 shall relieve said registrars from visiting the usual place of abode
43 of each and every voter and from ascertaining the qualified voters,
44 as in this act provided, and they shall in addition to examining
45 such former registration list and transferring the names of quali-
46 fied voters on such former lists as are here allowed, visit the usual
47 place of abode of each and every voter and ascertain and register
48 the qualified voters within their respective precincts, and shall
49 make a full and complete list of all such voters. And the clerk of
50 said county court shall furnish to each of said registrars a certified
51 copy of the registration list made for such precinct for the last
52 preceding general election. And in registering each voter, said
53 registrar shall (as far as possible) give the Christian name, and
54 his surname, and shall designate the place of his residence, his age
55 and color, and whether he is a native or foreign born, which infor-
56 mation shall be given in the proper column provided in the books
57 furnished by the clerk of the county court, as hereinbefore pro-
58 vided.

59 *Provided, however,* that when for any purpose a special elec-
60 tion is held in any county, district thereof, or independent district
61 thereof, at any time, it shall not be necessary for the registrars
62 to list or register any of the voters, and the voters shall be listed

63 and registered by the county court as provided in section seven
64 hereof.

Sec. 98-a-IV. Before the registrars shall register the
2 name of any person as a qualified voter, they must be satisfied
3 of his qualifications, or have him make the affidavit as hereinafter
4 provided, showing his right to register, and for the purpose of this
5 act they are hereby given authority to administer oaths and they
6 may require the person desiring to register to answer under oath
7 the following questions:

8 *First.* Are you a citizen of the United States?

9 *Second.* Are you a native or naturalized citizen?

10 If the person offering to be registered claims to be a natural-
11 ized citizen of the United States he shall produce for the inspec-
12 tion of the officer of registration a certificate or the evidence of his
13 naturalization, and also state, under oath, or affirmation, that he
14 is the identical person named therein; but the production of the
15 certificate shall not be required, if the person offering to be
16 registered states, under oath, when and where he was natural-
17 ized, that he had a certificate of naturalization, and that against
18 his will the same is lost, destroyed or beyond his power to pro-
19 duce the same; or, if he states under oath, that, by reason of the
20 naturalization of his parents or one of them, he has become a
21 citizen of the United States, and where and when his parents
22 were naturalized.

23 *Third.* Will you have resided in this state for one year
24 immediately preceding the coming election?

25 *Fourth.* Have you been absent from this state within a year
26 immediately preceding the coming election?

27 (If "Yes," when?)

28 *Fifth.* When you left this state did you leave for a temporary
29 purpose with the intention of returning, or for the purpose of
30 remaining away?

31 *Sixth.* Did you, while absent, look upon or regard this state
32 as your home?

33 *Seventh.* Did you, while absent, vote in any other state?

34 *Eighth.* Will you have resided in this county for sixty days
35 prior to the coming election?

36 *Ninth.* When did you last come to this county?

37 *Tenth.* Are you an actual resident of this precinct?

38-39 *Eleventh.* Are you twenty-one years of age or will be such
40 at the coming election, to the best of your knowledge and belief?

41 No other question shall be asked the applicant for registra-
42 tion, and no one except the registrars are permitted to ask said
43 applicant any question affecting his qualifications to vote at the
44 time such applicant is applying to said registrars for registration.

45 Every person shall be registered who will be entitled to vote
46 at the first election occurring after the registration by reason of
47 his arriving at twenty-one years of age before the time, or by
48 reason of his having resided for a sufficient length of time in the
49 state and county provided he is otherwise qualified.

Sec. 98-a-VI. The said registrars after having completed
2 the registration as far as in their power, shall for the purpose of
3 amending, correcting and completing said registration, sit together
4 at some convenient place within the voting precinct for two days,
5 commencing on the first Monday in May next before the election
6 in the year in which a president of the United States is to be elect-
7 ed, from nine o'clock, A. M., to one o'clock, P. M., and from two
8 o'clock, P. M. to nine o'clock, P. M., and in all other years on the
9 first Monday in July from nine o'clock, A. M., to one o'clock, P.
10 M., and from two o'clock, P. M., to nine o'clock, P. M., next before
11 the election, and shall give notice of the time and place of their
12 sitting for such registration and correction by posting written or
13 printed notices of the time and place of such sitting for ten days
14 prior thereto, at not less than five of the most conspicuous places
15 in said voting precinct, one of which shall be at the place of vot-
16 ing in said precinct. And at the time of said sitting the books of
17 registration shall be open for public inspection, and the said regis-
18 trars, in the manner hereinbefore provided, shall register all quali-
19 fied voters who have not theretofore been so registered by them,
20 and complete and finish the registration of the voters within their
21 said precinct, and make out two alphabetical lists of the regis-
22 tered voters within said precinct entitled to vote at the ensuing
23 election as registered by them, giving the information as to each
24 voter as hereinbefore required, and shall sign and return the same
25 to the clerk of the county court on or before the second Monday
26 in said month of May next before the election in the year in which
27 a president of the United States is to be elected, and in all other
28 years on or before the second Monday in said month of July next

29 before the election, and the same shall be open to the inspection of
30 the public when filed in said clerk's office until five days prior to
31 the election.

32 Any person desiring a copy of the registered voters made by
33 said registrars as returned by them to the county court, may re-
34 quest the same and the registrars shall make and deliver a copy
35 of said registered voters upon the payment to them of two cents
36 a name for each copy so furnished.

Sec. 98-a-VII. It shall be the duty of the county court of each
2 county to convene in regular or special session on the second Mon-
3 day in the month next preceding any and every election to be held
4 in that county, including both primary and general election, ex-
5 cept those elections in which no registration is required, and on
6 the fifth day preceding any special election in any county, district
7 or independent district, for the purpose of hearing any and all
8 matters as to the registration of voters, at which said meeting of
9 the county court they shall examine the returns made to them by
10 the registrars throughout the county, or in case of special election,
11 throughout the county, district or independent district wherein
12 such special election is to be held, and filed with the clerk of the
13 county court as hereinbefore provided, and if they are satisfied that
14 persons have been registered who are not entitled to vote, they shall
15 cause their names to be stricken from the list of voters, and if they
16 should find that persons' names have been omitted by the registrars
16-a who should be registered, either because the same have been omit-
17 ted or by reason of such persons having become entitled to vote
18 since such registration was made, the court shall cause their names
19 to be registered as qualified voters, and an affidavit taken before
19-a either one of the registrars, while they are making such registra-
19-b tion, as provided in chapter three of the code of West Virginia,
19-c one thousand nine hundred and thirteen, shall be *prima facie*
19-d evidence before the county court that said applicant is entitled
19-e to registration in the voting precinct in which he applies for
19-f registration, and also *prima facie* evidence on appeal to the
19-g circuit court; *provided*, that such affidavit shows that the ap-
19-h plicant is entitled to registration; in case of special elections
20 at any time in the county, district or independent district of the
21 county, it shall be the duty of the county court when so sitting
22 five days preceding any such special election as hereinbefore pro-

23 vided, to register and list the voters in the county, district or in-
24 dependent district in which such special election is about to be held,
25 and in doing so the county court shall adopt the registration by reg-
26 istrars at the next preceding election prior thereto, and if the coun-
27 ty court is satisfied that persons have been registered who are not
28 then entitled to vote at such special election, they shall cause their
29 names to be stricken from the list of voters, and if they find that
30 persons' names have been omitted by the registrars who should be
31 registered then, either because the names of same have been omit-
32 ted or by reason of such person having become entitled to vote
33 since such registration for the then next preceding election, was
34 made, the court shall cause their names to be registered as qualified
35 voters; the county court shall accordingly correct the list so return-
36 ed by the registrars for such county, district or independent district
37 wherein and wherefor such special election is to be so held, and
38 thereto certify by order entered of record, and thereby the said
39 county court shall be held to have duly registered and listed the
40 voters in such county, district and independent districts wherein
41 such special elections are held; but in no case shall the court cause
42 the name of any voter to be stricken from the registration
42-a list, until he shall have had five days' notice of the ap-
43 plication to strike his name from such registration list, and he
44 shall have the right to rebut any evidence produced against him,
45 and shall have his name restored to said list if improperly stricken
46 therefrom. From the decision of the county court an appeal may
47 be taken by the voters or either of the registrars or any voter of
48 said county, to the circuit court of said county, and from the
49 decision of the circuit court an appeal may likewise be taken to
50 the supreme court of appeals. In no case shall the clerk enter any
51 name on the list of registered voters, or strike any name there-
52 from, except by order of the county court entered of record. And
53 any person who shall enter any name upon the registration list or
54 omit any name from the registration list without an order of the
55 court, entered of record so directing, shall be guilty of a felony,
56 and upon conviction he shall be confined in the penitentiary not
57 less than one nor more than three years for each offense.

Sec. 98-a-XI. No person shall be allowed to vote at any election
2 hereafter held in this state unless he shall have been registered as
3 herein provided and the commissioners of every election shall allow

4 only those to vote whose names appear upon the registration books
5 furnished by the clerk of the county court to them, or who present
6 a proper certificate of transfer, as herein provided; except that any
7 person who has not been registered as herein required, may apply
8 on the day of any election to the commissioners of election to be
9 registered on said day by said commissioners before voting, and,
10 upon being registered by said commissioners, shall be allowed to
11 vote at such election; but before such person is permitted to vote, he
12 shall make and sign an affidavit before one of the com-
13 missioners, or some one authorized to administer oaths, which
14 affidavit shall contain the same allegations and informa-
14-a tion as may be required by the registrars under this
15 act in listing voters and, in addition thereto, such person shall
16 state, under oath, the cause and reasons of his not having been reg-
17 istered in accordance with the other provisions of this act. Said
18 affidavit shall also contain the names of two creditable and reliable
19 qualified voters of the precinct in which said person offers to vote,
20 who shall be known to said election commissioners, or other per-
21 son before whom he shall make affidavit, to be creditable and re-
22 liable qualified voters of said precinct, and said two persons shall
23 also make and sign an affidavit before some one entitled to admin-
24 ister oaths, stating under oath that said person, so desiring to vote
25 and who has made the affidavit hereinbefore required, is well known
26 to them and that they believe the statements made by him in his affi-
27 davit to be true, which affidavits of said person offering to vote and
28 said two creditable and reliable qualified voters shall be accepted by
29 said commissioners; and, upon the making and presentation of said
30 affidavits, containing the matters herein required, said person, so
31 desiring to vote, shall thereupon be deemed a qualified voter and
32 his name shall be listed upon the registration list of the precinct in
33 which he offers to vote and he shall be permitted to vote by said
34 commissioners of election. And any commissioner of election who
35 shall wilfully violate any of the provisions of this act shall be
36 deemed guilty of a misdemeanor, and upon conviction thereof shall
37 be fined not less than fifty nor more than one hundred dollars, and
38 imprisoned in the county jail not less than ten nor more than
39 ninety days for every such offense.

40 All acts or parts of acts inconsistent herewith are hereby re-
41 pealed.

CHAPTER 29.

(Senate Bill No. 8.)

AN ACT re-districting the state for representatives in the congress of the United States.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

1. Members to which state is entitled in house of representatives of United States apportioned into six districts: first congressional district; second congressional

district; third congressional district; fourth congressional district; fifth congressional district; sixth congressional district; said districts to elect one member each.

Be it enacted by the Legislature of West Virginia:

Section 1. The number of members to which this state is entitled in the house of representatives of the United States shall be apportioned amongst the several counties of the state, arranged into six districts, numbered as follows, that is to say:

First Congressional District—Hancock, Brooke, Ohio, Marshall, Wetzel, Marion and Taylor.

Second Congressional District—Monongalia, Preston, Barbour, Randolph, Tucker, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley and Jefferson.

Third Congressional District—Ritchie, Doddridge, Harrison, Calhoun, Gilmer, Lewis, Upshur, Braxton, Clay, Nicholas and Webster.

Fourth Congressional District—Tyler, Pleasants, Wood, Wirt, Jackson, Roane, Mason, Putnam and Cabell.

Fifth Congressional District—Wayne, Lincoln, Mingo, Logan, McDowell, Wyoming, Mercer, Summers and Monroe.

Sixth Congressional District—Kanawha, Boone, Raleigh, Fayette, Greenbrier and Pocahontas.

And that each of said congressional districts shall elect one member of the house of representatives to the congress of the United States.

CHAPTER 30.

(House Bill No. 333.)

AN ACT to apportion the representation in the house of delegates of the state of West Virginia.

[Passed February 15, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

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| <p>1. Until new apportionment of delegates declared in pursuance of the constitution, house of delegates apportioned; counties with one delegate each; coun-</p> | <p>ties with two delegates each; counties with three delegates each; counties with four delegates each; county of Kanawha, six delegates.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

- Section 1. That until a new apportionment of delegates shall
- 2 be declared in pursuance of the constitution, the house of delegates
- 3 shall consist of ninety-four members, which shall be appor-
- 4 tioned as follows:
- 5 To the counties of Barbour, Boone, Brooke, Calhoun, Clay,
- 6 Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Jefferson,
- 7 Lewis, Lincoln, Logan, Mineral, Mingo, Monroe, Morgan, Nicholas,
- 8 Pendleton, Pleasants, Pocahontas, Putnam, Ritchie, Summers,
- 9 Taylor, Tucker, Tyler, Upshur, Webster, Wirt and Wyoming, one
- 10 delegate each.
- 11 To the counties of Berkeley, Braxton, Greenbrier, Jackson,
- 12 Marshall, Mason, Monongalia, Preston, Raleigh, Randolph, Roane,
- 13 Wayne and Wetzel, two delegates each.
- 14 To the counties of Marion, Mercer and Wood, three delegates
- 15 each.
- 16 To the counties of Cabell, Fayette, Harrison, McDowell and
- 17 Ohio, four delegates each.
- 18 To the county of Kanawha, six delegates.

CHAPTER 31.

(Senate Bill No. 111.)

AN ACT to amend and re-enact sections one, six, eight, eleven, twelve, twenty-four and twenty-five of chapter fifty-eight of the acts of one thousand nine hundred and nine, entitled "An act providing for the government and control of the public institutions of the state, by creating a state board of control and a state board of regents, and fixing the duties, powers, responsibilities and compensation of said boards and the members thereof," and to repeal conflicting acts.

[Passed February 19, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC.

1. State board of control, created by chapter 58, acts of 1909, to continue a corporation and have a common seal; to consist of three members, not more than two to belong to same political party, appointed by governor with advice and consent of senate; term of office, and provision for those now in office; governor may remove for cause; salary, how paid and expenses; to be provided with an office at state capital; members to give entire time to duties; one member to be chosen president and one treasurer; may select secretary and other officers; office of treasurer and secretary may be held by same member; oath of office of members and bond required, conditions, and as treasurer; bonds may be by surety or bonding company at expense of state; bonds to be approved as to form by attorney general, and as to sufficiency by governor; to be filed in office of secretary of state; in absence of president or treasurer duties may be performed by another; deeds, contracts, etc., to have name of president, seal and attested by secretary, and deemed act of board and to be admitted to record.
6. All moneys belonging to state coming into the hands of any officer of any institution under control of state board of control to be paid to treasurer once each month under certain rules; disposition of such money and duty of the auditor; authority of board to extend such money and funds, and appropriation authorized; funds designated; what to be done when legislative appropriations are insufficient for expenses of any such institution, and authority of board of public works under chapter 16 of acts of 1904.
8. State board of control to visit institutions under control and may hold meetings at any such institution; duty to inspect all departments and investigate conditions; has power to summon and compel attendance of witnesses, to administer oaths and have access to books, papers and property; witnesses other than employes of state entitled to fees; in investigation testimony may be taken and transcribed; refusal to obey order of board to be reported to circuit court to be held as for contempt.

SEC.

11. State board of control hereby authorized to purchase all supplies named in sections three and four, and for any other institutions under its control; how purchased; surety may be required on contracts for supplies; board has power to reject bids and re-solicit; board to determine character of animals to be slaughtered for meats and make rules for inspection of meats, etc., intended for use; in accepting bids preference to be given citizens of this state; on failure of board to make contracts for supplies same may be purchased by officer in charge under regulations; chief officer of institution to prepare estimate of supplies required; no member, or officer of board of control or board of regents, nor officer or employee of institution to be interested in supplies purchased; forfeiture of office if interested and contract void; no member, officer, agent or employee to receive or accept any gift; violations a misdemeanor, penalty.
12. State board of control has authority to employ competent architects for new buildings or repairs, to employ competent persons to superintend and call for bids and award contracts; authority to erect new buildings, make repairs, additions or changes without contracting when best interests of state may be conserved; may also use labor of inmates; may also, with approval of governor, make plans and specifications for new buildings, etc., for submission to the legislature; how payments may be made; all buildings hereafter erected to be fire-proof.
24. State board of control to have authority to transfer patients and inmates from one institution to another, except in penitentiary, for treatment and care.
25. State board of control has authority to require bond of head or any other officer of any institution for faithful performance of duty and for all money, and that bond may be of a surety or bonding company, and paid out of current or contingent fund; all bonds subject to approval by state board of control and filed with the treasurer.
26. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, six, eight, eleven, twelve, twenty-four and twenty-five of chapter fifty-eight of the acts of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Section 1. The state board of control, created by chapter fifty-
2 eight of the acts of the legislature of one thousand nine hundred
3 and nine, shall continue, and shall be a corporation, and have and
4 use a common seal. It shall consist of three members, not more
5 than two of whom at the time of appointment shall belong to the
6 same political party, to be appointed by the governor by and with
7 the advice of the state senate. The term of office shall be six years.
8 The members now in office shall serve to the end of their respective
9 terms, unless sooner removed as herein provided. The governor
10 may remove any member for incompetency, neglect of duty,
11 drunkenness, gross immorality, malfeasance in office, or for other
12 good cause, and fill the vacancy made by any such removal, or made
13 by death, resignation or otherwise, by appointment for the unex-
14 pired term. The salary of each member shall be five thousand dol-
15 lars per year, to be paid monthly; and each shall be paid his
16 actual traveling and other necessary expenses when absent from
17 the state capital on official business. The board shall be provided
18 with an office at the state capital, and with such furniture and
19 clerical and other assistance as shall be necessary. The members
20 shall give their entire time to the discharge of the duties of
21 their office. The board shall choose one of their members president,
22 and another treasurer. They may select a secretary and such
23 other officers as they may deem best. The offices of treasurer and
24 secretary may be held by the same member. Before entering upon
25 the duties of his office, each member shall take and subscribe the
26 oath of office prescribed by the constitution, the certificate whereof
27 shall be filed with records of the board, and he shall give bond in
28 the penalty of ten thousand dollars, conditioned for the faithful
29 performance of the duties of his office, and to account for and
30 pay over according to law all moneys or other thing of value
31 which shall come into his hands or under his control by virtue
32 of his office; but the treasurer's bond shall be in the penalty of
33 twenty-five thousand dollars, which shall cover his liability as a
34 member, and as the treasurer. The board may cause the surety in
35 any of such bonds to be a surety or bonding company authorized to
36 do business in this state, and pay the costs thereof out of its
37 current or contingent expense fund. All such bonds shall be ap-
38 proved as to form by the attorney general, and as to sufficiency by
39 the governor, and when so approved shall be filed and recorded

40 in the office of the secretary of state. In the absence of the presi-
41 dent or of the treasurer from the state capital, or in the disability
42 of either, the duties of his office may be performed by another
43 member of the board. All deeds, contracts, agreements and other
44 such writings may be executed by the state board of control by the
45 signing of the name of the board thereto by the president, and im-
46 pressing the seal of the board thereon, attested by the signature
47 of the secretary; and when so executed any such deed, contract,
48 agreement or other such writing shall be deemed the act and deed
49 of said board, and shall be admitted to record in the office of the
50 clerk of the county court, and in any other office or place where
51 writings are admitted to record.

Sec. 6. All moneys and funds belonging to the state which
2 shall come into the hands or control of the head officer, or other
3 officer, of any of the institutions mentioned in sections three and
4 four, or of any other institution, department, board, commission,
5 or other agency of the state, or of any person connected therewith,
6 and under the control and management of the state board of
7 control in whole or in part, or the fiscal or financial affairs of
8 which are subject to the control or management of said board, shall
9 be paid to the treasurer of said board at least once in each month,
10 on or before the tenth day of the month succeeding the month in
11 which such moneys or funds were received, under such rules and
12 regulations as said board shall prescribe. The state board of con-
13 trol shall cause such money and funds to be paid into the state
14 treasury to the credit of the proper fund of the institution, de-
15 partment, board, commission, or other agency of the state, by
16 depositing the same in a state depository and delivering to the
17 auditor the certificate of deposit therefor. The auditor shall
18 credit the same to the institution, department, board, commis-
19 sion or state agency, as shown by the certificate of deposit; and the
20 state board of control shall have authority to issue requisitions,
21 from time to time, on such moneys and funds to be expended for
22 the support or benefit of the institution, department, board, com-
23 mission, or state agency for which the same was appropriated or
24 provided, and all such moneys and funds are hereby appropriated
25 for the purpose. Such moneys and funds are hereby named "state
26 board of control funds." Whenever the appropriations by the
27 legislature are insufficient to pay the expenses of conducting any

28 of said institutions, the deficiency shall be certified by the state
29 board of control to the board of public works. Such certificates
30 shall state the name of the institution, the items and amount in
31 detail needed, and the board of public works may direct payment
32 of the same or any part thereof as provided in chapter sixteen
33 of the acts of one thousand nine hundred and four.

Sec. 8. The state board of control or one or more of its
2 members shall visit each of the institutions under its control and
3 management in whole or in part as often as may be necessary, and
4 may hold a regular meeting of the board at any such institution.
5 During any such visitation the board or any member thereof shall
6 thoroughly inspect all the departments thereof and investigate
7 the condition and management of the same; and for the purpose
8 of aiding any such investigation the board or any member thereof
9 shall have power to summon and compel the attendance of wit-
10 nesses, to be examined under oath, which any member shall have the
11 power to administer; and the board or any member thereof shall
12 have access to all books, papers and property necessary to any such
13 investigation, and may order the production of any books, papers
14 or property. Witnesses, other than employees of the state, shall
15 be entitled to the same fees as in civil cases in the circuit court.
16 In any investigation by the board, or by any member thereof, it or
17 he may cause the testimony to be taken in shorthand and tran-
18 scribed and filed in the office of the board as soon after the same is
19 taken as practicable. Any person refusing or failing to obey the
20 order of the board, or any member thereof, issued under the pro-
21 visions of this section, or to give or produce any evidence required,
22 shall be reported by the board or the member thereof conducting
23 the investigation to the proper circuit court or the judge thereof,
24 and such person so refusing or failing shall be dealt with by the
25 court or judge as for contempt.

Sec. 11. The state board of control is hereby authorized and
2 required to purchase all supplies for the proper support and main-
3 tenance of the institutions named in sections three and four,
4 and for any other institution, department, board, commission, or
5 other state agency, under its control or management in whole or in
6 part. Such supplies shall be purchased whenever practicable by
7 contract on competitive bids, and notice of the same shall be given,
8 whenever the board thinks best, by publication in at least two

9 newspapers of general circulation in the state for not less than
10 two weeks prior to the award made; and a written or printed
11 notice shall be sent to every manufacturer or dealer of or in the
12 article or commodities for which prices are desired who has re-
13 quested his name to be placed upon the mailing list. The contract
14 shall be awarded to the lowest responsible bidder, if the price be a
15 fair and reasonable one, and not greater than the market price.
16 The board is authorized to require such surety as it may deem
17 proper to accompany the bids submitted, and shall also fix the
18 amount of the bond or other security that shall be furnished by the
19 person, firm or corporation to whom the contract for any supplies
20 is awarded. The board shall have the power to reject any and all
21 bids submitted, if for any reason it is deemed to the best interests
22 of the state to do so, and to re-solicit bids in accordance with the
23 provisions of this section. The board may determine the kind and
24 character of animals to be slaughtered for meats for use in the
25 several institutions under its control and it shall make such rules
26 and regulations as may be necessary for the inspection of meats,
27 poultry, bread and other supplies intended for use in any of the
28 said institutions. In accepting bids for supplies preference shall
29 be given citizens of this state, other things being equal. When-
30 ever the board fail to make contracts for supplies the same
31 may be purchased by the chief officer in charge of an institution,
32 under such rules and regulations as shall be prescribed by the
33 board of control. It shall be the duty of the chief officer of each
34 institution named herein to cause to be prepared estimates of sup-
35 plies required for the proper conduct and maintenance of the
36 institution under his charge, covering periods to be fixed by the
37 board of control, and to forward the same to the board in accord-
38 ance with its directions. No member or officer of the board of
39 control, or of the state board of regents, and no person in their
40 employ and no officer or employee of any state institution shall
41 be directly or indirectly interested in the purchase of supplies, or
42 in any supplies purchased, nor in any contract, agreement or un-
43dertaking entered into by and for any of said institutions; and if
44 he be so interested he shall forfeit his office, such contract shall be
45 void, and such person shall be liable to the state upon his official
46 bond for all damages. No member of said board, no officer, agent
47 or employee thereof, and no officer of any institution under their

48 charge, shall directly or indirectly for himself or for another, or
49 for any such institution, receive or accept any gift or gratuity or
50 thing of value from any dealer in goods, merchandise or supplies
51 which are or may be used in such institutions, or from any person,
52 firm or corporation who are or may be interested in any contract
53 with such board for or on account of the state. Any violation
54 of this section shall be a misdemeanor, and be punished by a fine of
55 not less than twenty-five nor more than five hundred dollars.

Sec. 12. The state board of control is vested with authority
2 to employ competent architects for the preparation of plans and
3 specifications for all new buildings hereafter to be built by the
4 state, or for the repairing or remodeling of existing buildings, or
5 the construction of additions thereto; to employ competent persons
6 to superintend the work of constructing new buildings or of such
7 repairs, remodeling or additions, and to call for bids and award
8 contracts for such work. The board shall have authority to erect
9 any new building, or to make repairs or additions to, or changes
10 in, any building already constructed, without letting the same to
11 contract, or by employing thereon the labor of the inmates of any
12 institution of the state, whenever in the judgment of the board the
13 best interests of the state will be subserved thereby. The board
14 may also provide with contractors for the erection of new buildings
15 or for additions or repairs to old ones, to use thereon the labor of
16 such inmates. The board has authority, whenever in its judgment
18 a new building is needed by the state, or whenever it is necessary
19 to build an addition or make material repairs to a building already
20 in existence, with the approval of the governor, to employ a
21 competent architect or architects to make plans and specifications
22 therefor, and estimate of the cost thereof, for submission to the
23 next session of the legislature, to aid that body in making an ap-
24 propriation for the purpose. The governor may pay the cost of
25 such plans and specifications and estimates out of his civil con-
26 tingent fund, or the board may cause the same to be paid out of
27 the current expense fund or out of any appropriation made for
28 buildings and land or for repairs and improvements of the in-
29 stitution for which the building or work is designed. So far as
30 practicable, hereafter all buildings erected for the use of the state
31 shall be fire-proof.

Sec. 24. The state board of control shall have authority to

2 transfer patients from one institution for the insane, or from any
3 institution hereafter created for epileptics, feeble-minded, imbe-
4 ciles, or idiots, to any other institution for the insane, epileptics,
5 feeble-minded, imbeciles, or idiots; to transfer inmates from the
6 girls' industrial home, or the boys' industrial school, or the schools
7 for the deaf and the blind, to the homes for children or orphans;
8 to transfer insane, epileptic, feeble-minded, imbecilic, or idiotic
9 inmates from any institution of the state to any other state institu-
10 tion conducted for their care or treatment; and generally to
11 cause the transfer of any patient or inmate from any state institu-
12 tion, except the penitentiary, to any other state institution which
13 is better fitted for the care or treatment of such patient or inmate,
14 or for other good cause or reason.

Sec. 25. The state board of control shall have authority to
2 cause the head officer or any other officer of any institution, depart-
3 ment, board, commission, or other state agency, under its control
4 or management in whole or in part, or any of its own employees, to
5 give bond, conditioned for the faithful performance of the duties
6 of his office, and to account for and pay over all money and other
7 property of the state which shall come into his hands or control by
8 virtue of his office in such penalty as the board may deem proper;
9 and may provide that the surety in any such bond shall be a
10 surety or bonding company authorized to do business in this state,
11 and cause the premium for bonds so given to be paid out of the
12 current or contingent expense fund of the institution or board or
13 body with which the person so bound is connected. All such
14 bonds shall be subject to the approval of the state board of control;
15 and, when so approved, shall be filed with the treasurer of the
16 board and by him safely kept.

17 All acts and parts of acts coming within the purview of this
18 act, and inconsistent therewith, are hereby repealed.

CHAPTER 32.

(House Bill No. 149.)

AN ACT to amend and re-enact section twenty-nine-a of chapter one hundred and fifty of the Code of West Virginia, as last amended and re-enacted by chapter sixty-one of the acts of one thousand nine hundred and seven, relating to the practice of dentistry.

[Passed February 12, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.

- 29-a. (1.) West Virginia state dental board heretofore created to be continued; to consist of five practicing dentists, to make rules, etc. to carry out provisions of this act; to be appointed by the governor from state dental societies and graduates of dental colleges or reputable university, and actual residents for five years, except that person is not to be interested in dental college or dental supply business; term to be for five years; members of board now in office to continue until terms have expired or successors appointed and qualified; no person to serve to exceed two terms, and vacancies to be filled by governor.
- (2.) Officers, meetings and records; one member to be chosen president, one secretary-treasurer at annual meeting fourth Tuesday in June; board to meet oftener at place deemed proper to examine applicants for license and other business; to keep a record book for registry of all persons legally entitled to practice in state; majority to constitute quorum for transaction of business, and proceedings to be recorded and open at reasonable times for public inspection; secretary-treasurer to give bond in amount determined by board.
- (3.) License and registration; no person permitted to practice dentistry in state without first obtaining license and registering same; provision applies to all persons, except persons heretofore licensed and registered, or engaging practice before the passage of any law regulating same, application for license and how made, and fee authorized; requirements of applicant and examination; board may refuse license in certain cases.
- (4.) Persons licensed shall, before beginning practice, register license with county clerk of county or counties in which he desires to practice; fees for registration; duty of clerk as to report of registration; dentists holding licenses at time of enactment of this law to register within six months.
- (5.) License and certificate of registration to be at all times displayed in office of holder, and exhibit same to board or authorized agent.
- (6.) State board may refuse to issue license, suspend or revoke for cause; proceedings for hearing for suspension; president and secretary have power to administer oaths and may take oral or written proof; in cases of refusal to issue license, suspension or revocation, applicant

SEC.

- may appeal to the courts.
- (7.) Examination fee of \$25.00 authorized, with addition of \$2.00 for license or card; reasonable salary authorized for secretary-treasurer; annual report to governor on or before December 31, to show moneys received and disbursed.
- (8.) Biennial registration required of all persons now registered, and fee for renewal license; renewal valid for two years; notice, how given.
- (9.) Fraud in identification or qualification, or forged affidavit, a felony, to be punished according to law covering such offense.
- (10.) Dentistry defined; exceptions to regularly licensed physicians and surgeons and persons performing merely mechanical work in a dental office or laboratory.
- (11.) Form of license, and how signed.
- (12.) Unlawful to practice dentistry under name of company, association or corporation, except all members are qualified and individually responsible.
- (13.) Board may issue license to practitioner who removes to state under certain requirements, and provided such other state in like manner recognize license issued by W. Va. board.
- (14.) Special certificate authorized for practitioner leaving the state; form and contents.
- (15.) Fee for issuing license to practitioner from another state and this state, as provided in sections 13 and 14; to be paid before license is issued.
- (16.) Penalty for practicing dentistry without license, or violations of any provisions of this act for which no specific penalty is named, a misdemeanor; penalty for each act of dentistry and each day a separate offense; opening an office or announcement to the public deemed engaging in practice; exceptions as to *bona fide* student of dentistry.
- (17.) Failure, neglect or refusal to register license a misdemeanor; penalty.
- (18.) Fees collected hereunder paid to secretary-treasurer for fund to assist in enforcement of this act.
- (19.) Druggists authorized to fill prescriptions of licensed dentists.
- (20.) Nothing in this act to prevent students under competent instruction from performing dental operations.
- (21.) Secretary to file all records for future reference, and records in examinations to be kept by secretary one year.
- (22.) Act effective July 1, 1915. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-nine-a of chapter one hundred and fifty of the code, as last amended and re-enacted by chapter sixty-nine of the acts of one thousand nine hundred and seven, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 29-a-(1). That the West Virginia state board of dental examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to make such rules and regulations as are necessary to carry out the purposes and enforce the provisions of this act as hereinafter specified. The members of said board shall be appointed by the governor from the members, who are in good standing, of the West Virginia state dental society, and graduates of reputable dental colleges, schools or dental departments of a reputable university and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this state for a period of five years or more immediately preceding their appointment; *provided, however,* that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business. The term for which the members of said board shall hold office shall be five years; *provided,* that the present members of the board in office at the time of the passage of this act shall continue in office until their respective terms have expired and until their successors are appointed and qualified; and that no person so appointed shall serve to exceed two terms. All vacancies in said board shall be filled by the governor from said membership.

Officers, Meetings, Records, etc.

(2). The said board of dental examiners shall choose one of its members president and one secretary-treasurer thereof, at an annual meeting on the fourth Tuesday in June of each year. Said board may meet oftener if necessary, at the discretion of the board at such place as it may deem proper, for the examination of applicants who may desire to practice dentistry in this state and for the transaction of any other business that may come before it. Said board shall keep a record book in which shall be registered the names, addresses and license numbers of all persons legally

10 entitled to practice dentistry in this state. A majority of the
11 members of said board shall at all times constitute a quorum for
12 the transaction of business, and the proceedings of said board shall
13 be recorded in a minute book open at all reasonable times to public
14 inspection. The secretary-treasurer shall execute to the said board
15 bond, with approved security, for the faithful performance of his
16 duties, the amount of said bond to be determined by said board.

• *License and Registration and How Granted.*

(3). No person shall practice dentistry in this state or
2 attempt to do so after the passage of this act without first applying
3 for and obtaining a license for such purpose from the said West
4 Virginia state board of dental examiners, and registering such
5 license as herein provided, and this provision applies to all persons
6 whether they have heretofore practiced dentistry in this state or
7 not, except such persons as have been heretofore licensed and regis-
8 tered, or who were engaged in the practice of dentistry in the state
8-a of West Virginia before the passage of any law by said state
8-b regulating such practice. Application shall be made to the said
9 board in writing at least fifteen days previous to the date of such
10 examination for license and shall, in every instance, be accompanied
11 by a photograph of the applicant, and the examination fee of twen-
12 ty-five dollars, which sum is authorized to be charged for such ex-
12-a amination by said board. The applicant must be of good
13 moral character, at least twenty-one years of age at the
14 time of making the application, and the application of such person
15 seeking a license must be accompanied by satisfactory evidence
16 to said board that the applicant so applying is a graduate of and
17 has a diploma from the faculty of a reputable dental college, den-
18 tal school, or dental department of a reputable university, and
19 shall pass examination on the following branches: Anatomy,
20 physiology, bacteriology, histology, pathology, *materia-medica*,
21 anaesthetics, chemistry, metallurgy, oral-surgery, operative-dent-
22 istry, prosthetic-dentistry, crown and bridge work, gold and por-
23 celain inlays, or such others as the board may from time to time
24 deem proper. Examination must be both written and clinical,
25 and of such character as to thoroughly test the qualifications of
26 the applicant to practice dentistry; and the board may, in its dis-
27 cretion, refuse to grant license to any person they find guilty of
28 cheating, deception or fraud during such examination.

Registering License with County Clerk.

(4). Every person licensed to practice dentistry in this state by the said West Virginia state board of dental examiners, as herein provided, shall, before beginning the practice of dentistry, cause said license to be registered with the county clerk of the county or counties in which such person desires to engage in the practice of dentistry, by appearing before such clerk and filing his affidavit, showing that he has been examined and licensed as herein provided, and the county clerk of such county is authorized to charge a registration fee of fifty cents for each registration; and it is hereby made the duty of each county clerk in the state to furnish the West Virginia state board of dental examiners, on the first Monday in June, a list of all dentists registered in his county during the preceding year, this report to be made on tabulated blanks to be sent to said county clerk for that purpose.

All dentists holding license to practice dentistry in West Virginia at the time of the enactment of this law shall register their license with the county clerk, of counties in which they engage in the practice of dentistry, within six months after the passage of this act. Such registration books and other printing to be furnished by the state.

Display of License and Certificate of Registration.

(5). The license to practice dentistry herein provided, and the certificate of registration, shall at all times be displayed in a conspicuous place in the office of the holder thereof, and the person holding such license shall, whenever requested, exhibit the same to any of the members of the West Virginia state board of dental examiners or its authorized agent.

Revocation of License.

(6). The state board of dental examiners may refuse to issue license, or suspend or revoke the same, for any of the following causes:

The presentation to the board of any diploma, license or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized or irregular institution or state board; or the practice of any fraud or deception; the commission of a criminal operation or conviction of

10 a felony involving moral turpitude; or chronic or persistent
11 inebriety or addiction to drugs; or if the person holding such
12 license shall advertise to practice dentistry without causing pain,
13 or shall in any other manner advertise with a view of deceiving or
14 defrauding the public, or advertise to use any drug, nostrum,
15 patent or other proprietary drug or medicine of any unknown
16 formula, or be guilty of any grossly unprofessional conduct likely
17 to deceive or defraud the people.

18-19 In all proceedings for a suspension or revocation of license the
20 holder thereof shall be given thirty days notice to prepare for a
21 hearing, and he shall be heard in person or by counsel or by both.
22 The president and secretary of the state board of dental exam-
23 iners shall have the power to administer oaths in the hearing of
24 all matters arising in the course of their duties, and in such trials
25 as are herein referred to the state board of dental examiners
26 may take such oral or written proof for or against the complain-
27 ant, as it may deem advisable in the premises. In all cases of re-
28 fusal to issue license, suspension or revocation, the applicaut or
29 holder may appeal to the courts of the state within thirty days af-
30 ter such action by the state board of dental examiners.

Examination Fees and Compensation to Members of the Board.

(7). In order to provide the means for carrying out
2 and enforcing the provisions of this act, the said board shall
3 charge each person applying for an examination for a license to
4 practice dentistry in this state an examination fee of twenty-five
5 dollars, and in addition thereto a fee of two dollars for every li-
6 cense or duplicate license issued by said board. Said board shall
7 allow a reasonable salary to the secretary-treasurer for his ser-
8 vices. Said board shall make an annual report of its proceedings
9 to the governor on or before the thirty-first day of December each
10 year, showing all moneys received and disbursed by it pursuant to
11 this act.

Biennial Registration.

(8). In order to secure accurate registration lists of
2 the dentists in the state of West Virginia, every person now regis-
3 tered as a dentist within this state shall, within six months after
4 this act takes effect, make application to the secretary of the board

5 of dental examiners for renewal of such license, and if the board
6 of dental examiners shall find that such applicant has been le-
7 gally registered within this state, it shall issue to him a renewal
8 of such license, and for such services shall be entitled to charge
9 and collect a sum of one dollar. Said renewal shall be valid for
10 the period of two years from date of issuance. Notification of
11 the biennial renewal shall be given by the secretary of the board
12 of dental examiners at least thirty days prior to the expiration of
13 same.

Penalty for Fraud in Obtaining Certificate of Registration.

(9). Any person filing or attempting to file as his own
2 the diploma or license of another, or a forged affidavit of identifica-
3 tion or qualification, shall be deemed guilty of a felony and be pun-
4 ishable, upon conviction, according to the law of the state covering
5 such offense.

Dentistry Defined.

(10). Any person shall be regarded as practicing dent-
2 istry, within the meaning of this act, who shall diagnose or pro-
3 fess to diagnose, or treat, or profess to treat, any of the diseases
4 or lesions of the oral cavity, teeth, gums, maxillary bones,
5 or shall prepare or fill cavities in human teeth, correct
6 malposition of teeth or jaws, or supply artificial teeth as substi-
7 tutes for natural teeth, or administer anaesthetics, general or lo-
8 cal, or any other practice included in the curricula of recognized
9 dental colleges; *provided*, that nothing in this act shall be so con-
10 strued as to prevent regularly licensed physicians and surgeons
11 from extracting teeth or treating any disease coming within the
12 province of the practice of medicine; *provided, further*, that this
13 shall not be construed to prohibit an unlicensed person performing
14 merely mechanical work upon inert matter in a dental office or lab-
15 oratory, or extracting teeth.

Signature, Seal, Etc., on Licenses.

(11). All licenses issued by said board shall bear a serial
2 number, the full name of the applicant, the date of the issue,
3 the seal of the board, and be signed by a majority of the members
4 and attested by its president and secretary.

Unlawful to Practice Under the Name of a Company.

(12). It shall be unlawful for any person or persons
2 to practice or offer to practice dentistry or dental surgery under
3 the name of a company, association or corporation, except all mem-
4 bers of said company, association or corporation be legally licensed
5 dentists in West Virginia, and are individually responsible for
6 their own operations.

Dental Reciprocity.

(13). Said board may, at its discretion, after an oral
2 or clinical examination issue a license to practice dentistry. to a
3 legal and ethical practitioner of dentistry who removes to West
4 Virginia, and in which he or she conducted a legal practice of dent-
5 istry immediately preceding his or her removal; *provided,*
6 such applicant shall present a certificate from the den-
7 tal board, or a like board of the state or territory from which
8 he or she removes, certifying that he or she is a legal, competent
9 dentist, and of good moral character; and, *provided, further,* that
10 such certificate is presented to the West Virginia state board of
11 dental examiners within six months of the date of its issue and
12 that the board of such other state or territory shall permit in like
13 manner by law the recognition of licenses issued by the West Vir-
14 ginia state board of dental examiners when presented to such
15 other board by legal practitioners of dentistry from this state who
16 may wish to remove to or practice in such other state or terri-
17 tory.

Reciprocity on Leaving State.

(14). Any one who is a legal or competent practitioner
2 of dentistry in the state of West Virginia, and of good
3 moral character, and known to the board of dental examiners as
4 such, who shall desire to change his or her residence to another
5 state or territory or foreign country, shall, upon application to
6 said board of dental examiners, receive a special certificate over
7 the signature of the president and secretary of said board and
8 bearing its seal, which shall attest the facts above mentioned in
9 paragraph thirteen, and give the date upon which he or she was
10 registered and licensed.

Reciprocity Fees.

(15). The fee for issuing the license to a legal practitioner from another state, as provided in paragraph thirteen, shall be fifty dollars, and a fee for issuing a certificate to a legal practitioner in this state, as provided in paragraph fourteen, shall be five dollars, and in each case the fee shall be paid before the license or certificate respectively shall be issued.

Penalty for Practicing Without License or Certificate.

(16). Any person who shall practice or attempt to practice dentistry in this state without having been licensed and registered for that purpose, as herein provided, or shall violate any of the provisions of this act for which no specific penalty has been provided herein, shall be guilty of a misdemeanor and, on conviction, subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense, and each act of dentistry shall be deemed a separate offense and constitute a practice of dentistry within the meaning of this act, and each day that a person may hold himself out as practicing in his own or any name, shall be deemed a separate offense. The opening of an office for the practice of dentistry, or to announce to the public in any way a readiness to do any act defined herein as being dentistry, shall be deemed as engaging in the practice of dentistry within the meaning of this act.

Nothing in this act shall apply to a *bona fide* student of dentistry in the clinic rooms of a reputable dental college, or under the direct supervision of a preceptor who is a licensed dentist in this state.

(17). Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry from the state board of dental examiners to register said license with the county clerk of county or counties in which he or she is practicing within six months from the date of issuance of such license, or failure to comply with paragraph eight of this act, shall be a misdemeanor, and upon conviction thereof the offender shall be fined the sum of ten dollars.

Disposition of Fines and Fees.

(18). All fees collected under the provisions of this

2 act shall be paid to the secretary-treasurer of the West Virginia
3 board of dental examiners for the creation of a fund to assist in
4 the enforcement of this act.

Druggists May Fill Dentists' Prescriptions.

(19). Legally licensed druggists of this state may fill
2 prescriptions of legally licensed dentists of this state for any drug
3 necessary to the practice of dentistry.

(20). This act shall not prevent students from per-
2 forming dental operations under the supervision of competent in-
3 structors within a dental school, college or dental department of
4 a university recognized by the national association of dental ex-
5 aminers.

(21). The secretary of the state board of dental ex-
2 aminers shall file all records and transactions of the business of
3 said board for future reference, and all manuscripts used in any
4 examination shall be filed by said secretary with the secretary of
5 state for safe keeping for a period of one year.

(22). This act shall become effective on July the first,
2 one thousand nine hundred and fifteen.

3 All acts or parts of acts not included in this act are hereby
4 repealed.

CHAPTER 33

(Senate Bill No. 101.)

AN ACT to regulate the practice of veterinary surgery, veterinary
medicine and veterinary dentistry, to create a veterinary exam-
ining board in the state of West Virginia, and prescribing its
duties and penalty for the violation thereof.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

- Sec.
1. Unlawful for any person to practice veterinary surgery, or veterinary medicine, etc., except a registered veterinarian; exceptions as to simple operations or student under supervision of preceptor, or gratuitous services in case of emergency.
 2. Persons resident of state and who have practiced for two years

- Sec.
- prior to passage of this act permitted to register as practicing veterinarians upon payment of fee.
 3. Person a graduate of a veterinary college of another state, recognized by the American veterinary medical association allowed to register as graduate veterinarian, provided like privilege

- is accorded licentiates of this state.
4. After this act takes effect persons allowed to register after taking satisfactory examination, or who have practiced for ten years in state; examination and what it shall consist of.
5. Governor within thirty days to appoint three competent veterinarians, not more than two of same political party and graduates of at least two different colleges, to constitute examining board; terms of members six years unless removed by governor for cause; qualifications of members and oath of office; organization and how effected; term of president and secretary to be two years; shall adopt a common seal to be fixed to all certificates.
6. Members to receive travelling and incidental expenses for time of holding examinations.
7. Board to hold examinations at such times and places as deemed necessary, and at least once each year.
8. Applicant for registration to make required affidavit before county clerk and forward same to secretary of examining board with fee; applicants under section four, to file application and fee with secretary five days before date of examination.
9. Fee for certificate to practice, five dollars; in case of failure on examination, applicant may re-

- turn at any regular meeting without extra charge; fees to be paid into state treasury to be held as separate fund for payment of expenses maintaining board fund appropriated and auditor directed to issue warrants on certificates of board officers.
10. Persons violating provisions of this act guilty of misdemeanor; penalty.
11. Person a registered veterinarian who complies with either sections two, three or four, recorded and furnished with certificates under seal.
12. Practicing veterinarian defined.
13. Board of examiners to keep a register of practitioners to whom certificates are issued; what to contain; records *prima facie* evidence, and open to public inspection at all reasonable times; secretary to publish once a year names of graduates and registered practitioners.
14. President and secretary have authority to administer oath and take testimony.
15. Person registering or receiving a certificate to pay annual license tax of \$1.00; fees to be paid to secretary and turned into state treasury to credit of fund for enforcing this act.
16. Duty of prosecuting attorney, in case of offenses, upon information of board or state department of agriculture.
- Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person in the state of West Virginia to engage in the practice of veterinary surgery, veterinary medicine, or veterinary dentistry, or to prescribe treatment for, or perform any surgical operation upon any domestic animal, for compensation, directly or indirectly, except such person be a registered veterinarian; *provided*, that no person shall be prohibited by this act from performing the simple operation of castrating, speying, dehorning, and the use of blackleg vaccine and hog cholera serum; and nothing in this act shall be construed to prohibit a student from prescribing under supervision of a preceptor, or to prohibit gratuitous services in case of emergency or to prohibit the giving of such services and charging therefor, when the services of a licensed veterinarian cannot be had within a reasonable time or at a reasonable cost.

Sec. 2. Any person who has been a resident of and who has practiced veterinary surgery, veterinary medicine, or veteri-

3 nary dentistry in the state of West Virginia for two years prior
4 to the passage of this act, or who has been a resident of an ad-
5 joining state, and has had a practice established within this
6 state for two years prior to the time that this act shall take
7 effect, upon complying with section eight of this act within
8 sixty days from the time the examining board hereinafter pro-
9 vided for shall be organized, shall be allowed to register as a
10 practicing or graduate veterinarian upon the payment of the reg-
11 istration fee of five dollars.

Sec. 3. Any person who is a graduate of a veterinary col-
2 lege, which is recognized by the American veterinary medical
3 association, shall, upon complying with section eight of this act,
4 within ninety days after this act takes effect, be allowed to regis-
5 ter as a veterinarian. The veterinarian examining board herein-
6 after provided for shall be sole judge of the genuineness of the
7 diploma held by such graduate, and in lieu of such examination
8 may accept a diploma and require no examination, at the discre-
9 tion of the examining board; *provided*, that the veterinary ex-
10 amining board may accept in lieu of an examination, the cer-
11 tificate of license to practice veterinary surgery, veterinary med-
12 icine and veterinary dentistry, legally granted by the board of
13 registration or examination or licensing board of any other state,
14 territory, district, or other foreign country, whose standard of
15 qualifications for practice of veterinary medicine, veterinary sur-
16 gery or veterinary dentistry is equivalent to that of this state.
17 The veterinary examining board may grant to the said appli-
18 cant a license or certificate to practice veterinary medicine, vet-
19 erinary surgery, or veterinary dentistry in this state; *provided*,
20 such other state, territory, district or foreign country shall ac-
21 cord like privileges to such licentiates of this state.

Sec. 4. After the date on which this act shall take effect,
2 any person shall be allowed to register as a veterinarian who shall
3 have passed a satisfactory examination held by the examining
4 board, or who has practiced as a veterinarian for ten years, or
5 more, in this state. The examination of an applicant for registra-
6 tion as a veterinarian, a veterinary surgeon or veterinary dentist
7 shall consist of all branches pertaining to veterinary science, and
8 shall be sufficiently strict to test the qualifications of the applicant
9 as a practitioner.

Sec. 5. The governor shall, within thirty days after this

2 act takes effect, appoint three competent veterinarians, not more
3 than two of whom shall belong to any one political party, and
4 who must be graduates of at least two different colleges, and who
5 shall constitute the examining board. One member of the exam-
6 ining board shall be appointed for a term of two years, one
7 for a term of four years, one for a term of six years, and all sub-
8 sequent appointments shall be for the full term of six years. The
9 members of the examining board shall hold office during the pe-
10 riod aforesaid unless removed from office by the governor for
11 cause. Each appointed member of said examining board shall be
12 a graduate of some recognized veterinary college, and shall give
13 the governor, before his appointment, good evidence of recog-
14 nized practical and scientific knowledge of the diseases of do-
15 mestic animals and their treatment, and each member shall have
16 practiced in the state for five years prior to the time of his ap-
17 pointment, and shall not be connected, financially or as a profes-
18 sor or director, with any veterinary school or college. Each mem-
19 ber of the examining board shall take and subscribe the oath
20 prescribed by law for state officers, which oath shall be filed with
21 the secretary of state. The board shall organize by the selection
22 of a president and secretary from among their own number, who
23 shall serve as president and secretary of the board during the
24 term of two years. The board shall adopt a common seal, which
25 shall be affixed to all certificates issued by them, and the president
26 and secretary shall sign such certificates.

Sec. 6. The members of the veterinary examining board
3 shall receive necessary traveling and incidental expenses for the
3 time actually employed in holding examinations of applicants for
4 registration as veterinarians.

Sec. 7. It shall be the duty of the veterinary examining
2 board to hold examinations at such times and places as may be
3 deemed necessary by the said board. Such examinations shall
4 be held at least once a year at the annual meeting of the state
5 veterinary medical association.

Sec. 8. Any applicant for registration as a veterinarian
2 under section two of this act, shall go before the county clerk of
3 the county in which he lives and make affidavit giving such infor-
4 mation as may be required by the veterinary examining board.
5 With such affidavit the applicant shall forward to the secretary of
6 the examining board the registration fee. Any person desiring

7 to take the examination for registration under section four of
8 this act, shall file his application with the secretary of the exam-
9 ining board, and forward therewith the examination fee at least
10 five days before date of the examination.

Sec. 9. In order to provide means to carry out and main-
2 tain the provisions of this act the said veterinary examining board
3 shall charge each person applying to it for a certificate to prac-
4 tice veterinary surgery, veterinary medicine or veterinary dent-
5 istry, a fee of five dollars; and, should the examination prove
6 unsatisfactory, and the veterinary examining board refuse to issue
7 a certificate thereon, the applicant failing to pass such examina-
8 tion, may return at any regular meeting thereafter and be exam-
9 ined without extra charge. All fees so received from applicants
10 for certificates shall be paid into the state treasury, and shall be
11 held by the state treasurer as a separate fund to be disbursed only
12 in payment of expenses of maintaining said veterinary examining
13 board; and said fund is hereby appropriated for said purpose and
14 no other money shall be paid out of the state treasury for car-
15 rying out the provisions of this act. The state auditor shall is-
16 sue his warrant on the state treasurer for all payments to be
17 made out of said funds on the certificate of the president and
18 secretary of the veterinary examining board.

Sec. 10. Any person who shall violate any of the provis-
2 ions of section one of this act shall be guilty of a misdemeanor and
2 shall be punished by a fine of not less than fifty dollars nor more
4 than five hundred dollars, or by imprisonment in the county jail
5 not less than one month nor more than six months, at the discre-
6 tion of the court.

Sec. 11. Any person shall be regarded as a registered vet-
2 erinarian who has complied with either sections two, three or
3 four of this act, and has been recorded as such, and furnished
4 with a certificate of registration under the seal of the veterinary
5 examining board, and whose license has not been revoked.

Sec. 12. Any person shall be regarded as practicing veteri-
2 nary medicine, or veterinary dentistry within the meaning of this
3 act who shall profess publicly to be a veterinarian; and, for a
4 compensation, prescribe for afflicted animals or perform any sur-
5 gical or dental operation upon a domestic animal, except as provid-
6 ed in section one of this act, or who shall append to his name the

7 title "veterinarian," "veterinary surgeon," "veterinary dentist," or
8 any other title or abbreviation which would indicate that he is a
9 veterinarian.

Sec. 13. It shall be the duty of said board of examiners to
2 keep a register of all practitioners to whom certificates are issued
3 under the provisions of this act, and to register the name, age and
4 time spent in study and practice of veterinary medicine or veteri-
5 nary dentistry, as the case may be; and if a graduate, the name
6 and location of the school granting his diploma. Such records
7 shall be *prima facie* evidence of all matters therein recorded, and
8 shall be open to public inspection at all times, within reason-
9 able hours, at the office of the secretary of the board. The sec-
10 retary shall publish once a year the names of the graduates and
11 the registered practitioners in some state paper.

Sec. 14. The president and secretary of the board shall
2 have the power and authority to administer oaths, and take tes-
3 timony in all matters relating to the duties of the board of exam-
4 iners.

Sec. 15. Any person registering or receiving a certificate
2 under any of the preceding sections and desiring to practice vet-
3 erinary medicine, veterinary surgery or veterinary dentistry in
4 West Virginia, shall on or before the first day of July of each
5 year pay to the secretary of the examining board an annual li-
6 cense tax of one dollar, upon receipt of which the secretary of the
7 examining board shall issue to him an annual license to practice
8 veterinary medicine, veterinary surgery and veterinary dentistry
9 in any of the counties of this state. Immediately upon receipt of
10 such license fee or fees, the secretary of the examining board shall
11 pay the same into the state treasury to be set apart in the fund
12 provided for carrying into effect the provisions of this act.

Sec. 16. It shall be the duty of the prosecuting attorney, in
2 the county in which offenses are committed against the provisions
3 of this act, to prosecute the same upon information furnished by
4 the veterinary examining board or the state department of agri-
5 culture.

Sec. 17. All acts or parts of acts in conflict with this act
2 are hereby repealed.

CHAPTER 34.

(Senate Bill No. 236.)

AN ACT to amend and re-enact section 29-b-III of chapter one hundred and fifty of the code of one thousand nine hundred and thirteen, serial section fifty-three hundred and ninety-two, relating to the appointment of the board of pharmacy, and limiting the number of members of said board to five.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

Sec.

29-b-III. Board of pharmacy to consist of five members, voters and licensed pharmacists actively engaged, appointed by governor with consent of senate, each for five years, one each year as terms of present members expire; persons appointed during recess of senate to serve until

next session; vacancies to be filled by governor for unexpired term; majority of board a quorum for business; president and secretary have power to administer oaths on all matters relating to examination and registration.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section 29-b-III of chapter one hundred and fifty of the code of one thousand nine hundred and thirteen, serial section fifty-three hundred and ninety-two, be amended and re-enacted so as to read as follows:

Section 29-b-III. The board of pharmacy shall consist of five
2 members, who shall be voters of this state, licensed as pharma-
3 cists and actively engaged in the practice of pharmacy, appointed
4 by the governor by and with the advice and consent of the senate,
5 each for the term of five years; one member to be appointed each
6 year as the terms of office of the present members shall respective-
7 ly expire. Any person appointed in the recess of the senate shall
8 serve until the next meeting of the senate; vacancies shall be
9 filled by appointment by the governor for the unexpired term; a
10 majority of the board shall constitute a quorum for the trans-
11 action of business; the president and secretary shall have power to
12 administer oaths in all matters relating to the examination and
13 registration of pharmacists and assistant pharmacists.

14 All acts and parts of acts inconsistent herewith are hereby re-
15 pealed.

CHAPTER 35.

(House Bill No. 112.)

AN ACT to prevent the introduction and spread and to provide for the control of the San Jose scale and other dangerous insects and dangerously injurious plant diseases affecting nursery, orchard, forest and shade trees, shrubs, vines, cuttings, seeds and bulbs, or affecting plants or parts of plants of any kind, or such as may harbor such injurious insect pests or plant diseases; to provide for the sale of trees, vines and shrubbery, and to require agents to be licensed and to pay a fee therefor; to prevent false labeling and misrepresentation; to provide penalties for the violation of its provisions; to repeal chapter forty-eight of the acts of the legislature of one thousand nine hundred and three; chapter sixty one of the acts of the legislature of one thousand nine hundred and five; chapter seventy-two of the acts of the legislature of one thousand nine hundred and seven; and chapter fourteen of the acts of the legislature of one thousand nine hundred and thirteen.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. Commissioner of agriculture hereinafter designated "commissioner", to appoint state entomologist; salary to be fixed by commissioner with consent of board of control; commissioner to prepare list of dangerously injurious insects affecting plants or products of plants and cause list to be published, and provide rules of procedure for state entomologist to investigate, control and eradicate same; failure to comply with regulations a misdemeanor.
2. Terms construed: (a) singular and plural interchangeable; (b) "person" to include corporations, etc.; (c) "plant" or "plants" to include nursery stock, etc.; (d) "insect" and "plant diseases" to include any stage; (e) "nursery stock" all field-grown florist stock, etc.; (f) "nursery" means grounds or premises; (g) "nurseryman", person owning or leasing nursery; (h) "dealer", person who buys or sells nursery stock; (i) "agent", person selling under control of a nurseryman.
3. Unlawful to permit insect or plant disease to exist in or on premises, unless efforts are made to eradicate, and sale of stock affected unlawful.

SEC.

4. State entomologist to mark or tag infested plants and prescribe treatment; notice to be given owner and commissioner; exceptions as to notice upon non-resident or foreign corporation.
5. In case of objection to order of state entomologist appeal is to the commissioner within ten days; procedure; commissioner has power to summon witnesses, administer oaths and hear testimony; in case commissioner is unable to be present suitable person may be appointed in his stead; what to be done in case of dismissal of appeal.
6. In case of objection to order of state entomologist, remedy of owner; filing of notice no stay of proceedings; if amount of damages cannot be agreed upon, matter to be settled by arbitration; decision final, except by court procedure; in case of court finding in favor of property owner damages to be paid by county court out of general fund, to be reimbursed one-half the amount by commissioner; exceptions; no action taken to abate damages to owner's premises; pay and qualification of arbitrators; expense of removing infestation under this act a charge against

SEC.

- owner of real estate, to be paid sheriff; procedure for collection.
7. Commissioner, his agents, state entomologist, etc., empowered to enter premises, public or private, for inspecting, destroying or treating insects or plant diseases, and refusal of permit is a misdemeanor; may proceed by injunction.
 8. State entomologist authorized to appoint assistants to be furnished with official badges; restrictions as to local inspectors; pay of assistants and local inspectors; duty of local inspectors as to expense account and costs.
 9. Prior to October 15, of each year, all nursery stock to be inspected and certificate of condition issued.
 10. State entomologist empowered to prohibit and prevent removal or shipment of plant material which contains infected nursery stock or other material; unlawful to ship after notice.
 11. Persons desiring to sell or ship nursery stock shall make application in writing before July 1, of each year; liability in case of failure.
 12. Person receiving nursery stock from foreign country to notify state entomologist so that inspection may be made; in case of infection what to be done.
 13. Unlawful for nurseryman to deliver or give any nursery stock not duly inspected or with certificate or permit attached to package; provision as to receipt of nursery stock from other states; transportation companies to notify state entomologist of shipment; each violation a misdemeanor.
 14. Unlawful to sell, deliver or give away within this state any nursery stock, plants, etc., unless certificate of registration has been procured from the commis-

SEC.

- sioner; what certificate shall contain; certificate may be cancelled for violation of regulations; fee for certificate of registration; certificates expire June 30, each year, and sales without a certificate a misdemeanor.
15. Dealers required to secure dealer's certificate; how secured.
 16. Dealers to file names of traveling salesmen or agents with state entomologist; certificate to be in possession of agent.
 17. In addition to certificate of inspection required in section thirteen, packages to bear label specifying name and variety; nothing herein to deprive purchaser of remedy at law in civil action to recover damages for misrepresentation; legal proceedings, and duty of purchaser.
 18. Wilful misrepresentation of nursery stock offered for sale a misdemeanor; copies of literature advertising nursery stock to be furnished state entomologist.
 19. Violations of any section of this act a misdemeanor, penalty.
 20. Duty of prosecuting attorney in enforcement of provisions of this act; justices of the peace have jurisdiction to enforce misdemeanor penalties.
 21. State auditor to reserve all moneys received under provisions of this act as a fund to be used in payment of services and expenses.
 22. All charges against appropriations to be upon itemized vouchers certified by state entomologist and commissioner.
 23. Chapter fourteen, acts of 1913, chapter seventy-two, acts of 1907, chapter sixty-one, acts of 1905, chapter forty-eight, acts of 1903, and all other inconsistent acts repealed.
 24. Act in force on and after July 1, 1915.

Be it enacted by the Legislature of West Virginia:

That chapter forty-eight of the acts of the legislature of one thousand nine hundred and three; chapter sixty-one of the acts of the legislature of one thousand nine hundred and five; chapter seventy-two of the acts of the legislature of one thousand nine hundred and seven; and chapter fourteen of the acts of the legislature of one thousand nine hundred and thirteen, are hereby repealed, and that in lieu thereof, the following provisions be enacted:

Section 1. That the commissioner of agriculture, hereinafter called the "commissioner," shall appoint a qualified entomologist and plant pathologist, hereinafter called "state entomologist," and shall fix his compensation, by and with the consent of the board

4-a of control and the state entomologist and his assistants
5 and inspectors shall, acting and being under the authority of the
6 commissioner, be charged with and perform such duties as
7 are hereinafter specified. The commissioner shall, from time
8 to time, after due consideration, prepare a list of such dangerously
9 injurious insect pests and diseases of plants affecting nursery, or-
10 chard, forest and shade trees, shrubs, vines, cuttings, seeds and
11 bulbs, or affecting plants or parts of plants of any kind, or such
12 plants or products of plants as may harbor such injurious insects or
13 plant diseases, as may properly, within his judgment, be controlled
14 or eradicated, and he shall cause such list to be published, along
15 with particular specifications as to the nature and appearance of,
16 and the manner in which said pests are generally disseminated.
17 The commissioner shall, from time to time, provide rules and regu-
18 lations under which the state entomologist shall proceed to investi-
19 gate, control, eradicate and prevent the dissemination of the said in-
20 sect pests and plant diseases and to treat or destroy such plant or
21 parts of plants or products of plants as may harbor such injurious
22 insects or plant diseases, as far as may be possible, and these rules
23 and regulations shall have the full force and effect of law so far as
24 they conform to this act and the general laws of this state and of
25 the United States; and any person who fails or refuses to comply
26 with the orders or directions issued in writing under regulations
27 provided by the commissioner, shall be guilty of a misdemeanor.

Sec. 2. The terms used in this act shall be construed as fol-
2 lows:

3 (a) The singular and plural forms of any word or term
4 in this act shall be construed as interchangeable and equivalent
5 within the meaning of the act.

6 (b) The term "person" shall include corporations, com-
7 panies, societies, associations, partnerships or any individual or
8 combination of individuals. When construing and enforcing the
9 provisions of this act, omission, or failure of any officer, agent,
10 servant or other individual acting for or employed by any person
11 as above defined within the scope of his employment or office,
12 shall in every case be also deemed to be the act, omission or fail-
13 ure of such person as well as that of the individual himself.

14 (c) The term "plant" or "plants" shall include nursery
15 stock, orchard, forest, and shade trees, vines, cuttings, seeds, and

16 bulbs, plants or parts of plants of any kind, or the products of the
17 foregoing.

18 (d) The terms "insects" and "plant diseases" appearing in
19 this act shall be construed to include any stage or stages of
20 development of the aforesaid insects or plant diseases.

21 (e) The term "nursery stock" shall include all field-grown
22 florist stock, trees, shrubs, vines, cuttings, grafts, scions, buds,
23 fruitpits and other seeds of fruit and ornamental trees and shrubs,
24 and other plants and plant product for propagation, except field,
25 vegetable, and flower seeds, bedding plants, and other herbaceous
26 plants, bulbs and roots.

27 (f) The term "nursery" shall be construed to mean any
28 grounds or premises on or in which nursery stock is propagated
29 and grown for sale, or any grounds or premises on or in which
30 nursery stock is being fumigated, treated, packed or stored.

31 (g) The term "nurseryman" shall mean the person who
32 owns, leases, manages or is in charge of a nursery.

33 (h) The term "dealer" shall be construed to apply to any
34 person not a grower of nursery stock who buys nursery stock for
35 the purpose of re-selling and re-shipping, independently of any
36 control of a nursery.

37 (i) The term "agent" shall be construed as applying to
38 any person selling nursery stock under the partial or full con-
39 trol of a nurseryman, or of a dealer or other agent. This term
40 shall also apply to any person engaged with a nurseryman, dealer
41 or agent in handling nursery stock on a co-operative basis.

Sec. 3. It shall be unlawful for any person in this state
2 knowingly to permit any dangerous insect or plant disease to ex-
3 ist in or on his premises, unless efforts are being made to eradi-
4 cate such dangerous insects or plant diseases as may exist. It
5 shall also be unlawful to sell or offer for sale any stock infested
6 or infected with such insect or disease.

Sec. 4. That should the state entomologist, his assist-
2 ants or local inspectors, find any plants infested or diseased with
3 or harboring insects, or diseases published by the commissioner as
4 dangerously injurious, the aforesaid officers shall mark or tag or
5 otherwise specifically designate all such plants infested with or har-
6 boring the aforesaid insects or diseases. The state entomologist
7 shall have power, under the rules and regulations of said commis-
8 sioner, to determine the nature and method of treatment, includ-

9 ing destruction, to which any such infested or diseased plants har-
10 boring dangerously injurious insects or plant diseases shall be
11 subjected, and he shall give notice of his findings in print or writ-
12 ing to the owner of the infested premises or plants, his agents or
13 tenants or persons in charge of the infested premises, and a copy
14 of such notice shall be submitted to the commissioner, and there
15 shall accompany each and every such notice specific directions as
16 to the treatment or destruction of the infested plants harboring
17 such dangerously injurious insects or plant diseases, which direc-
18 tion may be in printing or writing, together with a copy of this act
19 and all rules and regulations of the commissioner. Service of such
20 a notice may be made in the manner prescribed by chapter one hun-
21 dred and twenty-one of the code for the services of notices, except
22 that should the person upon whom it is desired that notice should
23 be served be a non-resident or a foreign corporation, then the no-
24 tice may be served by delivering a copy thereof to the tenant or
25 other person in charge of the premises, or if the tenant or other
26 person in charge be not found, then upon any member of their
27 family, or by posting the notice at the usual place of abode the
28 same as though the tenant or other person in charge should be the
29 owner; or if there be no tenant or other person in charge, notice
30 posted at two conspicuous places on the affected premises shall be
31 regarded as sufficient service five days next after the posting of
32 such notice.

Sec. 5. In case of objection to the order of the state en-
2 tomologist for the reason that no disease or infestation exists, an
3 appeal shall lie from said order to the commissioner, which appeal,
4 however, must be made within ten days next after the service of
5 notice. The owner shall notify the commissioner of his appeal by
6 mail, addressed to the place or point indicated in the rules and
7 regulations of the commissioner, and the appeal shall proceed un-
8 der the rules and regulations of the commissioner, and shall act
9 as a stay of proceedings until it is heard and decided.

10 All hearings or appeals brought before the commissioner shall
11 be heard at such point convenient to the complainant, as the com-
12 missioner shall decide. The commissioner shall have power to sum-
13 mon witnesses, administer oaths and hear testimony; *provided,*
14 *however,* that if the commissioner for any reason cannot be pres-
15 ent in person at any such hearings he may appoint a suitable person
16 to conduct such hearings in his stead, which person so

17 appointed to conduct said hearings, shall perform the
17-a same duties and have the same powers as are herein vested
17-b in the commissioner. If an appeal be taken because such in-
18 festation or disease does not exist and the appeal dismissed, and
19 such person or persons so notified shall not within ten days after
20 notification of the dismissal of the appeal, as hereinbefore set out,
21 destroy or treat the same in accordance with said notice, then the
22 state entomologist, his assistants or employees, shall destroy or
23 treat all such plants.

Sec. 6. If any owner finds objection to the order of the
2 state entomologist for the reason that said order will cause to be
3 destroyed property which is of value to said owner, then the owner
4 shall thereupon notify the state entomologist, in writing, the
5 amount of damages he will claim by reason of destruction of the
6 said property. The filing of said notice, however, shall not act as
7 a stay of said proceedings, but the state entomologist or his assist-
8 ants, shall proceed to appraise the damage to said property, and if
9 the said state entomologist or his assistants, and the owner agree
10 upon the damage for which indemnity is claimed, then each of
11 them shall sign a statement to that effect, which shall be forward-
12 ed to the commissioner. If the amount of damage cannot be
13 agreed upon by the state entomologist and the owner, then on the
14 same day the owner shall notify the state entomologist, or his as-
15 sistants, in writing, of his disagreement. The amount of damage
16 shall then be determined by arbitrators, one to be appointed by the
17 state entomologist, or his assistants, and one by the owner, and
18 these two arbitrators shall select a third arbitrator, the decision of
19 any two of whom shall be final, subject, however, to appeal by either
20 party to the circuit court of the county in which the property so
21 ordered to be destroyed is located. A copy of the award of the
22 arbitrators shall immediately be forwarded to the commissioner,
23 which appeal shall be heard and determined by said circuit court in
24 accordance with the usual rules of procedure. If the circuit court
25 on hearing and determining such appeal, finds for the property
26 owner the amount of damages so ascertained, it shall be paid to the
27-8 property owner by the county court of the county in
29 which the property is located, out of the general fund of the county
30 treasury. The county shall be reimbursed for one-half of the dam-
31 age paid by it, and the county court shall draw its warrant against
32 the commissioner for one-half of the damage paid by said county

33 court, which shall, when approved by the commissioner, be paid
34 as other bills against said commissioner; *provided, however,* that
35 when in his judgment, the interest of the state warrants such ac-
36 tion, the commissioner may reimburse the county for more than
37 one-half of the damage paid.

38 No action of any character taken shall abate the damages, if
39 any, suffered by any person by reason of the owner's premises har-
40 boring injurious insects, or plant diseases. Arbitrators shall be
41 paid not to exceed three dollars per diem, which amount shall be
42 paid by the commissioner from funds appropriated for the purpose
43 of carrying out the provisions of this act, if the decision made is
44 more than that offered to the owner by the state entomologist, or
45 his assistants. But if the compensation is no more than that offer-
46 ed by the state entomologist or his assistants, then the owner shall
47 pay the cost of the arbitration. Arbitrators must be citizens of the
48 state, of good moral character and owners of real estate.

49 The necessary expense shall be paid by the owner or owners of
50 the real estate from which said infestation has been removed in
51 pursuance of this act. The state entomologist shall ascertain the
52 amount of such charge, cause to be served upon said owner or any-
53 one in possession and in charge of such real estate, a notice
54 stating the amount of said charge, or if no person be found in
55 charge by posting the notice as set out in this section, by items, and
56 further stating that if said charge be not paid to the sheriff of the
57 county wherein said real estate is located within twenty days from
58 the date of the service of said notice, that the same shall become a
59 lien upon the real estate. Copy of said notice including the
60 amount of said charge together with the proof of service shall be
61 at once filed with the sheriff, and if said amount is not paid to the
62 sheriff within the time therein stated, said amount shall become a
63 lien on said real estate and shall be collected as delinquent taxes
64 are collected, the sheriff adding thereto a commission of ten per
65 cent. of the entire amount as compensation to him for collection,
66 and said real estate shall be sold for the non-payment of said
67 charges the same as now, or may hereafter be provided by law for
68 sale of real estate for delinquent taxes, and at the same time. If
69 the sheriff is unable to collect the same within thirty days, next
70 after the twenty days shall have expired, the county court shall
71 draw an order and pay such charges out of the general fund of the
72 county. When said amount is collected by the sheriff it shall be

73 paid back into the general fund of said county. The sheriff shall
74 forward to the state treasurer on the first of each month all
75 amounts due the commissioner. These amounts shall be paid into
76 the general fund of the commissioner.

77 When the copy of the notice is sent to the sheriff, the state
78 entomologist shall forward a copy also to the county clerk of said
79 county, and the same shall be entered upon the proper judgment
80 lien docket, and, when so received and indexed by the clerk, shall
81 be notice to all subsequent purchasers and creditors. This lien
82 created by this section shall be superior to all other liens upon the
83 property, except taxes, and, in incorporated cities, towns and vil-
84 lages, the lien shall be superior to all other liens, except taxes and
85 assessments for sewerage, paving and other public improvements.
86 The lien, when paid, shall be released by the sheriff.

Sec. 7. The commissioner, his agents or employees, the
2 state entomologist, assistants, local inspectors, and all persons in
3 their employ, are hereby empowered with authority, during reas-
4 onable working hours, to enter upon any public or private premises
5 for the purpose of inspecting, destroying or treating insects or
6 plant diseases determined and punished by the commissioner to
7 be dangerously injurious, or such plants as may harbor such in-
8 jurious insect pests or plant diseases as prescribed in section
9 one of this act. Any person who shall refuse to allow inspection
10 of premises under his care or control or who shall obstruct or
11 hinder the commissioner, his agents or employees, the state ento-
12 mologist, assistants, local inspectors, and all persons in their em-
13 ploy, in the discharge of their duties, shall be guilty of a misde-
14 meanor. A mandatory injunction brought in the name of the
15 commissioner will also lie against the owner to compel submission
16 to such inspection.

Sec. 8. The state entomologist shall have power to ap-
2 point, by and with the consent of the commissioner, assistants and
3 local inspectors who shall be furnished with official badges or other
4 evidence of authority, which shall be carried while on duty. An
5 assistant, under this act, shall have the same power as the state
6 entomologist; except he shall be under the direction of and re-
7 sponsible to the state entomologist.

8 A local inspector, under this act, shall have the power to in-
9 spect, but shall report to the state entomologist or to whomsoever
10 he shall direct. But a local inspector shall only have such juris-

11 diction as to territory as may be given him by the state ento-
12 mologist.

13 .An assistant shall be paid by the commissioner. A local
14 inspector shall be paid by the county court, and his compensation
15 shall be fixed by the commissioner, and shall not be less than two
16 dollars per day nor more than three dollars per day while actually
17 employed. The county court shall also pay his expenses. Local
18 inspectors shall file with the commissioner of agriculture, on blanks
19 to be furnished by him and under such regulations as he may
20 prescribe, itemized accounts of the expenses and costs incurred in
21 the performance of their duties, and a statement of the days ac-
22 tually occupied in the performance of the duties hereinbefore pre-
23 scribed, and the same, if found to be correct, shall be approved by
24 him and forwarded to the county court of the county in which
25 said inspector is employed, and shall be allowed and paid by said
26 court out of the general funds of said county, except that the
27 said county court shall not be compelled to pay on account of
28 local inspectors more than two hundred and fifty dollars in any
29 one year; but the county court of any county may pay any sum
30 in excess of two hundred and fifty dollars that it may deem proper.

Sec. 9. Prior to October fifteenth of each year the state
2 entomologist, or his assistants, shall inspect all nursery stock
3 grown in the state, and the state entomologist shall issue a certifi-
4 cate stating the condition of the said nursery and the number of
5 acres or fraction thereof, in such form as may be prescribed by the
6 commissioner.

Sec 10. The state entomologist with the approval of
2 the commissioner is hereby empowered to prohibit and prevent
3 the removal or shipment or transportation of plant material and
4 any other material from any private or public property, or prop-
5 erty owned or controlled by the state, or any area of the state,
6 which in his judgment contains dangerously infested or infected
7 nursery stock or plant or other material of any kind for such
8 periods and under such conditions as in his judgment seems neces-
9 sary in order to prevent the further spread of the infestation
10 or infection, giving such notice thereof as may be prescribed by
11 the commissioner, and during the existence of such order no person
12 shall remove or ship from such area any such material whatsoever,
13 except by special permission or direction (certificate) of the state
14 entomologist. In case the state entomologist, his assistants or a

15 a local inspector shall find present on any nursery or dealer's prem-
16 ises or any packing ground or in any cellar or building used for
17 storage or sale of nursery stock, any injurious insect or plant dis-
18 ease, he shall notify the owner or person having charge of the
19 premises, in writing to that effect, and shall withhold his certifi-
20 cate hereinafter provided for, until the premises are freed from
21 such injurious insect or plant disease, as hereinafter provided. It
22 shall be unlawful for any person after receiving such notice to
23 ship or deliver or cause to be shipped or delivered any nursery stock
24 from such aforesaid premises.

Sec. 11. Persons desiring to sell or ship nursery stock
2 shall make application in writing before July first of each year
3 to the state entomologist for inspection of their stock. Persons
4 failing to comply with this section shall be liable for extra charges
5 to cover traveling expenses of the inspector.

Sec. 12. Every person receiving directly or indirectly
2 any nursery stock from foreign countries shall notify the state
3 entomologist of the arrival of such shipment, the contents there-
4 of and the name of the consignor; and shall hold such shipment
5 unopened until duly inspected or released by the inspector. In
6 case any infested or infected stock is discovered in such shipment,
7 the shipment shall be subject to the provisions of this act.

Sec. 13. It shall be unlawful for any nurseryman to deliver
2 or give away, within the boundaries of this state, plants commonly
3 known as nursery stock, which have not been duly inspected in ac-
4 cordance with the provisions of this act and do not carry plainly at-
5 tached to each car load, box, bale, or package a copy of a certificate
6 or permit as herein provided, except that in case of nursery stock
7 shipped into the state from without, the commissioner shall pro-
8 vide by regulation for the acceptance of proper certificates from
9 other states, and when so accepted, the state entomologist shall
10 issue an official tag designating the fact, which tag must be at-
11 tached to all such shipments, but no nursery stock shall be sold or
12 shipped under the certificate issued as provided herein that was
13 not raised in the nursery for or to which the said certificate was
14 issued, until such stock has been duly examined, as provided here-
15 in, and found to be apparently free from any dangerously injuri-
16 ous insect, pest or plant disease. All transportation companies
17 and common carriers bringing nursery stock into this state shall
18 immediately, upon receiving such consignment, notify the state en-

19 tomologist of the fact that such consignment is in their posses-
20 sion, or enroute to some point within the state, and give the
21 names of the consignor and consignee, the point of shipment and
22 the destination of such consignment and whether it bears the offi-
23 cial tag hereinbefore required.

24 It shall be unlawful, after the promulgation of the rules and
25 regulations provided for in this act, for any person to transport
26 by land or water, plants commonly known as nursery stock, in vio-
27 lation of the same, and every such offense shall constitute a mis-
28 demeanor.

Sec. 14. It shall be unlawful for any person, either for
2 himself or as agent for another, to offer for sale, sell, deliver or give
3 away within the bounds of this state, any plants, known as nursery
4 stock, unless such person shall have first procured from the com-
5 missioner a certificate of registration, which certificate shall con-
6 tain such rules and regulations concerning the sale of nursery
7 stock as the commissioner may prescribe, and be approved and
8 countersigned by the state entomologist, who shall have full
9 power, and is hereby authorized and required to cancel and with-
10 draw any certificate upon satisfactory evidence that any rules and
11 regulations governing the sale of nursery stock within this state
12 have been violated by the holder of the same. The commissioner
13 shall not issue any certificate of registration, except upon the pay-
14 ment of the sum of five dollars, and shall forward all certificates
15 to the state entomologist for his approval, before allowing the
16 same to the party making application therefor, and all such cer-
17 tificates as may be granted shall expire and become null and void
18 June thirtieth next succeeding the issue thereof, and any person
19 either for himself or as agent for another who shall sell, offer for
20 sale, deliver or give away any plants, commonly known as nur-
21 sery stock, without exhibiting a copy of the certificate of registra-
22 tion as herein provided for to each and every person to whom he
23 shall sell, offer for sale, deliver or give away any such plants shall
24 be deemed guilty of a misdemeanor.

Sec. 15. All dealers within the meaning of this act, lo-
2 cated either within or without the state, engaged in selling nur-
3 sery stock within this state, or soliciting orders for nursery
3-a stock within this state, shall secure a dealer's certificate by
4 furnishing a sworn affidavit that he will buy and sell only stock
5 which has been duly inspected and certified by an official state in-

6 spector; and that he will maintain with the inspector a list of all
7 sources from which he secures his stock.

Sec. 16. Any person growing or dealing in nursery
2 stock before receiving the above certificate of registration shall
3 file with the state entomologist the names of all traveling sales-
4 men or agents representing such person in this state, and shall
5 subsequently file with the state entomologist the names of any
6 other traveling salesmen or agents, when so employed.

7 Any person, firm or corporation acting as an agent for an-
8 other in the sale of fruit-bearing trees in this state shall carry
9 with him, at all times when engaged in selling trees, a certificate
10 in writing signed by his principal, and properly acknowledged,
11 showing his authority to act as such agent and, upon request,
12 shall exhibit the same to the purchaser and shall leave with the
13 purchaser a copy of the contract bearing on its face the clause
14 referred to in section seventeen.

Sec. 17. In addition to the certificate of inspection
2 required in section thirteen, there shall also be attached to each
3 bundle or package of such fruit-bearing trees a label specifying
4 the name of variety of trees contained therein. In case such bun-
5 dle or package shall contain trees of different kinds or varieties,
6 there must be attached to each tree therein a like label.

7 Nothing contained in section thirteen or any other section
8 of this act shall be construed to deprive a purchaser of any
9 fruit-bearing tree of his remedy at law in a civil action to recover
10 damages sustained by reason of such trees proving untrue to name
11 as specified on the label. Such damages may be recovered in a
12 civil action by the purchaser of such fruit-bearing trees or by
13 his personal representative or assignee at any time prior to the
14 third bearing year; *provided*, the purchaser notifies the seller as
15 soon as he has reason to believe that such trees are not true to
16 name. In any action to recover damages suffered by the purchas-
17 er by reason of any fruit tree or trees not being of the name or
18 variety under which they were tagged and sold, the seller shall
19 have the burden of proof in establishing that any contract not in
20 writing or any provision of any such contract exempting the
21 seller from liability or limiting his liability was fully understood
22 and agreed to by the purchaser. In every case of a sale of
23 fruit-bearing trees in lots of twenty-five or more, when by written
24 contract, the seller must at once furnish the purchaser a copy of

25 such contract upon the face of which shall be plainly printed the
26 following: "In any action to recover damages suffered by reason
27 of any fruit tree or trees not being of the name or variety under
28 which they were tagged and sold, the seller shall have the burden
29 of proof in establishing that any contract not in writing or any
30 provision of any such contract exempting the seller from liability
31 or limiting his liability was fully understood and agreed to by the
32 purchaser." The seller must also accompany the shipment of such
33 trees with an itemized list of the same, which list shall also give
34 the name of the county and state where the trees covered by it
35 were grown, the age of the trees, and the name and address of
36 the person for whom the trees were grown, if requested by letter
37 or in writing on the contract by the purchaser at the time of
38 purchase. Within five days after the receipt by the purchaser of
39 the trees and the list thereof, the purchaser shall compare and
40 notify the seller of any discrepancy between the list and the
41 labels on such trees.

Sec. 18. Willful misrepresentation of grade, character,
2 variety or quality of stock in a nursery or offered for sale by any
3 nursery dealer or agent, or a false declaration of acreage, or any
4 concealment of stock from inspection, shall constitute a misde-
5 meanor. All persons selling nursery stock in the state shall, if
6 required, furnish the state entomologist copies of all their litera-
7 ture, which is printed or otherwise duplicated, including cata-
8 logues, price lists, order forms, contracts and agreements, which
9 are furnished for the use of agents or customers or both.

Sec. 19. Any person violating any section of this act
2 or any rule or regulation promulgated under this act, shall be
3 guilty of a misdemeanor and on conviction thereof shall be fined
4 the sum of not less than ten dollars nor more than fifty dollars
5 for each offense.

Sec. 20. It shall be the duty of each prosecuting attor-
2 ney to whom the commissioner shall present evidence of violation
3 of any provision of this act, to institute and prosecute without
4 delay appropriate proceedings for its enforcement, and to defend
5 any actions brought against the commissioner. Justices
6 of the peace shall have concurrent jurisdiction with the circuit
7 court to enforce the misdemeanor penalties herein prescribed.

Sec. 21. The state auditor shall set aside and reserve all
2 moneys coming into his hands in pursuance of the provisions of

3 this act, and shall from time to time, pay the same into the state
4 treasury to be placed to the credit of the commissioner as a fund of
5 the same, to be used in payment of services and expenses incurred
6 under this act.

Sec. 22. All charges against any appropriations for car-
2 rying out the provisions of this act shall be upon properly itemized
3 vouchers as may be prescribed by the commissioner, and shall be
4 certified by the state entomologist and the commissioner.

Sec. 23. Chapter fourteen of the acts of one thousand
2 nine hundred and thirteen, chapter seventy-two of the acts of one
3 thousand nine hundred and seven, chapter sixty-one of the acts
4 of one thousand nine hundred and five, and chapter forty-eight of
5 the acts of one thousand nine hundred and three, and all other acts
6 or parts of acts inconsistent with this act are hereby repealed.

Sec. 24. This act shall be in force on and after July first
2 one thousand nine hundred and fifteen.

CHAPTER 36.

(Senate Bill No. 82.)

AN ACT providing for the collection, examination and testing of seeds
sold in West Virginia for agricultural purposes, and certificates
for their purity and providing penalty for violations thereof.

[Passed February 12, 1915. In effect ninety days from passage. Approved by the
Governor February 16, 1915.]

SEC.

1. No person, firm or corporation permitted to sell or offer for sale or distribution agricultural seeds exceeding one pound in weight unless labeled: (1) kind and variety, (2) name and address of seedman, (3) statement of purity, (4) germinating power, (5) locality where grown.
2. Agricultural seeds defined.
3. Sale of agricultural seeds containing seeds in certain amounts of certain noxious weeds prohibited: where fewer seeds of weeds are found statement of result to be made on label.
4. Seeds classed as impurities in agricultural seeds, are defined in section two; impurities when present shall be plainly stated on tag, as specified in section one.
5. Other impurities to be classified and labeled.

SEC.

6. Agricultural seeds containing five per cent. or more of seed other than sample, to be plainly labeled.
7. When agricultural seeds shall be considered misbranded; when so misbranded not to be sold in this state.
8. Exceptions.
9. Pure seed defined.
10. Enforcement of act placed in department of agriculture, with power to appoint inspectors and assistants.
11. Commissioner of agriculture or deputy authorized to have access to place of business, mills, buildings, carriages, cars, vessels and parcels in enforcement of provisions of this act, and annual inspection and analysis to be made; bow samples shall be taken for analysis; method of examination and testing to be according to U. S. standard.

<p>SEC. 12. Result of tests to be published in bulletins by department of agriculture with name and post office address of persons, etc.</p> <p>13. Guarantees of purity based upon tests, subject to re-test, as deemed necessary; requirement when dealers test their own seeds; printed standards to be furnished by commissioner of agriculture upon request.</p> <p>14. Violation of provisions of act, or</p>	<p>SEC. interference with inspection, a misdemeanor; penalty.</p> <p>15. Fee for inspection, twenty-five cents, to be paid into state treasury to constitute a special fund, to be paid for carrying out provisions of this act; exceptions.</p> <p>16. Duty and authority of commissioner of agriculture in enforcement of this act, and duty of prosecuting attorney.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. No person, firm or corporation shall, by himself, his agent, or as representative of any other person, firm or corporation, sell or offer for sale or distribution within the state, for seeding purposes, any lot or package of agricultural seeds exceeding one pound in weight unless the same, when put up in either open or closed packages, shall have attached thereto a label on which is plainly printed or written in the English language, the following:

- (1) The commonly accepted name of the kind and variety of seed.
- (2) Full name and address of seedman, importer, agent or dealer.
- (3) Statement of purity of the seed contained therein. (Impurities defined in sections three, four and five thereof.)
- (4) Germinating power of seed.
- (5) Locality where seed was grown, if known.

Sec. 2. For the purposes of this act the term "agricultural seeds" shall include seed of the red clover, either medium or mammoth, white clover, alsike clover, alfalfa, timothy, orchard grass, Kentucky blue grass, red top, bromis inermis, oat grass, rye grass, the fescucs, the millets, other grass and forage plants, flax, rape, buckwheat, and cereals.

Sec. 3. No agricultural seeds, as defined in section two of this act, shall be sold or offered for sale or distribution within the state, which contain in greater numbers than one to three thousand of the seeds under examination the seeds of the following named noxious weeds: Canada thistle (*Carduus arvensis L.*), Russian thistle (*Salsola tragus L.*), couch, quack or quitch grass (*Agropyron repens L.*), clover dodder (*Cuscuta epithymun L.*), alfalfa dodder (*cuscuta arvensis*), field dodder (*Cuscuta arvensis L.*), English charlock or wild mustard (*Brassica arvensis L.*), wild oats (*Avena fatua L.*), corn cockle (*lychnis githago*), ox-eye

11 daisy (*chrysanthemum leucanthemum*), indian mustard (*brassica*
12 *juncea*), butter and eggs (*linaria linaria*), sow thistle (*sonchus*
13 *arvensis*), ribwort or English plantain (*plantago lancoolata*), vel-
14 vet weed (*abutilon abutilon L.*), or star thistle (*centaurea repens*
15 *L.*), and wild carrot (*daucus carota L.*).

16 2. Where the seeds of the weeds herein mentioned are pre-
17 sented in fewer numbers than one to three thousand of the seed
18 being examined, a statement shall be made on the label attached
19 to the package naming the weed seeds present therein.

Sec. 4. 1. The seeds of the following named weeds shall
2 be classed as impurities in agricultural seeds, as defined in sec-
3 tion two of this act: sheep sorrel (*rumex acetosella*), green fox-
4 tail (*chaetochloa viridis L.*), yellow fox-tail or pigeon grass
5 (*chaetochloa glauca L.*), night flowering catch-fly (*silene nocti-*
6 *flora L.*), black seeded plantain (*plantago rugelii*), common
7 plantain (*plantago major*), curled dock (*rumex crispus*), pigweed
8 (*amaranthus retrofractus L.*), lamb's quarters (*ghemopodium al-*
9 *dum L.*), lady's thumb or smart weed (*polygonum persicaria*),
10 yellow trefoil (*trifolium agarium L.*), burr clover (*medicago*
11 *denticulata*), sweet clover (*melilotus alba and officinalis*), chick-
12 weed (*cerastium vulgatum*), orange hawkweed (*hienacium auran-*
13 *tiacum L.*), black hindweed (*polygonum convolvulus L.*), rag-
14 weed (*ambrosia artemisacfolia L.*).

15 2. When such impurities, or any of them, are present in
16 quantity exceeding two per cent of said agricultural seeds, the
17 approximate percentage of each shall be plainly stated on the
18 tag attached as specified in section one of this act.

Sec. 5. Sand, dirt, sticks, broken seeds, other seeds than
2 those mentioned in sections 3 and 4 of this act, or any other foreign
3 matter shall be considered as impurities when mixed with agricul-
4 tural seeds sold, offered or exposed for sale in this state for seed-
5 ing purposes. When such impurities are present in seed exceed-
6 ing two per cent. in weight, the name and approximate percent-
7 age of each kind of impurity shall be stated in the label as speci-
8 fied in section one of this act.

Sec. 6. Agricultural seeds containing five per cent. or more
2 by weight of agricultural seed other than the named sample, shall
3 be plainly labeled with the percentage of such seed.

Sec. 7. Agricultural seed shall be considered as misbranded:

2 (1) When seeds low in value are submitted under the
3 label for those of similar appearance but greater value;

4 (2) When southern-grown seeds are labeled as northern
5 grown;

5-a (3) When seeds are in any other respect not true to the
6 label under which they are sold or offered for sale;

7 (4) When seeds are sold under any label other than that
8 of the dealer selling same;

9 (5) When labels or tags supplied by a wholesale dealer
10 are attached to lots of seed not purchased from such wholesale
11 dealer, or to lots of seed other than those for which they were in-
12 tended to be used.

13 When so misbranded, agricultural seeds, as defined herein,
14 shall not be sold or offered for sale within the state.

Sec. 8. The provisions of this act shall not be construed
2 as applying to:

3 (1) Any person growing, possessing for sale, or selling
4 seeds for food purpose only.

5 (2) Persons selling seeds containing impurities except as
6 defined in section three of this act, providing such seeds are
7 sold to merchants to be re-cleaned before exposing for sale upon the
8 general market.

9 (3) Seeds that are in store for the purpose of re-cleaning,
10 and which are not possessed, sold, or offered for sale for seed
11 purposes.

12 (4) Seeds grown or sold and delivered from the farm by the
13 owner thereof, or his agent when the buyer himself is to use the
14 seed for seeding purposes only, unless the purchaser obtain a certifi-
15 cate at the time of sale stating that the seed is sold subject to the
16 provisions of this act.

17 (5) Mixture of seeds for lawn purposes except that the
18 sale of such mixtures is subject to the restrictions of sections three
19 and four of this act.

Sec. 9. For the purpose of this act seed shall be deemed
2 pure when it contains no seed of any kind except the one being
3 examined.

Sec. 10. The enforcement of this act is hereby placed in
2 the department of agriculture under the supervision of the com-
3 missioner of agriculture, and he is hereby empowered to appoint

4 such inspectors and assistants as may be necessary to execute its
5 provisions.

Sec. 11. The commissioner of agriculture is authorized
2 in person or by deputy to have free access to all places of busi-
3 ness, mills, buildings, carriages, cars, vessels and parcels of
4 whatsoever kind used in the manufacture, transportation, im-
5 portation, sale or storage of any agricultural seeds, and shall
6 have the power and authority to open any parcel containing or
7 supposed to contain any agricultural seeds, and upon tender and
8 full payment of the selling price of said sample, to take therefrom
9 in the manner prescribed in this section, samples for analysis,
10 and said commissioner of agriculture shall annually cause to be
11 analyzed at least one sample so taken of all the agricultural seeds
12 that are found sold, offered or exposed for sale or distributed in
13 this state.

14 A representative sample of not less than two nor more than
15 four ounces of each brand of agricultural seeds found sold, offered
16 or exposed for sale shall be taken by the said commissioner of
17 agriculture or his duly authorized representative in the presence
18 of at least one witness. No action shall be maintained for a
19 violation of the provisions of this act, based upon any analysis
20 of a sample from less than five separate original packages, unless
21 there be less than five separate original packages in the lot, in which
22 case portions for the official sample shall be taken from each origi-
23 nal package; if the agricultural seed is in bulk, portions shall be
24 taken from not less than five different places in the lot; *pro-*
25 *vided*, that this does not exclude sampling in bulk when not ex-
26 posed sufficiently to take portions from five different places, in
27 which case portions are to be taken from as many places as prac-
28 ticable. If the sample thus secured is larger than is required,
29 it shall be mixed and quartered until a sample of suitable size re-
30 mains. Said sample shall be divided into two parts and shall
31 be placed in packages and sealed in the presence of said witness.
32 One of said packages so sealed shall be held by the commissioner
33 of agriculture at the disposal of the person named on the label
34 of the seed sampled, and the commissioner of agriculture shall
35 cause the other sample to be examined and tested, both for purity,
36 and viability and shall report results promptly and shall publish
37 the same in bulletin form. The methods of examination and

38 testing shall be those in force at the time by the United States
39 department of agriculture.

Sec. 12. The results of all tests of seeds made under the
2 provisions of this act, shall be published in bulletins of the
3 department of agriculture, together with the names and post office
4 addresses of the persons, firms or corporations from whom all
5 samples tested were obtained.

Sec. 13. Guarantees of purity, and viability shall be based
2 upon tests made by the commissioner of agriculture or by seed
3 dealers or their agents, subject to re-test and ratification by the
4 commissioner of agriculture, when he shall deem necessary.
5 Dealers who are testing their own seeds shall be required to submit
6 samples thereof to the commissioner of agriculture for re-testing
7 upon demand of the inspector. Should the guarantees shown on
8 the dealer's label not be substantially equivalent to the actual
9 value of the seed, as determined by the commissioner of agricul-
10 ture, the dealer shall be subject to prosecution and penalty, as de-
11 fined in section fourteen of this act. Printed standards of purity
12 and germination of agricultural seeds and directions for making
13 analysis of seeds shall be furnished by the commissioner of agri-
14 culture upon request.

Sec. 14. Whoever violates any of the provisions made in
2 any section of this act, or who shall attempt to interfere with the
3 inspectors or assistants in the discharge of the duties named
4 herein, shall be guilty of a misdemeanor and upon conviction
5 shall be punished by a fine of not less than ten nor more than one
6 hundred dollars for each and every offense.

Sec. 15. A fee of twenty-five cents shall be collected for
2 each sample of seed offered for examination and test under the
3 provisions of this act and shall be paid into the state treasury to
4 constitute a special fund, which shall be paid out on requisitions
5 of the commissioner of agriculture in carrying out the provisions
6 of this act; *provided, however*, this fee shall not be collected from
7 persons who desire analysis of seed for their own personal use.

Sec. 16. The commissioner of agriculture shall seek to make
2 the inspection of seeds hereby intrusted to him as helpful as pos-
3 sible to the purchasers of seeds in this state, and is hereby em-
4 powered to make such rules and regulations as may be necessary
5 to carry into effect the full intent and meaning of this act; the
6 said commissioner of agriculture shall report promptly to the

7 prosecuting attorney of the county in which the offense was com-
 8 mitted, any violations of this act and all failures to comply there-
 9 with, and it shall be the duty of the prosecuting attorney in any
 10 county in which such offense is committed to prosecute the same.

CHAPTER 37.

(House Bill No. 191.)

AN ACT amending and re-enacting section two of chapter eight of the acts of one thousand nine hundred and three of the legislature of West Virginia, as now contained in section ten of chapter fifty-four-c, (serial section 3185) of the code of West Virginia of one thousand nine hundred and thirteen, providing for the investigation of the affairs of corporate sureties before the acceptance of such, and for the requiring of bond with new surety in certain cases.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

Sec.

10. When company, wherever incorporated, is offered as surety to any court or clerk or board for approval, upon application of any person interested, court may appoint person to investigate company so offered and report to court; expenses of investigation to be defrayed by applicant, unless in certain cases when it shall be borne by company; if it appear that insurance commissioner has revoked authority of such company, or that company has withdrawn, or in process of liquidation, or in hands of a

SEC.

receiver, duty of court, etc. upon application, to require new bond within not exceeding sixty days, and copy of order to be served on principal; publication in case of non-resident or not found; duty of principal as to new bond, and action of court if order is not complied with; exceptions as to state, county, district or municipal officer; no new liability to accrue under said bond, and unearned premiums to be refunded; costs, except of inspection, to be paid by person in interest.

Be it enacted by the Legislature of West Virginia:

That section two of chapter eight of the acts of one thousand nine hundred and three as now contained in section ten of chapter fifty-four-c (serial section 3185), of the code of West Virginia of one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

Section 10. That whenever any company, wherever incorporated, is offered as surety to any court, or the clerk thereof, or to any board upon which is devolved by law the duty of approving such bond, the said court, or board, may, at its discre-

tion, upon the application of any person interested, appoint a suitable person to investigate the affairs and management of the company so offered, who shall report to such court or board the manner in which the investments of such company are made and the security offered to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the applicant, unless the investigation shall show the last quarterly statement of the company, as provided for in section four of said chapter fifty-four-c, to be false and misleading, in which case the expenses of such investigation shall be borne by the company. If at any time it shall be made to appear to such court or board by any person interested that the insurance commissioner of this state has revoked the authority of such company to act as such surety on bonds in this state, or that such company has lawfully withdrawn from the business of becoming surety on bonds in this state, or is in process of liquidating its surety business in this state, or is in the hands of a receiver, then it shall be the duty of such court or board, upon the application of the principal, said surety, or any person in interest, to require any person who has given such bond to execute a new bond within a reasonable time, not exceeding sixty days from the date of service of such order as hereinafter provided, as such court or board may fix by order entered of record, the penalty of which bond shall be fixed by said court or board, and a copy of such order shall be served upon the principal in such bond, if such principal be a resident of this state, but if he be a non-resident, or if the return of an officer of the county in which such principal last resided in this state shows that he is not found, then a copy of such order shall be published once a week for two successive weeks in some newspaper of general circulation in the county in which such bond was given and such order shall also be posted at the front door of the court house of said county. It shall then be the duty of such principal, within the period of time fixed by such order, to give such new bond with surety or sureties as required by law. If such bond be not given within sixty days, or other period fixed in said order, from the date of service, or from the date of the last publication, as the case may be, of such order, then such court or board shall, in the case of all bonds, except bonds given by some

41 state, county, district or municipal officer, and may in its discretion
 41-a in the case of bonds given by any state, county, district or munic-
 42 ipal officer, enter an order terminating the authority of such prin-
 43 cipal to perform any duties or exercise any powers in connection
 44 with which such bond was given and from and after the entry of
 45 said order terminating authority, no new liability shall accrue un-
 46 der said bond. Any unearned premium shall be refunded by such
 47-49 company upon the entry of said order.

50 The costs of any proceedings under this section shall be
 51 paid by any person or persons in interest as such court or board
 52 may order, except the costs of inspection herein above provided
 53 for.

CHAPTER 38.

(Senate Bill No. 170.)

AN ACT to amend and re-enact chapter ninety-six of the acts of the session of one thousand eight hundred and eighty-two, (serial section 2889 of the code of one thousand nine hundred and thirteen), prescribing a method of procedure in equity for the dissolution of a corporation or joint stock company on application of not less than one-fifth in interest of the stockholders.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 3, 1915.]

SEC.

1. Not less than one-fifth interest of stockholders of a corporation desiring to wind up affairs, may apply by bill in chancery in circuit court in which principal office is situated, or if no such principal office, to circuit court of county in which one or more stockholders are

SEC.

found or in which property may be, setting forth grounds of application, and court may proceed according to equity to hear matter; action to be taken if sufficient cause be shown; this section to have a retrospective as well as a prospective effect.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-six of the acts of the session of the year one thousand eight hundred and eighty-two be and the same is hereby amended so as to read as follows:

Section 1. If not less than one-fifth in interest of the stock-
 2 holders of a corporation desire to wind up its affairs, they may
 3 apply by bill in chancery to the circuit court of the county in

4 which the principal office or place of business of such corporation
 5 is situated, or if there be no such office or place of business in this
 6 state, to the circuit court of the county in which the other stock-
 7 holders, or any one or more of them reside or are found, or in
 8 which the property of such corporation or any part of it may be,
 9 setting forth in the bill, the grounds of their application, and
 10 the court may thereupon proceed according to the principles and
 11 usages of equity to hear the matter, and if sufficient cause, to de-
 12 cree a dissolution of the corporation, and make such orders and de-
 13 crees, and award such injunctions in the cause as justice and equity
 14 may require; and this section shall have a retrospective as well as
 15 a prospective effect, and be construed accordingly.

CHAPTER 39.

(House Bill No. 211.)

AN ACT relating to payment of moneys into the state treasury and making appropriations of moneys paid in.

[Passed February 4, 1915. In effect ninety days from passage. Approved by the Governor February 11, 1915.]

Sec.

1. All moneys received by state officers, commissions and boards from any source to be paid into state treasury at least once each month; appropriations authorized for officers, commissions and boards, and state board of control; method of payment; no moneys on account of one institution, etc., to be used for another, or con-

Sec.

trary to a specific requirement: moneys on hand and received by state officers, commissions or boards not having offices at capitol to be paid into state treasury through board of control.
 2. Act effective July 1, 1915; section five hundred and forty-eight, code 1906, not to apply.
 3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section. 1. All moneys received by state officers, commissions
 2 and boards from any source shall be paid into the state treasury
 3 at least once each month. All of said moneys which are by law
 4 authorized to be expended by said officers, commissions and boards,
 5 and all moneys paid into the state treasury through the state
 6 board of control are hereby appropriated out of the treasury.
 7 The appropriations herein made shall be drawn from the treasury
 8 upon the requisitions of the proper officer, or officers, made upon

9 the auditor at such times and in such amounts as are needed
 10 for the purposes of any of the institutions, officers, commissions
 11 and boards for which such moneys are received. But no moneys
 12 received on account of one institution, commission, officer or fund,
 13 shall be used for any other institution, commission, officer, or
 14 fund, or contrary to a specific requirement of law. All moneys
 15 on hand and received by state officers, commissions or boards not
 16 having an office at the state capital, shall be paid into the state
 17 treasury through the state board of control.

Sec. 2. This act shall go into effect July first, one thou-
 2 sand nine hundred and fifteen. Section five hundred and forty-
 3 eight of the code of one thousand nine hundred and six, shall
 4 not apply to this act.

Sec. 3. All acts and parts of acts inconsistent with this
 2 act are hereby repealed.

CHAPTER 40.

(House Bill No. 285.)

AN ACT to provide for an annual report of all financial transactions
 of the state and to eliminate the same from the separate reports
 now required.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
 Governor February 26, 1915.]

SEC.

1. Chief inspector of public offices at
 end of each fiscal year to com-
 pile and print report of finan-
 cial transactions of state de-
 partments, officers and boards;
 what report shall show; to be
 submitted to the governor.
2. All state officers, departments

SEC.

- and boards required to include
 in report itemized statement to
 eliminate same.
3. Requirement as to information to
 be furnished chief inspector;
 refusal or neglect grounds for
 removal.
4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The chief inspector of public offices shall at the end
 2 of each fiscal year cause to be compiled and printed in pamphlet
 3 or book form a report of the financial transactions of the state
 4 covering all state departments, officers and boards; said report
 5 shall show among other things all sources of revenue and all pur-
 6 poses for which money is expended, and shall be submitted to the
 7 governor for transmittal to the legislature.

Sec. 2. All state officers, departments, boards and commissions now required to include in their biennial report an itemized statement of receipts and disbursements of public funds shall eliminate the same from said report.

Sec. 3. All state officers, departments, boards and commissions shall keep their financial accounts in records and forms approved or prescribed by the chief inspector of public offices and shall furnish promptly to the chief inspector of public offices such information and reports as may be requested. Refusal or neglect to comply with the requirements of this section shall subject the person offending to removal from office.

Sec. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 41.

(House Bill No. 185.)

AN ACT to repeal section five of chapter one hundred and fifty-one, (serial section number 4439), of the code of West Virginia, and to enact in lieu thereof the following section, relative to gaming.

[Passed February 20, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

Sec.
5. Unlawful at any place, public or private, to bet or wage money or other thing of value on any game of chance or to furnish

SEC. money for same; penalty; may require security for good behavior for one year; imprisonment in default of fines; costs and execution of bond.

Be it enacted by the Legislature of West Virginia:

That section five of chapter one hundred and fifty-one, (serial section number 4439), of the code of West Virginia, be repealed, and the following section be enacted in lieu thereof:

Section 5. If any person at any place, public or private, bet or wage money or other thing of value on any game of chance, or shall knowingly furnish any money or other thing of value to any other person to bet or wage on any such game, he shall be fined not less than five nor more than one hundred dollars, and shall, if required by the court, give security for his good behavior for one year, and in default of payment of said fine and costs and the execution of said bond, if such bond be re-

9 quired, shall be imprisoned in the county jail not less than ten
10 nor more than thirty days.

CHAPTER 42.

(Senate Bill No. 35.)

AN ACT to punish the making or use of false statements to obtain property or credit.

[Passed January 28, 1915. In effect ninety days from passage. Approved by the Governor February 2, 1915.]

Sec.

1. Person making false statement in writing, with intent to be relied upon, respecting financial condition of himself, other person, firm or corporation, for procuring property, cash, loan, credit, etc. :
2. Or, knowing false statement has

Sec.

- been made, procures the benefits described :
3. Or, knowing statement has been made, represents that on a later day would then be true, when in fact statements would be false, is guilty of misdemeanor: penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person who shall knowingly make or cause to
2 be made, either directly or indirectly, or through any agency what-
3 soever, any false statement in writing, with intent that it shall
4 be relied upon, respecting the financial condition, or means or
5 ability to pay, of himself, or any other person, firm or corporation,
6 in whom or in which he is interested, or for whom or for which he
7 is acting, for the purpose of procuring in any form whatsoever,
8 either the delivery of personal property, the payment of cash, the
9 making of a loan or credit, the extension of a credit, the discount
10 of an account receivable, or the making, acceptance, discount, sale
11 or indorsement of a bill of exchange, or promissory note, for the
12 benefit of either himself or of such person, firm or corporation; or,

Sec. 2. Who, knowing that a false statement in writing
2 has been made, respecting the financial condition or means or
3 ability to pay, of himself, or such person, firm or corporation in
4 which he is interested, or for whom he is acting, procures, upon
5 the faith thereof, for the benefit either of himself, or of such per-
6 son, firm or corporation, either or any of the things of benefit men-
7 tioned in section one; or,

Sec. 3. Who, knowing that a statement in writing has been
2 made, respecting the financial condition or means or ability to pay

3 of himself or such person, firm or corporation, in which he is in-
 4 terested, or for whom he is acting, represents on a later day, either
 5 orally or in writing, that such statement theretofore made, if then
 6 again made on said day, would be then true, when in fact, said
 7 statement if then made would be false, and procures upon the faith
 8 thereof, for the benefit either of himself or of such person, firm or
 9 corporation, either or any of the things of benefit mentioned in
 10 section one of this act, shall, upon conviction thereof, be guilty of
 11 a misdemeanor, and punished by imprisonment for not more than
 12 one year or by a fine of not more than one thousand dollars, or
 13 both fine and imprisonment.

CHAPTER 43.

(Senate Bill No. 48.)

AN ACT to provide against fraudulent advertising and fixing penalties for its violation.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC.

1. Person, firm, corporation or association, or agents, who with intent to sell or dispose of merchandise, securities or service to the public, causes publication of statements concerning same which

SEC.

are untrue or deceptive, guilty of misdemeanor, penalty: violations by agent or employee deemed an offense.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person, firm, corporation or association, or their
 2 agents or employees, who with intent to sell, or in any wise dis-
 3 pose of merchandise, securities, service, or anything offered by such
 4 person, firm, corporation or association, directly or indirectly, to the
 5 public for sale or distribution, or with intent to increase the con-
 6 sumption thereof, or to induce the public in any manner to enter in-
 7 to any obligation relating thereto, or to acquire title thereto, or an
 8 interest therein, causes, directly or indirectly, to be made, published,
 8-a disseminated, circulated, or placed before the public, in this state,
 9 in a newspaper or other publication, or in the form of a book,
 10 notice, hand-bill, poster, bill, circular, pamphlet or letter, or in
 11 any other way, an advertisement of any sort regarding merchan-
 12 dise, securities, service, or anything so offered to the public, which
 13 advertisement contains any assertion, representation or state-

14 ment of fact which is untrue, and deceptive, knowing or having
 15 reason to believe that such assertion, representation or statement
 16 is untrue or deceptive, shall be guilty of a misdemeanor and on
 17 conviction thereof, shall be punished by a fine of not less than ten
 18 dollars nor more than one hundred dollars, and such violation, by
 19 an agent or employee, shall be deemed an offense as well by the
 20 principal or employer, and they may be indicted for the same,
 21 either jointly or severally.

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

CHAPTER 44.

(House Bill No. 300.)

AN ACT to prevent and punish the desecration, mutilation or im-
 proper use of the flag of the United States of America and the
 flag of this state.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the
 Governor February 25, 1915.]

SEC.
 1. Persons who for exhibition or dis-
 play place or cause to be placed
 any words, figures, marks, pic-
 tures, designs, drawings, or any
 advertisement upon any flag of
 the United States, or otherwise
 improperly use or desecrate
 same, are guilty of misdemea-
 nor; penalty; justices of the

SEC.
 peace have jurisdiction
 2. Flag, standard, color or ensign con-
 structed for purposes of this act.
 3. Act not to apply to acts permitted
 by U. S. or state statutes, or by
 regulations of U. S. army or
 national guard, nor to news-
 paper or other periodical, etc.

Be it enacted by the Legislature of West Virginia:

Section 1. That any person who for exhibition or display
 2 shall place or cause to be placed, any words, figures, marks, pic-
 3 tures, designs, drawings, or any advertisement of any nature, upon
 4 any flag, standard, color or ensign of the United States, or upon
 5 the state flag of this state, or shall expose or cause to be exposed
 6 to public view any such flag, standard, color or ensign, upon which
 7 shall have been printed, painted or otherwise placed, or to which
 8 shall be attached, appended, affixed or annexed, any words, figures,
 9 marks, pictures, designs, drawings, or any advertisement of any
 10 nature or kind, or who shall expose to public view, manufacture,
 11 sell, expose for sale, give away, or have in possession for sale or to
 12 give away, or for use for any purpose any article or substance, be-
 13 ing an article of merchandise or a receptacle of merchandise, or

14 article or thing for carrying or transporting merchandise, upon
15 which shall have been printed, painted, attached or otherwise
16 placed, a representation of any such flag, standard, color or ensign,
17 to advertise, call attention to, decorate, mark or distinguish the
18 article or substance on which so placed, or who shall publicly muti-
19 late, deface, defile or defy, trample upon or cast contempt, either
20 by words or acts, upon any such flag, standard, color or ensign,
21 shall be deemed guilty of a misdemeanor, and shall, upon convic-
22 tion, be fined not less than five nor more than one hundred dol-
23 lars, and may, at the discretion of the court or justice trying the
24 case, be confined in the county jail for a period not exceeding thir-
25 ty days. Any justice of the peace of the county wherein the of-
26 fense was committed shall have concurrent jurisdiction of such
27 offense with the circuit or other courts of said county.

Sec. 2. The words, "flag, standard, color or ensign of the
2 United States," as used in this act, shall be construed to include
3 any flag, standard, color, ensign, or any representation or picture
4 of a flag, standard, color or ensign, made of or upon any substance
5 whatever, and of any size whatever, showing the national colors,
6 the stars and the stripes.

Sec. 3. This act shall not apply to any act permitted by
2 the statutes of the United States or of this state, or by the regula-
3 tions of the United States army and navy, or of the national guard
4 of this state; nor shall this act be construed to apply to the regu-
5 lar issue of a newspaper or other periodical, or to any book, cer-
6 tificate, diploma, warrant or commission, on which shall be printed
7 said flag, disconnected from any advertisement, or to the vignette
8 of any political ballot.

CHAPTER 45.

(Senate Bill No. 83.)

AN ACT to amend and re-enact sub-section ten of section two of
chapter seventy of the acts of one thousand eight hundred and
ninety-one, printed as serial section three hundred and thirty-six
of the code of one thousand nine hundred and six, and serial
section three hundred and ninety-one of the code of one thousand
nine hundred and thirteen, concerning the powers, duties and

liabilities of the state librarian; and to repeal certain conflicting laws.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SRB SEC.

10. State librarian to have charge of reports of supreme court after being printed, bound and approved by reporter, and secure copyright for benefit of the state; reports, not including reprints, to be disposed of in the manner herein set forth; remainder to be delivered to secretary of state: except that gov-

SEC.

ernor may cause additional copies to be furnished any officer, court or institution not herein named, but to remain the property of state: state librarian to make annual report to governor; what report shall contain, and disposition of funds.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sub-section ten of section two of chapter seventy of the acts of one thousand eight hundred and ninety-one, be amended and re-enacted so as to read as follows:

Sub-Section 10. The state librarian shall have charge of the
 2 reports of the supreme court of appeals after the same are printed
 3 and bound and approved by the reporter, and he shall secure the
 4 copyright of the same in the name of and for the benefit of the
 5 state. As soon as practicable after any new volume of such reports
 6 has been delivered to him, not including reprints of former vol-
 7 umes, he shall dispose of the same as follows: ten copies to the
 8 college of law of West Virginia university, one copy to the gover-
 9 nor, two copies to the attorney general, one copy to the judge of
 10 every court of this state and one copy to the head of each of the
 11 subordinate executive departments at the state capital, one copy
 12 to the public service commission, one copy to the state board of
 13 control, one copy to the adjutant general, two copies to the depart-
 14 ment of archives and history, and one copy to each of any other
 15 administrative boards or commissions at the state capital. The
 16 state librarian shall place five copies in the state law library at
 17 Charleston, and send five copies to the congressional law library at
 18 Washington, District of Columbia. He shall also arrange as far
 19 as possible to exchange four copies of each volume of said reports
 20 for a like number of copies of the current volumes of the report of
 21 the court of appeals of each of the states, which said last reports
 22 he shall send one each to the state law library at Charleston, to the
 23 college of law of West Virginia university, to the association at
 24 Charles Town, and to the Ohio county library at Wheeling. The
 25 remaining copies of said reports of the supreme court of appeals

26 the state librarian shall deliver to the secretary of state, to be
27 disposed of by said secretary as provided by law: *provided*, that
28 the governor may, in writing, cause additional copies of said re-
29 ports to be furnished to any officer, court, institution or board now
30 entitled to one or more copies; and he may also cause one or more
31 copies of said reports to be furnished to any officer, board, com-
32 mission, institution or tribunal not named herein. The copies of
33 said reports furnished to any officer or judge, or library, or board
34 shall remain the property of the state of West Virginia, and as to
35 any such judge or officer the copy received by him shall be turned
36 over to his successor in office. The copies furnished to any library,
37 board or commission shall be safely kept therein. The state
38 librarian shall make an annual report to the governor within thirty
39 days after the close of each fiscal year, in which he shall state the
40 number of copies of reports and session acts received by him, and
41 what disposition he made thereof, and also what moneys came into
42 his hands, and from what sources, during the preceding fiscal year,
43 for books sold or from any other source, all of which moneys the
44 state librarian shall pay into the state treasury monthly.

45 Joint resolution number five of January twenty-
46 first, one thousand nine hundred and three, if the same be now in
47 force, and which is printed as serial section three hundred and
48 eighty-one to three hundred and eighty-three of the code of one
49 thousand nine hundred and thirteen, and all acts or parts of acts
50 coming within the purview of this act and inconsistent therewith,
51 are hereby repealed.

CHAPTER 46.

(House Bill No. 399.)

AN ACT to create a new Virginia debt commission, defining its powers and duties, and providing for its compensation, and relieving the Virginia debt commission appointed pursuant to joint resolution of February twenty-one, one thousand nine hundred and thirteen, from further duty.

[Passed February 20, 1915. In effect from passage. Approved by the Governor February 20, 1915.]

- SEC. Virginia debt commission created by joint resolution adopted February 1, 1913, and commission appointed; not authorized to defend suit; expedient to create a new commission.
1. Commission of five members, to be known as "Virginia debt commission," created; governor to be *ex-officio* a member and chairman; others to be appointed by governor, two republicans and two democrats.
 2. Commission with attorney general authorized and directed to defend case of Virginia vs. West Virginia, and to negotiate settlement, subject to ratification of legislature.
 3. Empowered to employ attorneys to

SEC.

- assist attorney general and advise commission, fees and expenses to be paid by state.
4. Majority has authority to act and authorized to appoint a secretary within or without its own membership.
 5. Expenses, including compensation of members, to be paid out of moneys appropriated.
 6. Virginia debt commission heretofore established abolished and members relieved.
 7. Governor has power to fill vacancies caused by death, resignation or otherwise.
 8. Governor to report appointments under section one, to present session of legislature.
- Inconsistent acts repealed.

WHEREAS, By joint resolution of the senate of West Virginia, the house of delegates concurring therein, adopted February twenty-one, one thousand nine hundred and thirteen, a commission of eleven members known as the "Virginia debt commission," was created, with the powers and duties in said resolution set forth; and,

WHEREAS, Under and by virtue of the authority of said resolution, eleven representative citizens of the state of West Virginia were appointed by the governor as members of said commission, who have, with credit to themselves and the state of West Virginia, discharged their duties as members of such commission; but,

WHEREAS, The said commission heretofore created as aforesaid was not authorized to defend the suit of the commonwealth of Virginia against the state of West Virginia, then and now pending in the supreme court of the United States, but was only created with the power and authority to negotiate and make recommendations in relation to the controversy between the two states involved in said suit; and,

WHEREAS, The commission heretofore created has in an eminently satisfactory manner performed all the duties devolving upon it by the resolution of its creation, and made its final report to the legislature, and said suit still pends and requires defense; and,

WHEREAS, It is deemed expedient to create a new commission of a less and more convenient membership, and with full power not only to do any and everything necessary to the defense of said suit, but with the like power to negotiate a settlement thereof, if the opportunity should present to do so with advantage and profit to the state of West Virginia and her citizens; now, therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. That a commission of five members, known as the
2 "new Virginia debt commission," be, and the same is hereby cre-
3 ated, the members thereof to be selected as follows: that is to say,
4 the governor of the state of West Virginia shall be *ex-officio* a
5 member and the chairman of said commission, and he shall ap-
6 point the remaining four commissioners, two of whom shall be
7 selected from the republican party and two from the democratic
8 party.

Sec. 2. Said commission in conjunction with the attorney
2 general is authorized and directed to defend the case of the com-
3 monwealth of Virginia against the state of West Virginia, now
4 pending in the supreme court of the United States, as well as any
5 other litigation that may spring out of said controversy, and is
6 now fully authorized and empowered to do any and everything
7 which in its judgment or discretion may be deemed necessary or
8 best to that end; and it is likewise authorized, in the event a
9 proper opportunity should present itself, to negotiate a settlement
10 of said controversy, subject, however, to the ratification of the leg-
11 isature of the state of West Virginia.

Sec. 3. Said commission with the approval of the board
2 of public works is empowered to employ attorneys and coun-
3 sellors at law to assist the attorney general of the state in the
4 conduct of said litigation, and to advise and assist the com-
5 mission; and the fees and expenses of such counsel shall be paid
6 by the state out of moneys appropriated for such purpose.

Sec. 4. A majority of the commission shall have authority
2 to act, and is authorized to appoint a secretary from within or
3 without its own membership.

Sec. 5. The expenses properly incurred by the commission
2 and its individual members, including compensation of said mem-
3 bers at the rate of ten dollars per day for the time actually employ-
4 ed (excepting the governor, who shall only receive his expenses),
5 shall be paid by the state out of moneys appropriated for that
6 purpose.

Sec. 6. The Virginia debt commission heretofore created by
2 the joint resolution adopted February twenty-one, one thousand
3 nine hundred and thirteen, is hereby abolished, and its members
4 hereby relieved from further duty in that connection.

Sec. 7. The governor shall have power to fill any vacancies

2 that may occur by reason of death, resignation or otherwise in
 3 the membership of such commission, from time to time, as oc-
 4 casion may require, but in filling such vacancies the governor
 5 shall do so from the political party from which the commissioner
 6 whose office becomes vacant, was appointed.

Sec. 8. The governor shall make the appointment of the
 2 commissioners as provided in section one hereof and report the
 3 same to the present session of the legislature for confirmation or
 4 rejection.

Sec. 9. All acts and parts of acts inconsistent herewith are
 2 hereby repealed.

CHAPTER 47.

(Senate Bill No. 6S.)

AN ACT requiring the plat of a tract of land sub-divided into lots to
 be recorded, and providing a penalty for the failure to record,
 and the method of collecting and distributing the penalty.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
 Governor February 26, 1915.]

SEC.

1. When tract or parcel of land is sub-
 divided into lots and partly
 sold, duty of owner or legal
 representatives to record said
 plat in office of county clerk up-
 on sixty days notice, or upon
 notice from any person owning

SEC.

a lot so divided; forfeiture for
 failure; forfeiture to be recov-
 erable as other debts: party
 bringing suit entitled to one-
 half amount so recovered, the
 remainder to go to the county
 fund, and no certificate of ac-
 knowledgment necessary.

Be it enacted by the Legislature of West Virginia:

Section 1. When any tract or parcel of land within the limits
 2 of any county of the state of West Virginia, which has been or
 3 shall be hereafter sub-divided into lots, and any lot or lots have
 4 been sold from the tract or parcel of land so divided according
 5 to said plan or plat of sub-division, without said plat of sub-di-
 6 vision having been recorded, it shall be the duty of the owner of
 7 said tract of land, or the legal representatives thereof, authoriz-
 8 ing said plat or plan of sub-division of such tract of land to be
 9 laid out, to record said plat of such sub-division in the office of the
 10 clerk of the county court of the county wherein such land so di-
 11 vided is situate, upon sixty days' notice to record the same from
 12 the clerk of the county court of the county wherein such land so
 13 divided is situate; or upon a notice from any person owning a

14 lot or lots in any such tract of land or parcel of real estate so di-
 15 vided. If such owner, or owners, or the legal representatives
 16 thereof shall fail to cause said plat of said sub-division of said
 17 tract of land as aforesaid to be recorded in said office, such owner
 18 or owners, or the legal representatives thereof, shall forfeit and
 19 pay the sum of one hundred dollars for each failure to record such
 20 plat of such tract or parcel of land. Said sum or sums to be re-
 21 covered, as debts of like amount are by law recoverable at the suit
 22 of any party or parties giving such notice, or the clerk of the coun-
 23 ty court of the proper county before any justice of the peace in
 24 and for said county. The party bringing such suit shall be en-
 25 titled to one-half of the amount so recovered and the other half
 26 shall go to the county fund of said county. No certificate of ac-
 27 knowledgment, or other proof thereof shall be necessary as a pre-
 28 requisite to the recordation of such plat, map or plan.

CHAPTER 48.

(Senate Bill No. 76.)

AN ACT to amend chapter fifty-eight of the acts of one thousand
 nine hundred and nine, by inserting therein, after section three,
 a section to be known as section three-*a*, changing the names of
 certain state hospitals and asylums.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the
 Governor February 16, 1915.]

Sec.

3-*a*. After June 30, 1915, names of cer-
 tain state institutions changed;
 all statutory provisions appli-

Sec.

cable to government of same to
 be continued in force for insti-
 tutions under new names.
 Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-eight of the acts of the year one thousand nine
 hundred and nine be and the same is hereby amended by inserting
 therein, after section three, the following section:

Section 3-*a*. From and after the thirtieth day of June of
 2 the year one thousand nine hundred and fifteen, the name of the
 3 West Virginia asylum shall be changed to Huntington state hos-
 4 pital; the name of the second hospital for the insane shall be
 5 changed to Spencer state hospital; the name of the West Virginia

6 hospital for the insane shall be changed to Weston state hospital;
 7 the name of miners' hospital number one, shall be changed to
 8 Welch hospital number one; the name of miners' hospital number
 9 two, shall be changed to McKendree hospital number two; the
 10 name of miners' hospital number three shall be changed to Fair-
 11 mont hospital number three. All statutory provisions applicable
 12 to the government and maintenance of said asylums and hospitals.
 13 and to each of them, under their old names, shall be continued
 14 in force and be applicable to the government and maintenance of
 15 the same institutions under their new names.

16 All acts and parts of acts inconsistent with this act are
 17 hereby repealed.

CHAPTER 49.

(Senate Bill No. 104.)

AN ACT to amend and re-enact sections one, two, three, four, five, six, seven and eight of chapter fifteen of the acts of the legislature of one thousand eight hundred and ninety-seven, providing "for the protection of persons dealing in mineral waters, malt liquors, and other beverages in bottles."

[Passed February 11, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC.

1. Person, firm or corporation manufacturing, producing, selling or dealing in milk, cream, etc., in bottles known as bottlers and may adopt trade-mark.
2. Form of writing to be used in adopting trade-mark; same to be acknowledged for record and filed with clerk county court in county where principal office or place of business is located, in office of secretary of state and copy published four successive weeks in newspaper.
3. Trade-mark adopted exclusive property, and use by another a misdemeanor, penalty; use may be restrained.
4. A misdemeanor to refill without permission of owner; penalty for violations; additional penalty if previously convicted.

SEC.

5. In legal proceedings, civil or criminal, stamped trade-mark on bottle is *prima facie* evidence of ownership.
6. In any prosecution, fact that defendant trafficked in bottles without permission *prima facie* proof that it was done unlawfully.
7. Proprietor or agent of trade-mark may before justice of peace make oath or complaint and search warrant is authorized; bottles may be taken and person arrested and dealt with according to law; all recovered bottles to be restored to owner; exceptions.
8. Provisions apply to trade-marks adopted heretofore and hereafter; exceptions as to intoxicating liquors.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, six, seven and eight of chap-

ter fifteen of the acts of the Legislature of one thousand eight hundred and ninety-seven be amended and re-enacted so as to read as follows:

Section 1. Any person, firm or corporation, manufacturing, producing, selling, or dealing in milk, cream, buttermilk, mineral waters or other liquids, in bottles, and who sell the contents, but do not sell the bottles, shall be called and known as bottlers, and as such may adopt a trade-mark in the manner and with effect hereinafter provided.

Sec. 2. Every such bottler desiring to adopt a trade-mark, may do so by the execution of a writing in form and effect as follows:

3 *Trade-Mark.*

4 "Notice is hereby given that I (or we, etc., as the case
5 may be), have adopted the following trade-mark to be
6 used in my (or our, etc.,) business as a bottler. (Here
7 insert the words, letters, figures, etc., constituting the
8 trade-mark, or if it be any device other than words, let-
9 ters or figures, etc., insert a fac-simile thereof.) Dated
10 this _____ day of _____, A. D. — A. B.

11 The said writing shall be acknowledged or proved for record in
12 the same manner as deeds are acknowledged or proved for record,
13 and shall be recorded in the office of the clerk of the county court
14 of the county where the principal office or place of business of such
15 bottler may be, and also in the office of the secretary of state and
16 a copy thereof shall be published at least once in each week, for
17 four successive weeks in some newspaper printed in such county,
18 or if there be no such paper printed therein, then in some news-
19 paper of general circulation in such county.

Sec. 3. Every trade-mark so adopted shall, from the date there-
2 of, be the exclusive property of the person, firm or corporation
3 adopting the same, and any other person, firm or corporation
4 knowingly using, or attempting to use, such trade-mark without
5 the written consent of the proprietor thereof shall be guilty of a
6 misdemeanor and fined not less than twenty nor more than two
7 hundred dollars for each offense, and shall moreover be liable to the
8 proprietor by reason of such use of said trade-mark; and such use,
9 or attempt to use, shall be restrained by a writ of injunction
10 which shall be granted and awarded, upon the application of the

11 proprietor of such trade-mark, by any court of chancery having
12 jurisdiction of the parties.

Sec. 4. It is hereby declared to be a misdemeanor for any
2 person, firm, or corporation hereafter, without the permission of
3 the proprietor of such trade-mark, to re-fill with milk, cream,
4 buttermilk, mineral waters, or other liquids, any such bottles so
5 marked, or sell or use any such bottles so marked, or to have in his
6 possession for the purpose of buying, selling or using for bottling
7 milk, cream, buttermilk, mineral waters, or other liquids, any
8 bottles so marked. And upon conviction thereof, the offender
9 shall be fined not exceeding one hundred dollars, and may in the
10 discretion of the court be sentenced to confinement in the county
11 jail for a term not exceeding thirty days. And if it be alleged in
12 the indictment on which he is convicted, and admitted, or by the
13 jury found, that he has been before sentenced in this state for a
14 like offense, he shall be sentenced to be confined in the county jail
15 for a term not exceeding one year.

Sec. 5. In any legal proceeding, civil or criminal, before any
2 court or justice of the peace, the fact that such trade-mark is
3 stamped, impressed, blown or otherwise wrought in any such bottle,
4 shall be *prima facie* proof that such bottle is the property of the
5 proprietor of such trade-mark.

Sec. 6. In any prosecution for a violation of any provision of
2 this act, the fact that the defendant filled with milk, cream, butter-
3 milk, mineral waters, or other liquids, or sold or disposed of, or
4 bought, or trafficked in any such bottles so marked, without the
5 permission of the proprietor of such trade-mark, shall be *prima*
6 *facie* proof that he did so unlawfully.

Sec. 7. The proprietor of any such trade-mark, or any agent of
2 such proprietor, having reason to believe that any such bottle so
3 marked, is hidden, secreted, or unlawfully held by any person
4 whomsoever, at any place, in this state, may go before any justice
5 of the peace of the county, and make oath that he has reason to
6 believe that certain bottles, bearing certain trade-marks, are un-
7 lawfully hidden, secreted, or held at a certain place, naming the
8 place, by a certain person, naming the person, if the name be
9 known, and describing the trade-mark, whereupon it shall be the
10 duty of the justice before whom such oath is made, to issue a
11 search warrant directed to any constable or other proper officer, to
12 search the place where such bottles are alleged to be, and if upon

13 such search any such bottles shall be found, to take possession of
 14 the same, and to bring the person, or persons, in whose control, or
 15 possession any such trade-marked bottles may be found, before
 16 such justice to be dealt with according to law.

17 And all such bottles so found shall be delivered by the officer to
 18 the proprietor of the trade-mark on them; *provided*, that none of
 19 the foregoing sections shall be construed to affect the right of any
 20 dealer to continue to use any bottles upon which is not marked or
 21 into which no mark has been blown, which he may now have in his
 22 possession.

Sec. 8. All of the provisions of this act shall apply to trade-
 2 marks whether the same shall have been heretofore, or shall be
 3 hereafter, adopted as provided for by any former act of the legis-
 4 lature, or under this act; *provided, however*, that the word
 5 "liquids" as used in this act shall not be construed to mean or em-
 6 brace intoxicating liquors, as intoxicating liquors are defined by
 7 the prohibitory laws of this state.

CHAPTER 50.

(House Bill No. 272.)

AN ACT authorizing counties in this state to issue bonds in aid of the
 construction of a canal or navigable waterway from the junction
 of the Ohio and Beaver rivers in the state of Pennsylvania to
 Lake Erie in the state of Ohio; and repealing chapter twenty of
 the acts of the legislature at the session of one thousand nine
 hundred and eleven, approved February twenty-four, one thous-
 and nine hundred and eleven, authorizing counties, magisterial
 districts, cities and towns to issue bonds in aid of the construction
 of canals.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
 Governor February 20, 1915.]

SEC.

1. Act contemplates construction,
 maintenance and operation by
 Pennsylvania, or by a commis-
 sion, board or other agency, in-
 corporated or otherwise, of a
 canal or navigable waterway
 route in Pennsylvania and Ohio;
 to raise money for construction
 of same under laws of U. S.,
 Pennsylvania, Ohio, West Vir-

SEC.

ginia, or various counties,
 cities and towns of states nam-
 ed, or U. S.: the collection of
 tolls limited to provide for cost
 of maintenance, operation and
 improvement and to repay
 bonds, etc., at par; the distri-
 bution of surplus revenues
 among contributors *pro rata*, to
 repay obligations, with interest;

SEC.

general benefits declared and right vested in voters to vote on issue of bonds as herein-after provided.

2. After filing with county court of any county certified copy of laws of Pennsylvania as contemplated in section one, petition signed by at least one hundred voters and taxpayers of county praying county court to order special election upon question of issuing bonds of the county in aid of canal, election may be called; action of county court thereunder; election under petition and how ordered; how notice shall be given, and duty of clerk of county court and sheriff in relation to posting notices; order for election may also be published in newspapers by order of court; vote may be taken at a general or special election, and what ballot shall contain; in case of failure to provide ballots, voters may prepare their own; result of election and how ascertained; if a special election same precincts and same methods to prevail; election officers and voters subject to same duties and penalties as at general election, and

SEC.

expenses a county charge; three-fifths vote in favor of proposition necessary for ratification; if not approved no further election to be held during six months following.

3. When officer of Pennsylvania duly authorized shall certify that any contributions have been authorized as contemplated in section one, duty of county court hereunder, to prepare amount of bonds so authorized; form of bonds, date and character, denomination and how payable; order for issue of bonds shall also contain provision for levy and collection of direct annual tax sufficient to pay interest and principal at maturity; sale of bonds may be at public or private sale, but for not less than ninety-five per cent. of par value and accrued interest under existing laws of Pennsylvania; proceeds and how applied; purchaser not liable to see to application of proceeds; matured coupons to be detached from bonds before sale.
4. "County court" construed for purposes of this act.
5. Chapter 20, acts of 1911, repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. This act contemplates the construction, maintenance and operation by the state of Pennsylvania, or by a commission, board, or other agency thereof, incorporated or otherwise, under the authority and provisions of any present or future law of the state of Pennsylvania, of a canal or navigable waterway, from the junction of the Ohio river and Beaver river in the state of Pennsylvania, to a point on Lake Erie, in the state of Ohio; the raising of money sufficient to pay the cost of the construction of such a canal or waterway by such voluntary contributions, or appropriations, in money, or bonds at their par value, as shall have heretofore been made, or as may hereafter be made, pursuant to the authority of any present or future laws, by the United States, the state of Pennsylvania, the state of Ohio, the state of West Virginia, and various counties, cities, towns, municipal corporations, or other political subdivisions, of the states of Pennsylvania, Ohio and West Virginia, or by some or all of said United States, state and other public authorities; the collection of tolls and charges on such canal, or waterway, but only to such extent as may be necessary to provide for the cost of the maintenance, operation and improvement thereof and to re-

21 pay contributions made in money, or in bonds, at their par value and
22 the interest on such bonds; the distribution of any surplus revenues
23 of such canal, or waterway, among such contributors to such cost,
24 substantially *pro rata* according to the amount of their several con-
25 tributions in money, or in bonds at their par value, to such extent
26 as may be necessary to repay to said contributors the amount of
27 their several contributions made in money or in bonds at their par
28 value, with interest on such bonds. The construction of such a
29 canal, or waterway, will be of general benefit to this state and a
30 special benefit to certain counties of this state by reason of the lo-
31 cation, or commercial or industrial interests thereof; and it is
32 the intention of this act that the voters of any county of the state
33 of West Virginia shall have the right to determine that such coun-
34 ty will be specially benefited thereby by voting to issue bonds in
35 aid thereof as hereinafter provided.

Sec. 2. At any time after there shall have been filed with
2 the county court of any county a certified copy or certi-
3 fied copies of the law or laws of the state of Pennsylvania
4 contemplated by the first section of this act, a petition may
5 be presented to the county court of such county, signed by at
6 least one hundred qualified voters and taxpayers of the county,
7 and verified by the affidavits of at least five of the petitioners,
8 stating that in the judgment of the petitioners, such county, by
9 reason of its location, or commercial or industrial interests, will
10 be specially benefited by the construction of such canal or water-
11 way, and praying the county court to order an election to be
12 held, at a date stated in such petition, upon the question of is-
13 suing, in aid of such canal or waterway, bonds of the county of
14 such aggregate principal amount, of such term, which shall not ex-
15 ceed thirty-four years from their date, and of such rate of interest,
16 which shall not exceed six per centum per annum, payable annually
17 or semi-annually, as may be stated in said petition. Upon receiving
18 such a petition the county court shall forthwith proceed to deter-
19 mine whether the petition conforms to the foregoing requirements,
20 and to that end may take evidence and call witnesses. If the county
20-a court shall find that the petition conforms to the requirements of
21 this act, it shall make an order to that effect and such order shall
22 be final and conclusive on the regularity and sufficiency of such
23 petition. Upon making such an order the county court shall
24 file said petition and shall direct an election, upon the question

25 of the issuance of said bonds, to be held in said county and to that
26 end shall make an order briefly referring to the petition so filed
27 and stating generally the purpose for which the bonds are pro-
28 posed to be issued, the aggregate principal amount of such bonds,
29 the term for which such bonds are to run, the rate of interest
30 thereon, payable annually or semi-annually, all as set forth in
31 said petition, and that provision will be made for a direct annual
32 tax sufficient to pay annually the interest on such bonds and the
33 principal thereof within and not exceeding the term for which
34 such bonds shall run, and shall order that a vote be taken upon
35 the issuance of such bonds in the several election precincts in the
36 county on the date specified in said petition. Notice of the elec-
37 tion shall be given as hereinafter provided. Notice of the election
38 shall be posted at least thirty days before the date fixed for holding
39 the election as follows: the clerk of the county court shall cause
40 as many copies of such order to be written or printed as may be
41 necessary and sign the same, and he shall post one of them in a
42 conspicuous place in his office, and one at the front door of the
43 court house, and deliver the others to the sheriff of the county,
44 who shall post one of said copies in a conspicuous place at each of
45 the usual voting places in the county. The certificates of such
46 clerk and sheriff that such notice has been posted by them re-
47 spectively, as heretofore provided, filed with the county court,
48 shall be conclusive evidence of such facts. The order for the
49 election may be published in such newspapers as the county court
50 may direct in the order calling the election, and shall be pub-
51 lished at least once, and thirty days prior to the date fixed for
52 such election, in some newspaper of general circulation in such
53 county, unless the county court shall recite in such order that
54 there is no such newspaper, in which case no such publication
55 shall be necessary.

56 If the date for holding such election fixed in the petition
57 aforesaid shall be the date fixed by law for holding a general
58 election for state or county officers, such vote shall be taken at
59 such general election, otherwise a special election shall be held
60 for the taking of such vote. If such vote shall be taken at a gen-
61 eral election there shall be printed or written upon the ballots to
62 be voted at such general election the words "for canal bonds" and
63 "against canal bonds," or substantially similar words which will

64 enable the voter to indicate his desire on said question. If such
65 vote shall be taken at a special election the ballots cast thereat
66 shall bear the same or substantially similar words, which ballots
67 need not conform to the requirements of any other law and shall
68 be prepared and distributed by the clerk of the county court;
69 but in case of the failure of such clerk to furnish such ballots
70 at any voting precinct the voters thereat may prepare their own
71 ballots. If such vote shall be taken at a general election, the
72 result of such vote shall be ascertained, returned and canvassed in
73 the same manner as the result of said general election. If the
74 vote shall be taken at a special election such election shall be
75 held at the usual voting places in the county by commissioners
76 appointed for that purpose by the county court at the time the
77 election is ordered, or at any time prior to the time of such elec-
78 tion, and such election shall be opened, held and conducted, and
79 the result shall be ascertained, returned and canvassed, substan-
80 tially as provided by the law or laws governing general elections
81 so far as the same may apply. All officers who are required to
82 perform any duties in connection with such special election and
83 all voters voting thereat shall be subject to the penalties pre-
84 scribed in case of general elections, and the expenses of calling
85 and holding any election hereunder shall be a county charge.
86 If it shall appear when the result of any such general or special
87 election is ascertained that not less than three-fifths of all the
88 votes cast for and against the proposed bond issue are in favor of
89 such issue, the county court shall issue the bonds so authorized as
90 hereinafter provided. If at any such election three-fifths of all
91 the votes cast for and against said bonds shall not be in favor of
92 the issuance of such bonds, no further election upon such ques-
93 tion shall be held during the six months following. The power
94 hereby conferred shall not be deemed to be exhausted by a single
95 submission to a vote, and a favorable vote thereat.

Sec. 3. Whenever any officer of the state of Pennsylvania, or
2 any commission, board, or other agency thereof, or any officer of
3 such commission, board, or other agency, thereunto duly author-
4 ized by any present or future law of the state of Pennsylvania shall
5 certify to the county court of any county which shall have voted
6 as aforesaid to issue bonds to aid in the construction of said canal,
7 or waterway, that contributions or appropriations, in money, or

8 bonds at par value, have been authorized as contemplated in the
9 first section of this act, at least equal in amount to the estimated
10 cost of such canal or waterway, the county court of such county
11 shall by an order or resolution, authorize and direct the president
12 and clerk of such county court (or other officers exercising like
13 functions) to execute under the seal of the county the amount of
14 bonds authorized by vote taken as aforesaid, and to deliver such
15 bonds so executed to any officer of the state of Pennsylvania, or to
16 any commission, board or other agency thereof, or to any officer of
16-a such commission, board or other agency authorized to receive and
17 receipt for said bonds by any present or future law of the state of
18 Pennsylvania. The said bonds shall bear date and be in such form,
19 either coupon or registered or coupon and registered combined, of
20 such denomination, and payable as to both principal and interest
21 at such place or places as the county court may provide, and shall
22 contain a recital that they are issued pursuant to the authority of
23 this act, and such recital shall be conclusive evidence of their va-
24 lidity and of the regularity of their issue. The order or resolu-
25 tion authorizing and directing the execution and delivery of said
26 bonds shall provide for the collection of a direct annual tax suffi-
27 cient to pay annually the interest on such bonds and the principal
28 thereof within and not exceeding the term for which they shall run
29 which may be assessed, levied and collected without regard to any
30 limitation or restriction contained in any other law or laws upon
31 the amount of taxes which may be assessed, levied and collected.
32 Said bonds may be sold from time to time at public or private sale
33 for the best price obtainable, but for not less than ninety-five per
34 cent. of the par value thereof, and accrued interest, in such manner
35 as may be provided by any present or future law of the state of
36 Pennsylvania and the proceeds thereof shall be applied to the cost
37 and expenses involved in the construction of such canal and appur-
38 tenances; but no purchaser of said bonds shall be liable to see to the
39 application of such proceeds. Before any of said bonds shall be
40 sold, all matured coupons, if any, thereunto belonging, shall be de-
41 tached therefrom and cancelled and delivered to the county court
42 of the county issuing the same.

Sec. 4. The words "county court" shall be construed to
2 include any tribunal in lieu thereof, created under the provisions
3 of section twenty-nine, article eight of the state constitution.

Sec. 5. Chapter twenty of the acts of the legislature, ses-

sion of one thousand nine hundred and eleven, entitled "An act 3-5 to enable counties, magisterial districts, cities and towns to appropriate money or to issue bonds in aid of the construction by public authority and control of canals or waterways suitable for steamships, steamboats, barges or other vessels, and providing for the procedure in such cases," approved February twenty-four, one thousand nine hundred and eleven, (being serial sections 2502 to 2509 of the code of West Virginia, one thousand nine hundred and twelve,) is hereby repealed.

CHAPTER 51.

(Senate Bill No. 342.)

AN ACT to amend and re-enact chapter fifty-eight of the code of West Virginia, concerning insane persons, and to repeal chapter fifty-eight-a of the code of one thousand nine hundred and thirteen, and all inconsistent acts.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec.

1. Official designation of hospitals for the insane; each to remain at respective locations and to be managed and controlled by state board of control, (hereafter called state board), as provided herewith.
2. Word "lunatic" construed.
3. State board to have authority to adopt rules and regulations, not unlawful, to govern and control said hospitals; also to transfer patients from one to another (except the penitentiary), to prepare and prescribe forms for commitment, to divide into classes for care and treatment, and to cause to be returned patients in certain cases; governor and state board have authority to order inspection by experts; inspections, how paid.
4. Commission of lunacy established in each county; composed of president of county court, prosecuting attorney and clerk county court, to serve without compensation except necessary in discharge of duty; provision that another than president of county court may serve; president of court chairman of commission; prosecuting attorney chairman in absence of court member, and county clerk to be

Sec.

- clerk; to keep a book for record of proceedings; two a quorum.
5. Resident of county may make complaint under oath on suspect; and duty of clerk thereunder; who has authority to issue warrant, how prepared and to whom addressed; warrant may be served by relative or friend; all meetings of commission held at county seat, unless in certain cases; before proceedings commission shall appoint guardian *ad litem*, to be present; witnesses to include two reputable physicians, who make separate examinations and make out certificate of result, sworn to, and constitutes evidence; action of commission if suspect be found a lunatic; if taken by friend, bond required to be approved by commission; provision in case lunatic is found harmless.
6. Provision if person found to be lunatic is a resident of another county, and duty of commission; facts to be set forth in certificate, signed and attested; duty of sheriff upon receipt of certificate; return to be entered by county clerk in record of commission; expenses incurred and how paid; proceed-

- Sec.** lings in lunacy of last named county as in other cases.
7. Method of commitment, duty of clerk; may deliver person to custody of sheriff for safe keeping or to relative or friend; not to be confined in jail or lockup unless violent or dangerous, and commitment in hospital must be speedily done; expenses incurred to be paid out of county treasury.
 8. Duty of superintendent of hospital on receipt of application for admission of person; what to be done in case there is no room at hospital; attendant to be sent for person unless consent given that person may be delivered by relative or friend.
 9. As soon as prudent, persons committed to be carefully examined by superintendent and assistant, who constitute examining board; action to be taken if found insane, or otherwise; duty of sheriff if person is returned.
 10. County court authorized to contract with two or more competent physicians respecting compensation to be paid in lunacy cases; compensation herein authorized, except as fixed by this chapter, paid out of county treasury.
 11. Resident of state may, under certain conditions, receive treatment at state hospital, as voluntary patient; application and how made, and what state board may require; how voluntary patient discharged, or may leave hospital at any time under certain conditions; action to be taken on application for admission by relative, friend or guardian of imbecile, idiot or other incurable mental defective.
 12. What class to be admitted at Huntington state hospital, and exceptions.
 13. Patient restored to sanity to receive certificate; action to be taken on refusal of superintendent to issue certificate and court procedure; application to be treated as for writ of *habeas corpus*; superintendent to have five days' notice of trial by circuit court; prosecuting attorney to represent sheriff or commission in lunacy and attorney general, superintendent of hospital in cases on appeal; nothing herein to apply to patients convicted of crime.
 14. Person confined and charged with crime or convicted, if restored to sanity, superintendent to give notice to clerk of court.
 15. Person charged or convicted of crime found to be insane, to be confined in state hospital, if room; if no room to be kept in jail.
- Sec.**
16. No compensation to be allowed for transfer of lunatics to or from hospital, unless room is assured.
 17. Duty of superintendents in case of escape of person; may offer reward or may issue warrant; what may be done in case of escape to another state.
 18. Duty of jailer when insane person, epileptic, idiot or other incurable defective is confined, and order of court; allowance authorized for jailer not to exceed \$1.00 per day, except in special cases; allowance authorized for clothing; requirement for payment of jailer.
 19. Action to be taken for release of person confined as a lunatic, other than one charged with crime or other than one confined in state or private hospital.
 20. Guardian to be appointed in all cases where person is found to be insane.
 21. Guardian to give bond with surety, conditions; to be transmitted and recorded as other bonds; appointment of appraisers for property, and duties and oath; returns, how made and to whom returned; what may be done in case of failure of appraisers.
 22. Guardian entitled to custody and control of person when not confined in hospital or jail, shall hold his estate and may sue and be sued in respect thereto; shall also preserve and manage estate and surrender same to such person in case of restoration or to heirs in case of death.
 23. If personal estate insufficient for discharge of debts, etc., what guardian may do.
 24. Commissioner in chancery authorized to act on petition and report.
 25. On report order to be entered for mortgage, sale or lease, but action subject to confirmation of court.
 26. Action on suspect residing in state; same action on suspect residing out of the state but having property therein.
 27. Resident of state defined for purposes of this act.
 28. No private hospital to be established unless permit is first obtained; procedure to secure permit; state board may make inspection and revoke permit for cause.
 29. Penalty for physician signing certificate without having made examination respecting sanity of person, or for malicious representations.
 30. Penalties: For enticing or assisting any patient to escape from hospital; to give or sell for money, firearms, intoxicating

Sec.

drink, drugs, cigarettes, tobacco or other articles; to receive anything of value; to cause or influence patients to violate or rebel against regulations of institution; to tease, pester, annoy or molest, is misdemeanor; aiding is guilt equal with principal; sexual intercourse with a female patient a felony.

31. Enclosed premises and lands adjoining declared private grounds; penalty for trespass.
32. Duty of superintendent at close of fiscal year as to report; what facts to be set forth; lists to be made in duplicate, one for the state board, the other for the records of the institution.
33. From lists received state board to make statement in triplicate for each county; facts to be shown; one statement for clerk of

Sec.

county court, one to be filed with the auditor and one for the files; county clerk to lay statement before county court; what to be done in case of error.

34. Amount due from any county a debt due from county to state; duty of county court; duty of auditor upon receipt of statement; amounts paid by counties to be known as "state board of control funds;" and subject to requisition; appropriation authorized.
35. Manner of recovery of money paid by county under provisions of this chapter; duty of guardian or committee in certain cases, and authority of county court in enforcing payment of charges; exceptions where inability to pay exists.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-eight-a of the code of one thousand nine hundred and thirteen, and all other acts inconsistent with this act, are hereby repealed; and that chapter fifty-eight of the code of West Virginia is hereby amended and re-enacted so as to read as follows:

CHAPTER 58—*Of Insane Persons.*

Section 1. The West Virginia hospital for the insane, at Weston, shall hereafter be known as the Weston state hospital; the second hospital for the insane, at Spencer, shall hereafter be known as the Spencer state hospital; and the West Virginia asylum, at Huntington, shall hereafter be known as the Huntington state hospital. Each of the said hospitals shall remain at their respective locations, and shall be managed, governed and controlled by the state board of control (hereinafter called the state board) as provided in chapter fifty-eight of the acts of one thousand nine hundred and nine, and further as provided in this chapter.

Sec. 2. The word "lunatic", wherever it occurs in this chapter, shall be construed to include every insane person who is not an idiot.

Sec. 3. The state board shall have authority to make and adopt rules and regulations, not contrary to law, for the government and control of each of said hospitals; prescribing the powers and duties of the officers and employees thereof; regulating the admission of patients thereto, and the release, parole and discharge

6 of patients therefrom; and providing for the care, maintenance
7 and treatment of the patients therein. Said board shall also
8 have authority to transfer patients from any one of said hospitals
9 to another, and to transfer any inmate from any institution
10 under its control and management to any one of said hos-
11-pitals, and from any one of said hospitals to any of said
12 institutions (except the penitentiary); to prepare, prescribe and
13 have printed forms to be used in committing patients to any of
14 said hospitals; in order to make provision in cases of scarcity of
15 room, to divide into classes patients to be admitted thereto, so that
16 admission shall be according to the relative need of patients for
17 medical care and treatment in a hospital; and, for the same reason,
18 to cause to be returned to their relatives, or to the counties whence
19 they came, patients who are harmless and incurable, including do-
20-tards, feeble-minded, imbeciles and idiots.

20. The governor and the state board shall each have authority to
21 have any one of said hospitals inspected or investigated by an ex-
22-pert or experts, at any time either may think necessary. And the
23 governor, when done upon his order, may pay the expense thereof
24 out of the civil contingent fund; and the state board, when done
25 upon its order, may pay the same out of the current expense
26 fund of the institution inspected or investigated.

Sec. 4. There is hereby established in each county a commis-
2 sion of lunacy, to be composed of the president of the county
3 court, the prosecuting attorney and the clerk of the county court,
4 who shall serve as such without compensation, except for traveling
5 or other necessary expenses incurred in the discharge of their du-
6-ties as members of the commission, which expenses shall be audited
7 by the county court and paid out of the county treasury; *provided*,
8 that if the president of the county court shall not reside conven-
9-iently to the county seat and for that reason, or for other reason,
10 shall desire not to serve as a member of the commission, the county
11 court may choose one of its other members as a member of said
12 commission. The president of the county court, or other member
13 thereof chosen in his stead, as above provided, shall be the chair-
14-man of the commission. In his absence, the prosecuting attorney
15 shall act as such chairman, the clerk of the county court shall be
16 the clerk of the commission, and shall keep in a proper book pro-
17-vided for the purpose the full and careful proceedings of all the

18 acts, orders and resolutions of the commission. Two members of
19 the commission shall be a quorum thereof.

Sec. 5. If any resident of a county suspect any person
2 therein to be a lunatic, he may make complaint under oath to
3 the clerk of the county court, giving such information and stating
4 such facts therein as may be required, and deliver the same to the
5 clerk of the county court, whose duty it shall be to issue a war-
6 rant ordering the person so suspected and named in such com-
7 plaint to be brought before the commission at a time and place
8 named therein, that his sanity may be inquired into. Any member
9 of the commission without such complaint may have such warrant
10 issued for any person found in his county, whom he shall suspect
11 to be a lunatic. All such warrants shall be signed by the clerk
12 of the county court and have impressed thereon the seal thereof;
13 and may be addressed to the sheriff of the county or to any con-
14 stable of any district thereof, or to a special constable appointed
15 for the purpose and named therein; but if any relative or friend
16 of the person so suspected will serve such warrant and cause such
17 suspected person to be brought before the commission, he may be
18 allowed to do so. All meetings of the commission shall be held
19 at the county seat, unless it shall be thought best by the commission
20 to meet at some other place, as in the case of an insane person
21 whose condition makes it advisable to meet at or near his residence.
22 The officer or person to whom the warrant is addressed shall
23 take the suspected person into his custody and bring him before
24 the commission at the time and place named therein. Before
25 proceeding with the hearing of such suspected person, the com-
26 mission shall appoint a guardian *ad litem* for him, who shall be
27 present at the hearing and manage the case on behalf of the per-
28 son suspected. Such witnesses as shall appear necessary shall be
29 summoned by the commission to testify in the hearing. Among
30 the witnesses there shall be included two reputable physicians, duly
31 authorized to practice medicine in this state, who shall separately
32 make a physical and mental examination of the suspected person,
33 and each physician shall make out a certificate of the result of
34 such examination in the form required by the state board, which
35 certificate shall be sworn to by the physician, and shall be consid-
36 ered as evidence by the commission. The substance of the evidence

37 of each witness shall be reduced to writing. If the commission
38 finds as a result of the hearing that the person suspected is a
39 lunatic and should be confined in a hospital, and that he is not a
40 resident of another county of this state, they shall order him to
41 be committed to the nearest hospital unless some relative or friend
42 of such person will agree to take care of him, in which case the
43 commission may deliver him to such person, and take from such
44 relative or friend a bond in the penalty of at least five hundred
45 dollars, with sufficient security, to be approved by the commission,
46 payable to the state of West Virginia, with condition to restrain
47 and take proper care of such insane person until the cause of con-
48 finement shall cease, or until he is delivered to the commission to
49 be proceeded with according to law; but if the person found to be a
50 lunatic is not dangerous to himself or to the lives or property of
51 others, or is found harmless and incurable, he may be delivered to
52 any relative or friend who will agree to take proper care of him,
53 without such bond, if in the judgment of the commission in any
54 case the same may be proper.

Sec. 6. If the person so found to be a lunatic by the com-
2 mission is a resident of another county of this state, the com-
3 mission shall make up and transmit to the sheriff of its county a
4 copy of the evidence taken on the examination of such person,
5 and shall find and certify to the sheriff the following facts con-
6 cerning such person, namely: His name, color, age and sex, and the
7 county of which he is a resident, giving the name of the city,
8 town or postoffice of such residence, if known. Such certificate
9 and copy of the evidence shall be signed by the chairman and clerk
10 of the commission, attested by the seal of the county. Upon re-
11 ceipt of such certificate and copy of evidence, the sheriff shall
12 thereupon remove such person to the county of which he is a resi-
13 dent and deliver him into the custody of the clerk of the county
14 court; or, in his absence, to the sheriff, and take a receipt in writ-
15 ing for him, which shall show the name of such insane person,
16 the date of delivery, the person who delivered him and the person
17 receiving him. The sheriff shall make due return to the clerk of
18 the county court of his county, showing the manner in which he
19 removed such insane person, making the above mentioned receipt
20 part of such return. Such return shall be entered by the county
21 clerk in the record of the proceedings of the county commission

22 of lunacy. The expenses necessarily incurred in effecting such re-
23 moval, including the compensation to the person making the same,
24 not to exceed three dollars per day, and one guard when necessary,
25 not to exceed one dollar and a half per day, for each day actually
26 so employed, shall be paid out of the county treasury, and shall
27 be refunded to the county paying the same by the county court of
28 the county to which such lunatic was removed and of which he
29 was a resident. The commission of lunacy of the last named
30 county shall proceed in the case of such lunatic as in the case of a
31 person brought before them charged with being a lunatic, and in
32 such case may consider the evidence and certificate delivered to
33 them by the commission of lunacy of the other county.

Sec. 7. When a person has been committed to a hospital,
2 as hereinbefore provided, the clerk of the commission shall im-
3 mediately communicate with the superintendent of the proper hos-
4 pital, and forward to him the commitment papers. In the mean-
5 time the commission may deliver such insane person into the cus-
6 tody of the sheriff for safe keeping until he is taken to the hos-
7 pital, or may provide for his safe keeping for such time by any
8 relative or friend who may agree to do so, upon such terms as
9 may be agreed upon. No such insane person shall be confined in
10 any jail, lockup, or other similar place, unless by reason of his
11 violent or dangerous condition the same shall be necessary; and it
12 shall be the duty of the commission to have all such persons ad-
13 mitted to a hospital where they can receive proper treatment, as
14 speedily as possible. In any case the clerk of the county court may
15 communicate with the superintendent of the hospital by telegraph
16 or telephone. All expenses incurred in the arrest, hearing, and
17 transportation of any insane person to a hospital, including any
18 such telegraphing or telephoning, shall be certified to the county
19 court by the clerk thereof, and shall be paid out of the county
20 treasury.

Sec. 8. The superintendent of the hospital to whom ap-
2 plication is made as hereinbefore provided, shall, on receipt of
3 such application, carefully consider the same, and if he be of
4 the opinion that the person named is a proper one to be admit-
5 ted to his institution, and there is room for him therein, he
6 shall, without delay, cause such person to be brought to his hos-
7 pital by one of the attendants thereof, the actual expenses where-

8 of shall be paid out of the proper fund of the hospital, and re-
9 paid to the state by the county as hereinafter provided. If there
10 be no room in the hospital to which the application is made,
11 the superintendent thereof shall immediately communicate the
12 fact to the state board, which he may do when deemed neces-
13 sary by telegraph or telephone, and transmit the commitment
14 papers to the state board, whose duty it shall be to ascertain
15 whether there is room in any one of the other hospitals, and if
16 there is, to cause him to be admitted thereto, and the superin-
17 tendent thereof to send an attendant for such person; *provided*,
18 that any reputable and trustworthy relative or friend of such
19 insane person may be allowed by the county commission of lu-
20 nacy to deliver him to the hospital, if such relative or friend
21 will do so, without expense to the county or state.

Sec. 9. When a person committed to a state hospital is
2 received therein he shall be carefully examined by the super-
3 intendent and the assistant physicians thereof, who are hereby
4 constituted the examining board of such institution. Such ex-
5 amination shall be made as soon after such person is received
6 in the hospital as may be prudent; and, if from such examina-
7 tion (or from a subsequent examination, if the first one be not
8 satisfactory to the examining board) he is found to be insane
9 and a proper person to be received therein, he shall be registered
10 as an inmate of such hospital, and receive maintenance, treat-
11 ment and care therein; but if he is not a proper person to be re-
12 ceived in such hospital, or if in the opinion of the examining
13 board such person be not insane, the superintendent shall cause
14 him to be returned by an attendant to the sheriff of the county
15 from which he was received. On receiving any such person it
16 shall be the duty of the sheriff immediately to notify the clerk
17 of the county court thereof; and it shall be the duty of the com-
18 mission of lunacy of such county promptly to consider and dis-
19 pose of such case.

Sec. 10. The county court of any county may make con-
2 tract with two or more competent physicians respecting the com-
3 pensation to be paid to them for their services in examining lu-
4 natics and other persons brought before the commission of lu-
5 nacy of the county, the county court, or the circuit court, or
6 confined in jail. The compensation of physicians, of all wit-
7 nesses, and of all other persons and officers whose compensa-

8 tion is not fixed in this chapter or by any other law, employ-
9 ed in examination of such persons, or for their care and main-
10 tenance, or for other services in connection therewith, unless the
11 same shall have been agreed upon before or at the time such
12 service was performed, or is fixed by law, shall be such as may
13 be prescribed by the county court of the county, and shall be
14 paid out of the county treasury.

Sec. 11. Any resident of this state who is in the early
2 stages of insanity, or believes himself about to become insane,
3 or any epileptic who is not insane, or any other person so af-
4 flicted as to believe that treatment in one of said hospitals would
5 be beneficial to him, may make application to the state board
6 for the benefit of treatment in one of the state hospitals, as a
7 voluntary patient. The application must be in writing, in such
8 form as the state board may prescribe, and be signed by the ap-
9 plicant, who shall acknowledge his signature before a justice or
10 a notary public. The state board may require the certificate of
11 one or more physicians and such other evidence of the mental
12 and bodily condition of the applicant as they may think proper;
13 and the board may admit him for treatment in any state hos-
14 pital upon such terms and conditions, and with such security
15 for payment of the price agreed upon for treatment and mainte-
16 nance therein, as the board may deem proper. A voluntary pa-
17 tient may be discharged upon certificate of the superintendent
18 of the hospital, because he is cured or because further treatment
19 therein is unnecessary or undesirable. A voluntary patient
20 shall have the right to leave the hospital at any time if in the
21 judgment of the superintendent he is in fit condition, and it
22 is prudent for him to go at large, by giving five days' notice of
23 his desire to do so. Any relative or friend of any such person,
24 or any relative or friend or the guardian or committee of any
25 imbecile, idiot or other incurable mental defective, may make
26 application to the state board for his treatment in a state hos-
27 pital, and the board may take such action thereon as is provided
28 above in this section, all the provisions of which shall apply to
29 such case, so far as applicable, as when the application is made
30 by the person himself.

Sec. 12. There shall also be admitted to the Huntington
2 state hospital epileptics and idiots, and also such other incur-
3 able mental defectives as the state board may deem eligible; but

4 in no case to include tubercular, cancerous or leprous persons.
5 Such persons shall be committed by county courts, or in such
6 other manner as the state board may prescribe, and according to
7 regulations prescribed by said board.

Sec. 13. When any patient in any state hospital is re-
2 stored to sanity the superintendent shall give him a certificate
3 of restoration and discharge him from custody. Any patient
4 out on parole, or on bond, or otherwise temporarily released
5 from a hospital, who has been restored to sanity, may present
6 himself to the superintendent. If after examination the su-
7 perintendent shall find him sane, he shall give him a certifi-
8 cate of restoration and a discharge. Any person who has been
9 found insane by a county commission of lunacy or any other
10 board or tribunal other than a circuit court, and any person who
11 is confined in any hospital or other place of confinement or oth-
12 erwise restrained of his liberty in violation of law, or a patient
13 who has been restored to sanity and to whom the superintend-
14 ent of the hospital refuses to give a certificate of restoration and
15 discharge, may present his petition, or any relative or friend
16 may present a petition in his behalf, to the circuit court of the
17 county in which the hospital is located in case of a patient de-
18 nied the certificate of restoration, and in other cases to the
19 circuit court of the county in which the person is confined or
20 is in custody, stating the facts. The courts shall treat such
21 petition as an application for a writ of *habeas corpus*, so far as
22 applicable and necessary, and cause such process to issue as the
23 court may deem proper, and fix a time for the hearing of the
24 case, which may be heard by the court either with or without
25 a jury, as the court may order; and if the person is found sane,
26 or it is found that he is held in custody in violation of law, he
27 shall be discharged. In cases of patients who have been denied
28 certificates of restoration and discharge by the superintendent
29 of a hospital, or in which it is alleged that a patient is held in
30 custody illegally in any state hospital, the superintendent shall
31 have at least five days' notice of the time and place of the trial
32 in the circuit court. In all such cases the prosecuting attorney
33 shall represent the sheriff or other county officer or the commis-
34 sion of lunacy, who shall be a defendant in such proceedings;
35 and the attorney general shall represent the superintendent of
36 any hospital who is a defendant. In case the decision shall be

37 against the applicant, he or his bondsmen (if any), or the per-
38 son signing the petition, shall pay the costs of the proceeding.
39 In any case in which a court may find a person sane upon an in-
40 quest or trial respecting his sanity, he shall be discharged and
41 entitled to a certified copy of the order of the court made in the
42 case. Nothing in this section shall be construed as applying to
43 patients charged with or convicted of crime, as provided in sec-
44 tion fifteen hereof.

Sec. 14. When any person confined in a state hospital charg-
2 ed with crime and subject to be tried therefor, or convicted of crime
3 and subject to be punished therefor, shall be restored to sanity, the
4 superintendent shall give notice thereof to the clerk of the court
5 by whose order he was confined, and deliver him to the proper offi-
6 cer upon the order of the court.

Sec. 15. If any person charged with or convicted of crime, be
2 found in the court before which he is so charged or was convicted
3 to be insane, and if such court shall order him to be confined in
4 one of the state hospitals, he shall be received and confined in it if
5 there be room therein for him. The sheriff or other officer of the
6 court by which the order is made, shall immediately proceed in
7 the manner directed by section seven of this chapter, to ascertain
8 whether such vacancy exists in a state hospital; and until it is as-
9 certained that there is a vacancy, such person shall be kept in the
10 jail of such court.

Sec. 16. No officer shall be allowed anything for carrying a
2 lunatic or other person to or from a hospital, whether for himself,
3 his guard, or the lunatic, unless he shall have previously ascer-
4 tained that there is room therein for such lunatic.

Sec. 17. If any person confined in a state hospital escape
2 therefrom, the superintendent thereof shall issue a notice, giving
3 the name and description of the person escaping, and requesting
4 his apprehension and return to the hospital; and may offer
5 such reward for the return of such person as the state board
6 may authorize. The superintendent may issue a warrant directed
7 to the sheriff of the county, commanding him to arrest and carry
8 such escaped person back to the hospital, which warrant the sheriff
9 may execute in any part of the state. If such person flee to an-
10 other state, the superintendent shall notify the state board thereof,
11 and the board shall take such action as it may deem proper in the
12 premises for the return of such person to the hospital. The sheriff

13 or other person making such arrest shall be paid such compensa-
14 tion as is provided for like services in other cases, and such addi-
15 tional compensation in any case as the state board may think rea-
16 sonable and just.

Sec. 18. When any person is confined in any jail as an in-
2 sane person, or an epileptic, or an idiot, or other incurable defec-
3 tive, the jailer shall certify the fact to the circuit court of the coun-
4 ty at the next ensuing term, and the court shall thereupon cause
5 such person to be examined, if yet in jail, by two competent physi-
6 cians, who shall report the result thereof to the court. The court
7 shall then make such provision for the care and maintenance while
8 in jail of such person as it may deem proper: *provided, however,*
9 that the allowance to the jailer for such care and maintenance shall
10 not exceed one dollar per day, except in special and extraordinary
11 cases, when the court may allow a larger sum. A reasonable al-
12 lowance may be made for clothing for such person. No such al-
13 lowance shall be ordered or paid, unless it appear in the certificate
14 that the jailer proved to the court that, immediately after the com-
14-a mitment of such person, and at least once in each ten days there-
15 after, application was made to a state hospital for admission, and
16 that such application was refused for want of room, or that appli-
17 cations were not continued because the admission of such person
18 had been refused for some other cause than from want of room,
19 and it further appears in such certificate that the jailer made re-
20 port in due time to the circuit court of the county, as provided in
21 the first part of this section.

Sec. 19. If any reputable person present to the clerk of the
2 county court of a county wherein a person is confined as a lunatic,
3 other than one charged with or convicted of crime, or other than
4 one confined in a state hospital, or a duly licensed private hospital,
5 an application in writing for the discharge of such lunatic on the
6 ground that he has been restored to sanity, the commission of
7 lunacy for the county must consider the same, and may proceed to
8 make an inquest upon such lunatic as is hereinbefore provided.
9 If the commission find that such person has been restored to sanity,
10 they shall set him at liberty if they have authority to do so; and if
11 they have not such authority, they shall give a certificate of their
12 finding to the person making the application, who may present it
13 to the proper court.

Sec. 20. When a person is found insane by the county com-

2 mission of lunacy, or be committed to a state hospital by the coun-
3 ty court, the county court shall appoint a guardian or a
4 committee for him; and when a person is found insane by the cir-
5 cuit court, such court shall appoint a guardian or committee for
6 him.

Sec. 21. The court making the appointment of such guardian
2 or committee shall take from him a bond in such penalty and with
3 such surety as it shall deem sufficient, with condition that the per-
4 son so appointed will well and truly account for and pay over to
5 the persons entitled thereto all property and moneys which may
6 come into his hands by virtue of such appointment, and with such
7 other conditions as the court may require. When such appoint-
8 ment is made by a circuit court, the clerk thereof shall, without de-
9 lay, certify to the clerk of the county court the appointment so
10 made, and shall transmit the bond given, and it shall be recorded
11 by the clerk of the county court as other bonds are recorded. The
12 county court shall appoint three disinterested persons to appraise
13 the property, both real and personal, of any such person, which
14 appraisers before entering upon their duties shall take and sub-
15 scribe an oath that they will fairly and impartially perform their
16 duties as such appraisers; and they shall return a list of all the
17 property owned by such person or to which he may be entitled, by
18 separate items, setting forth the true and actual value of each item
19 of such property and the aggregate value thereof. The report of
20 the appraisers shall be returned to the clerk of the county court,
21 and recorded in his office, as is provided by law for the record-
22 ation of the appraisalment of the property of deceased per-
23 sons. If any person so appointed as guardian or committee
24 refuse the trust, or shall fail, at or before the term succeeding
25 his appointment, to give bond as aforesaid, the court, on the
26 motion of any party interested, or at its own instance, may
27 appoint some other person guardian or committee, taking from
28 him bond as above provided, or may commit the estate of such
29 person to the sheriff of the county, who shall act as such
30 guardian or committee, and he and the sureties on his offi-
31 cial bond shall be liable for the faithful performance of the trust.

Sec. 22. The guardian or committee of any such person shall
2 be entitled to the custody and control of his person when he re-
3 sides in the state and is not confined in a state hospital or in jail,
4 and shall take possession of his estate, and may sue and be sued

5 in respect thereto, and for the recovery of debts due to and from
6 such person. He shall preserve such estate and manage it to the
7 best advantage; shall apply the personal estate or so much thereof
8 as may be necessary, to the payment of the debts of such insane
9 person, and the rents and residue of his estate, real and personal,
10 or so much as may be necessary, to the maintenance of such per-
11 son, and of his family, if any; and shall surrender the estate, or as
12 much as he may be accountable for, to such person in case he shall
13 be restored to sanity, or the real estate to his heirs or devisees, and
14 the personal estate to his executors or administrators, in case of
15 his death without having been restored to sanity.

Sec. 23. If the personal estate of such insane person be in-
2 sufficient for the discharge of his debts, or if such estate or the
3 residue thereof after payment of the debts, and the rents and
4 profits of his real estate, be insufficient for his maintenance
5 and that of his family, if any, the guardian or committee of
6 such person may petition the circuit court of the county in
7 which he was appointed, for authority to mortgage, lease or sell
8 so much of the real estate of such insane person as may be
9 necessary for the purposes aforesaid, or any of them; setting
10 forth in the petition the particulars and the amount of the
11 estate, real and personal, the application which may have been
12 made of any personal estate, and an account of the debts and
13 demands existing against the estate.

Sec. 24. On the presentation of such petition, it shall be re-
2 ferred to a commissioner in chancery, to inquire into and report
3 upon the matters therein contained, whose duty it shall be to
4 make such inquiry, to hear all parties interested in such real es-
5 tate, and report thereon with all convenient speed.

Sec. 25. If, upon the coming in of the report and examina-
2 tion of the matter, it shall appear to the court to be proper, an
3 order shall be entered for the mortgage, leasing or sale (on such
4 terms and conditions as the court may deem proper) of so much of
5 the said real estate as may be necessary. But no conveyance shall
6 be executed until the sale shall have been confirmed by the court.
7 The proceeds of any such sale shall be secured and applied under
8 the order of the court.

Sec. 26. If a person residing in this state, but not so found,
2 be suspected to be insane, the circuit court of the county of which
3 such person is an inhabitant shall upon the application of any per-

4 son interested, and after five days' notice to the person suspected,
5 proceed to examine into his state of mind, and if satisfied that he is
6 insane, shall appoint a committee for him. If a person residing
7 out of this state, but having property therein, be suspected to be in-
8 sane, the circuit court of the county wherein the property or a
9 greater part of it is, shall, upon like application and being satis-
10 fied that he is insane, appoint a committee for him.

Sec. 27. For the purposes of this chapter no person shall be
2 considered a resident of this state unless he is a citizen of the
3 United States and has been a *bona fide* resident of this state for at
4 least one year, and was not insane when he came into this state.
5 And as among the counties, no person shall be considered a
6 resident of a county who is not a resident of the state as above
7 defined, and has been a resident of the county for at least sixty
8 days, and was not insane when he came into the county. In the in-
9 quest on a person before them suspected of insanity, the county
10 commission of lunacy, if it appear that he is not a resident of
11 this state, shall make diligent inquiry to ascertain his residence,
12 and if it be ascertained, shall state in the commitment papers as
13 definitely as their information shall justify, the city, town or
14 other place, as well as the state or county, of which he is a
15 resident. When a person who is a non-resident of this state is
16 registered as an inmate of a state hospital, the superintendent
17 thereof shall immediately report the fact to the state board. The
18 board shall take proper steps to cause such a person to be deported,
19 if an alien; or, if otherwise a non-resident of this state, to be
20 taken to the state, territory or place of his residence and delivered
21 to the proper authorities thereof.

Sec. 28. No private hospital for the care and treatment
2 of the insane for compensation shall be established unless a permit
3 therefor shall be first obtained from the state board. The applica-
4 tion for such permit must be accompanied by the plan of the prem-
5 ises to be occupied, and with such other data and facts as the board
6 may require, who may make such terms and regulations in regard
7 to the conduct of such hospital as it may think proper and neces-
8 sary. The state board, or any member thereof, or any person by
9 the board authorized to do so, shall have full authority to investi-
10 gate and inspect such private hospital; and the state board may re-

11 voke the permit of any such hospital for good cause, after reason-
12 able notice to the superintendent or other person in charge thereof.

Sec. 29. Any physician who shall sign a certificate respecting
2 the sanity of any person without having made the examination as
3 provided for by this chapter, or shall make any statement in any
4 such certificate maliciously for the purpose of having such person
5 declared insane, and any person who shall maliciously make appli-
6 cation to any commission of lunacy or other tribunal for the pur-
7 pose of having another person declared insane, shall be fined not
8 exceeding five hundred dollars, or imprisoned not exceeding one
8-a year, or both fined and imprisoned at the discretion of
9 the court. Not more than one physician of any firm or association
10 of physicians practicing medicine together, shall sign a certificate
11 provided for in this chapter respecting the mental or bodily condi-
12 tion of any person suspected of insanity.

Sec. 30. If any person shall entice any patient from any of
2 said hospitals who has been legally committed thereto, or attempt
3 to do so; or shall counsel, cause or influence or assist, or attempt
4 to do so, any such patient to escape or attempt to escape therefrom,
5 or harbor or conceal any such patient who has escaped therefrom;
6 or shall without the permission of the superintendent of any such
7 hospital, give or sell to any such patient, whether on the premises
8 thereof or elsewhere, any money, firearms, intoxicating drink,
9 drugs, cigarettes, tobacco, or any other article whatever; or, shall
10 receive from the hands of any such patient any thing of value,
11 whether belonging to state or not; or shall cause or influence, or at-
12 tempt to cause or influence, any such patient to violate any rule
13 or to rebel against the government or discipline of such institution;
14 or shall tease, pester, annoy, or molest any such patient, he shall
15 be guilty of a misdemeanor and, on conviction thereof, shall be
16 fined not less than ten nor more than one hundred dollars, or be
17 imprisoned not exceeding six months, or, in the discretion of the
18 court, be both fined and imprisoned. If any person shall aid or
19 abet the commission of any of the foregoing offenses or aid or
19-a abet an attempt to commit the same, he shall be guilty the same
20 as if he were the principal, and be punished as above provided. In
21 the trial of an indictment for committing any of the above named
22 offenses, the accused may be found guilty of an attempt to commit
23 the same, or if aiding or abetting another in committing or in an
24 attempt to commit the same. If any person, not her husband, shall

25 have sexual intercourse with any female patient who is an inmate
26 of any of said hospitals he shall be guilty of a felony and, on con-
27 viction thereof, shall be confined in the penitentiary not less than
28 ten nor more than fifteen years; and if such female patient be un-
29 der sixteen years of age, he shall be imprisoned not less than ten
30 nor more than twenty years.

Sec. 31. The inclosed premises and the lands adjoining the
2 same belonging to any one of said state hospitals, are hereby
3 declared private grounds; and if any person be found thereon with-
4 out authority or permission or good excuse, he shall be deemed a
5 trespasser and, on conviction thereof, shall be fined not exceeding
6 twenty-five dollars; and if it shall appear that he was thereon for
7 any unlawful or immoral purpose, in addition to being so fined he
8 shall be imprisoned not exceeding sixty days.

Sec. 32. Immediately after the close of each fiscal
2 year, after the year ending June thirtieth, one thou-
3 sand nine hundred and fifteen, the superintendent of each
4-8 of said hospitals shall make out and certify, in dupli-
9 cate, a list showing the following facts and such others as the state
10 board shall require, namely: The name, color, sex and age of each
11 inmate cared for and maintained in his hospital for any part of
12 the preceding fiscal year; the name of the county of which he was
13 a resident at the time of his admission; the date of his admission.
14 and the length of time during the preceding fiscal year he was an
15 inmate; all payments made by or on behalf of any such inmate, by
16 whom paid, and the date and amount of each of such payments.
17 Said list shall also give the amount paid by the institution or by
18 the state for transportation of each inmate thereto, including trans-
19 portation for any inmate returned thereto who was out on parole.
20 One of said lists the superintendent shall deliver to the state board
21 within ten days after the close of each fiscal year, after the fiscal
22 year ending June thirtieth, one thousand nine hundred and fifteen.
23 and the other he shall file among the records of his institution.

Sec. 33. From the lists received from the superintendents
2 the state board shall, without delay, make up and certify a state-
3 ment, in triplicate, for each county named in any such list, show-
4 ing the following facts and any others the board may think neces-
5 sary. The name, color, sex and age of each inmate from the coun-
6 ty, except those who have paid or others have paid for them the

7 entire cost of their care and maintenance and all transportation ex-
8 penses, the name of the hospital of which an inmate, when admit-
9 ted therein, and the length of time he was in such institution dur-
10 ing the preceding fiscal year, and the amount due for his care and
11 maintenance and transportation expenses separately, and the whole
12 amount due from the county on account of all the inmates named
13 in such list. In such list there shall be stated all payments made
14 by or on behalf of any inmate named therein, giving the date,
15 amount, by whom paid, and the name of the inmate on whose be-
16 half each payment was made, and the board shall deduct the
17 amount of all such payments from the whole amount due, and the
18 balance or net amount thereby shown shall be a debt due from the
19 county to the state, and shall be paid into the state treasury and
20 collected as hereinafter provided. One of such statements for each
21 county shall be transmitted to the clerk of the county court of the
22 county, one shall be filed with the auditor, and the other the board
23 shall file in its office. The clerk of the county court shall lay such
24 statement before the county court at its next session, and there-
25 after file and safely keep the same in his office. If the county court
26 shall find any errors therein it shall report the same to the state
27 board, and the board shall consider the same, and certify to the
28 auditor any such error, and the auditor shall credit the account of
29 the county with the amount thereof, and report the same to the
30 sheriff of the county.

Sec. 34. The amount shown to be due from any county by
2 any such statement certified by the state board shall be a debt due
3 from the county to the state. And it shall be the duty of the coun-
4 ty court of the county to cause the same to be paid
5 into the state treasury, and include the amount in the next
6 levy for county purposes. On receipt of any such state-
7 ment the auditor shall charge the amount against the
7-a county shown thereby to be due from the county to the state,
8 and notify the sheriff of the county thereof. The auditor shall ap-
9 propriate to the payment of such amount any moneys in the state
10 treasury, or that may thereafter come therein, to the credit of the
11 county; and if there be none such, or they be insufficient, the au-
12 ditor shall collect the same in any manner provided by law. On
13 or before the tenth day of each month the auditor shall report to
14 the state board all payments made into the state treasury in the
15 preceding month by each county on account of any such

16 statement against it, stating the name of the institution for which
17 paid in; and if any payment made be less than the entire amount
18 due, the auditor shall state for which institution the payment was
19 made, and the amount paid in on the account of each institution.
20 All amounts paid by counties shall be known as "state board of con-
21 trol funds," and shall be credited by the auditor to the institution
22 on whose account the same was paid; and the amounts so paid shall
23 be subject to the requisition of the state board of control, from time
24 to time, for the benefit of the institution on whose account the same
25 was paid; and all such moneys and funds are hereby appropriated
26 for the purpose.

Sec. 35. All moneys which any county shall pay or become
2 liable for under the provisions of this chapter the county court
3 of the county may recover, within five years after payment of
4 the same by the county or from the time the county became lia-
5 ble therefor, from the persons and in the manner following,
6 namely: if the inmate be a minor, from his guardian; or, if
7 he have no estate, or it be insufficient, from his father; or, if he
8 have no father or his estate be insufficient, from his mother. If
9 the inmate be an adult, from his or her estate; but if such es-
10 tate be insufficient, and the inmate be a wife, from the estate
11 of her husband; or, if his estate be insufficient, from the estate
12 of her children, or such of them as have sufficient estate. If the
13 inmate be a husband, and his estate be insufficient, from the es-
14-15 tate of his wife; or, if her estate be insufficient, from the estate
16 of his children, or such of them as have sufficient estate.

17 It shall be the duty of the guardian or committee of any
18 such inmate to pay to the county of which his ward is a resident,
19 if he have sufficient estate in his hands to do so, the money so
20 due to the county from his ward. The county court may order
21 its clerk to make out a bill against any such inmate for the sum
22 so due to the county, which bill shall show the different items and
23 the amount of each, and be certified by the clerk as correct, and
24 by him delivered to the sheriff for collection. The clerk shall
25 charge against the sheriff the amount of each of such bills, show-
26 ing the date when delivered to the sheriff. It shall be the duty
27 of the sheriff to collect the same from the proper person, or the
28 guardian, or committee of such inmate. Within sixty days after
29 receiving any such bill, or at the next session of the county court
30 held after the expiration of such sixty days, the sheriff shall make

31 a report to the county court of his acts in respect thereto and
 32 return all such bills he has been unable to collect. The county
 33 court may re-deliver any of such bills to the sheriff for collection,
 34 and in respect thereto the sheriff shall make report as above pro-
 35 vided. In the recovery of moneys due the county under the pro-
 36 visions of this chapter, in addition to the provisions of this chap-
 37 ter all the provisions of sections fifteen, sixteen, seventeen and
 38 eighteen of chapter forty-six of said code shall apply as far as
 39 they may be applicable; and the county court may proceed ac-
 40 cording to said provisions without first placing the claim in the
 41 hands of the sheriff for collection; *provided*, that as to any per-
 42 son liable to the county for any money under the provisions of
 43 this chapter, the county court may, if it find he is unable to pay
 44 the same, or that the payment of the same would work a hard-
 45 ship upon him or his family or others dependent upon him, ex-
 46 onerate him from the payment of the same or from a part there-
 47 of, or make any other order in the matter that the county court
 48 shall deem just and equitable or expedient under all the circum-
 49 stances of the case.

CHAPTER 52.

(Senate Bill No 213.)

AN ACT providing for the payment of deposits in banks by minors
 to such minors.

[Passed February 20, 1915. In effect ninety days from passage. Approved by
 the Governor March 4, 1915.]

<p>Sec. 1. Minor having credit for a deposit in bank or trust company in his or her name, such bank or trust company may pay on</p>	<p>Sec. check or order of such deposi- tor, and such payment valid in all respects, except under specific directions, in writing, otherwise.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. Whenever any minor shall make or have credit for
 2 a deposit in any bank or trust company in his or her name, such
 3 bank or trust company may pay such money on the check or order
 4 of such depositor the same as in cases of depositors of legal age,
 5 and such payment shall be in all respects valid, except when such
 6 bank or trust company has been specifically directed to do other-
 7 wise, in writing, by the parent or guardian of such minor.

CHAPTER 53.

(Senate Bill No. 351.)

AN ACT providing for the submission of an amendment to the constitution of the state of West Virginia, section twenty-three of article eight.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Sec.

1. Provisions enabling the submission of proposed amendment to section two of article fourteen of the constitution of West Virginia at the next general election in the year 1916; proposed amendment set forth.
2. For convenience proposed amendment designated.
3. Directions to board of ballot commissioners in each county for preparation of ballot; form of ballot; number to be printed;

Sec.

- directions as to commissioners of election, and right of voter as to any other ballot; election, how superintended, conducted and returned.
4. On 25th day after election, or as soon thereafter as practicable, certificates to be laid before the governor; duty of governor upon ascertainment of result; if ratified by a majority to become a part of constitution of the state.

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 provision 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 sixteen, which proposed amendment is as follows:

Section twenty-three of article eight to be amended, so as to read as follows:

Section 23. (1) The commissioners shall be elected by the voters 2 of the county, and hold their office for the term of six years, ex- 3 cept at the first meeting of said commissioners they shall desig- 4 nate by lot, or otherwise, in such manner as they may determine, 5 one of their number who shall hold his office for a term of two 6 years, one for four years and one for six years, so that one shall 7 be elected every two years. But no two of said commissioners shall 7-a be elected from the same magisterial district. But if two or 8 more persons residing in the same district shall receive the great- 9 er number of votes cast at any election, then only the one of 10 such persons receiving the highest number of votes shall be de- 11 clared elected, and the person living in another district who shall 12 receive the next highest number of votes shall be declared elected. 13 Said commissioners shall annually elect one of their number as

14 president, and each shall receive four dollars per day for his ser-
15 vices in court, to be paid out of the county treasury; *provided*,
16 *however*, that said payment of four dollars per day shall not ex-
17 ceed the sum of four hundred dollars per year for each commis-
18 sioner; and *provided, further*, that such compensation may be
19 increased in any county by the assent of a majority of the votes
20 cast on the question at any general or special election.

21 (2) For convenience in referring to the said proposed
22 amendment, and in the preparation of the form of the ballot
23 hereinafter provided for, said proposed amendment is hereby des-
24 ignated as follows:

25 To be known as "County Court Amendment."

26 (3) For the purpose of enabling the voters of the state to
27 vote on the question of said proposed amendment to the constitu-
28 tion at the said general election to be held in the year one thou-
29 sand nine hundred and sixteen, the board of ballot commission-
30 ers of each county are hereby directed to provide and have print-
31 ed a separate ballot of convenient size, distinctly printed and in
32 form substantially as follows:

33 *Ballot on Constitutional Amendment.*

34 County Court Amendment.

35 Amending section twenty-three of article eight.

36 [] For Ratification.

37 [] For Rejection.

38 The same number of said separate ballots shall be printed,
39 and shall be supplied to the several voting places in each county,
40 and to be paid for in the same manner as is provided for the reg-
41 ular ballots to be used at said general election.

42 The commissioners of election at the several voting places
43 in each county, shall furnish to each voter one of said separate
44 ballots to be used by him for voting on the question of said pro-
45 posed amendment; but any voter shall also have the right to vote
46 on the question of said proposed amendment by any other ballot
47 printed or written, which he may see fit to use, and which suffi-
48 ciently discloses his intention, and no ballot cast at said election on
49 the question of the proposed amendment shall be rejected if it
50 sufficiently appears therefrom what the voter intended; and every
51 voter shall have the right to vote on said proposed amendment as
52 he shall see fit.

53 The said election on the said proposed amendment at each
 54 place of voting shall be superintended, conducted and returned,
 55 and the result thereof ascertained by the same officers and in the
 56 same manner as the election of any person to any office, and all
 57 provisions of the law relating to general elections shall apply.

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

CHAPTER 54.

(Senate Bill No. 84.)

AN ACT to amend and re-enact section one of chapter thirteen of the
 code of West Virginia, concerning the distribution of the session
 acts.

[Passed February 9, 1915. In effect ninety days from passage. Approved by
 the Governor February 20, 1915.]

SEC.

1. Free distribution of acts and joint
 resolutions of each session of
 the legislature, etc., to be made
 by secretary of state and to
 whom; secretary of state di-
 rected to arrange with other
 states for exchange of two
 copies, and where deposited, if
 exchange effected; copies to be

SEC.

sent as secretary of state may
 deem best; remaining copies of
 acts to be sold by secretary of
 state at price to be fixed by
 him and governor, and pro-
 ceeds to be turned into state
 treasury; additional copies of
 acts may be furnished on writ-
 ten request of the governor.

Be it enacted by the Legislature of West Virginia:

That section one of chapter thirteen of the code of West
 Virginia be amended and re-enacted so as to read as follows:

Section 1. Free distribution of the acts and joint resolutions
 2 of each session of the legislature, and other matter directed by law
 3 to be published therewith, shall be made as follows by the secretary
 4 of state; one copy to every judge and clerk of each court in this
 5 state, and one copy to the judge, one copy to the clerk and one to

6 the marshal of every United States district court of this state;
7 one copy to every prosecuting attorney, sheriff, assessor, county
8 superintendent of free schools, surveyor of lands, commissioner of
9 the county court, and justice of the peace; five copies to the
10 governor, three copies to the attorney general, two copies to the
11 state superintendent of free schools, two copies to the secretary
12 of state, two copies to the auditor, one copy to the treasurer, one
13 copy to the adjutant general, four copies to the public service
14 commission, three copies to the state board of control, one copy to
15 the department of mines, one copy to the commissioner of labor
16 and one copy to the commissioner of agriculture; five copies to the
17 clerk of the senate, one for his own use, and the others to be kept
18 in his office for the use of the senate, and ten copies to the clerk of
19 the house of delegates, one for his own use, and the others to be
20 kept in his office for the use of the house; ten copies to each mem-
21 ber of the legislature, one for his own use, and the others for dis-
22 tribution; ten copies to the college of law of the West Virginia uni-
23 versity; one copy to each public institution of the state; three
24 copies to the librarian of congress, one for the library and one for
25 each house of congress; one copy to each senator and representative
26 in congress from this state; three copies to the secretary of state of
27 the United States, one for his own office, one for the president and
28 one for the attorney general of the United States; one copy to the
29 governor of each state and territory and possession of the United
30 States.

31 The secretary of state shall arrange as far as possible with each
32 of the other states for the exchange of two copies therewith, one of
33 which copies received from each state shall be deposited in the
34 state law library at Charleston, one copy in the library of the col-
35 lege of law of West Virginia university, and the other copies, if
36 any, so received from any other state, to be disposed of as the
37 governor shall direct. The said exchange with other states may be
38 made direct by the secretary of state or through the state librarian,
39 whichever may be deemed best and ordered by the governor.
40 All of said copies named in this section shall be sent by mail, ex-
41 press or otherwise, as the secretary of state may deem best. The
42 acts to which the officers of a county may be entitled shall be for-
43 warded to the clerk of the county court thereof, and shall be given
44 by him to the officers entitled to receive the same. Upon receipt
45 of the said acts by him, the clerk of the county court shall for-

46 ward his receipt therefor to the secretary of state, specifying the
 47 number received; and he shall require each person receiving a copy
 48 of said acts from him to sign a receipt therefor in a book to be
 49 kept by him for that purpose. The remaining copies of the acts
 50 received by the secretary of state shall be sold by him at a price
 51 fixed by him and the governor, which shall cover the cost thereof
 52 to the state, and the proceeds of all such sales shall be paid
 53 monthly by the secretary of state into the state treasury; *provided*,
 54 that the governor may in writing cause additional copies of said
 55 acts to be furnished to any officer, court, institution and board
 56 now entitled to one or more copies, and he may also cause one or
 57 more copies of said acts to be furnished to any officer, board, com-
 58 mission, institution or tribunal not named herein.

CHAPTER 55.

(Senate Bill No. 291.)

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, amending section one of article four.

[Passed February 23, 1915. In effect ninety days from passage. Approved by the Governor March 3, 1915.]

SEC.

1. Question of ratification or rejection of proposed amendment to section 2, of article 14, of constitution of West Virginia, to be submitted to voters at next general election; proposed amendment set out.
2. Convenient designation of proposed amendment.
3. Enabling provision and requirement of ballot commissioners; election to be superintended, conducted and returned and result ascertained by same officers and same manner as election of officers, and all lawful provisions apply; counting of ballots.

SEC.

4. Result of election, and duty of commissioners: form of certificates, two to be made, and to whom delivered; certificates and ballots to be laid before county court, who shall ascertain result, prepare certificates, two in number, form prescribed; to whom delivered.
5. Twenty-five days after election certificates laid before governor; to ascertain and declare result and publish proclamation.
6. Governor to cause proposed amendment to be published at least three months in newspaper in each county; price and how to be paid.

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 gen-

eral election, to be held in the year one thousand nine hundred and sixteen, which proposed amendment is as follows:

8 That section one of article four of said constitution as it now
9 is, be altered and amended so as to read as follows:

Section 1. The citizens of the state, both male and female,
2 shall be entitled to vote at all elections held within the counties
3 in which they respectively reside; but no person who is a minor,
4 or of unsound mind, or a pauper, or who is under conviction of
5 treason, felony, or bribery in an election, or who has not been
6 a resident of the state for one year, and of the county in which
7 he or she offers to vote, for sixty days next preceding such offer,
8 shall be permitted to vote while such disability continues; but no
9 person in the military, naval or marine service of the United States
10 shall be deemed a resident of this state by reason of being stationed
11 therein.

Sec. 2. For convenience in referring to the said proposed
2 amendment and in the preparation of the form of the ballot here-
3 inafter provided for, said proposed amendment is hereby designated
4 as follows:

5 To be known as "Female Suffrage Amendment."

Sec. 3. For the purpose of enabling the voters of the state to
2 vote on the question of said proposed amendment to the constitu-
3 tion, at the said general election to be held in the year one thou-
4 sand nine hundred and sixteen, the board of ballot commissioners
5 of each county are hereby required to place upon and at the foot
6 of the official ballots to be voted at said election the following:

7 Amending section one of article four.

8 [] "For ratification of female suffrage amendment."

9 [] "Against ratification of female suffrage amendment."

10 The said election on the proposed amendment at each place
11 of voting shall be superintended, conducted and returned, and
12 the result thereof ascertained, by the same officers and in the
13 same manner as the election of officers to be voted for at said
14 election; and all of the provisions of the law relating to general
15 elections, including all duties to be performed by any officer or
16 board, as far as applicable and not inconsistent with anything
17 herein contained, shall apply to the election held under the pro-
18 visions of this act, except when it is herein otherwise provided.

19 The ballots cast on the question of said proposed amendment, shall
20 be counted as other ballots cast at said 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 to 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....., in
8 the district of....., in the county of....., on
9 the.... day of....., one thousand nine hundred and
10 sixteen, upon the question of the ratification or rejection of the
11 proposed constitutional amendment, to section one of article four,
12 do hereby certify that the result of said election is as follows:

13 "Amending section one of article four.

14 "For ratification of female suffrage amendment.....votes.

15 "Against ratification of female suffrage amendment.....
16 votes.

17 "Given under our hands this day of, one
18 thousand nine hundred and sixteen."

19 The said two certificates shall correspond with each other
20 in all respects, and contain the full and true returns of said elec-
21 tion at each place of voting on said questions. 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
29 question 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 for
32 the members of the legislature are laid before them; and as soon
33 as the result of said election in the county upon the question of
34 such ratification or rejection is ascertained, two certificates of
35 such result shall be made out and signed by said commissioners,
36 as a board of canvassers, in the form or to the following effect:

37 "We, the hoard of canvassers of the county of
38 having carefully and impartially examined the returns of the elec-

39 tion held in said county, in each district thereof, on the
 40 day of November, one thousand nine hundred and sixteen, do
 41 certify that the result of the election in said county, on the ques-
 42 tion of the ratification or rejection of the proposed amendment to
 43 section one of article four is as follows:

44 "For ratification of female suffrage amendment.....votes.

45 "Against ratification of female suffrage amendment.....
 46 votes.

47 "Given under our hands this.....day ofone
 48 thousand nine hundred and sixteen."

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

Sec. 5. On the twenty-fifth day after the election is held,
 2 or as soon thereafter as practicable, the said certificates shall be
 3 laid before the governor, whose duty it shall be to ascertain there-
 4 from the result of said election in the state, and declare the same
 5 by proclamation, published in one or more newspapers printed at
 6 the seat of government. If a majority of the votes cast at said
 7 election upon said question be for the female suffrage amendment.
 8 the proposed amendment so ratified, is and shall be in force and
 9 effect from and after the ratification of the same by the voters of
 10 the state, as a 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 at least three months before such election,
 4 in some newspaper in every county in which a newspaper is print-
 5 ed, at a price to be agreed upon, in advance, in writing, and the
 6 cost of such advertising shall in the first instance, if found neces-
 7 sary by him, be paid out of the governor's contingent fund, and
 8 be afterwards repaid to such fund by appropriation of the legis-
 9 lature.

CHAPTER 56.

(House Bill No. 150.)

AN ACT to repeal sections one hundred and thirty-one and one-half,
 and one hundred and thirty-two of chapter twenty-seven of the

acts of the legislature of one thousand nine hundred and eight, extra session, and to re-number sections eighty and ninety of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, so that their numbers shall be eighty-one and eighty-three, respectively, and to re-number section eighty-eight of chapter sixty-six of the acts of the legislature of one thousand nine hundred and eleven so that its number shall be ninety-five and to re-number section ninety-two and one-half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eleven so that its number shall be ninety-four, and to amend and re-enact and re-number sections fifty-seven, seventy-eight, eighty-three, eighty-four, eighty-five, eighty-nine, ninety-three, ninety-four, ninety-five, ninety-six, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, and one hundred and thirty-six, of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, and sections eighty-two and ninety-two of chapter twenty-five of the acts of the legislature of one thousand nine hundred and nine, and sections eighty-one, eighty-six and ninety-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and eleven, and section eighty-seven of chapter sixty-nine of the acts of the legislature of one thousand nine hundred and thirteen, all relating to education.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

Sec.

57. No person to be employed until he presents valid certificate to board of education to be filed with secretary and endorsed, and no salary paid unless filed.
78. In free schools of state subjects to be taught; in high schools such other subjects as prescribed by state board of education; exceptions as to boards of district, independent district or county high schools.
80. No person to be employed to teach not of good moral character and physically and mentally qualified; must be 18 years of age, and hold valid teacher's certificate.
82. For preparation and printing of questions, grading manuscripts, transmission of certificates and clerical work, appropriation authorized.
84. Fee for applicant taking first examination; subsequent examinations; after paying legiti-

Sec.

- mate examination expenses, county superintendent to transmit balance to auditor for credit of school fund; at close of examination to make return to state superintendent of itemized statement with receipts; fee for graduation certificates and to whom paid.
85. State superintendent to provide for transmission of questions for examinations to county superintendents; how opened and in whose presence; what to be done at close of examination; restrictions as to character of applicants.
86. Grading of manuscripts to be under supervision of state superintendent, and certificates issued thereon, but not more than one certificate of same kind to an applicant in any one year, but statement of grades may be given; certificates, how and to whom forwarded; rec-

- Sec.**
- ord to be kept of certificates issued.
87. Elementary certificates and to whom issued; to show grade of proficiency and classified into three grades; grade defined; validity of certificates; first grade certificates renewable under certain conditions; how renewed and requirements of holder; third renewal makes holder eligible to first grade elementary certificates for life; exceptions.
88. State superintendent has authority to issue short course certificate, valid for three years, in certain cases; valid in all grades of elementary schools; renewable for one three-year period, under certain conditions.
89. State superintendent has authority to issue normal school certificates, valid five years, and to whom; valid in all grades of elementary schools and renewable as first grade certificates.
90. High school certificates valid for five years to be issued by state superintendent under certain conditions; to whom issued and condition; valid in any high or elementary school and considered as first grade certificates; renewable for five-year period and for life under conditions.
91. Supervisors' certificates authorized, to whom issued and manner; renewable for five year periods under certain conditions and valid in all schools and for salaries as first grade.
92. State superintendent has author-

- SEC.**
- ity to issue special certificates to certain teachers upon examination or completion of courses of study approved by state board of education; valid for five years and renewable for five-year periods and valid throughout the state and considered as first grade under certain conditions.
93. State life certificate, how issued and to whom; requirements.
96. State superintendent may revoke teacher's certificate for certain offenses or for neglect or refusal to perform duties; duty of county superintendents in relation thereto.
130. State board of education created; to be composed of state superintendent and five others, no two to come from same congressional district and not more than three from same political party; time of appointment and term; to meet at the call of the chairman.
131. State board of education to perform duties heretofore performed by state board of examiners, and in addition prescribe course of study for public schools, including elementary and high schools; other duties.
132. State certificates issued by state board of education prior to this date valid for time issued, and renewable.
133. Compensation of state board of education, except state superintendent, and limitations.
134. Board to keep record of proceedings, what to contain, and shall report annually to state superintendent.

Be it enacted by the Legislature of West Virginia:

That sections one hundred and thirty-one and one-half and one hundred and thirty-two of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, be and the same are hereby repealed; and that sections eighty and ninety of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, be re-numbered so that their numbers shall be eighty-one and eighty-three, respectively; and that section eighty-eight of chapter sixty-six of the acts of one thousand nine hundred and eleven be re-numbered so that its number shall be ninety-five; and that section ninety-two and one-half of chapter twenty-seven of the acts of one thousand nine hundred and eleven be re-numbered so that its number shall be ninety-four; and to amend and re-enact and re-number sections fifty-seven, seventy-eight, eighty-three, eighty-four, eighty-five, eighty-nine, ninety-three, ninety-four, ninety-five, ninety-six, one hun-

dred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, and one hundred and thirty-six of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session; and sections eighty-two and ninety-two of chapter twenty-five of the acts of the legislature of one thousand nine hundred and nine; and sections eighty-one, eighty-six and ninety-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and eleven; and section eighty-seven of chapter sixty-nine of the acts of the legislature of one thousand nine hundred and thirteen, so as to read as follows:

Section 57. No person shall be employed to teach in a free
2 school of this state until he has presented to the board of edu-
3 cation having charge thereof, a valid teacher's certificate which
4 shall be filed until the close of the school term with the secretary
5 of the board of education of the district wherein said school is
6 situated, and so endorsed by the secretary, and no salary shall be
7 paid to any teacher unless such certificate be so filed.

Subjects Taught.

Sec. 78. In the free schools of this state there shall be
2 taught reading, orthography, penmanship, arithmetic, English
3 grammar and language, United States and West Virginia history,
4 general and West Virginia geography, civil government, agricul-
5 ture, physiology and hygiene, and in connection therewith
6 the nature of alcoholic drinks and narcotics, with special instruc-
7 tion as to their effect upon the human system; and in
8 addition thereto in high schools, such other subjects as may be re-
9 quired in the course of study prescribed by the state board of ed-
10 ucation; *provided*, that the board of education of any district or
11 independent district or any county high school board may estab-
12 lish in the elementary or high schools under their control, schools,
13 departments, or classes for the teaching of manual training, home
14 economics, agriculture, commercial subjects and such other indus-
15 trial and vocational subjects as they may determine, and main-
16 tain the same from the school funds of their district or county.
17 Said board of education or county high school board may, at their
18 discretion, provide for the continuance of such industrial and vo-
19 cational instruction beyond the regular school term.

Examination and Certification of Teachers.

2 free schools of this state or shall receive for teaching any part of
3 any free school fund who is not of good moral character and phys-
4 ically and mentally qualified to perform the duties of a teacher;
5 who has not attained the age of eighteen years on or before the
6 first day of September of the year in which his certificate was
7 issued, and who does not at the time he enters upon his duty hold
8 a valid teacher's certificate covering the period of his employ-
9 ment.

Expenses.

Sec. 82. For the preparation and printing of questions,
2 the grading of manuscripts, the transmission of certificates, and
3 the additional clerical work demanded, the state superintendent
4 of schools shall be allowed an amount not to exceed nine thousand
5 dollars annually, which sum is hereby appropriated and set apart
6 from the general school fund for this purpose.

Fees.

Sec. 84. Each applicant upon taking his first examination
2 of the year shall pay the county superintendent a fee of one
3 dollar and fifty cents. Any applicant having passed one exam-
4 ination may take subsequent examinations upon payment of the
5 full fee for taking more than half the subjects or one-half the
6 regular fee for taking a part of the subjects not to exceed one-
7 half. Out of the aggregate of all fees collected by the county
8 superintendent he shall pay his assistants and other legitimate ex-
9 penses of conducting such examinations, and the remainder he
10 shall immediately transmit to the auditor of the state to be placed
11 to the credit of the general school fund of the state. At the
12 close of each examination he shall make and return to the state
13 superintendent of schools a detailed and certified report of the
14 number of applicants for certificates, the amount of fees collected
15 by him, the amount paid out as above provided for expenses, and
16 the amount transmitted to the auditor, and shall send with said
17 report, receipts for all money paid for expenses.

18 All applicants for certificates upon graduation or other cre-
19 dentials shall each pay a fee of one dollar to the state superin-

20 tendent of schools who shall transmit the same to the auditor of
21 the state to be credited to the general school fund.

Transmitting Questions and Manuscripts.

Sec. 85. The state superintendent of schools shall provide for the preparation of questions for said examinations and for their transmission in securely scaled packages, to the county superintendent of each county. The county superintendent shall break the seal and open the package of questions in the presence of his assistants and assembled applicants, and shall conduct such examinations in the manner prescribed by the state superintendent. At the conclusion of the examination, the county superintendent shall forward to the state superintendent, all manuscripts submitted, in securely sealed packages, according to instructions to be furnished by the state superintendent, together with such information, statements or affidavits as the state superintendent may require. But no person who is known to be of immoral character, or to be addicted to drunkenness, or who shall not have attained the age of eighteen years on or before the first day of September of the year in which said examination is held, shall be admitted to said examination.

Grading of Manuscripts.

Sec. 86. Within a reasonable time after the receipt of the aforesaid manuscripts it shall be the duty of the state superintendent to have them examined and graded by competent persons actively engaged in school work, and to issue certificates based thereon; *provided*, that not more than one certificate of the same kind and grade shall be issued to an applicant in any school year, but the state superintendent shall forward to each applicant taking more than one examination in the same year a statement of the grades made by him in each examination taken, and in making up his certificate the applicant shall be given the benefit of his highest grades in each subject; and such certificates when so issued shall be forwarded by the state superintendent to the proper county superintendent who shall countersign them and deliver them to the persons entitled thereto; *provided*, that no certificate shall be issued to an applicant until the state superintendent is satisfied as to the identity of the applicant.

17 The state superintendent and each county superintendent
18 shall each keep a record of all certificates issued, showing the kind
19 and grade of each certificate and the date of issue thereof, and
20 the state superintendent and each county superintendent, upon
21 vacating their offices shall turn over said records to their re-
22 spective successors.

*Certificates Issued by the State Superintendent and Requirements
for Same; Elementary Certificate.*

Sec. 87. Elementary certificates shall be issued to all
2 applicants who pass a satisfactory examination in orthography,
3 reading, penmanship, arithmetic, English grammar and language,
4 physiology and hygiene, United States and West Virginia history,
5 general and West Virginia geography, civil government, theory
6-11 and art of teaching, and agriculture. Such certificates
12 shall show the grade or proficiency of the applicant in
13 each subject in which he is examined, and shall be classified ac-
14 cording to the following scale:

15 First grade certificates valid for a period of five years shall
16 be issued to all applicants who attain a general average of ninety
17 per cent. on a scale of one hundred, with no subject below sev-
18 enty-five per cent; second grade certificates valid for a period of
19 three years shall be issued to all applicants who attain a general
20 average of eighty per cent. with no subject below sixty-eight per
21 cent.; third grade certificates valid for one year shall be issued to
22 all applicants who maintain a general average of seventy per cent.
23 with no subject below sixty per cent.; *provided*, that the third
24 grade certificate shall not be issued for more than two years in
25 succession to the same person.

26 First grade elementary certificates shall be valid in all the
27 schools of the state; second grade, and third grade elementary
28 certificates shall be valid in all the grades of the elementary
29 schools; *provided*, that no person shall be employed as principal of
30 any school who does not hold a first grade certificate or its equiv-
31 alent.

32 Any first grade elementary certificate shall be renewable
33 upon the recommendation of the county superintendent as fol-
34 lows:

35 At the expiration of the first five years it may be renewed
36 for a period of five years; *provided*, that the holder thereof has
37 taught successfully or has been actively engaged in public school
38-44 work not less than three years during the life of such certificate.

45 At the end of the second or third five-year period it shall be
46 renewable on condition that the holder has taught or has been ac-
47 tively engaged in public school work for three years during the five
48 years previous, and that he pass a satisfactory examination on
49 two of the books of the state reading circle course to be designat-
50 ed by the state superintendent of schools, or has done satisfactory
51 work for a period of six weeks in a recognized state normal school
52 or in some other school of equal rank and standing or has done
53 other work of equal value. The state superintendent of schools
54 shall determine what schools shall be recognized and the nature
55 of the work which shall be accepted in carrying out the provisions
56 of this section.

57 At the termination of the third renewal period the holder of
58 such certificate shall be eligible to receive a first grade elementary
59 certificate valid for life, if he has taught or been otherwise actively
60 engaged in public school work for not less than three years of the
61 last five and has maintained an active interest in school work;
62 *provided*, that in all cases of renewal of elementary certificates one
63 full year's work in a standard college or normal school or other
64 school approved by the state board of education, done during the
65 life of the certificate or within the year immediately following its
66 expiration, shall be considered the equivalent of one year's teach-
67 ing on said certificate.

Short Course Certificate.

Sec. 88. The state superintendent of schools shall have
2 authority, upon application in due form, to issue the short course
3 teacher's certificate, valid for a period of three years, to those who
4 have completed the short course in the state normal school and its
5 branches, the short course in the West Virginia collegiate institute,
6 the normal training course in high schools that have been approved
7 by the state board of education, and to those who have completed
8 in other schools in the state a course of study that is in the
9 judgment of the state board of education equivalent in all respects
10 to the short course offered in the state normal school and its
11 branches.

12 Such short course certificates shall be valid in all the grades
13 of the elementary schools of the state, and in the payment of sal-
14 aries shall be considered as first grade certificates.

15 Any short course certificate shall be renewable for one period
16 of three years; *provided*, that the holder thereof has taught for two
17 years thereon or has done two years' credit work in an approved
18 high school or standard normal school or other school approved
19 by the state board of education, within the life of said certificate.

Normal School Certificate.

Sec. 89. The state superintendent shall have authority
2 to issue normal school certificates valid for five years to graduates
3 in the diploma course of the state normal school and its branches,
4 to graduates in the diploma course of the West Virginia collegiate
5 institute, and to those who have completed a diploma course of
6 study in any other school of this or other states that, in the judg-
7 ment of the state board of education, is equivalent in all respects
8 to the diploma course of study in the state normal school and its
9 branches. Normal school certificates shall be valid in all the
10 grades of the elementary schools of the state and in high schools,
11 and in the payment of salaries and renewal shall be considered
12 as first grade certificates.

High School Certificate.

Sec. 90. High school certificates valid for a period of
2 five years shall be issued by the state superintendent to appli-
3 cants who have passed a satisfactory examination upon ten sub-
4 jects designated by the state board of education.

5 The state superintendent of schools shall have authority to
6 issue the high school certificate valid for five years, upon applica-
7 tion in due form, to graduates of the West Virginia university,
8 and to graduates of other colleges and universities in this and
9 other states whose courses of instruction are, in the judgment of
10 the state board of education, equivalent to the courses offered in
11 the West Virginia university; *provided*, that the collegiate
12 courses of instruction completed by such graduates have included
13 not less than twenty semester hours in education; and, *provided*,
14 *further*, that every high school certificate issued under the provis-
15 ions of this act shall show the subject or subjects the holder there-
16 of is especially qualified to teach.

17 High school certificates shall be valid in any high school or
18 elementary school of the state, and in the payment of salaries
19 shall be considered as first grade certificates.

20 Any high school certificate shall, upon its expiration or with-
21 in the year immediately following, be renewable for five-year peri-
22 ods thereafter; *provided*, that the holder thereof shall have
23 taught successfully or shall have been otherwise actively engaged
24 in public school work for three years of each five-year period on
25 said certificate; *provided*, that at the termination of the third re-
26 newal period the holder of such certificate shall be eligible to re-
27 ceive a high school certificate valid for life, if he has taught or
28 been otherwise actively engaged in public school work for not
29 less than three years of the last five and has maintained an active
30 interest in school work.

Supervisor's Certificate.

Sec. 91. Supervisors' certificates valid for a period of
2 five years shall be issued by the state superintendent to appli-
3 cants who have taught not less than three years on a first grade
4 certificate or its equivalent, and who have passed a satisfactory
5 examination upon such subjects as may be designated by the
6 state board of education.

7 The state superintendent of schools shall have authority to is-
8 sue the supervisor's certificate valid for five years, upon applica-
9 tion in due form, to graduates of the West Virginia university,
10 to graduates of the state normal school and its branches, and to
11 graduates of other institutions of this and other states, who have
12 completed courses of instruction that are, in the judgment of the
13 state board of education, equivalent in all respects to the courses
14 recognized in the granting of this certificate in the West Vir-
15 ginia university and the state normal school and its branches;
15-a *provided*, that such graduates shall have had not less than three
15-b years' experience as teachers, principals or supervisors; and
16 *provided, further*, that the courses of instruction completed by
17 such graduates shall have included not less than twenty semester
18 hours in professional subjects in education, five semester hours of
19 which shall have been in the subject of school supervision.

20 Any supervisor's certificate shall, upon its expiration or with-
21 in the year immediately following, be renewable for five-year per-
22 iods thereafter; *provided*, that the holder thereof shall have been

23 actively engaged in public school work for not less than three
24 years of each five-year period, and upon such other conditions as
25 the state board of education shall prescribe.

26 Supervisors' certificates shall be valid in all the schools of the
27 state and in the payment of salaries shall be considered as first
28 grade certificates.

Special Certificates.

Sec. 92. The state superintendent of free schools shall
2 have authority, upon the recommendation of the state board of
3 education, to issue special certificates to kindergarten teachers,
4 primary teachers, and special teachers and supervisors of music,
5 drawing, physical training, home economics, manual training,
6 agriculture, and special teachers and supervisors of such other sub-
7 jects as the needs of the schools may require.

8 Special certificates may be issued upon examination or upon
9 the satisfactory completion by the applicants therefor of such
10 courses of study as may be approved by the state board of educa-
11 tion for the issuance of such certificates.

12 Any such special certificate shall be valid for a period of five
13 years and shall, upon its expiration or within the year immediate-
14 ly following, be renewable for five-year periods; *provided*, that the
15 holder thereof has taught successfully or has been otherwise en-
16 gaged in public school work for three years of each five-year per-
17 iod of the life of the certificate, and upon such other conditions
18 as the state board of education shall prescribe.

19 Special certificates shall be valid throughout the state for the
20 teaching of the special subjects designated on such certificates and
21 in the payment of salaries shall be considered as first grade cer-
22 tificates; *provided*, that in all cases of renewal of high school, su-
23 pervisors' or special certificates one full year's work in a standard
24 college or university, done during the life of the certificate or
25 within the year immediately following its expiration, shall be
26 considered the equivalent of one year's teaching on said certifi-
27 cate.

State Life Certificate.

Sec. 93. Whenever any person has taught on a certifi-
2 cate of first grade or its equivalent for a period of ten years or

3 has been otherwise actively engaged in school work for a like pe-
4 riod while holding such certificate, and has shown superior ability
5 or marked progress in his work, the state superintendent of free
6 schools shall have authority upon the recommendation of the state
7 board of education to issue to such person a life certificate which
8 shall be valid in all teaching and supervisory positions in the
9 public schools of this state and shall remain in force throughout
10 the life of the person to whom it has been issued.

Revocation of Certificates.

Sec. 96. The state superintendent may, after ten days'
2 notice and upon proper evidence, revoke the certificate of any
3 teacher for drunkenness, untruthfulness, immorality, or for any
4 physical, mental or moral defect which unfits a person for the
5 proper performance of his duties as a teacher, or for any neglect
6 or refusal to perform his duties or for any other cause which
7 would have justified the withholding thereof when the same was
8 issued.

9 Any county superintendent who knows of any immorality or
10 neglect of duty on the part of any person holding a certificate
11 shall report the same, together with all the facts and evidence, to
12 the state superintendent for such action as in his judgment may
13 be proper.

State Board of Education.

Sec. 130. There is hereby created a state board of educa-
2 tion composed of the state superintendent of free schools, and
3 five other persons engaged in educational work, appointed by
4 him, no two of them from the same congressional district and not
5 more than three from the same political party. The said board
6 shall be appointed on or before the first day of June, one thou-
7 sand nine hundred and eight, one member for one year, one for
8 two years, one for three years, one for four years, and one for
9 five years, and thereafter one each year who shall serve for a
10 period of five years. The said board shall as soon as possible
11 after their term begins, meet at the call of the chairman and at
12 such times thereafter as four members may determine.

Courses of Study.

Sec. 131. The state board of education shall perform the 2 duties heretofore performed by the state board of examiners as 3 herein provided, and in addition thereto they shall constitute a 4 committee on courses of study and as such committee shall pre- 5 scribe a course of study for the public schools of the state, in- 6 cluding the elementary schools and high schools, and define the 7 relations that each shall bear to the other. They shall also 8 prescribe and publish the subjects in which applicants shall be 9 examined for the kindergarten, primary, high school, supervisors' 11 certificates, and for all special certificates as hereinbefore pro- 12 vided. At the request of the state superintendent they may as- 13 sist in the preparation of questions and the grading of manu- 14 scripts for the several examinations provided for by law.

Renewal of Certificates.

Sec. 132. All state certificates or other certificates of the 2 rank and value of first grade, issued or authorized to be issued 3 by the state board of education prior to this date, shall continue 4 in full force and effect, and shall be deemed valid to the extent 5 of time for which they were issued, and upon their expiration 6 may be renewed or converted into other certificates upon such 7 conditions as the state board of education may prescribe.

Compensation.

Sec. 133. The members of the state board of education, 2 except the state superintendent, shall each receive a compensa- 3 tion of five dollars per day and his necessary expenses, payable 4 out of the general school fund on the order of the state super- 5 intendent of schools, for the performance of their duties as mem- 6 bers of such board, but no member shall receive per diem for 7 more than twenty-five days in any year.

Sec. 134. Said board shall keep a record of its pro- 2 ceedings, showing the number of applicants for certificates, the 3 details of all transactions of the board, together with such statis- 4 tics as the state superintendent may require, and shall report the 5 same to the state superintendent annually on or before the thir- 6 tieth day of September.

CHAPTER 57.

(House Bill No. 401.)

AN ACT to amend and re-enact section twenty-one of chapter twenty-seven of the acts of one thousand nine hundred and eight, relating to school levies.

[Passed February 25, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

21. If a majority of ballots cast have written or printed thereon "for school levy" duty of board of education in respect thereto and statement required at meeting to be held second Tuesday in August: (a) separate amounts due building and teachers' funds and to become due from every source, excepting levy; (b) debts and demands owed by district and to become due and payable, including interest; (c) all other expenditures, etc.; what to be done with statement and publication; session to stand adjourned until fourth Tuesday in August; what action then to be taken; duty of prosecuting attorney; to correct proposed es-

SEC.

timate and levy or approve the same, and order to be entered to levy, and amount to continue school for six months or longer under certain conditions; limitations of levy; provision as to duty of state superintendent in case maximum levy is not sufficient; requisition authorized by state superintendent or auditor for supplementary building fund; balance not expended to revert to general fund; additional levy authorized in incorporated city or town; additional levy authorized under certain conditions, and a levy of not to exceed ten cents for support of high school.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-one of chapter twenty-seven of the acts of one thousand nine hundred and eight, relating to school levies, be amended and re-enacted so as to read as follows:

Section 21. If a majority of the ballots cast upon the question of laying a levy in the district or independent district have written or printed thereon "For school levy", it shall be the duty of the board of education of such district or independent district at a meeting to be held on the second Tuesday in August, to ascertain the condition of the fiscal affairs of the district, and make up an itemized statement thereof, which shall set forth in detail:

(a) The separate amounts due the building fund and teachers' fund of the district, and the amounts that will become due thereto and collectible during the current fiscal year, from every source, including the amount to be received from the general school fund, but excepting the amount that will be produced by the levy of taxes to be made for the year;

(b) The debts and demands owed by the district, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness,

18 funded or bonded or otherwise, distinguishing between those pay-
19 able out of the building fund and those payable out of the teach-
20 ers' fund;

21 (c) All other expenditures, under the several heads of ex-
22 penditures, to be made and payable out of the funds of the dis-
23 trict for the current fiscal year, distinguishing between those pay-
24 able out of the building fund and those payable out of the teach-
25 ers' fund, and including the cost of collection of taxes and other
26 claims, with proper allowances for delinquent taxes and contin-
27 gencies. Said statement shall also set forth the separate amounts
28 necessary to be raised for each of said funds by the levy of taxes
29 for the current fiscal year, and the proposed rates of levy of
30 taxes, in cents on each one hundred dollars of assessed value,
31 on the taxable property of the district for each of said funds;
32 and also the aggregate of the taxable property of the district,
33 stating separately the assessed value of personal property, of real
34 estate, and of the property assessed by the board of public works.
35 A copy of such statement duly certified by the secretary of the
36 board shall before the next meeting of the board be printed once
37 in two newspapers of opposite politics in the county, if there be
38 two such newspapers of general circulation in the county. The
39 session shall then stand adjourned until the fourth Tuesday in
40 August, at which time it shall convene; and it shall then be the
41 duty of said board to hear and consider any objections made oral-
42 ly or in writing, by the prosecuting attorney, by the state tax
43 commissioner or his representative, or by any taxpayer of the
44 county to said estimate and proposed levy, or any item thereof.
45 It shall be the duty of the board to enter an order of record
46 showing the objections so made, setting forth the reasons and
47 grounds for such objections. But the failure of any officer or
48 taxpayer to offer objection as herein provided shall not preclude
49 him from pursuing any legal remedy necessary to correct any
50 levy laid by said board. After said objections have been made
51 and heard, the board shall thereupon reconsider the proposed
52 original estimate and proposed rate of levy; and if the objec-
53 tions thereto or any part thereof appear to be well taken, the
54 board shall correct the same accordingly and it shall thereupon
55 be approved and when approved shall, with the order approving
56 it, be entered by the secretary in the record book of proceedings.
57 The board shall thereupon levy as many cents on each one hun-

58 dred dollars of the assessed valuation of the property of the dis-
59 trict, according to the last assessment thereof, as will produce
60 the amount shown by the said statement necessary to be raised
61 for the building fund, and levy in like manner the amount nec-
62 essary, after deducting the sum receivable from the general school
63 fund, for the teachers' fund to continue the schools in such dis-
64 trict for the term of six months or for a longer term where such
65 may be established by or according to law; *provided, first*, that
66 the levy for the building fund shall not exceed fifteen cents on
67 each one hundred dollars of said valuation, nor exceed thirty
68 cents on each hundred dollars of said valuation for the teachers'
69 fund; *provided, second*, that if said maximum levies hereinbefore
70 authorized, shall not produce sufficient money, with the other sour-
71 ces of revenue, including any balance to the credit thereof in the
72 hands of the treasurer, and the amount of general school fund
73 apportioned to the district, to pay the salaries of the necessary
74 number of teachers at the minimum rate of salary fixed by law
75 for the schools of the district for the term of six months, it
76 shall be the duty of the state superintendent of free schools to
77 deposit with the treasurer of the board of education to the credit
78 of the teachers' fund a sufficient amount to make up said de-
79 ficiency, and the said state superintendent of free schools is au-
80 thorized to withhold from the distribution made on the per cap-
81 ita basis, a sufficient amount of the general school fund not to
82 exceed in any one year seventy-five thousand dollars for
83 this purpose; *provided, third*, that in any magisterial or in-
84 dependent district of the state a levy of fifteen cents on the one
85 hundred dollars for the building fund is not sufficient to meet
86 all the outlay for necessary expenses for the school year properly
87 chargeable to the building fund, such as repairs, fuel, janitor
88 service and institute per diem, and not including the purcha-
89 of land or the erection of new buildings, then it shall be the duty
90 of the state superintendent to make requisition upon the auditor
91 for a sufficient sum out of the general school fund, not exceeding
92 fifteen thousand dollars in any one year, for the purpose of sup-
93 plementing the building fund of districts entitled to such as-
94 sistance. The state superintendent before making requisition on
95 the auditor for the supplementary aid herein provided for, for
96 the teachers' and the building fund, shall inform himself of the
97 conditions existing in such districts as seek aid and shall require

98 a financial statement and affidavits concerning the same from all
99 boards of education asking for help. Any balance of the gen-
100 eral school fund withheld from the per capita distribution for
101 such districts, as aforesaid, in any year, shall revert to said fund
102 at the close of the year; *provided, fourth*, that in any district
103 or independent district which contains an incorporated city or
104 town where a graded or high school is maintained, which is
105 continued for a longer period than six months, the board of
106 education shall have authority to lay a levy in addition to the
107 levies above specified sufficient for all purposes to conduct the
108 schools of said city or town for the term fixed; *provided, fifth*,
109 that in any other district where all the sources of revenue here-
110 inbefore provided for including the apportionment to the dis-
111 trict of the general school fund and of the amount withheld
112 from the general school fund by the state superintendent as
113 supplementary aid to districts will not provide for minimum
114 salaries to a sufficient number of teachers to teach all the schools
115 in the district for the minimum term of six months, it shall be
116 the duty of the board of education to lay an additional levy not
117 to exceed five cents on each one hundred dollars of the assessed
118 valuation to make up such deficiency in the teachers' fund; *pro-*
119 *vided, sixth*, that if the board of education of any district, or
119-a independent district, maintains a lawfully established high
120 school, or maintains such high school in connection with one
121 or more other districts, the board of such district, or boards of
122 districts where the high school is jointly maintained, may levy
123 for the support of said high school, in any one year, not to ex-
124 ceed ten cents on each one hundred dollars valuation of
125 the property of the district, or districts.

126 All acts and parts of acts inconsistent with this act are
127 hereby repealed.

CHAPTER 58.

(House Bill No. 158.)

AN ACT to amend and re-enact sections eleven and sixty-eight of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, relating to education.

[Passed February 12, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC.

11. Board of education to have general control and supervision of schools and school interests of district, except as otherwise provided; determine number and location of schools, establish graded schools, when necessary; establish high schools, change boundaries of sub-districts, having regard for number of school youth; except no school with less than ten pupils to be maintained, and action to be taken;

SEC.

when school youth may be aided in reaching school houses and how.

68. Boards of education have authority to consolidate two or more sub-districts, and establish graded school, and, if necessary, provide transportation; exceptions; contracts for transportation are to be let to lowest responsible bidder under certain rules.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections eleven and sixty-eight of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, relating to education, be amended and re-enacted so as to read as follows:

Have General Control of Schools; May Change Sub-district Lines.

Section 11. The board of education shall have general control and supervision of the schools and school interests of their district, except as herein otherwise provided; and they shall determine the number and location of the schools to be taught; establish graded schools, when necessary, and, as hereinafter provided, establish high schools, if necessary, change the boundaries of their sub-districts, and increase and diminish the number thereof, having due regard to the school houses already built, or sites procured, assigning, if practicable, to each sub-district not less than forty youths between the ages of six and twenty-one years; and shall define and enter of record in their minute book the boundaries of the several districts and sub-districts; *provided*, that no school shall be maintained in any district for fewer than ten pupils in regular attendance, and the board of education shall, at their first annual meeting to be held on the first Monday of July, ascertain from official records what school or schools, if any, in their district, had an average daily attendance during the school term next preceding of less than ten pupils and they shall thereupon, or as soon thereafter as may be, declare any such school or schools closed, and they shall enter such action as a matter of record in the minutes of the secretary; and, *provided*, that, if during any school term, any school falls below an average of ten in daily attendance for two successive months said board shall close such school and the teacher thereof shall receive no further salary as teacher of such school; and, *provided*, that the pupils of any school, which shall

26 be closed by the board in the manner just provided, shall have the
27 privilege of attending any other school in the same district or in
28 an adjoining district or independent district, as the board may
29 direct, and the board shall pay their tuition in such school, in the
30 manner otherwise provided by law for the transfer of pupils; and,
31 *provided, further*, that whenever any child or group of children of
32 school age shall, by reason of this act or for any cause whatsoever,
33 be without opportunity to attend a free school as provided by law,
34 within two miles of their homes by the shortest traveled road or
35 path, the board of education may employ such means as may seem
36 best to them to provide educational advantages to such child or
37 group of children, and may expend for such purpose an amount not
38 to exceed the proportion of all the school funds of the district,
39 which the number of such children bears to the whole number of
40 children enumerated in the district, such expenditure to be made
41 under such rules and regulations thereto as the board may make.

Consolidation of Schools.

2 Sec. 68. Boards of education shall have authority to con-
3 solidate two or more sub-districts into a single sub-district, and
4 where practicable establish a graded or consolidated school therein,
5 and if necessary, provide for the transportation of pupils to and
6 from such school at public expense; *provided*, that no sub-district
7 whose school during the last preceding school year maintained an
8 average daily attendance of twelve or more, shall be consolidated
9 with another sub-district except with the written consent of at
10 least a majority of the voters of the sub-district affected.

11 Contracts for the transportation of pupils shall be let to the
12 lowest responsible bidder, and all expenses shall be paid out of the
13 building fund of the district, under such rules and regulations as
14 the board of education may prescribe.

15 All acts and parts of acts inconsistent with this act are
hereby repealed.

CHAPTER 59.

(House Bill No. 205.)

AN ACT to amend and re-enact section three of chapter forty-five of
the code of West Virginia of one thousand nine hundred and
thirteen, relating to education.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec.

3. District boards of education to consist of president and two school commissioners; when elected and terms of office; except, in districts where a city, not an independent district, with population of more than 10,000, boards

Sec.

to consist of five members; duty of county superintendent to appoint two additional members after July 1, 1915, and with three already elected to constitute board; provision as to future election of school commissioners.

Be it enacted by the Legislature of West Virginia:

That section three of chapter forty-five of the code of West Virginia of one thousand nine hundred and thirteen, relating to education, be amended and re-enacted so as to read as follows:

Section 3. In each district there shall be a board of education consisting of a president and two school commissioners elected by the voters thereof. One commissioner shall be elected at the general election held on the Tuesday after the first Monday in November, one thousand nine hundred and sixteen, and one commissioner every two years thereafter; and the president at the general election held in one thousand nine hundred and eighteen, and every four years thereafter. Their terms of office shall commence on the first day of July next after their election, and they shall each continue in office for four years, and until their successors are elected or appointed and qualified according to law; *provided*, that in any such district in which there is located a city, not an independent school district, with a population of more than ten thousand inhabitants as shown by the last decennial census, the board of education shall consist of five members, and the county superintendent of schools of the county in which any such district is located shall immediately after the first day of July, one thousand nine hundred and fifteen, appoint two additional members who shall hold office until the election held in one thousand nine hundred and sixteen, and who together with the three members now provided by law shall constitute the board of education of such district. At the election to be held in November, one thousand nine hundred and sixteen, there shall be elected in such district three commissioners, two of whom shall enter upon their office as soon as the result of the election is declared and shall continue in office for the term of four years from the first day of July, one thousand nine hundred and seventeen, and every four years after said election in one thousand nine hundred and six-

29 teen there shall be elected three commissioners of said board in-
30 stead of one as now provided.

CHAPTER 60.

(House Bill No. 125.)

AN ACT to repeal section twenty-seven and a half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, and to amend and re-enact sections twenty-eight and twenty-nine of the same chapter, all relating to the salaries of teachers in free schools.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.
28. Boards of education at first meeting of each year to determine number of teachers to be employed and salary; salaries to be fixed according to grade of certificates; not to be increased or diminished; exceptions in district or independent district where two or more teachers are employed in same building; if in any district maximum levy of twenty-five cents is not suffi-

SEC.
dent to maintain six months school, including supplementary aid, additional five-cent levy authorized.

28. If within ten days after board of education has laid levies, majority of tax-payers petition for given number of months for ensuing year, board to order such extension by special levy not to exceed five cents.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven and a half of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight, extra session, be and the same is hereby repealed; and that sections twenty-eight and twenty-nine of the same chapter be amended and re-enacted so as to read as follows:

Section 28. Boards of education shall at their first meeting
2 for each school year determine the number of teachers necessary
3 to be employed and fix the rate of salary that shall be paid said
4 teachers. In determining the salaries they shall have regard to
5 the grade of teachers' certificates, fixing to each grade the salary
6 that shall be paid to teachers of said grade as follows: teachers
7 holding certificates of the grade number one, shall be paid not less
8 than fifty dollars per month; those holding certificates of the
9 grade of number two, not less than forty dollars per month; and
10 those holding certificates of the grade number three, not less
11 than thirty dollars per month; and in the making of teachers' con-
12 tracts the rate of salary so fixed by the board shall in no case be

13 increased or diminished; *provided*, that in a district or independent
14 district having a school or schools employing two or more teachers
15 in the same building, the board may fix a higher rate of salary to
16 be paid to the teachers of such schools and adjust the salaries of
17 said teachers according to the grade of certificates and to the con-
18 ditions existing in such schools; *provided, further*, that if in any
19 district the proceeds of the maximum levy of twenty-five cents on
20 each one hundred dollars valuation of taxable property, together
21 with such other funds as may be available, including the supple-
22 mentary aid for school districts provided for in section twenty-one,
23 are not sufficient to maintain all the schools of the district for the
24 minimum term of six months and to pay the minimum salaries
25 herein required, the board of education of such district shall have
26 authority to lay additional levy for such purpose not to exceed five
27 cents on each one hundred dollars valuation of taxable property.

Sec. 29. If within ten days after the board of education
2 has laid the levies as provided by law, a majority of the taxpayers
3 of any sub-district, in which is located a school employing two or
4 more teachers in the same building, file with the secretary of the
5 board of education their petition praying for the extension of the
6 term of such school for a given number of months for the ensuing
7 year, the said board of education shall extend the term of said
8 school for the number of months prayed for, and shall provide for
9 such additional expense necessarily incurred in carrying on said
10 school for such extended term by special levy not exceeding the rate
11 of five cents on each one hundred dollars' valuation of the taxable
12 property in such sub-district and the proceeds of such additional
13 levy shall be known as sub-district teachers' fund and shall be col-
14 lected, reported and accounted for in the same manner as provided
15 for the proceeds of other school levies.

CHAPTER 61.

(Senate Bill No. 105.)

AN ACT to amend and re-enact section thirty of chapter twenty-seven
of the acts of one thousand nine hundred and eight, extra ses-
sion, as amended and re-enacted by chapter sixty-eight of the
acts of one thousand nine hundred and eleven, relating to the

establishment of district high schools, the classification of high schools and the distribution of state aid to classified high schools.

[Passed February 4, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.

30. (a). When board of education deems it expedient to establish high school, same to be submitted to voters at a general or special election; method to be followed; (b) high schools of state classified into three classes; first class, those offering courses of study of not less than four years of not less than thirty-six weeks, and employing not fewer than three high school teachers; second class, those offering courses of study of three years of thirty-six weeks and employ-

SEC.

ing not fewer than two high school teachers; third class, those offering courses of study covering two years of thirty-six weeks and employing not less than one high school teacher; (c) duty of state superintendent to classify all high schools; (d) appropriations from state fund in aid of classified high schools: first class \$800; second class \$600; third class \$400; (e) duty of state superintendent as to distribution of state aid.

Be it enacted by the Legislature of West Virginia:

That section thirty of chapter twenty-seven of the acts of one thousand nine hundred and eight, extra session, as amended by chapter sixty-eight of the acts of one thousand nine hundred and eleven, be and the same is hereby amended and re-enacted so as to read as follows:

District High Schools; How Established; Classification and State Aid.

Section 30. (a) If the board of education of any district 2 deem it expedient to establish a high school in such district, they 3 shall submit the question to the voters of the district at a general 4 or special election in the manner following, that is to say: the 5 board shall prepare and sign a notice setting forth the kind of 6 school proposed; the estimated expense of establishing the same, 7 including cost of site, building, furniture, books and apparatus and 8 the estimated annual expense of supporting the school after 9 it is in operation, with such other information concerning it as 10 they may deem proper; and stating that the question of authorizing 11 the establishment of such high school shall be submitted to the 12 voters of the district at the election specified in the notice which 13 they shall cause to be posted for four weeks before the election in 14 at least three of the most public places in the district.

15 The ballots used in voting on the question shall have written 16 or printed thereon the words "For district high school," and the 17 words "Against district high school." If it appear by the re- 18 sult of said election that a majority of the voters who voted on 19 the question are in favor of authorizing the establishment of said

20 school, the board of education shall then proceed to obtain the
21 site, provide a suitable building or buildings, furniture, apparatus
22 and supplies and employ necessary teachers therefor.

23 (b) The high schools of this state shall be divided into three
24 classes as follows:

25 High schools of the first class shall include all high schools
26 offering courses of study covering four years of not less than thirty-
27 six weeks each and employing not fewer than three thoroughly
28 qualified high school teachers who devote all of their time to the
29 teaching of high school subjects.

30 High schools of the second class shall include all high schools
31 offering courses of study covering three years of not less than
32 thirty-six weeks each and employing not fewer than two thoroughly
33 qualified high school teachers who devote all of their time to the
34 teaching of high school subjects.

35 High schools of the third class shall include all high schools
36 offering courses of study covering two years of not less than thirty-
37 six weeks each and employing at least one thoroughly qualified
38 high school teacher who devotes all of his time to the teaching of
39 high school subjects.

40 (c) It shall be the duty of the state superintendent of
41 schools to classify all of the high schools of the state in accordance
42 with the provisions of division (b) of this section.

43 (d) To assist in the maintenance of all such high schools
44 as have been properly classified according to the provisions of
45 division (b) of this section and have complied with all the re-
46 quirements thereof, the following amounts are hereby appropriated
47 to be paid annually out of the state fund:

48 To each high school of the first class, eight hundred dollars;
49 to each high school of the second class, six hundred dollars; and to
50 each high school of the third class four hundred dollars.

51 (e) The state superintendent of schools shall not later than
52 the first day of October, annually, notify the county superintendent
53 of schools of each county as to the amount due under the pro-
54 visions of this section to each of the classified high schools in his
55 county. The county superintendent shall issue his warrants upon
56 the auditor, payable to the order of the sheriff of his county, for

57 the amount due each school which shall be paid in two equal in-
58 stallments, payable on the first day of December and the first day
59 of April.

CHAPTER 62.

(House Bill No. 53.)

AN ACT to provide for the establishment and maintenance of normal training departments in high schools and to authorize special state aid therefor, the same to be section twenty-nine-a of chapter forty-five of the code of West Virginia.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

Sec.

29-a. When in judgment of county high school board, or any district or independent district board, deem it advisable, they have authority to establish normal training departments; duty of state board of education to prescribe course of study, to determine number and qualification of teachers

Sec.

and other regulations: such to be known as a normal training school, when approved, and entitled to receive state aid to be used for that purpose: state aid of this character restricted to ten in state and not to include county where state normal school is already established.

Be it enacted by the Legislature of West Virginia:

Section 29-a. Whenever in the judgment of any county high school board or of any district or independent district board of education in whose district a high school is maintained, it is advisable to provide for the better training of the teachers in the elementary schools of their county or districts, such county high school board, district board of education or independent district board of education shall have the authority to establish and maintain a normal training department in connection with any high school under their control, to provide necessary rooms, furniture, equipment and supplies, and to employ teachers therefor.

It shall be the duty of the state board of education to prescribe a course of study for such normal training department, to determine the number and qualifications of teachers to be employed therein, and to establish such other regulations and requirements for their conduct as they may deem best; and when a normal training department has been established in any high school in accordance with the regulations and requirements of the state board of education and has been approved by said board, such high

19 school shall be designated and known as a normal training high
 20 school. The state board of education shall on or before the first
 21 day of October annually, report the number and location of high
 22 schools approved by them as normal training high schools, to the
 23 state superintendent of schools. Normal training high schools so
 24 approved shall be entitled to receive, in addition to the state aid
 25 now provided by law for classified high schools, the sum of four
 26 hundred dollars annually, the same to be paid out of the appropria-
 27 tion for classified high schools at the time and in the manner pre-
 28 scribed by law for the payment of state aid to classified high
 29 schools, and to be used for the maintenance of normal training
 30 departments of such high schools and for no other purpose;
 31 *provided, however*, that not more than ten high schools in the state
 32 shall receive aid as normal training high schools at one time; and
 33 *provided, further*, that such state aid shall not be given in support
 34 of any such normal training department of any high school located
 35 in any county in which a state normal school or other state school
 36 maintaining such normal training course is located.

CHAPTER 63.

(Senate Bill No. 78.)

AN ACT to provide for the payment of tuition fees of high school pupils by boards of education not maintaining high schools, the same to be section thirty-a of chapter forty-five of the code of West Virginia.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.
 30-a. Duty of board of education of any district not maintaining a high school to pay tuition of all pupils in their district who have completed course of study in elementary schools who desire to

SEC. attend other schools of high school grade; limitation as to amount to be paid and time; other limitations as to pay for four years course; tuition fees to be paid out of building fund.

Be it enacted by the Legislature of West Virginia:

Section 30-a. It shall be the duty of the board of education of any district which does not maintain a high school to pay the

3 tuition fees of all pupils in their district who have completed the
 4 course of study in the elementary schools and who desire to attend
 5 public high schools or other schools of high school grade in other
 6 districts within the state; *provided*, that boards of education shall
 7 not pay more than two dollars and fifty cents per month for such
 8 tuition for each pupil attending a high school or other school of
 9 high school grade in another district; and, *provided, further*, that
 10 boards of education shall not be required to pay such tuition fees
 11 for any pupils for more than four years; and, *provided, further*,
 12 that any board of education maintaining a high school of less than
 13 four years course, may pay the tuition of any pupil who has com-
 14 pleted the course in such high school in any other school or schools
 15 of high school grade of four years, or equivalent thereof, so that
 16 such pupil may have the benefit of a four years' course in high
 17 school. Fees for the tuition of high school pupils shall be paid
 18 out of the building fund of the district upon the presentation of a
 19 certificate signed by the president of the board of education con-
 20 trolling the high school in which tuition pupils were in attendance
 21 and by the principal of the school and giving the names of such
 22 pupils and the number of months each was in attendance.

CHAPTER 64.

(Senate Bill No. 54.)

AN ACT authorizing incorporated cities and towns, and also counties and school districts, to levy taxes for the purpose of establishing public libraries and reading rooms; to appoint library boards and defining their duties and powers; provide penalties for the injury or defacement of library property, or the detention of books, magazines, newspapers, etc., belonging to a public library.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec.
 1. Definitions of words and phrases used in this act.
 2. Municipal authority has power to establish, equip and maintain public library and may levy tax

Sec.
 for the purpose, of not more than one and one-half cents on the \$100; how levied and collected, and to be known as "library fund;" exceptions when municipality already has library;

Sec.

question of establishing library to be first submitted to vote of the people at general or special election by municipal authority or upon petition; election, how ordered and conducted and what ballot shall contain; notice to be given by publication or otherwise.

3. When established, library to be under board of six directors; who to appoint and qualifications, term of office; no person ineligible by reason of sex; vacancies filled by same authority; to serve without compensation; chief school officer to be a member of board *ex-officio* in addition to six.
4. Directors of public library to organize by electing one member president, and majority to constitute quorum; to adopt by-laws, rules and regulations; to have exclusive control of expenditure of money, and supervision, care

Sec.

and custody of grounds, rooms and building; have authority, with approval of municipal authority, to lease or purchase ground for use of library and to appoint librarian and prescribe duties and compensation.

5. Libraries established under this act to be free, subject to rules and regulations.
6. Boards to make report to municipal authority in July of each year; what report to contain.
7. Provision as to donations, and how title may be vested.
8. To deface or injure building or furniture, to destroy picture, plate, map or other property, a misdemeanor; penalty; fines to be paid custodian library fund.
9. To detain for thirty days beyond notice, any books or other property, renders person liable for damages, and method of recovery; notice required to contain a copy of this section.

Be it enacted by the Legislature of West Virginia:

Section 1. The following words and phrases, wherever used in
 2 this act shall include and be taken to mean as follows: the word
 3 "municipality" shall include an incorporated city, a town, a county
 4 and a school district; "municipal authority" shall include the
 5 mayor and common council of a city, a town, or board of commis-
 6 sioners, or other corresponding authority thereof, county courts
 7 and boards of education of school districts and independent school
 8 districts; "public library" shall include public library and read-
 9 ing room; "chief executive authority" shall include mayor and
 10 city council or other corresponding authority in cities and towns,
 11 and the county court and board of education in counties and school
 12 districts; "the directors of public library board" shall include the
 13 members of public library boards of cities, towns, counties and
 14 school districts established under this act.

Sec. 2. The municipal authority of any municipality shall
 2 have the power to establish, equip and maintain a public library,
 3 or take over and maintain and support any public library already
 4 established therein, for the use and benefit of the inhabitants of
 5 such municipality, and may levy an annual tax for the purpose
 6 of not more than one and one-half cents on the one hundred
 7 dollars, on all the taxable property in said municipality, such tax
 8 to be levied and collected in like manner as the general taxes of
 9 the municipality, which shall be kept separate in a fund to be
 10 known as the "library fund"; *provided*, that when any municipal-

11 ity makes a levy for a municipality in which there is already a
12 municipal library, and the said municipality does not join in the
13 proposed library, the said municipality shall omit from the levy
14 of the library tax all property within the limits of said munici-
15 pality not joining in said proposed library; *provided, further,*
16 that before establishing any public library, or levying any tax
17 therefor, the municipal authority shall submit the question to the
18 voters of such municipality, and the majority of the voters voting
19 thereon shall authorize the establishment of such library, and the
20 levy of such tax. The question shall be submitted at a general
21 or special election, upon the order of said municipal authority or
22 upon the petition, in case said municipal authority fail or refuse
23 to do so, in writing, of twenty per centum of the qualified voters
24 residents of the municipality; and the election, when ordered,
25 shall be conducted, held and returned in all respects as other elec-
26 tions; and the ballot used shall have written or printed thereon
27 under the heading "public library question" the words, in plain
28 letters, "for public library," "against public library." And
29 the municipal authority of said municipality shall give at least
30 two weeks notice of said election by publishing notice thereof in
31 one or more newspapers published in said municipality; or, if
32 none are therein published, by like notice posted for a like
33 period at each of the voting places in said municipality, and at
34 five other public places for a like period, before said election,
35 giving the date and object of the election.

Sec. 3. Whenever such public library is established under
2 this act, the chief executive authority of said municipality shall
3 appoint a board of six directors, chosen from the citizens at large
4 from said municipality, with reference to their fitness for such
5 office. Such directors shall hold office for three years from the
6 first day of July following their appointment, and until their suc-
7 cessors are appointed; but upon their first appointment they shall,
8 at their first meeting, divide themselves into three classes, so that
9 one-third of the number shall hold office for a period of one year.
10 one-third for two years, and one-third for three years. No per-
11 son shall be ineligible to serve on said board by reason of sex.
12 Vacancies in the board shall be reported to the municipal author-
13 ities, and filled by appointment in like manner as original ap-
14 pointments for the unexpired term. The municipal authorities
15 may remove any director for misconduct or neglect of duty. No

16 compensation shall be paid or allowed any director. The chief
17 school officer of each municipality establishing a public library
18 shall be *ex-officio* a member of its library board in addition to
19 the six directors provided for herein.

Sec. 4. The directors of each public library established un-
2 der this act shall, immediately after their appointment, meet
3 and organize by electing one of their number as president and
4 one as secretary. A majority of all the members of any board
5 shall constitute a quorum for the transaction of business. They
6 shall make and adopt such by-laws, rules and regulations for their
7 own guidance and for the government of the library as may be
8 expedient and not inconsistent with this act. They shall have
9 exclusive control of the expenditures of all the money collected
10 for the library fund and for the construction of any library build-
11 ing or repairs thereto, and the supervision, care and custody of
12 the grounds, rooms or building constructed, leased or set apart
13 for the purpose; *provided*, that all money received for public li-
14 brary purposes, and deposited in the treasury of such municipal-
15 ity to the credit of the library fund, shall be drawn by the proper
16 municipal officers upon the proper authenticated vouchers of the
17 library board. Public library boards may, with the approval of
18 the municipal authority, lease and occupy or purchase or erect
19 an appropriate building for the use of said library. They shall
20 have power to appoint a suitable librarian and assistants, and pre-
21 scribe rules for their conduct, and fix their compensation; and
22 shall have power to remove such appointee, and, in general, to carry
23 out the spirit and intention of this act in establishing and main-
24 taining free public libraries for their respective municipalities.

Sec. 5. Each library established under this act shall be free
2 for the use of the inhabitants of the municipality where located,
3 subject to such reasonable rules and regulations as the library
4 board may adopt and publish, in order to render the use of said
5 library of greatest benefit to the greatest number; and said board
6 may exclude from the use of said library any and all persons who
7 shall wilfully violate such rules. The board may extend the priv-
8 ilege and use of said library to non-residents of the municipality
9 upon such terms and conditions as said board may prescribe.

Sec. 6. Each library board shall, on or before the first day
2 of July in each year, make report to the municipal authority ap-
3 pointing it, stating the condition of the library property, the var-

4 ious sums of money received from the library fund, and all other
5 sources, and how such money was expended; the number of books
6 and periodicals on hand, the number added by purchase and gift,
7 the number lost or mislaid, the number of books loaned out and
8 the general character of such books, together with an itemized
9 budget estimate of expense of the library for the ensuing year,
10 with such other statistical information and suggestions as they
11 may deem of general interest or that may be required by said mu-
12 nicipality.

Sec. 7. All persons desiring to make donations of cash or
2 other personal property or real estate for the benefit of such library,
3 shall have the right to vest the title thereof in the library board
4 created under this act, to be held in trust and controlled by such
5 board according to the terms and for the purposes set out in the
6 deed, gift, devise or bequest.

Sec. 8. Any one who shall wilfully deface or injure any
2 building or furniture, or deface, injure or destroy any picture,
3 plate, engraving, map, newspaper, magazine or book, or any ob-
4 ject of art belonging to a public library, shall be guilty of a mis-
5 demeanor, and on conviction thereof shall be punished by a fine
6 of not less than five dollars nor more than fifty dollars, or by im-
7 prisonment not exceeding six months. The fine in each case shall
8 be paid to the proper officer or custodian of the library fund to be
9 used by such library as other money paid into its treasury.

Sec. 9. Any person who shall wilfully detain any book,
2 newspaper, magazine, pamphlet or manuscript belonging to such
3 library, or to any incorporated library, for thirty days after no-
4 tice in writing from the librarian, after the expiration of the time
5 such books, newspaper, magazine, pamphlet or manuscript may
6 be kept according to the rules and regulations of said library,
7 shall be liable for damages, to be recovered by said library board
8 by appropriate proceeding before a justice of the peace; the re-
9 covery in each case to be paid to the proper officer or custodian
10 of its funds; *provided*, that the notice required hereby shall in-
11 clude a copy of this section.

CHAPTER 65.

(House Bill No. 268.)

AN ACT to amend and re-enact sections one hundred and seventy-
three and one hundred and seventy-four of chapter forty-five of

the code of West Virginia (serial sections 2248 and 2249 of the code of 1913), concerning cadets of the military department of West Virginia university.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.
173. Besides prescribing general terms for admission of students, regents may admit as regular students, not more than 600 cadets in military department; cadets not to be under sixteen nor over twenty-four; term of service four years, but may re-enlist.

SEC.
174. Cadet admitted entitled to all privileges, etc., free of charge, and books and stationery to amount of \$15; cadets to constitute a public guard of university property, ordnance and stores, and responsible for safe-keeping of arms, etc.

Be it enacted by the Legislature of West Virginia:

That sections one hundred and seventy-three and one hundred and seventy-four of chapter forty-five of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 173. Besides prescribing the general terms upon
2 which students may be admitted to the university, the regents may
3 admit, as regular students therein, not more than six hundred
4 cadets in the military department. Such cadets shall not be un-
5 der sixteen years of age nor over twenty-four years of age. Their
6 term of service shall be four years, but any cadet at the expiration
7 of his first term shall be entitled to re-enlist for the further term
8 of two years upon giving notice of his intention to the comman-
9 dant of cadets of least thirty days before the expiration of such
10 term.

Sec. 174. The cadet admitted under the provisions of the
2 preceding section shall be entitled to all the privileges, immuni-
3 ties, educational advantages and benefits of the university, free of
4 charge for admission and tuition; and each of them may have books
5 and stationery to the value of fifteen dollars in any fiscal year,
6 free of charge. They shall constitute the public guard of the uni-
7 versity and the property belonging thereto, and also of the ord-
8 nance and ordnance stores and camp and garrison equipage, of
9 which a sufficient supply shall be kept in the arsenal belonging to
10 the institution; and said cadets shall be individually and collect-
11 ively responsible for the preservation and safe keeping of all arms
12 and camp equipage belonging to said institution.

CHAPTER 66.

(House Bill No. 329.)

AN ACT providing for changing the name of the West Virginia colored institute and establishing collegiate courses therein, the same to be sections two hundred and five-a and two hundred and seven-a of chapter forty-five of the code of West Virginia.

[Passed February 17, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC.

205-a. Institution known as "The West Virginia colored institute," to be hereafter designated and known as "The West Virginia collegiate institute," and have and hold all property, rights, funds, etc., as heretofore.

207-a. Board of regents to establish

SEC.

and maintain, in addition to the department already established, such college courses of study as shall be deemed expedient and to issue diplomas; also has power to do extension work in agriculture among negro population of state.

Be it enacted by the Legislature of West Virginia:

Section 205-a. The institution for the instruction of colored
2 students located at Institute, in the county of Kanawha, and des-
3 igned by an act of the legislature of one thousand eight hundred
4 and ninety-one, regular session, chapter sixty-five, as "The West
5 Virginia colored institute," shall hereafter be designated and
6 known as "The West Virginia collegiate institute," and shall have
7 and hold all the property, funds, rights, powers and privileges
8 granted to said institution in said chapter sixty-five of the acts of
9 the legislature of one thousand eight hundred and ninety-one,
10 regular session, and such as have been or may be granted to it
11 by the acts of the legislature of this state.

Sec. 207-a. The board of regents shall establish and maintain
2 in the West Virginia collegiate institute, in addition to the de-
3 partments already established, such college courses of study as
4 may be expedient and possible, and shall prescribe the conditions
5 for graduation therein and confer the proper degrees and issue
6 the proper diplomas to those who complete such courses.

7 The West Virginia collegiate institute shall have power and
8 authority to do extension work in agriculture, home economics
9 and such other subjects as the board of regents may direct among
10 the negro population of West Virginia.

CHAPTER 67.

(Senate Bill No. 173.)

AN ACT concerning the compilation of the code of West Virginia of one thousand nine hundred and thirteen, edited by Charles E. Hogg, declaring the same competent evidence of the law in all the courts of the state.

[Passed January 25, 1915. In effect from passage. Approved by the Governor January 26, 1915.]

<p>SEC. 1. General laws of state edited and compiled by Charles E. Hogg, entitled "West Virginia Code, Annotated, C. E. Hogg, 1913,"</p>		<p>SEC. declared competent evidence, without further proof, and to be known and cited as "Code, 1913."</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The general laws of the state of West Virginia, as 2 edited and compiled by Charles E. Hogg, and published by the 3 West Publishing Company, and entitled the "West Virginia Code 4 Annotated, C. E. Hogg, 1913", are hereby declared competent 5 evidence of the several acts and resolutions therein contained in 6 all courts of this state, without further proof or authentication, 7 and shall be known and cited as "Code 1913."

CHAPTER 68.

(Senate Bill No. 6.)

AN ACT to amend and re-enact chapter one hundred and thirteen of the code of West Virginia, relating to the supreme court of appeals.

[Passed February 8, 1915. In effect from passage. Approved by the Governor February 11, 1915.]

<p>SEC. 1. Supreme court of appeals to consist of five judges, elected and qualified; any three a quorum. 2. One to be president; in absence of president any other judge to act. 3. Two terms to be held every year at Charleston, one commencing second Wednesday in January, the other first Wednesday in April; other terms to be held when and where designated by court. 4. Original jurisdiction extends to <i>habeas corpus</i>, mandamus and prohibition; appellate jurisdiction extends to civil cases of</p>		<p>SEC. \$100 and over, controversies concerning title or boundaries of land, etc.; also appellate jurisdiction in criminal cases, and where conviction has been had in any inferior court and affirmed in a circuit court, and cases relating to revenue, right of appeal belongs to state and defendant, as well. 5. Court may review and re-hear cases decided at next succeeding regular term, but no argument to be heard unless requested by court. 6. Court to appoint a clerk, crier and messenger, all removable at</p>
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<p>Sec.</p> <p>pleasure; vacancy in office of clerk to be by appointment in writing.</p> <p>7. Duty of clerk, by himself or deputy.</p> <p>8. Duty of erler, compensation and how paid.</p> <p>9. Duty of messenger, compensation and how paid.</p> <p>10. Special terms authorized to be held at Charleston, and under extraordinary circumstances, at other places.</p> <p>11. Court may adjourn from day to day at pleasure of members.</p> <p>12. Judges, or a majority, may by war-</p>	<p>Sec.</p> <p>rant appoint a special term at Charleston, or under extraordinary circumstances, at any other point, designated by themselves or by law; duty of clerk hereunder.</p> <p>13. At special term any cause, record of which has been previously printed, may be heard and decided by consent, or upon thirty days' notice in writing.</p> <p>14. Court may at any regular or special term decide any cause or proceeding previously heard. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirteen of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 1. The supreme court of appeals shall consist of 2 five judges, elected and qualified according to the constitution 3 and laws; any three of whom shall be a quorum:

Sec. 2. They shall designate one of their body to be the 2 president of said court. In the absence of the president any other 3 judge designated by the judges present, shall act as president.

Sec. 3. Two terms of the supreme court of appeals shall be 2 held every year at Charleston, in the county of Kanawha, the first 3 commencing on the second Wednesday in January, the second on the 4 first Wednesday in September, and continue until the business is 5 dispatched. But when, in the judgment of the court, extraordinary 6 circumstances require, such term or terms may be held at such 7 other place or places within the state as the court may designate, 8 such times and places to be fixed in the manner provided hereby 9 for holding special terms of said court.

Sec. 4. The original jurisdiction of the supreme court of 2 appeals shall extend to cases of *habeas corpus*, mandamus and 3 prohibition. The appellate jurisdiction shall extend to civil cases 4 when the matter in controversy, exclusive of costs, is of greater 5 value or amount than one hundred dollars; in controversies con- 6 cerning the title or boundaries of land, the probate of wills, the 7 appointment or qualification of a personal representative, guardian, 8 committee or curator; or concerning a mill, road, way, ferry or 9 landing; or the right of a corporation or county to levy tolls or 10 taxes; and also in cases of *quo warranto*, *habeas corpus*, man- 11 damus, *certiorari* and prohibition, and in cases involving freedom 12 or the constitutionality of a law. It shall have appellate jurisdic-

13 tion in criminal cases, where there has been conviction for felony
14 or misdemeanor in a circuit court, and where a conviction has
15 been had in any inferior court and been affirmed in a circuit
16 court, and in cases relating to the public revenue, the right of ap-
17 peal shall belong to the state, as well as the defendant, and such
18 other appellate jurisdiction, in both civil and criminal cases, as
19 may be prescribed by law.

Sec. 5. The supreme court of appeals may review and re-
2 hear any cases decided by said court at the next succeeding
3 regular term so far as to allow the correction of any clerical
4 error in any decree or judgment pronounced by said court, or
5 where the court on its own motion may desire to re-hear and
6 correct such decree or judgment. But no argument shall be heard
7 on such motion to re-hear unless requested by said court.

Sec. 6. The supreme court of appeals, or judges thereof
2 in vacation, may appoint a clerk who shall give bond as required
3 by chapter ten of the code. They may also appoint a crier and a
4 messenger, all of which said officers shall be removable at the
5 pleasure of said court or judges. Vacancies in the office of clerk
6 occurring during vacation, may be filled by appointment in
7 writing, made by the judges of said court or any three of them.

Sec. 7. It shall be the duty of the clerk of the supreme
2 court of appeals to attend in person, or by deputy, all the ses-
3 sions of the said court, to obey its orders and directions in term
4 time, and in vacation to take care of and preserve in an office,
5 kept for the purpose, all the records and papers of said court,
6 and to perform such other duties as may be required of him by
7 the said court, or which shall be prescribed by law:

Sec. 8. The crier of the supreme court of appeals shall
2 attend the sessions of the court; shall keep order in the court
3 and have its hall kept constantly clean, ventilated and supplied
4 with water when necessary; obey the orders and directions of the
5 court, and in all respects be under its direction and authority,
6 for which he shall be allowed the sum of four dollars for each
7 day of the term, Sundays excepted, to be paid out of the state
8 treasury upon the certificate of the court.

Sec. 9. The messenger of the said supreme court of ap-

2 peals shall constantly attend the sessions of the said court, and
3 obey its orders and directions, for which he shall be allowed three
4 dollars for each day of the term, Sundays excepted, to be paid
5 out of the state treasury upon the certificate of the court.

Sec. 10. Special terms of the supreme court of appeals
2 may be held for the trial and decision of causes at Charleston, in
3 Kanawha county, specially designated as the place for holding the
4 regular terms thereof, and under extraordinary circumstances at
5 such other times and places as the said court may designate by
6 an order entered of record at a regular or special term of
7 said court. And said court may at any special term authorized
8 by this chapter, decide any cause which may have been heard at
9 a previous regular or special term.

Sec. 11. Said court may at any regular or special term,
2 adjourn from day to day, or from time to time, as the court may
3 order, until its close.

Sec. 12. The judges of said court, or a majority of them,
2 may by warrant signed by them, directed to the clerk, appoint a
3 special term to be held for the trial and decision of causes at
4 Charleston, or, under extraordinary circumstances, at any other
5 point within the state designated by them, or which may here-
6 after be designated by law for holding regular terms thereof. The
7 clerk shall enter such warrant in the order book of said court.

Sec. 13. At any special term of said court, any cause, the
2 record of which has been previously printed may, in the discretion
3 of said court, be heard and decided by consent of parties or their
4 counsel, entered of record, or upon at least thirty days' notice in
5 writing, given by the parties desiring the hearing to the opposite
6 party or his counsel, of his intention to insist on a hearing, when
7 the same may, in the discretion of the court, be heard and deter-
8 mined at any such special term.

Sec. 14. The said court may, at any regular or special
2 term, decide any cause or proceeding which may have been pre-
3 viously heard by the court at any regular or special term thereof.

4 All acts and parts of acts inconsistent herewith are hereby
5 repealed.

CHAPTER 69.

(Senate Bill No. 169.)

AN ACT to amend and re-enact sections one, five, six and twenty-six of chapter one hundred and thirty-five of the code of West Virginia relating to the jurisdiction of the supreme court of appeals and regulating the manner and method of appeals thereto, and to add an additional section to said chapter giving the state the right to apply for a writ of error in criminal cases, where an indictment is held bad or insufficient for any cause, which additional section shall be numbered thirty-one.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. Party to controversy in any circuit court may obtain from supreme court or judge in vacation, an appeal or writ of error or supersedeas in certain enumerated cases; questions of sufficiency of summons, return of service, or challenge of sufficiency of service may, in discretion of court where it arises, and shall on joint application of parties to suit, be certified to supreme court for decision, and further proceedings stayed until such question decided; forms on such questions to be prescribed by supreme court and to have precedence over appeals and writs of error; entry is sufficient notice.
5. Petition and copy thereof, where filed and duty of clerk as to transmission of original with the record; also duty of clerk as to arrangement of papers and table of contents or index; before petition and record is filed deposit required for costs, or a bond for payment of same; if appeal granted duty of clerk of supreme court of appeals to return record to clerk circuit court, not provided by law, as fixed by judge; what to be done in cases petition not granted.

SEC.

6. Unless directed otherwise, no copy to be made in transcript of any process, returns or evidence of service, etc.; exceptions; fee for clerk in certain cases; unless otherwise ordered, clerk to make out whole record, if either party so direct, but court or judge may direct omission of parts deemed immaterial; bond to be part of record.
26. Supreme court of appeals to affirm if no error found or reverse, if erroneous, and direct order; proceeding in case of appeal from an order granting new trial or re-hearing.
31. Notwithstanding anything hereinbefore in this chapter in any criminal case where indictment is held bad, state may obtain writ of error to secure review or order by supreme court; action hereunder and limitations; precedence of writ of error in supreme court; in case of reversal case to be remanded to court in which indictment was found; except as herein otherwise provided, all other provisions of this chapter applicable to petition for writ of error under this section and to all subsequent proceedings.

Be it enacted by the Legislature of West Virginia:

That sections one, five, six and twenty-six, of chapter one hundred and thirty-five of the code of West Virginia, be and the same are hereby amended and re-enacted so as to read as follows:

- Section 1. A party to a controversy in any circuit court may
- 2 obtain from the supreme court of appeals, or a judge thereof, in
 - 3 vacation, an appeal from, or a writ of error or supersedeas to,

4 a judgment, decree or order of such circuit court in the following
5 cases:

6 *First.* In civil cases where the matter in controversy, exclu-
7 sive of costs, is of greater value or amount than one hundred
8 dollars, wherein there is a final judgment or decree or order.

9 *Second.* In controversies concerning the title or boundaries
10 of land, the probate of a will, or the appointment of a personal
11 representative, guardian, committee or curator.

12 *Third.* Concerning a mill, road, way, ferry or landing.

13 *Fourth.* Concerning the right of a corporation, county or dis-
14 trict to levy tolls or taxes.

15 *Fifth.* In any case of *quo warranto*, *habeas corpus*, manda-
16 mus or prohibition.

17 *Sixth.* In any case involving freedom or the constitution-
18 ality of a law.

19 *Seventh.* In any case in chancery wherein there is a decree
20 or order dissolving or refusing to dissolve an injunction, or re-
21 quiring money to be paid, or real estate to be sold, or the posses-
22 sion or title of the property to be changed, or adjudicating the
23 principles of the cause.

24 *Eighth.* In any case where there is a judgment or order
25 quashing or abating, or refusing to quash or abate an attach-
26 ment.

27 *Ninth.* In any civil case where there is an order granting
28 a new trial or rehearing, and in such cases an appeal may be
29 taken from the order without waiting for the new trial or re-
30 hearing to be had.

31 *Tenth.* In any criminal case where there has been a con-
32 viction in a circuit court or a conviction in an inferior court which
33 has been affirmed in a circuit court.

34 Any question arising upon the sufficiency of a summons or
35 return of service, or challenge of the sufficiency of a pleading, in
36 any case within the appellate jurisdiction of the supreme court of
37 appeals, may, in the discretion of the court in which it arises, and
38 shall, on the joint application of the parties to the suit, in bene-
39 ficial interest, be certified by it to the supreme court of appeals
40 for its decision, and further proceedings in the case stayed until
41 such question shall have been decided and the decision thereof
42 certified back. The forms of the certificates of such questions, as
43 well as the time and manner of the hearing and notice thereof

44 and the portion of the record to be sent up, shall be as prescribed
45 by the supreme court of appeals; but such hearings shall have
46 precedence over those arising upon appeals and writs of error.
47 Entry of such certificate, or the fact that it has been made, upon
48 the record of the case in the trial court, shall be sufficient notice
49 to the parties, of the pendency of the question in the appellate
50 court.

Sec. 5. Such petition, together with a copy thereof, shall
2 be first filed in the office of the clerk of the court wherein the
3 judgment, decree or order complained of was entered, and, re-
4 taining in his office the copy of such petition, said clerk shall, as
5 soon as may be, transmit to the clerk of the supreme court of ap-
6 peals, or such judge of said court as the petitioner shall designate,
7 if said court be not in session, by United States registered mail
8 or valued express, the original, together with the record of so much
9 of the case wherein the judgment, decree or order is, as will en-
10 able the court or judge to whom the petition is to be presented,
11 properly to decide on such petition, and enable the court, if the pe-
12 tition be granted, properly to decide the questions that may arise
13 before it. The clerk of the circuit court, before transmitting the
14 record as aforesaid, shall arrange the papers, as nearly as may be,
15 in the order of the filing and entry thereof, numbering the pages,
16 make and certify copies of all orders entered in the case, copies of
17 which are not in the files, and prepare and annex to the record a
18 table of contents or index. Before such petition and record are
19 transmitted as aforesaid, the petitioner shall deposit with the
20 clerk of the circuit court a sufficient sum of money to defray the
21 expenses of the preparation and indexing of the record, fees for
22 filing the petition and making and certifying necessary copies
23 of orders, costs of transmission and return of the record, and the
24 making of a transcript of the record, or file with the clerk a bond
25 conditioned to pay the same, in a penalty and with sureties to be
26 fixed and approved by said clerk, who shall endorse on the peti-
27 tion that such deposit has been made or such bond filed. If the
28 appeal or writ of error prayed for be granted, the clerk of the
29 supreme court of appeals shall immediately after the issuance of
30 the appellate process, return the record to the clerk of the circuit
31 court, by mail or express, as aforesaid; and said circuit court
32 clerk shall forthwith make a transcript of so much of the record
33 as is required for the purposes of the appeal or writ of error and

34 transmit the same to the clerk of the supreme court of appeals.
35 In so far as provision therefor is not made by existing law, the
36 compensation of the clerk of the circuit court for services ren-
37 dered hereunder shall be fixed by the judge of said court. If the
38 prayer of the petition be not granted, the petition and record shall
39 be returned as aforesaid, and the clerk of the circuit court shall
40 repay to the petitioner or his attorney, the money deposited with
41 him, if any, less his fees and expenses.

Sec. 6. Unless the person who has obtained the appeal or
2 writ of error direct otherwise, there shall not be copied in the
3 transcript any of the process, returns or evidence of service, nor
4 the commissions, if any, and notices to take depositions, the cap-
5 tions to such depositions, and certificates of their having been
6 sworn to, except so far as may be necessary to the decision of ex-
7 ceptions taken to the reading of the depositions; but the name of
8 each witness and the day of taking his deposition shall be stated
9 at the head thereof; nor shall there be copied an account reported
10 by a commissioner, to which there is no exception, nor any printed
11 document of which either party will furnish to the clerk a copy,
12 but such duplicate shall be attached to what is copied. If either
13 of the parties to the suit or action shall furnish to the clerk an
14 original carbon copy of any pleading, order, decree, deposition,
15 bill of exception, or certificate of evidence, he shall, instead of
16 copying the paper, a copy of which is so furnished, include such
17 in the transcript, without charge therefor, except a comparing
18 fee of ten cents per one thousand words. When a case has been
19 before the supreme court of appeals, there shall be certified only
20 the proceedings subsequent to the former appeal, writ of error or
21 supersedens. Unless otherwise ordered as herein provided, by the
22 court or judge allowing the appeal, writ of error or supersedeas, the
23 clerk shall make out the whole record in the manner herein pro-
24 vided, or any additional part thereof, if either party to the appeal
25 shall so direct. But such court or judge may, on the allowance of
26 the appeal, direct the omission from the transcript of such parts
27 of the record as are deemed immaterial, by an endorsement there-
28 on, and such part shall, in such case, be omitted. The bond filed
29 and the notice of appeal, if one has been served, shall be inserted
30 in the record.

Sec. 26. The supreme court of appeals shall affirm the
2 judgment, decree or order, if there be no error therein, and re-

3 verse the same in whole or in part, if erroneous, and enter such
4 judgment, decree or order as the court whose error is sought to
5 be corrected ought to have entered, affirming in cases where the
6 court is equally divided. In the case of an appeal from an order
7 granting a new trial, or rehearing, if the order be reversed, such
8 final judgment, decree or order shall be rendered or made in the
9 case as the appellant was entitled to in the court below. With
10 leave of the court previously granted, and after reasonable notice
11 to be prescribed by a rule of the court, a motion to dismiss, affirm
12 or reverse may be made at any time after the allowance of an ap-
13 peal, writ of error or supersedeas; and, upon the hearing of such
14 motion, the court may dismiss, affirm, modify or reverse with like
15 effect as if the appeal, writ of error or other process had been reg-
16 ularly matured for final hearing.

Sec. 31. Notwithstanding anything hereinbefore contained
2 in this chapter, whenever in any criminal case an indictment is
3 held bad or insufficient by the judgment or order of a circuit court
4 or an inferior court, the state, on the application of the attorney
5 general or the prosecuting attorney, may obtain a writ of error
6 to secure a review of such judgment or order by the supreme court
7 of appeals. No such writ of error shall be allowed unless the
8 state presents its petition therefor to the supreme court of ap-
9 peals, or one of the judges thereof, within thirty days after the
10 entry of such judgment or order. No such judgment or order
11 shall finally discharge or have the effect of finally discharging
12 the accused from further proceedings on the indictment unless
13 the state fails, within said period of thirty days, to apply for such
14 writ of error, or fails to obtain such writ of error, upon an appli-
15 cation made within said period; but after the entry of such judg-
16 ment or order the accused shall not be kept in custody or re-
17 quired to give bail pending the hearing and determination of the
18 case by the supreme court of appeals. If, upon the allowance of
19 any such writ of error, process from the supreme court of ap-
20 peals cannot for any reason be served personally upon the ac-
21 cused, service may be made by filing a copy thereof in the
22 clerk's office of the court which entered such judgment or order.
23 Every such writ of error shall have precedence in the supreme
24 court of appeals, and shall be heard and determined as speedily as
25 possible. If said court reverses the lower court, and holds the in-

26 dictment good and sufficient for a trial of the accused thereon,
 27 the case shall be remanded to the court in which the indict-
 28 ment was found, in order that such trial may be had.

29 Except as herein otherwise provided, all the provisions of
 30 the other sections of this chapter shall, so far as appropriate, be
 31 applicable to a petition for a writ of error under this section, and
 32 to all subsequent proceedings thereon in the supreme court of
 33 appeals in case such writ of error is allowed or granted.

CHAPTER 70.

(House Bill No. 199.)

AN ACT relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children; to define contributory dependency, negligence and delinquency, and to make the same a misdemeanor; and to provide for the punishment of persons guilty thereof; to authorize county authorities to establish and maintain a detention home for the temporary care and custody of dependent, delinquent or neglected children; and to levy and collect a tax to pay the cost of its establishment and maintenance.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. Persons under twenty-one years of age, for the purposes of this act, considered wards of the state and subject to care, guardianship and control of the court hereinafter provided; for the purposes of this act, "dependent child," "neglected child," "delinquent child" defined; deposition or evidence of child under this act in any civil, criminal or other cause, not proper evidence against such child except in subsequent cases under this act; nor shall name of child be published in any newspaper except by permission of court; "child," "children," "parent" or "parents" defined; "association" applies to institutions for care or disposition of children.
2. Circuit and criminal courts have original jurisdiction in all cases, and right of trial by jury not abridged.

SEC.

3. Findings of court to be entered in a book kept for the purpose, known as "juvenile record," and called for convenience "juvenile court."
4. Petition to court for jurisdiction of child and appointment of guardian, and how prepared; persons named are defendants and subject to notice. If residents of state, as in chancery cases; exceptions; designation of defendants; notice by publication authorized.
5. Summons requires appearance of person and child, as well as all defendants on return day, twenty days after date; may be served by sheriff or probation officer, return of summons with endorsement being sufficient proof; when publication deemed sufficient and form; copy of notice mailed to defendant by clerk of court and so certified; an-

SEC.

- swer and weight as evidence and in default of answer petition taken as confessed; failure to respond with child is contempt; warrant authorized as to person refusing; court to appoint suitable person to act on behalf of child; may continue hearing and have custody of child, but except under order of court, not to be held in jail or lockup.
6. Circuit courts authorized to appoint probation officer; qualifications and duty of clerk; duties, number that may be appointed and compensation; how paid; county superintendent of schools and county commissioners to investigate as a board competency of probation officer under salary; circuit judge to transmit appointments to board and failure to act is approval; in case of disapproval judge to be notified and when; authority of probation officers receiving salaries; same provision as to others upon certificate from judge; provision for additional officers and salary; certificate of appointment and approval to be filed with clerk of circuit court; nothing to limit power of judge to appoint other officers willing to serve without pay.
 7. Dependent and neglected children remaining at home subject to friendly visitation of probation officer; what to be done in case court find parent or guardian unable or unwilling to care for child; order authorized appointing guardian or committing child to some institution.
 8. Guardianship for child committed to institution to be vested in president, secretary or superintendent.
 9. Disposition of delinquent children, after observation, whose parents, etc., are unable or unwilling to care for, may be by appointment of guardian with permit for the child to remain at its home, or some suitable family home, in case of voluntary contribution for payment of board, or court may commit to state or local institution under regulations; guardian in case of commitment to be officer of institution.
 10. Probationary or parole period to be in control of court; notice to be given.
 11. Process against delinquent children to be in accordance with laws in force governing commission of crime or violation of municipal ordinances.
 12. Court may order delinquent or neglected child placed in hospital for treatment, under certain conditions.
 13. Order of court awarding child to guardian or institution to be certified and in proof of authority in behalf of child; duration of guardianship.

SEC.

14. Report of guardian, etc., and how made; court may remove guardian at pleasure, or restore child to parents.
15. Child arrested in any county where court is held under section two, instead of being taken before a justice or police magistrate, may be taken directly before court or judge in vacation for investigation and disposition in same manner as by petition.
16. No children under twelve years of age to be committed to jail, but child may be committed to custody of sheriff or probation officer; children not to be confined in same building with adults (provision for house separated from jail in certain counties); bond authorized for accused child, and counsel to be appointed.
17. Duties of agent of reformatories as to children paroled, to assist children in finding employment and maintain friendly supervision; agent to hold office at pleasure of board.
18. All institutions or associations under this act subject to visitation, inspection and supervision of state board of control, and certificate of fitness to be issued after inspection, good for one year, unless sooner revoked; court may require special report.
19. Application for incorporation of institutions for care of dependent or neglected children subject to examination by state board of control, and certificate of desirability filed with secretary of state before issuance; same requirements as to amendments of corporations now existing.
20. Order in relation to adoption of child and how made; court may authorize guardian to consent to same; consent sufficient for court to enter order of adoption; exceptions.
21. No association incorporated under laws of any other state to place child in any family home with or without indenture as for adoption unless under certain conditions; punishment for failure to comply with provisions of this act.
22. Court committing children to place them in care of individual holding same religious belief as parent or child.
23. Boards of visitors to be appointed by circuit judge and composed of six reputable inhabitants; duty of board as to visitation and reports, to whom submitted and how often.
24. Unlawful for clerk or other person to tax or collect, or for any county to pay, any fees for any case concerning any child under provisions of this act; exceptions.
25. Reports of juvenile court to be submitted by clerk of circuit court to county commissioners in writing; what to contain.

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| <p>Sec.</p> <p>26. Liberal construction required for purposes of act.</p> <p>27. Support of children and authority of court to order payment for same in certain cases.</p> <p>28. Order relating to support when person is employed for wages, salary or commissions; failure to obey may be punished as for contempt.</p> <p>29. Guardianship of child not guardianship of estate.</p> <p>30. Cases subject to review by writ of error.</p> <p>31. Population of counties fixed by last official census.</p> <p>32. Interference with officer of court in disposition of child to be held as contempt of court and punished accordingly.</p> <p>33. Contributing to delinquency and penalty therefor; contributory delinquency defined.</p> <p>34. Court may suspend sentence, stay or enforcement, under certain conditions.</p> <p>35. Conditions under which sentence for contributory dependency may be suspended.</p> <p>36. Court may permit child to remain in custody of person found guilty of contributing to its delinquency, under conditions as court may prescribe and after giving bond.</p> <p>37. Conditions of bond required by previous section and amount required; forfeiture on bond payable to clerk of circuit court to be applied to payment of costs and for care and maintenance of dependent children; residue to be turned over to treasurer of the county.</p> <p>38. Violation of suspended sentence will result in enforcement of penalty thereunder.</p> <p>39. No sentence to be stayed to exceed two years; may be released therefrom prior to that time under certain conditions; exceptions.</p> <p>40. Probation officers have right to file complaints against any person under this act, and duty of prosecuting attorney to prepare complaint and prosecute; exceptions as to further duty of prosecuting attorney.</p> <p>41. To procure conviction, what is necessary to prove; exceptions.</p> | <p>Sec.</p> <p>42. Construction of law to be liberal for the state for the protection of child from neglect or omission of parental duty.</p> <p>43. Nothing to be construed to be in conflict or to repeal or prevent proceedings under any other act or statute, or to prevent or interfere with proceedings under any such act, or other laws for punishment of cruelty to children, etc.</p> <p>44. County court has authority to provide and establish detention home for care and custody of dependent, delinquent and truant children and to levy and collect taxes therefor, provided same be adopted by the voters of county as hereinafter provided.</p> <p>45. Detention home and how conducted; character of employees and official designations; to provide for care and instruction of children and to be supplied with facilities.</p> <p>46. Superintendent, matron, employees, salary; how appointed; length of term; salary and method of payment; supplies and how procured.</p> <p>47. Duty of superintendent and matron; records, how kept; what to contain and to whom directed; annual report to county court as of June first, and what to contain; authority of court as to information at any time.</p> <p>48. County court has power to levy and collect annual tax for purchasing, erecting, leasing and maintaining detention home, provided same is authorized by legal voters as provided in section forty-nine.</p> <p>49. Method of election for adoption of this act; form of ballot; majority required, and duty of court.</p> <p>50. Method for abandonment and repeal of sections 44-50; by petition for submission of question at general election; form of ballot; majority to decide; order to be entered;</p> <p>51. Court may commit child temporarily.</p> <p>52. Invalidity of any portion of this act not to affect any other portion.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. *Definition*—That all persons under the age of 2 twenty-one years, shall for the purposes of this act only, 3 be considered wards of this state and their persons shall be sub- 4 ject to the care, guardianship and control of the court as herein- 5 after provided.

6 For the purpose of this act, the words "dependent child"

7 and "neglected child" shall mean any male or female child who,
8 while under the age of eighteen years, for any reason, is destitute,
9 homeless or abandoned; or dependent upon the public for support;
10 or has not proper parental care or guardianship; or habitually
11 begs or receives alms; or is found living in any house of ill-fame
12 or with any vicious or disreputable person; or has a home which
13 by reason of neglect, cruelty or depravity, on the part of its par-
14 ents, guardian or any other person in whose care it may be, in an
15 unfit place for such a child; and any child who while under the age
16 of ten years is found begging, peddling or selling any arti-
17 cle, or singing or playing any musical instrument for gain upon the
18 street or giving any public entertainments or accompanying or be-
19 ing used in the aid of any person so doing.

20 The words "delinquent child" shall mean any male or female
21 child who, while under the age of eighteen years, violates any law
22 of this state; or is incorrigible, or knowingly associates with thieves,
23 vicious or immoral persons; or without just cause and without the
24 consent of its parents, guardian or custodian absents itself from
25 its home or place of abode, or is growing up in idleness or crime;
26 or knowingly frequents or visits a house of ill-repute; or knowingly
27 frequents or visits any policy shop or place where any gaming de-
28 vice is operated; or patronizes or visits any public poolroom
29 where the game of pool or billiards is being carried on for pay or
30 hire; or who wanders about the streets in the night time without
31 being on any lawful business or lawful occupation; or who habit-
32 ually wanders about any railroad yards or tracks or who jumps, or
33 attempts to jump, on any moving train; or who enters any car
34 or engine without lawful authority; or who writes or uses vile, ob-
35 scene, vulgar, profane or indecent language; or who is guilty of in-
36 decent, immoral or lascivious conduct. Any child com-
37 mitting any of these acts shall be deemed a delinquent
38 child and when proceeded against such proceedings shall
39 be on behalf of the state, in the interest of the child and
40 the state, with due regard to the rights and duties of par-
41 ents and others, by petition to be filed by any reputable person,
41-a and to that end the child shall be dealt with, protected
42 and cared for in any circuit court or other court having
43 chancery jurisdiction, as a ward of the state in the manner herein-
44 after provided.

45-6 A deposition of any child under this act or any evidence

47 given in such cause, shall not, in any civil, criminal or other cause
48 or proceeding whatever in any court, be lawful or proper evidence
49 against such child for any purpose whatever, except in subsequent
50 cases against the same child under this act; nor shall the name
51 of any child in connection with any proceedings under this act,
52 be published in any newspaper, without a written order of the
53 court. The word "child" or "children" may be held to mean one
54 or more children, and the word "parent" or "parents" may be
55 held to mean one or both parents, when consistent with the in-
56 tent of this act. The word "association" shall include any associa-
57 tion, institution or corporation which includes in its purpose the
58 care or disposition of children, coming within the meaning of this
59 act.

Sec. 2. *Jurisdiction*—The circuit and criminal courts of the
2 several counties in this state shall have original jurisdiction in
3 all cases coming within the terms of this act. In all trials under
4 this act any person interested therein may demand a jury of twelve
5 persons, or the judge of his own motion may order a jury of the
6 same number to try the case.

Sec. 3. *Juvenile Court*—The findings of the court shall be
2 entered in a book or books to be kept by the circuit clerk for that
3 purpose, and known as the "Juvenile Record" and the court may
4 for convenience be called the "Juvenile Court".

Sec. 4. *Petition to the Court*—Any reputable person, being
2 a resident of the county, may file with the clerk of the court hav-
3 ing jurisdiction of the matter, a petition in writing setting forth
4 that a certain child, naming it, within his county, is either depend-
5 ent, neglected or delinquent as defined in section one hereof; and
6 that it is for the interest of the child and this state that the child
7 be taken from its parents, parent, custodian or guardian and placed
8 under the guardianship of some suitable person to be appointed
9 by the court; and that the parents, parent, custodian or guardian
10 of such child are unfit or improper guardians, or are unable or
11 unwilling to care for, protect, train, educate, correct, control or
12 discipline such child, or that the parents, parent, guardian or cus-
13 todian consent that such child shall be taken from them.

14 The petition shall also set forth either the name, or that the
15 name is unknown to the petitioner (a) of the person having the
16 custody of such child; and (b) of each of the parents or the sur-

17 living parent of a legitimate child; or of the mother of an ille-
18 gitimate child; or (c) if it allege that both such parents are or
19 such mother is dead, then of the guardian, if any, of such child;
20 or (d) if it allege that both such parents are or that such mother
21 is dead and that no guardian of such child is known to petitioner,
22 the petition shall set forth such facts. All persons so named in
23 such petition shall be made defendants by name and shall be noti-
24 fied of such proceedings by summons, if residents of this state, in
25 the same manner as is now or may hereafter be required in chan-
26 cery proceedings by the laws of this state, except only as herein
27 otherwise provided.

28 All persons, if any, who or whose names are stated in the pe-
29 tition to be unknown to the petitioner, shall be deemed and taken
30 as defendants by the name and designation of "all whom it may
31 concern." The petition shall be verified by affidavit, which affi-
32 davit shall be sufficient upon information and belief. Process shall
33 be issued against all persons made parties by the designation of
34 "all whom it may concern" by such description, and notice given by
35 publication as is required in this act shall be sufficient to authorize
36 the court to hear and determine the suit as though the parties had
37 been sued by their proper names.

Sec. 5. *Summons*—The summons shall require the person
2 alleged to have the custody of such child to appear with the child
3 at the time and place stated in the summons; and shall also re-
4 quire all defendants to appear and answer the petition on the re-
5 turn day of the summons. The summons shall be made return-
6 able at any time within twenty days after the date thereof and
7 may be served by the sheriff, or by any duly appointed probation
8 officer, even though such officer be the petitioner. The return of
9 such summons, with indorsement of services by the sheriff or by
10 such probation officer in accordance herewith, shall be sufficient
11 proof thereof.

12 Whenever it shall appear from the petition or from affidavit
13 filed in the cause that any named defendant resides or has gone
14 out of the state, or in due inquiry cannot be found, or is concealed
15 within this state or that his place of residence is unknown so that
16 process cannot be served on him, or whenever any person is made
17 defendant under the name or designation of "all whom it may con-
18 cern", the clerk shall cause publication to be made twice in some
19 newspaper of general circulation published in his county, and if

20 there be none published in his county, then in a newspaper pub-
21 lished in the nearest place to his county in this state, which shall
22 be substantially as follows:

23 A, B, C, D, etc. (here giving the names of such defendant,
24 if any), and to "all whom it may concern" (if there be any de-
25 fendant under such designation).

26 Take notice that on the day of 19....
27 a petition was filed by in the circuit court of
28 county to have a certain child, named
29-30 declared a dependent (or delinquent) and to take from you the
31 custody and guardianship of said child (and if the petition prays
32 for the appointment of a guardian with power to consent to adop-
33 tion, and add,) "and to give said child out for adoption."

34 Now, unless you appear within twenty days after the date of
35 this notice and show cause against such application, the petition
36 shall be taken for confessed and a decree granted.

37

E. F., *Clerk.*

38 Dated (the date of publication).

39 And he shall also within ten days after the publication of
40 such notice send a copy thereof by mail, addressed to such defend-
41 ants whose place of residence is stated in the petition and who
42 shall not have been served with summons. Notice given by publi-
43 cation as is required by this act shall be the only publication no-
44 tice required either in the case of residents, non-residents or other-
45 wise. The certificate of the clerk that he has sent such notice in
46 pursuance of this section shall be evidence thereof. Every de-
47 fendant who shall be duly summoned shall be held to appear and
48 answer either in writing, orally in open court, or to the circuit
49 judge in vacation on the return day of the summons or if such
50 summons shall be served less than one day prior to the return day,
51 then on the following day. Every defendant who shall be notified
52 by publication as herein provided shall be held to appear and an-
53 swer either in writing or orally in open court or to the circuit
54 judge in vacation within twenty days after the date of the publi-
55 cation notice. The answer shall have no greater weight as evi-
56 dence than the petition.

57 In default of an answer at the time or times herein specified
58 or at such further time as by order of court may be granted to a
59 defendant, the petition may be taken as confessed.

60 If the person having the custody or control of the child shall

61 fail without reasonable cause to bring the child into court, he may
62 be proceeded against as in the case of contempt of court. In case
63 the summons shall be returned and not served upon the person
64 having the custody or control of such child, or such person fails
65 to obey the same, and in any case when it shall be made to appear
66 to the court by affidavit, which may be on information and belief,
67 that such summons will be ineffectual to secure the presence of the
68 child, a warrant may be issued on the order of the court either
69 against the parents or either of them, or the guardian or the per-
70 son having the custody or control of the child, or with whom the
71 child may be, or against the child itself to bring such person into
72 court. On default of the custodian of the child or on his appear-
73 ance or answer, or on the appearance in person of the child in
74 court with or without the summons or other process and on the
75 answer, default or appearance or written consent to the proceed-
76 ings of the other defendants thereto or as soon thereafter as may
77 be, the court shall proceed to hear evidence. The court may, in
78 any case when the child is not represented by any person, appoint
79 some suitable person to act on behalf of the child. At any time
80 after the filing of the petition and pending the final disposition
81 of the case, the court may continue the hearing from time to time
82 and may allow such child to remain in the possession of its custo-
83 dian or in its own home subject to the friendly visitation of a
84 probation officer, or it may order such child to be placed in the
85 custody of a probation officer of the court, or of any suitable person
86 appointed by the court, or to be kept in some suitable place, pro-
87 vided by the city or county authorities, but in no event, except un-
88 der order of the court, to be held in the county jail or city lock-up.

Sec. 6. *Probation officers*—The circuit courts of the sev-
2 eral counties in this state shall have authority to appoint any
3 number of discreet persons of good moral character to serve as
4 probation officers during the pleasure of the court; said proba-
5 tion officers to receive no compensation from the county treas-
6 ury except as herein provided. It shall be the duty of the clerk
7 of the court, if practicable, to notify the said probation officer
8 when any child is to be brought before the court; it shall be the
9 duty of such probation officer to make investigation of such case,
10 to be present in court to represent the interests of the child when
11 the case is heard, to furnish to such court such information and
12 assistance as the court or judge may require, and to take charge

13 of any child before and after the trial as may be directed by the
14 court. The number of probation officers who may receive com-
15 pensation from the county, named and designated by the circuit
16 court, shall be as follows:

17 In counties having a population of over thirty thousand, two
18 probation officers may be appointed, who shall each receive a sal-
19 ary of not exceeding six hundred per year; and expenses may
20 be allowed each probation officer in a sum not exceeding one
21 hundred dollars per year; in counties having a population of over
22 fifteen thousand and less than thirty thousand, one probation offi-
23 cer may be appointed at a salary not to exceed six hundred
24 dollars per year, and expenses of probation work may be allowed
25 by the county in a sum not to exceed one hundred dollars per
26 year.

27 In all counties of over fifteen thousand population probation
28 officers receiving compensation from the county, may be appoint-
29 ed by the judge of the circuit court, and the said salary or expenses
30 shall be paid in monthly installments from the county treasury.
31 In any county of less than fifteen thousand population, one pro-
32 bation officer, at a salary of not to exceed three hundred dollars
33 per annum, to be paid as provided for probation officers
34 in other counties, may be appointed by the circuit judge, when-
35 ever in the opinion of the circuit judge, the county superin-
36 tendent of schools and a majority of the board of county commis-
37 sioners of such county it shall be necessary so to care for the de-
38 pendent and delinquent children of the county. The county su-
39 perintendent of schools and the county commissioners in their
40 respective counties shall constitute a board to investigate the com-
41 petency of any person appointed to act as a probation officer when-
42 ever such probation officer is to receive from the county a salary
43 or other compensation provided for under this act. Any circuit
44 judge appointing such probation officer shall transmit such ap-
45 pointment to such board of the county in which such appointment
46 is made, and it shall be the duty of a majority of said board to
47 approve or disapprove of such appointee, within thirty days after
48 submission thereof by the said circuit judge, and a failure to act
49 thereon within such time shall constitute an approval of such ap-
50 pointment; if a majority of such board are of the opinion that
51 such appointee does not possess the qualifications for a probation
52 officer, they shall notify the circuit judge of their conclusions

53 within thirty days of the submission of such appointments to the
54 respective members thereof, whereupon it shall be the duty of the
55 circuit judge to withdraw such appointment and appoint some one
56 who shall receive the approval of said board.

57 Probation officers receiving a salary or other compensation
58 from the county, provided for by this act, are hereby vested with
59 all the power and authority of police or sheriffs to make arrests
60 and perform any other duties ordinarily required by policemen
61 and sheriffs which may be incident to their office or necessary or
62 convenient to the performance of their duties; *provided*, that oth-
63 er probation officers may be vested with like power and authority
64 upon a written certificate from the circuit judge that they are
65 persons of discretion and good character, and that it is the desire
66 of the court to vest them with all the power and authority con-
67 ferred by law upon probation officers receiving compensation from
68 the county.

69 In counties of over thirty thousand population, whenever in
70 the opinion of the judge of the circuit court, the board of county
71 commissioners and the superintendent of schools, additional pro-
72 bation officers to those allowed by law are necessary for the care
73 of dependent and delinquent children, not to exceed two assistant
74 probation officers, in addition to the one provided for herein, may
75 be appointed in the manner provided by this act, at a salary not
76 to exceed six hundred dollars per year.

77 Salaries or compensation of paid probation officers permitted
78-79 by this act shall be fixed by the circuit judge, not to exceed
80 the sums herein mentioned, and any bills for expenses not exceed-
81 ing the sums herein provided for, shall be certified to by the cir-
82 cuit judge as being necessary in and about the performance of the
83 duties of probation officer or officers. The appointment of pro-
84 bation officers and the approval thereof as to the qualification of
85 such officers by the board herein designated, shall be filed in the
86 office of the clerk of the circuit court. Probation officers shall
87 take oath such as may be required of other county officers to per-
88 form their duties and file it in the office of the clerk of the cir-
89 cuit court.

90 Nothing herein contained, however, shall be held to limit or
91 abridge the power of the circuit judge to appoint any number of
92 persons as probation officers, whom said judge may see fit to ap-

93 point and who may be willing to serve without pay from the coun-
94 ty for such services as probation officers.

Sec. 7. *Dependent and Neglected Children*—If the court
2 shall find any male or female child under the age of eighteen
3 years to be dependent or neglected within the meaning of this
4 act, the court may allow such child to remain at its own home sub-
5 ject to the friendly visitation of a probation officer or to report to
6 the court or probation officer from its home or school at such
7 times as the court may require. And if the parents, parent,
8 guardian or custodian consent thereto, or if the court shall further
9 find that the parents, parent, guardian or custodian of such child
10 are unfit or improper guardians or are unable or unwilling to
11 care for, protect, train, educate in accordance with the general
12 school law of the state, correct or discipline such child and that
13 it is for the interest of such child and of the people of this state
14 that such child be taken from the custody of its parents, parent,
15 custodian or guardian, the court may make an order appointing
16 as guardian of the person of such child some reputable citizen of
17 good moral character and order such guardian to place such child
18 in some suitable family home or other suitable place, which such
19 guardian may provide for such child, or the court may enter an
20 order committing such child to some suitable state institution,
21 organized for the care of dependent or neglected children, or to
22 some training school or industrial or children's home-finding so-
23 ciety or to some association embracing in its object the purpose of
24 caring for or obtaining homes for neglected or dependent children,
25 which association shall have been accredited as hereinafter pro-
26 vided.

Sec. 8. *Guardianship*—In every case where such child is
2 committed to an institution, or association, the court shall ap-
3 point the president, secretary or superintendent of such insti-
4 tution or association, guardian over the person of such child and
5 shall order such guardian to place such child in such institution
6 or with such association, whereof he is such officer, and to hold
7 such child, care for, train, and educate it subject to the rules
8 and laws that may be in force from time to time governing such
9 institution or association.

Sec. 9. *Disposition of Delinquent Children*—If the court
2 shall find any male or female child under the age of eighteen

3 years to be delinquent within the meaning of this act, the
4 court may allow such child to remain at its own home subject
5 to the friendly visitation of a probation officer, such child to
6 report to the court or probation officer with such record of its
7 conduct in its home or school as the court may require, as often
8 as may be required, and if the parents, parent, guardian or cus-
9 todian consent thereto, or if the court shall further find either
10 that the parents, parent, guardian or custodian are unfit or im-
11 proper guardians or are unable or unwilling to care for, protect,
12 educate or discipline such child, and shall further find that
13 it is for the interest of such child and of the people of this
14 state that such child be taken from the custody of its parents,
15 parent, guardian or custodian, the court may appoint some proper
16 person or probation officer, guardian over the person of such
17 child and permit it to remain at its home, or order such guardian
18 to cause such child to be placed in a suitable family home, or
19 cause it to be boarded out in some suitable family home,
20 in case provision is made by voluntary contribution or otherwise
21 for the payment of the board; or the court may commit such,
22 child to any institution incorporated under the laws of this
23 state to care for delinquent children, or to any institution that
24 has been or may be provided by the state, county, city, town or
25 village suitable for the care of delinquent children, including
26 a detention home or school, or to some association that will re-
27 ceive it, embracing in its objects the care of neglected, depend-
28 ent or delinquent children and which has been duly accredited
29 as hereinafter provided. In every case where such child is com-
30 mitted to an institution or association, the court shall appoint
31 the president, secretary or superintendent to such institution
32 or association, guardian over the person of such child and shall
33 order such guardian to place such child in such institution or with
34 such association, whereof he is such officer, and to hold such
35 child, care for, train and educate it subject to the rules and
36 laws that may be in force from time to time governing such in-
37 stitution or association.

Sec. 10. *Return to Home on Probation*—Whenever it shall
2 appear to the court, before or after the appointment of a guar-
3 dian under this act, or after commitment to any institution or

4 association, that the home of a child or of its parents, former
5 guardian or custodian is a suitable place for such child, or that
6 such child could be permitted to remain or ordered to be returned
7 to said home consistent with the public good and the good of
8 such child, the court may enter an order to that effect return-
9 ing such child to its home on probation, parole or otherwise; it
10 being the intention of this act that no child shall be taken away
11 or kept from its home or away from its parents and guardian
12 any longer than is necessary to preserve the welfare of such child
13 and the interest of this state;

14 *Provided, however,* that no such order shall be entered with-
15 out first giving ten days' notice to the guardian, institution or
16 association to whose care such child has been committed, unless
17 such guardian, institution or association consents to such order.

Sec. 11. *Process Against Delinquent Child*—The court
2 may in its discretion in any case of a delinquent child permit such
3 child to be proceeded against in accordance with the laws that
4 may be in force in this state governing the commission of crimes
5 or violation of city, village, or town ordinances; in such case the
6 petition filed under this act shall be dismissed.

Sec. 12. *Placing in Public Hospital*—The court may,
2 when the health or condition of any child found to be dependent,
3 neglected or delinquent, requires it, order the guardian to cause
4 such child to be placed in a public hospital or institution for
5 treatment or special care, or in a private hospital or institution,
6 which will receive it for like purposes, without charge to the
7 public authorities.

Sec. 13. *Authority of Guardian, Institution or Association*
2 —Any child found to be dependent, neglected or delinquent as
3 defined in this act, and awarded by the court to a guardian, in-
4 stitution or association, shall be held by such guardian, insti-
5 tution or association, as the case may be, by virtue of the order
6 entered of record in such case, and the clerk of the circuit court
7 shall issue and cause to be delivered to such guardian, institution
8 or association a certified copy of such order of the court, which
9 certified copy of such order shall be proof of the authority of
10 such guardian, institution or association in behalf of such child,
11 and no other process need issue to warrant the keeping of such

12 child. The guardianship under this act shall continue until the
13 court shall by further order otherwise direct but not after such
14 child shall have reached the age of twenty-one years.

Sec. 14. *Report of Guardian; Citation Into Court*—The
2 court may, from time to time, cite into court the guardian, in-
3 stitution or association to whose care a dependent, neglected or de-
4 linquent child has been awarded, and require him or it to make a
5 full, true and perfect report as to his or its doings in behalf of such
6 child; and it shall be the duty of such guardian, institution or
7 association within ten days after such citation, to make such re-
8 port either verified by affidavit, or verbally under oath in open
9 court, or otherwise as the court shall direct; and upon the hearing
10 of such report, with or without further evidence, the court may,
11 if it sees fit, remove such guardian and appoint another in his
12 stead, or take such child away from such institution or associa-
13 tion and place it in another, or restore such child to the custody
14 of its parents or former guardian or custodian.

Sec. 15. *Transfer from Justice and Police Magistrates*—
2 When in any county where a court is held as provided in section
3 two of this act, a male or a female child under the age of
4 eighteen years is arrested with or without warrant such child may,
5 instead of being taken before a justice of the peace or police
6 magistrate, be taken directly before such court or the judge in
7 vacation; or if the child is taken before a justice of the peace
8 or police magistrate, such justice or magistrate shall inquire into
9 such case; and unless he be of the opinion that no sufficient founda-
10 tion exists for the charge of dependency or delinquency, it shall
11 be the duty of such justice of the peace or police magistrate to
12 transfer the child to the circuit court, and it shall be the duty of
13 the officer having the child in charge to take the child before such
14 court or the judge in vacation, and in any case the circuit court
15 may proceed to hear and dispose of the case in the same manner
16 as if the child had been brought before the court upon petition
17 as herein provided. In any case, the court shall require notice
18 to be given and investigation to be made as in other cases under
19 this act, and may adjourn the hearing from time to time for
20 that purpose.

Sec. 16. *Children Under Twelve Years Not to be Commit-*

2 *ted to Jail*—No court or magistrate shall commit a child under
3 twelve years of age to a jail or police station, but if such child
4 is unable to give bail it may be committed to the care of the sher-
5 iff, police officer or probation officer, who shall keep such child
6 in some suitable place provided by the city or county outside of
7 the enclosure of any jail or police station. When any child shall
8 be confined in any institution in which adult prisoners or con-
9 victs are confined, it shall be unlawful to confine such child in
10 the same building with such adult prisoners or convicts or to con-
11 fine such child in the same yard or enclosure with such adult
12 prisoners or convicts or to bring such child into any yard or build-
13 ing in which adult prisoners or convicts may be present.

14 In counties of over forty thousand population it shall be
15 the duty of the proper authorities to provide and maintain at
16 public expense a house separated and removed from any jail or
17 lockup to be in charge of a matron or other person of good moral
18 character wherein all children within the provisions of this act
19 shall, when necessary, before or after trial, be detained either for
20 securing the attendance of such child at any hearing or trial of
21 any cause or for such disciplinary purposes as may seem neces-
22 sary to the court for the best interests of said child and of the
23 state.

24 Any child within the provisions of this act, informed against
25 or regarding which a petition has been filed, or for any purpose
26 taken into custody, shall at any time before it is tried and ad-
27 judged to be delinquent be entitled by any friend or parent offer-
28 ing sufficient surety, to give bond or other security for its appear-
29 ance at any hearing or trial of such case, as such right given to
30 persons informed against for crime; and the court may in such
31 case, upon the request of said child or its parent or person repre-
32 senting it, appoint counsel to appear and defend on behalf of any
33 such child, such counsel to receive no pay from the county.

Sec. 17. *Agents of Juvenile Reformatories*—It shall be the
2 duty of the board of managers, trustees or such authorities as
3 may be vested by law with the control or management of any state
4 institution to which juvenile delinquents may be committed by the
5 courts of this state to maintain an agent of such institution, whose
6 duty it shall be to examine the homes of children paroled from such
7 institution for the purpose of ascertaining and reporting to said
8-9 institution whether they have suitable homes; to assist children

10 paroled or discharged from such institution in finding employment
11 and to maintain a friendly supervision over paroled inmates dur-
12 ing the continuance of their parole. Such agent shall hold office
13 subject to the pleasure of the board or other authority having
14 charge of said institution and making the appointment, and shall
15 receive such compensation as such board or authorities controlling
16 such institution may determine out of any funds appropriated for
17 such institution which may be applicable thereto.

Sec. 18. *Supervision of State Board of Control*—All insti-
2 tutions or associations receiving children under this act shall be
3 subject to visitation, inspection and supervision by the state board
4 of control, and it shall be the duty of said board of control to pass
5 annually upon the fitness of every such association as may re-
6 ceive, or desire to receive, children under the supervision of this
7 act, and every such association shall make report thereto, showing
8 its condition, management and competency to adequately care for
9 such children as are or may be committed to it, and such other
10 facts as said board may require, annually at such time as the said
11 board of control may direct; and upon said board being satisfied
12 that such association or institution is competent, and has ade-
13 quate facilities to care for such children, the board shall issue to
14 the same a certificate to that effect, which certificate shall con-
15 tinue in force for one year, unless sooner revoked by said board,
16 and no child shall be committed to any such institution or asso-
17 ciation which shall not have received such certificate within eigh-
18 teen months next preceding the commitment. The court may, at
19 any time, require from any association receiving or desiring to re-
20 ceive children under the provisions of this act, such reports, in-
21 formation and statements as the judge shall deem proper or nec-
22 essary for his action, and the court shall in no case be required to
23 commit a child to any institution or association whose standing,
24 conduct, care of children, or ability to care for the same is not sat-
25 isfactory to the court.

Sec. 19. *Incorporation of Association*—No association
2 whose objects embrace the caring for dependent, neglected or
3 delinquent children shall hereafter be incorporated unless the
4 proposed articles of incorporation shall first have been submitted
5 to the examination of the state board of control, and the secretary
6 of state shall not issue a certificate of incorporation unless there
7 shall first be filed in his office the certificate of said board that the

8 said board has examined the said articles of incorporation, and
9 that, in their judgment, the incorporators are reputable, reliable
10 and responsible persons, that the proposed work is needed and that
11 the incorporation of such association is desirable for the public
12 good and the welfare of dependent, neglected or delinquent chil-
13 dren. Any amendment proposed to the articles of incorporation
14 of any such association now existing or hereafter created shall be
15 submitted in like manner to the state board of control and the
16 secretary of state shall not record such amendment or issue his
17 certificate therefor unless there shall be filed in his office the
18 certificate of said board of control that the said board has ex-
19 amined the said amendment and that the association in question
20 is, in the judgment of the said board, performing in good faith
21 the work undertaken by it, and that the said amendment is, in
22 the judgment of the commissioner, a proper one and for the public
23 good, and in the interest of neglected, dependent or delinquent
24 children.

Sec. 20. *Order Relating to Adoption*—Whenever a peti-
2 tion filed as provided in section four hereof, or a supplemental
3 petition filed at any time after the appointment of the guardian,
4 shall pray that the guardian appointed or to be appointed shall
5 be authorized to consent to the legal adoption of the child, and
6 the court upon the hearing shall find that it is to the best interests
7 of such child that the guardian be given such authority, the court
8 may, in its order appointing such guardian, empower him to ap-
9 pear in court where any proceedings for the adoption of such
10 child may be pending, and to consent to such adoption. Such
11 consent shall be sufficient to authorize the court where the adoption
12 proceedings are pending to enter a proper order or decree of
13 adoption without further notice to, or consent by, the parents
13-a or relatives of such child; *provided, however*, that before enter-
14 ing such order the court shall find from the evidence that (1)
15 the parents or surviving parent of a legitimate child or the
16 mother of an illegitimate child, or if the child has no parents
17 living, the guardian of the child, if any, or if there is no parent liv-
17-a ing, and the child has no guardian or the guardian is not
18 known to petitioner, then a known near relative of the child,
19 if any there be, consents to such order; or (2) that one parent
20 consents and the other is unfit for any of the reasons herein:after

21 specified to have the child, or that both parents are or that the
22 surviving parent is so unfit, or that the mother of an illegiti-
23 mate child is so unfit for any such reasons—the grounds of un-
24 fitness being (a) depravity, (b) open and notorious adultery or
25 fornication, (c) habitual drunkenness for the space of one year
26 prior to the filing of petition, (d) extreme and repeated cruelty to
27 the child, (e) abandonment of child or (f) desertion of the
28 child for more than six months next preceding the filing
29 of the petition; and (3) that such child, if of the age of four-
30 teen years or over, consents to such order.

Sec. 21. *Foreign Corporation*—No association which is
2 incorporated under the laws of any other state than the state of
3 West Virginia shall place any child in any family home within
4 the boundaries of the state of West Virginia either with or with-
5 out indenture or for adoption, unless the said association shall
6 have furnished the state board of control with such guaranty
7 as they may require that no child shall be brought into the
8 state of West Virginia by such society or its agents, having any
9 contagious or incurable disease, or having any deformity, or be-
10 ing of feeble mind, or of vicious character, and that said associ-
11 ation shall promptly receive and remove from the state any child
12 brought into the state of West Virginia by its agent, which
13 shall become a public charge within the period of five years
14 after being brought into this state. Any person who shall receive
15 to be placed in a home, or shall place in a home, any child in
16 behalf of any association incorporated in any other state than
17 the state of West Virginia, which shall not have complied with
18 the requirements of this act, shall be imprisoned in the county
19 jail not more than thirty days, or fined not less than five dollars
20 nor more than one hundred dollars, or both, in the discretion of
21 the court.

Sec. 22. *Religious Preference*—The court in committing
2 children shall place them as far as practicable in the care and
3 custody of some individual holding the same religious belief as the
4 parents of said child, or with some association which is controlled
5 by persons of like religious faith with that of the parents of the
6 said child.

Sec. 23. *County Boards of Visitors*—The circuit judge of
2 each county may appoint a board of six reputable inhabitants

3 who will serve without compensation, to constitute a board of
4 visitation, whose duty it shall be to visit, as often as once a
5 year, all institutions, societies and associations receiving children
6 under this act; said visits shall be made by not less than two of
7 the members of the board, who shall go together or make a joint
8 report; the said board of visitors shall report to the court, from
9 time to time, the conditions of children received by or in charge of
10 such associations and institutions, and shall make an annual re-
11 port to the state board of control in such form as said board may
12 prescribe.

Sec. 24. *Officers of Courts*—It shall be unlawful for any
2 court clerk or other person to tax or collect, or for any county to
3 pay any fees whatever which may be permitted by any law to be
4 taxed or collected for the benefit of any court officer or person
5 for any case concerning any child coming within the provisions
6 of this act for violating any law of this state, unless such child
7 shall be proceeded against under the provisions and in accordance
8 with the purpose of this act, except in capital cases or where the
9 courts shall direct a proceeding under the criminal code, as pro-
10 vided in section ten of this act, or where a case has been in-
11 stituted before a justice of the peace or police magistrate, who
12 shall duly comply with the terms of section fourteen of this act.

Sec. 25. *Reports of the Juvenile Court*—Between the first
2 and fifteenth days of January of each year, the clerks of the cir-
3 cuit courts shall submit to the county commissioners of their
4 respective counties a report in writing, upon blanks to be furnished
5 by said commissioners showing the number and disposition of
6 neglected, dependent or delinquent children brought before such
7 court, together with such useful information regarding such
8 cases and the parentage of such children and the character of
9 their dependency or delinquency as may be reasonably obtained at
10 trials thereof, and which may be required by the said commis-
11 sioners; *provided*, that the name or identity of any such child or
12 parent shall not be disclosed in such report.

Sec. 26. *Construction of Act*—This act shall be liberally
2 construed to the end that its purpose may be carried out, to-wit:
3 that the care, custody and discipline of the child shall approximate
4 as nearly as may be that which should be given by its parents,

5 and in all cases of dependency where it can be properly done, that
6 the child shall be placed in an approved family home, and become
7 a member of a home and family by legal adoption or otherwise, and
8 in cases of delinquency, that as far as practicable any delinquent
9 child shall be treated, not as a criminal, but as misdirected and
10 misguided and needing aid, encouragement and assistance, and if
11 such child cannot be properly cared for and corrected in its own
12 home, or with the assistance and help of the probation officers,
13 then, that it may be placed in a suitable institution where it may
14 be helped and educated and equipped for industrial efficiency and
15 useful citizenship.

Sec. 27. *Support of Children*—If it shall appear, upon the
2 hearing of the case that the parents, parent, or any person or
3 persons named in such petition who are in law liable for the
4 support of such child, are able to contribute to the support of
5 such child, the court shall enter an order requiring such parents,
6 parent or other person to pay to the guardian so appointed or
7 to the institution to which such child may be committed, a reason-
8 able sum from time to time for the support, maintenance or educa-
9 tion of such child, and the court may order such parents, parent
10 or other person to pay to the guardian so appointed or to the in-
11 stitution to which such child may be committed, a reasonable sum
12 from time to time for the support, maintenance or education of
13 such child, and the court may order such parents, parent or other
14 persons to give reasonable security for the payment of such sum
15 or sums, and upon failure to pay, the court may enforce obedience
16 to such order by proceeding as for contempt of court. The court
17 may, on application and on such notice as the court may direct
18 from time to time, make such alterations in the allowance as
19 shall appear reasonable and proper.

Sec. 28. *Order Relating to Support*—If the person so or-
2 dered to pay for the support, maintenance or education of a de-
3 pendent, neglected or delinquent child shall be employed for
4 wages, salary or commission, the court may also order that the
5 sum to be paid to him shall be paid to the guardian or institution
6 out of his wages, salary or commission and that he shall execute
7 an assignment thereof *pro tanto*. The court may also order the
8 parent or the person so ordered to pay the sum of money for the
9 support, maintenance or education of a child, from time to time

10 to make discovery to the court as to his place of employment and
11 amount earned by him. Upon his failure to obey the orders of
12 court he may be punished as for contempt of court.

Sec. 29. *Guardianship of Person*—Nothing in this act shall
2 be construed to give the guardian appointed under this act the
3 guardianship of the estate of the child or to change the age of mi-
4 nority for any other purpose except the custody of the child.

Sec. 30. *Appeals*—Cases under this act may be reviewed
2 by writ of error to the supreme court.

Sec. 31. *Population of Counties*—In construing the pro-
2 visions of this act, all counties shall be deemed to have the popula-
3 tion as shown by the last official census taken prior to the inter-
4 pretation of any question arising under this act.

Sec. 32. *Contempt of Court*—Any person who shall inter-
2 fere with the direction or disposition of any child under any order
3 of the court concerning the child, made in pursuance of the pro-
4 visions of this act, or with any probation or other officer of the
5 court in carrying out the directions of the court under any such
6 order, shall be held to be in contempt of court and subject to pun-
7 ishment as for contempt of court.

Sec. 33. *Definition*—Any person who shall by any act cause,
2 encourage or contribute to the dependency or delinquency of a
3 child, as these terms with reference to children are defined by the
4 statutes of this state, or who shall for any cause be responsible
5 therefor, shall be guilty of a misdemeanor, and upon trial and
6 conviction thereof, shall be fined in a sum not to exceed five hun-
7 dred dollars or imprisoned in the county jail for a
8 period not exceeding one year, or by both such fine and imprison-
9 ment. When the charge against any person under this act con-
10 cerns the dependency of a child or children, the offense for con-
11 venience may be termed contributory dependency, and when it
12 concerns the delinquency of a child or children, for convenience
13 it may be termed contributory delinquency.

Sec. 34. *Suspension of Sentence*—The court may suspend
2 any sentence, stay or postpone the enforcement of execution, or
3 release from custody any person found guilty in any case under
4 this act upon such conditions as shall be imposed by the court in
5 accordance with the provisions of this act.

Sec. 35. *Conditions of Suspended Sentence*—Such con-
2 ditions may include the following: any person found guilty un-

3 der this act of contributory dependency may be required to fur-
4 nish a good and sufficient bond to the state of West Virginia in
5 such penal sum as the court shall determine, not exceeding one
6 thousand dollars, conditioned for the payment of such amount
7 as the court may order not exceeding twenty dollars per
8 month for the support, care and maintenance of the child to whose
9 dependency such person has contributed; such sum to be expended
10 under the directions and orders of the court for the purpose men-
11 tioned.

Sec. 36. *Children Remain in the Custody of Persons Guilty
2 of Contributory Dependency*—The court may permit any child to
3 remain in the custody of the person found guilty by this act of
4 contributing to its dependency, under such suspended sentence,
5 upon such conditions for the treatment and care of such child as
6 may seem to the court to be for its welfare, or as may be calculat-
7 ed to secure obedience to the law or to remove the cause of such
8 dependency or neglect, and while such conditions are accepted and
9 complied with by any such person, such sentence may remain sus-
10 pended subject to be enforced upon the violation of any of the
11 conditions imposed by the court; and such bond may be forfeited
12 upon a failure to comply with any such conditions, as well as upon
13 the failure to pay any amount required for the maintenance of
14 such child.

Sec. 37. *Conditions of Bond*—As a part of the conditions of
2 any such bond mentioned in section thirty-four hereof it shall be
3 understood that it shall not be necessary to bring a separate suit to
4 recover the penalty of any such bond which has become forfeited,
5 but the court may cause a citation or summons to issue to the
6 surety or sureties thereon, requiring that he or they appear at a
7 time named by the court, which time shall be not less than ten nor
8 more than twenty days from the issuance thereof, and show cause,
9 if any there be, why a judgment should not be entered for the pen-
10 alty of such bond and execution issued for the amount thereof
11 against the property of the surety or sureties thereon, as in civil
12 cases, and upon failure to appear or failure to show any such suf-
13 ficient cause, the court shall enter such judgment in behalf of the
14 state of West Virginia against the principal and such surety or
15 sureties on such bond not to exceed the sum of one thousand dol-
16 lars including the costs. Any moneys collected or paid
17 upon any such execution, or in any case upon such bond,

18 shall be turned over to the clerk of the circuit court (juvenile
19 court) of the county in which such bond is given, to be applied
20 first to the payment of all court costs and then to the care or main-
21 tenance of the child or children for whose dependency such con-
22 viction was had, in such manner and upon such terms as the court
23 may direct. If any such moneys so collected be unnecessary for
24 the purposes last mentioned, it shall be turned over within one
25 year to the treasurer of the county.

Sec. 38. *Violation of Conditions of Suspended Sentence*—

2 If, in the case of any person found guilty of contributory depend-
3 ency or contributory delinquency where the court has suspended
4 the execution of the sentence during the good behavior and satis-
5 factory conduct of the defendant or upon any other terms and
6 conditions which may have been imposed by the court, it shall be
7 made to appear to the satisfaction of the court at any time dur-
8 ing such suspended sentence or stay of execution, that it ought to
9 be enforced, the court may thereupon enforce the same, and any
10 jail sentence thereunder shall commence from the date upon which
11 such sentence is ordered to be enforced.

Sec. 39. *Limitation of Sentence Two Years*—No sentence

2 shall be suspended or final judgment or execution shall be stayed
3 in the case of any person found guilty under this act, to exceed
4 a period of two years. If at any time prior thereto it shall appear
5 to the satisfaction of the court that such person has complied faith-
6 fully with the conditions of any suspended sentence, judgment or
7 execution, or that he is for any cause in the opinion of the court,
8 entitled to be released therefrom, the court may suspend such sen-
9 tence indefinitely, in which case such person shall be finally re-
10 leased and discharged as he shall be in any event at the end of
11 two years from imposition of any sentence; *provided*, that if any
12 defendant be actually serving a jail sentence imposed by this act
13 and enforced before the expiration of said two years in accord-
14 ance with the provisions of this act, then in such case the defend-
15 ant shall not be finally discharged until the expiration of any such
16 sentence.

Sec. 40. *Officers to File Complaints*—Probation officers hav-

2 ing the powers of sheriffs or police officers, as well as county prose-
3 cuting attorneys shall have the right and be vested with all the
4 power necessary to file complaints against any person under this
5 act and to prosecute any such case. In all such cases it shall be

6 the duty of the county prosecuting officer representing the people
7 to prepare any such complaints and prosecute any such cases for
8 such probation officer when so requested by such officer or the judge
9 of the juvenile court; but nothing herein shall be so construed to
10 interfere with any county prosecutor representing the people prose-
11 cuting such cases under this or any other act as in other criminal
12 cases.

Sec. 41. *Construction*—In order to find any person guilty
2 of violating this act it shall not be necessary to prove that the
3 child has actually become dependent or delinquent; *provided*, it
4 appears from the evidence that through any act of neglect or omis-
5 sion of duty or by the improper act or conduct on the part of any
6 such person the dependency or delinquency of any child may have
7 been caused or merely encouraged.

Sec. 42. *Protection*—This act shall always be liberally
2 construed in favor of the state for the purpose of the protection of
3 the child from neglect or omission of parental duty toward the
4 child by the parents, as well also to protect the children of the
5 state from the acts of the improper conduct or acts, or the bad
6 example of any person or persons whomsoever, which may be cal-
7 culated to cause, encourage or contribute to the dependency or de-
8 linquency of children, although such persons are in no way rela-
9 ted to the child.

Sec. 43. Nothing in this act shall be construed to be in
2 conflict with or to repeal or prevent proceedings under any act or
3 statute of this state which may have otherwise defined any specific
4 act of any person as a crime of any character which act might
5 also constitute contributory delinquency or contributory depend-
6 ency, or to prevent or interfere with proceedings under any such
7 acts, nor shall it be construed to be inconsistent with, nor to re-
8 peal any act providing for the support by the parent or parents
9 of their minor children, or any act providing for the punishment
10 of cruelty to children or the taking of indecent liberties with or
11 for selling liquor, tobacco or firearms to children, or for permit-
12 ting them in evil or disreputable places, and nothing in any such
13 acts or similar acts shall be construed to be inconsistent with or to
14 repeal this act or prevent proceedings hereunder, but in all cases
15 where there shall be more than one prosecution for the same of-
16 fense under whatever acts of the character herein described, the
17 facts may be given in evidence to the judge of the court, and may

18 be in the discretion of the court considered in mitigation of any
19 sentence in any such cases.

Sec. 44. The county court in any county in the state, shall
2 have the power and authority to locate, purchase, erect, lease, or
3 otherwise provide and establish and also to support and maintain
4 a detention home for the temporary care and custody of dependent,
5 delinquent or truant children, and to levy and collect a tax to pay
6 the cost of its establishment and maintenance in accordance with
7 the terms and provisions of this act; *provided*, the sections of this
8 act relating to the establishment and maintenance of such a de-
9 tention home be adopted by the legal voters of such county as here-
10 inafter provided.

Sec. 45. *How to Be Conducted; Employees*—Such deten-
2 tion home shall be so arranged, furnished and conducted, that, as
3 nearly as practicable, for their safe custody, the inmates thereof
4 shall be cared for as in a family home and public school. To
5 this end the employees provided and selected to control and man-
6 age such home shall consist of a discreet woman of good moral
7 character, or of a man and woman of good moral character, who
8 shall be designated respectively as “superintendent” and “matron”
9 of the detention home, and of such help or assistance as in the
10 opinion of the county commissioners shall be necessary to the
11 proper care and maintenance of such home. The superintendent
12 and matron shall reside in the home and at least one of them shall
13 be competent to teach and instruct children in all branches of
14 education similar to those embraced in the curriculum of the
15 public schools of the county up to and including the eighth grade.
16 The home shall be supplied with all necessary and convenient
17 facilities for the care of the inmates as herein provided.

Sec. 46. *Superintendent, Matron, Employees, Salary*—The
2 superintendent and matron shall be designated and appointed by
3 the county court to serve during the pleasure of said court, and
4 shall receive such salary, payable in monthly installments, as the
5 said county court may provide and fix. All other necessary em-
6 ployees for the conduct, care and maintenance of said home shall
7 be selected, named and appointed in like manner upon such salaries
8 as shall be fixed and provided by said county court. The supplies
9 or repairs necessary to maintain, operate and conduct said home.

10 shall be furnished upon the requisition of its superintendent to
11 the president of the county court and the bills therefor shall be
12 audited, passed upon, and paid as other bills for supplies fur-
13 nished for county institutions.

Sec. 47. *Duty of Superintendent and Matron; Record; Report*
2 —It shall be the duty of the superintendent or matron, until fur-
3 ther order of the court, to receive or detain temporarily, all chil-
4 dren who are committed to the home by the circuit or criminal
5 court of the county, and to keep a complete record of all children
6 committed to said home. Such record shall contain the name, age
7 and residence of each child and the cause of its detention, the
8 length of time detained, the offense alleged to have been com-
9 mitted by such child, if any, and other useful data or informa-
10 tion that may be directed to be kept by the circuit or criminal
11 court of such county. A record shall also be kept by such superin-
12 tendent or matron of all expenditures made by the county for the
13 care and maintenance of such home. An annual report shall be
14 made to the county court by the superintendent or matron on
15 the first day of June in each year and he shall file a copy thereof
16 with the county clerk of the county, which shall contain an item-
17 ized statement of all such expenses necessary to maintain said
18 home, together with the number of inmates therein during each
19 month. The circuit or criminal court or the president of the
20 county court, may at any time demand, in which case it shall be
21 the duty of the superintendent or matron to furnish, such informa-
22 tion as said circuit or criminal court or the president of said
23 county court may require, concerning the conduct, maintenance,
24 or inmates of said home.

Sec. 48. *Power to Tax for Support and Establishment of*
2 *Home*—The county court of any county shall have the power and
3 authority, in addition to taxes levied and collected for other
4 county purposes in each county, to levy and collect annually a tax
5 not exceeding one mill on the dollar valuation upon all property
6 within the county for the purpose of purchasing, erecting, leasing
7 or otherwise providing, establishing, supporting and maintaining
8 such detention home; *provided*, the sections of this act relating to
9 the establishment and maintenance of county detention homes,
10 shall be adopted and the levy and collection of such tax authorized

11 by the legal voters of the county in the manner provided by sec-
12 tion forty-five of this act.

Sec. 49. *How Adopted*—The electors of any county may
2 adopt this act in the following manner: Whenever the legal vot-
3 ers of such county to the number of fifteen per cent. of the votes
4 cast at the last general election shall petition the county court
5 of such county not less than thirty days before any general
6 election in such county to submit the proposition whether or
7 not the electors will adopt the sections of this act relating to
8 the establishment and maintenance of county detention homes,
9 it shall be the duty of the county court to submit such proposi-
10 tion at the next general election. The proposition so to be voted
11 for shall be on a separate ballot in plain, prominent type, and be
12 prepared and provided for that purpose in the same manner as
13 other ballots.

14 For adoption of the act to authorize county au-
15 thorities to establish and maintain a detention
16 home for dependent, delinquent or truant children,
17 and to levy and collect a tax not to exceed one mill
18 on the dollar valuation, to pay the cost of its es-
19 tablishment and of its maintenance.

Yes.

No.

20 If the majority of the votes cast for and against such propo-
21 sition shall be for such proposition, the act shall be adopted, and
22 the county court shall enter of record an order declaring this
23 act in force in such county, and the tax provided for in the act
24 shall thereafter be annually levied and collected in such county
25 for the purposes specified in this act, until such time as the legal
26 voters of the county shall abandon this act in the manner provided
27 in section forty-six hereof.

Sec. 50. *How Electors May Abandon and Repeal Sections*
2 44-50—The electors of any county which shall have adopted the
3 sections of this act as provided by section forty-five hereof, may
4 abandon and repeal said sections in the following manner: When-
5 ever the legal voters of such county to the number of fifteen per
6 cent. of the votes cast at the last general election in such county
7 shall petition the county court not less than thirty days before
8 any general election to submit the proposition that the electors
9 of such county shall abandon said sections, it shall be the duty
10 of the county court to submit such proposition at the next gen-

11 eral election. The proposition so to be voted for shall be on a
 12 separate ballot in plain, prominent type, which ballot shall be
 13 prepared and provided for that purpose in the same manner as
 14 other ballots.

15 To abandon the sections of a certain act to 16 authorize county authorities to establish and main- 17 tain a detention home for dependent, delinquent 18 or truant children, and to levy and collect a tax 19 not to exceed one mill on the dollar valuation, to pay 20 the cost and establishment of its maintenance.	Yes. _____ No. _____
--	-------------------------

21 If a majority of the votes cast for and against the proposi-
 22 tion to abandon sections forty-four and fifty shall be for such
 23 proposition of this act, the said sections shall be deemed aban-
 24 doned, and the county court shall enter of record an order declar-
 25 ing sections forty-four and fifty of this act abandoned in such
 26 county.

Sec. 51. *Jurisdiction to Commit to Home*—Any court act-
 2 ing under and in pursuance of this act or any amendments there-
 3 to, may commit any child coming within the terms of said act
 4 to said home, temporarily.

Sec. 52. *Validity of Acts*—The invalidity of any portion
 2 of this act shall not affect the validity of any other portion there-
 3 of which can be given effect without such invalid part.

CHAPTER 71.

(Senate Bill No. 93.)

AN ACT to amend and re-enact section nine of chapter one hundred
 and twelve of the code of West Virginia, (serial section three
 thousand six hundred and twenty-eight of the code of one thous-
 and nine hundred and six) relating to the residence of judges of
 the circuit, criminal and intermediate courts, and adding there-
 to certain limitations upon said judges disqualifying them from
 taking cognizance of suits by reason of interest in the result, re-
 lationship to the parties, or corporate connection.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

9. Circuit, criminal or intermediate judge to reside in circuit or county for which elected, and when party to a suit, or interested otherwise therein as resident or taxpayer, or related to either of the parties as grandfather, etc.; or at time of insti-

SEC.

tution he, his wife, or any party related to stockholder or officer in any company, or if a material witness, he shall not take cognizance thereof unless parties consent in writing; judgment not invalidated unless relationship appear of record.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter one hundred and twelve of the code of West Virginia, (serial section three thousand six hundred and twenty-eight of the code of one thousand nine hundred and six) be amended and re-enacted to read as follows:

Section 9. Each circuit, criminal or intermediate judge during his continuance in office shall reside in the circuit or county for which he was elected and when such judge be a party to a suit, or be interested in the result thereof, otherwise than as a resident or taxpayer of the district or county, or be related to either of the parties, as grandfather, father, father-in-law, son, son-in-law, brother, brother-in-law, nephew, uncle, first cousin, guardian or ward, or if at the time of the institution of the suit or any time before the final termination of the suit he, his wife, or any party or parties related to him in the degree as in this section hereinbefore specified be a stockholder, or officer, in any stock company or corporation which is a necessary party to the proceedings, or if he be a material witness for either party, he shall not take cognizance thereof unless all parties to the suit consent thereto in writing; *provided*, that no judgment or decree rendered or pronounced by any such judge shall be invalidated by reason of such relationship unless the same appear of record in such suit or proceeding.

CHAPTER 72.

(House Bill No. 85.)

AN ACT to amend chapter one hundred and thirty-one of the code of West Virginia by adding thereto four additional sections, to be known as sections twenty-two, twenty-three, twenty-four and twenty-five of chapter one hundred and thirty-one of the code of West Virginia, regulating the instructions by courts to juries, in the trial of civil and criminal cases, and repealing chapter thirty-eight of the acts of one thousand nine hundred and seven.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

22. Upon trial, civil or criminal, either party may pray court to give any instruction reduced to writing and submitted to other party; other party may object, but if it correctly propound law applicable and not covered, to be given as part of written charge, if charge be given, otherwise as an independent instruction, and court may, on its motion in writing, define issues involved and law, first submitting same to counsel on each side; in lieu of separate instructions court may instruct upon law, in form of charge, to be submitted to counsel with opportunity to object, but no objection to lie if law be correctly stated, and action of court to be noted on margin of

SEC.

charge and right of exception is saved.

23. Instructions read by court before argument as action of court; court on motion of both parties, to permit jury to take instructions.

24. Court to prescribe stages when instructions must be presented, at which objections may be made, subject to power of court to make exceptions.

25. Nothing to affect power of court to instruct jury orally concerning matters not proper, or otherwise on its own motion on the law at any stage, subject to exceptions.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirty-one of the code of West Virginia be amended by adding thereto four additional sections, to be known as sections twenty-two, twenty-three, twenty-four and twenty-five, which are hereby enacted to read as follows:

Section 22. Upon the trial of any case, civil or criminal, before a jury, either party may pray the court to give to the jury any instruction which has been reduced to writing and submitted to the other party. Such other party may object to the giving of such instructions. Every such instruction which shall propound correctly law applicable to the case not covered by other instructions, shall be given by the court to the jury as part of a written charge by the court to the jury, as hereinafter provided, in case such charge be given, and otherwise shall be given as an independent instruction. The court may, on its own motion, whether requested or not, in writing define to the jury the issues involved and instruct them on the law governing the case, but all such instructions shall first be submitted to counsel upon each side with opportunity to object thereto.

In lieu of the giving of separate instructions as herein provided the court may in writing instruct upon the law governing the case, putting such instructions in the form of an orderly and connected charge, incorporating therein the substance and, as far as may be, the language of the instructions prayed upon either side or prepared by the court on its own motion, with correctly pro-

21 pounded law applicable to the case, which shall first be submitted
22 to counsel upon each side with opportunity to object to any speci-
23 fied part thereof. No objections shall lie to the action of the court
24 upon any instruction if the law to which it relates shall have been
25 correctly stated by the court in such charge. The action of the
26 court upon every instruction prayed, whether such instruction be
27 given as asked or as modified, independently or as part of the
28 court's charge, or be refused, shall be noted upon the margin there-
29 of by the judge over his initials. Either party may except to any
30 and every ruling by the court adverse to the prayer or objection by
31 him with respect to any such instruction.

Sec. 23. All instructions shall be read by the court to the
2 jury before argument of counsel as the action and ruling of the
3 court, without reference to the party by whom they may have been
4 prayed. The court, on motion of both parties, shall permit the
5 jury to take the instructions given them to their room when they
6 retire.

Sec. 24. The court shall, by suitable general rules, prescribe
2 the stages of the trial at which instructions must be presented to the
3 opposing counsel and to the court; at which objections may be
4 made to charges and instructions prepared by the court and at
5 which the instructions and charge shall be settled by the court and
6 read by it to the jury; subject to the power of the court in a par-
7 ticular case to make exceptions to such rules when good cause
8 therefor shall appear and justice may so require.

Sec. 25. Nothing herein contained shall affect the power of
2 the court during the trial of the case to instruct the jury orally con-
3 cerning matters not proper for their consideration or concerning
4 the conduct of any person in connection with the trial; or, other-
5 wise, on its own motion to instruct the jury in writing on the law
6 of the case at any stage during the trial, subject to the right of
7 exception by either party.

Chapter thirty-eight of the acts of the legislature
2 of one thousand nine hundred and seven. "An Act prescribing
3 certain rules for the circuit courts of West Virginia as to instruct-
4 ing petit jurors on the trial of cases, both civil and criminal," is
5 hereby repealed.

CHAPTER 73.

(Senate Bill No. 47.)

AN ACT to amend and re-enact sections seven, eight and ten of chapter sixty-four of the code of West Virginia, relating to divorces; and to add five additional sections to said chapter to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of chapter sixty-four of the code of West Virginia of one thousand nine hundred and thirteen relating to divorce procedure, and to provide a penalty for the violation thereof.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

7. Circuit court on chancery side to have jurisdiction of suits for annulling or affirming marriages, or for divorces; if marriage not performed in U. S. no suit maintainable unless plaintiff is a citizen of U. S. or cause arose within the U. S.; in no case maintainable unless plaintiff is *bona fide* citizen of state; suit to be brought in county where parties last cohabited or in county in which defendant resides, if not, then in county in which plaintiff resides; by whom suit may be prosecuted, and publication required.
8. Suit instituted as other chancery suits, except as hereinafter provided; how pleadings to be verified, but no bill taken for confessed and case to be tried independent of admission; costs and how awarded and requirement of court.
10. No divorce to be granted for adultery on uncorroborated testimony of prostitute, or *particeps criminis*, etc.
14. Neither party to a divorce to again marry within six months, but provision not to prevent re-marriage to each other; court may further prohibit marriage not to exceed five years, and violation is criminal; restraint may be modified under certain conditions.
15. If process is served on defendant sixty days before first day of

SEC.

- court, and otherwise if a non-resident, case goes on docket and tried in chambers, and law governing taking depositions shall apply, or court may refer same to a commissioner.
16. Circuit court has authority to appoint in each county commissioner to investigate divorce cases; requirements and oath and how removed; duties of commissioner and compensation.
17. Plaintiff to give notice and time required; other requirements of plaintiff.
18. Instead of proceedings as in the fifteenth section, court may refer case to commissioner to take testimony; scope of inquiry and report; if testimony taken in another county to be before commissioner of county in which taken; if of witnesses residing out of the state, other proceedings; if taken out of county or state to be forwarded to clerk of court; duty of clerk; person before whom taken to be personally present and no deposition read unless authenticated; further duty of person before whom taken; penalty for violation; court may refer cause back and take further evidence on which to base finding; compensation of commissioner.
19. On final decree, duty of clerk as to testimony, bill and other papers. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections seven, eight and ten of chapter sixty-four of the code of West Virginia be amended and re-enacted; and that there be added to said chapter five additional sections to be known as sections fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of chapter

sixty-four of the code of West Virginia, of one thousand nine hundred and thirteen, which are hereby enacted to read as follows:

Section 7. The circuit court, on the chancery side thereof, shall have jurisdiction of suits for annulling or affirming marriages, or for divorces. If the marriage was not performed in the United States of America, no such suit shall be maintainable unless the plaintiff is a citizen of the United States, or the cause of action arose within the United States; and in no case shall a suit for divorce be maintainable unless the plaintiff be an actual *bona fide* citizen of this state, and shall have resided in the state for at least one year immediately preceding the bringing of the suit. The suit shall be brought in the county in which the parties last cohabited, or (at the option of the plaintiff) in the county in which the defendant resides, if a resident of this state; but if not, then in the county in which the plaintiff resides. Such suit may be brought and prosecuted by the wife in her own name, without a next friend, and a decree may be entered in the case upon an order of publication had, published and posted, as provided in chapter one hundred and twenty-four of the code of West Virginia; but such publication shall be in a newspaper of general circulation in the county.

Sec. 8. Such suit shall be instituted and conducted as other chancery suits, except as hereinafter provided. All pleadings shall be verified by the party in whose name they are filed; but the bill shall not be taken for confessed, and whether the defendant answers or not, the case shall be tried and heard independently of the admissions of either party in the pleadings, or otherwise. Costs may be awarded to either party as equity and justice require, and in all cases the court, in its discretion, may require payment of costs at any time, and may suspend or withhold any order or decree until the costs are paid.

Sec. 10. No divorce for adultery shall be granted on the uncorroborated testimony of a prostitute, or a *particeps criminis*, or when it appears that the parties voluntarily cohabited after the knowledge of the adultery, or that it occurred more than three years before the institution of the suit, or that it was committed by the procurement or connivance of the plaintiff.

Sec. 14. Neither party to a divorce suit shall again marry within six months from the date of a decree of divorce; but this provision shall not apply to, or prohibit the divorced parties from

4 being re-married to each other at any time. The court may fur-
5 ther prohibit the guilty party from marrying within a certain
6 time, to be fixed in the decree, not to exceed five years from the
7 date of the decree; and any marriage contracted by the parties,
8 or either of them, except a re-marriage by the divorced parties to
9 each other, within the prohibited period, shall be void, and the
10 party shall be criminally liable the same as if no divorce had been
11 granted. The court may, at any time after the expiration of one
12 year, modify the restraint imposed upon the guilty party, upon
13 it being shown that such person, by reason of his or her life and
14 conduct, since the date of the decree, is entitled to such relief.

Sec. 15. If the process has been served on the defendant
2 sixty days before the first day of the term of court, or if the de-
3 fendant is a non-resident, and has been proceeded against by an
4 order of publication which has been fully completed at least thir-
5 ty days before the first day of the term, the case shall be placed
6 on the docket for trial and the same shall be tried before the court
7 in chambers, and all witnesses shall appear and testify at the
8 trial the same as witnesses in an action at law; and the law gov-
9 erning the taking and reading of depositions in an action at law
10 shall apply to depositions in the trial of divorce cases; *provided*,
11 the court may, instead of proceeding with the case under this sec-
12 tion, refer the same to a commissioner in chancery, or a special
13 commissioner, as hereinafter provided.

Sec. 16. The circuit court of each county, or the judge
2 thereof in vacation, may in his discretion, appoint a competent
3 attorney in each county as a commissioner in chancery, to inves-
4 tigate divorce cases, who shall be designated as "divorce commis-
5 sioner." He shall be a man of good moral character, of standing
6 in his profession, and a resident of the county for which he is ap-
7 pointed, and shall, before assuming the duties of such commis-
8 sioner, take the oath required of other commissioners in chancery;
9 said commissioner shall discharge his duties and hold his office
10 at the pleasure of the court, and may be removed at any time by
11 the court. It shall be the duty of the divorce commissioner to
12 investigate all divorce suits; to appear at all trials and examine
13 witnesses when necessary, and defend the interests of the state;
14 to bring before the court, at the trial, all witnesses necessary to
15 develop the true facts, and generally take all necessary steps to
16 prevent fraud and collusion in divorce cases. For which services

17 he shall be allowed the sum of not less than five dollars nor more
18 than fifteen dollars, to be fixed by the court, which amount shall
19 be taxed as a part of the costs of the case.

Sec. 17. The plaintiff shall, in every case, at least thirty
2 days before the first day of the term at which it is expected to
3 try the case before the court, give the divorce commissioner no-
4 tice in writing that a trial will be demanded. If the plaintiff has
5 not in the bill stated the residence and post office address of the
6 defendant, he shall furnish it to the commissioner at the time of
7 giving such notice; but if the residence and post office address of
8 the defendant are unknown to the plaintiff, at the time of giving
9 the notice, an affidavit of this fact, by the plaintiff, delivered to
10 the commissioner with the notice will be sufficient.

Sec. 18. Instead of proceeding with the cause under the pro-
2 visions of the fifteenth section of this act, the court may, in its dis-
3 cretion, refer it to one of the commissioners in chancery of such
4 court, or to a special commissioner, who shall take and return the
5 testimony in such cause, together with a report of all such facts as
6 the commissioner may be able to obtain as to property rights of the
7 parties, their income, their character, conduct, health, habits, their
8 children, and their respective places of residence from the time
9 of their marriage up to the time of such report, and any other
10 matter deemed necessary by the court, and all such facts so re-
11 ported shall be considered by the court in passing on the merits
12 of the cause, whether the same be referred to in the pleadings or
13 evidence, or not.

14 If testimony is to be taken in a county other than that in
15 which the cause is pending, the same shall be taken before one
16 of the commissioners in chancery of the circuit court of the county
17 in which the same is taken. If testimony is taken of witnesses
18 residing out of the state of West Virginia, the same shall be tak-
19 en before some person duly authorized to take depositions in di-
20 vorce cases in the state where taken. If depositions are taken out
21 of the county in which the cause is pending, or without the state,
22 the same shall be, by the person taking the same, filed with or
23 forwarded to the clerk of the court wherein such cause is pending,
24 and on receipt of such depositions said clerk shall lay the same
25 before the commissioner to whom said cause has been referred,
26 who shall consider the same in connection with his report herein-
27 before mentioned. The person before whom depositions are taken

28 hereunder, shall be personally present at the time and place of
29 taking depositions, and no depositions shall be taken or read in
30 the cause unless it appear therefrom that such person was person-
31 ally present during the taking of same. It is hereby made the
32 duty of the person before whom such depositions are taken, to
33 see that all witnesses are so examined as to elicit all facts within
34 their knowledge pertaining to the cause. If any person before
35 whom any such depositions are taken certify falsely as to his
36 presence at the taking of said depositions, he shall be guilty of
37 a misdemeanor, and on conviction thereof, shall be fined not less
38 than fifty dollars nor more than five hundred dollars. The court
39 in which such cause is pending may refer the same as often as in
40 its judgment justice requires, and may, if it so elect, summons
41 any one to appear before said court, and give evidence with ref-
42 erence thereto, and base its finding on such oral evidence solely.
43 The commissioner shall be allowed for his services the same com-
44 pensation as is allowed in other chancery causes, and all costs,
45 including stenographer's fees, shall be taxed as in all other chan-
46 cery causes.

Sec. 19. When a final decree is entered in any divorce cause
2 the clerk shall immediately seal in a package all the testimony,
3 bill and other papers, and the same shall not be again re-opened
4 unless by order of the court entering such decree, or his successor
5 in office.

6 All acts or parts of acts in conflict herewith are hereby re-
7 pealed. This act shall not apply to any divorce cases now pending
8 in any court in this state.

CHAPTER 74.

(Senate Bill No. 67.)

AN ACT relating to the proof by affidavits of debts and demands for
money due on contract, in proceedings before commissioners in
chancery and commissioners of accounts.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the
Governor February 25, 1915.]

SEC.

1. Every creditor in chancery cause pending before a commissioner under decree, other than to enforce a lien on real estate under section 7, chapter 139, or in proceedings under section 13, chapter 87 of the Code, may es-

SEC.

tablish debt by filing itemized statement with affidavit; what to contain; counter affidavit may be filed, and proceedings before commissioner.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That every creditor, in any chancery cause pending
 2 in any court before a commissioner in chancery under a decree of
 3 reference in said cause, other than in a suit to enforce a lien on
 4 real estate under the seventh section of chapter one hundred and
 5 thirty-nine of the code of West Virginia, or in any proceedings
 6 before a commissioner of accounts of any county, under the thir-
 7 teenth section of chapter eighty-seven of said code, may establish
 8 his debt or demand against the debtor, if it be for the recovery of
 9 money due on contract, by filing before the commissioner with such
 10 debt or demand, completely itemized where it is upon an account,
 11 the affidavit or affidavits of any person or persons competent and
 12 not disqualified by law (which affidavit or affidavits shall
 13 affirmatively show in every case where the creditor is seeking to
 14 prove a debt or demand against a deceased debtor or his estate) to
 15 testify as a witness or as witnesses before the commissioner about
 16 or concerning the debt or demand in question, stating in such
 17 affidavit or affidavits every essential element necessary to constitute
 18 proof of such debt or demand, the same as though affiant or affiants
 19 had testified before the commissioner as a witness or as witnesses
 20 in person; unless the debtor, his personal representative, or any
 21 party, or creditor, or other person interested shall file before the
 22 commissioner a counter-affidavit denying the correctness of debt or
 23 demand, as a whole or in part, in which case the creditor present-
 24 ing such debt or demand shall be required to produce his witness
 25 or witnesses before the commissioner, reasonable notice of which
 26 shall be given in writing to the creditor or his attorney, and the
 27 taking of the testimony relative to such debt or demand shall be
 28 proceeded with before the commissioner in like manner as if no
 29 affidavit or affidavits had been filed.

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

CHAPTER 75.

(Senate Bill No. 71.)

AN ACT to cure defective deeds and acknowledgments thereto, and the recordation thereof, and making a certified or attested copy thereof competent evidence in lieu of the original.

[Passed February 9, 1915. In effect ninety days from passage. Approved by the Governor February 21, 1915.]

SEC.

1. No grant, bargain and sale, feoffment, etc., or other assurance of land, etc., or power of attorney relating thereto, delivered by husband and wife to *bona fide* customer for consideration, and acknowledgment prior to February 21, 1891, deemed or held in-

SEC.

valid nor defective by reason of informality of omission in particulars, or for other reasons; but valid as if all requisites were set forth, and exemplifications to be legal evidence in all cases where original would be competent; exceptions as to land heretofore held invalid.

Be it enacted by the Legislature of West Virginia:

Section 1. That no grant, bargain and sale, feoffment, deed of conveyance, mortgage, trust, release, assignment, or other assurance of land, tenements and hereditaments or real estate whatsoever, or power of attorney, relating thereto, heretofore made, or executed, and delivered by husband and wife to *bona fide* purchaser for good and valuable consideration, and acknowledged by them before an officer duly authorized by law to take such acknowledgment, made, executed, acknowledged and delivered prior to the twenty-first day of February one thousand eight hundred and ninety-one, shall be deemed, held or adjudged invalid nor defective or insufficient in law or in equity, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer aforesaid, in the certificate thereof, or in stating the official character of such officer or the place of taking the acknowledgment, but every such power of attorney shall be valid, and all and every such grant, bargain and sale, feoffment, mortgage, trust, deed of conveyance and acknowledgment as aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife, and of each of them, of, in and to the land, tenements and hereditaments and real estate mentioned in the same, as if all the requisites and particulars of such acknowledgment mentioned in any law in force at the date of any such grant, bargain and sale, feoffment, deed of conveyance, mortgage, trust, release, assignment or other assurance,

26 were particularly set forth in the certificate thereof, and the record
 27 of the same duly made in the proper office for recording of deeds
 28 in the state of West Virginia, or in the state of Virginia, before
 29 the formation of West Virginia; and exemplifications of the same
 30 duly certified shall be legal evidence in all cases in which the origi-
 31 nal would be competent evidence; *provided, always*, that this act
 31 shall not apply to suits now pending and undetermined or to any
 32 suit that may be brought within one year after the passage of this
 33 act, or to any such deed, grant, bargain and sale, feoffment, mort-
 34 gage, trust, release, assignment of other assurances of land, tene-
 35 ments, and hereditaments or real estate whatsoever, or power of
 36 attorney relating thereto, which has heretofore been declared or
 37 held invalid by any court of competent jurisdiction.

CHAPTER 76.

(House Bill No. 293.)

AN ACT to amend and re-enact section one of chapter one hundred and thirty-two of the code of West Virginia of one thousand nine hundred and thirteen, (serial section 4931) relating to the appointment of special commissioners and special receivers and specifying the county in which they shall deposit their moneys, and prescribing a penalty for the violation of the provisions thereof.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 20, 1915.]

SEC.

1. A court in a suit pending may make decree or order sale of property in any part of state, fix terms and appoint commissioner or receiver; who must be a resident of West Virginia, and to receive no money until bond is given; conditions require money received to be deposited in banks of county where suit is instituted.

SEC.

not to be removed except on order of judge; violations of this provision a misdemeanor; penalty: after last payment commissioner required to make report; what to contain and to be entered of record; time may be extended under certain conditions, but failure to report a misdemeanor.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and thirty-two (serial section four thousand nine hundred and thirty-one of one thousand nine hundred and thirteen code) of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 1. A court in a suit, pending properly therein, may
2 make a decree or order for the sale of property in any part of the
3 state, and may direct the sale to be for cash, or on such credit and
4 terms as it may deem best; and it may appoint a special commis-
5 sioner or special receiver to make such sale. Every special commis-
6 sioner or special receiver appointed under this section shall be a resi-
7 dent of the state of West Virginia, and he shall receive no money
8 under a decree or order until he give a bond with good security be-
9 fore the said court or its clerk, conditioned as the law
10 requires for the faithful accounting thereof, and with the
11 further condition that he will deposit in his name as
12 such special commissioner or special receiver all moneys
13 received by him as such special commissioner or special
13-a receiver in one or more banks in the county in which the suit
14 or cause is properly instituted, and will not remove the same
15 therefrom without the order or decree of distribution of the pre-
16 siding judge; and any special commissioner or special receiver
17 violating the conditions of his bond or the provisions of this section,
18 by receiving money before executing bond as aforesaid, or failing
19 to deposit the money in one or more banks in the county in which
20 the suit or cause is properly instituted as aforesaid, and keep-
21 ing the same therein subject to a decree of distribution, shall be
22 a misdemeanor and shall be punished by a fine of not less than
23 twenty-five nor more than one hundred dollars and may be im-
24 prisoned in the county jail for a term not to exceed ten days. And
25 the said special commissioner shall, after the last payment required
26 by said decree of sale or decree confirming said sale is made, make
27 report to the court in writing, at the next term of the court there-
28 after, showing how the proceeds of said sale have been applied by
29 him; which report shall be approved and entered of record in the
30 chancery order book and filed with the papers in the cause. If
31 from any cause said report cannot be made, showing a final settle-
32 ment, within the time aforesaid, the court may enter an order ex-
33 tending the time for a final report to be made. If said commis-
34 sioner fail to make said report, as aforesaid, he shall be deemed
35 guilty of a misdemeanor and, upon conviction thereof, shall be fined
36 not less than fifty dollars nor more than five hundred dollars.

CHAPTER 77.

(House Bill No. 67.)

AN ACT to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, relating to jury commissioners.

[Passed February 25, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.

3. Requires two jury commissioners for each county, to be of opposite politics, citizens in good standing, etc., appointed by judge of circuit court; term of office four years, to begin June first; exceptions; may be removed by court or judge for cause; vacancies filled as in the first instance; proceedings, how kept and compensation; first appoint-

SEC.

ments, when made; jury commissioners at levy terms and at other times if required, to prepare list of inhabitants for jury duty; requirements; oath to be filed in office of clerk of circuit court; two jury commissioners authorized for courts of limited jurisdiction; same duties, compensation and requirements.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and sixteen of the code of West Virginia, be amended and re-enacted so as to read as follows:

Section 3. There shall be two jury commissioners of the 2 circuit court for each county. They shall be of opposite politics, 3 citizens of good standing, residents in the county for which they 4 are appointed and well known members of the principal political 5 parties thereof. They shall be appointed by the circuit court, or 6 the judge thereof in vacation, of their respective counties. Their 7 term of office shall be four years, and shall commence on the first 8 day of June next after their appointment, but the first two shall 9 be appointed, one for two years and the other for four years, 10 and thereafter, alternately, for the full term of four years. They 11 may be removed from office by the court or judge having the 12 power of appointment, for official misconduct, incompetency, 13 habitual drunkenness, neglect of duty or gross immorality. Va- 14 cancies caused by death, resignation or otherwise, shall be filled 15 for the unexpired term in the same manner as the original ap- 16 pointments. The jury commissioners shall keep in a well bound 17 book a record of the proceedings to be preserved by the clerk of 18 the circuit court in his office. They shall receive two dollars per 19 day for each day necessarily employed as such jury commissioners, 20 payable out of the county treasury, upon the order of the circuit 21 court. The first appointment of said commissioners shall be 22 made within thirty days after this act takes effect. The jury

23 commissioners of each county shall, at the levy term of the coun-
 24 ty court thereof, annually, and at any other time when required
 25 by the circuit court of such county, without reference to party
 26 affiliations, prepare a list of such inhabitants of the county, not
 27 exempted as aforesaid, as they shall think well qualified to serve
 28 as jurors, being persons of sound judgment and free from legal
 29 exception, which list shall include not less than two hundred nor
 30 more than six hundred persons. But the name of no person shall
 31 be put on such list, who may have requested the jury commission-
 32 ers, or either of them, by himself or another person, to have his
 33 name placed on such list. Before entering upon the discharge of
 34 their duties, the jury commissioners shall take and subscribe an
 35 oath to the following effect:

36 "State of West Virginia,)
 37) ss:
 38 County of.....,)

39 I, A..... B.....; do solemnly swear that I
 40 will support the constitution of the United States and the consti-
 41 tution of this state and will faithfully discharge the duties of
 42 jury commissioner to the best of my skill and judgment, and that
 43 I will not place any person upon the jury list out of fear, favor
 44 or affection."

45 The said oath shall be taken before the clerk of the circuit
 46 court who is hereby authorized to administer the same, and filed
 47 and preserved by him in his office. There shall also be two jury
 48 commissioners for every court of limited jurisdiction, who shall
 49 be appointed by said courts, or the judges thereof in vacation, re-
 50 spectively, and whose terms of office and compensation shall be
 51 the same as the jury commissioners for the circuit courts. The
 52 same powers conferred and duties imposed by this chapter upon
 53 the circuit courts, or the judges thereof in vacation, and upon the
 54 clerks and jury commissioners of the circuit courts, are hereby
 55 conferred and imposed upon every court of limited jurisdiction
 56 and the judges thereof respectively, and upon the clerks and jury
 57 commissioners of said courts of limited jurisdiction.

CHAPTER 78.

(Senate Bill No. 57.)

AN ACT to amend and re-enact section six of chapter one hundred
 and twenty-one of the code of West Virginia, relating to motions

for judgment for moneys due on contract, and to provide for sworn pleadings in connection with such proceedings.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC.

6. Any person entitled to recover money by action on contract may, on motion, obtain judgment for such money after twenty days' notice, to be returned to clerk's office fifteen days before motion is heard; how notice to

SEC.

be served and what to contain; if plea nled be admitted judgment may be taken for sum due, and trial for residue; motion docketed not discontinued by reason of no docketing or no order of continuance.

Be it enacted by the Legislature of West Virginia:

That section six of chapter one hundred and twenty-one of the code of West Virginia, (serial section number four thousand seven hundred and twenty-six), be amended and re-enacted so as to read as follows:

Section 6. Any person entitled to recover money by action on any contract may, on motion before any court which would have jurisdiction in an action, otherwise than under the second section of the one hundred and twenty-third chapter of this code, obtain judgment for such money after twenty days' notice, which notice shall be returned to the clerk's office of such court fifteen days before the motion is heard. In any such motion, if the plaintiff shall file with his notice, and shall serve upon the defendant at the same time and in the same manner as the notice is served, an affidavit by himself, or his agent, stating distinctly the several items of the plaintiff's claim, and that there is, as the affiant verily believes, due and unpaid from the defendant to the plaintiff upon the demand or demands stated in the notice, including principal and interest, after deducting all payments, credits and sets-off made by the defendant, or to which he is entitled, a sum certain to be named in the affidavit, no plea shall be filed in the case unless the defendant shall file with his plea the affidavit of himself, or his agent, that there is not, as the affiant verily believes, any sum due by the defendant to the plaintiff upon the demand or demands stated in the plaintiff's notice, or stating a sum certain less than that stated in the affidavit filed by the plaintiff, which, as the defendant, or his agent, verily believes, is all that is due from the defendant to the plaintiff upon the demand or demands stated in the plaintiff's notice. If such plea and affidavit be filed by the defendant and it be admitted in such

26 affidavit that any such sum is due from the defendant to the
 27 plaintiff, judgment may be taken by the plaintiff for the sum so
 28 admitted to be due, with interest thereon from the date of the
 29 plaintiff's affidavit until paid, and the case tried as to the residue.
 30 A motion under this section, which is docketed under the first
 31 section of chapter one hundred and thirty-one of this code, shall
 32 not be discontinued by reason of no order docketing the same upon
 33 the return day thereof, or of no order of continuance being entered
 34 in it from one day to another, or from term to term.

CHAPTER 79.

(Senate Bill No. 65.)

AN ACT authorizing proof by affidavit of demands for money due on contract, in civil actions before justices of the peace, founded upon accounts.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 22, 1915.]

Sec.

1. In every civil action before justice upon account for money due on contract where plaintiff has filed complete statement of account, with affidavit, no answer to be filed unless defendant shall file affidavit stating there is not any sum due, or a certain sum less than stated; if such answer be not filed judgment to be entered

Sec.

for sum stated, with interest; if answer of defendant denies sum due, trial to be proceeded with as if affidavit had not been filed; if any sum admitted judgment may be taken and trial as to residue; nothing to preclude continuance under section 58 of chapter 50 of the code.

2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That in every civil action before a
 2 justice of the peace upon an account for money due
 2-a on contract, where the plaintiff has filed with the jus-
 3 tice on or before the return day of the summons, a com-
 4 plete statement of the items of his account, together with
 5 an affidavit stating that there is, as he verily believes, due and
 6 unpaid to him from the defendant, including principal and inter-
 7 est, after deducting all payments, credits and sets-off made by the
 8 defendant, and to which he is entitled, a sum certain to be named
 9 in the affidavit, no answer shall be filed before the justice, unless
 10 the defendant shall file with his answer, his affidavit stating that
 11 there is not, as he verily believes, any sum due from him to the
 12 plaintiff upon the demand or demands stated in said summons: or

13 stating a sum certain less than stated in the affidavit, which, as he
 14 verily believes, is all that is due from him to the plaintiff upon the
 15 demand or demands stated in the summons. If such answer and
 16 affidavit be not filed, judgment shall be entered for the plaintiff by
 17 the justice for the sum stated in his affidavit, with interest thereon
 18 from the date of the affidavit till paid. And if such answer and
 19 affidavit be filed by the defendant, and it be denied in such affidavit
 20 that any sum is due the plaintiff, the trial of the case shall be
 21 proceeded with as if the affidavits hereinbefore mentioned had not
 22 been filed. If it be admitted in such affidavit that any sum is due
 23 from the defendant, judgment may be taken by the plaintiff for
 24 the sum so admitted to be due, with interest thereon from the date
 25 of plaintiff's affidavit till paid, and the case tried as to the residue.
 26 But nothing herein contained in this act shall be so construed as to
 27 preclude the defendant from demanding of right a continuance of
 28 the case under the provisions of section fifty-eight of chapter fifty
 29 of the code of West Virginia.

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

CHAPTER 80.

(Senate Bill No. 7.)

AN ACT to empower the courts of this state to release upon parole
 or probation certain minor offenders from punishment, or im-
 prisonment, and providing conditions for such release and
 parole.

[Passed January 28, 1915. In effect ninety days from passage. Approved by the
 February 4, 1915.]

Sec. 1. In any case in which person under
 age of twenty-one years is con-
 victed of an offense not capital,
 under extenuating circumstances,
 court may direct that he or she
 be released on recognizance
 pending good behavior, with or
 without security, for such time
 as court may prescribe, to ap-

Sec. 2. Court may at any time issue pro-
 cess for apprehension of offend-
 er if conditions of recognizance
 violated, and impose sentence.
 Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. In any case in which a person under the age of
 2 twenty-one years is convicted before a court of this state, of any
 3 offense not capital, if it appears to the court before whom he
 4 or she is so convicted, regard being had to the youth, character

5 and environments of the offender, to the nature of the offense,
 6 and to any extenuating circumstances, under which the offense
 7 was committed, that it is expedient that the offender be released on
 8 probation of good conduct, the court may, instead of sentencing
 9 him or her at once to any punishment, direct that he or she be
 10 released upon his or her entering into a recognizance, conditioned
 11 to keep the peace and be of good behavior, with or without se-
 12 curity, as the court may see fit, for such period of time as the
 13 court may prescribe, and to appear and receive judgment when
 14 called upon. And the court may, if it thinks fit, direct that
 15 such offender shall pay the cost of prosecution, or any portion
 16 of the same, directed by the court, within such period, and in
 17 such installments as the court may direct.

Sec. 2. The court may at any time within such period of
 2 release or probation, but not afterwards, upon being satisfied by
 3 information on oath, that the offender has failed to observe any
 4 of the conditions of his recognizance, issue process for his ap-
 5 prehension, and thereupon without any further proceedings, at any
 6 general or special term of court, impose sentence upon him
 7 or her as provided by law, the same as if this statute had not
 8 been enacted.

9 All acts or parts of acts in conflict herewith are hereby re-
 10 pealed.

CHAPTER 81.

(Senate Bill No. 102.)

AN ACT to amend and re-enact section six (serial section five thou-
 sand five hundred and twenty-two) of chapter one hundred and
 fifty-six of the code of West Virginia of one thousand nine hun-
 dred and thirteen, as amended and re-enacted by chapter seventy-
 nine of the acts of the legislature of one thousand eight hundred
 and eighty-two, concerning bail.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the
 Governor February 22, 1915.]

Sec.
 6. Justices may let to bail person
 charged with but not convicted
 of an offense not punishable by
 death; if offense be punished by
 confinement in penitentiary bail
 shall not be less than \$500; not
 to admit if bail has been pre-
 viously refused, nor admitted for

Sec.

less than amount stated in order
 of commitment; but circuit or
 supreme courts, or judges, may,
 for good cause, admit any person
 to bail before or after convic-
 tion; exceptions, and conditions
 of bail.

Be it enacted by the Legislature of West Virginia

Section 6. A justice may let to bail a person who is charged
2 with, but not convicted of, an offense not punishable with death.
3 If the offense be punished by confinement in the penitentiary, he
4-5 shall not admit such person to bail in a less sum than five hun-
6 dred dollars. But a justice shall not admit any person to bail if bail
7 has been previously refused to such person by any court or judge;
8 nor shall any person confined in jail by an order of commitment
9 in which the amount of bail he is to give is specified, or where
10 an order has been made by a court or judge fixing the bail such
11 person is to give, be admitted to bail by a justice in a less sum than
12 is specified in such order. But a circuit court, or supreme court
12-a of appeals, or a judge of either of said courts, in vaca-
13 tion, may, for good cause shown, admit any person to bail
14 before conviction, or after conviction, except a conviction for
15 offenses where the penalty is confinement in the penitentiary for
16 life, or death, and during the suspension of the execution
17 of the judgment of conviction or pending an appeal or writ
18 of error, and may, by order, direct the clerk of the cir-
19 cuit court of the county in which the offense is charged
20 to have been committed to take the bond with good security in
21 such a sum as the court or judge may fix in said order; *provided*,
22 that in cases where bail has been allowed, after conviction as
23 aforesaid, the condition of the recognizance, or bond, shall be,
24 that the accused shall appear before the said circuit court at its
25 first regular term after the appellate court shall have rendered
26 its final order or judgment, upon said writ of error, appeal, or
27 supersedeas, and submit himself to such order or judgment, and
28 to be further dealt with according to law.

CHAPTER 82.

(Senate Bill No. 232.)

AN ACT to re-enact section four thousand seven hundred of the West Virginia code of one thousand nine hundred and thirteen, regulating the practice of law and the manner of licensing attorneys-at-law, who have been admitted to practice in other states and territories and in the District of Columbia, to practice in this state.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

SEC.
4700. Any person authorized as attorney or counsellor at law in any state or territory of the U. S. or District of Columbia, may practice as a visiting attorney in this state upon producing satisfactory evidence of authority, but not as a resident attorney; cit-

SEC.
izen of another state, territory or district desiring to practice as resident attorney to submit to examination and be licensed same as person licensed under laws of this state; not affecting present status of attorneys.

Be it enacted by the Legislature of West Virginia:

That section four thousand seven hundred of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 4700. Any person duly authorized and practicing as
2 counsellor or attorney at law in any state or territory of the
3 United States, or in the District of Columbia, may practice as
4 such in the courts of this state, as a visiting attorney upon pro-
5 ducing before the courts in which he intends to practice satis-
6 factory evidence of his being so authorized. But this section shall
7 not be construed as allowing such counsellor or attorney to
8 practice law in this state, as a resident counsellor or attorney on a
9 license granted by another state, or territory, or by the District
10 of Columbia. A counsellor or attorney at law licensed to prac-
11 tice as such under the laws of another state, territory or the
12 District of Columbia, who shall desire to practice law in this
13 state as a resident counsellor or attorney therein shall, before
14 attempting to practice law in this state, after he becomes a resi-
15 dent thereof, submit to the same examination and be licensed
16 and admitted under the same rules and regulations, including
17 proof of good character, as are now required of persons seeking
18 to be licensed under the laws of this state. But nothing in this
19 act contained shall be construed as affecting the rights or status of
20 lawyers admitted to practice in this state, at or before the time
21 this act takes effect.

CHAPTER 83.

(House Bill No. G.)

AN ACT to fix the salaries of sheriffs, clerks of the county court, clerks of the circuit court (or clerks of the circuit and criminal or intermediate courts), and prosecuting attorneys, and to provide for the employment and compensation of their deputies, assistants

and other employees; to require the collection and payment of all fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites into the county treasury; to require retiring sheriffs to make settlement as treasurer at the end of their terms of office; to provide penalties for violations hereof.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.

1. All fees, costs, percentages, penalties, compensation, income and perquisites by law now or hereafter collected for services by clerk county court, sheriff, clerk circuit, criminal or intermediate court and prosecuting attorney to be received for sole use of the treasury of county and held as public moneys belonging to county fund.
2. Duty of clerks, sheriff and prosecuting attorney to have charge and collection of all fees and perquisites allowed by law, and method of collection.
3. Each officer required to keep full and regular accounts, subject to examination by proper tribunal; books of account to be a part of records; system to be as prescribed by inspector of public offices.
4. Officers named to make payments into county treasury at end of each month all moneys collected, to be credited to county fund.
5. No officer authorized to make reduction of fees of any kind; default or failure to make report a misdemeanor, penalty; failure to pay over or to appropriate for his own use, embezzlement, penalty; same penalty if offense by assistant or deputy.
6. Poor persons exempted from payment of fees under certain conditions; "poor person" defined for purposes of this act; penalty for false swearing as to this section.
7. When action at law, suit in equity or other proceeding instituted clerk to require from plaintiff reasonable deposit for services; directions as to custody of deposit and how paid over; requirement of defendant to any action as to deposit; after demand for deposit no service required until demand is complied with.
8. On or before December 1, 1920, clerks county court and clerks circuit court, and on or before December 1, 1916, sheriffs to file with county court detailed statement of amount necessary to be expended for deputies, assistants and all other employees for the calendar year; same requirement for each year thereafter; failure of this requirement a misde-

SEC.

- meanor, penalty; action of county court upon filing of statement and order to be entered; action as to clerk of circuit court to be by concurrent action of county court and judge or judges of circuit and criminal or intermediate courts; duty of officers named as to employment and compensation of deputies and other employees and limit; compensation of all officers to be paid monthly; duty of county court as to payments of salaries, but salaries of officers named not to be paid unless itemized report heretofore required has been filed and deposit made of funds collected; officers have authority to discharge subordinates and action to be reported to clerk county court; all statements under this section to be verified by affidavit; what to contain.
9. Form of receipt for person receiving order upon county treasury for services; same to be filed by clerk.
 10. Order issued without complying with sections eight and nine illegal and of no effect, and clerk liable for payment.
 11. No officer to receive any fee as reward for appointing deputy or other employee; county court not to receive any part of compensation of any county officer or deputy; penalty for violation.
 12. Annual compensation for sheriffs in each county; exceptions for year 1917; annual compensation for clerks of county courts; annual compensation for clerks of the circuit courts, or clerks of the circuit and criminal or intermediate courts; annual compensation of prosecuting attorney; annual compensation of clerks of the courts in counties where both are held by the same person; salaries to be in lieu of all perquisites of whatever kind.
 13. County court to allow sheriff compensation provided by law for feeding prisoners, and necessary expenses in arrest and pursuit of persons accused and convicted of crime, and transportation to any state institution; pay-

<p>Sec.</p> <p>ment of fidelity bond of sheriff to be by county; sheriff required to submit account under oath before same is allowed.</p> <p>14. County court required to provide suitable office for sheriff, clerks and prosecuting attorney and furnish the same.</p> <p>15. No fees earned heretofore required to be paid over.</p> <p>16. Sheriff is <i>ex-officio</i> county treasurer of county and of districts, school districts and independent school districts; duty of sheriff as to list of uncollected taxes, when made up and credit therefor; to be turned over to successor for delinquent list; retiring sheriff to turn over all public moneys January first.</p> <p>17. No compensation authorized for assistants to prosecuting attorneys except where authorized by law; prosecuting attorney to be</p>	<p>Sec.</p> <p>reimbursed for traveling expenses, when properly verified.</p> <p>18. Authority of chief inspector to enforce provisions of this act; all books, etc., for this act to be prescribed by chief inspector; false swearing, and penalty therefor.</p> <p>19. Every county officer named herein required to file December first of each year, with state tax commissioner itemized sworn statement for twelve months preceding; failure a misdemeanor, penalty.</p> <p>20. All acts or parts of acts authorizing allowance of any kind to officers named herein repealed.</p> <p>21. Act effective as to sheriff and prosecuting attorney January 1, 1917, as to clerks January 1, 1921; exceptions; section sixteen to take effect July 1, 1917. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. All fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which by law may now or hereafter be collected or received as compensation for services by any clerk of the county court, sheriff, clerk of the circuit court (or clerk of the circuit and criminal or intermediate court) and prosecuting attorney shall be received and collected by such officer, for the sole use of the treasury of the county in which he is located, and shall be held as public moneys belonging to the county fund, and shall be accounted for and paid over as such in the manner hereinafter provided.

Sec. 2. Each clerk of the county court, sheriff, clerk of the circuit court (or clerk of the circuit and criminal or intermediate courts) and prosecuting attorney shall have charge of and collect the fees, costs, percentages, penalties, commissions, allowances, compensation, income and all other perquisites of whatever kind which are now or may hereafter be allowed by law. Whenever there remain due the county and unpaid, for a period of more than six months, any fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of any kind, it shall be the duty of the county court, or other tribunal in lieu thereof, by the prosecuting attorney, to proceed to the collection thereof in the circuit court, upon motion, whereof the defendant and the sureties on his bond shall have at least twenty days' notice, or in any other manner provided for by law, and the amount so

15 collected shall be paid into the county treasury to the credit of the
16 general county fund.

Sec. 3. Each of the officers herein named shall keep full and
2 regular accounts, subject at all times to the examination of the
3 county court, or tribunal in lieu thereof, the state tax commissioner
4 or any individual, of all sums charged or collected by said officers
5 on account of official fees, costs, percentages, penalties, commissions,
6 allowances, compensation, income and all other perquisites of what-
7 ever kind, and said book of accounts shall be a part of the records
8 of the respective offices herein named belonging to the county, and
9 shall be transmitted by each county officer to his successor in office.
10 The system of books and accounts to be kept by the officers herein
11 named shall be prescribed by the state tax commissioner, *ex-*
12 *officio* inspector and supervisor of public offices under the pro-
13 visions of chapter thirty-three, acts one thousand nine hundred
14 and eight.

Sec. 4. Each of the officers herein named shall at the end of
2 each month pay into the county treasury all fees, costs, percentages,
3 penalties, commissions, compensation, income and all other per-
4 quisites of whatever kind collected by his office during said month,
5 which moneys shall be credited to the general county fund.

Sec. 5. None of the officers named in this act shall be au-
2 thorized to make any reduction, abatement or remission of any of
3 the fees, costs, percentages, penalties, commissions, allowances, com-
4 pensation, income or any other perquisites of whatever kind that
5 it may be their duty to charge and collect. If any officer named in
6 this act shall wilfully make default in the payment of fees, costs,
7 percentages, penalties, commissions, allowances, compensation, in-
8 come or any other perquisites of whatever kind received and col-
9 lected by him, for a period longer than ten days after the end of
10 the month during which the same were collected, he shall be guilty
11 of a misdemeanor, and upon conviction thereof shall be fined not
12 more than five hundred dollars, and in the discretion of the court
13 may be imprisoned not more than thirty days, and may be removed
14 from his office, and he and the sureties on his bond shall be liable
15 for any and all such moneys collected. If any officer named in this
16 act shall fail to pay such fees, costs, percentages, penalties, commis-
17 sions, allowances, compensation, income or any other perquisites
18 of whatever kind, to the treasurer of his county, and shall appro-

19 priate the same for his own use, or shall fail to pay over such fees,
20 costs, percentages, penalties, commissions, allowances, compensa-
21 tion, income or any other perquisites of whatever kind, within
22 thirty days after demand has been made upon him by the county
23 court of his county, or tribunal in lieu thereof, or prosecuting at-
24 torney, he shall be guilty of embezzlement, and upon conviction
25 thereof shall be confined in the penitentiary not less than one nor
26 more than five years, and shall forfeit his office; and if any deputy
27 or assistant of any of the officers named in this act shall appropri-
28 ate to his own use any fees, costs, percentages, penalties, commis-
29 sions, allowances, compensation, income or any other perquisites
30 of whatever kind, or fail to pay the same within thirty days
31 after demand has been made upon him by the county court,
32 or tribunal created in lieu thereof, or prosecuting attorney of his
33 county, he shall be guilty of embezzlement and upon conviction be
34 confined in the penitentiary not less than one nor more than five
35 years.

Sec. 6. A poor person may be allowed by a court to
2 sue or defend a suit therein without paying fees, or costs,
3 whereupon he shall have from all officers all needful
4 services and process and also the assistance of witnesses,
5 without any fees to them therefor, except what may be
6 included in the costs recoverable from the opposite party.
7 A poor person within the meaning of this section, shall be one
8 who shall make and file in the court or with the officer whose ser-
9 vices may be demanded or required, an affidavit stating that he is
10 pecuniarily unable to pay fees or costs, or counsel fees, and upon
11 the filing of such affidavit in court or with any officer named in
12 this act, then such officer shall perform any services required by
13 law to be performed by him, as though the legal fees for such ser-
14 vices had been paid. If any person shall swear falsely in such affi-
15 davit, and shall represent himself to be a poor person within the
16 meaning of this act, when in fact he is pecuniarily able to pay the
17 fees fixed by law, or to pay reasonable counsel fees, in any suit or
18 action wherein he is a party, he shall be guilty of false swearing,
19 and upon conviction thereof he shall be confined in jail not more
20 than one year, and fined not more than five hundred dollars, and
21 shall be ineligible for any position of honor or trust of public ser-
22 vice.

Sec. 7. When any action at law, suit in equity or other proceeding is instituted, the clerk of the court wherein the same is instituted shall require from the plaintiff reasonable deposit of money for the services to be performed by himself, or any other officer named in this act; *provided, however*, that such clerk shall not be required to pay any part of such deposit to any officer (other than himself) for any services to be performed, unless he is directed so to do by the plaintiff at the time such deposit is made. The action, cause or proceeding wherein any deposit is made shall be credited therewith, and there shall be charged against such deposit all payments made by the clerk to any other such officer for services performed by the latter; and at the end of the month said clerk shall be required to pay into the county treasury such part of the deposit as has been earned by services performed by him or by any other officer whose services he has been directed by the plaintiff to pay. Upon the appearance of any defendant to any action at law, other than criminal cases, suit in equity or other proceeding, such defendant shall likewise be required to deposit with the clerk any reasonable amount, and the same shall be applied and accounted for in like manner as a deposit made by the plaintiff or petitioner. After demand by the clerk for deposit provided for in this section he shall not be required to perform any service until the demand is complied with, unless affidavit is filed as provided for by section six of this act.

Sec. 8. On or before December first, one thousand nine hundred and twenty, each person elected to the office of clerk of the county court, clerk of the circuit court (or clerk of the criminal or intermediate courts); and on or before December first, one thousand nine hundred and sixteen, each person elected to the office of sheriff, shall file with the county court, or tribunal in lieu thereof, a detailed statement of the probable amount necessary to be expended for deputies, assistants and all other employees of their respective offices for the following calendar year; and every year thereafter, each of said officers shall, on or before December first, file a like statement, showing in detail the requirements of his office for the services of deputies, assistants and all other employees for the year beginning January first thereafter. If any person or officer shall fail to file the statement hereby required, and at the time required, he shall be guilty of a misdemeanor and upon conviction

15 thereof shall be punishable by a fine of not less than fifty nor more
16 than one hundred dollars, or imprisonment not less than thirty
17 days nor more than six months, or both, at the discretion of the
18 court. The county court, or tribunal in lieu thereof, shall, not
19 later than fifteen days after the filing of said statement, take up
20 and consider the same and shall determine and fix an aggregate
21 sum to be expended for the period covered by said statement for
22 the compensation of all such deputies, assistants and other em-
23 ployees of said respective officers, which shall be reasonable and
24 proper, regard being had to the amount of labor necessary to be
25 performed by those to receive the same, and enter upon its court
26 order record a finding of its action. The amount to be expended
26-a for the office of clerk of the circuit court shall be fixed by the
26-b concurrent jurisdiction of the county court or tribunal in lieu
26-c thereof, and the judge or judges of the circuit court and criminal
26-d or intermediate courts.

27 The officers herein named shall appoint and employ such depu-
28 ties, assistants and other employees in the manner provided by
29 law, as may be necessary for their respective offices and fix their
30 compensation, and shall file with the clerk of the county court or
31 other tribunal in lieu thereof, a statement in writing showing such
32 action and setting forth the name of each deputy, assistant and
33 employee, the time for which employed and the monthly compensa-
34 tion; but the compensation for all deputies, assistants
35 and other employees shall not exceed in the aggregate for
36 each office, the amount so fixed for that office as here-
37 inbefore provided. The compensation of the sheriff, clerk of the
38 county court, clerk of the circuit court (or clerk of the
39 circuit and criminal or intermediate courts), and prosecuting
40 attorney shall be paid monthly to those entitled to the same
41 out of the county fund in the manner provided by law; and the
42 compensation of their deputies, assistants and other employees,
43 duly appointed or employed, after being so fixed, shall be paid
44 monthly to those entitled to the same out of the county fund. The
45 county court (or other tribunal in lieu thereof), after filing of the
46 statement provided for by this section, showing the names of the
47 deputies, assistants and other employees, the time for which em-
48 ployed and their compensation may, by order of record, authorize
49 and direct orders or drafts on the treasurer, payable out of the gen-
50 eral county fund, to be drawn in favor of the officer, his deputy,

51 assistant, or employee named in such statement, in payment of
 52 the monthly salary to which such officer is entitled, and in payment
 53 of the monthly compensation to which his deputy, assistant or em-
 54 ployee is entitled, and when such order has been entered of record,
 55 the president and clerk of the county court (or other tribunal in
 56 lieu thereof) shall be authorized to sign such orders and drafts for
 57 the purposes aforesaid; *provided, however*, that no orders shall be
 58 issued to the officer or deputy, assistant, or other employee until
 59 the officer has filed a detailed monthly statement with the county
 60 treasurer and has filed with the county clerk a duplicate copy there-
 61 of, together with a receipt from the county treasurer showing that
 62 he has paid into the county treasury all fees, costs, percentages,
 63 commissions, allowances, compensation, income and all other per-
 64 quisites of whatever kind that have been collected during said
 65 month, as shown by said statement. The officers herein
 66 named shall have authority to discharge any deputy, assistant or
 67 other employee, by filing with the clerk of the county court or
 68 tribunal in lieu thereof, a statement in writing showing such action.
 69 All statements required to be filed by this section, shall be verified
 70 by the affidavit of the person making them, and among other things
 71 contained in the affidavit shall be the statement that the amounts
 72 shown therein were the amounts actually paid or intended to be
 73 paid to the deputies, assistants, or other employees; that no re-
 74 bates, agreement, understanding and expectation that any part
 75 thereof shall be repaid to him, and that nothing has heretofore
 76 been paid or promised him on that account, and that if he shall
 77 thereafter receive any money, or thing of value, on account thereof,
 78 he will account for and pay the same to the county. Until the
 79 statements required by this section have been filed, no allowances
 80 or payments shall be made to any officer for deputies, assistants
 81 or other employees.

Sec. 9. Before the clerk of the county court (or tribunal in
 2 lieu thereof) delivers an order upon the county treasury to any
 3 deputy, assistant or any other employee for his compensation,
 4 such person shall sign a receipt which shall be in the following
 5 form:

6 "No., 19...
 7 "Received of, clerk of the
 8 county court, (or tribunal in lieu thereof), of.....

9 county, draft payable to my order, drawn on the treasurer of said
 10 county fordollars (\$.....)
 11 in full for all services as.....
 12 (here state service)
 13 forof said county
 14 (here insert name of office)
 15 ending, 19....
 16 (month and day)

17 "I hereby certify that I have rendered the service as herein
 18 stated, and that I have received the full sum set forth in the above
 19 receipt for my own use and benefit, and that I have not paid, de-
 20 posited or assigned, or contracted to pay, deposit or assign any
 21 part of such compensation for the use of any other person, or in
 22 any way, directly or indirectly, paid or given, or contracted to
 23 pay or give, any reward or compensation for such position or the
 24 emoluments thereof."

25 (Signed)

26 All of said receipts shall be preserved and filed by the clerk
 27 of the county court, or tribunal in lieu thereof.

Sec. 10. If any clerk shall issue and deliver an order or
 2 draft to any sheriff, clerk of the county court, clerk of the circuit
 3 court (or clerk of the circuit and criminal or intermediate courts),
 4 prosecuting attorney, or any of their deputies, assistants, or em-
 5 ployees in payment of his compensation, without the requirements
 6 of sections eight and nine hereof being complied with, the order so
 7 issued and delivered shall be illegal, invalid and of no effect, and
 8 such clerk and the sureties on his bond shall be liable to the county
 9 court of his county, or tribunal in lieu thereof, for the payment
 10 thereof.

Sec. 11. No officer shall receive or be paid, directly or indi-
 2 rectly, any part of the compensation of any deputy, assistant, or
 3 other employee, or any fee or reward for appointing him to such
 4 position. No member of a county court, or tribunal in lieu there-
 5 of, shall receive or be paid, directly or indirectly, any part of the
 7 compensation of any county officer, named in this act, his deputy,
 7 assistant or other employee. Any violation of the provisions of
 8 this section shall be punishable, upon conviction, by a fine of not
 9 exceeding five hundred dollars or imprisonment not exceeding one
 10 year, or both, and by forfeiture of his office.

Sec. 12. The annual compensation of the sheriff in each county shall be as follows:

3	Barbour County	\$2,500
4	Berkeley County	\$3,000
5	Boone County	\$2,000
6	Braxton County	\$2,800
7	Brooke County	\$2,000
8	Cabell County	\$4,000
9	Calhoun County	\$1,600
10	Clay County	\$1,700
11	Doddridge County	\$2,400
12	Fayette County	\$4,000
13	Gilmer County	\$2,200
14	Grant County	\$1,800
15	Greenbrier County	\$2,700
16	Hampshire County	\$2,000
17	Hancock County	\$2,000
18	Hardy County	\$1,600
19	Harrison County	\$4,500
20	Jackson County	\$2,500
20-a	Jefferson County	\$2,500
21	Kanawha County	\$5,000
22	Lewis County	\$3,000
23	Lincoln County	\$2,500
24	Logan County	\$3,500
25	Marion County	\$4,500
26	Marshall County	\$3,500
27	Mason County	\$2,500
28	Mercer County	\$3,800
29	Mineral County	\$2,200
30	Mingo County	\$3,500
31	Monongalia County	\$3,600
32	Monroe County	\$1,800
32-a	McDowell County	\$4,500
33	Morgan County	\$1,500
34	Nicholas County	\$2,500
35	Ohio County	\$4,500
36	Pendleton County	\$1,600
37	Pleasants County	\$1,800
38	Pocahontas County	\$2,750
39	Preston County	\$3,000
40	Putnam County	\$1,800
41	Raleigh County	\$3,000
42	Randolph County	\$3,000
43	Ritchie County	\$2,750
44	Roane County	\$2,000

45 Summers County	\$2,000
46 Taylor County	\$2,000
47 Tucker County	\$2,200
48 Tyler County	\$2,400
49 Upshur County	\$2,500
50 Wayne County	\$2,400
51 Webster County	\$2,200
52 Wetzel County	\$3,000
53 Wirt County	\$1,650
54 Wood County	\$4,000
55 Wyoming County	\$2,100

56 Except for the year one thousand nine hundred and seventeen,
 57 the compensation of sheriff shall be three-fourths of the amount
 58 fixed by this section, one-fourth to be paid during the first six
 59 months, and the remaining two-fourths during the last six months,
 60 the retiring sheriff being required to act as treasurer until July first,
 61 one thousand nine hundred and seventeen, and perform all the duties
 62 now required by law and receive as compensation therefor the com-
 63 mission provided by law.

63-a. The annual compensation of the clerk of the County Court in
 64 each county shall be as follows:

65 Barbour County	\$1,800
66 Berkeley County	\$2,000
67 Boone County	\$1,800
68 Braxton County	\$2,200
69 Brooke County	\$1,900
70 Cabell County	\$4,000
71 Calhoun County	\$1,200
72 Clay County	\$1,500
73 Doddridge County	\$1,800
74 Fayette County	\$3,000
75 Gilmer County	\$1,800
76 Greenbrier County	\$2,500
77 Hampshire County	\$1,200
78 Hancock County	\$1,800
79 Harrison County	\$4,000
80 Jackson County	\$2,000
81 Jefferson County	\$2,000
82 Kanawha County	\$4,500
83 Lewis County	\$2,500
84 Lincoln County	\$2,000
85 Logan County	\$2,500
86 Marion County	\$4,000
87 Marshall County	\$2,750
88 Mason County	\$2,500
89 McDowell County	\$4,000

90 Mercer County	\$2,700
91 Mingo County	\$3,000
92 Monongalia County	\$2,750
93 Monroe County	\$1,500
94 Morgan County	\$1,500
95 Nicholas County	\$2,250
96 Ohio County	\$4,000
97 Pleasants County	\$1,800
98 Pocahontas County	\$1,800
99 Preston County	\$2,300
100 Putnam County	\$1,800
101 Raleigh County	\$2,400
102 Randolph County	\$2,500
103 Ritchie County	\$2,500
104 Roane County	\$2,000
105 Summers County	\$1,600
106 Taylor County	\$2,000
107 Tucker County	\$1,900
108 Tyler County	\$2,000
109 Upshur County	\$1,800
110 Wayne County	\$2,000
111 Webster County	\$2,000
112 Wetzel County	\$2,200
113 Wirt County	\$1,200
114 Wood County	\$3,000
115 Wyoming County	\$1,500
116 The annual compensation of the clerk of the circuit court	
117 (or clerk of the circuit and criminal or intermediate	
118 courts), in each county shall be as follows:	
119 Barbour County	\$1,650
120 Berkeley County	\$1,500
121 Boone County	\$1,500
122 Braxton County	\$2,000
123 Brooke County	\$1,200
124 Cabell County	\$3,000
125 Calhoun County	\$ 800
126 Clay County	\$1,200
127 Doddridge County	\$1,500
128 Fayette County	\$3,000
129 Gilmer County	\$1,500
130 Greenbrier County	\$1,600
131 Hampshire County	\$1,000
132 Hancock County	\$1,200
133 Harrison County	\$4,000
133-a Jackson County	\$1,500
133-b Jefferson County	\$1,400

133-c Kanawha County	\$4,500
133-d Lewis County	\$2,200
133-e Lincoln County	\$1,500
133-f Logan County	\$2,000
133-g Marion County	\$4,000
133-h Marshall County	\$2,250
133-i Mason County	\$1,800
133-j McDowell County	\$4,000
134 Mercer County	\$2,750
135 Mingo County	\$3,000
136 Monongalia County	\$2,250
137 Monroe County	\$1,200
138 Morgan County	\$ 800
139 Nicholas County	\$2,000
140 Ohio County	\$3,500
141 Pleasants County	\$1,350
142 Pocahontas County	\$1,500
143 Preston County	\$2,000
144 Putnam County	\$1,400
145 Raleigh County	\$2,000
146 Randolph County	\$2,250
147-148 Ritchie County	\$1,800
149 Roane County	\$1,700
150 Summers County	\$1,500
151 Taylor County	\$1,800
152 Tucker County	\$1,600
153 Tyler County	\$1,800
154 Upshur County	\$1,800
155 Wayne County	\$1,800
156 Webster County	\$1,800
157 Wetzel County	\$2,000
158 Wirt County	\$ 900
159 Wood County	\$3,000
160 Wyoming County	\$1,500
161 The annual compensation of the prosecuting attorney in	
162 each county shall be as follows:	
163 Barbour County	\$1,000
164 Berkeley County	\$1,200
165 Boone County	\$1,000
166 Braxton County	\$1,200
167 Brooke County	\$1,200
168 Cabell County	\$3,000
169 Calhoun County	\$ 800
170 Clay County	\$1,000
171 Doddridge County	\$1,000
172 Fayette County	\$3,000

173 Gilmer County	\$1,000
174 Grant County	\$ 600
175 Greenbrier County	\$1,400
176 Hampshire County	\$ 800
177 Hancock County	\$1,200
178-179 Hardy County	\$ 600
180 Harrison County	\$3,500
181 Jackson County	\$1,000
182 Jefferson County	\$1,200
183 Kanawha County	\$4,800
184 Lewis County	\$1,200
185 Lincoln County	\$1,500
186 Logan County	\$1,800
187 Marion County	\$3,500
188 Marshall County	\$1,800
189 Mason County	\$2,000
190 McDowell County	\$3,500
191 Mercer County	\$2,500
192 Mineral County	\$1,200
193 Mingo County	\$2,750
194 Monongalia County	\$2,250
195 Monroe County	\$ 600
196 Morgan County	\$ 800
197 Nicholas County	\$2,000
198 Ohio County	\$3,500
199 Pendleton County	\$ 600
200 Pleasants County	\$ 600
201 Pocahontas County	\$1,200
202 Preston County	\$1,800
203 Putnam County	\$1,000
204 Raleigh County	\$2,400
205 Randolph County	\$1,800
206 Ritchie County	\$ 750
207 Roane County	\$1,200
208 Summers County	\$1,400
209 Taylor County	\$1,200
210 Tucker County	\$1,200
211 Tyler County	\$1,200
212 Upshur County	\$1,200
213 Wayne County	\$1,500
214 Webster County	\$1,200
215 Wetzel County	\$1,500
216 Wirt County	\$ 500
217 Wood County	\$2,000
218 Wyoming County	\$1,200
219 The annual compensation of the clerks of the	

220 courts in the counties where both the office of clerk
 221 of the county court and clerk of the circuit court are
 222 held by the same person, shall be as follows:

223 Hardy County	\$1,800
224 Grant County	\$1,900
225 Mineral County	\$2,600
226 Pendleton County	\$1,900

227 And said salaries shall be in lieu of all fees, costs, penalties,
 228 percentages, allowances, and all other perquisites, of whatever
 229 kind, which any of the officers herein named may now or hereafter
 230 collect or receive, except as hereinafter provided.

Sec. 13. The county court, or tribunal in lieu thereof, of
 2 every county shall, in addition to the compensation and salary here-
 3 in provided, allow to the sheriff for keeping and feeding prisoners,
 4 as provided by law, only the exact, actual and necessary expenses
 4-a thereof but in no event shall such expenses exceed
 5 fifty cents per day for each prisoner, and shall allow the
 6 actual and necessary expenses incurred or expended in
 7 arresting, pursuing or transporting persons accused or con-
 8 victed of crime and offenses and in conveying or transferring
 9 to or from any state institution to which any person may be
 10 committed from his county where, by law, the sheriff is authoriz-
 11 ed to convey or transfer such persons. Whenever a sheriff gives
 12 bond with a fidelity and indemnity company as surety, the county
 13 court shall pay the premium thereon, provided said premium shall
 14 not exceed one dollar and fifty-cents per thousand dollars. Ev-
 15 ery sheriff shall file, under oath, monthly, a full, accurate and
 16 itemized account of all his actual and necessary expenses men-
 17 tioned in this section before the same shall be allowed by the
 18 county court.

Sec. 14. The county court, or tribunal in lieu thereof, of
 2 every county, at the expense of the county, shall provide at the
 3 county seat thereof suitable offices for the sheriff, clerk of the
 4 county court, clerk of the circuit court, (or clerk of the circuit
 5 and criminal or intermediate courts), and prosecuting attorney,
 6 and shall keep the same in adequate repair and supplied with the
 7 necessary furniture, record books, stationery, postage, fuel, light,
 8 telephone and such other things as shall be necessary.

Sec. 15. Nothing in this act shall be construed to require
 2 any county officer to pay into the county treasury any fees earned

3 prior to the time this act goes into effect. Fees are held to be
4 earned at the time the service is rendered and not at the time the
5 matter is finally adjudicated.

Sec. 16. The sheriff shall be *ex-officio* county treasurer of
2 his county and the several districts, school districts and independent
3 school districts thereof, and the word or designation "sheriff"
4 whenever used in this act, shall be held to include the sheriff as
5 *ex-officio* treasurer of the county and the several districts, school
6 districts and independent school districts thereof. Between the
7 fifteenth and thirty-first days of December of the last year of the
8 retiring sheriff's regular term of office, said sheriff shall make up
9 a list of all uncollected taxes, shall make a complete settlement
10 with the county court and several boards of education in the man-
11 ner as provided for by law for settlements required at the end of
12 the fiscal year. The sheriff shall receive credit in said settlement
13 for the amount of taxes remaining unpaid, and said list of taxes
14 remaining unpaid shall be turned over to his successor in office
15 January first, whose duty it shall be to collect said taxes and make
16 up a delinquent list as provided and required by law; also to make
17 settlement at the end of the fiscal year with the county court, or
18 tribunal in lieu thereof, and the several boards of education in
19 the manner as provided for by law. The retiring sheriff shall, on
20 January first, turn over to his successor all public moneys.

Sec. 17. Nothing in this act shall authorize, or be construed
2 to authorize any county court, or tribunal in lieu thereof, to com-
3 pensate out of the public funds, assistants or other help to prose-
4 cuting attorneys, except in counties wherein the prosecuting at-
5 torneys are authorized by law to have assistants appointed and
6 their compensation paid out of the county treasury, within the
7 limits fixed by law. In addition to his salary, the prosecuting at-
8 torney shall be reimbursed for actual traveling expenses within
9 his county, in the performance of his official duties, and when out
10 of the state for the purpose of taking depositions in cases in which
11 other counsel is not employed by the court under section
12 one, chapter one hundred and fifty-nine, code of one thousand nine
13 hundred and six; which account shall be duly itemized and veri-
14 fied and shall, if found correct, be allowed by the county court, or
15 tribunal in lieu thereof, and be paid monthly out of the general
16 county fund.

Sec. 18. If, upon any examination made under authority of
2 chapter thirty-three, acts one thousand nine hundred and eight,
3 it is disclosed that the provisions of this act are not being complied
4 with, the chief inspector shall have authority to institute or cause to
5 be instituted the necessary proceedings to enforce the provisions
5-a of this act.

6 All books, records, blanks, forms and forms for verifications,
7 required to carry out the provisions of this act, shall be prescribed
8 by the chief inspector. If any person shall swear falsely in any
9 verification required under this act, he shall be guilty of false
10 swearing, and upon conviction thereof he shall be punished by
11 a fine of not exceeding five hundred dollars or imprisonment not
12 exceeding one year, or both, and by forfeiture of his office.

Sec. 19. Every county officer, except prosecuting attorney,
2 named in this act, shall, on December first, one thousand nine
3 hundred and fifteen, and annually thereafter, file with the county
4 court, or tribunal in lieu thereof, and with the state tax commis-
5 sioner, an itemized sworn statement of the amount expended by
6 him, including compensation, emoluments and other outlay of
7 money or thing of value for the twelve months next preceding the
8 time of filing said report, for the services of the several deputies,
8-a assistants and all other employees.

9 If any person or officer shall fail to file the statements hereby
10 required, and at the time required, he shall be deemed guilty of
11 a misdemeanor and upon conviction thereof shall be punishable by
12 a fine of not less than fifty nor more than one hundred dollars, or
13 imprisoned not less than thirty days or more than six months,
14 or both at the discretion of the court.

Sec. 20. All acts or parts of acts heretofore authorizing al-
2 lowances, fees, commissions, or any other compensation to be paid
3 to the sheriff, clerk of the county court, clerk of the circuit court
4 (or clerk of the circuit and criminal or intermediate courts), or
5 prosecuting attorney, out of the moneys belonging to the public.
6 (including state, county, road, district, school district, indepen-
7 dent school district and municipalities) are hereby repealed. No
8 county officer named herein shall receive for his services any com-
9 pensation of any kind whatsoever, or from any person whatsoever,
10 except as specifically provided by this act.

Sec. 21. This act (except sections eight, sixteen and nine-

2 teen) in so far as the act relates to the office of sheriff and pro-
 3 secuting attorney shall take effect January first, one thousand
 4 nine hundred and seventeen. This act (except sections eight,
 5 sixteen, and nineteen) in so far as the act relates to the office
 6 of clerk of the county court, clerk of the circuit court (or clerk
 7 of the circuit and criminal or intermediate courts) shall take
 8 effect January first, one thousand nine hundred and twenty-one.
 9 Sections eight and nineteen shall take effect ninety days from
 10 passage. Section sixteen shall take effect July first, one thou-
 11 sand nine hundred and seventeen.

12 All acts and parts of acts inconsistent herewith are hereby
 13 repealed.

CHAPTER 84.

(Senate Bill No. 14.)

AN ACT authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto.

[Passed February 25, 1915. In effect July 1, 1916. Approved by the Governor March 4, 1915.]

Sec.

1. County court to designate by order bank or banks, or trust companies situated in county, as depository or depositories of public moneys; provision in case of no bank or where banks fail or refuse to comply with provisions of this act, limit of deposits and eligibility of depository.
2. Not later than July 1, 1916, and every two years, every sheriff to come in writing one or more banks or trust companies within his county as depositories and court shall designate same; in case of failure to comply with provisions of this act county court to designate other depositories; in case of no banks or failure to comply with provisions, other depositories to be named; risk and expense of deposits outside county seat to be borne by institution in which deposits are made.
3. In case of failure of sheriff county court to name depositories in the county, if eligible; county courts may be required by mandamus to comply upon petition of any taxpayer.
4. Bond required as condition precedent for establishment of de-

SEC.

- pository under this act; amount and manner of approving security; and requirement; action on bond to lie at instance of county court or sheriff for recovery.
5. Bond to be first submitted to prosecuting attorney as to legal forms, and so endorsed, and failure to conform to provisions of section seven is forfeiture of right as depository.
 6. Banks, etc., to be depositories upon acceptance by county court of bond or hypothecation of bonds as provided herein for two years and until bond of successor is accepted, but additional security may be required, and in case of failure court may remove funds; removal order to be entered of record; in event depository cease to do business another to be designated, but pending designation treasurer to deposit in some reliable bank; temporary security required.
 7. County court in lieu of bond may accept as security interest bearing securities of the U. S., state, county, district or municipal corporation under lawful conditions, or as partial security and require bond for remainder; hy-

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| <p>Sec. pothecaction to be by regular legal transfer as collateral and released only by order of record; safe keeping of hypothecated securities required.</p> <p>8. Treasurer's duty when court has designated depository, and dally deposits to be made thereafter, and disbursed only on order of the court or board of education; in case cash in hands of treasurer not sufficient for current demands, withdrawals to be made by check, countersigned by clerk; moneys due treasurer to be drawn on order of county court; all moneys for the state or municipality to be disbursed by check in favor of the auditor or treasurer.</p> <p>9. Deposits to bear three per cent. interest on dally balances, and placed to credit of the county and clerk to be notified and amount credited to county fund.</p> <p>10. First of each month depository to furnish clerk county court statement of all deposits.</p> <p>11. Treasurer to keep account with de-</p> | <p>SEC. pository, and depository upon payment of any check to cancel and show date of payment; orders or drafts cancelled to go to sheriff to be preserved for his settlement.</p> <p>12. "Public moneys" defined for purposes of this act, and "county court" to include tribunals in lieu thereof.</p> <p>13. Failure of sheriff to comply with provisions of this act a misdemeanor, penalty, and complying is relieved of personal liability.</p> <p>14. Unlawful for sheriff or member of court to receive gift or remuneration for action in naming depository, and unlawful if a candidate, to demand or receive any gift from any trust company or bank; penalty for violation.</p> <p>15. Sheriff is collector and disbursor of school money, and additional bond is required; amount of bond; inconsistent acts repealed.</p> <p>16. This act not effective until July 1, 1916.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of each county, by order of record, shall designate, in the manner hereinafter provided, a bank, or banks, or trust companies situated in the county and duly incorporated under the laws of this state, or organized under the laws of the United States, as a depository or depositories of public moneys; *provided*, that in any county where no such bank or trust company exists, or where such bank or banks fail, refuse or neglect to comply with all the provisions and conditions of this act, the county court shall designate any other convenient bank, or banks, or trust companies incorporated under the laws of the state, or organized under the laws of the United States, located and doing business in the state; and, *provided, further*, that no such depository shall have on deposit at any time more than one hundred thousand dollars of public moneys. A depository to be eligible for designation hereunder must be such bank or trust company as is described in this section.

Sec. 2. Not later than July one, one thousand nine hundred and sixteen, and every two years thereafter the sheriff of every county shall file with the county court, or tribunal in lieu thereof, a statement in writing naming one or more banks or trust companies within his county in which he desires to deposit public funds, and thereupon and within twenty days thereafter the county court shall designate the same county depository or depositories; *pro-*

8 *vided*, said bank, banks or trust companies, comply with all the
9 provisions and requirements of this act. If the banks or trust
10 companies named in said statement filed by the sheriff do not
11 comply with the requirements and provisions of this act, then the
12 county court shall designate any other bank, banks or trust
14 companies within the county as county depository or depositories,
14 when they comply with all the requirements and provisions of this
15 act.

16 If there are no banks or trust companies within the county
17 eligible for county depository or depositories, or if eligible to be
18 designated as such, either decline to be designated, or if designated,
-9 fail, refuse or neglect to comply with the requirements and pro-
20 visions hereof, then the sheriff shall file with the county court a
21-22 statement naming one or more banks or trust companies conven-
23 ient to his county within the state in which he desires to deposit
24 the public funds; thereupon, the county court shall designate the
25 same county depository or depositories; *provided*, said bank, banks,
26 or trust companies comply with all the requirements and provis-
27 ions of this act. If the banks or trust companies named in said
28 statement filed by the sheriff do not comply with the requirements
29 and provisions of this act, then the county court shall designate
30 any other bank, banks or trust companies convenient to the county,
31 and within the state, as county depository or depositories, when
32 they comply with all the requirements and provisions of this act.

33 Risk and expense of making deposits in county depositories
34 located outside of the county seat, shall be borne by the bank, or
35 banks, or trust companies in which the deposits are made.

Sec. 3. If the sheriff shall fail or neglect to file the state-
2 ment provided for by the second section hereof, by the time pro-
3 vided in said section, naming eligible county depository or deposi-
4 tories, then the county court shall name some bank, banks, or trust
5 companies within the state as county depository or depositories.
6 The depositories named by the county court shall be located in
7 the county, if any therein eligible and willing to comply with the
8 requirements and provisions of this act. When any bank or trust
9 company has been named by the county court as provided for by
10 this section, and has complied with all the requirements and pro-
11 visions of this act, the court shall designate it a county depository.

12 The county court of any county may be required by mandamus

13 to comply with the requirements of this act, upon the petition of
14 any citizen and taxpayer of the county, or any officer charged with
15 the duty of enforcing compliance with the laws relating to the col-
16 lection and disbursement of public moneys.

Sec. 4. No such designation shall be binding on such county,
2 nor shall any public money be deposited thereunder until the hy-
3 pothecation of the bonds provided for in section seven of this act,
4 or until there is executed by the bank, or banks, or trust companies
5 designated, bond with good and sufficient sureties, to be accepted
6 and approved by the county court, payable to the state of West
7 Virginia, in such sum as the county court shall direct, and which
8 shall not be less than the maximum sum that shall be deposited
9 in the depository at any one time; such bond shall be executed by
10 at least four resident freeholders as sureties; or, by a fidelity or
11 indemnity company authorized to do such business within the state,
12 satisfactory to, and acceptable by the county court, and having not
13 less than one hundred thousand dollars capital; and such bond
14 shall be conditioned for the receipt, safe-keeping and payment over
15 of all money which may be deposited in or come under the custody
16 of the bank or trust company designated a county depository un-
17 der the provisions hereof, together with the interest thereon at
18 the rate specified by this act; and such bond shall be further condi-
19 tioned for the faithful performance by the bank or trust company
20 so designated, of all the duties imposed by this act upon a deposi-
21 tory of public moneys. An action shall lie on such bond at the in-
22 stance of the county court, or the sheriff, for the recovery of any
23 money deposited in the depository, upon failure or default of the
24 depository to fully and faithfully account for and pay over any
25 and all public moneys deposited by the sheriff, and of all interest
26 earned and accrued thereon as required by this act.

Sec. 5. Such bond shall not be accepted by the county court
2 until it shall have been submitted to the prosecuting attorney, and
3 certified by him to be in due and legal form, and conformable to
4 the provisions of this act, which certificate shall be endorsed there-
5 on, and if any bank or trust company designated as aforesaid, fail
6 to execute bond as required hereby, to the satisfaction and accept-
7 ance of the county court, or fail to hypothecate the bonds, as pro-
8 vided in section seven of this act, within thirty days from the time

9 the designation is made, the county court shall designate other de-
10 pository or depositories in the manner hereinbefore provided.

Sec. 6. The bank, banks or trust companies designated in the
2 manner hereinbefore provided, shall, upon the acceptance by the
3 county court of the bond, or upon the hypothecation of the bonds as
4 provided for herein, be the depository or depositories of public
5 moneys, and remain such for two years, and until the bond of its
6 successor or successors is accepted by the county court; but the
7 county court, at any time it deems the same necessary, may require
8 additional security from a depository in such sum as the court shall
9 by order designate; and if a depository refuse, or neglect, for the
10 period prescribed by the court, to give such additional security, or
11 to comply with the provisions of this act, the court may order the
12 removal of the public moneys therefrom to some other depository,
13 and if no county depository is available at the time, then to some
14 reliable bank or banks or trust companies to be the depository
15 thereof temporarily. Such removal, and all other removals, or-
16 dered by the county court under the provisions of this act, shall
17 be made by order of record upon the check of the county treasurer,
18 countersigned by the county clerk, after ninety days notice to said
19 depository. In event any county depository shall cease to do busi-
20 ness, or shall suspend business, the county treasurer and county
21 court at once shall designate and approve, respectively, another
22 bank as a depository in place of the suspended depository. But, in
23 such event, and pending the designation and approval of another
24 depository (when there is no other approved depository in the
25 county) the treasurer shall deposit public funds coming into his
26 hands, in some reliable bank or trust company, eligible to be a
27 county depository, as a temporary depository, until a depository is
28 designated and approved in the manner herein prescribed.

29 If the money, in case of such removal, be deposited in a bank
30 designated as a depository, temporarily, such bank or trust com-
31 pany shall, before the receipt by it of any such money, enter into a
32 bond or hypothecate the bonds as required by this act; but if no
33 bank or trust company be so designated, the money shall be kept
34 in the county treasury, and steps at once taken by the county court
35 to create a new depository under this act.

Sec. 7. The county court may in lieu of the bond provided
2 for by preceding sections, accept as security for money deposited

3 as aforesaid, interest-bearing securities of the United States, or a
4 state, county, district or municipal corporation, the indebtedness
5 whereof does not exceed five per cent of the assessed valuation; the
6 face value of which shall not be less than the sum specified in sec-
7 tion four of this act as the amount to be named in the bond in lieu
8 of which such bonds are accepted; or they may accept such bonds
9 as partial security to the extent of their face value for the money
10 so deposited, and require bond for the remainder of the full
11 amount specified in said section, to be named in the bond, and in
12 the bond so required, such acceptance of bonds as partial security,
13 and the extent thereof shall be set forth. The hypothecation of
14 such bonds shall be by proper legal transfer as collateral to pro-
15 tect and indemnify by trust any and all loss in case of any default
16 on the part of the bank in its capacity as depository as aforesaid,
17 and such collateral shall be released only by order of record of
18 the county court when satisfied full and faithful accounting and
19 payment of all the moneys has been made under the provisions here-
20 of. The county court shall make ample provision for the safekeep-
21 ing of such hypothecated bonds, and the interest thereon when paid
22 shall be turned over to the bank or trust company, so long as it
23 is not in default as aforesaid.

Sec. 8. The treasurer upon receipt of a certified copy of the
2 order of the county court, showing that a depository or deposito-
3 ries have been designated and bond accepted in compliance with
4 the provisions of this act, and naming the depository or deposito-
5 ries shall deposit therein to the credit of the county treasurer, all
6 public money in his possession, except such as may be necessary
7 to meet current demands; and, thereafter, he shall make daily
8 deposits in the public depositories of all public money received
9 by him, except as hereinafter provided, the deposit of such money
10 to be made as early as practicable after the receipt or collection
11 thereof, and such money shall be payable by the depository only on
12 an order issued by the county court, or board of education after
13 said order has been endorsed by the treasurer directing payment
14 by the depository. If at any time the cash in hands of the treas-
15 urer is not sufficient to meet current demands, he is authorized
16 to withdraw sufficient cash from the depository to meet said cur-
17 rent demands, such withdrawal to be made by check drawn by
18 the treasurer, and countersigned by the county clerk. The said

19 current demands shall not be anticipated more than a week in ad-
20 vance. All moneys due the treasurer are to be drawn from the
21 depository on an order issued by the county court and endorsed
22 by the treasurer. At the end of each month the president and
23 clerk of the county court shall sign proper orders on the treasurer,
24 in his favor, to pay him the moneys due him. All moneys be-
25 longing to the state, or any municipality, shall be disbursed from
26 the depository on a check drawn by the county treasurer, payable
27 to the auditor of the state of West Virginia, or to the treasurer
28 of the municipality.

Sec. 9. All money deposited in any depository shall bear in-
2 terest at the rate of three per cent. per annum, to be computed on
3 daily balances, and such interest shall be placed to the credit of
4 the county treasurer on the first day of each calendar month, or at
5 any time when the account may be closed. When the interest is
6 credited to the treasurer the depository shall, in writing, notify
7 the clerk of the county court and treasurer, each separately, the
8 amount thereof, before noon of the next business day, and all of
9 such interest shall be credited to the general county fund by the
10 clerk of the county court and treasurer.

Sec. 10. On the first business day of each month a county
2 depository under the provisions of this act shall furnish to the
3 clerk of the county court a written statement, showing the amount
4 on deposit to the credit of the county treasurer at the close of
5 each day of the preceding month, which statement shall be filed
6 and kept in the office of the clerk of the county court, as part of
7 the public records.

Sec. 11. The treasurer shall keep an account with each de-
2 pository showing each deposit and disbursement; the depository
3 upon payment of any order or draft drawn by authority of the
4 county court or board of education on the treasurer, and endorsed
5 by him for payment, or upon payment of any check drawn by the
6 treasurer for the purposes herein authorized, shall cancel the same,
7 showing clearly the payment thereof and the date of payment. The
8 orders or drafts and checks so paid shall be delivered by the de-
9 pository to the treasurer upon his demand, and the orders or
10 drafts shall be by him preserved for settlement with the county
11 court, and the checks shall be filed and preserved as part of the
12 records of his office.

Sec. 12. The term "public moneys," as used in this act, shall
2 include all money which by law the sheriff in his capacity as such,
3 and as treasurer of the county and districts, is authorized to col-
4 lect, receive and disburse for public purposes, including state,
5 county, districts, school districts, independent school districts and
6 municipalities. The term "county court," shall include all tri-
7 bunals in lieu thereof.

Sec. 13. If any sheriff shall wilfully fail, refuse or neglect
2 to comply with the requirements and provisions hereof, he shall
3 be guilty of a misdemeanor, and upon conviction thereof shall be
4 fined not exceeding five hundred dollars, or confined in the county
5 jail not exceeding six months, or both, and shall forfeit his office.
6 When the sheriff shall have fully complied with all the provisions
7 of this act, he shall not be held personally liable on account of any
8 loss that the county or any district may sustain by reason of the
9 default or failure of any such depository that has given bond ap-
10 proved by the county court.

Sec. 14. It shall be unlawful for any sheriff or member of a
2 county court to demand or receive any gift, reward, token, or
3 thing of value from any county depository, or from any bank or
4 trust company, for naming, designating or accepting it as a county
5 depository. It shall also be unlawful for any person who is a
6 candidate for the office of sheriff, or member of a county court,
7 either for the nomination, or election to the office after nomina-
8 tion, to demand or receive any gift, reward, token, or thing of
9 value from any bank or trust company eligible for designation as
10 a county depository. Upon conviction for any violation of this
11 section, the person convicted shall be fined not more than five
12 hundred dollars or confined in the county jail not exceeding six
13 months, or both, at the discretion of the court, and in addition
14 thereto shall forfeit his office.

Sec. 15. The sheriff of the county shall receive, collect and
2 disburse all school money for the county and the several districts
3 therein. But, before receiving or collecting any such school money,
4 he shall give in addition to his bond as collector of the state and
5 county taxes, a bond with such security to be approved by the
6 county court or other tribunal in lieu thereof, in a penalty of not
7 less than twenty thousand nor more than one hundred thousand

8 dollars, said amount to be fixed by the county court or other tri-
9 bunal in lieu thereof.

10 Section one hundred and thirty-seven, chapter twenty-seven,
11 acts one thousand nine hundred and eight, relating to sheriffs'
12 bonds, as treasurer for school moneys, in so far as inconsistent
13 with this section, is hereby repealed.

Sec. 16. All acts or parts of acts inconsistent herewith are
2 hereby repealed. But this act shall not be effective until July first,
3 one thousand nine hundred and sixteen.

CHAPTER 85.

(House Bill No. 8.)

AN ACT to amend and re-enact sections eight and nine of chapter
nine, acts of the legislature of one thousand nine hundred and
eight (sections eight and nine of chapter twenty-eight-a, serial
sections 881 and 882 of the code of 1913) relating to rate and
manner of laying levies, special debt levy, provisions as to certain
funds, and certain acts prohibited, and penalties.

[Passed February 4, 1915. In effect ninety days from passage. Became a law
without the Governor's approval.]

SEC.

8. Counties, magisterial or school dis-
tricts having outstanding un-
paid orders or unsatisfied judg-
ments previous to July 1, 1915,
that cannot be discharged out
of regular levy, and if it is deemed
advisable, may lay additional
levy, to be known as "special
debt levy," not exceeding twenty
cents, and continue levy as
many years as necessary to pay
off such debt with interest;
not to be used for any other
purpose and treasurer to keep
funds separate; balance re-
maining, if any, to revert to
sinking fund, or to general pur-
pose fund in county, to teach-
ers' fund if school district, for
general purposes if a munici-
pality or for road fund if a
magisterial district; special debt
levy to be first submitted to tax
commissioner and what requir-
ed; right of such levy to expire
June 30, 1918; method to be
followed in listing indebtedness;

SEC.

failure of owners to present
claims forever barred after levy
term of 1917; special debt levy
to be used for no other purpose.
9. Unlawful for county court, board of
education, council or other body
to expend money or incur obliga-
tions not expressly authorized
by law; further restrictions as
to certificates or evidences of
debt, and debt created in vio-
lation void; officer expending
money in violation of this act
personally liable, and guilty of
a misdemeanor; penalty; and
forfeiture of office; any tax-
payer may institute suit for re-
covery of money expended in
violation of law, and money re-
covered to be paid into treas-
ury; costs, against whom to be
taxed; may also institute pro-
ceedings for removal of fiscal
officer; tax commissioner may
also act in same proceedings;
form of proceeding.
Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections eight and nine of chapter nine of the acts of the

legislature of one thousand nine hundred and eight (sections eight and nine of chapter twenty-eight-a, serial sections 881 and 882 of the code of 1913) relating to rate and manner of laying levies, special debt levy, provisions as to certain funds, and certain acts prohibited and penalties, be amended and re-enacted so as to read as follows:

Section 8. If any county or any magisterial district or
2 any school district or any independent school district or any mu-
3 nicipal corporation have outstanding unpaid orders on the treas-
4 ury thereof, or unsatisfied judgments, which orders were issued or
5 which judgments were recovered previous to the first day of July in
6 the year one thousand nine hundred and fifteen, the amount where-
7 of is so considerable that it is impracticable to discharge the same
8 out of the proceeds of the regular levy, and the county court or
9 board of education or common council, as the case may be, deem it
10 inadvisable to submit to the voters of the county, district or municipi-
11 pality the question of an additional levy as provided in section
12 five, such court, board, or council may lay a levy in addition to
13 said regular levy, to be called "special debt levy," not exceeding
14 twenty cents on each one hundred dollars of the valuation of the
15 taxable property of the county, district, or municipality, as the
16 case may be, according to the last assessment of such property,
17 and continue such levy for as many years as may be necessary to
18 pay off such debt, and the interest that may accrue thereon,
18-a but not longer. The net amount produced by any
19 such levy, or by any additional levy authorized by section five,
20 or by any special levy authorized by section six, shall not be used
21 for any other purpose, as to such special debt levy than for the
22 payment of such debt, or as to such additional or special levy than
23 for the purpose or purposes named in the order submitting the ques-
24 tion to the voters. The treasurer of each of such funds shall keep
25 an accurate account of the same separately from other funds. If,
26 after paying off such debts or effecting the object of said addi-
27 tional levy or of said special levy, any balance remains of any of
28 said funds, the same shall, first, revert to the sinking fund of the
29 county, or of the magisterial district, or independent school dis-
30 trict, or of the municipal corporation, as the case may be; or, sec-
31 ondly, if there be no such sinking fund, it shall, in case the fund
32 was raised by taxes levied throughout the county, revert to the
33 fund for general purposes of the county; if the fund was raised

34 by taxes levied on the property of a school district or independent
35 school district, said balance shall revert to the teachers' fund of
36 the district; if the fund was raised by taxes levied on the prop-
37 erty of a municipal corporation, said balance shall revert to the
38 fund for general purposes of the municipality; and in case of a
39 magisterial district, said balance shall revert to the road fund there-
40 of; *provided, however*, that before any such special debt levy may
41 be laid as provided for in this section, the same shall be submitted
42 to and approved by the state tax commissioner. Before giving his
43 approval, the state tax commissioner shall require a certified state-
44 ment or list showing in detail the orders and judgments, including
45 names of payees and amounts thereof intended to be paid by such
46 levy. The approval of the state tax commissioner shall be in
47 writing and filed with the clerk, secretary or recorder of the
48 county court, board of education or municipality, as the case may
49 be; and *provided, further*, that the right to lay such levy shall
50 expire with the fiscal year ending June thirtieth, one thousand
51 nine hundred and eighteen; and *provided, further*, that the own-
52 ers or holders of such orders or judgments, which represent such
53 indebtedness, shall file the same with the clerk of the county
54 court, secretary of board of education or recorder of the munici-
55 pality, as the case may be, and it shall be the duty of every such
56 clerk, secretary or recorder to list such evidences of indebtedness
57 in the order in which presented, giving the number, the date, the
58 payee, the amount thereof and the date when presented to the
59 sheriff for payment, and the present owner or holder; and it shall
60 be his further duty to make four copies of such list, one of which
61 shall be retained in his office, one certified to the state tax com-
62 missioner, one to the sheriff or other treasurer of the fiscal body,
63 one to the county court and one to the board of education or
64 council before the first levy term of said bodies for the first fiscal
65 year next following the making of said lists; and that such listed
66 orders of indebtedness shall be paid in the order in which they
67 are so filed, out of the said special debt levy as hereinbefore pro-
68 vided; and all persons or corporations owning or holding such
69 evidences of indebtedness as the owner, pledgee, assignee or as col-
70 lateral security, who shall fail to present the same for listing with
71 said officers before the levy term in the year one thousand nine hun-
72 dred and seventeen, shall be forever barred from bringing any suit,
73 action or proceeding for the purpose of collecting the same. No sher-

74 iff or other treasurer of any fiscal body herein named shall apply any
75 part of the special debt levy hereby authorized except in payment
76 of the listed orders or evidences of debt hereinbefore provided for,
77 and in the order as herein provided for. And no sheriff or other
78 treasurer shall pay any order, draft or judgment, issued or re-
79 covered before July first, one thousand nine hundred and fifteen,
80 out of any funds in his hands except the special debt fund herein
81 provided for, whenever the same is laid as herein provided for.

Sec. 9. It shall be unlawful for any county court, board
2 of education, or council of a municipal corporation, or other body
3 charged with the administration of the fiscal affairs of any county,
4 school district or independent district, or municipality, to expend
5 any money or to incur any obligation or indebtedness which such
6 tribunal is not expressly authorized by law to expend or to incur.
7 Nor shall any such tribunal make any contract, express or im-
8 plied, the performance of which, in whole or in part, would in-
9 volve the expenditure of money in excess of funds legally at the
10 disposal of such tribunal, nor issue or authorize to be issued any cer-
11 tificate, order or other evidence of indebtedness which cannot be
12 paid out of the levy for the current year, or out of the fund
13 against which it is issued. Nor shall any such tribunal attempt
14 to lay any levy the rate whereof shall exceed the rate specified by
15 law. Any indebtedness created, contract made or order or draft
16 issued in violation hereof, shall be void and of no effect, and any
17 money received thereon may be recovered from the person re-
18 ceiving the same by the fiscal body who created, made or issued
19 the indebtedness, contract, order or draft.

20 Any member of any such tribunal, or any officer or person,
21 who, in violation of any of the provisions of this act, shall expend
22 any money, or incur any debt or obligation, or make or partici-
23 pate in the making of any such contract, or be a party thereto in
24 any official capacity, or issue or cause to be issued any such cer-
25 tificate, order or other evidence of indebtedness, shall be person-
26 ally liable therefor, both jointly and severally, and an action may
27 be maintained therefor by the state, or by any county, municipal
28 corporation, district or person prejudiced thereby, in any court of
29 competent jurisdiction. Any such member, officer or person who
30 shall negligently or wilfully violate the provisions of this act shall
31 be guilty of a misdemeanor, and upon conviction thereof shall be

32 fined not more than five hundred dollars, or be confined in jail not
33 more than one year, or be both fined and imprisoned, and in addi-
34 tion thereto shall forfeit his office. Whenever any court of com-
35 petent jurisdiction by mandamus, injunction, or trial of
36 any action at law, or other judicial proceeding, shall ascer-
37 tain or determine that any member or officer has negligently or
38 wilfully violated any of the provisions of this section, it shall en-
39 ter an order declaring the office of such member or officer for-
40 feited.

41 Any taxpayer of the county, district, board of education or
42 municipality, as the case may be, or the state tax commissioner,
43 for the use and benefit of the county, district, board of education
44 or municipality, as the case may be, may, in his name institute
45 and prosecute to final judgment (including the right of appeal to
46 the supreme court of the state) in any court having jurisdiction,
47 proper action, suit or proceeding, against the individual members
48 of a county court, board of education, municipal council or other
49 bodies in lieu thereof, to recover from them any moneys expend-
50 ed in violation of, or without authority of law. All moneys re-
51 covered in any such action, suit or proceeding shall be paid into
52 the treasury of the proper fiscal body to the credit of the proper
53 fund. The plaintiff, in case he prevails, shall recover his costs
54 against the defendants, including a reasonable attorney's fee to be
55 fixed by the trial court and included in the taxation of costs. Any
56 such taxpayer, or the state tax commissioner, shall have the right
57 to institute and prosecute to final judgment, any proceeding for
58 the removal of any member of any county court, board of educa-
59 tion, municipal council or other bodies in lieu thereof, for ex-
60 pending public moneys in violation of, or without authority of
61 law. Upon the filing of a petition by such taxpayer or the state
62 tax commissioner, either in term or vacation, the court, or judge,
63 shall set a time for hearing such petition. An attested copy of
64 the petition, and specification of charges therein contained, shall
65 be served for a period of at least twenty days upon the defend-
66 ants named therein, and no other pleading or notice of such pro-
67 ceeding shall be necessary.

68 All acts and parts of acts inconsistent herewith are hereby
69 repealed.

CHAPTER 86.

(Senate Bill No. 192.)

AN ACT to amend and re-enact section seventy-three, of chapter twenty-nine of the code, relating to the assessment of taxes.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

SEC.
73. Person who fails or refuses to furnish list of real estate or personal property for taxation within time required by law, or refuses to answer questions asked by assessor or answer untruly, to forfeit \$25, and denied all remedy at law for correction of assessment; person, firm or corporation, including public service corporation, to forfeit ten per cent. for like offense; how forfeiture en-

SEC.
forced, and duty of tax commissioner and prosecuting attorney hereunder; trial by jury reserved to either party; compensation for collection, and residue to be paid sheriff and apportioned; provision as to return of estate of deceased person, and action thereunder; judgment a lien, and to apply to return of property for fiscal year beginning July 1, 1915. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section seventy-three chapter twenty-nine of the code, relating to taxation, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 73. If any person whose duty it is by law to list any
2 real estate or personal property for taxation, refuse to furnish a
3 proper list thereof, or refuse to furnish a list within the time re-
4 quired by law, or to make such oath as required by this chapter;
5 or if any person refuse to answer, or answer untruly, any question
6 asked him by the assessor, or fail or refuse to deliver any state-
7 ment required by law, he shall forfeit not less than twenty-five
8 dollars nor more than one hundred dollars, and shall be denied
9 all remedy provided by law for the correction of any assessment
10 made by the assessor. If any person, firm or corporation, includ-
11 ing the public service corporations, named in section one hundred
12 and eighteen of this chapter, required by law to make return of
13 property for taxation, whether such return is to be made to the
14 assessor, the board of public works, or any other assessing officer
15 or body, fails to return a true list of all property which should be
16 assessed in this state, including money, credits and investments,
17 such person, firm or corporation, in addition to all other penalties
18 provided by law, shall forfeit ten per centum of the value of the
19 property not returned and not otherwise taxed in this state. A
20 forfeiture may be enforced for any such default occurring in any
21 year not exceeding five years prior to the time the same is discov-

22 ered. Each failure to make a true return as herein required, shall
23 constitute a separate offense, and a forfeiture shall apply to each
24 of them, but all such forfeitures to which the same person, firm
25 or corporation is liable, shall be enforced in one proceeding against
26 such person, firm or corporation, or against the estate of any de-
27 ceased person, and shall not exceed fifty per centum of the prop-
28 erty not returned. It shall be the duty of the state tax commis-
29 sioner, or prosecuting attorney of the county in which the default-
30 ing taxpayer resides, or in which county such property should have
31 been returned, to enforce the collection of the same in the name of
32 the state of West Virginia against the defaulting taxpayer, or in
33 case of a decedent, his personal representative, in the circuit court,
34 upon motion, whereof the defendant shall have at least twenty
35 days notice. Either party shall have the right to have the issue
36 tried by jury, and the state, as well as the defendant, shall have
37 the right to an appeal. The prosecuting attorney shall receive
38 ten per centum of the amount collected as his compensation, and
39 an attorney's fee of ten dollars; or, if the suit be instituted by the
40 state tax commissioner, ten per centum of the amount collected
41 and an attorney's fee of ten dollars shall be paid to any person
42 employed by the state tax commissioner to prosecute such pro-
43 ceedings, to be taxed as part of the cost against the defendant, in
44 the event a judgment is recovered against such defendant; the res-
45 idue collected on said judgment shall be turned over to the sheriff
46 and his receipt taken therefor. The sheriff shall apportion said
47 fund among the state, county, district, school district and munici-
48 palities which would have been entitled to the taxes on said
49 property if it had been assessed, in the proportion that the
50 rate of taxation for each purpose, for the current year in
51 which judgment is obtained, bears to the sum of the
52 rates for all purposes. When the list of property returned
53 by the appraisers of the estate of any deceased person
54 shows an amount greater than the last assessment list of such de-
55 ceased person next preceding the appraisalment of his estate, it
56 shall be *prima facie* evidence that such deceased person returned
57 an imperfect list of his property; *provided, however*, that any one
58 liable for the tax, or his personal representative, may always be
59 permitted to prove by competent evidence that the discrepancy
60 between said assessment list and the appraisalment of the estate.
61 is caused by a difference of valuation returned by the assessor and

62 that made by the appraisers of the same property or by property
63 acquired after assessment, or that any property enumerated in
64 the appraisers' list had been otherwise listed for taxation, or that
65 it was not liable to taxation. Any judgment recovered under this
66 section shall be a lien, from the time of the service of the notice,
67 upon all the real estate and personal property of such defaulting tax-
68 payer, owned at the time or subsequently acquired, in preference
69 to any other lien. The provisions of this act shall apply to return
70 of property for taxation for the fiscal year beginning July first,
71 one thousand nine hundred and fifteen.

Sec. 74. All acts or parts of acts inconsistent with the pro-
2 visions of this act are hereby repealed.

CHAPTER 87.

(Senate Bill No. 328.)

AN ACT to amend and re-enact sections six, seven and ten of chapter
twenty-nine of the code of West Virginia, as last amended and
re-enacted, relating to assessors, assistant assessors, and the salary
of assessors and assistant assessors.

[Passed February 20, 1915. In effect from passage. Approved by the Governor
February 26, 1915.]

SEC.

6. Each county one assessment district
and to elect one assessor every
four years; assessors now in of-
fice to serve until expiration of
term, and successors elected at
general election of 1916; no
person eligible not a resident
and freeholder; county court to
provide an office to be kept
open during time of listing prop-
erty.

7. Assistant assessors: for counties of
20,000, two; of 22,500 and not

SEC.

exceeding 30,000, three; of
30,000 and not to exceed 60,000,
not less than two nor more than
four; of 60,000 and not to ex-
ceed 70,000, five, and in excess
of 70,000, six, to be voters and
residents; one additional au-
thorized to be known as office
assistant, salary to be fixed by
court, not less than \$500 nor
more than \$900 annually.

10. Salary of assessor and assistants,
how fixed and paid.

Be it enacted by the Legislature of West Virginia:

That sections six, seven and ten of chapter twenty-nine of the
code of West Virginia, as last amended and re-enacted, be and the
same are hereby amended and re-enacted so as to read as follows:

Section 6. Each county in the state shall constitute one as-
2 sessment district, and shall elect one assessor, whose term of
3 office shall be four years. The assessors now in office shall serve
4 until the expiration of the term for which they were elected, and
5 their successors shall be elected at the general election of one

6 thousand nine hundred and sixteen, and every four years there-
7 after. No person shall be eligible to the office of assessor who
8 is not a resident of the county and a freholder therein at the
9 time of his election. The county court shall provide the asses-
10 sor with an office in the courthouse, which shall be kept open
11 during the time the assessor is listing property.

Sec. 7. In every county whose population, as shown by the
2 next registration of voters last preceding the election of an as-
3 sessor, on the basis of a population of five for each voter so regis-
4 tered, does not exceed twenty thousand, there shall be appointed
5 two assistant assessors; in each county whose population is thus
6 shown to exceed twenty-two thousand five hundred, and not to ex-
7 ceed thirty thousand, there shall be appointed three assistant as-
8 sessors; in every county whose population is thus shown to ex-
9 ceed thirty thousand and not to exceed sixty thousand, there
10 shall be appointed not less than two nor more than four as-
11 sistant assessors; in every county whose population is thus
12 shown to exceed sixty thousand, and not to exceed seventy thou-
13 sand, there shall be appointed five assistant assessors; and in every
14 county whose population is thus shown to exceed seventy thous-
15 and, there shall be appointed six assistant assessors. Each of
16 said assistant assessors shall be a voter and resident of the coun-
17 ty in which he is appointed.

17 There may be appointed in each county one additional as-
18 sistant to the number hereinbefore provided, to be known as "the
19 office assistant," who shall have the same power to assess prop-
20 erty as the assessor and other assistants, and shall also stay in
21 the office of the assessor throughout the year and perform the
22 clerical work of the office. The salary of such assistant shall be
23 fixed by the county court, and shall not be less than five hundred
24 dollars, nor more than nine hundred dollars annually, payable
25 proportionately at the end of each month.

Sec. 10. The assessor and his assistants in each county
2 shall receive annually the following compensation to be paid out
3 of the county fund: Each assessor shall receive annually thirty
4 dollars for each full one hundred voters voting at the preceding
5 presidential election for president of the United States in his
6 county, for the first three thousand voters thereof; twenty-five
7 dollars for each full one hundred additional voters as aforesaid
8 up to three thousand additional voters as aforesaid; twenty dollars

9 for each full one hundred additional voters as aforesaid up to three
 10-12 thousand additional voters as aforesaid; *provided, however,*
 13 that the compensation of any assessor in any county shall in no
 14 case be more than twenty-one hundred dollars or less than one
 15 thousand dollars, except in those counties in which the popula-
 16 tion according to the last preceding census exceeds fifty-five
 17 thousand and does not exceed seventy thousand, the assessor
 18 shall be paid a salary not exceeding twenty-five hundred dollars;
 19 and in counties whose population as aforesaid exceeds seventy
 20 thousand, said assessor shall be paid a salary not exceeding three
 21 thousand dollars. The salary of the assistant assessors shall be
 22 uniform throughout the county, which shall be fixed by the coun-
 23 ty court, and which shall not be less than three hundred nor more
 24 than six hundred dollars per year.

CHAPTER 88.

(House Bill No. 259.)

AN ACT to amend and re-enact section ten, chapter four, of the code of West Virginia, serial section one hundred and twenty-nine of the code of one thousand nine hundred and six, section one hundred and forty-eight of Hogg's code of one thousand nine hundred and thirteen, relating to vacancies in the office of prosecuting attorney, sheriff, surveyor of lands and assessor.

[Passed February 19, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

Sec.
 10. Vacancy in office of prosecuting attorney happening after last general election and before expiration of term, to be filled by circuit court, or judge, for unexpired term, except in any county wherein there is a court of limited jurisdiction with criminal

Sec.
 jurisdiction, last named court shall appoint, to hold until next general election; vacancy in office of sheriff, surveyor of lands or assessor to be filled by county court until next general election; notices of election, how and by whom given.

Be it enacted by the Legislature of West Virginia:

That section ten, chapter four, of the code of West Virginia, serial section one hundred and twenty-nine, of the code of one thousand nine hundred and six, section one hundred and forty-eight of Hogg's code of one thousand nine hundred and thirteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 10. A vacancy in the office of prosecuting attorney,

2 happening after the last general election before the expiration of
3 the term of office of such attorney, shall be filled by the circuit
4 court of the county, or judge thereof, for the unexpired term,
5 except that in any county wherein there has been or may hereafter
6 be created a court of limited jurisdiction vested with criminal
7 jurisdiction throughout the county, said last named court, or the
8 judge thereof, shall fill such vacancy; otherwise it shall be filled
9 by said court or judge until the next general election; and a
10 vacancy so happening in the office of sheriff, surveyor of lands, or
11 assessor, shall be filled by the county court for the unexpired term;
12 otherwise it shall be filled by the said county court until the next
13 general election, at which general election every vacancy shall
14 be filled by a vote of the people, where an appointment has been
15 made, as aforesaid, from the next general election, for the unex-
16 pired term. A notice of every such election of prosecuting at-
17 torney shall be given by order of such circuit court or court of
18 limited jurisdiction, or the judge thereof in vacation, and of the
19 election of a sheriff, surveyor of lands, or an assessor, by the order
20 of the county court or the president thereof in vacation, as pre-
21 scribed in the eighth section of this chapter.

CHAPTER 89.

(House Bill No. 57.)

AN ACT to revive, amend and re-enact section twenty-eight of chapter thirty-nine of the code of West Virginia, permitting county courts to aid county agricultural organizations in the employment of county agricultural agents.

[Passed February 3, 1915. In effect from passage. Approved by the Governor February 13, 1915.]

Sec.
28. When county agricultural organization files with county court memorandum of understanding with agricultural extension department of West Virginia university, guaranteeing payment of field and office expenses of county agent, county court is authorized to levy and appropriate from general fund for salary not to exceed one and

Sec.
one-half cents; how used and duties of person employed; selection to be made by extension department and approved by agricultural organization and county court; money expended to conform to provisions of "Smith-Lever Act" of congress; in pursuance of these provisions one or more counties may cooperate.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter thirty-nine of the code of West Virginia be revised, amended and re-enacted so as to read as follows:

Section 28. Whenever a county agricultural organization with 2 not less than fifty members, files with the county court of the 3 county a memorandum of understanding with the agricultural 4 extension department of the college of agriculture, West Virginia 5 university, guaranteeing the payment by said county organization 6 of the field and office expenses of a county agent or agents to the 7 end of the next succeeding fiscal year, then the county court of 8 such county is hereby authorized to, and it may levy and ap- 9 propriate from the general fund an amount not to exceed one and 10 one-half cents on the one hundred dollars' assessed valuation. 11 The money so appropriated shall be used for the payment of part 12 of the salary of person or persons to encourage demonstrations of 13 improved methods on the farm and in the home, and to give free 14 advice and practical instruction in agriculture and home economics 15 in such county, in co-operation with and under the supervision of 16 the said agricultural extension department. Such person or per- 17 sons as employed shall be appointed by the agricultural extension 18 department and approved by the directors of the county agri- 19 cultural organization and the county court. All the moneys so ap- 20 propriated shall be expended upon orders of the county court as 21 other county funds are expended, and a duplicate of all salary 22 vouchers shall be filed with the said agricultural extension depart- 23 ment in such form as will comply with the provisions of the act 24 of congress approved May eighth, one thousand nine hundred 24-a and fourteen, known as the "Smith-Lever Act;" but 25 no part of any money so appropriated shall be used to 26 compensate any representative of the West Virginia uni- 27 versity or any other person except the persons who may 28 be employed under this act. It shall be the duty of the agri- 29 cultural extension department to co-operate with each county 30 court and county agricultural organization raising or appropriat- 31 ing money under this act. Any county court may co-operate with 32 the county court of one or more adjoining counties in carrying 33 out the purposes of this act.

CHAPTER 90.

(Senate Bill No. 185.)

AN ACT to amend and re-enact sections six, seven, twenty-one, twenty-four, twenty-seven and twenty-eight of chapter forty-six of the code of West Virginia, relating to the care of poor persons, and to incorporate in said chapter a new section, to be known as section twenty-six-a thereof, so as to permit the county courts to expend county funds in payment for hospital service rendered to the poor.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval]

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| <p>SEC.
6. On application by or on behalf of any person unable to maintain himself, or on behalf of the family unable to maintain itself, person or family to be provided for or assisted under orders of overseer of district, and not having legal settlement to be provided for until removed; visit of overseer and relief if husband is dead or confined in some institution, but not to exceed ten dollars a month for one child, and in all not to exceed \$25.00 per month; manner of expenditure; upon failure of overseer to act remedy in the county court, but county court may rescind order of overseer of the poor and render relief.</p> <p>7. Any person to be provided for or assisted may be kept at place of general reception or assisted elsewhere; exceptions where county maintains an infirmary; requirements as to labor to be performed at place of general reception; duty of overseer of the poor in case of a poor person, and limitation of expenditure for relief.</p> | <p>SEC.
21. County court to cause infirmary to be visited once each month by one of their number; duty and power.</p> <p>24. Annually at levy term agent or overseer to render a correct account of his transactions; forfeiture for failure; same requirement as to hospitals receiving pay for service and attention rendered any poor person.</p> <p>26-a. In addition to other powers, county court may pay for hospital service under certain conditions.</p> <p>27. County court at levy term to enter of record statement of number of poor persons provided for, with details, and what will be required for the ensuing year; how statement shall be kept, and expenditures to be part of financial statement.</p> <p>28. Upon completion of statement court to provide in county levy such amount as deemed necessary, including arrears, same to be then appropriated as needed as herein provided.</p> <p style="text-align: center;">Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That sections six, seven, twenty-one, twenty-four, twenty-seven and twenty-eight of chapter forty-six of the code of West Virginia be amended and re-enacted, and that section twenty-six-a be incorporated in said chapter so that said sections shall read as follows:

Section 6. On application by or on behalf of any person who is
 2 unable to maintain himself, or by or on behalf of the family of any
 3 person when he is unable to maintain it, and the family is unable
 4 to maintain itself, such person or family, if he or they have a legal
 5 settlement in the county, shall be provided for, or assisted as his
 6 or their necessities may require, under the order and direction of
 7 the overseer of the district in which such settlement may be; and if

8 he or they have not a legal settlement in the county, shall neverthe-
9 less be so provided for or assisted under the order and direction of
10 the overseer of the district in which he may be, until properly re-
11 moved as hereinafter provided. Whenever it shall appear to any
12 overseer that there is in his district any woman who has such legal
13 settlement and who has one or more legitimate children dependent
14 upon her and that they are in need of assistance, it shall be the
15 duty of said overseer to visit the home of such family without de-
16 lay, and investigate the circumstances, and if it shall appear that
17 assistance is needed to enable such woman to remain with and care
18 for such children, and if it shall further appear that the husband
19 of said woman is dead, or totally incapacitated by reason of mental
20 or physical infirmity, or is confined in some state institution or has
21 abandoned his wife, and that family is dependent upon said mother
22 for support, such assistance may be allowed said woman as may be
23 reasonably necessary under the circumstances to enable said woman
24 to maintain and care for said children at their home, such assist-
25 ance to continue only so long as may be necessary, and in no event
26 to exceed ten dollars per month for one child and five dollars per
27 month for each additional child, the allowance for any child not to
28 continue beyond the age of fourteen years and the total amount al-
29 lowed any family not to exceed twenty-five dollars in one month.
30 The amount allowed shall be expended in such manner as in the
31 opinion of the overseer will best serve the interests of said family.

32 Upon the refusal or failure of any overseer to act in such mat-
33 ter, application may be made by or on behalf of any such woman to
34 the county court, who shall investigate the circumstances and grant
35 or withhold relief as to it may seem proper. In such investigation
36 the overseer of the district to whom application has been made shall
37 be heard concerning his reasons for failing or refusing to grant re-
38 lief in such case.

39 But the county court of the county may change or rescind any
40 order or direction given by such overseer, and may direct any per-
41 son or family to be provided for or assisted, though the overseer of
42 the district has refused to do so.

Sec. 7. Any person to be provided for, or assisted as afore-
2 said, may either be kept at the place of general reception or be
3 supported or assisted elsewhere. But in a county where there is
4 a county infirmary, he shall not be kept at the expense of the

5 county at any place other than such infirmary, except in case of
6 emergency or necessity, and then only as long as the emergency
7 or necessity may require, unless in the opinion of the court
7-a the interests of the county and of the individual or family to be
7-b assisted will be better subserved by tendering such assistance else-
7-c where than at said infirmary. His need of medical, institutional or
8 surgical attention or hospital or other service which cannot be
9 obtained at such infirmary shall in the discretion of the county
10 court be deemed to constitute such necessity. All poor persons
11 kept at the place of general reception who are able to work,
12 shall be required to perform such reasonable and moderate labor
13 as may be suited to their sex, age, and bodily strength; and the
14 proceeds of such work shall be appropriated to the support of the
15 poor of the county in such manner as the court may from time
16 to time direct, and in those cases where poor persons are sup-
17 ported in whole or in part by the county outside of the poor
18 houses, by allowing annually a certain sum for the support of
19 each person. It shall be the duty of the overseer of the poor,
20 in case of the sickness of any such poor person, to visit him or
21 cause him to be visited by some reliable person, and if it is found
22 that such sick person is suffering for aid or medical or surgical
23 attention or hospital service, such overseers shall furnish the neces-
24 sary aid and cause the necessary medical or surgical attention
25 or hospital service to be given to such poor person, notwith-
26 standing the sum allowed for the support of such person may
27 previously have been exhausted; but the additional aid, attention
28 and service so furnished through such overseer shall not exceed
29 fifty per cent. of the amount already allowed as aforesaid.

Sec. 21. The county court shall cause the county infirmary to
2 be visited at least once a month by one or more of their number,
3 or by one or more of the overseers of the poor, who shall care-
4 fully examine the condition of the inmates, the manner in which
5 they are treated and provided for, ascertain what labor they are
6 required to perform, inspect the books and accounts of the agent,
7 and generally inquire into all matters pertaining to the infirmary
8 and report to the said court. The county court shall have full
9 power to cause like examinations and inquiries to be made with
10 reference to all poor persons who are receiving any hospital ser-
11 vice or similar attention at the expense of the county funds.

Sec. 24. Annually at the session of the county court at which
2 the county levy is laid, and more frequently, if required, every
3 agent or overseer shall render to the court a correct account of
4 his transactions, with proper vouchers, and pay according to its
5 order such balance as may be in his hands. Any agent or over-
6 seer failing to do so shall forfeit not less than thirty nor more
7 than one hundred dollars. Every hospital or similar institution
8 which has received or has applied for any payment out of county
9 funds for service and attention rendered to any poor person, shall,
10 when required by the county court, submit for its inspection such
11 statements of account as will correctly and completely show the
12 nature, extent and value of the service and attention rendered
13 by it to every such person within the current period.

Sec. 26-a. In addition to all other powers and duties respect-
2 ing the care of the poor, the county court of each county may in
3 its discretion pay for hospital service rendered not more than one
4 year previously, within the state of West Virginia, to poor per-
5 sons resident or found in the county, and for medical, surgical
6 or institutional attention given to such persons within this state.
7 But no such payment shall be made to any hospital or other in-
8 stitution which shall fail to permit all such examinations or to
9 answer all such inquiries as are authorized by the twenty-first sec-
10 tion, or which shall fail to render on request such statements of
11 account as are required by the twenty-fourth section.

Sec. 27. The county court of every county shall, at the ses-
2 sion thereof at which the county levy is laid in each year, make
3 up and enter of record a statement of the number of the poor
4 provided for during the year next preceding, and showing how
5 many were white and how many colored; how many were males
6 and how many females; for what length of time, and where each
7 was provided for or assisted, and the nature of such provision or
8 assistance in each case; the name of each person so provided for or
9 assisted; the amount of money at their disposal for the support
10 of the poor for such year, showing how much from the annual
11 levy, and how much otherwise; the amount expended by them for
12 the year, showing how much was expended at the place of general
13 reception, and how much for those supported or assisted else-
14 where; the balance remaining in their hands or under the con-
15 trol of the county court; what amount in addition will be re-

16 quired to pay arrears for the past and meet expenditures for the
17 ensuing year, and what will be the nature of the said expenditures.
18 It shall show whether any, and if any, which of the poor under
19 its charge were kept at work at the place of general reception, for
20 what length of time and in what manner, whether in the work
21 house, or in tilling the land or otherwise. The said statement,
22 and all other proceedings of the county court in relation to the
23 poor, shall be kept in a separate book, to be provided by it for
24 that special purpose. And the amount expended by said court,
25 or under its direction in each year, with the items thereof, shall
26 be published as a part of its financial statement, under section
27 thirty-five of chapter thirty-nine of this code.

Sec. 28. Upon the completion of said statement the county
2 court of the county shall provide in the county levy for such
3 amount as it may deem necessary for the support of the poor for
4 the ensuing year, including the payment of arrears; and from
5 time to time thereafter shall appropriate out of the county treasury
6 such sums for that purpose as the said court may deem proper,
7 and cause proper orders therefor to be issued on the county treasury.
8 In such levy the county court may include an amount not ex-
9 ceeding one mill on each dollar of assessed valuation, to provide
10 for such payments as the county court shall in its discretion make
11 for hospital service or medical or surgical or institutional atten-
12 tion given to poor persons resident or found in the county.
13 All acts and parts of acts in conflict herewith are hereby re-
14 pealed.

CHAPTER 91.

(Senate Bill No. 316.)

AN ACT to amend and re-enact sections 56-a-LI, 56-a-LII and 56-a-LIII of chapter forty-three of the code of West Virginia, edition of one thousand nine hundred and thirteen (being serial sections one thousand eight hundred and seventeen, one thousand eight hundred and nineteen and one thousand eight hundred and twenty of said code), relating to county road engineers, their appointment and removal.

[Passed February 19, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

56-a-LI. Office of county road engineer created; county court may appoint practical road builder or civil engineer; in case no engineer is appointed court may appoint competent man as road supervisor for each magisterial district; duties and compensation; such appointments entirely discretionary; requirements in case of appointment and duties; reports, and how and to whom made; except on petition court may order an election on the question of employment of a road engineer, or supervisor for each magisterial district; term of road engineer if appointed; vacancies filled by ap-

SEC.

pointment and compensation, with exceptions as to population of counties; county court, if deemed advisable, may appoint county surveyor, if competent, and compensation; duty of county clerk hereunder and requirement of appointee as to bond and oath of office; to have room in court house or other place at county seat.

56-a-LII. County engineer may be removed upon court's own volition and for cause.

56-a-LIII. Court may within ten days after removal, appoint to fill vacancy, and at pleasure of court. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections 56-a-LI, 56-a-LII and 56-a-LIII of chapter forty-three of the code of West Virginia, edition of one thousand nine hundred and thirteen (being serial sections one thousand eight hundred and seventeen, one thousand eight hundred and nineteen, and one thousand eight hundred and twenty of said code), relating to county road engineers, their appointment and removal, be amended and re-enacted so as to read as follows:

Section 56-a-LI. There is hereby created in the several counties 2 of the state of West Virginia, the office of county road engineer. 3 The county court in each of the counties of this state may ap- 4 point as county road engineer, some practical road builder or 5 civil engineer, who shall be competent to establish grades and 6 keep the roads and records as provided by law. In the event 7 the county court shall not appoint a county road engineer as 8 herein provided, then it may appoint a competent man as road 9 supervisor for each magisterial district, who shall, under the di- 10 rection and control of the county court, devote his entire time to 10-a any work in progress in the district for which he is appointed and 11 perform the duties hereinafter defined, and who shall be allowed a 12 reasonable compensation by the court for the time in which he is 13 actually engaged in his official capacity, but not to exceed two dol- 14 lars and a half per day; but nothing in this act contained shall be 15 so construed as to require or compel the county court of any county 16 to appoint either a county road engineer or road supervisor for 17 each magisterial district; such appointment being left to the dis- 18 cretion of the county court.

19 Every road supervisor provided for in this act shall, before
20 entering upon the duties of his office, give bond, with security
21 to be approved by the county court of the county, in such sum
22 as may be required by the said court, the same to be made payable
23 to the county court of the county, and be conditioned for the
24 faithful performance of his duties.

25 Each supervisor of roads shall divide his district into con-
26 venient road precincts, not exceeding ten miles in length, and
27 after two weeks' notice of road letting by publication in some
28 newspaper printed in the county, and by posting printed hand
29 bills at various public places in the district, let the construction
30 and repair of said roads by contract for such time as the county
31 court may direct, to the lowest responsible bidder, taking bond
32 from the contractor in a penalty to be fixed by said supervisor,
33 and with condition for the faithful performance of the duties
34 of said contractor, which duties shall be specified in the contract,
35 all of which shall be promptly reported to the county court
36 and approved by it before the same shall become effective. Each
37 road supervisor shall furnish to any person desiring to bid on any
38 road contract specifications of the work required to be done.

39 Said road supervisor shall make such reports and perform
40 such duties from time to time as said court may require; and es-
41 pecially he shall report to the county court on or before the
42 fifteenth day of May of each year the condition of the roads in his
43 district, the improvements proposed, and an estimate of the funds
44 required for the coming fiscal year, and any other matters deemed
45 by him pertinent; and, in addition thereto, he shall within his
46 magisterial district perform the following duties: he shall su-
47 perintend the county roads and bridges, cause the same to be put
48 in good order and repair, of the proper width, well drained, and
49 to be kept clear of rocks, falling timber, landslides, carcasses of
50 dead animals, and other obstructions, and remove all dead timber
51 standing within thirty feet thereof. He shall cause to be opened
52 and made all new county roads and alterations of former roads
53 by proper authority. He shall cause to be placed and kept at
54 the forks or crossings of every county road a guide board, on
55 which shall be stated in plain letters the most noted place to
56 which each road leads. Across every stream, where it is neces-
57 sary and practicable, he shall cause to be placed and kept a suf-

58 ficient bridge, bench or logs, for the accommodation of foot pas-
59 sengers. Where any more important bridge is necessary, and
60 it is practicable for him to have it made, with the money and
61 labor which is at his disposal by virtue of his office, he shall cause it
62 to be made safe and convenient, and at least twelve feet broad,
63 with a railing not less than three feet high on each side. When
64 a county road is suddenly obstructed at any time of the year,
65 by the falling of rock, or timber, landslides or any other cause,
66 or a county bridge is from any cause rendered unsafe, he shall
67 immediately cause such obstructions to be removed or bridge to
68 be repaired.

69 It is provided, however, that the county court, upon petition
70 having been presented, signed by fifty legal voters of the county
71 who are freeholders of said county, shall cause a vote to be taken
72 upon the question at the several voting places in the county, at
73 the next succeeding general election for state or county officers,
74 as to whether the county court shall appoint a road engineer
75 under the provisions of this act; or, whether they shall appoint
76 one supervisor for each and every magisterial district of said
77 county, with duties as herein defined, which said supervisor shall
78 report to the county court in all matters, and shall act under the
79 directions of the county court.

80 The county road engineer if, and when so appointed,
81 shall serve for such term as the county court may fix, but
82 not to exceed a term or period of one year or until his
83 successor is appointed and qualified; and said county court may
84 employ such county road engineer either for a term or period not
85 to exceed one year or by the day.

86 Vacancies in the office of county road engineer shall be filled
87 by appointment for the unexpired term by the county court of
88 the county at their next session. The county road engineer shall
89 receive such compensation, either by salary or per diem, as may
90 be fixed by order of the county court of the county; *provided,*
91 such compensation shall not be more than fifteen hundred dollars
92 per annum; except in counties containing a population of forty-
93 five thousand, or more, the county court of the county in its discre-
94 tion may allow the county road engineer compensation not to
94-a exceed three thousand dollars per annum when employed by the
94-b year, and not more than ten dollars per day when employed by
94-c the day.

95 If thought advisable by the county court, the county sur-
96 veyor of the county elected at the last preceding general election
97 may receive such appointment; *provided*, he be competent as
98 provided by this chapter, and for such services he shall receive
99 the compensation fixed by the county court as provided in this
100 section in lieu of all fees except as are allowed by law for his
101 services as county surveyor.

102 It shall be the duty of the county clerk to give written
103 notice to the appointees provided in this chapter, of their ap-
104 pointment as soon thereafter as practicable, and each person so
105 appointed shall, within ten days after having been notified of
106 such appointment, qualify by giving bond as the court may
107 direct for the faithful performance of his duties, and by taking
108 and subscribing to the oath prescribed by the fifth section of
109 the fourth article of the constitution of the state, a copy of
110 which shall be filed in the office of the clerk of the county court.

111 The county road engineer shall have office room in the
112 court house of the county, or such other place at the county seat
113 as may be provided by the county court.

Sec. 56-a-LII. The county road engineer may be removed
2 summarily at any time by the county court of the county upon
3 its own volition and for such cause as to said court may seem
4 sufficient.

Sec. 56-a-LIII. The county court of the county may, within
2 ten days after such removal, if, in its discretion, it concludes so
3 to do, appoint a county road engineer to fill the vacancy caused
4 by such removal. The person so appointed shall hold office for
5 the unexpired term of the engineer so removed, or for such day
6 or days as said county court may employ him.

7 All acts or parts of acts inconsistent herewith are hereby re-
8 pealed.

CHAPTER 92.

(Senate Bill No. 103.)

AN ACT relating to a special levy for the period of three years in any
county where the court house or jail has been or may be destroy-
ed by fire or other casualty, or become unsafe or unfit for use,
and enable such county to repair or rebuild or build anew such
court house or jail.

[Passed February 5, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

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| <p>1. County court of any county in which court house or jail has been destroyed, or become unsafe, unfit for use or in need of repair, and which does not lay a levy in excess of thirty cents for county and district</p> | <p>SEC. purposes, may for three consecutive years lay a special building levy not exceeding twenty cents on the one hundred dollars valuation.</p> |
| | <p>2. Inconsistent acts repealed.</p> |

Be it enacted by the Legislature of West Virginia:

That chapter thirty-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, be and the same is hereby amended and re-enacted so as to read as follows:

Section 1. That the county court of any county in this state 2 in which the court house or jail has been destroyed by fire, or other 3 casualty, or become unsafe or unfit for use or in need of repair, and 4 which county owes no bonded or funded debt, and which does not 5 lay a levy for county and district purposes in excess of thirty cents 6 on the one hundred dollars valuation on all taxable property 7 therein, as prescribed by chapter sixty-four of the acts of the 8 legislature of one thousand nine hundred and eleven, may, for any 9 three consecutive years, for the sole purpose of creating a fund to 10 repair such court house or jail, or to rebuild and furnish a new court 11 house or jail, lay a special building levy not exceeding twenty 12 cents on the one hundred dollars valuation on the taxable property 13 in such county.

Sec. 2. All acts and parts of acts coming within the pur- 2 view of this act and inconsistent therewith are hereby repealed.

CHAPTER 93.

(House Bill No. 157.)

AN ACT to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by chapter thirty-eight of the acts of the legislature of one thousand nine hundred and thirteen, relating to jailers' fees in civil and criminal cases.

[Passed February 11, 1915. In effect from passage. Approved by the Governor February 13, 1915.]

- | | |
|---|--|
| <p>SEC. 22. Fees: for receiving person in jail, twenty-five cents; for keeping person confined in jail, per day, fifty cents; for each person sentenced to work on county roads, ten cents additional may be paid; for heating county jail;</p> | <p>SEC. for attendance upon courts and as janitor, not exceeding \$150; in cases of felony and misdemeanor fees to be paid out of county treasury; in civil cases at whose instance person is committed.</p> |
|---|--|

Be it enacted by the Legislature of West Virginia:

That section twenty-two of chapter one hundred and thirty-seven of the code as amended by chapter thirty-eight, of the acts of the legislature of one thousand nine hundred and thirteen, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 22. For receiving a person in jail, twenty-five cents, 2 and the like sum for discharging him therefrom.

3 For keeping and supporting a person confined in jail, for 4 each day the sum of fifty cents.

5 For each person sentenced to work upon the county roads, 6 the jailer may be allowed the sum of ten cents in addition to the 7 amount hereinbefore authorized to be paid by the county court, for 8 each day such person is employed on the county road and kept 9 and supported by such jailer, outside of the county jail for said 10 purpose of working the roads.

11 Upon the affidavit of the jailer the county court shall allow 12 him out of the county treasury the amount actually paid for fuel 13 necessary in heating the jail.

14 For attendance upon the circuit and county courts, and acting 15 as janitor of the court house, he shall be allowed not exceeding one 16 hundred and fifty dollars per annum, to be ascertained and fixed 17 by the county court and paid out of the county treasury.

18 In cases of felony and in case of misdemeanor the fees of the 19 jailer shall be paid out of the county treasury, and in civil cases 20 by the party at whose instance a person is committed to jail.

CHAPTER 94.

(House Bill No. 212.)

AN ACT to authorize the advertising of the resources of the counties and the advantages and opportunities of the cities, towns and villages of the state.

[Passed February 12, 1915. In effect from passage. Approved by the Governor February 16, 1915.]

SEC. 1. County court of any county may at discretion contract for advertising resources in 1915 hand-book of West Virginia, cost to be paid out of general county fund; limitations.

SEC. 2. Same provision as to council, board of aldermen, board of affairs or other governing body of city, town or village.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county may, in its discretion, contract for advertising the material resources of such county in the one thousand nine hundred and fifteen handbook of West Virginia, now being compiled and to be published under direction of the West Virginia commission to the Panama-Pacific exposition, the cost of such advertising to be paid out of the general fund of such county; *provided*, that in no case shall the cost of such advertising exceed the sum of one-fourth of one cent on the one hundred dollars assessed valuation of the property of such county for the year one thousand nine hundred and fourteen.

Sec. 2. The council, board of aldermen, board of affairs or other governing body of any city, town or village may, in its discretion, contract for advertising the advantages and opportunities of such city, town or village in the one thousand nine hundred and fifteen hand-book of West Virginia hereinbefore described, the cost of such advertising to be paid out of the general fund of such city, town or village; *provided*, that in no case shall the cost of such advertising exceed the sum of one-fourth of one cent on the one hundred dollars assessed valuation of the property in such city, town or village for the year one thousand nine hundred and fourteen.

Sec. 3. All acts or parts of acts coming within the purview of this act, and in conflict therewith, are hereby repealed.

CHAPTER 95.

(House Bill No. 3.)

AN ACT to reform, alter and modify the county court of Randolph county; under the twenty-ninth section of the eighth article of the constitution of West Virginia.

[Passed February 5, 1915. In effect ninety days from passage. Approved by the Governor February 11, 1915.]

SEC.

1. County of Randolph to be laid off into nine districts; present division into districts to remain until changed by court; county court reformed, altered and modified; to be comprised of nine commissioners to be elected one from each district; qualifications; offices of commissioner

SEC.

and justice of the peace incompatible; compensation.
2. At general election of 1916 one commissioner elected in each district; term of office and provision as to present member of court.
3. When not inconsistent, all provisions of chapter 30, of code,

Sec. respecting courts, applicable; a majority to constitute a quorum.

4. First meeting to be held first Monday in January, 1917, and one member to be elected president.

5. At general election of 1916, question of adoption of system provided by this act, to be submitted; notice of election, pre-

Sec. paration of tickets and what to contain.

6. Election conducted in same manner as elections for members of the legislature.

7. If majority cast for modification this act to be in force, if majority against to have no effect.

Be it enacted by the Legislature of West Virginia:

Section 1. The county of Randolph shall be laid off into nine districts as nearly equal as may be in territory and population. The present divisions of said county into districts, namely: Beverly, Dry Fork, Huttonsville, Leadsville, Middle Fork, Mingo, New Interest, Roaring Creek and Valley Bend, shall constitute such districts until changed by the county court, hereinafter mentioned, and according to law. The county court established in the said county by the eighth article of the constitution of this state, is hereby reformed, altered and modified, that is to say: the county court of the county of Randolph shall be composed of nine commissioners. The voters of each district shall elect one commissioner who shall be a resident of such district. Should any commissioner remove from the district of which he was a resident at the time of his election, his office shall thereby become vacant. The office of commissioner and of justice of the peace, shall be deemed incompatible. Each commissioner shall receive for his services two dollars for each day he shall attend the court, to be paid out of the county treasury.

Sec. 2. At the general election in the year one thousand nine hundred and sixteen, and at each succeeding general election, there shall be elected by the voters of each of said districts one commissioner, whose term of office shall begin on the first day of January next after his election, and continue for two years; *provided*, that the district in which the present member of the county court resides, who has an unexpired term of four years to serve from the first day of January, one thousand nine hundred and fifteen, and the said district in which the present member of the county court resides, who has an unexpired term for six years from the first day of January one thousand nine hundred and fifteen, shall elect no such commissioner until the general election immediately preceding the first day of January, when the respective terms of such commissioners shall expire. And the present members of the said county court shall be and remain the

17 members of the court from the districts in which they respectively
18 reside, for and during the period for which they were respectively
19 elected.

Sec. 3. So far as they are not inconsistent herewith, all
2 of the provisions of chapter thirty-nine of the code of West Vir-
3 ginia, "concerning county courts, and jurisdiction and powers,"
4 and all provisions of law respecting county courts generally, the
5 commissioners composing such courts, and the clerks of such
6 courts shall be applicable to the county court herein provided and
7 to the commissioners composing the same; and the clerk of the
8 county court of Randolph county now in office, and his successors.
9 shall be clerk of the county court herein provided. A majority of
10 such commissioners shall be a quorum for the transaction of bus-
11 iness.

Sec. 4. The first meeting of the county court herein
2 provided shall be held on the first Monday in January in the
3 year one thousand nine hundred and seventeen, or as soon there-
4 after as a majority of them may assemble for the purpose, at
5 which time and annually thereafter at their first meeting in each
6 year, or as soon thereafter as practicable, they shall elect one of
7 their number president of the court.

Sec. 5. At the general election in the year one thou-
2 sand nine hundred and sixteen, the question of the adoption of
3 the system provided for by this act, shall be submitted to the vot-
4 ers of the county of Randolph, voting at such election. Notice
5 of such election shall be given by the publication of this act, in
6 each weekly newspaper published in said county, once in each
7 week for two successive weeks next preceding said election. The
8 tickets for the vote on such question shall be furnished by the
9 county court, and shall have printed thereon, "for modification of
10 county court" and "against modification of county court," and
11 the said ballots shall otherwise conform to the requirements of
12 chapter three of the code of West Virginia respecting ballots to
13 be voted at a general election, but the said ballot shall be separate
14 from the ballots voted at such general election aforesaid.

Sec. 6. Such election, at each place of voting in said county,
2 shall be superintended, conducted and returned by the same
3 officers, at the same time, and in the same manner as the election
4 of members of the legislature is superintended, conducted and
5 returned, and the result at each place of voting shall be certified

6 and returned to the county court now in existence in Randolph
7 county. Said court shall convene in special session as a board of
8 canvassers, and do and perform all acts and things respecting the
9 said election required of them by the code of West Virginia with
10 relation to elections by the people, so far as applicable thereto.

Sec. 7. If a majority of the votes cast upon the question
2 be "for modification of county court," this act shall be and remain
3 in full force and effect; but if a majority of such votes be "against
4 modification of county court," this act shall be of no further force
5 or effect.

CHAPTER 96.

(House Bill No. 33.)

AN ACT to amend chapter eighty-eight of the acts of the legislature
of one thousand eight hundred and ninety-seven, entitled, "An
act to amend and re-enact chapter fifty-five of the acts of the
legislature of one thousand eight hundred and seventy-two, en-
titled 'An act to establish an independent school district in the
town of Grafton' and to abolish the independent school district
of West Grafton."

[Passed February 10, 1915. In effect from passage. Approved by the Governor
February 16, 1915.]

Sec.
2. Board of education to consist of
president and four commis-
sioners, citizens and free-holders; to
be a body corporate, etc.; terms
of office and when to begin; first

SEC.
election at general election in
November, 1916, and subsequent
elections; provision as to presi-
dent now in office.

Be it enacted by the Legislature of West Virginia:

That the second section of chapter eighty-eight of the acts of the
legislature of one thousand eight hundred and ninety-seven, entitled,
"An act to amend and re-enact chapter fifty-five of the acts of the
legislature of one thousand eight hundred and seventy-two, entitled,
'An act to establish an independent school district in the town of
Grafton,' and to abolish the independent school district of West
Grafton," be amended and re-enacted so as to read as follows:

Section 2. There shall be a board of education for said district,
2 to consist of a president and four commissioners, who shall be
3 citizens and freeholders thereof. The said president and four
4 commissioners shall constitute a body corporate and be denomi-

5 nated, "Board of education of Grafton independent school dis-
 6 trict." Their terms of office shall be for four years or until their
 7 successors are elected and qualified and shall begin on the first
 8 day of July following their respective elections. The president
 9 and commissioners shall be elected by the duly qualified voters of
 10 said district at the regular election at which representatives in
 11 the congress of the United States are elected, the president and
 12 two commissioners to be elected at such general congressional elec-
 13 tion held in November, one thousand nine hundred and sixteen,
 14 and two commissioners elected at such election held in November,
 15 one thousand nine hundred and eighteen, and in the same man-
 16 ner every four years thereafter respectively; *provided*, that the
 17 terms of the president and four commissioners now in office shall
 18 be extended to the last day of June following the time when their
 19 respective terms would otherwise expire; and the successors to
 20 the two commissioners whose terms thus expire on the last day
 21 of June, one thousand nine hundred and fifteen, shall be elected
 22 at a special election to be held in said district on the second Tues-
 23 day of June, one thousand nine hundred and fifteen, at which
 24 election there shall be not less than one polling place in each of
 25 the five wards of the district, and which election shall be con-
 26 ducted by the county court of Taylor county in the manner pro-
 27 vided by law.

CHAPTER 97.

(House Bill No. 50.)

AN ACT to enable the board of directors of Clay county high school to raise sufficient funds with which to grade and improve its school grounds and to discharge any indebtedness against said board.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.

1. Board of directors Clay county high school authorized to lay levy for year 1915, for sufficient money to grade and improve school grounds in town of

SEC.

Henry, and to pay off existing indebtedness, not exceeding ten cents on the one hundred dollars valuation.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of directors of Clay county high school is hereby authorized and empowered to lay a levy for the

3 year beginning on the first day of July in the year one thousand
 4 nine hundred and fifteen, for an amount sufficient to grade and
 5 improve its school grounds, in the town of Henry, in said Clay
 6 county, and to pay off any indebtedness now existing against said
 7 board, but said levy shall not exceed ten cents on each one hundred
 8 dollars valuation of taxable property in said county for said year.

CHAPTER 98.

(House Bill No. 64.)

AN ACT authorizing the establishment of a school teachers' retirement pension fund for the school district of Wheeling.

[Passed February 10, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

- | | |
|--|---|
| <p>SEC.
 1. Board of education school district of Wheeling given authority to establish school teachers' retirement pension fund.
 2. Fund to be made up of certain specified items.</p> | <p>SEC.
 3. Fund so established to be maintained solely for benefit of retiring school teachers, under regulations.
 4. "Public schools" and "teachers" defined for purposes of this act.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the school district of
 2 Wheeling is hereby authorized to establish a school teachers' re-
 3 tirement pension fund for the school district of Wheeling, and to
 4 adopt and enforce rules and regulations, not inconsistent here-
 5 with, for the creation, maintenance, government, investment and
 6 distribution of said fund.

Sec. 2. Said fund, if so established, shall be made up of,
 2 (a) deductions from the salaries of teachers in the employ of said
 3 board of education; (b) such sums as said board of education
 4 shall from time to time appropriate for the benefit of said fund
 5 from the school fund of the school district of Wheeling; (c) such
 6 donations, legacies and gifts as shall at any time be made for the
 7 benefit of said fund.

Sec. 3. Said fund, if so established, shall be maintained
 2 solely for the benefit of retiring school teachers who shall have
 3 rendered long service in the employ of said board of education,
 4 and who retire or are retired from said service after such length
 5 of time as shall, by uniform rules, be fixed by said board.

Sec. 4. The words "public schools," as used in this act, 2 shall be taken to include both the primary or sub-district schools 3 and the high school of the school district of Wheeling, and the 4 word "teachers" as used in this act shall be taken to include all 5 teachers, superintendents of instruction, principals and special 6 teachers regularly employed by said board of education in said 7 public schools.

CHAPTER 99.

(House Bill No. 131.)

AN ACT to amend and re-enact section nineteen of chapter sixteen of the acts of the special session of the legislature of West Virginia of one thousand nine hundred and eight, fixing the terms and time for holding circuit courts.

[Passed January 25, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

<p>SEC. 19. For the county of Morgan, for county of Berkeley, for county</p>		<p>SEC. of Jefferson: exception as to Jefferson county for 1915.</p>
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Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter sixteen of the acts of the legislature of West Virginia of the special session of one thousand nine hundred and eight, be amended and re-enacted so as to read as follows:

Section 19. For the county of Morgan, on the first Tuesday 2 in January, the first Tuesday in April, and the first Tuesday 3 in September.

4 For the county of Berkeley, on the third Tuesday in Jan- 5 uary, the third Tuesday in April, and the third Tuesday in 6 September.

7 For the county of Jefferson, on the third Tuesday in Feb- 8 ruary, the third Tuesday in May, and the third Tuesday in 9 October.

10 *Provided, however,* that the February term of the circuit 11 court for Jefferson county for the year nineteen hundred and fif- 12 teen shall begin on the second Tuesday in February of said year as 13 required by section nineteen of chapter sixteen of the acts of 14 one thousand nine hundred and eight.

CHAPTER 100.

(House Bill No. 150.)

AN ACT to provide for a special election to vote on the school levy in Cabin Run district, Mineral county, and in other districts.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 24, 1915.]

SEC.

1. Special election authorized in Cabin Run district, Mineral county, and all other districts of state which failed to vote school levy at general election of 1914; manner of voting, ballots, how

SEC.

conducted and result ascertained; notice to be given by secretary; provisions of section 160 of chapter 45, acts of 1908 to govern.

Be it enacted by the Legislature of West Virginia:

Section 1. That a special election on the question of school levy shall be held on the first Tuesday in June, one thousand nine hundred and fifteen, in Cabin Run district, Mineral county, and in all other districts of the state which failed to vote the school levy at the general election in November, one thousand nine hundred and fourteen. The voting at said special election shall be by ballot at the several places of voting as determined by the board of education, and it shall be the duty of the board of education of each district to give at least ten days' notice of such election by posting the same at each place of voting and such other places as they may determine.

The ballots used at said special election shall have written or printed thereon the words "For school levy" and "Against school levy." If a majority of the votes cast in said special election be in favor of the levy, it shall be the duty of the board of education to make the levy as required by chapter ninety of the acts of the legislature of West Virginia for the year one thousand nine hundred and nine, and the levy voted for at such election shall continue for four years; but if a majority of the votes cast in said special election shall be against the levy, no levy shall be made by said board for the next year succeeding. But it shall be the duty of said board to cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall in like manner be again submitted to the people for their decision, and if a majority of the votes cast at such special election be in favor of the levy, such levy shall be made as hereinbefore required. Of every such special election the secretary of the board of educa-

28 tion of the district shall give notice by posting the same at each
29 place of voting in the district at least ten days before the day on
30 which the same is to be held.

31 The election shall be conducted and the official records re-
32 turned and the result ascertained in accordance with the provisions
33 of section one hundred and sixty of chapter forty-five of the acts of
34 the legislature as amended and re-enacted by the legislature of one
35 thousand nine hundred and eight.

CHAPTER 101.

(House Bill No. 160.)

AN ACT to establish a county high school in the county of Pleasants upon a site to be selected by the board of directors, and authorizing the issuing of bonds in Pleasants county to aid in erecting and equipping a suitable building for said high school.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 25, 1915.]

SEC.

1. County high school established in county of Pleasants at or near St. Marys, under control of board of directors of six; how chosen; in event a majority cast at special election hereunder shall form establishment of said high school; nominations, and how made; terms of office of members of board and how determined; county superintendent *ex-officio* a member and president.
2. Board of directors to have authority to make rules, employ teachers, establish courses of study, grant diplomas, elect secretary and fix compensation.
3. Board to be a body corporate to sue

SEC.

- and be sued, receive, hold and dispose of gifts, grants, etc., liable for claims.
4. For procuring suitable grounds county court to submit at special election question of issuing bonds not to exceed \$50,000; to lay levy, limit of levy.
5. Qualifications for admission to high school.
6. Revenue from taxation to be collected and disbursed by sheriff.
7. Members of board allowed a compensation for services.
8. Before act takes effect to be submitted to voters at special election ordered by county court; notice of same to be by publication; what ballot to contain.

Be it enacted by the Legislature of West Virginia:

Section 1. That a county high school be and the same is hereby established in the county of Pleasants in the state of West Virginia, at or near the town of St. Marys in said county, which shall be known as the "Pleasants county high school," and shall be under the control of a board of directors which shall be known as the "Board of directors of the Pleasants county high school." Said board of directors shall consist of seven members; six of said members—one to be chosen from each

9 magisterial district—shall be elected at the special election provided for in section eight of this act and shall qualify according to law and enter upon the duties of their office as soon as their election has been duly declared; *provided*, that a majority of the votes cast at said special election are in favor of establishing the said county high school. The nomination of each person to be voted upon at said special election for membership on the board of directors shall be made by petition of at least twenty-five qualified voters in his magisterial district, which petition shall be presented to the county court of said county at least ten days before the election. Three of the members elected at said special election shall serve until the general election held in one thousand nine hundred and sixteen and until their successors are elected and qualified according to law; and three members shall serve until the general election held in one thousand nine hundred and eighteen and until their successors are elected and qualified according to law. The board of directors shall, at its first meeting, determine by lot or otherwise what members so elected shall serve until the general election in one thousand nine hundred and sixteen and what members shall serve until the general election in one thousand nine hundred and eighteen. At the general election held in one thousand nine hundred and sixteen and every two years thereafter, three members shall be elected and shall serve for a term of four years and until their successors are elected and qualified according to law. Their term of office shall begin on the first day of July next after their election. The county superintendent of schools shall be *ex-officio* a member and president of said board of directors, but shall have a vote on said board only in case of a tie.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to make such rules and regulations as it may deem proper or necessary for the building, management and control of said high school; employ necessary teachers and fix the salaries of the same; establish a graded course of study and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and maintenance of said high school; and shall elect a secretary and prescribe the duties and compensation of same.

Sec. 3. Said board of directors shall be a body corporate, and as such may sue and be sued, and shall receive, hold and dispose of,

3 according to the usual form of law and the intent of the instrument
4 conferring titles, all gifts, grants or devises made for the use of
5 such high school, and shall be deemed the owner of all such property
6 belonging to said high school, and shall be liable for all claims
7 which may legally exist against it.

Sec. 4. For the purpose of procuring suitable grounds
2 and of erecting and equipping a suitable building or buildings
3 for said county high school, the county court shall at the special
4 election provided for in section eight of this act, submit to the
5 voters of the county under the provisions of section thirty-nine
6 of chapter twenty-seven of the acts of one thousand nine hun-
7 dred and eight, the question of issuing bonds in an amount not
8 to exceed fifty thousand dollars, which bonds shall bear interest
9 at a rate not to exceed six per cent. It shall be the duty of the
10 county court to lay a county levy sufficient each year to provide
11 for the interest on said bonds and a sinking fund to pay off said
12 bonds at maturity. After said high school building is erected
13 and equipped from said bond issue, the board of directors may
14 levy not to exceed five cents on the one hundred dollars valuation
15 each year thereafter for building purposes, and for maintaining
16 said school said board of directors may levy not to exceed ten
17 cents on the one hundred dollars valuation for any year.

Sec. 5. The qualifications for admission to the said county
2 high school shall be subject to such regulations as may be pre-
3 scribed by the said board of directors of said county high school.

Sec. 6. All revenue from taxation as provided herein shall be
2 collected and disbursed by the sheriff of the county of Pleasants in
3 the manner provided by general law.

Sec. 7. The members of said board of directors shall be
2 allowed a compensation of two dollars per day for their services for
3 the time they are actually employed in transacting the business of
4 said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect,
2 it shall within ninety days be submitted to the voters
2-a of Pleasants county at a special election ordered by
3 the county court of said Pleasants county, general notice of
4 which election shall be given by publication of said notice in two
5 newspapers of opposite politics and general circulation in the said
6 county of Pleasants, for four weeks preceding said election, if there
7 be two such newspapers that will publish the same at the legal rate

8 for such publications; but if there be no such newspaper that will
 9 publish such notice at such rate, then said notice may be posted at
 10 three of the most public places in each magisterial district in said
 11 county for a like period. Said county court shall provide a ballot
 12 bearing thereon the words, "For county high school" and "Against
 13 county high school" and if a majority of the votes cast at said
 14 election be in favor of said county high school, then this act shall
 15 be of binding force and effect from the time of the official an-
 16 nouncement of said vote.

CHAPTER 102.

(House Bill No. 171.)

AN ACT to establish a high school in Wayne county, and creating
 a board of control, and providing for support of same.

[Passed February 16, 1915. In effect from passage. Approved by the Governor
 February 20, 1915.]

Sec.

1. High school established in Wayne county at or near the town of Wayne, at site to be selected by board of directors, and board to consist of three members, county superintendent to be one and *ex-officio* president; two others elected and terms.
2. Directors to have full power to make rules for management and control of high school.
3. Board a body corporate, for purposes of management and control of school.
4. For securing grounds and buildings board of directors may lay levy

Sec.

- not to exceed ten cents on the one hundred dollars valuation for 1915, and for subsequent years.
5. Qualification for admission to high school.
6. Revenues from taxation to be collected and disbursed by sheriff.
7. Members of board of directors allowed a compensation.
8. Before act takes effect to be approved at special election called by county court; how called and conducted; majority to decide; may be re-submitted at next general election.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby es-
 2 tablished in the county of Wayne, state of West Virginia, in or
 3 near the town of Wayne, in said county, which shall be known as
 4 the Wayne county high school, the site of which is to be selected
 5 by the board of directors of said school, which said board of di-
 6 rectors shall consist of three members composed of the county su-
 7 perintendent of schools of said Wayne county, who shall be *ex-officio*
 8 a member and president thereof, and two members who shall be
 9 elected at the special election herein provided for and who shall
 10 take office immediately thereafter and serve until their successors

11 are elected and qualified, and one member shall be elected at the
12 next general election thereafter and one every two years follow-
13 ing and shall serve until their successors are elected and quali-
14 fied.

Sec. 2. The said board of directors, as heretofore consti-
2 tuted, shall have full power and authority to make such rules and
3 regulations as it may deem proper for the management and con-
4 trol of said high school; employ the necessary teachers and fix the
5 salaries of same; establish a graded course of study, and grant di-
6 plomas upon graduation of pupils, and perform such other acts as
7 are necessary and essential to the welfare and maintenance of said
8 high school; shall elect a secretary and prescribe the duties and
9 compensation of same.

Sec. 3. Said board of directors shall be a body corporate
2 and as such may sue and be sued, and shall receive, hold and dis-
3 pose of, according to the usual form of law, and the intent of the
4 instrument conferring titles, all gifts, grants or devises made for
5 the use of said high school, and shall be deemed the owner of all
6 property belonging to said high school, and shall be liable for all
7 claims which may legally exist against it.

Sec. 4. For the purpose of securing proper grounds and
2 erecting and equipping suitable buildings thereon for said high
3 school, the board of directors may lay a levy of not exceeding
4 ten cents on the one hundred dollars valuation for taxable
5 purposes for the year one thousand nine hundred and fifteen, and
6 not to exceed ten cents on the one hundred dollars valuation for
7 such purposes for subsequent years.

Sec. 5. The qualifications for admission to the said
2 county high school shall be subject to such rules and regulations
3 as may be prescribed by the said board of directors of said county
4 high school.

Sec. 6. All revenues from taxation as provided herein
2 shall be collected and disbursed by the sheriff of the county of
3 Wayne, in the manner provided by general law.

Sec. 7. The members of said board of directors shall be
2 allowed a compensation of two dollars per day for their services
3 on said high school board, not to exceed ten days in any one year.

Sec. 8. Before this act shall take effect it shall be submit-
2 ted to the voters of Wayne county at a special or general election.

3 If special, ordered by the county court of said Wayne county, no-
 4 tice of such election shall be given by publication of said notice
 5 in two newspapers of opposite politics, and of general circula-
 6 tion in said county of Wayne for four consecutive weeks preceding
 7 such election. Said county court of Wayne county shall provide
 8 a ballot bearing thereon the words "For county high school"
 9 and "Against county high school," and if a majority of the
 10 votes cast at such election be in favor of said county high school,
 11 then this act shall be of binding force and effect from the time of
 12 the official announcement of said vote; if this act should fail to
 13 carry at the said first election, it may be re-submitted at the next
 14 general election following.

CHAPTER 103.

(House Bill No. 173.)

AN ACT to amend and re-enact section three of chapter sixteen, of the acts of the legislature of West Virginia, passed February twenty-fourth, one thousand nine hundred and nine, pertaining to the school district of Huntington.

[Passed February 10, 1915. In effect from passage. Approved by the Governor February 16, 1915.]

SEC.
 3. Qualified voters of district to elect eight persons as board of education at regular election for municipal officers, to hold office for six years; except that every third year four to be elected for six years, and how nominations

SEC.
 to be made and election conducted: no political party to have on board more than half the membership; action to be taken in case of failure to qualify; contests conducted as provided by charter of Huntington.

Be it enacted by the Legislature of West Virginia:

That section three of chapter sixteen of the acts of one thousand nine hundred and nine be and the same is hereby amended and re-enacted so as to read as follows:

Section 3. The qualified voters of said district shall elect 2 eight persons who shall compose the board of education of said 3 district. The members of said board shall be elected at the reg- 4 ular election held in the city of Huntington for the election of 5 municipal officers of said city; and they shall hold their said of- 6 fices for the term of six years and until their successors shall have 7 been elected and qualified; *provided*, that in every third year,

8 at the election of municipal officers for said city four persons from
9 the members of said board shall be elected for the full term of six
10 years. Nomination for candidates for said board shall be made
11 and certified in the same manner as provided for the nomination
12 for candidates for the board of commissioners of said city under
13 its charter as the same now is or may hereafter be amended; and
14 such candidates for members of the board of education shall be
15 voted for, elected and the result of the election ascertained and
16 declared at the time and in the same manner as provided by the
17 charter of said city as the same now is or as it may hereafter be
18 amended; *provided*, that in no event shall there be at any elec-
19 tion more than two persons elected from the same political party;
20 it being the intention of this act to make and keep said board of
21 education non-partisan, and that no political party, at any time,
22 shall have on said board more than one-half of the members to be
23 elected thereto.

24 The election for members of said board of education shall be
25 at the same time, and shall be held, returned and the result there-
26 of ascertained and declared in the same manner and under the
27 supervision of the same authorities as is now or may hereafter
28 be provided for the election of the board of commissioners of said
29 city of Huntington.

30 And the term of office of the members of the board of edu-
31 cation shall commence on the first Monday in June following the
32 election; and if any member fail to qualify by making or filing
33 the oath required by section five, chapter sixteen of the acts of
34 one thousand nine hundred and nine, within thirty days after he
35 shall have been elected, his office shall *ipso facto* become vacant.
36 All contested elections for members of the board shall be held
37 and conducted in the same manner as provided by the charter of
38 the city of Huntington as the same now is or as hereafter amended.

CHAPTER 104.

(House Bill No. 181.)

AN ACT to create and establish the independent school district of
Pennsboro, in the county of Ritchie.

[Passed February 9, 1915. In effect thirty days from passage. Approved by the Governor February 10, 1915.]

SEC.

1. In event a majority be in favor thereof, territory described to be independent school district of Pennsboro, Ritchie county.
2. Board of education to consist of three members, to be citizens and elected by voters of district and serve under same regulations as other boards of education; first election second Tuesday in June, 1915, and how conducted.
3. At first meeting of board first Monday in July of each year to organize and elect secretary not a member of board; duties.
4. Board to be a body corporate with appropriate powers and succeed to school property situated within boundaries of district, with all moneys and accounts thereof; to have exclusive control of schools of district and make rules, etc., and prescribe uniform line of text books, and apparatus; vacancies, how filled.
5. Board has power to establish schools within the district and may issue bonds if authorized by three-fifths vote; branches to be taught and schools to be open to all pupils.
6. Stated or special meetings and two members a quorum; requirement as to letting contracts; compensation of members.
7. Board to appoint all teachers and fix compensation, and may remove same, including principal or superintendent.
8. Duty of board as to purchase, lease or condemnation of land for school buildings.
9. Duties of secretary as to keeping of records and accounts; disbursements made by order of board, all records open to public inspection, and to make reports.
10. Not later than first regular meeting in March each year board to employ competent resident to take enumeration of school youth; and duty of board upon completion of same.
11. State superintendent to report to auditor enumeration of district for purpose of apportionment of school funds.
12. To provide funds board to levy annual tax on property of district within limit prescribed by general school law, and by chapter 90, acts of 1909.
13. In addition to levy in preceding section board to levy such tax as will be sufficient to keep schools in operation not less

SEC.

- than nine months; levy to be known as "teachers' fund," and not to be used for other purposes; board also has power to establish and maintain public library.
14. On failure to lay levies, board may be compelled to do so; taxes so levied collected and disbursed by sheriff, under certain regulations; provision to be observed in case of issue and sale of bonds; sheriff not entitled to commission on certain funds; banks as depositories and duty hereunder.
 15. Board authorized to establish schools for manual training and domestic science, and expenditure for buildings, etc., for same, subject to approval by vote of citizens thereof; separate accounts to be kept.
 16. No money to be disbursed except by order of board duly entered.
 17. At first meeting in May, after this act takes effect, board to appoint a district superintendent; term of office, vacancy to be filled by board; duties and authority.
 18. Board to appoint two competent persons to act with district superintendent as examining committee for all applicants to teach; fee to be paid, one dollar; certificates to be issued classified and renewable; compensation of committee.
 19. Duty of parent as to children of school age, and penalty for violations; what constitutes an offense under this act; disposition of fines collected, and proceedings in defense, and disposition of child if proven incorrigible; appointment of attendance officer authorized; his powers and duties; inducing or attempting to induce non-attendance a misdemeanor, penalty, and authority of attendance officer in relation thereto; attendance officer to keep a record and report to board of education; principal and teachers to report names, ages, etc., of all pupils, and to attendance officer cases of truancy; failure to comply a misdemeanor, penalty, and disposition of fines collected; duty of attendance officer as to cases of truancy; any court or justice of Ritchie county has jurisdiction.
 20. Inconsistent provisions of general school law void within this district, otherwise in effect.

Be it enacted by the Legislature of West Virginia:

Section 1. That in the event a majority of the votes cast 2 at an election to be held on the third Tuesday in May, one thousand nine hundred and fifteen, in the district of Clay, be in favor

4 thereof, the following described territory, in the county of Ritchie,
5 shall after the result of such election is ascertained and declared,
6 be the independent school district of Pennsboro, to-wit:

- 7 Beginning at a pine tree, corner of Brown's heirs and Sad-
8 ler's lands;
- 9 N. 15° 30' E. 47 poles to a jack oak at Doyle's corner;
- 10 N. 43° 30' W. 77 poles to white oak at Wells' knob;
- 11-12 N. 55° E. 46 poles to jack oak in Wells and McDougal's corner;
- 13 N. 20° W. 46 poles to persimmon in Wells' fence;
- 14 N. 3° 30' E. 43 poles to sycamore at McDougal's foot bridge;
- 15 N. 11° W. 63 poles to a post, corner of McDougal's fence;
- 16 N. 89° 30' W. 66 poles to pine tree in Geo. Boyce's line;
- 17 N. 84° W. 127 poles to white oak in Sill's land near where
18 Monroe lives;
- 19 S. 63° W. 47 poles to an oak near the Bonds Creek road;
- 20 S. 86° 30' W. 106 poles to a corner in Wilson's and Sill's lands;
- 21 S. 21° W. 138 poles to jack oak in woods in M. H. Davis's land;
- 22 S. 44° 30' W. 160 poles to a telephone pole on Kelly's point;
- 23 S. 51° 30' W. 38 poles to a telephone pole near pike at fair
24 grounds;
- 25 S. 62° 15' W. 12 poles to west corner post at pike entrance to
26 fair grounds:
- 27 S. 18° 15' W. 38 poles to a black walnut by fair ground fence;
- 28 S. 13° 30' W. 32 poles to west end fair ground fence;
- 29 S. 63° E. 17 poles to a sugar, corner to fair ground fence;
- 30 N. 70° E. 30 poles to a post in fair ground fence;
- 31 N. 89° E. 165 poles to a stone in Thomas' land;
- 32 N. 69° E. 157.5 poles to a stone in Wilson's field;
- 33 S. 57° E. 40 poles to a stone in Wilson's field;
- 34 S. 56° E. 48 poles to Flesher's line;
- 35 S. 23° W. 30 poles to Flesher's corner;
- 36 S. 73° 30' 20 poles to Flesher's and Taylor's corner;
- 37 N. 22° 30' E. 24 poles to a stone in Flesher's line;
- 38 S. 56° E. 7.7 poles to a persimmon in Taylor's land;
- 39 S. 63° E. 47 poles to a stone in Taylor's land;
- 40 S. 89° 30' 89 poles to a stone in Taylor's land;
- 41 N. 1° W. 78 poles to a white oak on ridge in Brown's line;
- 42 N. 12° 30' W. 12.4 poles to a pine at the beginning.

Sec. 2. The board of education of said independent
2 school district shall consist of three members, who to be eligible

3 shall be citizens of and residents of said independent school dis-
4 trict and shall be elected by the qualified voters resident therein
5 and shall be vested with the same rights and exercise the same
6 powers, perform the same duties and receive the same compensa-
7 tion and be governed by the same laws that boards of education
8 otherwise than those of independent school districts are governed
9 by, except in so far as charged by the provisions of this act; *pro-*
10 *vided*, that the three members of the board of education for the
11 year beginning July first, one thousand nine hundred and fifteen,
11a shall be elected on the second Tuesday in June, one thousand nine
12 hundred and fifteen, and shall serve until their successors are elect-
13 ed and qualified; which election held on the second Tuesday in
14 June, one thousand nine hundred and fifteen, shall be conducted by
15 commissioners to be appointed by the county court of Ritchie coun-
16 ty and shall be at the usual voting places in the territory wherein
17 said election is required to be held.

Sec. 3. At the first meeting of the board, which is here-
2 by required to be held on the first Monday in July of each year,
3 or as soon after as practicable, the board shall organize and elect
4 one of their members president and shall also elect a secretary, who
5 shall not be a member of the board, who shall perform the duties
6 required by law or prescribed by said board and shall be allowed
7 a compensation not to exceed fifty dollars per year.

Sec. 4. The said three members shall constitute a board
2 of education for said district, named independent school district of
3 Pennsboro, and shall be a body corporate and as such may sue and
4 be sued, plead and be impleaded, purchase and hold so much real
5 estate and personal property as may be necessary for the purposes
6 of education within said district; may receive any gift, grant, do-
7 nation, devise or bequest; may become a party to suits and con-
8 tracts and other corporate acts and shall succeed to and have all the
9 rights of the school property heretofore exercised, held and owned
10 by the board of education of Clay district situated within the afore-
11 said boundaries of independent school district of Pennsboro and
12 assume all liabilities of the present board of education of said Clay
13 district which the said board of said Clay district shall turn over
14 and account for to the new board of education of independent
15 school district of Pennsboro, elected pursuant to the provisions of
16 this act, all the moneys, accounts and property within its control
17 or in the control of the sheriff of said county, which may be the

18 property of the said independent school district of Pennsboro.
19 The said board shall have exclusive control of all schools within
20 said district; shall have power to make all necessary rules and reg-
21 ulations for the government of the schools of the district; for the
22 admission of pupils therein and for the exclusion of pupils whose
23 attendance would be dangerous to the health or detrimental to
24 the morals of the school; they may prescribe a uniform line of text
25 books for the use of the schools in the independent school district
26 of Pennsboro and may furnish books and stationery for the
27 children in attendance at the schools, and they may furnish all
28 necessary apparatus, books and appliances for the use of the schools
29 and incur all other necessary expense to make the system efficient
30 for the purpose for which it was established and pay the cost
31 of same from the building fund of the district.

32 Vacancies in the office of the president or commissioner shall
33 be filled by the board at the first regular meeting after which said
34 vacancy shall be declared, by the appointment of a duly qualified
35 person, who shall hold office until the next election, at which time
36 a qualified person shall be elected to fill the unexpired term caused
37 by said vacancy.

Sec. 5. The board of education shall have power to estab-
2 lish within the independent school district such schools, including
3 high schools, by such names as may be prescribed by said board
4 and may in their judgment be best for the interest of the inde-
5 pendent school district, and may issue bonds to raise sufficient
6 funds wherewith to establish such schools; but no such bonds
7 shall be issued until the question of issuance of such bonds be
8 first submitted to the legal voters of the district at some election
9 in said independent school district and a three-fifths vote of the
10 voters voting be cast in favor of the issuance of such bonds, which
11 election may be held as other elections provided for by the laws
12 of West Virginia.

13 The branches to be taught in the high school and other
14 schools in said independent school district shall be such as may
15 be prescribed by the board of education; the schools of the said
16 independent school district shall be subject to such grading as the
17 board may direct; the said high school shall be open to all pupils
18 in the district, but no pupils shall be entitled to enter it until the
19 superintendent of the schools within the said independent school
20 district shall have satisfied himself that the said pupil has made

21 due proficiency in the branches taught in the other schools of said
22 independent school district.

Sec. 6. The board of education for said district shall
2 hold stated meetings at such times and places as they may ap-
3 point, two members of which shall constitute a quorum for the
4 transaction of business. Special meetings of said board may be
5 called by the president or at the request of any member by the
6 secretary. No business shall be transacted at a special meeting
7 except it be mentioned in the call, which call shall be in writing
8 and be recorded in the proceedings of said special meeting; no
9 contracts shall be made by the board in special meetings involv-
10 ing one hundred dollars or more unless all members of said board
11 shall have at least twelve hours notice of said meeting and by per-
12 sonal service of the call. The members of the board of education
13 shall receive the same compensation provided by general law for
14 members of boards of education.

Sec. 7. The board of education of said district shall ap-
2 point all teachers, and provide for substitute teachers when nec-
3 essary, for the public schools within said district, and fix their
4 compensation; the said teachers shall be subject in all respects to
5 the rules and regulations adopted by the said board, and they may
6 be removed by said board for incompetency, neglect of duty, or
7 gross immorality, or whenever from any cause it shall appear to
8 said board that their removal is to the best interests of the schools
9 of said district. The said board may also appoint such principals
10 and superintendents as may in their judgment be necessary for
11 the supervision of said schools and may employ such janitors and
12 custodians of their school buildings and fix the compensation,
13 and may remove any such principal, the superintendent, teacher,
14 janitor or custodian for neglect of duty, incompetency, gross im-
15 morality, or whenever it shall appear to said board from any cause
16 that such removal is for the best interests of the schools of said dis-
17 trict.

Sec. 8. It shall be the duty of said board of education to
2 provide by purchase or by condemnation proceedings in a court
3 of competent jurisdiction, or by leasing or building or otherwise,
4 all necessary school buildings, grounds, furniture, fixtures, sup-
5 plies, apparatus and appliances, for the education of the children
6 of school age within said district, and to keep the school property
7 in said district in good order and repair and to supply the school

8 buildings therein with proper fuel or heat, and other things nec-
9 essary for the comfort and convenience of said schools, and there
10 shall be no limitation as to the number of acres or quantity of land
11 which the said board of education shall have the right to con-
12 demn or cause to be condemned for school purposes.

Sec. 9. The secretary shall record in a well bound book
2 to be provided for the purpose, all official acts and proceedings of
3 the board, which shall be a public record open to the inspection of
4 all persons interested therein; he shall also keep and preserve books
5 of accounts which shall show the resources of the board for each
6 current year and the funds from which the same are derived; all
7 credits to be charged against said resources by way of delinquents,
8 commissions and otherwise; all disbursements made by the board
9 and on account of what fund, and the balance to the credit of each
10 fund, together with a descriptive entry, showing for what purpose
11 each item of disbursement is made, which books of account shall
12 always show the financial resources of the district and shall always
13 be open to the inspection of any taxpayer of the said district; he
14 shall also preserve in his office all papers containing evidences of
15 title, contract and obligations; and in general, shall record and
16 keep in his office all records, papers and documents as shall be re-
17 quired by this act, and perform such duties, not inconsistent here-
18 with, as may be prescribed by the board; he shall make such re-
19 ports as are required to be made by secretaries of the board of ed-
20 ucation by the general school laws of the state; and he may be re-
21 moved at any time by a majority of the members of the board in
22 regular session.

Sec. 10. Not later than the first regular meeting in
2 March in each year, the board shall employ a competent person,
3 a resident of the district, to make an enumeration of all the youths
4 resident in said district, who shall be over six and under twenty-
5 one years of age on the first day of July following, in the manner
6 prescribed by the general school law of the state, which enumera-
7 tion shall be verified in the manner and returned to the secretary
8 of the board within the time prescribed by said general school law;
9 the board shall examine said report of enumeration at its next
10 regular meeting after its return, and shall take such steps as it
11 may deem necessary to verify the same, and the secretary shall
12 certify the said enumeration to the county superintendent of
13 schools within the time and in the manner prescribed by law.

Sec. 11. The state superintendent of schools, in his report to the auditor, shall specify separately the enumeration of the youth in said district, and in the apportionment of the school funds, the amount to be due said district shall be apportioned and certified to the secretary of said board separately, and requisition therefor shall be drawn in favor of the board of education of said district accordingly.

Sec. 12. In order to provide the funds which are necessary for the purpose of this act, the board of education shall annually at its first regular meeting in July, or as soon as practical thereafter, levy a tax on the property taxable in the said district, in the manner, within the limits and not to exceed the amount prescribed by the general school laws of the state relating to levy by boards of education for that purpose, and as provided by chapter ninety of the acts of the legislature of West Virginia for the year one thousand nine hundred and nine.

Sec. 13. In addition to the levy named in the preceding section, the board of education shall for the support of the schools in the district annually levy such tax on the taxable property in the district, as will, with the money received from the state for the support of free schools, be sufficient to keep said schools in operation for not less than nine months in the year. The proceeds of this levy, together with the money received from the state aforesaid, shall constitute a special fund, to be called the "teachers' fund", and no part thereof shall be used for any other purpose than the payment of teachers' salaries and the salary of the superintendent and the establishment and maintenance of the public school library provided for in this section; the board of education shall have power to establish and maintain a public library, and the library so established and maintained shall be known as the Pennsboro public school library, and shall be for the use of the public schools of the Pennsboro district and the inhabitants thereof, and shall be governed by such rules and regulations as the board of education shall prescribe.

Sec. 14. Upon failure by the board of education to lay the levies required by this act, or any of them, they shall be compelled to do so by the circuit court by writ of mandamus.

The taxes so levied by the board of education shall be collected in the same manner and at the same time as the state and county taxes by the sheriff of Ritchie county; and he shall deposit

7 the same immediately, when collected, with some bank or banks
8 in a separate account or accounts, and shall credit the same to the
9 proper fund or funds. The said sheriff shall report in writing
10 to the board of education monthly, and as otherwise required by
11 said board, as to the condition of the several funds. The sheriff
12 shall receive for his services two per cent. of the sum so collected,
13 and deposited, as full compensation and in lieu of any commission
14 thereon provided by general law. The bank or banks with which
15 such funds are deposited shall allow thereon reasonable interest
16 at the rate of not less than two and one-half per cent. on the aver-
17 age daily balance, and the interest so received shall be added to
18 the fund which produced it and be expended for the same pur-
19 pose for which the original fund was expended. The sheriff shall
20 pay out such sums as may be ordered by the board upon orders
21 signed by the president and secretary of the board. Any sum de-
22 rived at any time from the sale of bonds or property of said board
23 of education shall be credited to the proper fund and shall be de-
24 posited in some bank or banks designated by the board, to the
25 credit of the board of education of the independent school dis-
26 trict of Pennsboro, which bank or banks shall allow interest there-
27 on as hereinafter provided, and the interest so received shall be
28 added to the fund which produced it to be expended for the same
29 purpose as the original fund, or, in the discretion of the board,
30 for the payment of interest on such bonds, if the fund is derived
31 from sale of bonds. The sheriff of Ritchie county shall not be en-
32 titled to any commission on, or on account of, funds derived from
33 the sale of such bonds or property. The bank or banks receiving
34 on deposit any such funds for the credit of said board shall fur-
35 nish to the board of education bonds with approved surety in such
36 sums as the board may require, which bonds shall be conditioned
37 to safely care for said funds and to account for the same, together
38 with the agreed interest, and to pay same out only upon duly
39 signed orders as herein provided. Before designating any bank
40 or banks as depositories hereunder, the said board shall ask for
41 bids from the various banks in Pennsboro and shall award such
42 deposits to the bank or banks making the most advantageous
43 bids therefor, in such amounts as to the board may seem fit; *pro-*
44 *vided*, that the rate of interest shall not be less than two and one-
45 half per cent. on the average daily balance. The said bank or
46 banks shall pay out such sums as may be ordered by the board

47 upon orders signed by the president and secretary of the board.

Sec. 15. The board of education is hereby authorized to
2 establish and maintain schools for manual training and domestic
3 science, which shall be conducted under the order and direction of
4 the board, and in accordance with such rules and regulations as it
5 may prescribe; for this purpose the board is authorized to expend
6 each year such sums out of the building fund and out of the teach-
7 ers' fund of the district as it may deem necessary; *provided, how-*
8 *ever,* that for the purpose of acquiring the necessary buildings and
9 grounds, furniture, fixtures and appliances, debt may be contract-
10 ed by the board, provided the same is authorized by the people of
11 the district at a special election to be held and conducted according
12 to the provisions of this act. The secretary of the board shall keep
13 separate accounts of the cost of establishing and maintaining each
14 of the schools established pursuant to the provisions of this section
15 and the annual statements of disbursements shall show by item all
16 disbursements made on account thereof.

Sec. 16. No money shall be disbursed except by order of
2 the board, duly entered of record, and every order on the treasurer
3 for payment of money shall be signed by the president and secre-
4 tary and shall specify upon its face the particular account to which
5 the same is chargeable.

Sec. 17. At the first meeting in May after this act takes
2 effect, the board shall appoint a district superintendent of schools
3 and fix his salary, whose term of office shall begin on the first day
4 of July next succeeding his appointment and continue not to ex-
5 ceed a period of two years as determined by the board; but he may
6 be removed at any time for immorality, misconduct, or lack of pro-
7 ficiency; any vacancy in the office shall be filled by the board of edu-
8 cation for the unexpired term. The superintendent shall have gen-
9 eral supervision of the conduct of the schools, make all necessary re-
10 ports and perform such other duties as the board may prescribe;
11 the said district superintendent shall not receive, directly or in-
12 directly any gift, emolument or reward for his influence or services
13 in securing any contract, supplies or apparatus, or the adoption of
14 any such book, supply or apparatus, and in case he shall do so he
15 shall be removed from the office.

Sec. 18. The board of education shall appoint two com-
2 petent persons to act with the district superintendent as an exam-
3 ining committee to examine all applicants for teachers of schools

4 in the district; each applicant for examination shall pay a fee of
5 one dollar. Certificates of qualification shall be issued by said
6 committee, according to proficiency, as follows: number one, very
7 good; number two, good; number three, medium; but the board
8 may by special regulation, provide for issuance of certificates to
9 colored teachers; no certificate shall be issued for longer than one
10 year, but the number one certificate may be renewed from year to
11 year by the examining committee, at its option, under such regula-
12 tions as the board may prescribe; the committee shall hold meet-
13 ings for such examinations at such times and places as the district
14 superintendent may appoint; the examining committee shall re-
15 ceive such fees for their services as the board may allow, to be paid
16 out of the examination fees, the excess of any such fees, if any, to
17 be paid into the building fund.

Sec. 19. Every person having under his control a child or
2 children between the ages of seven and fifteen years, residing in the
3 independent school district of Pennsboro, shall cause such child or
4 children to attend public school in said district and such attend-
5 ance shall begin at the beginning, and shall continue through the
6 school year thereof, and for every neglect of such duty the person
7 offending shall be guilty of a misdemeanor and shall, upon con-
8 viction thereof, be fined two dollars for the first offense and five
9 dollars for each subsequent offense together with the costs of prose-
10 cution, and, in the discretion of the court or justice, be required to
11 enter into a bond in the penal sum of fifty dollars, payable to the
12 board of education of said district with security to be approved by
13 the court or justice, conditioned that the person so convicted will
14 cause such child or children to attend public school in accordance
15 with the provisions of this act, and any and all amounts that may
16 be recovered on any and all such bonds shall be placed to the credit
17 of the building fund of said district.

18 Any failure to give such bond in the manner and within the
19 time therefor prescribed by such court or justice shall be a misde-
20 meanor and be punished by a fine of not less than one dollar nor
21 more than five dollars and the cost of prosecution.

22 An offense, as intended and provided by this act, shall consist
23 in the failure of such person to send to school any such child or
24 children for more than one day in any one week in which the
25 schools are in session unless the attendance of such child or chil-
26 dren be prevented by personal sickness or other reasonable excuse;

27 *provided*, that if such child or children shall have graduated from
28 the grammar grades, or if such child or children have been other-
39 wise instructed for a like period of time in the branches of learn-
30 ing required by law to be taught in public schools, or have already
31 acquired such branches, or if, in the opinion of the superintendent
32 of said school district, the mental or physical condition of such
33 child or children is such as to render such attendance inexpedient
34 or impracticable, such penalty shall not be incurred.

35 Any and all fines so collected shall be paid to the secretary of
36 the board of education of said district, who shall pay the same to
37 the sheriff and take his receipt therefor and the sheriff shall de-
38 posit the same in the proper account to the credit of the building
39 fund of said district.

40 If the person against whom such proceedings shall be insti-
41 tuted shall satisfactorily prove in the course of such proceedings
42 that he has made all proper efforts and used due diligence to com-
43 pel such child to attend school as hereinbefore provided, and that
44 because of the disobedience of the child he has been unable to do
45 so, such facts shall constitute a defense to such proceedings. There-
46 upon the attendance officer shall take such steps and proceedings
47 before the proper court to have such child adjudged incorrigible
48 and committed to the state reform school at Pruntytown or the
49 girls' industrial school at Salem.

50 To aid in the enforcement of this act the board of education
51 shall appoint and employ one or more attendance officers whose
52 term of office and compensation shall be fixed by the board. The at-
53 tendance officer shall be and is hereby vested with police powers
54 with authority to serve warrants, and shall have authority to enter
55 work shops, factories, stores and other places where children may
56 be employed and do whatever may be necessary in the way of in-
57 vestigation or otherwise to enforce this act.

58 The attendance officer shall have power, without warrant, to
59 apprehend any child between the ages of seven and fifteen years
60 who shall have been reported to him in writing by the superintend-
61 ent or any principal and to place such child in a public school
62 which he should have attended or in which he should have been or
63 has been enrolled, or to place such child, at the expense of the
64 parent, guardian or other person having such child under his con-
65 trol in such private school as he may select. In case such parent,
66 guardian or other person having such child under his control shall

67 fail or refuse immediately, upon being applied to, to select such
68 private school, then the said attendance officer shall at once place
69 such child in the public school of the district in which such child
69-a resides.

70 Any person who induces or attempts to induce any such child
71 unlawfully to absent itself from school, or who harbors or employs
72 such child unlawfully absent from school while the school in the
73 district in which the child lives is in session, shall be guilty of a
74 misdemeanor and shall be fined in punishment therefor twenty-five
75 dollars and may be also imprisoned not to exceed ten days in jail.
76 The attendance officer shall institute proceedings against any
77 and all persons violating this act, and perform such other duties
78 and offices as the superintendent or board of education may deem
79 necessary or require to preserve the morals and secure the good
80 conduct of any and all school children in said district and to en-
81 force this act and its provisions.

82 Such attendance officer shall keep a record of his transactions
83 for the inspection and information of the superintendent and of
84 the board of education and shall make reports to the superintend-
85 ent or to the board of education throughout the school year, as he
86 or it may require, and the superintendent shall make such reports
87 to the board as it may require. The principals and teachers of all
88 schools, public, private or otherwise, in said school district hereby
89 created shall report to the board of education the names, ages and
90 residences of all pupils of compulsory age who are in attendance at
91 their respective schools, together with such other facts as the board
92 of education may require to facilitate the carrying out and enforce-
93 ing of the provisions of this act, and said board of education shall
94 furnish blanks for such purposes and reports shall be made at such
95 time or times as the said board of education shall prescribe by rules
96 to be adopted by it. Such teachers shall also report to the proper
97 attendance officers, or to the superintendent of schools of the said
98 district all cases of truancy and unlawful absence in their respec-
99 tive schools as soon as practicable after such truancy or absence.

100 If any person fail to comply with the requirements and pro-
101 visions of this section of this act requiring reports to be made as
102 aforesaid, he shall be guilty of a misdemeanor and be punished
103 by a fine of five dollars and costs of prosecution. Any fine so paid
104 shall be paid to the secretary of the board of education and by
105 him paid to the sheriff of the county who shall receipt to him

106 therefor and deposit same in the proper account and place it to
 107 the credit of the building fund of said district. If to any prosecu-
 108 tion instituted under the provisions of this act a satisfactory de-
 109 fense be made so that such proceedings be dismissed or defendant
 110 be adjudged not guilty, the costs of such prosecution shall be paid
 111 in that event to the proper officers entitled to fees therefor by
 112 the board of education of said district out of funds under its con-
 113 trol.

114 When so directed by the superintendent, or by the board of ed-
 115 ucation, or when it comes to his notice otherwise, such attendance
 116 officer shall examine into any and all cases of truancy or unex-
 117 plained absence of any of the school children of compulsory age
 118 in said district.

119 When any child or children are not attending school without
 120 lawful excuse in violation of the provisions of this act, the attend-
 121 ance officer shall notify in writing the person having the control of
 122 such child or children to send same to some school, but the service
 123 of such notice shall not be an essential preliminary to any provis-
 124 ions of this act. Any court or justice of Ritchie county shall
 125 have jurisdiction over and take cognizance of all offenses provided
 126 by and all violations of this act.

Sec. 20. All provisions of the general school law of this
 2 state which are inconsistent with or in conflict with any of the pro-
 3 visions of this act shall be void within said district; otherwise to
 4 have full force and effect therein.

CHAPTER 105.

(House Bill No. 214.)

AN ACT to abolish the independent school district of Fayetteville, in
 the county of Fayette.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the
 Governor February 25, 1915.]

SEC.

1. Act creating independent school district of Fayetteville, Fayette county, repealed, effective July 1, 1915.
2. Board of education of independent district to conduct school of district until date and exercise

SEC.

3. full authority. School building, grounds and all other property goes to board of education of Fayetteville district, who shall appoint trustees and levy for support of same.

Be it enacted by the Legislature of West Virginia:

Section 1. An act of the legislature, entitled "An act
2 to create the independent school district of Fayetteville, in the
3 county of Fayette," passed by the legislature of West Virginia,
4 February twenty-one, one thousand eight hundred and eighty-
5 seven, and which constitutes chapter nineteen of the acts of the
6 legislature of one thousand nine hundred and seven, is hereby
7 repealed and annulled and the said independent school district of
8 Fayetteville is hereby abolished, the same to take effect July one,
9 one thousand nine hundred and fifteen.

Sec. 2. The board of education of the independent free
2 school district of Fayetteville shall conduct the schools in said
3 independent district during the school year ending June thirty,
4 one thousand nine hundred and fifteen, as in the manner provided
5 by the act creating said independent school district, and collect
6 all the levies and moneys, sue and be sued in reference to any con-
7 tract or for the collection of any levies or obligations due to
8 said district prior to July one, one thousand nine hundred and
9 fifteen.

Sec. 3. The school building, and school grounds, and
2 other property, including personal property and school equip-
3 ment, belonging to said independent school district, shall on and
4 after July one, one thousand nine hundred and fifteen, become,
5 and the title thereto be vested in the board of education of Fay-
6 etteville district in said Fayette county, and the board of education
7 of said Fayetteville district shall appoint trustees for the said
8 school as one of the sub-districts of said Fayetteville district, and
9 a levy for the support of said schools shall be laid upon the
10 entire property of the district of Fayetteville in said county for the
11 school year beginning July one, one thousand nine hundred and
12 fifteen.

CHAPTER 106.

(House Bill No. 217.)

AN ACT to establish a county high school in the county of Mingo,
upon a site to be selected by the board of directors, and authoriz-
ing the levying of taxes in Mingo county to aid in erecting and
equipping a suitable building for said high school.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

SEC.

1. High school established in Mingo county in city of Williamson, and designation; board of directors to consist of one to be elected at next general election; president and commissioners of the county court and county superintendent of schools, *ex-officio* president; when member to be elected.
2. Board of directors to have full power for control of school, employment of teachers, establish courses of study, grant diplomas and elect a secretary.
3. Board of directors a body corporate with all powers.
4. For procuring grounds and erecting buildings thereon board may lay levy not exceeding ten cents

SEC.

- on the one hundred dollars valuation first two years, and not exceeding five cents for subsequent years, and ten cents for maintenance.
5. Qualifications for admission to be fixed by board.
 6. All revenue from taxation to be collected and disbursed by sheriff.
 7. Board to receive compensation of two dollars per day, not to exceed ten days.
 8. Before act takes effect all matters connected herewith to be submitted at regular or special elections; to be ordered by county court; publication of notice and how ballot prepared; result and effect.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby established in the county of Mingo, state of West Virginia, in the city of Williamson, in said county, which shall be known as "The Mingo county high school," the site for which is to be selected by the board of directors of said school, which said board of directors shall consist of one member to be elected at the next general election and every four years thereafter, and whose term of office shall commence on the first day of July following said election and be for four years and until his successor is elected and qualified, and the president and the commissioners of the county court of said Mingo county and the county superintendent of free schools of said county of Mingo shall be *ex-officio* members of said board of directors, and the county superintendent of free schools shall be *ex-officio* president of said board of directors. The *ex-officio* members of said board of directors shall constitute said board of directors of said Mingo county high school until the elective member of said board of directors shall have been elected and qualified.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to make such rules and regulations as it may deem proper or necessary for the management and control of said high school, employ necessary teachers and fix the salaries of the same, establish a graded course of study and grant diplomas upon graduation of pupils, and perform such other acts as are necessary and essential to the welfare and main-

8 tenance of said high school, and shall elect a secretary and pre-
9 scribe the duties and compensation of same.

Sec. 3. Said board of directors shall be a body corporate
2 and, as such, may sue and be sued, and shall receive, hold and
3 dispose of, according to the usual form of law and the intent of
4 the instrument conferring titles, all gifts, grants or devises made
5 for the use of such high school, and shall be deemed the owner
6 of all property belenging to said high school, and shall be liable
7 for all claims which may lawfully exist against it.

Sec. 4. For the purpose of procuring proper grounds and
2 for erecting and equipping suitable buildings thereon for said
3 high school, said board of directors may lay a levy of not exceeding
4 ten cents on the one hundred dollars valuation for taxable
5 purposes for the first two years, and not to exceed five cents on
6 the one hundred dollars valuation for such purposes for subse-
7 quent years; and for maintaining said high school said board of
8 directors may lay a levy not to exceed ten cents on the one hun-
9 dred dollars valuation for any year.

Sec. 5. The qualifications for admission to the said county
2 high school shall be subject to such regulations as may be pre-
3 scribed by the said board of directors of said county high school.

Sec. 6. All revenue from taxation, as provided herein, shall
2 be collected and disbursed by the sheriff of the county of Mingo,
3 in the manner provided by general law.

Sec. 7. The members of said board of directors shall be
2 allowed a compensation of two dollars per day for their services for
3 the time they are actually employed in transacting the business
4 of said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect it shall be sub-
2 mitted to the voters of Mingo county, at a regular or a special
3 election and, if at a special election, the same to be ordered by
4 the county court of said Mingo county, general notice of which
5 election shall be given by publication in two newspapers of op-
6 posite politics and of general circulation in said county of Mingo
7 for four weeks preceding said election, if there be two such news-
8 papers that will publish the same at the legal rate for such publica-
9 tions; but if there be no such newspapers that will publish such
10 notice at said rate, then said notice shall be posted at three of the
11 most public places in each magisterial district in said county for
12 a like period. Said county court shall provide a ballot bearing

13 thereon the words: "For county high school" and "Against
14 county high school." And if a majority of the votes cast at said
15 election be in favor of said high school then this act shall be of
16 binding force and effect from the time of the official announce-
17 ment of said vote.

CHAPTER 107.

(House Bill No. 224.)

AN ACT to amend and re-enact section three of chapter nineteen of the acts of one thousand nine hundred and five, relating to the independent school district of Burnsville, in the county of Braxton.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 22, 1915.]

Sec.

3. Board of education to consist of president and two commissioners elected by voters thereof; when elected; provision as to commissioner now in office; term of

Sec.

office to begin July 1, next after their election and to be for four years, or until successors are chosen.

Be it enacted by the Legislature of West Virginia:

That section three of chapter nineteen of the acts of one thousand nine hundred and five, relating to the independent school district of Burnsville, in the county of Braxton, be and the same is hereby amended and re-enacted so as to read as follows:

Section 3. The board of education of said district shall consist of a president and two commissioners elected by the voters thereof. One commissioner shall be elected on the first Thursday in January, one thousand nine hundred and seventeen, and one commissioner on the first Thursday in January every two years thereafter; *provided, however,* that the commissioners now in office or elected shall continue to serve for the full term for which they were elected and until their successors are elected or appointed and qualified as required by law. The president of said board shall be elected on the first Thursday in January, one thousand nine hundred and nineteen, and on the first Thursday in January every four years thereafter. The term of office of the president and commissioners of said board of education shall begin on the first day of July next after their election and they shall

15 continue in office for four years and until their successors are
16 elected or appointed and qualified according to law.

CHAPTER 108.

(House Bill No. 223.)

AN ACT to authorize the city of Charleston to convert the acre of ground known as the Ruffner graveyard into a park for the use of the inhabitants of said city.

[Passed February 20, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>SEC. 1. City of Charleston authorized to vacate as a graveyard and use as park, acre known as Ruffner</p>		<p>SEC. graveyard; duty of municipal authorities hereunder.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The city of Charleston, in the county of Kanawha, 2 is hereby authorized and empowered to vacate as a graveyard and 3 use as a park, for the benefit of all of the residents of such city, 4 the acre of ground known as the Ruffner graveyard, and being the 5 same acre of ground that was conveyed to the president, recorder 6 and trustees of the town of Charleston by deed dated on the 7 twelfth day of February, one thousand eight hundred and thirty- 8 one, and recorded in the office of the clerk of the county court of 9 Kanawha county in deed book "H," page three. The municipal 10 authorities of the city of Charleston shall, by proper ordinance, 11 provide for the suitable and proper vacation of such graveyard and 12 the conversion of the same into a public park.

CHAPTER 109.

(House Bill No. 242.)

AN ACT establishing a court of limited jurisdiction within the county of Kanawha, to be known and designated as the "Court of common pleas of Kanawha county," and prescribing the limitations therefor.

[Passed February 20, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

Sec.

1. Court of limited jurisdiction established within and for Kanawha county; designation.
2. To have original jurisdiction concurrent with circuit court in civil cases at law and in equity, limited to controversies involving not more than \$100,000, subject to appeal.
3. Judge to be resident of county and have same qualifications as circuit judge; governor to appoint for term beginning May 1, 1915; judge to be elected at general election of 1916, and every eight years thereafter.
4. Powers conferred by law upon circuit courts, including appointment of commissioners, also conferred upon said court, and judge to have same powers in vacation.
5. Not necessary in case or proceedings herein to set forth authority to take jurisdiction, but jurisdiction is presumed, unless contrary appears.
6. Has power to punish for contempt.
7. County court to provide books, stationery and seal and full faith and credit to be given records.
8. Clerk of circuit court is clerk of court of common pleas and entitled to same fees.
9. Salary of judge, \$4,500, to be paid out of treasury.
10. Clerk, in addition to fees of his office, to be paid \$1,000 per annum; sheriff also allowed same compensation as now allowed for attendance upon circuit court.
11. Three terms of court fixed; commencing third Monday in January, third Monday in May and third Monday in September; adjourned and special terms authorized.
12. Terms to be held in Charleston at court house.
13. Sheriff or deputies to execute all process in same manner as provided by law as issuing from circuit court, to have same power and effect and officers entitled to same fees.
14. Petit jurors empaneled in same manner as for circuit court and entitled to same fees.
15. Judge may, under certain conditions, certify cause to circuit court, and special judge may be elected in certain cases.
16. To expedite business of the circuit court, order may be entered certifying to court of common pleas any suit or proceeding; and for same reason court of common pleas may certify cases to circuit court.

Sec.

17. Appeals may be allowed and writs of error and supersedeas awarded to judgments, etc., in certain enumerated cases.
18. A person party to a controversy desiring to obtain an appeal, may present to the circuit court a petition, and chapter 135 of code to govern; exceptions.
19. Appeals, etc., proceeded with as in appeals, etc., in supreme court of appeals.
20. In a case wherein circuit court or judge deems judgment or order right and rejects same, no further petition to be presented, but remedy is to supreme court.
21. Circuit court, where appeal, etc., has been allowed to affirm or reverse same in whole or in part on hearing, and if the latter remain same back to court of common pleas, to be further proceeded with; duty of clerk thereunder.
22. Party aggrieved to have remedy to supreme court, or judge thereof, in vacation.
23. Contests heard and determined in same manner as circuit judge.
24. In case of vacancy, to be filled in same manner as vacancy in judge of circuit court.
25. Removal proceedings similar to those for judge of circuit court.
26. In taxation of costs clerk governed by same rules as in circuit court.
27. Chapter 114 of code also applies to court of common pleas.
28. Chapter 156 of code also applies in same manner and to same extent.
29. Court of common pleas, concurrent with supreme court of appeals and circuit court, to grant writs of *habeas corpus ad subjiciendum*, as provided in chapter 111 of code.
30. West Virginia reports and bound acts to be furnished court.
31. Rules to be held in clerk's office in same manner as circuit courts.
32. Upon judgments of court, creditors entitled to liens, etc., to secure or recover same as in circuit court, and may be docketed in docket kept in county clerk's office as other judgment.
33. Attachments may be issued by clerk under same regulations as in circuit court.
34. In case right of appeal provided in this act cannot be enforced, or any other provision hereof cannot be exercised, all other portions to remain valid and effective.

Be it enacted by the Legislature of West Virginia:

Section 1. That a court of limited jurisdiction is hereby es-

2 tablished within and for the county of Kanawha, to be held
3 and presided over by a judge to be selected as hereinafter pro-
4 vided, which court shall be named and designated as the "Court
5 of common pleas of Kanawha county."

Sec. 2. The said court shall have original jurisdiction
2 within the county of Kanawha, concurrent with the circuit
3 court of said county, in all civil causes, both at law and in
4 equity, except where it shall appear that the matter or thing in
5 controversy exceeds in value the sum of one hundred thousand
6 dollars; subject to the right of appeal to the circuit court of
7 Kanawha county as hereinafter provided.

Sec. 3. The judge of said court shall be a resident mem-
2 ber of the bar of Kanawha county, and have the same qualifica-
3 tions as a circuit judge. The governor shall appoint and com-
4 mission a judge of said court for the term beginning on the
5 first day of May, one thousand nine hundred and fif-
6 teen, and ending on the thirty-first day of December, one thou-
7 sand nine hundred and sixteen; and there shall, at the general
8 election in this state to be held on Tuesday after the first Mon-
9 day in November, one thousand nine hundred and sixteen, and
10 every eight years thereafter, be elected by the legal voters of said
11 county, a judge of the court of common pleas of Kanawha county,
12 for the term of eight years, from the first day of January suc-
13 ceeding said election, who shall be, except as herein otherwise
14 provided, subject to the laws in force governing circuit judges.

Sec. 4. The powers and jurisdiction conferred by law upon
2 the circuit courts in the trial of civil cases and proceedings, and
3 the modes and procedures authorized therein within the county
4 of Kanawha, including the appointment of commissioners in
5 chancery, are hereby conferred upon and shall be exercised by
6 the said court of common pleas of Kanawha county, in respect
7 to all cases, matters and proceedings, of which the last named
8 court is given jurisdiction by this act; and the judge of said
9 court shall have the same powers in vacation as are now or may
10 hereafter be conferred upon the judge of the circuit court of
11 Kanawha county in respect to all cases, matters and proceedings
12 within the jurisdiction of said court of common pleas.

Sec. 5. It shall not be necessary in any case or proceeding
2 in said court of common pleas that the facts authorizing it to

3 take jurisdiction or proceeding shall be set forth upon the record,
4 but the jurisdiction shall be presumed unless the contrary plainly
5 appears from the record.

Sec. 6. The said court of common pleas shall have the
2 same powers to punish for contempt as are conferred upon the
3 circuit court by law.

Sec. 7. The county court, or tribunal acting in lieu thereof
2 in Kanawha county, shall provide all record books and other
3 books and stationery that may be necessary, and likewise a seal,
4 for said court of common pleas. Full faith and credit shall
5 be given to the records of said court and to the certificate of
6 its judge or clerk, whether the seal of the court be affixed thereto
7 or not, in like manner and with like effect as if the same were
8 records of the circuit court or certificates of the judge or clerk
9 of the circuit court similarly authenticated.

Sec. 8. The clerk of the circuit court of Kanawha county
2 shall be *ex-officio* clerk of said court of common pleas and per-
3 form the duties thereof and shall receive the same fees as are
4 allowed by law, for similar services to the clerk of the circuit
5 court; and in the discharge of his duties as clerk of the court
6 of common pleas he shall be subject to all statutes relating to
7 the clerk of the circuit court. All process, rules and orders of
8 said court in the exercise of its jurisdiction shall be signed by
9 the clerk thereof, and be directed to the sheriffs of the proper
10 counties wherein the same are to be executed, and they shall be
11 executed in like manner and with the same effect as process
12 issuing from the circuit court of said county.

Sec. 9. The said judge shall for his services receive forty-
2 five hundred dollars per annum, to be paid out of the county
3 treasury of said county of Kanawha.

Sec. 10. The clerk of said court shall in addition to the
2 fees of his office be paid out of the county treasury the sum
3 of one thousand dollars per annum, and the sheriff shall be al-
4 lowed the same compensation for attendance upon said court as
5 is now or may hereafter be allowed by law for attendance upon
6 the circuit court.

Sec. 11. There shall be three terms of said court held in
2 each year, commencing on the third Monday in January, third
3 Monday in May, and the third Monday in September. Adjourned

4 and special terms of said court may be called and held as provided
5 for special and adjourned terms of the circuit court.

Sec. 12. The said terms of said court shall be held in
2 Charleston in said county of Kanawha at the court house thereof.

Sec. 13. The sheriff of Kanawha county and the sheriffs
2 of the several counties of the state shall by themselves or their
3 deputies execute all process of said court, or issued by the clerk
4 thereof, directed to them respectively, and all process emanating
5 from said court, or issued by the clerk thereof, shall be directed
6 to and executed by them in the same manner as is provided by
7 law as to process issuing from the circuit court or its clerk;
8 and the sheriff of Kanawha county shall perform the same duties
9 and services for the court of common pleas of Kanawha county
10 as he now by law is required to perform for the circuit court of
11 said county; and in the execution of the process, rules and or-
12 ders of said court the said officers shall have the same power and
13 rights, be subject to the liabilities, govern themselves by the same
14 rules and principles of law and the statutes of the state, and be
15 entitled to the same fees as though the process issued from the
16 circuit court of said county.

Sec. 14. The petit juries for said court shall be chosen and
2 empaneled in the same manner as they are chosen and empaneled
3 in the circuit court, and shall receive the same compensation.

Sec. 15. If the judge of said court in his judgment cannot
2 properly preside at the hearing of any cause pending therein, said
3 cause may be, in his discretion, certified to, and the original
4 papers, together with a copy of the orders of the court, filed in
5 the circuit court of said county, and the cause shall be docketed
6 therein and proceeded with as though the cause had originally
7 been brought and proceedings therein had in the circuit court.
8 When for any cause the judge of said court of common pleas
9 is incapable of acting, or is absent, a special judge may be elected
10 in the same manner as a special judge of the circuit court, and
11 be governed in all respects so far as applicable by the laws gov-
12 erning special judges of the circuit court, and he shall be al-
13 lowed five dollars a day to be paid out of the county treasury.

Sec. 16. And to the end that justice may be administered
2 without delay and to expedite the dispatch of the business of
3 the circuit court and the court of common pleas of Kanawha

4 county, the circuit court may by order entered of record certify
5 down for trial by the court of common pleas, any suit or pro-
6 ceeding at law or in equity now, or which may hereafter be,
7 upon the docket of said circuit court, and within the jurisdiction
8 of said court of common pleas, and such cause shall thereupon
9 be docketed, proceeded with, heard and determined the same in
10 all respects as though originally brought, matured and docketed
11 in said court of common pleas; and the court of common pleas
12 may, likewise, by and with the consent of the circuit court, cer-
13 tify for trial by the circuit court, any cause upon its docket, the
14 same to be proceeded with in the circuit court in like manner.

Sec. 17. Appeals may be allowed and writs of error and
2 supersedeas awarded to the judgments, decrees and orders of
3 said court, by the circuit court of said county, or the judge
4 thereof in vacation, in the following cases:

5 (1) In all civil cases where the matter in controversy ex-
6 clusive of costs, is of greater value or amount than one hun-
7 dred dollars, wherein there is a final judgment or order.

8 (2) In controversies concerning the title or boundaries of
9 land, the probate of a will, or the appointment of a personal
10 representative, guardian, committee or curator.

11 (3) Concerning a mill, road, way, ferry or landing.

12 (4) Concerning the right of a corporation, county or district
13 to levy tolls or taxes.

14 (5) In any case of *quo warranto*, *habeas corpus*, *mandamus*
15 or prohibition.

16 (6) In any case involving freedom or the constitutionality
17 of a law.

18 (7) In any case in chancery wherein there is a decree or
19 order dissolving or refusing to dissolve an injunction, or re-
20 quiring money to be paid, or real estate to be sold, or the posses-
21 sion or title of the property to be changed, or adjudicating the
22 principles of the cause.

23 (8) In any case where there is a judgment or order quash-
24 ing or abating, or refusing to quash or abate on attachment.

25 (9) In any case where there is an order granting a new
26 trial or rehearing; and in such cases an appeal may be taken
27 from the order without waiting for the new trial or rehearing
28 to be had.

Sec. 18. Any person who is a party to any such controversy

2 wishing to obtain an appeal, writ of error or supersedeas, in the
3 cases named in the seventeenth section of this act, may present
4 to the circuit court of Kanawha county, or the judge thereof in
5 vacation, a petition therefor, and chapter one hundred and thirty-
6 five of the code of West Virginia, concerning appeals to the su-
7 preme court of appeals shall so far as applicable, govern the
8 proceedings on such appeal, writ of error or supersedeas, as to
9 the duties of the petitioner, the said court and clerk thereof;
10 *provided, however,* that such petition shall be heard and deter-
11 mined upon the original papers of the cause and the recorded
12 orders and decrees in lieu of a transcript thereof, and in case of
13 oral testimony having been taken in the case, a transcript thereof
14 duly certified by the stenographer or other person taking the same,
15 shall be held and treated as part of the original papers. And
16 the court may likewise consider an agreed statement of facts,
17 and in case the evidence on the trial below was not taken down
18 and preserved, a certificate of facts made by the judge of the
19 court of common pleas may be considered.

Sec. 19. Every appeal, writ of error or supersedeas from said
2 court shall be docketed in the circuit court of Kanawha county,
3 and shall be proceeded in in the same manner as appeals, writs
4 of error or supersedeas are proceeded in, heard and determined
5 in the supreme court of appeals.

Sec. 20. In a case wherein the appeal, writ of error or
2 supersedeas is to the circuit court and the court or judge thereof
3 deems the judgment or order plainly right, and rejects it on
4 this ground, if the order of rejection so state, no further petition
5 shall afterward be presented for the same purpose, but the peti-
6 tion and order of rejection with transcript of the record may be
7 presented to the supreme court of appeals, or judge thereof, in
8 vacation, for an appeal from said order of rejection, if the
9 matter is one of which said supreme court of appeals has juris-
10 diction and, if allowed, the same proceeding may be had thereon
11 as if the same was a petition originally from the circuit court
12 of said county to the supreme court of appeals.

Sec. 21. The said circuit court, where an appeal, writ of
2 error or supersedeas has been allowed by the said court or the
3 judge thereof in vacation shall, upon the hearing thereof affirm
4 said judgment or order if there be no error therein prejudicial
5 to the appellant, or reverse the same in whole or in part if erro-

6 neous, and if reversed, shall remand the same back to said court
7 of common pleas, to be further proceeded in and finally determined.
8 And the clerk of said circuit court shall, as soon as practicable,
9 transmit the decision of said circuit court to the clerk of said
10 court of common pleas; *provided, however*, that from any action
11 of the circuit court in affirming or reversing any order or judg-
12 ment of the court of common pleas, an appeal or writ of error shall
13 lie to the supreme court of appeals.

Sec. 22. Any party aggrieved by the judgment, decree or
2 order of the court of common pleas as to any matter in which
3 an appeal or writ of error shall lie to the circuit court under
4 section seventeen of this act, may, if the matter be one of which
5 the supreme court of appeals has jurisdiction, present his peti-
6 tion with a transcript of the record, to the supreme court of
7 appeals, or to a judge thereof in vacation, for an appeal, writ of
8 error and supersedeas, without having first presented the same
9 to the circuit court or the judge thereof; and the supreme court
10 of appeals may award and proceed with the same in like man-
11 ner and with like effect as in the case of a judgment, decree or
12 order of the circuit court.

Sec. 23. If the office of judge of said court be contested,
2 the contest shall be heard and determined in the same manner as
3 the election of judges of the circuit court are determined.

Sec. 24. If from any cause the office of judge of said
2 court shall become vacant, the vacancy shall be filled in the same
3 manner as in the case of a vacancy in the office of judge of the
4 circuit court.

Sec. 25. The judge of said court may be removed from
2 office for the same reasons and in the same manner as judges of the
3 circuit courts.

Sec. 26. In the taxation of costs in said court the clerk
2 and court shall be governed by the same rules and provisions of
3 law as are provided in the circuit court.

Sec. 27. Chapter one hundred and fourteen of the code of
2 West Virginia shall apply to the court of common pleas of Kana-
3 wha county, in the same manner and to the same extent that it
4 does to the circuit courts of the state.

Sec. 28. Chapter one hundred and fifty-six of the code of
2 West Virginia shall apply to the court of common pleas of Kana-
3 wha county and to the judge thereof in vacation, in the same

4 manner and to the same extent as to the circuit court of Kanawha
5 county, or the judge thereof in vacation, and the same powers may
6 be exercised within the county of Kanawha by said court, and
7 judge thereof in vacation, concurrent with the circuit court of said
8 county as provided for in said chapter.

Sec. 29. The court of common pleas of Kanawha county
2 and the judge thereof in vacation shall, concurrent with the su-
3 preme court of appeals, the circuit court of said county, or any
4 judge of either of said courts in vacation, grant the writ of *habeas*
5 *corpus ad subjiciendum*, as provided in chapter one hundred and
6 eleven of the code of West Virginia, and all the provisions of said
7 chapter shall be applicable thereto, and the same shall be governed
8 as herein provided.

Sec. 30. The West Virginia reports and bound acts of the
2 legislature are to be delivered to the said judge of the said court
3 in the same manner as they are required to be delivered to the
4 circuit courts of the state.

Sec. 31. Rules shall be held for said court in the clerk's
2 office thereof in the same manner with like effect and under the
3 regulations provided by law in respect to circuit courts.

Sec. 32. Upon every judgment of said court the judg-
2 ment creditors shall be entitled to all liens, executions and remedies
3 to secure or recover the same to which they would be entitled if the
4 same were a judgment of the circuit court of the said Kanawha
5 county; judgments rendered in said court of common pleas may be
6 docketed in the judgment lien docket kept in the county clerk's
7 office of any county in like manner and with like effect as other
8 judgments, and executions on said judgments may likewise be
9 docketed the same as executions from the circuit court.

Sec. 33. Attachments may be issued by the clerk of said
2 court of common pleas under the same regulations and in the same
3 cases as attachments are now issued by the clerks of the circuit
4 courts, whenever applicable, and be served in the same manner and
5 with like effect.

Sec. 34. In case it should be judicially determined that
2 the right of direct appeal to the supreme court of appeals, as pro-
3 vided in section twenty-two of this act, or that any other provision
4 or provisions of this act, cannot be exercised or enforced under the
5 constitution and laws of this state, it is nevertheless the intention

6 that all portions of this act not so determined shall nevertheless
7 be and remain valid and effective.

CHAPTER 110.

(House Bill No. 225.)

AN ACT to enlarge the boundaries of Charleston independent school district.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 22, 1915.]

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|--|--|
| <p>SEC.
1. Boundaries of Charleston independent school district enlarged, so as to include all territory within corporate limits, provided same is ratified by voters of school districts of Loudon and Charleston. Independent school districts at special election held April 3, 1915.</p> | <p>SEC.
2. Tickets for special election and what to contain; election and how held, conducted and result to be canvassed and declared by county court; notice of election to be by publication; if a majority favor enlargement, action to be taken.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. That the boundaries of the Charleston independent school district as defined in section one of an act of the 2-a legislature of West Virginia, passed on the fifteenth day of February, one thousand nine hundred and eleven, (being chapter 4 seventy-four of the acts of one thousand nine hundred and eleven 5 of said legislature) be, and the same are, hereby enlarged so as 6 to include all the following described territory, lying south of 7 Kanawha river and now included within the district of Loudon 8 in the county of Kanawha, namely:

9 All territory on the south side of said Kanawha river now included within the present corporate limits and boundaries of the 11 city of Charleston, in said Kanawha county, said new territory 12 being the tenth ward of said city, so that said Charleston independent school district shall hereafter include all the territory with- 13 in the present corporate limits of said city; *provided, however,* 14 that before this act shall take effect it shall be submitted to the 15 voters of said school district of Loudon and of said Charleston 16 independent school district, at a special election to be held in said 17 districts under the direction of the county court of Kanawha 18 county on Saturday, the third day of April, one thousand nine 19 hundred and fifteen.

Sec. 2. The ticket for said special election shall have writ-

2 ten or 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 elections
 5 in said district of Loudon and Charleston independent school dis-
 6 trict, as said county court may prescribe. Said election shall be
 7 conducted and the result thereof ascertained by officers to be ap-
 8 pointed by said county court for the purpose, who shall certify the
 9 result thereof at each voting place to said county court. Said
 10 county court shall canvass said returns of said election officers and
 11 shall determine and declare the result of said election.

12 Notice of said election shall be given by said county court by
 13 publication once a week for two successive weeks prior thereto
 14 in two newspapers of opposite politics published in the city of
 15 Charleston, Kanawha county, West Virginia, having general cir-
 16 culation in said district of Loudon.

17 If the majority of the votes cast upon said question shall be
 18 for said independent school district, then said territory mentioned
 19 and described in section one thereof shall thereafter be included
 20 within said Charleston independent school district and constitute
 21 part thereof.

CHAPTER 111.

(House Bill No. 249.)

AN ACT establishing a county high school in Calhoun county, West Virginia, providing for its support, and creating a board of directors therefor.

[Passed February 15, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

Sec.

1. County high school established in county of Calhoun, designated "The Calhoun county high school;" site to be selected by board of directors; but before effective, question to be submitted to a vote ordered by county court within four months.
2. Notice of special election to be published, and court to provide ballot; majority to determine and if carried, election then to be ordered for member from each district of board of directors of said high school; notice of election to be posted in six public places.
3. County superintendent *ex-officio* secretary of the board, but to have no vote; directors so elect-

SEC.

- ed to assemble at court house first Monday of month after election and give bond, take oath of office and elect one member president; term of office to be determined by lot; how meetings may be called; after organization board to select and secure title to site for county high school.
4. Board a corporation to contract and be contracted with; has power to lay levy annually, with limitations, for purchase of property and for support of said school; to employ teachers, fix compensation and prescribe rules; compensation of board.
5. Revenues herein provided to be collected and disbursed by sheriff.

Be it enacted by the Legislature of West Virginia:

Section. 1. That a county high school be and the same is 2 hereby established in the county of Calhoun, state of West Vir- 3 ginia, which shall be known as "The Calhoun county high school", 4 the site for which shall be selected by the board of directors there- 5 of. Before any of the provisions of this act shall take effect, the 6 question whether said county high school shall or shall not be es- 7 tablished shall be submitted to a vote of the legal voters of said 8 county, at a special election, which shall be ordered by the county 9 court of said county and held within four months after the date 10 of the passage of this act.

Sec. 2. Notice of said special election shall be given by 2 said county court, by causing the same to be published in two news- 3 papers of different politics published in said county, for a period 4 of four weeks next prior to said election, the cost of publishing 5 which notice shall not exceed the rate fixed by law for publishing 6 any other notice; and in case said notice can not be so published 7 then the same shall be posted at three public places in each magis- 8 terial district of said county for the time aforesaid.

9 The said county court shall provide a ballot to be used at said 10 election on which shall be printed in one line the words "For 11 county high school." and in another line the words "Against 11-a county high school."

12 If a majority of the legal votes cast at said election be against 13 the establishment of said county high school, the same shall not 14 be established, but if a majority of such votes be cast in favor of 15 establishing said county high school, then, as soon as may be there- 16 after said county court shall cause an election to be held in each 17 magisterial district of said county for the purpose of electing by 18 the voters of each of said districts separately, a member of the 19 board of directors of said county high school. Notice of said elec- 20 tion shall be given by posting in each of said districts notice there- 21 of at six public places therein for at least ten days before it is held.

Sec. 3. The county superintendent shall be *ex-officio* sec- 2 retary of said board of directors, but he shall have no vote as a 3 member of said board of directors.

3-a The said directors so elected shall assemble at the court house 3-b of said county on the first Monday of the month next after their 3-c election and each give before the clerk of the county court of said

4 county, a bond with security to be approved by said clerk, in the
5 penalty of five hundred dollars, conditioned for the faithful per-
6 formance of his duties as a member of said board of directors, and
7 shall take the oath of office required of other county officers.

8 After said directors have given bond and taken the oath of
9 office as aforesaid, they shall elect one of their number president,
10 and two of them shall hold their office until the general election to
11 be held in one thousand nine hundred and eighteen, and three shall
12 hold their office until the general election to be held in one thou-
13 sand nine hundred and sixteen, and who of them shall hold the
14 long and who of them the short terms, they shall determine by
15 lot at their first meeting after taking their office, and each of them
16 shall hold his office until his term expires or until his successor is
17 elected from his said district and hold office for a term of four years
18 or until his successor is elected and qualified according to law.

19 The members shall from time to time as they may see fit,
20 elect one of their number to act as president thereof, and the
21 said president, or a majority of said board, shall from time to time
22 as deemed proper by them call meetings of said board of direc-
23 tors. Said board of directors, as soon as may be after they have
24 chosen their president, shall select and secure title for a site for
25 said county high school, which site shall contain at least four
26 acres.

Sec. 4. Said board of directors shall be a corpora-
2 tion and as such may contract and be contracted with, sue and be
3 sued, and shall have power to lay a levy, annually, of not more
4 than fifteen cents on every one hundred dollars assessed valua-
5 tion of property in said county for the purpose of purchasing
6 said site and erecting suitable buildings thereon for said county
7 high school; and said board shall also have power to levy, annual-
8 ly, not more than ten cents on every one hundred dollars assessed
9 valuation of property in said county for the support and opera-
10 tion of said county high school; and said board shall have full
11 power to employ teachers and other necessary employees for said
12 school, fix their compensation and prescribe and enforce rules and
13 regulations for the control and operation of said school.

14 For their services, each of the members of said board of di-
15 rectors shall be paid, out of the money raised for the use of said

16 school, the sum of two dollars and fifty cents per day for the time
 17 actually and necessarily spent by them in the discharge of their
 18 duties as such board of directors. But they shall not receive pay
 19 for more than ten days for any one year.

Sec. 5. The revenue from the levies herein provided
 2 for shall be collected by the sheriff of said county, and disbursed
 3 by him upon the warrants issued by order of said board of direc-
 4 tors, signed by its president and secretary, and also by the county
 5 financial secretary, as now required by law.

CHAPTER 112.

(House Bill No. 257.)

AN ACT to amend and re-enact section eleven of chapter twenty-eight
 of the acts of the legislature of one thousand nine hundred and
 nine, relating to the criminal court of McDowell county.

[Passed February 5, 1915. In effect ninety days from passage. Approved by the
 Governor February 10, 1915.]

SEC.
 11. To be four terms of court held each
 year; second Monday in Jan-
 uary, second Monday in April,
 second Monday in July and sec-

SEC.
 ond Monday in November; ad-
 journed and special terms au-
 thorized; all at court house.

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter twenty-eight of the acts of the
 legislature of one thousand nine hundred and nine be amended and re-
 enacted to read as follows:

Section 11. There shall be four terms of said court held in
 2 each year, commencing on the second Monday in January, the
 3 second Monday in April, the second Monday in July and the sec-
 4 ond Monday in November.

5 Adjourned and special terms of said court may be called and
 6 held as provided for special and adjourned terms of the said court.

7 The terms of said court shall be held at the court house of said
 8 McDowell county.

CHAPTER 113.

(House Bill No. 267.)

AN ACT authorizing and empowering the county court of Lewis coun-
 ty to lay a special levy each year for the purpose of permanently

improving the four public roads or turnpikes leading out of the city of Weston, in said county, providing for such permanent improvement and the receipt and expenditure of all moneys raised by such levy.

[Passed February 17, 1915. In effect from passage. Became a law without the Governor's approval.]

- | | |
|--|---|
| <p>SEC.
1. County court of Lewis county authorized to levy each year, in addition to all other levies, twenty-five cents, to be called special road levy; purposes; to improve four public roads named.</p> | <p>SEC.
2. Said roads to be permanently improved under authority of county court, and moneys realized to be placed in separate fund and separate account kept.
3. Fund so arising for purposes of this act and no other.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county is hereby
 2 authorized and empowered to lay a levy each year, in addition to
 3 all other levies allowed by law, not exceeding twenty-five cents
 4 on each one hundred dollars of valuation on the taxable property
 5 of the county for the year the levy is laid, to be called a special
 6 road levy, for the purpose of permanently improving the four
 7 public roads or turnpikes leading out of the city of Weston, and
 8 within the said county, being the Staunton and Parkersburg turn-
 9 pike, sometimes called the Weston and Glenville turnpike; the
 10 Weston and Beverly turnpike, sometimes called the Weston and
 11 Buckhannon turnpike; the Weston and Gauley-Bridge turnpike,
 12 sometimes called the Weston and Sutton turnpike; and the Wes-
 13 ton and Clarksburg turnpike.

Sec. 2. Said roads or turnpikes shall be perma-
 2 nently improved by said county court of Lewis county, in such
 3 manner as it shall decide and shall be so permanently improved
 4 under the direction, authority and supervision of said county
 5 court; and all moneys realized from such special levy shall be placed
 6 in a separate fund, apart from all other funds, and a separate
 7 account shall be kept by said court of the receipt and expenditure
 8 of the same, setting forth clearly the sum received by reason of
 9 said levy and the manner in which the same has been expended.

Sec. 3. The fund arising from such road levy shall be used
 2 for the purpose herein designated and no other.

CHAPTER 114.

(House Bill No. 281.)

AN ACT to empower the judge of the circuit court of the nineteenth judicial circuit, to employ a competent stenographer, defining his duties, the uses to which the records made by him may be put, and providing for the manner of his payment.

[Passed February 20, 1915. In effect from passage. Became a law without the Governor's approval.]

Sec.

1. Circuit court of the 19th circuit empowered to employ a stenographer to take and report proceedings, including testimony before grand jury for use of prosecuting attorney, and other proceedings; authority of stenographer, and employment to be entered of record, and official designation.
2. Duty of reporter as to shorthand notes and authenticity; to furnish copy in longhand or type-writing upon request of judge in criminal cases without extra charge.
3. Reporter to furnish upon request to any party to a case, copy of testimony or other proceedings; rate of charge authorized; copy when certified to be authentic, and may be used in making up

Sec.

- record.
4. Such compensation to be paid reporter as judge shall determine and allow; misdemeanor cases to be certified by court to the county court in which service is rendered and to be paid out of county treasury, and felony cases to the auditor; provision as to collection of criminal charges; expense of reporting civil cases to be paid equally by parties to cause, but to be taxed as part of costs recovered.
5. Also authorized to take and certify depositions and to administer oaths, and entitled to same fees as notary public; exceptions.
6. Other acts inconsistent with this act not to apply to circuit court of nineteenth circuit.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the nineteenth judicial circuit, or the judge thereof in vacation, is hereby empowered and authorized to employ and appoint a competent stenographer to take and report the proceedings had and the testimony given in any case, either civil or criminal, or in any other proceeding had in said court, including the taking of testimony before the grand jury of said court for the use of the prosecuting attorney of said court, and in proceedings before the judge of said court in vacation, and otherwise to aid said judge in the performance of his official duties. Said stenographer shall be authorized to attend the sessions of said grand jury but shall retire from said session when directed by the foreman or a majority of the grand jury or ordered to do so by the court, and when the grand jury desire to consult or vote upon any matters before them. 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 stenographer so appointed shall be designated as, "the of-

17 ficial reporter of the nineteenth judicial circuit." He shall be
18 duly qualified under oath.

Sec. 2. It shall be the duty of such reporter to take full
2 shorthand notes of the testimony and proceedings in which his
3 services may be required, and such notes shall be deemed and
4 held to be official, and the best authority in any matter in dispute,
5 and a copy of the same written out in longhand or in typewriting,
6 made as herein provided, shall be used by the parties to the cause,
7 and in any further proceeding therein, wherein the use of the
8 same may be required. It shall be the duty of said official re-
9 porter to furnish a copy of his notes written out in longhand or
10 typewriting of the testimony and proceedings in any cause, upon
11 the request of the judge, and without extra charge in criminal
12 cases, the copy to be filed in the clerk's office.

Sec. 3. Said official reporter shall furnish, upon re-
2 quest, to any party to a case, a copy of the testimony or other pro-
3 ceedings written out in longhand or typewriting, and shall certify
4 the same as being correct, and shall be paid therefor at the rate
5 of ten cents for each one hundred words so transcribed and cer-
6 tified. A copy of such testimony or proceedings, when certified
7 by the official reporter and by the judge of said court, shall be
8 authentic for all purposes, and may be used in making up the
9 record on appeal and in all cases of appeal, said reporter shall also
10 make a carbon copy of the testimony and proceedings required
11 of him, which copy he shall file in the circuit clerk's office of the
12 county in which the case is pending, to be used, if necessary, in
13 making up the record on appeal, but without cost for such copy,
14 and the said clerk shall not be entitled to any fee for that part of
15 the record in any case wherein the testimony or proceedings so
16 transcribed and certified by said official reporter shall be used in
17 said record.

Sec. 4. Said official reporter shall receive such compen-
2 sation for his services as the judge of said court shall in his dis-
3 cretion determine and allow, for taking the shorthand notes in
4 any cause or proceeding. Such compensation and expenses in all
5 misdemeanor cases shall be certified by said circuit court to the
6 county court of the county in which such services are rendered,
7 and the same shall be paid by said county court out of the county
8 treasury; and in all felony cases such compensation and expenses
9 shall be certified to the auditor of the state, and be paid out of

10 the state treasury. All such criminal charges shall be taxed as
 11 costs in the case by the clerk, to be collected by the sheriff and
 12 by him accounted for to the county treasurer in misdemeanor
 13 cases and to the state treasurer in felony cases. The expense of
 14 reporting and transcribing any civil case shall be paid equally by
 15 the parties to the cause, plaintiff and defendant, but the expenses
 16 so paid by the prevailing party shall be taxed as a part of the
 17 costs recovered.

Sec. 5. Said official reporter is hereby authorized to take
 2 and certify depositions in the same manner and with the same
 3 force and effect, within the counties embraced in the nineteenth
 4 judicial circuit, as a notary public, and to administer all oaths
 5 necessary in the taking of such depositions, and he shall be en-
 6 titled to the same fees as a notary public within the counties em-
 7 bracing said judicial circuit, except when taking depositions to be
 8 used in any cause or matter pending in said court, he may, by or-
 9 der of the court, be allowed compensation in full as hereinbe-
 10 fore provided in lieu of all other fees.

Sec. 6. So far as any act or part of any act of the legis-
 2 lature is inconsistent with this act or any of its provisions, they
 3 shall not be applicable to the judge of the circuit court of the
 4 nineteenth judicial circuit, nor to said official reporter.

CHAPTER 115.

(House Bill, No. 288.)

AN ACT authorizing the county court of Wayne county to lay a spe-
 cial levy of fifteen cents for general road purposes for the fiscal
 year one thousand nine hundred and fifteen.

[Passed February 18, 1915. In effect ninety days from passage. Became a law
 without the Governor's approval.]

SEC.	1. County court of Wayne county au- thorized to lay levy of fifteen cents on each \$100 valuation at		SEC.	levy term, known as "special county road levy;" how ex- pended by county court.
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Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Wayne county be and is
 2 hereby authorized to lay a levy of fifteen cents on each one hundred
 3 dollars property valuation in said county, at its levy term, for the

4 fiscal year one thousand nine hundred and fifteen, to be known
5 as "special county road levy," the same to be collected as other
6 taxes and expended under the direction of said county court for
7 road purposes only.

CHAPTER 116.

(House Bill No. 292.)

AN ACT to amend and re-enact section one of chapter two hundred and sixteen of the acts of the legislature of West Virginia for one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act relating to the school district of Martinsburg, West Virginia," as amended and re-enacted by section one of chapter nineteen of the acts of the legislature of West Virginia for one thousand nine hundred and seven, as further amended and re-enacted by section one of chapter eighteen of the acts of the legislature of West Virginia for one thousand nine hundred and nine, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. Boundaries of independent school district to include all territory within present corporate limits of city of Martinsburg.
- 1-a. But before taking effect, provisions of this act to be submitted to voters of present school district of Martinsburg, as to territory to be taken from district of Hedgesville, as to territory to be taken from district of Opequon and as to territory to be taken from district of Arden at

SEC.

- special elections.
- 1-b. Elections herein provided to be held and conducted and results ascertained, in each district, by officers appointed by boards of education; a majority vote to be ratification of proposed enactment.
 - 1-c. Election to be held and result ascertained in usual manner; no registration required.
 - 1-d. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section one of chapter two hundred and sixteen of the acts of the legislature of West Virginia for one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act relating to the school district of Martinsburg, West Virginia," as amended and re-enacted by section one of chapter nineteen of the acts of the legislature of West Virginia for one thousand nine hundred and seven, and as further amended and re-enacted by section one of chapter eighteen of the acts of the legislature of West

Virginia for one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Section 1. The boundaries of the independent school district of the city of Martinsburg shall include all the territory lying within the present corporate limits of the city of Martinsburg as such limits are particularly defined in section two of chapter eighty of the acts of the legislature of West Virginia for one thousand nine hundred and eleven. The territory embraced within said boundaries shall constitute but one school district and shall be known as "The independent school district of the city of Martinsburg."

Sec. 1-a. Before this act shall take effect, however, as to the territory taken from the present school district of Martinsburg and included within said independent school district above provided for, it shall be submitted to the voters of the present school district of Martinsburg at a special election to be held therein for the purpose under the direction of its board of education; and before the same shall take effect as to the territory taken from the present school district of Hedgesville and included within said independent school district above provided for, it shall be submitted to the voters of the said school district of Hedgesville at a special election to be held therein for the purpose under the direction of its board of education; and before the same shall take effect as to the territory taken from the present school district of Opequon and included within said independent school district above provided for, it shall be submitted to the voters of the said school district of Opequon at a special election to be held therein for the purpose under the direction of its board of education; and before the same shall take effect as to the territory taken from the present school district of Arden and included within said independent school district above provided for, it shall be submitted to the voters of the said school district of Arden at a special election to be held therein for the purpose under the direction of its board of education.

Sec. 1-b. The elections herein provided for shall be held and conducted, and the results thereof ascertained, in each of said districts by officers to be appointed by the boards of education thereof, respectively, and if a majority of the votes cast at such elections be in favor of said independent school district then so much and such parts of the territory now forming a part

7 of such school districts, respectively, as are included within the
8 present corporate limits of the city of Martinsburg shall there-
9 after be included in and form a part of the independent school
10 district of the city of Martinsburg as hereby created. The tickets
11 for such election shall have written or printed thereon "For in-
12 dependent school district," and "Against independent school dis-
13 trict."

Sec. 1-c. The elections herein provided for shall be con-
2 ducted and the results ascertained as in other elections, except
3 that no registration of voters shall be required. At such elec-
4 tions it shall be lawful to use the registration of voters made in
5 each of said districts, respectively, next preceding the last gen-
6 eral election held therein.

Sec. 1-d. All acts and parts of acts inconsistent herewith
2 are hereby repealed.

CHAPTER 117.

(House Bill No. 301.)

AN ACT fixing the number of terms and the times for holding the
circuit court in each of the counties of the sixth judicial circuit
of West Virginia.

[Passed February 17, 1915. In effect from passage. Approved by the Governor
February 25, 1915.]

SEC.

1. Three terms of circuit court to be held in counties of Cabell and Putnam and four in county of Lincoln.
2. Terms: Cabell, first Monday in January and May and third Monday in September; Putnam,

SEC.

third Monday in March, July and November; Lincoln, first Monday in March, fourth Monday in June, first Monday in September and December, of each year.
Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. There shall be held in each year at least three
2 terms of the circuit court of the county of Cabell and the county
3 of Putnam, and four terms of the circuit court of the county of
4 Lincoln, of the sixth judicial circuit, and the terms of each of the
5 said counties shall commence and be held as provided in section
6 two of this act.

Sec. 2. For the county of Cabell: The first Monday in Jan-
2 uary, the first Monday in May and the third Monday in Septem-

3 tember of each year; for the county of Putnam, the third Monday
4 in March, the third Monday in July and the third Monday in No-
5 vember, of each year; for the county of Lincoln, the first Monday
6 in March, the fourth Monday in June, the first Monday in Sep-
7 tember and the first Monday in December of each year.

Sec. 3. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 118.

(House Bill No. 302.)

AN ACT to amend and re-enact sections one, four, six, thirteen and
fourteen of chapter fifty-five of the acts of one thousand eight
hundred and ninety-five, relating to the independent school dis-
trict of Weston.

[Passed February 18, 1915. In effect from passage. Approved by the Governor
February 25, 1915.]

SEC.

1. City of Weston and parts of school districts contained in boundaries herein described to constitute one independent school district of Weston.
4. Any vacancy in office of school commissioner by death, or otherwise, to be filled by board of education, and to hold until next election for that office: in case of failure to appoint, election to be called within thirty days.
6. Compensation of commissioners, president and secretary and how paid.
13. Superintendent of schools of Weston to act as examiner, his duties as to applicants; limita-

SEC.

- tions as to certificates and provision for renewal; time of examination and subjects prescribed; fee for examination; superintendent may receive compensation, payable out of fees, and balance of fees to go to building fund; provision as to authority of board to issue certificates without examination.
14. Board to appoint teachers of all grades and fix salaries not later than first Monday in August: teachers subject to rules of board and appointments to be in writing, and subject to removal for cause.

Be it enacted by the Legislature of West Virginia:

That sections one, four, six, thirteen and fourteen of chapter fifty-five of the acts of one thousand eight hundred and ninety-five be amended and re-enacted so as to read as follows:

- Section 1. The city of Weston and parts of school districts
2 contained within the following boundaries, shall constitute one in-
3 dependent school district of Weston, to-wit:
- 4 Beginning at the centre of the Gee Lick road on top of the
5 hill between Polk creek and Gee Lick, S. 51 W. 174 poles; S. 14
6 45 W., crossing Polk creek, 203.5 poles to the top of the hill near
7 the old Tunstill house; thence with the ridge S. 51 45 E. 72

8 poles; S. 23 25 E. 88.6 poles; S. 76 30 E. 58.1 poles; S. 11 W
9 22 poles; S. 8 55 E. 58.4 poles; S. 66 55 E. 90.6 poles; S. 19 10
10 E., leaving the ridge, 87.5 poles to a point near the West Fork
11 river; thence, crossing said river, S. 55 E. 40.2 poles; S. 64 30 E.,
12 passing between the two glass factory buildings, 92 poles to the
13 head of Panther run; N. 42 30 E. 360 poles to the railroad
14 bridge across Stone Coal creek; thence up said creek N. 43 E.
15 22 poles; N. 32 40 E. 25 poles; N. 87 30 E. 26 poles; N 56 E 12.8
16 poles to a sycamore on the bank of said creek; N. 31 30 W. 208
17 poles to the top of Harrison knob; thence, with the ridge, N. 44
18 E. 29.2 poles; N. 20 35 E. 56.8 poles; N. 6 30 W. 25.8 poles; N 44
19 W 22.8 poles; N. 66 30 W. 18.7 poles; N. 59 W. 24.3 poles; N. 31
20 45 W 16.7 poles to a stake on the point overlooking Deanville; S.
21 78 30 W. 80 poles to the center of the West Fork river, just oppo-
22 site the southern end of the street car barn; thence down the
23 river N. 1 15 E. 19 poles; N. 16 30 W. 10 poles; N. 20 W. 26
24 poles; N. 29 50 W. 18.8 poles; N. 55 W. 36.7 poles to a point just
25 opposite a lane; S. 89 W. 232 poles to the place of beginning.

Sec. 4. Any vacancy that may occur in the office of school
2 commissioner by death, resignation, refusal to serve, or otherwise,
3 shall be filled by the board of education of the district at their
4 first regular meeting thereafter, or as soon as circumstances will
5 permit, by the appointment of a suitable person, who shall hold
6 the office till the next election of school commissioners, when a
7 commissioner shall be elected for the unexpired term; *provided*,
8 that in case the board fails or refuses to appoint such suit-
9 able person to fill any such vacancy, a special election to fill the
10 same shall be called by the board of education within thirty days
11 from any such failure or refusal.

Sec. 6. The commissioners of the board of education shall
2 receive as compensation fifty dollars per annum; the president of
3 the board of education shall receive sixty dollars per annum; and
4 the secretary shall receive such compensation as the board of edu-
5 cation may direct; to be paid out of the building fund of the dis-
6 trict.

Sec. 13. The superintendent of schools for Weston dis-
2 trict shall act as examiner for the district; and it shall be his
3 duty to examine all applicants for positions as teachers in the
4 district; but no applicant shall be entitled to examination who
5 shall not furnish satisfactory evidence of good moral character.

6 The superintendent shall deliver to the board of education the
7 manuscripts of each applicant, with the grading thereon; and
8 the board, after a thorough examination of said grading, shall
9 instruct the secretary to issue certificates of qualification to said
10 applicants, numbering from one to two, according to the merits
11 of the applicants, the different grades of certificates correspond-
12 ing to the standard as required by the general school law. No
12-a certificate shall be granted for a longer period than one year, but
13 all such certificates may be renewed by the board upon the recom-
14 mendation of the superintendent. Examinations shall be held
15 not later than the last Monday in July, at such time and place
16 as the superintendent may appoint. The subjects for examina-
17 tion shall be prescribed by the superintendent, with the consent
18 of the board. All applicants for examination shall pay a fee of
19 one dollar. The superintendent may receive such compensation
20 for holding examinations as the board may allow out of fees re-
21 ceived for examining teachers; the remainder of such fees, if
22 any, shall be paid into the building fund of the district; *pro-*
23 *vided*, that the board of education may by unanimous vote, with-
24 out examination, or with such partial examination as they may
25 deem advisable, issue a high school certificate based upon a di-
26 ploma from the West Virginia university or a diploma from such
27 other college as the board of education may place on an ac-
28 credited list. Under like conditions the board of education may
29 issue a certificate of any class based on other certificates, when,
30 in their opinion, such other certificates are of a rank to justify
31 their action.

Sec. 14. The board of education shall appoint all teachers
2 for public schools of any grade within the district, and fix their
3 salaries, at a meeting held not later than the first Monday of
4 August of any year; but no person shall be employed to teach in
5 any public school of the district who shall not first have ob-
6 tained a certificate of qualification to teach a school of the grade
7 for which the appointment is made.

8 Teachers shall be subject in all respects to the rules and
9 regulations of the board of education. All appointments of sup-
10 erintendent and teachers shall be in writing, and they may be re-
11 moved by the board of education for incompetency, profanity,
12 cruelty or immorality.

CHAPTER 119.

(House Bill No. 325.)

AN ACT fixing the annual allowance to the clerk of the county court of McDowell county.

[Passed February 17, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>SEC. 1. County court of McDowell county to annually allow the clerk of the county court not less than \$600 nor more than \$2,400 for</p>	<p>SEC. public services, not otherwise allowed. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county shall annually allow to the clerk of the county court of said county, the sum of not less than six hundred dollars and not more than two thousand four hundred dollars, for his public services, for which no other fee or reward is allowed by law.

All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 120.

(House Bill No. 334.)

AN ACT to amend and re-enact section twenty-nine of chapter twenty-nine of the acts of the legislature of West Virginia of one thousand nine hundred and seven, concerning the salary and duties of the prosecuting attorney of Raleigh county, West Virginia.

[Passed February 17, 1915. In effect from passage. Became a law without the Governor's approval.]

<p>SEC. 20. Prosecuting attorney of Raleigh county or assistant, to attend terms of criminal court and perform duties required by section 6, chapter 120 of code, and re-</p>	<p>SEC. ceive as compensation annually \$2,000, in quarterly installments. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:-

Section 20. The prosecuting attorney of Raleigh county shall attend the terms of said criminal court, either by himself or his assistant, and perform the duties of his office as required by section six of chapter one hundred and twenty of the code, and for his

5 compensation shall receive annually two thousand dollars to be
6 paid quarterly from the treasury of said county of Raleigh.

7 All acts and parts of acts inconsistent with this section are
8 hereby repealed.

CHAPTER 121.

(House Bill No. 345.)

AN ACT providing for the appointment and compensation of the
official court reporter for the seventh judicial circuit.

[Passed February 18, 1915. In effect ninety days from passage. Approved by the
Governor February 25, 1915.]

SEC.
15. Judge of seventh judicial circuit au-
thorized to employ stenogra-
pher; appointment to be entered
of record and person so appoint-
ed to be qualified under oath
and known as official reporter.
16. Reporter to receive \$7.50 per day
in addition to actual expenses.
17. Compensation, in felony cases, paid
by the auditor; in civil cases,

SEC.
by parties to the cause; other
compensation out of county
treasurer; duty of reporter as
to other cases and compensa-
tion.
18. Shorthand notes held official, and
duty in relation thereto; to
furnish testimony and proceed-
ings to judge without extra com-
pensation; fees for other copies.

Be it enacted by the Legislature of West Virginia:

That the following sections be added to chapter one hundred
and fourteen-b of the code of one thousand nine hundred and thirteen,
providing for the appointment and compensation of an official reporter
for the seventh judicial circuit:

Section 15. The judge of the circuit court of the seventh
2 judicial circuit of West Virginia, comprising the counties of
3 Boone, Wayne and Logan, is hereby authorized and empowered to,
4 at his discretion, employ a competent stenographer to report the
5 proceedings had and the testimony given in any civil or criminal
6 proceeding had in the courts of said circuit, or before the afore-
7 said judge. Said appointment and employment may be made by
8 the said judge by order entered in the circuit court of any county
9 in said circuit, and the stenographer so appointed shall be duly
10 qualified under oath and known as the official reporter of said
11 court, and shall be a resident of the state of West Virginia.

Sec. 16. Said official reporter, when so employed, shall
2 receive as compensation the sum of seven dollars and fifty cents
3 per day, in addition to his actual expenses, while attending such
4 courts.

Sec. 17. Such compensation and expenses, in felony cases, shall be paid by the auditor out of the state treasury, upon a certified order of the judge of the court in which the service was rendered.

Such compensation in reporting any civil cases shall be paid equally by the parties to the cause, but the compensation or amount of same so paid by the prevailing party, shall be taxed as part of the costs recovered.

Such compensation and expenses for the remaining number of days the official reporter shall be required to be in attendance at court, shall be paid out of the county treasury of the county in which such attendance was required, upon a certified order of the judge.

It shall be the duty of the reporter to report all misdemeanor cases in which his services are required, without extra charge or compensation, except in cases where his services are required and paid for by the defendant; and in case of conviction in misdemeanor cases, the per diem of the reporter shall be taxed as part of the costs against the defendant, and if collected repaid into the county treasury.

Sec. 18. It shall be his duty to take full shorthand notes of the testimony and proceedings in which his services may be required, and such notes shall be deemed and held to be official, and the best authority in any matter in dispute, and a copy of same extended in typewriting, made as herein provided, shall be used by the parties to the cause in any further proceeding wherein the use of the same may be required. It shall be the duty of the said official reporter to furnish a copy, typewritten, of said notes of testimony and proceedings, upon the request of the judge, without extra charge, and in case either party to the cause shall request or require a transcript, said reporter shall furnish the same and shall be paid therefor at the rate of twenty cents per each hundred words so transcribed.

CHAPTER 122.

(House Bill No. 354.)

AN ACT to amend and re-enact sections one and twenty-four of chapter three of the acts of the legislature of West Virginia of

one thousand nine hundred and eight, which act is entitled "An act to establish the independent school district of Buckhannon in the county of Upshur and state of West Virginia," by including additional territory in said independent school district of Buckhannon, and submitting the question to the vote of the people.

[Passed February 17, 1915. In effect from passage. Approved by the Governor March 4, 1915.]

SEC.

1. If a majority of votes cast at an election held second Tuesday in April, 1915, in Buckhannon and Union districts, Upshur county, be in favor, territory described to be independent school district of Buckhannon; act not to

SEC.

be effective until certain territory becomes property of Knight of Pythias as a site for Pythian home.

24. Election to be by ballot, how voted and ascertaining and declaring result thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. That in the event a majority of the votes cast at
2 an election to be held on the second Tuesday in April, one thou-
3 sand, nine hundred and fifteen, in Buckhannon independent school
4 district and in Union district in Upshur county, West Virginia,
5 be in favor thereof, the following described territory, in the
6 county of Upshur, shall after the result of such election is ascer-
7 ained and declared, be an independent school district and shall
8 be known as the independent school district of Buckhannon, to-
9 wit: all the town of Buckhannon and the territory adjacent there-
10 to, and bounded and described as follows:

11 Beginning at the line of Jacob Dean and D. W. Dix on the
12 Buckhannon river, beyond said Dean's residence; thence a straight
13 line in a western direction to the low gap where the Clarksburg
14 and Buckhannon turnpike crosses the hill south of Luther Martin's
15 residence; thence a straight line in a westward direction to a point
16 where the Glady road intersects the Staunton and Parkersburg
17 turnpike; thence a straight line in a southern direction to the line
18 between the farm of M. J. Jackson and the Montaville Reger heirs;
19 thence with the said line in an eastern direction to the Buckhannon
20 river; thence with and down the said river to the southern line
21 of the Benton Queen land; thence with the line of the said land to
22 the old road between the said Benton Queen's land and Jason
23 Sexton's land; thence with the old road, which is the line between
24 Benton Queen and the L. D. Strader heirs on the one side and

25 Jason Sexton and H. B. Marshall on the other side to the property
26 line between the said Jason Sexton and H. B. Marshall land;
27 thence with the property line of the said Marshall land between
28 the said Marshall's land and the Sexton land, and continuing with
29 the line of the said Marshall land so as to include the same herein
30 to the intersection of the said old road with Florida street; thence
31 with Florida street in a western direction to a point where it is
32 intersected by the road leading to the Poe bridge; thence with said
33 road to a point where it first reaches the bank of the Buckhannon
34 river; thence in a western direction to the Buckhannon river;
35 thence with and down said river to a point in said river, on the
36 south side thereof, and opposite the place of intersection of the old
37 Crites mill road with the Staunton and Parkersburg turnpike;
38 thence across said river to the intersection of the said old Crites
39 mill road; thence a straight line through the lands of Adam Post
40 and J. W. Heavner to the Heavner ford in the Buckhannon river;
41 thence with and down said river to the place of beginning; *pro-*
42 *vided, however,* that this act shall not become effective and the
43 additional territory included by it shall not become a part of the
44 said independent school district of Buckhannon until the additional
45 property included by this act shall become the property of the
46 Fraternal Order of Knights of Pythias of the Grand Domain of
47 West Virginia, as a site and location for a state Pythian home, and
48 in the event said additional property should ever be abandoned for
49 use as such state Pythian home then this act shall be null and void
50 and of no effect.

Sec. 24. The election provided for in section one of this act,
2 shall be by ballot, and those voting for the establishment of said
3 independent district shall have written or printed on their ballots
4 the words "For independent district," and those voting against
5 the establishment thereof shall have written or printed on their
6 ballots "Against independent district."

7 The election shall be superintended and the results thereof
8 ascertained by election officers appointed by the county court of
9 Upshur county, and all the provisions of the election laws in this
10 state, so far as applicable, shall be enforced and govern such elec-
11 tion.

CHAPTER 123.

(House Bill No. 387.)

AN ACT to amend and re-enact sections one and two of chapter twenty-one, acts of the legislature of one thousand eight hundred and ninety-three, so as to change the boundaries of the independent school district of Elkins, and submitting the question to the vote of the people.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the Governor February 26, 1915.]

SEC.

1. If a majority of votes cast at general election to be held in November, 1916, in Elkins and Leadsville districts, Randolph county, be in favor, territory herein described to be known as

SEC.

independent school district of Elkins.
2. Election to be by ballot; what ballot to contain, and election officers to be appointed by county court.

Be it enacted by the Legislature of West Virginia:

That sections one and two, chapter twenty-one, acts of the Legislature of one thousand eight hundred and ninety-three, be amended and re-enacted so as to read as follows:

Section 1. That in the event a majority of the votes cast at
2 the general election to be held in November, one thousand nine
3 hundred and sixteen, in Elkins independent school district and
4 in Leadsville district in Randolph county, be in favor thereof, the
5 following described territory, in the county of Randolph, shall
6 after the result of such election is ascertained and declared be an
7 independent school district and shall be known as the independent
8 school district of Elkins, to-wit: all the city of Elkins and the
9 territory adjacent thereto, and bounded and described as follows:
10 Commencing at a point on the Tygart's Valley river at the
11 southwest corner of the land conveyed by Sarah Yokum to S. B.
12 Elkins and thence with the southern boundary of the same to
13 the Beverly and Fairmont turnpike at the corner of the James
14 Shoemaker land, thence with the southern and eastern bound-
15 ary of said land to Seneca road, thence to the southeast corner of
16 Z. D. Wees' land, thence with a line between said Wees and
17 Andrew Taylor to P. H. Wees line, thence with said line to a
18 corner near Cheat road, thence to the eastern corner of D. A.
19 Harper's land and thence with the northern boundary of said
19-a Harper's land to S. B. Elkins' land, thence to the Beverly and
20 Fairmont pike at the J. W. Phares corner near school house,

21 including lands conveyed to Elkins and Davis by Mouse; thence
 22 to where the county road crosses Leading creek near the old
 23 Curtis mill site, thence with the county road to the northwest
 24 corner of Z. D. Wees' farm on said road, thence with the western
 25 boundary of the same to the Tygarts Valley river; thence
 26 across the river to the corner between the Odd Fellows home
 27 farm and the Leonard farm; thence with the west line of said
 28 Odd Fellows farm, south to the Valley river; thence with said
 29 river to the place of beginning.

Sec. 2. The election provided for in section one of this
 2 act shall be by ballot, and those voting for the establishment of
 3 said independent district, shall have written or printed on their
 4 ballots the words "For independent district," and those vot-
 5 ing against the establishment thereof shall have written or print-
 6 ed on their ballots "Against independent district." The elec-
 7 tion shall be superintended and the results thereof ascertained
 8 by election officers appointed by the county court of Randolph
 9 county, and all the provisions of the election laws in this state,
 10 so far as applicable, shall be enforced and govern such election.

CHAPTER 124.

(House Bill No. 407.)

AN ACT to establish a county high school in the county of Putnam;
 to provide for the election of a board of directors, and to author-
 ize the laying of levies therefor.

[Passed February 20, 1915. In effect ninety days from passage. Became a law
 without the Governor's approval.]

Sec.

1. High school to be established in county of Putnam at or near Winfield, under control of board of three directors, the county superintendent of schools *ex-officio* a member and chairman, others to be chosen at a special election, provided a majority of votes cast at special election be in favor thereof; nominations for members of board to be made by petition presented to county court ten days before election; term of members and how determined.
2. Board has authority to select and purchase site for high school and erect building, to make rules and regulations, employ teachers, establish grades and perform all duties pertaining to conduct of school.

Sec.

3. Board a body corporate and deemed owner of school property.
4. For procuring grounds and erecting buildings, levy of fifteen cents for first two years following adoption of this act authorized; for maintenance, levy of five cents authorized.
5. Revenues from taxation to be collected and disbursed by sheriff.
6. Compensation of board.
7. Before becoming effective this act to be submitted to voters of county at special election ordered by county court, and general notice to be published or posted; duty of court in providing for election and ballot; majority to determine; if act falls at special election may be re-submitted next general election.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby established in the county of Putnam at or near the town of Winfield in said county, which shall be known as the Putnam county high school. Said county high school shall be under the control of a board of directors, which shall consist of three members and shall be composed of the county superintendent of schools, who shall be *ex-officio* a member and chairman thereof, and two members who shall be elected at the special election provided for in section seven of this act. The members of said board shall enter upon the duties of their office as soon as their election has been duly declared; *provided*, that a majority of the votes cast at said special election are in favor of establishing said county high school. The nomination of each person to be voted upon at said special election for membership on the board of directors shall be made by a petition signed by at least fifty qualified voters in Putnam county, which petition shall be presented to the county court of said county at least ten days before the election. One of the members elected at said special election shall serve until the general election in one thousand nine hundred and sixteen and until his successor is elected and qualified according to law; and one member shall serve until the general election in one thousand nine hundred and eighteen and until his successor is elected and qualified according to law. The board of directors shall at its first meeting determine by lot or otherwise which member shall serve until the general election in one thousand nine hundred and sixteen and which member shall serve until the general election in one thousand nine hundred and eighteen. At the general election held in one thousand nine hundred and sixteen and every two years thereafter one member shall be elected and shall serve for a term of four years and until his successor is elected and qualified according to law. His term of office shall begin on the first day of July next after his election.

Sec. 2. The said board of directors, as heretofore constituted, shall have full power and authority to select and purchase a site for said county high school and to erect a building or buildings thereon, and to make such rules and regulations as it may deem proper and necessary for the management and control of said high school. It shall employ necessary teachers and fix the salaries of the same, establish a graded course of study and grant diplomas

8 upon graduation of pupils and perform such other duties as are
9 necessary and essential to the welfare and maintenance of said high
10 school, and shall elect a secretary and prescribe the duties and
11 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 with,
3 and shall receive, hold and dispose of, according to the usual form
4 of law and the instrument conferring titles, all gifts, grants or de-
5 vises made for the use of such high school, and shall be deemed the
6 owner of all property belonging to said high school, and shall be
7 liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds, and
2 for erecting and equipping suitable buildings thereon for said
3 high school, said board of directors may lay a levy of not exceed-
4 ing fifteen cents on the one hundred dollars valuation of property
5 for taxable purposes for the year following the adoption of this act
6 as hereinafter provided for, and for the next year following; and
7 not to exceed two cents on the one hundred dollars valuation for
8 such purposes for each subsequent year thereafter; and for main-
9 taining said school said board of directors shall lay a levy not to
10 exceed five cents on the one hundred dollars valuation for each
11 year thereafter.

Sec. 5. All revenue from taxation as provided herein shall
2 be collected and disbursed by the sheriff of said county in the
3 manner provided by general law.

Sec. 6. The members of said board of directors shall be al-
2 lowed a compensation of two dollars per day for their services for
3 the time they are actually employed in transacting the business of
4 said high school, not to exceed ten days in any one year.

Sec. 7. But before this act shall take effect, it shall be sub-
2 mitted to the voters of Putnam county at a special election or-
3 dered by the county court of said county, general notice of which
4 election shall be published in two newspapers of opposite politics
5 and general circulation in said county for four successive weeks
6 preceding said election, if there be two such newspapers that will
7 publish the same at the legal rate for such publications; but if
8 there be no such newspapers that will publish such notice at such
9 rate, then such notice may be posted at three of the most public
10 places in each magisterial district in said county for a like period
11 of time.

12 Said county court shall provide a ballot bearing the names
 13 of the candidates for members of said board of directors and also
 14 bearing thereon the words "For county high school," and
 15 "Against county high school," and if a majority of the votes
 16 cast at said election be in favor of said county high school, then
 17 this act shall be of binding force and effect from the time of the
 18 official announcement of said vote. Said election shall be con-
 19 ducted in the manner provided by law for the conducting of gen-
 20 eral elections. If this act should fail to carry at such special
 21 election it may be re-submitted at the next general election fol-
 22 lowing.

CHAPTER 125.

(House Bill No. 422.)

AN ACT to authorize the county court of Monongalia county to lay a special levy for the years one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, one thousand nine hundred and seventeen and one thousand nine hundred and eighteen, or for any one or more of said years sufficient to raise an amount not exceeding in the aggregate the sum of seventy-five thousand dollars and its interest until raised, not more than the amount of thirty-seven thousand five hundred dollars and its interest to be raised in any one year, and the money so raised to be placed at the disposal of the state board of control for the purposes of the West Virginia university.

[Passed February 25, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>SEC. 1. County court of Monongalia county authorized to lay levy for 1915, 1916, 1917 and 1918, at same time other levies are laid, to raise an aggregate sum of \$75,-</p>	<p>SEC. 000 and interest to be placed at disposal of state board of control for purposes of the University. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Monongalia county is hereby authorized, notwithstanding any law limiting the powers of said county court in laying the county and district levies, to lay a levy for the years one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, one thousand nine hundred and seventeen and one thousand nine hundred and eighteen, at the same

7 time other levies are laid on the taxable property of said county,
 8 sufficient to raise an amount not to exceed in the aggregate the
 9 sum of seventy-five thousand dollars and its interest until raised,
 10 not more than the amount of thirty-seven thousand five hundred
 11 dollars and its interest to be raised by such special levy for any
 12 one year, and that the moneys raised by said levy shall be placed
 13 at the disposal of the state board of control for the purposes of
 14 the West Virginia university.

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

CHAPTER 126.

(Senate Bill No. 1.)

AN ACT to establish a county high school in the county of Wirt, upon
 a site to be selected by the board of directors, and to provide for
 the laying of levies for the erection of a building for said high
 school, and for the maintenance thereof.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the
 Governor February 16, 1915.]

SEC.

1. High school established in Wirt county, in or near Elizabeth, to be known as "Wirt county high school," site to be selected by board of directors of three, county superintendent of schools a member and president, one appointed by state superintendent of schools and one elected at special election; no two members to be residents of same magisterial district.
2. Board has full power to make rules, employ teachers, fix salaries, establish graded course of study, grant diplomas, etc., and to elect secretary and fix compensation.
3. Board a body corporate and deemed owner of all property and liable for legal claims.
4. For procuring grounds and erecting

SEC.

- and equipping buildings directors may lay levy not exceeding twenty cents for two years and two cents for each subsequent year, and for maintenance a levy of not to exceed ten cents.
5. Qualifications for admission subject to regulations of board.
6. Revenues from taxation to be collected and disbursed by sheriff.
7. Board to be allowed compensation of \$3.00 per day, not to exceed ten in any one year.
8. Before act takes effect to be submitted to voters at special election called by county court, and general notice to be published; ballot to bear names of candidates for board, etc.; majority to determine; if failure at special election may be re-submitted at next general election.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby
 2 established in the county of Wirt, state of West Virginia, in or
 3 near the town of Elizabeth, which shall be known as the "Wirt
 4 county high school," the site for which shall be selected by the

5 board of directors of said school, which said board of directors
6 shall consist of three members, composed of the county superin-
7 tendent of schools of said county of Wirt, who shall be *ex-officio*
8 a member and president thereof; one member who shall be ap-
9 pointed by the state superintendent of free schools, after said spe-
10 cial election provided for herein, whose term of office shall be four
11 years and serve until his successor is appointed and qualified; and
12 one member who shall be elected at the special election provided
13 for herein and serve until his successor is elected and qualified.
13-a His successor shall be elected at the next general election and serve
14 four years, or until his successor is elected and qualified. After
15 the first election provided for the term of office shall begin the
16 first day of January following the election of said member. No
17 two members of this board shall be residents of the same magis-
18 terial district.

Sec. 2. The said board of directors, as heretofore consti-
2 tuted, shall have full power and authority to make such rules and
3 regulations as it may deem proper and necessary for the manage-
4 ment and control of said high school; employ necessary teachers
5 and fix the salaries of the same; establish a graded course of study
6 and grant diplomas upon graduation of pupils, and perform such
7 other duties as are necessary and essential to the welfare and
8 maintainance of said high school; and shall elect a secretary
9 and prescribe the duties 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 with.
3 and shall receive, hold and dispose of, according to the usual form
4 of law and the instrument conferring titles, all gifts, grants or
5 devises made for the use of such high school, and shall be deemed
6 the owner of all property belonging to said high school, and shall
7 be liable for all claims which may legally exist against it.

Sec. 4. For the purpose of procuring proper grounds, and
2 for erecting and equipping suitable buildings thereon for said
3 high school, said board of directors may lay a levy of not exceed-
4 ing twenty cents on the one hundred dollars valuation of property
5 for taxable purposes for the year following the adoption of this
6 act as hereinafter provided for, and for the next year following;
7 and not to exceed two cents on the one hundred dollars valuation
8 for such purposes for each subsequent year thereafter; and for

9 maintaining said school said board of directors shall lay a levy,
10 not to exceed seven cents on the one hundred dollars valuation for
11 each year thereafter.

Sec. 5. The qualifications for admission to said county high
2 school shall be subject to such regulations as may be prescribed
3 by the said board of directors.

Sec. 6. All revenue from taxation as provided herein shall
2 be collected and disbursed by the sheriff of said county in the man-
3 ner provided by general law.

Sec. 7. The members of said board of directors shall be
2 allowed a compensation of three dollars per day for their services
3 for the time they are actually employed in transacting the business
4 of said high school, not to exceed ten days in any one year.

Sec. 8. But before this act shall take effect, it shall be
2 submitted to the voters of Wirt county at a special election ordered
3 by the county court of said county of Wirt, and general notice
4 of said election shall be published in two newspapers of opposite
5 politics and general circulation in said county, for four succes-
6 sive weeks preceding said election, if there be two such news-
7 papers that will publish the same at the legal rate for such pub-
8 lications; but if there be no such newspapers that will publish
9 such notice at such rate, then such notice may be posted at three
10 of the most public places in each magisterial district in said county
11 for a like period of time.

12 Said county court shall provide a ballot bearing the names
13 of the candidates for members of said board of directors and also
14 bearing thereon the words "For county high school," and
15 "Against county high school," and if a majority of the votes
16 cast at said election be in favor of said county high school, then
17 this act shall be of binding force and effect from the time of the
18 official announcement of said vote. Said election shall be con-
19 ducted in the manner provided by law for the conducting of
20 general elections. If this act should fail to carry at such special
21 election it may be re-submitted at the next general election fol-
22 lowing.

CHAPTER 127.

(Senate Bill No. 34.)

AN ACT to amend and re-enact section nine of chapter twenty-nine of the acts of the legislature of West Virginia, of one thousand nine hundred and seven, concerning the salary of the judge of the criminal court of Raleigh county, West Virginia.

[Passed February 5, 1915. In effect from passage. Approved by the Governor February 11, 1915.]

<p>SEC. 9. Judge of court to receive for services not less than \$2,500 nor more than \$3,000 per annum, to</p>		<p>SEC. be paid out of county treasury, and disqualified from practicing law in state during term.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine, section nine, of the acts of the legislature of West Virginia, of one thousand nine hundred and seven, be amended and re-enacted so as to read as follows:

Section 9. The judge of the said court shall for his services receive not less than twenty-five hundred dollars, nor more than three thousand dollars per annum, to be paid out of the county treasury of the said county of Raleigh, in the same manner as the salaries of the other county officers are paid; and he shall be disqualified from practicing law in all of the courts in this state, during his continuance in office.

CHAPTER 128.

(Senate Bill No. 38.)

AN ACT to amend and re-enact sections thirteen, fourteen and nineteen of chapter seventy-five of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, entitled, "An act to amend and re-enact and reduce into one the several acts creating the Parkersburg independent school district and fixing the compensation and commission to be paid to the sheriff of Wood county for collection of taxes for school purposes in that independent district; and providing for compulsory attendance."

[Passed January 27, 1915. In effect from passage. Became a law without the Governor's approval.]

<p>SEC. 13. Board of education to provide by condemnation or otherwise school houses and grounds and</p>	|	<p>SEC. maintain same; and for purpose of high schools and grounds may acquire land, not to exceed</p>
--	--	--

Sec.

thirty acres; to supply fuel and other things for comfort and convenience and pay all debts not chargeable to teachers' fund; in pursuance hereof board to annually at first meeting in July levy a tax within legal limit; all contracts void if future levy involved unless matter submitted to voters of district and approved by majority; special election, how called, ordered and conducted and publication required; proceeds to go to building fund.

14. Board authorized to levy, in addition to preceding section, annual tax sufficient, with other funds, to keep school nine months; proceeds to constitute "teach-

Sec.

ers' fund," and no part to be used other than for paying teachers; board has power to establish a public library and to levy a tax not to exceed two cents on the hundred dollars for its support.

19. Board to appoint two persons to act with district superintendent as an examining committee of applicants to teach in district; fee for examination, one dollar; but committee may without examination grant certificates in certain cases, but no certificate to be issued for longer than one year; committee to hold meetings at call of district superintendent and receive fees allowed by board.

Be it enacted by the Legislature of West Virginia:

That sections thirteen, fourteen and nineteen of chapter seventy-five of the acts of the legislature of West Virginia of one thousand nine hundred and eleven be amended and re-enacted so as to read as follows:

Section 13. The board of education shall provide by condemnation, purchase, lease, construction or otherwise, school houses and grounds, furniture, fixtures and appliances, as may be necessary for school purposes, and keep and maintain the same in good order and repair; and for the purpose of high schools and grounds, may acquire land, by condemnation or otherwise, not to exceed in quantity thirty acres in one parcel; shall supply said school buildings with fuel and other things necessary for comfort and convenience; and shall pay all charges incurred by virtue of any of the provisions of this act which are not chargeable to the teachers' fund. In order to provide the funds which are necessary for the purpose of this section, the board of education shall annually, at its first regular meeting in July, or as soon as practical thereafter, levy a tax on the property taxable in the said district, in the manner, within the limits and not to exceed the amount prescribed by the general school laws of the state relating to levy by boards of education for that purpose.

All contracts made by the board, to the extent that they shall involve the levy of any future year, shall be void, and no debts shall be contracted or incurred by the board in any one year which shall exceed the funds available for that purpose, unless the object, nature and extent thereof shall have been submitted to the voters of the district, at a special election to be called by the board for that purpose, and shall have received a majority of all

25 the votes cast for and against the same. The president of said board
26 shall issue a proclamation of said special election, in which he
27 shall recite the object, nature and extent of the indebtedness pro-
28 posed to be incurred, and for what purpose, which proclamation
29 shall be published once in each week for four weeks previous to the
30 day of election in at least two newspapers published in the said
31 district. Every special election held pursuant to the provisions of
32 this section, except as herein otherwise specially provided, shall
33 be held and conducted and the results certified in the manner pre-
34 scribed by the general election laws of the state relating to county
35 or magisterial elections. The proceeds of taxes so levied, or prop-
36 erty sold, of all donations and devises applicable to any of the pur-
37 poses mentioned in this section shall constitute a fund to be called
38 the "building fund," to be appropriated exclusively to the purpose
39 mentioned in this section.

Sec. 14. In addition to the levy named in the preceding sec-
2 tion, the board of education shall for the support of the school in
3 the district, annually levy such tax on the taxable property in the
4 district, as will, with the money received from the state for the
5 support of free schools, be sufficient to keep said schools in opera-
6 tion for not less than nine months in the year. Such levy shall
7 not exceed the limits prescribed for such purpose by the general
8 school laws of the state. The proceeds of this levy, together with
9 the money received from the state aforesaid, shall constitute a
10 special fund, to be called the "teachers' fund," and no part there-
11 of shall be used for any other purpose than the payment of teach-
12 ers' salaries and the salary of the superintendent. The board of
13 education shall have power to establish and maintain a public li-
14 brary, and the library so established and maintained shall be
15 known as the Parkersburg public school library, and shall be for
16 the use of the public schools of the Parkersburg district and the
17 inhabitants thereof, and shall be governed by such rules and regula-
18 tions as the board of education shall prescribe; for the establish-
19 ment and maintenance of said public library the board of education
20 shall have authority to levy annually a tax on the taxable property
21 of the district not to exceed two cents on the one hundred dollars;
22 the proceeds of this levy shall be known as the "public library
23 fund."

Sec. 19. The board of education shall appoint two competent
2 persons to act with the district superintendent as an examining

3 committee to examine all applicants for teachers of schools in the
 4 district; each applicant for examination shall pay the fee of one
 5 dollar, but the examining committee, with the consent of the board
 6 of education, may grant a certificate without examination, or with
 7 such partial examination as they may deem advisable, to any per-
 8 son holding a diploma from the West Virginia university, or a
 9 diploma from such other colleges or universities as the examining
 10 committee may place on an accredited list; under like conditions
 11 the examining committee may issue a certificate to any graduate
 12 of the normal department of the West Virginia state normal
 13 school or any of its branches, or such other normal schools as the
 14 examining committee may place on an accredited list; also, under
 15 like conditions the examining committee may issue a certificate
 16 based on other certificates when in their opinion such other cer-
 17 tificates are of a rank to justify their action. Certificates of quali-
 18 fication shall be issued by said committee, according to proficiency,
 19 as follows: Number one, very good; number two, good; number
 20 three, medium; but the board may by special regulation, provide
 21 for issuance of certificates to colored teachers. No certificate shall
 22 be issued for longer than one year; but the number one certificate
 23 may be renewed from year to year by the examining committee,
 24 at its option, under such regulations as the board may prescribe.
 25 The committee shall hold meetings for such examinations at such
 26 times and places as the district superintendent may appoint. The
 27 examining committee shall receive such fees for their services
 28 as the board may allow, to be paid out of the examination fees, the
 29 excess of any such fees, if any, to be paid into the building fund.

CHAPTER 129.

(Senate Bill No. 42.)

AN ACT to abolish the criminal court of Wood county from and after the thirtieth day of January, in the year one thousand nine hundred and seventeen.

[Passed January 26, 1915. In effect ninety days from passage. Approved by the Governor February 3, 1915.]

- SEC.
1. Criminal court of Wood county abolished from and after January 1, 1917.
 2. All indictments, suits, actions and proceedings of every kind pending on last day aforesaid and all papers and documents to be

SEC.

- transmitted to the office of clerk of the circuit court; other proceedings to terminate in said court and re-docketed in circuit court of said county.
3. Inconsistent acts repealed from and after day last aforesaid.

Be it enacted by the Legislature of West Virginia:

Section 1. That the criminal court of Wood county, created by 2 chapter twelve of the acts of the legislature of West Virginia of 3 one thousand eight hundred and ninety-one, entitled "An act 4 establishing a court of limited jurisdiction for the trial of felonies, 5 misdemeanors and offenses, within and for the county of Wood," 6 as amended by chapter thirty-three of the acts of the legislature of 7 West Virginia of one thousand eight hundred and ninety-three, 8 and as amended by chapter eighty of the acts of the legislature of 9 one thousand eight hundred and ninety-seven, and as amended 10 by chapter eighty of the acts of the legislature of one thousand 11 nine hundred and five, be, and the same is hereby abolished from 12 and after the first day of January, in the year one thousand nine 13 hundred and seventeen.

Sec. 2. All indictments, suits, actions and proceedings of 2 every kind pending in said criminal court on the day last afore- 3 said, together with all records, process and papers pertaining 4 thereto, as well as all records, process and papers pertaining to all 5 trials, indictments, actions, suits and proceedings theretofore had 6 or pending in said court, and all bonds and recognizances taken 7 in said court, shall on and after the day last aforesaid be certified 8 and transmitted by the clerk of said court to, and filed and de- 9 posited in the office of the clerk of the circuit court of said county 10 of Wood; and all subpoenas, summonses, and notices, executions, 11 writs and process of every kind, and recognizances outstanding 12 on the day last aforesaid, shall be returned to the office of the 13 clerk of said criminal court if returnable to the office of the clerk 14 of said criminal court, or to the first day of the next ensuing 15 regular term of said circuit court if returnable to said criminal 16 court in term time, the same as if originally made returnable to the 17 said circuit clerk's office or the first day of the said term of said 18 circuit court; and said clerk of said circuit court shall, after the day 19 last aforesaid, have the same powers and perform the same duties in 20 relation to such records, suits, actions, notices, writs, process, pa- 21 pers, and proceedings, including the issuing of executions and other 22 writs upon judgments, decrees or orders of said criminal court, and 23 the certifying of copies from the records of said criminal court, as 24 were vested in and required of the clerk of said criminal court. All 25 indictments, actions, suits and proceedings pending in said crim- 26 inal court on the day last aforesaid, and in all cases, indictments,

27 actions, suits and proceedings which theretofore had been in said
 28 criminal court and shall on the day last aforesaid be pending in
 29 the circuit court of said county or in the supreme court of West
 30 Virginia upon appeal or writ of error, shall be docketed and pro-
 31 ceeded in and tried and determined, and such further proceedings
 32 as may be proper, had therein by the said circuit court in all re-
 33 spects as if the same had been found or originated in said circuit
 34 court and had been taken thence on such appeal or writ of error.

Sec. 3. All acts and parts of acts in conflict herewith shall
 2 from and after the day last aforesaid be deemed repealed.

CHAPTER 130.

(Senate Bill No. 56.)

AN ACT to authorize the judge of the thirteenth judicial circuit
 to appoint an official shorthand reporter at his discretion, and pre-
 scribing his duties and compensation.

[Passed February 20, 1915. In effect ninety days from passage. Became a law
 without the Governor's approval.]

<p>SEC. 1. Judge of thirteenth judicial circuit authorized to employ shorthand reporter, and designated official shorthand reporter; duties as to report of proceedings,</p>	<p>SEC. compensation and actual expenses and how paid; employment of deputy, when necessary, authorized.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The judge of the thirteenth judicial circuit of
 2 West Virginia is hereby authorized and empowered, at his discre-
 3 tion, to employ a competent shorthand reporter to be known as the
 4 official shorthand reporter, to report under such regulations as the
 5 judge may prescribe, the proceedings and testimony given in the
 6 trial of any civil or misdemeanor cases in the courts of said circuit,
 7 as well as the proceedings had and the testimony given in any other
 8 matter in hearing before said courts, and shall allow said shorthand
 9 reporter a reasonable compensation per diem for his attendance
 10 upon the courts of said circuit, and actual expenses, to be certified
 11 by the judge of said court to the county court of the county in
 12 which any such trial may take place or such other matters may be
 13 heard and the same shall be paid by such county court out of the
 14 county treasury. It shall be the duty of said official shorthand re-

15 porter to keep an accurate record of all cases or proceedings re-
 16 ported by him together with the fee for reporting in each case or
 17 proceeding, which fee shall be taxed by the clerk as a part of the
 18 costs in such case or proceeding, and when paid by the parties to
 19 the case or proceeding, it shall be paid into the county treasury.
 20 The court may, when necessary, authorize said official shorthand
 21 reporter to appoint a deputy official shorthand reporter, who shall
 22 be entitled to the same fees for like services as his principal, and
 23 be paid in the same manner.

CHAPTER 131.

(Senate Bill No. 205.)

AN ACT to amend and re-enact section eight of chapter twenty-nine of the acts of the legislature of West Virginia of one thousand nine hundred and seven, concerning the salary of the clerk of the circuit court of Raleigh county.

[Passed February 18, 1915. In effect from passage. Approved by the Governor February 25, 1915.]

SEC.

8. Clerk circuit court of Raleigh county *ex-officio* clerk criminal court; to receive same fees as are allowed by law for clerks of circuit courts, and subject to statutes; all processes, etc., of said

SEC.

court to be signed by clerk, and in addition to fees of office, to be paid out of county treasury not less than \$1,000 nor more than \$1,500 per annum as clerk of the criminal court.

Be it enacted by the Legislature of West Virginia:

Section 8. The clerk of the circuit court of Raleigh county shall be *ex-officio* clerk of said criminal court and perform the duties thereof; and shall receive the same fees as are allowed by law for similar services to the clerks of the circuit court; and in the discharge of his duties as clerk of the criminal court he shall be subject to all statutes relating to the clerks of the circuit court. All processes, rules and orders of said court, in the exercise of its jurisdiction, shall be signed by the clerk thereof, and be directed to the sheriffs of the proper counties wherein the same are to be executed, and they shall be exercised in like manner and with the same effect as processes issuing from the circuit court of said county; and the clerk of said court shall, in addition to the fees of his office, be paid out of the county treasury, in the same manner as the salary of the other county officers

15 are paid, not less than one thousand nor more than fifteen hundred dollars per annum, to cover in full his salary as clerk of said criminal court, to be fixed by the county court of Raleigh county.

CHAPTER 132.

(Senate Bill No. 222.)

AN ACT fixing the time for holding the terms of the circuit court in the counties of Mingo and Wyoming, for the twenty-second judicial circuit of this state.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 16, 1915.]

SEC.

1. Terms of circuit court for counties of Mingo and Wyoming: For the county of Mingo, first Monday in January, April, July and October; for county of Wyoming,

SEC.

second Monday in February, May, August and November: special terms to be called as provided by general law. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter ten, acts of the legislature of one thousand nine hundred and eleven, be amended and re-enacted to read as follows:

Section 2. There shall be held in each year in the county of Mingo at least four terms of the circuit court, and in the county of Wyoming at least four terms of the circuit court, and the terms of the several courts for the counties aforesaid shall commence and be held as follows:

For the county of Mingo, on the first Monday in January, April, July and October of each year.

For the county of Wyoming, on the second Monday in February, May, August and November of each year.

Special terms of said court may be called and held as provided by general law.

All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 133.

(Senate Bill No. 235.)

AN ACT to amend and re-enact section thirty-eight of chapter one

hundred and one of the acts of one thousand eight hundred and ninety-seven, relating to the maximum rate of levy, statement of fiscal affairs, etc., of the city of Clarksburg.

[Passed February 17, 1915. In effect from passage. Approved by the Governor February 26, 1915.]

SEC.

33. At session held second Tuesday in August, common council of city of Clarksburg to make up itemized statement, and what to contain; statement certified by clerk to be published as provided in section two of chapter 28-a of 1913 code, and posted: at adjourned meeting of council held fourth Tuesday in August

SEC.

to proceed as required by section two of chapter 28-a of 1913 code; after entering statement council to proceed to levy such amount as will produce amount shown necessary for municipal purposes; but levy not to exceed forty-five cents on the one hundred dollars valuation.

Be it enacted by the Legislature of West Virginia:

That section thirty-eight of chapter one hundred and one of the acts of one thousand eight hundred and ninety-seven, in relation to the city of Clarksburg, be amended and re-enacted so as to read as follows:

Section 38. At its session held on the second Tuesday in August, 2 the common council of the city of Clarksburg shall ascertain the 3 condition of its fiscal affairs, and make up an itemized statement 4 of the same, which shall set forth in detail:

5 (a) The amount due the city, and the amount that will 6 become due thereto and collectible during the current fiscal year, 7 from every source, but excepting the amount that will be produced 8 by the levy of taxes to be made for the year.

9 (b) The debts and demands owed by the municipality, and 10 the debts and demands that will become due and payable during 11 the current fiscal year, including interest on any indebtedness, 12 funded or bonded or otherwise.

13 (c) All other expenditures, under the several heads of ex- 14 penditures, to be made and payable out of the funds of the city for 15 the current fiscal year, including the cost of collection of taxes 16 and other claims, with proper allowance for delinquent taxes and 17 contingencies. Said statement shall also set forth the total amount 18 necessary to be raised by the levy of taxes for the current fiscal year, 19 and the proposed rate of levy of taxes on the property of the city, 20 and also the aggregate of the taxable property in the city, stating 21 separately the amount of personal property, of real estate, and of 22 the property assessed by the board of public works. A copy of 23 such statement duly certified by the city clerk shall be published as

24 provided in section two of chapter twenty-eight-a of the code of
 25 one thousand nine hundred and thirteen, and posted at each vot-
 26 ing place in the city at least eight days before an adjourned meet-
 27 ing of the common council to be held on the fourth Tuesday in
 28 August, at which time the council shall reconvene and proceed in
 29 all respects as provided in section two of chapter twenty-eight-a of
 30 the code of one thousand nine hundred and thirteen. After having
 31 entered the said statement, as finally approved, in its book of record
 32 of proceedings, the council shall thereupon levy as many cents on
 33 each one hundred dollars of the assessed valuation of the property
 34 within the city, according to the last assessment thereof, as will
 35 produce the amount shown by the said statement necessary to be
 36 raised for municipal purposes during the fiscal year; *provided*,
 37 that such levy shall not exceed forty-five cents on each one hundred
 38 dollars of the valuation for the year one thousand nine hundred
 39 and fifteen, and shall not exceed forty-five cents on each one hun-
 40 dred dollars after that year, anything in the statutes of this state
 41 to the contrary notwithstanding.

CHAPTER 134.

(Senate Bill No. 240.)

AN ACT authorizing the county court of the county of Jefferson to
 change the site and relocate the county jail.

[Passed February 13, 1915. In effect from passage. Became a law without the
 Governor's approval.]

<p>SEC. 1. County court of Jefferson county authorized to change site of jail of said county as deemed advisa- ble within corporate limits of Charles Town, and county court</p>		<p>SEC. or trustees authorized to dispose of or exchange lots or parts of lots upon which present jail is located.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county be and it is
 2 hereby authorized, if in its discretion it is found proper to do so, to
 3 change the site of the jail, in said county, and to locate it at such
 4 place as it may deem most advisable within the corporate limits of
 5 the town of Charles Town, and to purchase or acquire the title
 6 to such lands as may be necessary and convenient therefor, or to
 7 locate it upon such lands as the county may now have, and to

8 erect thereon a building, or buildings, for jail purposes, sheriff's
 9 residence and other offices, for county purposes or public use; and
 10 in case said change is determined upon by said court, the county
 11 court of Jefferson county and the trustees, if any, holding the
 12 legal title, heretofore or hereafter appointed, are hereby author-
 13 ized and empowered to sell, exchange or dispose of in whole or in
 14 part, the lot, or lots, upon which the present jail building, sheriff's
 15 residence and other offices are now located on the corner of Wash-
 16 ington and George streets. in Charles Town, and to sell or remove
 17 the buildings, structures or other improvements upon said lot, or
 18 lots, and by deed to convey and grant unto the purchaser, or pur-
 19 chasers, the title to said lot, or lots, and buildings and improve-
 20 ments, or any part thereof so sold, and the proceeds arising from
 21 said sale, or sales, shall be applied so far as necessary and practi-
 22 cally to the acquisition of a new site, or to the erection of new
 23 buildings, as herein authorized.

CHAPTER 135.

(Senate Bill No. 245.)

AN ACT to amend and re-enact sections two, four, six and seventeen of chapter thirty-three of the acts of the legislature of one thousand nine hundred and five, establishing the independent school district of Williamson, in the county of Mingo, in the state of West Virginia, and adding sections seventeen-*a*, seventeen-*b* and seventeen-*c* thereto.

[Passed February 26, 1915. In effect ninety days from passage. Approved by the Governor March 4, 1915.]

Sec.

2. Qualified voters of Independent school district of Williamson at special election to be held first Tuesday in June, 1915, to choose three commissioners; and every two years thereafter one commissioner; term of office and succession in office; ballot to be used to contain names and terms of each member; commissioners to constitute board of education; election held and conducted under general election laws and officers appointed by board of education, upon recommendation of political committees; precincts to be those already established in city of Williamson.
4. Board to elect, annually at first meeting in July, one of their

Sec.

- number president; board to appoint a secretary who may, or may not, be a member; president to have one vote.
6. Board to hold stated meetings and not less than two required for quorum; special meetings provided for; concurrence of two members required on all matters; compensation of board.
17. Board may annually at first meeting appoint two persons to act with superintendent as examining committee for applicants for teachers; members other than superintendent not eligible as teachers; method of examination and fee required; certificates classified, and not to be for longer than three years; committee to hold meetings at

SEC.

stated times and be paid out of fees, excess to go into building fund; conditions for employment of teachers, except superintendent, who is employed by the board.

- 17-a. Truancy provision, and authority of truant officer, superintendent or board of education thereunder.

SEC.

17-b. Board at first meeting after first day of July, 1915, to appoint truant officer; duties and authority.

17-c. Board of education as presently constituted to continue in office until July 1, 1915, as required by general laws.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections two, four, six and seventeen of chapter thirty-three of the acts of the legislature of one thousand nine hundred and five, establishing the independent school district of Williamson, in the county of Mingo, in the state of West Virginia, be and the same are hereby amended and re-enacted, and sections seventeen-a, seventeen-b and seventeen-c added thereto, so as to read as follows:

Section 2. There shall be elected by the qualified voters of the 2 independent school district of Williamson, at a special election to 3 be held on the first Tuesday in June, one thousand nine hundred 4 and fifteen, in said district, at the voting places hereinafter pro- 5 vided for, three commissioners; and every two years thereafter, 6 one commissioner, whose term of office shall commence on the 7 first day of July following their election, and continue six years, 8 and until their successors are elected and qualified, except that 9 one of the commissioners elected in the year one thousand nine 10 hundred and fifteen shall serve two years, another four years and 11 another six years.

12 The ballot used in the said special election shall have 13 printed on it by the officers whose duty it is to make up the bal- 14 lot, the term of office of each member. The said commissioners 15 shall constitute a board of education for the Williamson inde- 16 pendent school district to be denominated "the board of education 17 of the Williamson independent school district." Said election to 18 be held, conducted and certified in accordance with the provisions 19 of the general election laws of this state, so far as applicable, and 20 except as specifically provided herein. The officers holding and 21 conducting such elections shall be appointed by the board of edu- 22 cation. The district chairman of the two political parties, re- 23 spectively, casting the highest number of votes in the state at the 24 last preceding general election, shall have the the right to nominate 25 each a commissioner and a clerk for each of the voting precincts 26 in said district, and it shall be the duty of the board of educa- 27 tion to appoint the same, as required by general law.

28 • The said election shall be held at the several voting precincts,
29 as established by the city of Williamson, the corporate limits
30 of said city being the same as the boundaries of said district.

Sec. 4. The board of education shall elect annually at their
2 first meeting on the second Monday in July, or as soon thereafter
3 as may be practicable, one of their number to act as president of
4 said board who shall perform all of the duties which shall be re-
5 quired to be performed by any board of education, which will not
6 be inconsistent with the provisions of this act. The board shall
7 appoint at the same time a secretary who may, or may not, be a
8 member of the said board, who shall perform the said duties of
9 the said board, as required by the secretaries of other boards of
10 education. The president shall have one vote as commissioner,
11 and shall not vote upon any question arising before the board by
12 reason of being such officer.

Sec. 6. The board of education shall hold stated meetings
2 at such times and places as they may appoint, not less than two
3 members being required to constitute a quorum for the transac-
4 tion of business. Special meetings may be called by the presi-
5 dent, or at the request of any member, by the secretary. The
6 concurrence of two members of the board shall be required to
7 elect superintendent or teachers, and to decide all questions. The
8 members of the board of education shall each receive a compensa-
9 tion of two dollars for each meeting of the board attended by
10 them, and no compensation shall be paid said commissioners for
11 any meeting of the board at which they are not present.

Sec. 17. The board of education may, annually, at their
2 first regular meeting, appoint two competent persons of opposite
3 politics to act with the superintendent as an examining com-
4 mittee. The superintendent, who shall be *ex-officio* chairman of
5 the board of examiners, shall be required to take no examination
6 for teaching in case he is to teach in said district. The other
7 two members of the board of examiners shall not be eligible to
8 appointment as teachers in the said district during their term of
9 office. It shall be the duty of the said committee to examine all
10 applicants for positions as teachers in the schools of the district,
11 if the board shall so direct, in all common branches, and such
12 other branches as they may be required to teach, and each person
13 so examined shall pay a fee of one dollar; but no applicant shall
14 be entitled to examination who shall not furnish evidence, satis-

15 factory to the committee, of good moral character; certificates of
16 qualification shall be granted according to the merits of the ap-
17 plicant, thus: number one shall denote a very good teacher; num-
18 ber two, good; number three, medium. A number three certifi-
19 cate shall not be issued more than twice to any one person, but
20 the board may make special regulations as they may deem fit con-
21 cerning the certificates of colored teachers. No certificate shall
22 be granted for a longer period than two years, and there shall be
23 no renewals without examination.

24 The committee shall hold meetings for the examination of
25 teachers at such times and places as the superintendent may ap-
26 point. They may receive such compensation as the board may al-
27 low out of the fees for examining teachers. The excess of such
28 fees, if any, shall go into the building fund of the district. But
29 the said board of education shall not employ any person to teach
30 in the public schools of said district who does not have a certifi-
31 cate for the grade for which the appointment is made, issued and
32 obtained, as required by law in the examination of teachers for
33 the public schools of this state, except that the superintendent
34 shall not be required to obtain a certificate, nor shall it be neces-
35 sary, unless the board shall so require, that the teacher of domes-
36 tic science shall have a certificate. And, except, further, that
37 persons shall be eligible as teachers in the said school without ex-
38 amination who hold state special certificates, high school certifi-
39 cates in this state, or university or college diplomas from insti-
40 tutions in this state or other states; *provided*, the members of the
41 board do unanimously agree that such persons may teach without
42 further credentials. But so-called number two and three uni-
43 form certificates shall not be recognized.

44 The superintendent shall be appointed by the board and en-
45 ter into a contract, the form of which shall be prescribed by the
46 board, the teachers to sign the form of contract in use generally in
47 the state.

Sec. 17-a. Any child who habitually absents itself from
2 school may be declared by the truant officer, the superintendent
3 or board of education of said district, a confirmed truant. Such
4 confirmed truant, if a boy, may be sentenced by the judge of the
5 circuit court, or by any justice of the peace of Mingo county, to
6 the West Virginia industrial school for boys; or, if a girl, to the
7 West Virginia industrial home for girls; *provided*, that such

8 child is within the age limit set for admission to such institutions.
9 In all cases where a child is so committed to such institution, it
10 shall be placed in charge of some person designated by the court
11 committing such child, to be conveyed under his direction to the
12 designated institution, and the actual necessary expense thereby
13 incurred shall be paid by the board of education of the inde-
14 pendent school district of Williamson.

Sec. 17-b. The board of education of the independent
2 school district of Williamson shall, at its first meeting held after
3 the first day of July, in the year one thousand nine hundred and
4 fifteen, and every two years thereafter, appoint some person as
5 truant officer for said district. Such truant officer shall take his
6 office immediately after appointment. He shall see that the pro-
7 visions of this act are complied with, and when, from personal
8 knowledge, or by report or complaint from any resident or teach-
9 er of the independent school district of Williamson under his su-
10 pervision, he believes that any child, subject to the provisions of
11 this act, is habitually tardy or absent from school, he shall imme-
12 diately give written notice to the parent, guardian or custodian
13 of such child that the attendance of such child is required, and
14 the provisions of the general law applicable to compulsory at-
15 tendance, in so far as it does not conflict with this chapter, shall
16 apply.

Sec. 17-c. The board of education of said independent
2 school district of Williamson, as presently constituted, shall con-
3 tinue in office until the first day of July, one thousand nine hun-
4 dred and fifteen, and until their successors are elected and quali-
5 fied as required by this act and the general laws of the state of
6 West Virginia.

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

CHAPTER 136.

(Senate Bill No. 207.)

AN ACT to amend and re-enact sections one, three and four of
chapter twenty-six of the acts of the legislature of West Vir-
ginia, of one thousand nine hundred and eleven, relating to
establishing a county high school in Nicholas county, and by
adding one section to said chapter to be known as section nine.

[Passed February 13, 1915. In effect from passage. Approved by the Governor February 22, 1915.]

SEC.

1. High school established in Nicholas county in or near town of Summersville; designation; site for which selected by board of directors, to consist, after July 1, 1915, of three members; how two are chosen, and county superintendent of schools to be a member, *ex-officio*, and president.
3. Board a body corporate and deemed owner of all property of said high school and liable for legal claims.

SEC.

4. Board authorized to lay levy for each year hereafter of ten cents for procuring grounds, erecting and equipping buildings and carrying on school.
 9. After July 1, 1915, independent district of Richwood exempt from taxation for maintaining said Nicholas county high school, provided said district maintain its own high school.
- Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, three and four of chapter twenty-six of the acts of the legislature of one thousand nine hundred and nine, be amended and re-enacted, and that one additional section be added to said chapter to be known as section nine, which amended sections and added section shall read as follows:

Section 1. That a high school be and the same is hereby
 2 established in the county of Nicholas, state of West Virginia,
 3 in or near the town of Summersville, which shall be known as
 4 the Nicholas county high school, the site for which is to be se-
 5 lected by the board of directors of said school, which said board
 6 of directors shall, after the first day of July, one thousand nine
 7 hundred and fifteen, consist of three members, as follows: the
 8 present elective member, whose term expires on the thirteenth
 9 day of June, one thousand nine hundred and seventeen, and
 10 whose successor shall be elected at the general election in the
 11 year one thousand nine hundred and sixteen, and every four years
 12 thereafter, and whose term of office shall commence on the first
 13 day of July following said election, and continue for four years
 14 and until his successor is elected and qualified; the county
 15 superintendent of schools of said county shall be *ex-officio* a
 16 member and president of said board of directors; the other
 17 member of said board of directors shall be appointed by the state
 17-a superintendent of free schools of this state for a term of four
 18 years, beginning on the first day of July, one thousand nine hun-
 19 dred and fifteen, and every four years thereafter, which said
 20 member shall be a resident and taxpayer of said county, and
 21 shall, in the opinion of the state superintendent of free schools,
 22 be a person properly trained and equipped for discharging the
 23 duties of such director.

Sec. 3 Said board of directors shall be a body corporate, 2 by the name of the "Nicholas county high school," and as such 3 may sue and be sued, and shall receive, hold and dispose of, ac- 4 cording to the usual form of law and the intent of the instrument 5 conferring titles, all gifts, grants or devises made for the use of 6 such high school, and shall be deemed the owner of all property 7 belonging to said high school, and shall be liable for all claims 8 which may legally exist against it.

Sec. 4. Said board of directors is hereby authorized for 2 each year hereafter to lay a levy of ten cents on the one hun- 3 dred dollars of taxable property in said county as ascertained 4 by the last preceding assessment for state and county purposes, 5 for the purpose of procuring proper grounds, erecting and 6 equipping suitable buildings thereon for said high school, for 7 grading grounds, laying sidewalks and for any purpose of car- 8 rying on and maintaining said high school.

Sec. 9. On and after the first day of July, one thousand 2 nine hundred and fifteen, the independent school district of 3 Richwood, in said Nicholas county, shall be exempt from taxa- 4 tion for the purpose of carrying on and maintaining said Nich- 5 olas county high school; *provided*, that said independent school 6 district shall maintain its own high school, and after said date 7 the assessor of Nicholas county shall not extend the levy for 8 "county high school" against any assessment of property in said 9 independent school district of Richwood if a high school is main- 10 tained therein.

11 All acts and parts of acts not consistent herewith are hereby 12 repealed.

CHAPTER 137.

(Senate Bill No. 270.)

AN ACT authorizing the county court of Jefferson county to sub- 1 stitute the bonds of said county bearing interest at the rate 2 of five per centum per annum for the bonds of said county 3 now outstanding bearing interest at the rate of four per 4 centum per annum, and prescribing the conditions for such 5 substitution.

[Passed February 19, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

1. County court of Jefferson county authorized to substitute bonds exempt from taxation and bearing four per cent. interest, which are hereinafter provided for at five per cent.
2. County court, in event bonds are issued, to lay a levy for liquidation of bonds within not longer than thirty-four years.
3. Before bonds issued same to be authorized by three-fifths vote of voters of county voting at next

SEC.

- general election.
4. Before bonds are issued same to be authorized by resolution of the county court, specifying interest, amount, kind, date, where payable and rate of interest, and same to be published in some newspaper of general circulation.
5. Election to be provided for, conducted and result ascertained as other elections; what ballot to contain.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county is hereby authorized to substitute for its bonds now outstanding, which are exempt from taxes for county, district, or municipal levies, and which bear interest at the rate of four per centum per annum, its bonds which, when issued as hereinafter provided for, shall bear interest at the rate of five per centum per annum.

Sec. 2. The county court of said county shall, should said bonds be issued, as hereinafter provided for, lay a levy in each year sufficient to pay the interest on said bonds, and to create a sinking fund for the liquidation thereof at their maturity, which shall be not longer than thirty-four years from the date thereof.

Sec. 3. Before any such bonds are issued, the same shall be authorized by a three-fifths vote of the voters of the county voting upon the question at the next general election held in the county.

Sec. 4. Before any such bonds are issued, the same shall be authorized by a resolution entered of record by the said county court, specifying that the interest on said bonds is to be increased, and such resolution shall further specify the amount and kind of bonds so to be issued, the proposed date of their issuance and of their maturity, where payable, and the rate of interest thereon, which resolution shall be published in two newspapers of opposite political parties, if such be published in the county; if not, then in some newspaper of general circulation in the county, for at least four weeks prior to said election. Such other notice of said election shall be given as the county court may by resolution provide.

Sec. 5. Such election shall be provided for, conducted and

2 the result ascertained and declared as provided by law for hold-
 3 ing and ascertaining and declaring the result of general elections,
 4 and the ballots to be voted at such election, after containing a
 5 statement of the amount, and time for the bonds to be issued,
 6 and the rate of interest they are to bear, and the purpose or pur-
 7 poses for which the proceeds are to be used, shall contain the
 8 words "For the bonds," and the words "Against the bonds."

CHAPTER 138.

(Senate Bill No. 275.)

AN ACT to amend and re-enact section seven of chapter thirty-nine of the acts of the legislature of West Virginia of the year one thousand eight hundred and eighty-seven.

[Passed February 11, 1915. In effect ninety days from passage. Approved by the Governor February 10, 1915.]

SEC.

7. Board of said independent district of Point Pleasant to establish and maintain first class high school within meaning of section 30, chapter 45 of the code, and requirements of this section may be enforced by any taxpayer; in addition board to es-

SEC.

tablish such other schools as will promote the educational interests of the district; provision as to admission of non-resident pupils; employment of teachers to be not earlier than first day of July and not later than first day of September of each year.

Be it enacted by the Legislature of West Virginia:

That section seven of chapter thirty-nine of the acts of the legislature of West Virginia of the year one thousand eight hundred and eighty-seven be and the same is hereby amended and re-enacted so as to read as follows:

Section 7. The board of education of said independent
 2 school district shall establish and maintain a first class high school,
 3 within the meaning of division (b) of section thirty of chapter
 4 forty-five of the code of West Virginia, in which no person, ex-
 5 cept a thoroughly qualified high school teacher holding a degree
 6 from a college at least equal to West Virginia university in its
 7 curriculum and standing, shall be employed or permitted to teach
 8 any of the branches regularly prescribed for first class high schools
 9 provided for in said division (b); and the requirements of this
 10 section, as to such high school, may be enforced by any taxpayer
 11 of said independent district by mandamus to compel performance

12 of official duty thereunder, or injunction to prevent violation
13 thereof.

14 In addition to said high school said board of education shall
15 establish and maintain such other schools as shall, in their judg-
16 ment, be promotive of the educational interests of children of said
17 independent school district.

18 Pupils between the ages of six and twenty-one years residing
19 elsewhere than in said independent district, shall be admitted to
20 said schools upon payment to said board of education, in advance,
21 of a reasonable monthly tuition, to be fixed by said board, and to
22 become a part of the teachers' fund of said independent district.
23 Said board of education shall, at a meeting to be held not earlier
24 than the first day of July nor later than the first day of September
25 in each year, appoint the teachers for said schools for the current
26 school year, and fix and determine their salaries for such year.
27 Such appointments shall be recorded by the secretary of said board;
28 and any teacher appointed by said board may, by them, be removed
29 for incompetency, neglect of duty, intemperance, profanity, cruelty
30 or immorality.

CHAPTER 139.

(Senate Bill No. 305.)

AN ACT authorizing the employment of a stenographer by the judge
of the fourth judicial circuit, fixing his compensation, and pro-
viding how he shall be paid.

[Passed February 20, 1915. In effect ninety days from passage. Approved by the
Governor February 26, 1915.]

SEC.

1. Judge of Fourth Judicial circuit au-
thorized to employ stenographer
to assist him in clerical work.
2. Appointment made and compensa-
tion fixed by circuit judge by
order of record.
3. Compensation fixed by judge and

SEC.

not to exceed \$100 per month,
and paid at end of month on
order of judge by county courts,
pro rata, according to popula-
tion of counties in circuit.
Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The judge of the circuit court in the fourth judi-
cial circuit is hereby authorized to appoint and employ one sten-
ographer to assist him in the performance of the clerical work re-
quired by his official duties, whose term of employment shall be at
the will of the judge making such appointment.

Sec. 2. The appointment of such stenographer shall be made and the compensation fixed by such circuit judge, by an order entered in the law order book of the circuit court in each county in his circuit.

Sec. 3. The compensation of such stenographer shall be fixed by such judge at such sum as he shall deem proper, not to exceed one hundred dollars per month, and be paid at the end of each month on the order of such judge by the county courts of the counties composing such judicial circuit, *pro rata*, according to the population of such county as established by the next preceding census of the United States; *provided*, that the court or judge thereof, may in his discretion fix a per diem compensation to be paid to such stenographer in lieu of all compensation.

Sec. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 140.

(Senate Bill No. 309.)

AN ACT authorizing and empowering the state board of control to grant to the city of Weston, in the county of Lewis, in this state, an easement or right of way upon and over a parcel or strip of land owned by this state in said city, for the use of said city for public street and sidewalk purposes.

[Passed February 20, 1915. In effect from passage. Approved by the Governor March 4, 1915.]

SEC.

1. State board of control authorized to grant city of Weston an easement over certain land in said city owned by state for use of city for street and sidewalk and other purposes, as described.

SEC.

2. Terms and conditions of grant.
3. If city ceases use or abandons said strip of land, or fails to carry out terms and conditions, same to revert back to state.

Be it enacted by the Legislature of West Virginia:

Section 1. The state board of control is hereby authorized and empowered to grant to the city of Weston, in the county of Lewis, in this state, by proper and apt deed, upon the terms and conditions herein named, an easement or right of way upon and over a certain strip or parcel of land in said city and owned by the state, for the use of said city for public street and sidewalk purposes, including the right in said city to grant franchises over, through and upon said strip or parcel of land for water, light, gas,

9 electric railroad and other public utility purposes, in order to en-
10 able said city to extend Mulberry avenue, in what is commonly
11 known as West Weston of said city, in a continuous straight line,
12 beginning at State street in said city and extending for a width of
13 fifty feet through the said land of the state a distance of
14 six hundred and fifty feet to the middle of the West Fork
15 river. Said parcel of land is a part of the lot or premises on which
16 are located the buildings of the West Virginia hospital for the
17 insane, and is more particularly described as follows: Beginning
18 at the present terminus of Mulberry avenue at State street and
19 extending for the full width of fifty feet north sixty degrees east
20 six hundred and fifty feet to the middle of said West Fork river;
21 which extension of said Mulberry avenue and description of said
22 strip of land are shown and designated upon a map or blue print
23 made by D. D. Britt, city engineer of said city of Weston, in the
24 month of January, one thousand nine hundred and fifteen, marked
25 on the face thereof "City of Weston Proposed Extension of Mul-
26 berry Avenue through the grounds of the West Virginia State
27 Hospital," which map or blue print is filed with the state board
28 of control, and a copy thereof with the clerk of the house of
29 delegates.

Sec. 2. The terms and conditions of said grant, all which
2 shall be set forth in the deed, are as follows:

3 (1). The said city of Weston shall accept said grant, and
4 agree to the terms and conditions thereof, by an ordinance of the
5 common council thereof duly passed and entered of record upon
6 its book of proceedings, which ordinance shall contain and recite
7 the said deed of the state board of control, within three months
8 after the date of said deed.

9 (2). The said city shall permanently pave the said new
10 street in a proper and substantial manner with concrete, brick or
11 other suitable material, in the judgment of the state board of con-
12 trol, and subject to its approval, and maintain the same in good
13 condition, for the said full width of fifty feet, beginning at
14 said State street and extending to the right of way of the Balti-
15 more and Ohio Railroad Company, or as near to said right of way
16 as the state board of control may require, a distance of approxi-
17 mately three hundred and eighty-eight feet; and shall also con-
18 struct and maintain a permanent sidewalk of not less than six
19 feet in width, of concrete, brick or other suitable material, in the

20 judgment of the state board of control, and subject to its ap-
21 proval, along the front of the grounds of said hospital, from the
22 intersection of said proposed extension of said Mulberry avenue
23 with the fence in front of said hospital, between the said fence
24 and the right of way of the Baltimore and Ohio Railroad Com-
25 pany, as may be designated by the state board of control, to what
26 is commonly known as the front gate of the said hospital, a dis-
27 tance of approximately three hundred and fifty feet.

28 (3). In making said street through the said described strip
29 of land, the grade thereof shall not be raised farther than is neces-
30 sary, and approved by the state board of control, above the pres-
31 ent surface of said ground; and where said street shall cross the
32 hollow or depression in the grounds of said hospital, there shall
33 be put in by the said city a permanent and proper culvert of suf-
34 ficient size to carry off all water that will likely collect above the
35 said proposed street, in such manner as shall be satisfactory to the
36 state board of control, and shall maintain such culvert in good con-
37 dition.

38 (4). The said city shall construct a good and substantial
39 iron fence, or fences, along both sides of said extension of Mul-
40 berry avenue through said strip of land, and provide gates in said
41 fence or fences at such place or places as the state board of con-
42 trol shall designate, for the use of the state in crossing over said
43 proposed new street, and for other purposes of the state; and after
44 said fence or fences and gates are so constructed and provided,
45 the state of West Virginia, or the governing body of the West Vir-
46 ginia hospital for insane, shall maintain the same.

47 (5). Said city, as a further condition of the granting of
48 said strip of land, shall grant and convey to the state of West
49 Virginia all of its right, title and interest in and to that part of
50 the present county road, sometimes called River avenue, extend-
51 ing from a point on the eastern edge of the right of way of the
52 Baltimore and Ohio Railroad Company in a line of the land of
53 the state occupied by said hospital for the insane, to a point in
54 said extension of Mulberry avenue, where such extension crosses
55 the present county road or River avenue, which points of begin-
56 ning and ending are marked on said map or blue print "E" and
57 "F," respectively, so that that part of said present county road
58 may be abandoned and closed up as a street or road, and be used
59 by the state. And to that end, the said city will arrange with the

60 county court of said Lewis county, if said court shall have any
61 authority or jurisdiction in or over the same, for a change in the
62 location of said county road, so that the same shall pass over said
63 proposed extension of Mulberry avenue through said strip of land,
64 from a point where the said county road intersects it to State
65 street; *provided, however,* that in said grant and conveyance, and
66 in said order abandoning said part of said River avenue or county
67 road, there shall be reserved to the said city of Weston or to the
68 said county of Lewis, in favor of the party or parties to whom the
69 same may have been granted, all rights and franchises heretofore
70 granted by said city or county for water, gas, sewerage, light, tele-
71 phone or telegraph purposes, and now in use; and there shall be
72 further reserved in favor of said city the right and privilege of
73 said city itself to construct and maintain sewers, water, electric or
74 gas lines or utilities of like character, but not to include highways,
75 tramways or railroads of any kind, through, over and upon said
76 part of said county road or River avenue, so to be abandoned as a
77 street or road.

78 (6). The state of West Virginia reserves for itself, the state
79 board of control, or other governing body of said state hospital,
80 the right to pass over and under said proposed street, to make
81 crossings over the same wherever it shall be convenient and nec-
82 essary; to put in gates, or other openings in the fences along said
83 new street wherever and whenever convenient and necessary; and
84 in general reserve all other rights in connection with said strip
85 of land which may not be necessary for the use of said city for the
86 purpose of said grant.

87 (7). The state board of control may, in said deed, prescribe
88 such other terms and conditions as in their judgment may be
89 proper or necessary; and the construction of said street through
90 said strip of land, the paving of said proposed street, the making
91 of the said sidewalk, and the work to be done generally and the
92 materials used shall be subject to the inspection and approval of
93 the state board of control.

Sec. 3. If the said city shall cease to use or abandon said
2 strip of land for public street and sidewalk purposes, or shall fail
3 to carry out the terms and conditions of said grant, said land shall
3 revert to and revest in the state of West Virginia.

CHAPTER 141.

(Senate Bill No. 331.)

AN ACT authorizing and empowering the board of education of Parkersburg district, in the county of Wood, to retire an issue of bonds heretofore authorized, and to apply proceeds from the levies collected and on hand to take up all outstanding bonds of such issue, and to turn the balance of the proceeds from said levies into the building fund of Parkersburg independent school district.

[Passed February 16, 1915. In effect from passage. Approved by the Governor February 25, 1915.]

SEC. 1. Board of education of Parkersburg authorized to retire and cancel a bond issue of \$300,000, authorized by an election held June 10,

SEC. 1913, and board empowered to apply proceeds to pay interest and create a sinking fund to retire said bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Parkersburg district, in the county of Wood, is hereby authorized and empowered to retire and cancel an issue of three hundred thousand dollars of bonds authorized by an election held in Parkersburg independent school district on the tenth day of June, one thousand nine hundred and thirteen, and that the board of education of Parkersburg district is hereby authorized and empowered to apply the proceeds arising from the levies to pay the interest on said bonds, and create a sinking fund to retire said bonds for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, together with interest accrued thereon, to the payment of the outstanding bonds of said issue; and to apply any residue of said proceeds, after all outstanding bonds of said issue have been paid for and taken up, to be retired and cancelled under the provisions of this act, to the building fund of said Parkersburg independent school district.

CHAPTER 142.

(Senate Bill No. 356.)

AN ACT fixing the maximum of the county clerk's salary in the county of Jefferson.

[Passed February 25, 1915. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. County court of Jefferson county authorized to pay clerk thereof		Sec. a sum not in excess of \$500 a year from January 1, 1909.
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WHEREAS, By an act of the legislature of West Virginia of one thousand nine hundred and nine, the salary of the clerk of the county court of Jefferson county, West Virginia, was inadvertently fixed at a sum not in excess of two hundred dollars a year, instead of a sum not in excess of five hundred dollars a year; and,

WHEREAS, The county court of Jefferson county has allowed said clerk the sum of five hundred dollars a year from the beginning of his term of office, January the first, one thousand nine hundred and nine, and want authority of law for so doing; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county, West Virginia, 2 is hereby authorized to pay to said clerk of the county court of 3 Jefferson county, West Virginia, a sum not in excess of five hun- 4 dred dollars a year from the first day of January, one thousand 5 nine hundred and nine.

CHAPTER 143.

(House Bill No. 316.)

AN ACT to amend and re-enact section thirty-two, chapter twenty-two, acts of the legislature of one thousand nine hundred and seven.

[Passed February 13, 1915. In effect ninety days from passage. Approved by the Governor February 20, 1915.]

Sec. 3. Board of education of Sistersville independent district authorized to establish and maintain a library, designation; to provide rules, receive gifts, etc.; authorized to lay levy for the purpose,		Sec. not to exceed five cents on the \$100, to be known as "library fund," to be collected and paid out by sheriff and kept as separate fund, and settlement to be made with board.
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Be it enacted by the Legislature of West Virginia:

Section 32. The board of education of the independent 2 school district of Sistersville, may establish and maintain a li- 3 brary, which shall be known as the "Sistersville school and public 4 library," for the use of its inhabitants under such regulations as 5 shall be prescribed hereinafter, and may receive and hold any gift.

6 bequest or devise for such library. For the purpose of establish-
7 ing and maintaining such library, the board is authorized to lay
8 a levy, to be laid at the same time other school levies are laid,
9 not to exceed five cents upon every one hundred dollars worth of
10 taxable property within said district, which tax is to be known as
11 the "library fund," and to be collected and paid out by the sheriff
12 of the county as other school taxes are collected and paid out by
13 him. The sheriff shall keep said tax separate from all other taxes
14 collected by him from said district, and shall make settlement
15 with the board in relation to said fund at the same time he makes
16 his settlement with the said board.

HOUSE JOINT RESOLUTION NO. 7.

(Adopted February 6, 1915.)

Authorizing Anthony R. Brown to practice medicine and surgery.

WHEREAS, it appearing by affidavits filed herewith, that Anthony R. Brown, of Duck, in the county of Braxton, had practiced medicine and surgery for more than ten years prior to the year 1881, and has continued to do so continuously to the present time, and that the said Anthony R. Brown had prepared and executed an affidavit as required by the act of the legislature for the year one thousand eight hundred and eighty-one, and delivered the same to H. C. Lockney, a practicing attorney, to be presented to the State Board of Health, as required by said act, and that said affidavit was not acted upon by said board, or that the same was not presented to said board by said attorney, and that no certificate was issued by said board to said Anthony R. Brown, as provided for by said act; therefore, be it

Resolved by the Legislature of West Virginia:

That the State Board of Health be requested to issue to Anthony R. Brown, a certificate to practice medicine and surgery in all their branches within this state from and after the passage of this resolution.

HOUSE JOINT RESOLUTION NO. 11.

(Adopted February 16, 1915.)

Authorizing the state board of health to issue to S. J. Ross, of

Schultz, Pleasants county, West Virginia, a license to practice medicine and surgery.

WHEREAS, S. J. Ross has been engaged in the practice of medicine since one thousand eight hundred and seventy, and was entitled under the act of one thousand eight hundred and eighty-one to a license to practice medicine and surgery, but by an oversight failed to obtain said license; and,

WHEREAS, the said S. J. Ross is prevented by a technicality from obtaining a license to practice his profession; and,

Whereas, the said S. J. Ross is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the Legislature of West Virginia, That the state board of health be authorized and requested to issue to S. J. Ross, a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

SENATE JOINT RESOLUTION NO. 4.

(Adopted February 1, 1915.)

“Assenting to and accepting the provisions and requirements of the act of Congress known as the ‘Smith-Lever Act,’ approved May 8, 1914.”

WHEREAS, The Congress of the United States has passed an act approved by the President, May 8, 1914, entitled “An Act to provide for Co-operative Agricultural Extension Work between the Agricultural Colleges in the several states receiving the benefits of the act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture;” and,

WHEREAS, It is provided in section three of the act aforesaid, that the grants of money authorized by this act shall be paid annually “to each state which shall by action of its legislature assent to the provisions of this act;” therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby assents to the provisions and requirements of said act, and that the State Board of Control be and they are hereby empowered to receive the grants of money

4 appropriated under said act, the same to be expended in organiz-
5 ing and conducting agricultural extension work which shall be
6 carried on in connection with the College of Agriculture of the
7 West Virginia University, in accordance with the terms and con-
8 ditions expressed in the act of Congress aforesaid.

SENATE JOINT RESOLUTION NO. 5.

(Adopted February 28, 1915.)

“Amending section one of article four of the Constitution of West
Virginia, granting to women the right of suffrage.”

*Resolved by the Legislature of West Virginia, two-thirds of all the
members elected to each house agreeing thereto:*

That the following be and the same is hereby proposed as an
2 amendment to the Constitution of this state, to-wit:

That section one of article four of said Constitution as it now
2 is, be altered and amended so as to read as follows:

Section 1. The citizens of the state, both male and female,
2 shall be entitled to vote at all elections held within the counties in
3 which they respectively reside; but no person who is a minor, or
4 of unsound mind, or a pauper, or who is under conviction of
5 treason, felony, or bribery in an election, or who has not been a
6 resident of the state for one year, and of the county in which he
7 or she offers to vote, for sixty days next preceding such offer,
8 shall be permitted to vote while such disability continues; but no
9 person in the military, naval or marine service of the United
10 States shall be deemed a resident of this state by reason of being
11 stationed therein.

SENATE JOINT RESOLUTION NO. 6.

(Adopted January 26, 1915.)

“Authorizing the secretary of state to furnish the law library of West
Virginia University with copies of the Supreme Court Reports.”

Resolved by the Legislature of West Virginia:

That the secretary of state is hereby authorized and directed to

2 transmit to the law library of West Virginia University, eight full
3 sets of the reports of the Supreme Court of Appeals of this state in
4 addition to the two sets heretofore delivered.

SENATE JOINT RESOLUTION NO. 7.

(Adopted January 29, 1915.)

Adopting joint rules for the government of the two Houses of the
Legislature during the present session, or until otherwise ordered.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates as they appear in the Legislative Manual of 1913, be and they are hereby adopted for the government of the two Houses during the present session, or until otherwise ordered, excepting that Rule No. 7, pertaining to the manner of electing United States Senator shall be stricken out, and Rule No. 2 be amended to read as follows:

2. After a bill has been passed by both houses, the type from which it was originally printed shall be corrected as to any typographical errors that may not theretofore have been corrected, and to meet any amendments that may have been made by either House since the last printing of the bill, and after the type has been so corrected twenty copies of the bill shall be printed on eight by ten heavy bond paper for the use of the Joint Committee on Passed Bills, otherwise known as the Joint Committee on Enrolled Bills, one of which copies, when properly authenticated, shall become the enrolled bill. The Joint Committee on Passed Bills, otherwise known as the Joint Committee on Enrolled Bills, shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each House, whose duty it shall be to compare carefully all bills and joint resolutions passed by both Houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make report to their respective Houses each day of the correctly enrolled bills or joint resolutions. They shall be authenticated by the signature of the Chairman of the House Committee and the Chairman of the Senate Committee, composing such Joint Committee on Passed Bills, otherwise known as the Joint Com-

22 mittee on Enrolled Bills, but in the absence of such chairman
23 another member of the committee may act in his stead, and they
24 shall require all bills and joint resolutions before such authen-
25 tication to be free from interlineation or erasures, and destroy any
26 previous enrollment containing any interlineation or erasure.
27 After enrolled bills and joint resolutions are authenticated as
28 aforesaid, they shall be signed by the Speaker of the House and by
29 the President of the Senate.

Resolved, further, that the remaining joint rules as printed
2 in the Manual of 1913 be and the same are hereby adopted as the
3 remaining joint rules governing the two Houses during the pres-
4 ent session.

Resolved, further, that the Clerks of the two Houses are here-
2 by directed to make any consequential amendments in section
3 numbers of the rules that are made necessary by the adoption of
4 this resolution.

SENATE JOINT RESOLUTION NO. 8.

(Adopted February 24, 1915.)

“Proposing an amendment to the constitution in relation to county
courts.”

*Resolved by the Legislature of West Virginia, two-thirds of the
members elected to each House agreeing thereto:*

That article eight, section twenty-three of the constitution, be
amended so as to read as follows:

Sec. 23. The commissioners shall be elected by the voters
2 of the county, and hold their office for the term of six years, except
3 at the first meeting of said commissioners they shall designate by
4 lot, or otherwise in such manner as they may determine, one of
5 their number who shall hold his office for a term of two years, one
6 for four years and one for six years, so that one shall be elected
7 every two years. But no two of said commissioners shall be elected
8 from the same magisterial district. But if two or more persons
9 residing in the same district shall receive the greater number of
10 votes cast at any election, then only the one of such persons receiv-
11 ing the highest number of votes shall be declared elected, and the
12 person living in another district who shall receive the next highest
13 number of votes shall be declared elected.

Said commissioners shall annually elect one of their number
2 as president, and each shall receive four dollars per day for his
3 services in court, to be paid out of the county treasury; *provided,*
4 *however,* that said payment of four dollars per day shall not ex-
5 ceed the sum of four hundred dollars per year for each commis-
6 sioner; and, *provided, further,* that such compensation may be in-
7 creased in any county by the assent of a majority of the votes cast
8 on the question at any general or special election.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted January 28, 1915.)

Raising a joint committee of the House of Delegates and Senate to attend the funeral of the Hon. H. N. Ogden.

Resolved by the House of Delegates of West Virginia, the Senate concurring therein:

That a special committee consisting of two members of the Senate and three members of the House of Delegates be appointed by the respective presiding officers thereof, to attend the funeral of Hon. H. N. Ogden, late member of the Public Service Commission, and accompany the remains to the city of Fairmont; and the funeral arrangements be in charge of the Sereant-at-Arms of the House of Delegates, who shall accompany said Committee.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 13, 1915.)

“Raising a Joint Committee to wait upon the Governor.”

Resolved by the Senate of West Virginia, the House concurring therein:

That the two Houses concur in the appointment of a select committee of five, composed of two members of the Senate, appointed by the President, and three members of the House of Delegates, appointed by the Speaker, to jointly wait upon the Governor and inform him that the Legislature is organized, with a quorum of each House present,

and is prepared to receive any communication he may be pleased to make.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted January 29, 1915.)

“Raising a joint committee to confer with the governor on the Virginia debt.”

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That a special committee consisting of three members from each house be appointed by the presiding officers thereof—not more than two members of the committee from each body to belong to the same political party—to confer with the governor in conformity with his special message.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 5, 1915.)

Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 79.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That the clerks of the senate and house of delegates are hereby authorized and directed to have printed 2500 advance copies of Senate Bill No. 79, amending the prohibition laws of the state, for distribution among the members of the legislature and for public distribution.

SENATE CONCURRENT RESOLUTION NO. 4.

(Adopted February 10, 1915.)

Authorizing and directing the clerks of the two houses to have printed advance copies of Senate Bill No. 131.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That the clerks of the senate and the house of delegates are hereby authorized and directed to have printed two thousand five hundred advance copies of Senate Bill No. 131, amending the mining laws of the state, for distribution among the members of the legislature and for public distribution.

SENATE CONCURRENT RESOLUTION NO. 5.

“Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and fifteen.”

Resolved by the Senate, the House of Delegates 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 headnoted, 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 county, circuit, criminal and intermediate courts, 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. The said Clerks are also authorized and directed to have printed in signature or advance sheet form laws 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 or so much thereof as is actually used for the purpose, is hereby directed to be paid by the auditor upon proper warrants drawn by the Clerk of the Senate and Sergeant-at-Arms of the House, respectively, to pay the postage or expressing of said advance copies.

For the extra work provided for in this resolution, the time of said Clerk and one assistant clerk from each House is extended for sixty days, the per diem to be paid out of the contingent fund 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. 5.

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, to be appointed by the Speaker, and two on the part of the Senate, to be appointed by the President, be appointed to notify the Governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.

A C T S
OF
THE LEGISLATURE
OF
WEST VIRGINIA

EXTRAORDINARY SESSION 1915

ACTS OF 1915.

EXTRAORDINARY SESSION.

CHAPTER 1.

(House Bill No. 3.)

AN ACT to amend and re-enact sections two, three, seven fourteen, eighteen, nineteen, twenty-five and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by the legislature at the regular session of one thousand nine hundred and fifteen.

[Passed March 13, 1915. In effect May 21, 1915. Approved by the Governor March 18, 1915.]

Sec.

2. All expenses peculiar to the administration of this act to be paid out of workmen's compensation fund hereinafter created, and \$80,000, or so much as necessary appropriated.
3. Payments of salaries and expenses to be by state treasurer on order or voucher signed by secretary and approved by commissioner, directed to auditor and how charged; total charges not to exceed appropriation.
7. Commissioner authorized to employ secretary and other assistants and fix compensation; commissioner and other officers and employees entitled to actual expenses while travelling on business of the department, when properly made out.
14. Officer serving a subpoena to have same fee as sheriff, and witness before commissioner to receive same fee as witness in civil case in circuit court, to be audited and paid as other claims; no witness entitled to be paid except on certificate of commissioner.
18. For purposes of this act industries subject thereto divided into schedules: (a) coal mines, etc.; (b) paint manufactories, etc.; (c) iron and steel mills, etc.; (d) sheet and tin plate mills, etc.; (e) foundries, machine shops, etc.; (f) stamped metal works, etc.; (g) logging, log-

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ging railroads, etc.; (h) planing mills, etc.; (i) glass houses, etc.; (k) printing plants, etc.; woolen mills, etc.; (m) breweries, bottling works, etc.; (n) slaughter and packing houses; (o) steam laundries, etc.; (p) steam and other railroads, etc.; (q) street and interurban railroads; (r) telegraph and telephone plants, etc.; (s) quarries, stone crushers, etc.; (t) same works as scheduled above without power driven machinery; (u) match factories, powder mills, etc.; (v) construction of tunnels, shafts, etc.; (w) construction and installation of sewers, etc.; (x) any other industry not heretofore scheduled, and commissioner has authority to classify and reclassify; also has authority to sub-divide any schedule into classes based on degrees of hazard in twelve months periods, list to be determined from records of commissioner, and fixed accordingly; (y) duty of commissioner to fix lowest possible rates under certain requirements: (1) to keep account of premiums paid, liabilities incurred, etc.; (2) premium rate to be paid into fund, etc.; (3) re-adjustment July 1, 1916, and annually thereafter, but nothing to prevent adjustment of any class; duty of commissioner as to notification of employer affected by new rate.

- SEC.**
19. Commissioner to establish fund from premiums and other funds paid in for benefit of employers and employees and applicable in payment to the classes, and adopt rules and regulations; employers electing to individually compensate to do so in manner prescribed and make reports accordingly.
25. Commissioner to disburse fund to employees according to provisions hereinafter made and for expenses of administration; requirement as to claims for hernia resulting from injury, and

- SEC.**
compensation therefor; no compensation if employee refuses to undergo surgical operation; exceptions.
54. Employers of sufficient responsibility may maintain their own benefit funds or systems of compensation; bond required to be approved by commissioner; rules and regulations to be prepared by commissioner; individual compensation prohibited in certain cases; section 62 of general appropriation bill of the regular session of 1915 and inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections two, three, seven, fourteen, eighteen, nineteen, twenty-five and fifty-four of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by the legislature at the regular session of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 2. All expenses peculiar to the administration of this act, including the premiums to be paid for the bonds of the state treasurer and the compensation commissioner required under this act, and when on official business, the traveling and incidental expenses of the commissioner, and salaries or other compensation, traveling and other expenses of all officers or employees of the commissioner, and all expenses for furniture, books, maps, stationery, appliances and property of all kinds, shall be paid out of the workmen's compensation fund, hereinafter created, and the sum of eighty thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated out of the said fund for the purpose of paying the salaries and expenses necessary in the administration of this act.

Sec. 3. All payments of salaries and expenses in the administration of this act shall be made by the state treasurer upon order or voucher signed by the secretary and approved by the commissioner, directed to the auditor of the state, who shall draw his warrant therefor, and any such payment shall be charged to the workmen's compensation fund; *provided*, that the total charges against said fund under this section for any one fiscal year shall not exceed the amount appropriated under section two of this act.

Sec. 7. The commissioner may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation which

4 shall be paid as provided in sections two and three of this act.
5 The commissioner, secretary, actuaries, accountants, inspectors,
6 examiners, experts, clerks, stenographers and other assistants that
7 may be employed shall be entitled to receive from the workmen's
8 compensation fund their actual and necessary expense while travel-
9 ing on business of the commissioner. Such expenses shall be
10 itemized and sworn to by the person who incurred the expense, and
11 allowed by the commissioner.

Sec. 14. Each officer who serves such subpoena shall
2 receive the same fee as a sheriff, and each witness who appears, in
3 obedience to a subpoena, before the commissioner, or an inspector,
4 or an examiner, shall receive for his attendance the fees and mile-
5 age provided for witnesses in civil cases in the circuit court, which
6 shall be audited and paid out of the workmen's compensation fund
7 in the same manner as other expenses are audited and paid, upon
8 presentation of proper vouchers approved by the commissioner.

9 No witness subpoenaed at the instance of a party other than
10 the commissioner, or an inspector, or an examiner, shall be
11 entitled to receive any fee or mileage out of the workmen's com-
12 pensation fund unless the commissioner shall certify that his
13 testimony was material to the matter investigated.

Sec. 18. For the purpose of this act the industries that
2 now are or hereafter may be subject thereto, are divided into
3 schedules as follows:

4 (a) Coal mines, including their tipples, power, light, heat-
5 ing and ventilating plants, tramways, private tracks and sidings,
6 and accessory and auxiliary plants working in or with by-products.

7 (b) Paint manufactories, oil refineries, oil and gas wells,
8 including their pipe lines, storage, power or light plants, tram-
9 ways, private tracks and sidings, and accessory and auxiliary
10 plants working in or with by-products.

11 (c) Iron and steel mills, including blast furnaces, smelt-
12 ers, tube works, rolling mills, and their accessory and auxiliary
12 plants working in or with by-products, generating power, light
14 or heat or operating tramways, private tracks and sidings.

15 (d) Sheet and tin plate mills, including their accessory
16 and auxiliary plants working in or with by-products, generating
17 power, light or heat or operating tramways, private tracks and
18 sidings.

19 (e) Foundries, machine shops, fire arms factories, tool

20 factories, car building and repairing, structural iron works, and
21 working in or with iron or steel, not otherwise specified, where
22 power driven machinery is used, together with their accessory
23 and auxiliary plants working in or with by-products, or gen-
24 erating power, light or heat, or operating tramways, private
25 tracks and sidings.

26 (f) Stamped metal works, can factories, enamel iron works,
27 and working in or with sheet iron or tin plate, not otherwise
28 specified, where power driven machinery is used, together with
29 their accessory and auxiliary plants working in or with by-prod-
30 ucts, or generating power, light or heat, or operating tramways,
31 private tracks and sidings.

32 (g) Logging, logging railroads and tramways, saw mills,
33 including their accessory and auxiliary plants working in or with
34 by-products, or generating power, light or heat, or operating
35 tramways, private tracks and sidings.

36 (h) Planing mills, wood pulp, cordage and paper mills,
37 box factories, cooperage plants, furniture factories, woodenware
38 or wood fibre ware manufactories, vehicle works of every kind,
39 including their accessory and auxiliary plants working in or with
40 by-products, or generating power, light or heat, or operating
41 tramways, private tracks and sidings.

42 (i) Glass houses of all kinds, including manufactories of
43 tableware, bar goods, bottles, tumblers, lamps, glass light fix-
43-a ture parts, window and plate glass potteries of all kinds, includ-
44 ing tile, bricks, terra-cotta, fire clay, earthenware, porcelain,
45 china and crockeryware using automatic machinery, together
46 with accessory and auxiliary plants working in or with by-prod-
47 ucts, or generating light or heat, or operating tramways, private
48 tracks and sidings.

49 (k) Printing plants of all kinds, electrotyping, photo-en-
50 graving, engraving, lithographing, embossing, book-binding, and
51 accessory and auxiliary lines of work and manufacture.

52 (l) Woolen mills, knitting mills, cotton mills, carpet and
53 rug mills, clothing manufactories of every kind and working in
53-a or with textiles not otherwise specified.

54 (m) Breweries, bottling works, canneries of fruits, vege-
55 tables, oils, fish, milk or meat, manufactories of preserves, jellies,
56 ketchup, sauces, relishes, pickles, flour and feed mills, bakeries,
57 confectioneries, drug and extract manufactories, tobacco, cigar,

58 stogie and cigarette manufactories, in which power driven ma-
59 chinery is used.

60 (n) Slaughter and packing houses, stock yards, soap, tal-
61 low, lard and grease manufactories, tanneries, artificial ice, and
62 refrigerating and cold storage plants, creameries, and carbon
63 black factories, in which power driven machinery is used.

64 (o) Steam laundries, dyeing and cleaning plants, stamp-
65 ing, embossing and working with leather, shoe and harness man-
66 ufactories, mattress and bedding factories, upholstering factor-
67 ies, manufacturers of rubber goods, and auxiliary and accessory
68 lines of work and manufacture not otherwise specified.

69 (p) Steam and other railroads and transportation systems
70 not otherwise specified.

71 (q) Street and interurban railways, whether propelled by
72 electricity or other power.

73 (r) Telegraph and telephone plants and systems, electric
74 light and power plants and systems, steam heat and power plants
75 and systems, water works systems, gas works and systems, grain
76 elevators, and all lighting, heating or power systems not otherwise
77 specified.

78 (s) Quarries, stone crushers, gravel pits, mines other
79 than coal mines and working with asphalt, cement, stone or other
80 building material not otherwise specified, power propelled ferries,
81 sand diggers and other water craft.

82 (t) Such works, occupations and manufactories specified
83 in the foregoing schedules as are operated without power driven
84 machinery.

85 (u) Match factories, powder mills, fireworks factories, and
86 works in which articles of an explosive nature are mixed or man-
87 ufactured.

88 (v) Construction of tunnels, shafts, bridges, trestles,
89 steeples, towers, grain elevators, tanks, water towers, wind mills,
90 subaqueous works, iron or steel frame structures or parts of
91 structures, blast furnaces, smoke stacks, cupolas or chimneys more
92 than fifty feet high, water works and systems, electric lights and
93 power plants and systems, gas works and systems, installation of
94 steam boilers, engines and dynamos, steam railroads, logging rail-
95 roads, street railways and systems, boat building with scaffolds,
96 floating docks, engineering works, structural work on buildings

97 over three stories in height, not otherwise specified, and drilling of
98 wells.

99 (w) Construction and installation of sewers, fire escapes,
100 freight or passenger elevators, advertising signs, ornamental
101 metal work on or in buildings, metal ceilings, plate or window
102 glass, electrical wiring, stairways, buildings which require gal-
103 vanized iron or tin work, marble, stone or brick work, roof work,
104 slate work, plumbing work, carpenter work, electric work, in-
105 stalling automatic sprinklers, electric or fire alarm systems,
106 heating or ventilating systems, or machinery not otherwise speci-
107 fied, covering steam pipes and boilers, road and street making,
108 street or other grading, and structural work not otherwise
109 specified.

110 (x) Any industry or business not specified in the fore-
111 going schedules, for which any employer shall voluntarily apply
112 to the commissioner to be brought under the provisions of this
113 act; and the commissioner shall have the authority to classify
114 and place in one of the schedules aforesaid, or any schedule
115 created by him as hereinafter mentioned, any industry or busi-
116 ness subject to this act not hereinbefore specifically mentioned.

117 The commissioner shall have the power to reclassify into
118 schedules, at any time, the industries subject to this act, and
119 to create additional schedules if deemed advisable by him.

120 In addition to classifying into schedules the industries sub-
121 ject to this act, as hereinbefore provided, it shall be the duty of
122 said commissioner, when in his opinion there is a sufficient
123 number of employers with different degrees of hazard in
124 any schedule to warrant the same, to sub-divide any schedule
125 into classes based upon the respective degrees of hazard of such
126 employer as shown upon the books of the commissioner for a
127 period of twelve months previous to the time of such sub-divis-
128 ion; and any such employer who shall not have been a sub-
129 scribe for said period of twelve months shall be assigned to
130 one of said classes as may be deemed proper by the commissioner
131 until his record for one year can be obtained.

132 The risk of the different classes shall be determined from
133 the record of the employers forming each class as shown upon
134 the books of the commissioner, and the commissioner shall
135 fix the rate of premium for each class according to the risk of
136 the same.

137 (y) It shall be the duty of the commissioner in the exer-
138 cise of the powers and discretion conferred upon him in the pre-
139 ceding sub-section, to fix and maintain the lowest possible rates
140 of premium consistent with the maintenance of a solvent work-
141 men's compensation fund and the creation and maintenance of
142 a reasonable surplus after providing for the payment of all
143 liability incurred by reason of injury or death to employees
144 entitled to benefits under the provisions of this act and the ex-
145 penses of the administration of same; and, in order that said
146 object may be accomplished, the commissioner shall observe the
147 following requirements in classifying occupations and fixing
148 the rates of premium for the risk of the same:

149 (1) He shall keep an accurate account of the money paid
150 in premiums by each of the several schedules, and the liability
151 incurred, and disbursements on account of injuries and death
152 of employees thereof; and also keep an account of the money
153 received from each individual employer, and the liability in-
154 curred and disbursements on account of injuries and death of
155 the employees of such employer.

156 (2) Ten per centum of all that may hereafter be paid
157 into the workmen's compensation fund shall be set aside for
158 the creation of a surplus fund until such surplus shall amount
159 to the sum of one hundred thousand dollars, after which time
160 the sum of five per centum of all the money paid into the said
161 fund shall be credited to such surplus fund, until such time as,
162 in the judgment of the commissioner, such surplus shall be suf-
163 ficiently large to cover the catastrophe hazard and all other
164 unanticipated losses.

165 (3) On the first day of July, one thousand nine hundred
166 and sixteen, and annually thereafter, a re-adjustment of the
167 rates shall be made for each of the several classes in accordance
168 with the experience of the commissioner in the administration
169 of the law, as shown by the accounts kept, as provided herein;
170 *provided*, that nothing contained in this sub-section shall pre-
171 vent the commissioner from adjusting at any time the premium
172 rate for any class.

173 It shall be the duty of the commissioner whenever he
174 changes any rate to notify every employer affected thereby of that
175 fact and of the new rate and when the same takes effect. It
176 shall also be his duty to furnish to each employer yearly, or

177 oftener if requested by the employer, a statement giving the
178 name of each of his employees who were paid for injury and the
179 amount so paid during the period covered by the statement.

Sec. 19. The commissioner shall establish a workmen's com-
2 pensation fund from premiums and other funds paid thereto by
3 employers and employees as herein provided, for the benefit of
4 employees of employers that have paid the premium applicable
5 to the classes to which they belong and for the benefit of the de-
6 pendants of such employees and for the payment of the expenses
7 of the administration of this act, and shall adopt rules and regula-
8 tions with respect to the collection, maintenance and disburse-
9 ment of said fund, not in conflict with the provisions of this act.

10 Employers electing as herein provided to individually and
11 directly compensate their injured employees and their fatally in-
12 jured employees' dependents, shall do so in the manner prescribed
13 by the compensation commissioner and shall make all reports,
14 execute all blanks, forms and papers as directed by said com-
15 missioner and as herein provided in this act.

Sec. 25. The commissioner shall disburse the workmen's
2 compensation fund to the employees of such employers as have
3 paid into said fund the premiums for the month in which the in-
4 jury occurs, or who have on deposit in said fund, as hereinbefore
5 provided for, an amount sufficient to guarantee the payment of
6 said premiums, and which employees shall have received injuries
7 in this state in the course of and resulting from their employment,
8 or to the dependents, if any, of such employees in case death has
9 ensued according to the provisions hereinafter made, and also for
10 the expenses of the administration of this act as provided in section
11 two hereof.

12 In all claims for compensation for hernia resulting from injury
13 received in the course of and resulting from the employee's em-
14 ployment, it must be definitely proven to the satisfaction of the
15 commissioner:

16 *First*, That there was an injury resulting in hernia;

17 *Second*, That the hernia appeared suddenly;

18 *Third*, That it was accompanied by pain;

18-a *Fourth*, That the hernia immediately followed an injury;

19 *Fifth*, That the hernia did not exist prior to the injury for

20 which compensation is claimed.

21 All hernia, inguinal, femoral or otherwise, so proven to be
22 the result of an injury received in the course of and resulting
23 from the employment, shall be treated in a surgical manner by
24 radical operation. If death results from such operation, the death
25 shall be considered as a result of the injury, and compensation
26 paid in accordance with the provisions of section thirty-three. In
27 non-fatal cases, time loss only shall be paid, unless it is shown by
28 special examination that the injured employee has a permanent
29 partial disability resulting after the operation. If so, compensa-
30 tion shall be paid in accordance with the provisions in section
31 thirty-one with reference to permanent partial disability.

32 In case the injured employee refuses to undergo the radical
33 operation for the cure of said hernia, no compensation will be al-
34 lowed during the time such refusal continues. If, however, it is
35 shown that the employee has some chronic disease or is otherwise
36 in such physical condition that it is considered unsafe for him
37 to undergo said operation, he shall be paid as provided in section
38 thirty-one.

Sec. 54. Notwithstanding anything contained in this act,
2 employers subject to this act who are of sufficient financial re-
3 sponsibility to insure the payment of compensation to injured em-
4 ployees and the dependents of fatally injured employees, whether
5 in the form of pecuniary compensation or medical attention, funeral
6 expenses or otherwise as herein provided, of the value at least
7 equal to the compensation provided in this act, or employers of
8 such financial responsibility who maintain their own benefit funds
9 or systems of compensation, to which their employees are not re-
10 quired or permitted to contribute, or such employers as shall fur-
11 nish bond or other security to insure such payments, may, upon
12 a finding of such facts by the compensation commissioner, elect
13 to pay individually and directly or from such benefit funds, de-
14 partment or association the said compensation and expenses to in-
15 jured employees or fatally injured employees' dependents; and
16 the compensation commissioner shall require such security or
17 bond from said employer to be approved by him and of such
18 amount as is by him considered adequate and sufficient to compel
19 or secure to said employees, or their dependents, payment of the
20 compensation and expenses herein provided for, which shall in no

21 event be less than the compensation paid or furnished out of the
22 state workmen's compensation fund in similar cases, to injured
23 employecs or the dependents of fatally injured employees whose
24 employers contribute to said fund; *provided*, that any employer
25 electing under this section shall on or before the twenty-fifth day
26 of each month, for the preceding month, file with the commissioner
27 a sworn statement of the total earnings of all his employees sub-
28 ject to this act for such preceding month and shall pay into the
29 workmen's compensation fund a sum sufficient to pay his proper
30 proportion of the expense of the administration of this act, as
31 may be determined by the commissioner. The commissioner shall
32 make and publish rules and regulations governing the mode and
33 manner of making application and the nature and extent of the
34 proof required to justify the finding of facts by said commissioner,
35 to consider and pass upon such election by employers subject to
36 this act, which said rules and regulations shall be general in
37 their application; and any employer subject to this act who shall
38 elect to carry his own risk and who has complied with the re-
39 quirements of this section and the rules of the compensation
40 commissioner, shall not be liable to respond in damages at common
41 law or by statute for the injury or death of any employee, however
42 occurring, after such election and during the period that he is
43 allowed to carry his own risk by said commissioner; *provided*, the
44 injured employee has remained in his service with notice given, as
45 provided for in section twenty-three of this act, that his employer
46 has, elected to carry his own risk as herein provided. The con-
47 tinuation in the service of such employer with such notice shall
48 be deemed a waiver by the employee and by the parents of any
49 minor employee of the right of action, as aforesaid, which the
50 employee or his or her parents would otherwise have.

51 And, *provided, further*, that any employer whose record upon
52 the books of the public service commission or compensation com-
53 missioner shows a liability against the workmen's compensation
54 fund, incurred on account of injury to or death of any of his em-
55 ployees, in excess of premiums paid by said employer, shall not
56 be granted the right to individually and directly or from such
57 benefit funds, department or association, to compensate his in-
58 jured employees and the dependents of his fatally injured em-
59 ployees until he has paid into the workmen's compensation fund

60 the amount of said excess of liability over premiums paid, in-
61 cluding his proper proportion of the liability incurred on account
62 of explosions or catastrophes occurring within the state and
63 charged against said fund.

64 And, *provided, further*, that in any case under the provisions
65 of this section that shall require the payment of compensation or
66 benefits by an employer in periodical payments, and the nature
67 of the case makes it possible to compute the present value of all
68 future payments, the commissioner may, in his discretion, at any
69 time, compute and permit or require to be paid into the workmen's
70 compensation fund an amount equal to the present value of all
71 unpaid compensation for which liability exists, in trust; and
72 thereupon such employer shall be discharged from any further
73 liability upon such award, and payment of the same shall be assum-
74 ed by the workmen's compensation fund.

Section sixty-two of the general appropriation bill of the
2 regular session of one thousand nine hundred and fifteen and all
3 other acts and parts of acts in conflict with this act are hereby
4 repealed.

CHAPTER 2.

(House Bill No. 28.)

AN ACT making appropriations of public moneys to pay the per diem of the members of the legislature for the extraordinary session of one thousand nine hundred and fifteen, and for salaries of the officers and attaches thereof.

[Passed March 13, 1915. In effect from passage. Became a law without the Governor's approval.]

SEC.

1. Appropriation from public treasury authorized for payment of per diem of members of legislature for extraordinary session of 1915, and of officers and attaches thereof.

SEC.

2. Auditor directed to issue his warrants on the treasury for the amounts due or to become due; manner of payment of certain items.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and hereby are appropriated out
2 of the public treasury for the payment of the per diem of the
3 members of the legislature for the extraordinary session of one
4 thousand nine hundred and fifteen and the per diem of the offi-
5 cers and attaches thereof the following sums of money:

6 *House of Delegates.*

7 To pay the per diem of the members, five thousand one hun-
8 dred and ninety dollars.

9 To pay the per diem of the clerk, one hundred and fifty dol-
10 lars.

11 To pay the per diem of the sergeant-at-arms, one hundred
12 and fifty dollars.

13 To pay the per diem of the doorkeeper, sixty dollars.

14 To pay the per diem of the assistant doorkeeper, sixty dollars.

15 To pay the per diem of the gallery doorkeeper, forty-five dol-
16 lars.

17 To pay the per diem of the night watchman, sixty dollars.

18 To pay the per diem of three floor pages, ninety dollars.

19 To pay the per diem of two journal pages, one hundred and
20 twenty dollars.

21 To pay the per diem of two cloak room attendants, ninety
22 dollars.

23 To pay the per diem of two floor stenographers, one hundred
24 and twenty dollars.

25 To pay the per diem of the private secretary to the speaker,
26 ninety dollars.

27 To pay the per diem of the clerk of the committee on taxa-
28 tion and finance, ninety dollars.

29 To pay the per diem of two committee clerks, one hundred
30 and twenty dollars.

30-a To pay the per diem of the stenographer' to the committee
30-b on taxation and finance, ninety dollars.

31 To pay the per diem of the stenographer to the clerk, ninety
32 dollars.

32-a To pay the per diem of eight assistant clerks, seven hundred
32-b and twenty dollars.

33 To pay the per diem of seven assistant clerks, six hundred
34 and thirty dollars.

35 To pay the per diem of mailing and banking page, sixty dol-
36 lars.

36-a For contingent fund of the house of delegates, or so much
36-b thereof as may be necessary, five thousand dollars.

37

Senate.

38 To pay the per diem of the members, one thousand eight hun-
39 dred and thirty dollars.

40 To pay the per diem of the clerk, one hundred and fifty dol-
41 lars.

42 To pay the per diem of the chaplain, thirty dollars.

43 To pay the per diem of the clerk to the committee on the ju-
44 diciary, ninety dollars.

45 To pay the per diem of the clerk to the finance committee,
46 ninety dollars.

47 To pay the per diem of the stenographer to the judiciary
48 committee, ninety dollars.

49 To pay the per diem of the stenographer to the finance com-
50 mittee, ninety dollars.

51 To pay the per diem of the general committee clerk, sixty
52 dollars.

53 To pay the per diem of the stenographer to the president,
54 ninety dollars.

55 To pay the per diem of eight floor stenographers, six hun-
56 dred dollars.

57 To pay the per diem of the mailing and banking page, forty-
58 five dollars.

59 To pay the per diem of the journal and bill page, forty-five
60 dollars.

61 To pay the per diem of six floor pages, two hundred and sev-
62 enty dollars.

63 To pay the per diem of the manager of pages, sixty dollars.

64 To pay the per diem of the sergeant-at-arms, seventy-five doi-
65 lars.

66 To pay the per diem of the assistant sergeant-at-arms, sev-
67 enty-five dollars.

68 To pay the per diem of the doorkeeper, sixty dollars.

69 To pay the per diem of the assistant doorkeeper, sixty dollars.

70 To pay the per diem of the gallery doorkeeper, sixty dollars.

71 To pay the per diem of the day watchman, sixty dollars.

72 To pay the per diem of the night watchman, sixty dollars.

73 To pay the per diem of two cloakroom keepers, ninety dollars.

74 To pay the per diem of the chief assistant clerk, ninety dol-
75 lars.

76 To pay the per diem of the supervisor of printing engrossed
77 and enrolled bills, ninety dollars.

78 To pay the per diem of the page to the clerk, ninety dollars.

78-a To pay the per diem of the stenographer to the clerk, ninety
78-b dollars.

79 To pay the per diem of twelve assistant clerks, one thousand
80 and eighty dollars.

80-a For contingent fund of the senate, or so much thereof as
80-b may be necessary, five thousand dollars.

81 *Janitors.*

82 To pay the per diem of the janitor, extra compensation dur-
83 ing the extraordinary session of the legislature provided by sec-
84 tion one of chapter eleven of the code, at three dollars per day,
85 forty-five dollars.

86 To pay the per diem of ten assistants to the janitor, during
87 the extraordinary session, as provided in section one of chapter
88 eleven of the code, at three dollars per day, four hundred and fifty
89 dollars.

90 To pay the per diem of two charwomen, during the extraor-
91 dinary session, at one dollar and fifty cents per day each, forty-
92 five dollars.

Sec. 2. The auditor of this state is hereby authorized and
2 directed to issue his warrants upon the treasury for such amounts
3 as are or may become due to the several members, officers and at-
4 taches of the senate and the house of delegates and janitor's help,
5 upon the request of the clerk of the senate and the sergeant-at-
6 arms of the house, respectively. The three items with regard to
7 janitor and assistants to be paid one-half out of the senate con-
8 tingent fund and one-half out of the house contingent fund.

HOUSE JOINT RESOLUTION NO. 1.

(Adopted March 9, 1915.)

Authorizing the Auditor to draw his warrants upon the Treasurer
for the per diem of the members of the Legislature and the per
diem of the officers and attaches of the senate and house of
delegates, extraordinary session of one thousand nine hundred
and fifteen.

Resolved by the Legislature of West Virginia:

That the Auditor is hereby authorized to issue his warrants upon the Treasurer for such amounts as are or may become due to the several members, officers and attaches of the senate and house of delegates for their per diem, upon the proper requisition of the clerk of the senate and the sergeant at arms of the house respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted February 27, 1915.)

“Raising a Joint Committee to wait upon the Governor.”

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of three be appointed on the part of the House of Delegates and two on the part of the Senate to jointly wait upon the Governor and inform him that the two Houses have assembled in their respective halls, pursuant to his proclamation, dated February 26, 1915, with a quorum of each House present and that the legislature is ready to receive and communication he may be pleased to make.”

HOUSE CONCURRENT RESOLUTION NO. 4.

(Adopted March 15, 1915.)

“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 to be appointed by the Speaker thereof, and two on the part of the Senate to be appointed by the President thereof, be appointed for the purpose of notifying the Governor that the legislature is ready to adjourn.

ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

SECOND EXTRAORDINARY SESSION

MAY 18-24, 1915



TABLE OF CONTENTS

ACTS AND RESOLVES

SECOND EXTRAORDINARY SESSION 1915

Chapter	Page
1 To pay general charges on the treasury.....	629
2 Legislative appropriations.....	638
3 Providing additional revenue.....	640
4 Public service commission.....	654
5 Pollution of streams.....	655
6 Relating to insane persons.....	657
7 Prohibition	660
8 Bonds for roads and bridges.....	661

SENATE CONCURRENT RESOLUTIONS.

Raising a joint committee of the two houses to notify the Governor that the legislature is assembled in extraordinary session.....	668
Providing for the printing and distribution of advance copies of the acts of the second extraordinary session.....	669

HOUSE CONCURRENT RESOLUTION.

Raising a joint committee to notify the Governor that the legislature is ready to adjourn.....	669
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LEGISLATURE OF WEST VIRGINIA

ACTS OF 1915

SECOND EXTRAORDINARY SESSION

CHAPTER 1

(House Bill No. 15.)

AN ACT making appropriations of public moneys to pay general charges upon the treasury.

[Passed May 24, 1915. In effect from passage. Approved by the Governor May 25, 1915.]

- | SEC. | | SEC. | |
|------|--|------|--|
| 1. | Appropriation authorized out of state treasury for years ending June 30, 1915 and 1916: | 18. | Huntington state hospital. |
| 2. | Criminal charges. | 19. | Preparatory branch West Virginia university at Montgomery. |
| 3. | For King's daughters and city hospitals; how paid. | 20. | State geological and economic survey. |
| 4. | Bureau of labor. | 21. | Point Pleasant monument. |
| 5. | Governor's office, paid on order of governor, but no part for clerk hire. | 22. | Contingent legislative expenses. |
| 6. | The militia. | 23. | State road bureau. |
| 7. | Forestry, game and fish; how expended and purposes; fund designated. | 24. | State tax commissioner. |
| 7-a. | Department of archives and history. | 25. | State librarian. |
| 8. | Department of agriculture; for carrying out provisions of chapter 13, acts 1915. | 26. | Miscellaneous appropriations. |
| 8-a. | State board of control; for repairs and improvements. | 27. | Explanation as to columns of figures, and fiscal year in which sums are to be paid. |
| 8-b. | West Virginia university; mining extension work; girls' dormitories and agricultural buildings; requirement as to citizens or county court of Monongalia before funds are available. | 28. | Appropriations for state board or institution, how drawn and in what amounts; directions to auditor as to warrants; no warrants to be issued except money is needed for immediate use; pay of members of state boards and expenses, but no mileage allowed; itemized statement required, and penalty for making improper return. |
| 8-c. | Further condition as to appropriation for athletic board. | 29. | Printing, binding and paper for state superintendent of schools to be paid out of school fund; printing for other institutions and how paid for; duty of superintendent of public printing as to stationery and printing paper, or printing for boards, and duty of auditor; exceptions as to reports made to the governor. |
| 9. | State hotel inspector; to be paid from fund collected for inspection. | 30. | No money to be paid for years 1915 and 1916, beyond amounts appropriated, unless provided for by the constitution or some general law. |
| 10. | Marshall college state normal school. | 31. | Duty of clerks of two houses upon adjournment of session. |
| 11. | Fairmont state normal school. | | |
| 12. | West Liberty state normal school. | | |
| 13. | West Virginia industrial home for girls. | | |
| 14. | State tuberculosis sanitarium. | | |
| 15. | West Virginia colored orphans' home. | | |
| 16. | Weston state hospital. | | |
| 17. | Spencer state hospital. | | |

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of
 2 the treasury for the fiscal year ending June thirtieth, one thou-
 3 sand nine hundred and sixteen and for the fiscal year ending June
 4 thirtieth, one thousand nine hundred and seventeen, the follow-
 5 ing sums of money for the following purposes:

Criminal Charges.

	1916	1917
Sec. 2. For transportation of pris- 2 oners and extradition of criminals....\$	5,000.00	\$ 5,000.00
3 For extradition of fugitives	3,000.00	3,000.00

King's Daughters and City Hospitals.

Sec. 3. For King's daughters and 2 city hospitals, for the treatment of 3 laborers and others who may become 4 a public charge, said amount to be paid 5 upon approval of the state board of 6 control	\$ 10,000.00	\$ 10,000.00
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Bureau of Labor.

Sec. 4. For the salary of two fac- 2 tory inspectors	\$ 2,400.00	\$ 2,400.00
3 For traveling expenses of same	2,000.00	2,000.00

Governor's Office.

Sec. 5. For civil contingent fund, 2 to be expended upon the order of the 3 governor, no part of which, however, is 4 to be used for clerk hire in any of the 5 state offices or institutions, other than 6 the governor's office	\$ 20,000.00
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The Militia.

Sec. 6. To carry into effect provi-
 2 sions of chapter forty-one of the acts of
 3 one thousand eight hundred and ninety-

4 seven, as amended by the acts of one
 5 thousand nine hundred and nine, relat-
 6 ing to the militia\$ 65,000.00 \$ 65,000.00

Forestry, Game and Fish.

Sec. 7. For the protection of forests,
 2 and the protection and propagation of
 3 fish and game, to be expended by and
 4 upon the approval of the forest, game
 5 and fish warden, in the manner and for
 6 the purposes provided by section 31,
 7 chapter 60 of the acts of one thousand
 8 nine hundred and nine\$ 10,000.00 \$ 10,000.00

9 Which sums are appropriated to be
 10 paid out of the fund known as "the
 11 forest, game and fish protective fund,"
 12 which was created by section 31 of chap-
 13 ter 60 of the acts of one thousand nine
 14 hundred and nine, and from no other
 15 fund.

Department of Archives and History.

Sec. 7-a. Salary of librarian.....\$ 1,500.00 \$ 1,500.00
 2 Purchase of books and periodicals.... 2,400.00 2,400.00

Department of Agriculture.

Sec. 8. For the department of
 2 agriculture\$ 17,500.00 \$ 17,500.00

3 Of which sum \$12,500 each year or
 4 so much thereof as may be necessary is
 5 to be used only for carrying out the pro-
 6 visions of chapter 13 of the acts of the
 7 regular session of 1915 relating to dis-
 8 eased animals.

State Board of Control.

Sec. 8-a. Repairs and improvements \$ 5,000.00

West Virginia University.

Sec. 8-b. Mining extension work. . \$ 10,000.00 \$ 10,000.00
 2 For girls' dormitories and agricultural
 3 buildings 100,000.00 100,000.00
 4 *Provided*, that the citizens or county
 5 court, or both, of Monongalia county,
 6 shall raise and place at the disposal of
 7 the state board of control for the pur-
 8 poses of the university the sum of \$37,-
 9 500.00 for the year 1916, and the same
 10 amount for the year 1917. Said appro-
 11 priation for the year 1916 to be available
 12 for use upon the raising of said sum of
 13 \$37,500.00 and placing the same at the
 14 disposal of said state board of control for
 15 that year.

Sec. 8-c. That the condition in section thirty-five, chapter
 2 four of the acts of one thousand nine hundred and fifteen, regular
 3 session, contingent to the appropriation of five thousand dollars
 4 to the athletic board; "*provided*, the school raise the sum of
 5 five thousand dollars to supplement this appropriation. No
 6 portion of this appropriation to be available until said sum of
 7 five thousand dollars is raised and placed at the disposal of the
 8 state board of control," be and the same is hereby repealed and
 9 said sum of five thousand dollars for each year is appropriated
 10 without condition.

State Hotel Inspector.

Sec. 9. Salary hotel inspector. . . . \$ 812.50
 2 Contingent and traveling expenses. . . . 750.00
 3 To be paid out of the fund collected from hotels and restau-
 4 rants for inspection thereof and from no other fund.

Marshall College State Normal School.

Sec. 10. Buildings and land. \$ 22,500.00 \$ 22,500.00

Fairmont State Normal School.

Sec. 11. Buildings and land 30,000.00 30,000.00

West Liberty State Normal School.

Sec. 12.	Buildings and land	30,000.00	40,000.00
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West Virginia Industrial Home for Girls.

Sec. 13.	Buildings and land	10,000.00	15,000.00
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State Tuberculosis Sanitarium.

Sec. 14.	Buildings and land	15,000.00	15,000.00
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West Virginia Colored Orphans Home.

Sec. 15.	Buildings and land	3,000.00	3,000.00
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Weston State Hospital.

Sec. 16.	Buildings and land	20,000.00	20,000.00
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Spencer State Hospital.

Sec. 17.	Buildings and land	7,500.00	7,500.00
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Huntington State Hospital.

Sec. 18.	Buildings and land	7,500.00	7,500.00
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Preparatory Branch West Virginia University at Montgomery.

Sec. 19. In addition to appropriation of session of 1915, the following:

Salaries of officers, teachers and employees.	\$ 3,000.00	\$ 4,000.00
Current and general expenses	1,500.00	1,500.00
Repairs and improvements	2,000.00	2,000.00

State Geological and Economic Survey.

Sec. 20. In addition to the amount appropriated at the regular session of 1915, the following \$15,000.00 \$15,000.00

Point Pleasant Monument.

Sec. 21. For improvement and ornamentation of Tu-Endie-Wei Park at Point Pleasant, owned by the state, and

4 containing Point Pleasant battle monu-
 5 ment, and to be in lieu of the appropria-
 6 tions made for "protecting and improv-
 7 ing river bank around Point Pleasant
 8 monument," by chapter three of the acts
 9 of one thousand nine hundred and thir-
 10 teen, five thousand dollars, which is un-
 11 expended\$ 2,500.00 \$ 2,500.00

Contingent Legislative Expenses.

1916

Sec. 22. For contingent expenses
 2 of the house of delegates, or so much
 3 thereof as may be necessary.....\$ 5,000.00
 4 For contingent expenses of the sen-
 5 ate, or as much as may be necessary.... 5,000.00

State Road Bureau.

Sec. 23. Current and contingent
 2 expenses\$ 5,000.00 \$ 5,000.00

State Tax Commissioner.

Sec. 24. For expenses of carry-
 2 ing out the provisions of Senate Bill No.
 3 1, second extraordinary session, so far
 4 as the same relates to excise taxes on cor-
 5 porations, including compensation for
 6 assistants, clerks, stenographers and all
 7 other expenses.....\$ 7,500.00 \$ 7,500.00
 8 Filing cases\$ 2,000.00

State Librarian..

Sec. 25. For librarian at Charles Town each year \$500.00

Miscellaneous Appropriations.

Sec. 26. For the payment of the following miscellaneous
 2 items, the sum set opposite each item is hereby appropriated:
 3 county court, McDowell county, for clothing furnished
 4 prisoners\$ 2,455.23

5	To pay the Chesapeake & Potomac Telephone Company,	
6	telephone service for the regular and extraordinary	
7	session, 1915	100.34
8	To pay Lovett Printing Company for rubber stamps..	4.15
9	To pay Charleston Paper & Stationery Company for	
10	pencil sharpeners and drinking cups for the house	
11	and senate	24.00
12	To pay Underwood Typewriter Company for rental of	
13	machines, etc.	96.53
14	To pay J. K. Monroe, balance on boundary line survey..	245.00
15	To pay S. Spencer Moore Company for pencil sharpen-	
16	ers, shades, etc., for the senate and house.....	6.20
17	To cover printing, binding and stationery for extraor-	
18	dinary sessions, 1915, and deficit in appropriation for	
19	1914 and 1915	10,000.00
20	To pay West Publishing Co. for twenty copies of the code	270.00
21	To pay refund license tax Ohio Valley Commission Co..\$	208.30
22	To pay refund of license tax of James Greer & Co.....	208.30
23	To pay Civilla Grass for washing towels.....	10.00
24	To pay Rose Cuzzins, charwoman	9.00
25	To pay Mary Elam, charwoman.....	9.00
26	To pay Will E. Long for rent of personal typewriter...	9.00
27	To pay the city of Fairmont for one-third of the total	
28	amount for paving Gaston avenue, between Second	
29	and Third streets, and abutting on the east side of	
30	the normal school property	415.40
31	Walnut Hill Lithia Water Co.....	139.60
32	To pay F. A. Holsberry & Co. for refund of license fees.	448.34

Sec. 27. Wherever the figures "1916" are used in this bill, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and sixteen; and wherever the figures "1917" are used in this bill, it is intended that the amount appearing in the column under such figures shall be appropriated for the purposes herein named for the fiscal year ending June thirtieth, one thousand nine hundred and seventeen.

Be it further enacted by the Legislature of West Virginia:

Sec. 28. The appropriations herein made to or for any state board or institution shall be drawn from the treasury upon

3 the requisition of the proper officers thereof made upon
4 the auditor at such times and in such amounts as may be neces-
5 sary for the purposes for which such appropriations are made;
6 and the auditor shall pay the amount named in any such requis-
7 tion at such times and in such installments as shall be necessary
8 for the purpose for which any such appropriation is made. But
9 all requisitions for appropriations for new buildings and sub-
10 stantial betterments, except such as are under control of the
10-a board of control, shall be accompanied by the architect's esti-
11 mate that the amount named in such requisition is needed for
12 immediate use. The auditor shall not issue his warrants to pay
13 any money out of the state treasury unless the same is needed
14 for present use.

15 The members of all state boards, and of boards of regents or
16 of directors of state institutions, unless a different rate of com-
17 pensation is provided by law, shall be allowed four dollars per
18 day for each day necessarily employed as such (including the
19 time spent in going to and returning from the place of meeting)
20 and the actual and necessary expenses incurred by them in the
21 discharge of their duties, and no mileage shall be paid. But be-
22 fore payment to any such member of any such compensation or
23 expenses, he shall make up in duplicate and certify to its correct-
24 ness an itemized statement of the number of days spent (giving
25 dates) and of the expenses, which statement shall be filed with
26 the secretary or clerk of the institution, the original whereof the
27 secretary or clerk shall file or preserve in his office, and the dupli-
28 cate he shall at once forward to the auditor. If any such member
29 shall wilfully make a greater charge for such services or expenses
30 than truth justifies, he shall be guilty of embezzlement and pun-
31 ished accordingly.

Sec. 29. All printing, binding and printing paper and sta-
2 tionery for the state superintendent of free schools shall be paid
3 for out of the general school fund. No printing, binding or print-
4 ing paper or stationery for the following named boards, officers
5 or institutions shall be paid for out of the appropriation for
6 public printing, public binding, or for supplying paper or sta-
7 tionery, but shall be paid for out of the appropriations therefor
8 herein made, or out of the expense fund for contingent expense
9 fund thereof, namely:

10 Public service commission, workmen's compensation fund,
11 forest, game and fish warden, board of dental examiners, state

12 vaccine agents, commissioners of pharmacy, state board of ex-
13 aminers, state board of agriculture, state board of embalmers,
14 Welch hospital No. 1, McKendree hospital No. 2, Fairmont hos-
15 pital No. 3, West Virginia humane society, normal schools, schools
16 for the deaf and the blind, the university and all its departments
17 and branches, including the experiment station, Weston and
18 Spencer state hospitals, industrial school for boys, the collegiate
19 institute, the industrial home for girls and the Huntington state
20 hospital. Such boards, officers and institutions, except the state
21 superintendent of free schools, that are herein required to pay
22 for their own printing, stationery and printing paper and bind-
23 ing, have authority to procure the same, or have the same done
24 on requisition of the superintendent of public printing, or may
25 buy such printing and stationery, or have such printing and
26 binding done on competitive bids, under such rules as may be
27 made by the commissioners of public printing.

28 When stationery or printing paper is procured from the
29 superintendent of public printing, or printing and binding are
30 done on requisition on his office, by any such board, officers and
31 institutions, the superintendent of public printing as to such
32 printing, binding, stationery and printing paper, shall certify the
33 cost thereof to the auditor, stating to what officer, board or insti-
34 tution the same was furnished, and the auditor shall charge
35 against the proper fund or appropriation of such officers, insti-
36 tutions or board the amount thereof, and credit such amount to
37 the proper appropriation made by this act for public printing,
38 binding, stationery, and printing paper. *Provided*, that the an-
39 nual or biennial reports required by law to be made to the governor
40 by such board, officers and institutions shall be printed and paid
41 for out of the appropriation for public printing, public binding
42 and for supplying printing paper and stationery, but all such
43 reports shall be typewritten, or prepared in such a manner that
44 the same shall be legible and suitable for printers' copy, and only
45 so much of any such reports shall be printed as may be ordered
46 by the governor; and no such reports shall be printed by the
47 public printer except on requisition therefor, signed by the gov-
48 ernor, which requisition shall state the number to be printed
49 and how the same are to be bound. Such officers, boards and in-
50 stitutions as are required by law to make a report to the gover-
51 nor shall place the same in his hands within thirty days after the
52 close of the period which they are to cover.

Sec. 30. No sum of money shall be paid out of the treasury for the years ending June thirtieth, one thousand nine hundred and sixteen, and one thousand nine hundred and seventeen, beyond the amounts hereby appropriated, unless the same be provided for by the constitution or some general law.

Sec. 31. Upon the adjournment of this session of the legislature, the clerk of the house and the clerk of the senate shall jointly make up and furnish the auditor, without delay, a certified copy of this and all other acts carrying appropriations.

CHAPTER 2

(House Bill No. 14.)

AN ACT making appropriations of public moneys to pay the per diem and mileage of the members of the legislature for the second extraordinary session of one thousand nine hundred and fifteen, and for the salaries of the officers and attaches thereof.

[Passed May 24, 1915. In effect from passage. Approved by the Governor May 24, 1915.]

SEC.

1. Appropriations authorized for mileage and per diem of members of the legislature for second extraordinary session of 1915, and per diem of officers and attaches.

SEC.

2. Auditor authorized and directed to issue his warrants on the treasury upon requisition of clerk of the senate and sergeant-at-arms of the house.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the public treasury, for the payment of the mileage and *per diem* of the members of the legislature for the second extraordinary session of one thousand nine hundred and fifteen, and the *per diem* of the officers and attaches thereof, the following sums of money:

7

House of Delegates.

8 To pay the mileage of the members, \$3,053.50.

9 To pay the per diem of the members, \$2,768.00 or as much as 9-a may be necessary to pay the per diem of the members.

10 To pay the per diem of the clerk and for services preliminary 11 to the extraordinary session, \$180.00.

12 To pay the per diem of the sergeant-at-arms, \$40.00.

13 To pay the per diem of the doorkeeper, \$32.00.

- 14 To pay the per diem of the assistant doorkeeper, \$32.00.
- 15 To pay the per diem of nine assistant clerks, \$432.00.
- 16 To pay the per diem of two committee clerks, \$96.00.
- 17 To pay the per diem of two stenographers, \$96.00.
- 18 To pay the per diem of the private secretary to speaker, \$48.00.
- 19 To pay the salary of the gallery doorkeeper, \$32.00.
- 20 To pay the per diem of the night watchman, \$32.00.
- 21 To pay the per diem of the cloakroom attendant, \$24.00.
- 22 To pay the per diem of two journal pages, \$64.00.
- 23 To pay the per diem of three floor pages, \$72.00.
- 24 To pay the per diem of the assistant sergeant-at-arms, \$32.00.

25

Senate.

- 26 To pay the mileage of members, \$1142.10.
- 27 To pay the per diem of members, \$976.00.
- 28 To pay the per diem of the chaplain, \$16.00.
- 29 To pay the per diem of the sergeant-at-arms, \$40.00.
- 30 To pay the per diem of the assistant sergeant-at-arms, \$40.00.
- 32 To pay the per diem of the doorkeeper, \$32.00.
- 33 To pay the per diem of the assistant doorkeeper, \$32.00.
- 34 To pay the per diem of the clerk and for services preliminary
- 35 to the extraordinary session, \$180.00.
- 36 To pay the per diem of ten assistant clerks, \$480.00.
- 37 To pay the per diem of two stenographers, \$96.00.
- 38 To pay the per diem of four floor stenographers, \$160.00.
- 39 To pay the per diem of three committee clerks, \$144.00.
- 40 To pay the per diem of page to the clerk, \$24.00.
- 41 To pay the per diem of stenographer to select committee,
- 42 \$40.00.
- 42-a To pay the per diem of the day watchman \$32.00.
- 43 To pay the per diem of the night watchman, \$32.00.
- 44 To pay the per diem of the gallery doorkeeper, \$32.00.
- 45 To pay the per diem of two cloakroom attendants, \$64.00.
- 46 To pay the per diem of chief page, \$32.00.
- 47 To pay the per diem of two journal pages, \$48.00.
- 48 To pay the per diem of mailing and banking page, \$24.00.
- 49 To pay the per diem of six floor pages, \$144.00.

50

Janitors.

51 To pay the per diem of the janitor, extra compensation dur-
52 ing this extraordinary session, \$24.00.

53 To pay the per diem of six assistants to the janitor, \$144.00.

54 To pay the per diem of two charwomen, at one dollar and fifty
55 cents per day, \$24.00.

Sec. 2. The auditor of this state is hereby authorized and
2 directed to issue his warrants upon the treasury for such amounts
3 as are or may become due to the several members, officers and at-
4 taches of the senate and the house of delegates, upon the proper
5 requisition of the clerk of the senate and the sergeant-at-arms of
6 the house of delegates, respectively.

CHAPTER 3

(Senate Bill No. 1.)

AN ACT to provide additional revenue for the state by amending and
re-enacting section twenty-four-a-I and twenty-four-a-III of
chapter fifty-four of the code, serial sections 2918 and 2920 of
the code of one thousand nine hundred and thirteen, and repeal-
ing section twenty-four-a-VI, serial section 2923, relating to
corporations; and by amending and re-enacting section sixty-
two of chapter thirty-two of the code, as last amended and re-
enacted by chapter sixty-six of the acts of one thousand nine
hundred and thirteen, relating to the rate of taxation on real
and personal property for state and state school purposes and
the amount of the general school fund; and by repealing sections
one hundred and twenty-six, one hundred and twenty-seven and
one hundred and twenty-eight of chapter thirty-two of the code,
serial sections 1259, 1260 and 1261, and enacting in lieu there-
of a section to be numbered one hundred and twenty-six of said
chapter, serial section 1259 of the code, relating to license tax
on resident and non-resident corporations; and by amending
and re-enacting section one hundred and thirty of chapter thir-
ty-two, serial section 1263 of the code, relating to annual license
tax on foreign corporations for the privilege of holding property
and doing business in this state; and by imposing a special ex-
cise tax on corporations, joint stock companies, associations, and
insurance companies, for the privilege of doing business in the
state of West Virginia; amending chapter thirty-two of the code,

by adding thereto sections five to sixteen, both inclusive, of this act, to be numbered from one hundred and forty-seven to one hundred and fifty-eight, both inclusive, of said chapter.

[Passed May 21, 1915. In effect ninety days from passage. Approved by the Governor May 24, 1915.]

Sec.

1. Amending and re-enacting sections 24-a-I and 24-a-III of chapter 54 of code; chapter 24-a-VI repealed.
- 24-a-I. Auditor constituted attorney in fact for foreign and domestic corporations doing business in this state; act of corporations not necessary in such designation.
- 24-a-III. Post office or change of address to be filed with power of attorney; duty of auditor when served with process or notice.
2. Section 62, chapter 32, of code, as amended by chapter 66, acts 1913, amended and re-enacted:
 62. On real and personal property for 1915, 14 cents on the \$100 valuation; for 1916, not to exceed 14 cents on the \$100; thereafter not to exceed 10 cents for state and state school taxes authorized; board of public works to reduce levy or eliminate same under certain conditions; duty of board as to apportionment of levy.
3. Sections 126, 127, 128, chapter 32, of code, repealed; section 126 enacted:
 126. License tax of resident and non-resident corporations for fiscal year beginning July 1, 1915, and annually thereafter, fixed.
4. Section 130, chapter 32, of code, 1913, amended and re-enacted:
 130. Foreign corporations holding property or doing business in this state to make annual report to the auditor; when made and what to contain, and how verified; duty of auditor as to fixing license tax; no license tax less than \$150; how additional information may be obtained; penalties for failure.
5. Annual special excise tax, equivalent to one-half of one per centum authorized; upon what levied, how assessed and what concerns are exempt.
6. Returns in writing to be delivered to state tax commissioner, on or before first day of March; how verified and exceptions as to time of filing return; what returns shall contain.

Sec.

7. Ascertainment of net income and method to be employed; taxes imposed to be computed on net income for year ending December 31; tax imposed under this chapter to be upon corporations, etc., named in section 4; exceptions as to insurance companies.
8. Blank forms to be furnished by state tax commissioner and to conform to United States forms for excise tax provided by act of congress October 3, 1913; companies may use duplicate of return made to collector of internal revenue; exceptions as to insurance companies.
9. State tax commissioner to make assessment of tax and notify company; how notice to be given; how to proceed in case of failure to make return.
10. Remedy of company in case of grievance is to board of public works; petition and procedure.
11. No injunction to be awarded to restrain collection of taxes except under certain conditions.
12. Payment of taxes to be made within sixty days after notice, etc.; all taxes a debt to the state, and ten per cent. penalty added if not paid when due.
13. Special excise tax is a tax in addition to all licenses or other taxes; certificate of payment to be issued by state tax commissioner.
14. Penalty for false or fraudulent return.
15. Unlawful to divulge information disclosed in any statement, and penalty for violations; state tax commissioner custodian of returns; supreme court may prescribe conditions upon which return may be made public; exceptions.
16. State tax commissioner to adopt rule of construction of United States internal revenue commissioner in determining what are items of income.
17. Chapter 32 of code amended by adding sections 5 to 16, inclusive, of this act, numbered from 147 to 158, both inclusive.
18. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That sections twenty-four-a-I and twenty-four-a-2 III, of chapter fifty-four of the code of West Virginia, being serial

3 sections 2918 and 2920, be amended and re-enacted so as to read
4 as follows:

5 That chapter twenty-four-a-VI of said chapter, being serial
6 section 2923, be repealed.

Sec. 24-a-I. The auditor of this state shall be, and he is
2 hereby, constituted the attorney in fact for and on behalf of every
3 foreign corporation doing business in this state and of every non-
4 resident domestic corporation, with authority to accept service of
5 process on behalf of and upon whom service of process may be
6 made in this state for and against every such corporation. No
7 act of such corporation appointing the auditor such attorney in
8 fact shall be necessary.

Sec. 24-a-III. The post office address of such corporation
2 shall be filed with the power of attorney, and there shall be filed
3 with the auditor from time to time statements of any change of
4 address of said corporation. Immediately after being served with,
5 or accepting any such process or notice, the auditor shall make
6 and file a copy of such process or notice, with a note thereon in-
7 dorsed of the time of service, or acceptance, as the case may be
8 and transmit such process or notice by registered mail to such
9 corporation at the address last furnished as aforesaid. But no
10 such process or notice shall be served on the auditor or accepted
11 by him less than ten days before the return thereof.

Sec. 2. That section sixty-two of chapter thirty-two of the
2 code, as last amended and re-enacted by chapter sixty-six of the
3 acts of one thousand nine hundred and thirteen, relating to the
4 rate of taxation on real and personal property for state and state
5 school purposes and the amount of the general school fund, be
6 amended and re-enacted so as to read as follows:

7 "Sec. 62. On all real and personal property not exempt from
8 taxation for the year one thousand nine hundred and fifteen,
9 fourteen cents on the one hundred dollars valuation, for the year
10 one thousand nine hundred and sixteen not to exceed fourteen
11 cents on the one hundred dollars, and thereafter not to exceed
12 ten cents on the one hundred dollars valuation, for state and
13 state school taxes, shall be imposed upon real and personal prop-
14 erty; *provided*, that the board of public works for the year one
15 thousand nine hundred and sixteen, and thereafter may reduce
16 and fix the amount of the levy for the state and state school
17 purposes to any amount not less than one cent on each one

18 hundred dollars; and said board may, when it deems that no state
19 levy is necessary for any year, so declare, and refrain from fixing
20 or laying any such levy for such year; and, *provided, further,*
21 that said board, in its discretion, for the year one thousand nine
22 hundred and fifteen, or any year thereafter, may apportion the
23 levy fixed by it between the state fund and the general school
24 fund. But if the amount of the general school fund in any year
25 is less than seven hundred and fifty thousand dollars, the board
26 of public works shall transfer thereto from the state fund an
27 amount necessary to make the general school fund at least seven
28 hundred and fifty thousand dollars. Any act of the board of
29 public works in fixing the levy shall be certified by the president
30 and secretary of said board to the clerk of the county court, the
31 assessor and the sheriff of every county not later than the first
32 day of September for the year one thousand nine hundred and
33 fifteen, and thereafter not later than the first day of August of
34 the year for which said levy is to apply; and it shall be the duty
35 of said officers to extend the levy so fixed by the board of public
36 works on the personal property books and the land books of their
37 county.”

Sec. 3. That sections one hundred and twenty-six, one hun-
2 dred and twenty-seven and one hundred and twenty-eight of
3 chapter thirty-two of the code, being serial sections 1259, 1260
4 and 1261, be repealed, and the following enacted, to be numbered
5 section one hundred and twenty-six of said chapter, serial section
6 1259 of the code.

7 “Sec. 126. Every resident and non-resident domestic cor-
8 poration shall pay a license tax on its charter for the fiscal year
9 beginning the first day of July, one thousand nine hundred and
10 fifteen, and annually thereafter, based on its authorized capital
11 stock as follows:

12 If the authorized capital stock be five thousand dollars, or
13 less, twenty dollars.

14 If more than five thousand dollars and not more than ten
15 thousand dollars, thirty dollars.

16 If more than ten thousand dollars and not more than twenty-
17 five thousand dollars, forty dollars.

18 If more than twenty-five thousand and not more than fifty
19 thousand dollars, fifty dollars.

20 If more than fifty thousand dollars and not more than
21 seventy-five thousand dollars, eighty dollars.

22 If more than seventy-five thousand dollars and not more than
23 one hundred thousand dollars, one hundred dollars.

24 If more than one hundred thousand dollars and not more than
25 one hundred and twenty-five thousand dollars, one hundred and
26 ten dollars.

27 If more than one hundred and twenty-five thousand dollars
28 and not more than one hundred and fifty thousand dollars, one
29 hundred and twenty dollars.

30 If more than one hundred and fifty thousand dollars and not
31 more than one hundred and seventy-five thousand dollars, one
32 hundred and forty dollars.

33 If more than one hundred and seventy-five thousand dollars
34 and not more than two hundred thousand dollars, one hundred
35 and fifty dollars.

36 If more than two hundred thousand dollars and not more
37 than one million dollars, one hundred and eighty dollars, and an
38 additional twenty cents on each one thousand dollars, or fraction
39 thereof, in excess of two hundred thousand dollars.

40 If more than one million dollars, three hundred and forty
41 dollars and an additional fifteen cents on each one thousand dol-
42 lars, or fraction thereof, in excess of one million dollars.

Sec. 4. That section one hundred and thirty of chapter
2 thirty-two of the code, being serial section 1263 of the code of
3 West Virginia nineteen hundred and thirteen, relating to the
4 annual license tax on foreign corporations for the privilege of
5 holding property and doing business in this state be amended and
6 re-enacted to read as follows:

7 "Sec. 130. Every foreign corporation holding property or
8 doing business in this state shall make report to the auditor
9 annually in the third month preceding the beginning of the license
10 tax year, in which report shall be set out:

11 *First.* The name of such corporation, the name of the state
12 or country by which incorporated, the date of the incorporation,
13 the date of the certificate of the secretary of state authorizing it
14 to do business in this state, the place of its principal office, the
15 names and post office addresses of its president, secretary, and of
16 its officers, if any, charged with the duty of making returns of its
17 property for taxation and the name and post office address of its
18 attorney of record in this state;

19 *Second.* The number of shares of its authorized capital
20 stock, and the par value of each share;

21 *Third.* The value of the property owned and used by such
22 corporation within this state, where situate, of what it consists,
23 and the number of acres of land it holds in this state; and the
24 value of its property owned and used within this state; and,

25 *Fourth.* The proportion of its capital stock which is repre-
26 sented by property owned and used in the state of West Virginia.
27 Such report shall be verified by the affidavit of the president, sec-
28 retary or other executive officer of such corporation.

29 It shall be the duty of the auditor to assess and fix the license
30 tax of such corporation according to the proportion of its capital
31 stock which is represented by its property owned and used in this
32 state, which license tax shall be at the rate prescribed in section
33 three of this act, plus fifty *per centum* of such tax; *provided*, that
34 no such corporation shall pay an annual license tax of less than one
35 hundred and fifty dollars. The auditor may in any case require
36 such additional information as he may deem necessary to enable
37 him to assess and fix the just amount of license tax of such cor-
38 poration; and it shall be his duty to notify every such corporation
39 of the amount so assessed by him; and it shall be the duty of the
40 corporation to pay the same into the treasury of the state within
41 thirty days thereafter, and if it fail to do so it shall be liable to
42 the penalties prescribed in sections one hundred and thirty-six
43 and one hundred and thirty-seven of this chapter."

Sec. 5. Every corporation, joint stock company, or associa-
2 tion organized for profit, and having a capital stock represented
3 by shares, and every insurance company, respectively, now or here-
4 after organized under the laws of this state, or under the laws
5 of any other state or government and engaged in any business
6 whatsoever in the state of West Virginia, shall pay an annual
7 special excise tax for the privilege of carrying on or doing business
8 in the state of West Virginia, equivalent to one-half of one *per*-
9 *centum* upon the entire net income of such company, received by
10 it from all sources during the year, on business transacted and
11 capital invested in this state, as hereinafter set forth; *provided*,
12 *however*, that nothing in this section contained shall apply to labor,
13 agricultural or horticultural organizations; nor to mutual savings
14 banks not having a capital stock represented by shares and which
15 are operated exclusively for the benefit of their depositors; nor

16 to cemetery companies, which are organized and operated exclu-
17 sively for the benefit of their members; nor to fraternal benefi-
18 ciary societies, orders or associations operating under the lodge
19 system, or for the exclusive benefit of the members of a fraternity
20 itself operating under the lodge system, and providing for the
21 payment of life, sick, accident, and other benefits to the members
22 of such societies, orders or associations, and dependents of such
23 members; nor to domestic building and loan associations organized
24 and operated exclusively for the benefit of their members; nor to
25 any corporation or association organized and operated exclusively
26 for religious, charitable, scientific or educational purposes; nor
27 to business leagues, chambers of commerce or boards of trade, or
28 to any civic league or organization organized and operated exclu-
29 sively for the promotion of social welfare, none of which said or-
30 ganizations, savings banks, cemetery companies, fraternal benefi-
31 ciary societies or fraternities, building and loan associations, char-
32 itable, religious, scientific or educational associations, business
33 leagues, chambers of commerce or boards of trade, or civic leagues,
34 named in this proviso, are organized for profit, and no part of the
35 net income of which inures to any private stockholder or indi-
36 vidual.

Sec. 6. Every such corporation, joint stock company, asso-
2 ciation, or insurance company, hereinafter called company, liable
3 under the preceding section for the tax imposed by this act,
4 shall, on or before the first day of March, one thousand nine hun-
5 dred and sixteen, and on or before the first day of March in each
6 year thereafter, deliver to the state tax commissioner a return in
7 writing, which shall be signed and sworn to by its president, vice-
8 president, or other principal accounting officer, in the form pre-
9 scribed by the state tax commissioner, as hereinafter prescribed,
10 for the year ending December thirty-first, next preceding; *pro-*
11 *vided*, that any corporation, joint stock company or association,
12 or insurance company subject to this tax may designate the last
13 day of any month in the year as the day of the closing of its fiscal
14 year and shall be entitled to have the tax payable by it computed
15 upon the basis of the net income, ascertained as herein provided,
16 for the year ending on the day so designated in the year preceding
17 the date of assessment instead of upon the basis of the net in-
18 come for the calendar year preceding the date of assessment; and
19 it shall give notice of the day it has thus designated as the closing
20 of its fiscal year to the tax commissioner not less than thirty

21 days prior to the date upon which its annual return shall be filed.
22 And all corporations, joint stock companies or associations, and
23 insurance companies, computing taxes upon the income of a fiscal
24 year which it may designate in the manner hereinbefore provided,
25 shall render a like return within sixty days after the close of its
26 said fiscal year, and within sixty days after the close of its fiscal
27 year in each year thereafter. Such return shall accurately and
28 fully set forth:

29 *First.* The total amount of paid up capital stock of such
30 company outstanding at the close of the year; or, if no capital
31 stock, the amount employed in its business at the close of the year.

32 *Second.* The total amount of its bonded and other indebted-
33 edness at the close of the year.

34 *Third.* The gross amount of its income received during such
35 year from all sources, and in the case of insurance companies dis-
36 tinguishing between that arising from business transacted within
37 this state and out of this state; and also stating separately the
38 amount received by it within the year, by way of dividends upon
39 stock of other corporations, joint stock companies, associations
40 or insurance companies subject to the tax imposed by this act,
41 giving the name and location of every such company, upon the
42 stock of which such dividends are received, and the amount of
43 such dividends received from each of such companies.

44 *Fourth.* The total amount of all the ordinary and necessary
45 expenses paid out of the earnings within the year in the main-
46 tenance and operation of the business and properties thereof, sta-
47 ting separately all charges such as rentals or other payments re-
48 quired to be made as a condition to the continued use or posses-
49 sion of the property.

50 *Fifth.* The total amount of all losses actually sustained dur-
51 ing the year and not compensated by insurance or otherwise,
52 stating separately any amounts claimed for depreciation of prop-
53 erty; and, in the case of insurance companies, also of dividends
54 paid within the year, including those paid on policy and annuity
55 contracts, and the net addition, if any, required by law to be made
56 within the year to reserve funds in this state.

57 *Sixth.* The amount of interest accrued and paid within the
58 year on its bonded and other indebtedness not exceeding one-half
59 of the sum of its interest-bearing indebtedness and its paid up
60 capital stock outstanding at the close of the year, or if no capital

61 stock, the amount of interest paid within the year on the amount
62 of the indebtedness not exceeding the amount of the capital em-
63 ployed in the business at the close of the year; and in case of a
64 bank, banking association, or trust company, stating separately
65 all interest paid within the year on deposits.

66 *Seventh.* The amount paid by it within the year for taxes
67 of every kind imposed under the authority of this state, and sep-
68 arately the amount so paid by it for taxes imposed by any other
69 government.

70 *Eighth.* The net income of such company, after making the
71 deductions and exemptions authorized by the next section.

Sec. 7. The net income of every such company as is required
2 to make the return named in the preceding section, and for which
3 the tax shall be assessed which is imposed by this chapter, shall
4 be ascertained by deducting from the gross amount of its income
5-6 received within the year:

7 *First.* All of the ordinary and necessary expenses actually
8 paid within the year out of its earnings in the maintenance and
9 operation of its business and properties, including rentals or other
10 payments required to be made as a condition to the continued use
11 or possession of the property.

12 *Second.* All losses actually sustained within the year and
13 not compensated by insurance or otherwise, including a reason-
14 able allowance for depreciation by use, wear and tear of property,
15 if any; and in case of mines, a reasonable allowance for the de-
16 pletion of ores and of other natural deposits, not to exceed five
17 *per centum* of the gross value at the mine of the output for the
18 year for which the computation is made; and in case of insur-
19 ance companies the net addition, if any, required by law to
20 be made within the year to reserve funds, and the sums other
21 than dividends paid within the year on policy and annuity
22 contracts; *provided*, that mutual fire insurance companies re-
23 quiring their members to make premium deposits to provide for
24 losses and expenses, shall be entitled to deduct from gross income
25 any portion of such premium deposits returned to policy holders
26 within any year; and that life insurance companies shall be en-
27 titled to deduct from gross income in any year such portion of
28 any actual premium received from any individual policy holder
29 as shall have been paid back or credited to such individual policy
30 holder, or treated as an abatement of premium of such individual

31 policy holder, within such year, and that assessment insurance
32 companies shall be entitled to deduct from gross income in any
33 year the actual amount deposited with any state officer, pursuant
34 to law, as addition to guaranty or reserve funds.

35 *Third.* The amount of interest accrued and paid within the
36 year on its bonded or other indebtedness as defined and limited
37 in the preceding section; and in case of a bank, banking associa-
38 tion, or trust company, all interest actually paid by it within the
39 year on deposits; *provided*, that in case of bonds or other indebt-
40 edness that have been issued with a guaranty that the interest
41 payable thereon shall be free from taxes, no deduction for the pay-
42 ment of the tax herein imposed shall be allowed, and in case of
43 a bank, banking association, loan or trust company, interest paid
44 within the year on deposits or moneys received for investment
45 and secured by interest bearing certificates of indebtedness issued
46 by such bank, banking association, loan or trust company.

47 *Fourth.* All sums paid by it within the year for taxes of
48 every kind, other than assessments for local benefits or improve-
49 ments.

50 *Fifth.* All amounts received by it within the year as divi-
51 dends upon stock of other corporations, joint stock companies, as-
52 sociations, or insurance companies, subject to the tax hereby im-
53 posed.

54 The tax herein imposed shall be computed upon the entire
55 taxable net income accrued within the year ending December
56 thirty-first, one thousand nine hundred and fifteen, and for each
57 calendar or fiscal year thereafter.

58 It is the intention of this chapter to assess the tax imposed
59 thereby on the net income as defined therein of the corporations,
60 joint stock companies, associations, and insurance companies
61 named in section four, arising from business transacted and cap-
62 ital invested in this state. Every such company having capital
63 invested in its business in this state only, shall pay the tax upon
64 its entire net income ascertained as herein provided; and every
65 such company, except an insurance company, engaged in business
66 and having capital invested and transacting business both in and
67 out of the state, shall pay the tax upon that part of its entire net
68 income which bears the same proportion to its whole net income
69 that the assessed value for purposes of taxation of its assets and
70 property within the state bears to the total assessed value of all of

71 its assets and property in the jurisdictions where it is located.
72 Insurance companies transacting business both in and out of the
73 state shall pay the tax upon that part of the entire net income
74 which bears the same proportion to the whole net income ascer-
75 tained, as herein provided, that the gross receipts from business
76 transacted within the state bears to the total gross receipts from
77 all sources for the period the tax is assessed.

78 No life insurance company, subject to the tax imposed by
79 this act, and the tax of two *per centum* on its premium income
80 imposed by chapter seventy-seven of the acts of one thousand
81 nine hundred and seven, nor any agent thereof, shall be required
82 to pay a license or other like tax to any municipal corporation for
83 the privilege of transacting business therein.

Sec. 8. The state tax commissioner shall furnish blank forms
2 for making all returns required by this chapter, which forms shall
3 conform as far as practicable to those furnished from time to
4 time to such companies by the collector of internal revenue for the
5 United States for making returns for the excise tax provided for
6 by act of congress passed on the third day of October, nineteen
7 hundred and thirteen. And any company required to make a
8 return by any provision of this chapter may furnish to the state
9 tax commissioner a copy or duplicate of the return for the same
10 period which it may make to the collector of internal revenue,
11 under the requirements of said act of congress, except that an
12 insurance company, transacting business both in and out of the
13 state, shall supplement the same by a statement showing separately
14 the gross income from business transacted in the state and the
15 gross income from all sources; and any such company, other than
16 an insurance company, engaged in business and having capital
17 invested both in and out of the state, shall supplement said copy
18 or duplicate to be furnished to the state tax commissioner, with a
19 statement showing the assessed valuation of all property and assets
20 for purposes of taxation in the state, and the total assessed value
21 for purposes of taxation of all property and assets out of the
21-a state. Such duplicate or copy and any supplemental statement
22 furnished with the same, shall be verified by the oath of the presi-
23 dent or a vice president and treasurer of the company making the
24 return, and the affidavit shall state that the copy or duplicate is
25 an exact and true copy of the account and statement contained
26 in the return made for the same period to the collector of internal

27 revenue, under the provisions of said act of congress. The return
28 so made shall be accepted as conclusive by the state tax commis-
29 sioner for the purposes of this act, except that any company which
30 may be required to make any amended or supplemental return
31 to the collector of internal revenue under said act of congress for
32 any year, shall, upon making the same, forthwith furnish to the
33 state tax commissioner a copy or duplicate of such amended or
34 supplemental return, which shall be considered in connection with
35 the original return to the state tax commissioner in assessing the
36 tax levied under this act.

Sec. 9. The state tax commissioner shall ascertain and assess
2 the tax upon the company making a return, and shall notify it of
3 the amount of such tax by a notice deposited in the postoffice ad-
4 dressed to such company at its principal office or place of business.
5 Such ascertainment of the tax shall be final and conclusive, unless
6 the same be appealed from in the manner following, within thirty
7 days after such notice is so deposited. If any company fail or
8 refuse to make a return, the state tax commissioner shall proceed,
9 in such manner as may seem best, to obtain the facts and informa-
10 tion required to be furnished by such return; and to this end he
11 may, by himself or his duly appointed agent, make examination of
12 the books, records and papers of any such company, and may take
13 the evidence, on oath, of any person who he may believe shall be
14 in possession of facts or information pertinent to the subject of
15 inquiry, which oath he or the agent so appointed by him may
16 administer. As soon as possible after procuring such information
17 as he may be able to do with respect to any company failing or
18 refusing to make a return, the state tax commissioner shall pro-
19 ceed to ascertain and assess the tax upon such company, and shall
20 notify it of the amount thereof as hereinbefore provided. And his
21 act shall be final as to any company which refused to make a return.

Sec. 10. If any such company, making a return as provided
2 by this act, feels aggrieved by the assessment so made upon it for
3 any year by the state tax commissioner, it may apply to the
4 board of public works by petition, in writing, within thirty days
5 after the notice is deposited as provided in the preceding section,
6 for a hearing and a correction of the amount of the tax so assessed
7 upon it by the state tax commissioner, in which petition shall be
8 set forth the reasons why such hearing should be granted and
9 the amount such tax should be reduced. The board shall

10 promptly consider such petition, and may grant such hearing or
11 deny the same. If denied, the petitioner shall be forthwith
12 notified thereof; if granted, the board shall notify the petitioner
13 of the time and place fixed for such hearing. After such hearing
14 the board may make such order in the matter as may appear to
15 them just and lawful, and shall furnish a copy of such order to
16 the petitioner.

Sec. 11. No injunction shall be awarded by any court or
2 judge to restrain the collection of the taxes imposed by this act,
3 or any part of them, so assessed upon any corporation, joint
4 stock company, association, or insurance company, except upon
5 the ground that the assessment thereof was in violation of the
6 constitution of the United States, or of this state; or, that the
7 same were fraudulently assessed; or that there was a mistake
8 made in the amount of taxes assessed upon such corporation,
9 joint stock company, association, or insurance company. In the
10 latter case no such injunction shall be awarded, unless applica-
11 tion shall be first made to the board of public works to correct
12 the alleged mistake, and the board shall refuse to do so, which
13 fact shall be stated in the bill, or unless the complainant pay
14 into the treasury of the state all taxes appearing by the bill of
15 complaint to be owing.

Sec. 12. Every company so assessed with taxes shall pay
2 the same into the state treasury within sixty days after the date
3 of the mailing of the notice of the amount thereof, or within
4 thirty days after notification of the amount thereof, when ascer-
5 tained and assessed by the board of public works on appeal. All
6 taxes assessed under provisions of this act against any such com-
7 pany shall constitute a debt to the state, and may be collected
8 by action of assumpsit, or appropriate judicial proceeding, which
9 remedy shall be in addition to all other existing remedies. It
10 shall be the duty of the state tax commissioner to proceed to
11 collect such taxes with a penalty of ten *per centum* added thereto
12 if not paid when due.

Sec. 13. The special excise tax imposed by this act shall
2 be a tax in addition to all license or other taxes now imposed or
3 prescribed by law as a condition for the transaction of any busi-
4 ness in this state, by any corporation, joint stock company, asso-
5 ciation, or insurance company; and when paid, shall authorize
6 the company making payment to engage in the business author-

7 ized by its charter, if otherwise lawful, and if such authority be
8 not otherwise forfeited, within the state of West Virginia for
9 the year for which the same is levied. At the time of paying the
10 taxes the state tax commissioner shall issue to the company pay-
11 ing the same a certificate of payment for the proper fiscal year.

Sec. 14. Any person required or authorized by law to make,
2 sign or verify any return by this act, who makes any false or
3 fraudulent return or statement with intent to defraud the state,
4 or defeat or evade the payment of the tax, or any part thereof,
5 imposed by this act, shall be guilty of a misdemeanor, and upon
6 conviction thereof, shall be fined not less than one hundred dol-
7 lars nor more than five thousand dollars, or may be imprisoned
8 not exceeding one year, or both, at the discretion of the court, to
9 which fine shall be added the costs of the prosecution.

Sec. 15. It shall be unlawful for any officer, agent, clerk or
2 other employee of the state to divulge or make known in any man-
3 ner whatever, not provided by law, to any person, the amount or
4 source of indebtedness, income, profits, losses, expenditures, or
5 any particular thereof, set forth or disclosed in any income re-
6 turn made under the provisions of this act; or to permit any such
7 return or copy thereof, or any book containing any abstract or par-
8 ticulars thereof, to be seen or examined by any person, except as
9 provided by law; and it shall be unlawful for any person to print
10 or publish in any manner whatever, not provided by law, any such
11 return or any part thereof, or the amount or source of income,
12 profits, losses or expenditures appearing in any such return. Any
13 person violating the foregoing provision shall be guilty of a mis-
14 demeanor, and, upon conviction thereof, shall be fined not ex-
15 ceeding one thousand dollars, or be imprisoned not exceeding
16 one year; or, in the discretion of the court, be both so fined and
17 imprisoned; and if the offender be an officer or an employee of
18 this state he shall be dismissed from office and be incapable there-
19 after of holding any office in the state or any subdivision of the
20 state. The state tax commissioner shall be custodian of all such
21 returns, and shall securely keep the same. The supreme court of
22 appeals of the state may, in each particular case, on application
23 of any officer of the state charged with the enforcement of the
24 laws of the state, and of any person or corporation interested, pre-
25 scribe the manner in, and conditions upon, which any return may
26 be made public or the use thereof in any court or judicial pro-

27 ceedings be procured. The court may also provide for the use
 28 of a copy of such return instead of the original; *provided, how-*
 29 *ever,* that nothing herein shall prohibit the making public of
 30 any such return by and with the consent of the president or other
 31 chief officer of the company making the return.

Sec. 16. In determining what is or is not a proper item of
 2 income of any company, or a proper deduction from gross in-
 3 come, for the purposes of this chapter, the state tax commissioner
 4 shall follow and adopt any rule, or construction, which may here-
 5 after be promulgated by the commissioner of internal revenue of
 6 the United States, or given to said act of congress passed on the
 7 third day of October, one thousand nine hundred and thirteen,
 8 by the courts of the United States, and no item which may be
 9 excluded by any such rule, or construction of said act, shall be
 10 included in the income of any such company, or taxed as a part
 11 of its income under the provisions of this chapter, and any item
 12 of deduction from gross income made proper by such rule, or
 13 construction of said act of congress, shall be allowed as a proper
 14 item of deduction under this act.

Sec. 17. That chapter thirty-two of the code be amended by
 2 adding thereto sections five to sixteen, both inclusive, of this act,
 3 to be numbered in said chapter from one hundred and forty-seven
 4 to one hundred and fifty-eight, both inclusive.

Sec. 18. All acts and parts of acts inconsistent with the
 2 provisions of this act are hereby repealed.

CHAPTER 4

(Senate Bill No. 2.)

AN ACT to amend and re-enact section fifteen of chapter eight of the
 acts of one thousand nine hundred and fifteen, regular session,
 creating a public service commission, prescribing its powers and
 duties and penalties for violation of the provisions of said
 chapter.

[Passed May 24, 1915. In effect ninety days from passage. Approved by the
 Governor May 29, 1915.]

Acts amended, 1915, regular session, section 15, chapter 8.

Sec.
 16. Public service corporations to pay
 a special license fee in addition
 to those prescribed by law, to be
 fixed by auditor, and apportioned
 to produce revenue of \$60,000;
 when and how paid; sum, or so

Sec.

much as necessary, appropriated
 for paying expenses of commis-
 sion, etc.; salaries of members
 of commission to be paid out of
 state fund.

Be it enacted by the Legislature of West Virginia:

That section fifteen, chapter eight of the acts of one thousand nine hundred and fifteen, regular session, be amended and re-enacted as follows:

Section 15. There shall be paid by all public service corporations subject to the provisions of this act a special license fee in addition to those now required by law. Such fees shall be fixed by the auditor, upon each of such public service corporations, according to the value of its property, as ascertained by the last preceding assessment, and shall be apportioned among such public service corporations upon the basis of such valuation, so as to produce a revenue of sixty thousand dollars per annum, or so much thereof as may be necessary, which shall be paid on or before the twentieth day of January in each year. Such sum of sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside for the purpose of paying the expenses of the commission, and the salaries, compensations, costs and expenses of its employees. The salaries of the members of the commission shall be payable out of the state fund, in the same manner as the salaries of other state officers are paid, and charged to the appropriations which have been and shall hereafter be made from time to time by the legislature for the administration of this act.

CHAPTER 5

(Senate Bill No. 3.)

AN ACT to amend and re-enact section 45-a-I of chapter sixty-two (serial section 3509), of the code of West Virginia, of one thousand nine hundred and thirteen, relating to game and fish.

[Passed May 24, 1915. In effect ninety days from passage. Approved by the Governor May 24, 1915.]

Sec.

1. Section 45-a-I of code of 1913, amended and re-enacted.
45-a-I. Unlawful to throw or discharge into any stream, etc., saw-dust or other matter deleterious to propagation of fish; lawful to drain water from coal washery, provided same be kept

Sec.

free from pollution; state board of health given authority of inspection; penalty for violations, but consent of forest, game and fish warden to be obtained in writing before prosecutions are instituted.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That section 45-a-I (serial section 3509) of the code

2 of West Virginia of one thousand nine hundred and thirteen, be
3 amended and re-enacted to read as follows:

Sec. 45-a-I. It shall be unlawful for any person, firm or cor-
2 poration to throw, discharge or cause to enter into any stream,
3 water-course or water in this state, saw-dust or other matter
4 deleterious to the propagation of fish. It shall be lawful, however,
5 to drain or cause to be drained from any mine in the state by the
6 owner or operator thereof the water that naturally collects in such
7 mine and the water from any coal washery, and to discharge the
8 same into any stream, water-course or water in the state; *provided*,
9 *however*, that any mine from which the water is so discharged
10 or drained shall be kept in a sanitary condition and the water
11 draining or flowing from such mine, and from such washery, shall,
12 while in the mine and on the premises of the mine owner or
13 operator, be kept free from pollution by human or animal excre-
14 ment or substance deleterious to health. And the state board of
15 health, its agents, employees and servants shall at all seasonable
16 times have authority to enter upon the premises and into any such
17 mine in order to see that the same is kept in a sanitary condition
18 and that the waters draining therefrom are free from the objec-
19 tionable substance named herein; with the right to the state
20 board of health to prevent any mine owner or mine operator
21 who fails to comply with the provisions of this act from draining or
22 discharging the water or waters from his or its mine into any
23 stream, water or water-course in the state; *provided, further*, that
24 any mine owner or operator having one suitable, convenient and
25 sufficient outlet for the water from his or its mine into one stream
26 shall not cause the same to be drained into any other stream.

27 Any person, firm or corporation violating any of the provisions
28 of this section shall be guilty of a misdemeanor and fined not less
29 than twenty-five dollars nor more than one hundred dollars for
30 each and every such offense; *provided*, that no prosecution to en-
31 force this section shall be instituted or conducted without the con-
32 sent and approval of the forest, game and fish warden; such con-
33 sent to be evidenced in writing and filed and entered of record
34 in the court or before the justice and in his docket, in which or
35 before whom the prosecution is begun or pending.

36 All acts or parts of acts inconsistent or in conflict with this act
37 are hereby repealed.

CHAPTER 6

(Senate Bill No. 4.)

AN ACT to amend and re-enact sections thirty-two, thirty-three, thirty-four and thirty-five of chapter fifty-eight of the code of West Virginia, as last amended by chapter fifty-one of the acts of the regular session of the legislature of one thousand nine hundred and fifteen.

Passed May 24, 1915. In effect from passage. Approved by the Governor May 29, 1915.]

Code amended, chapter 58, sections 32, 33, 34 and 35.
Acts amended, 1915, regular session, chapter 51.

SEC.

32. Expense incurred in taking person committed to hospital to be paid out of state treasury; itemized statement and how made.
33. Each county to pay into state treasury \$50 per annum for every incurable defective admitted to Huntington state hospital, but counties not required to pay such sum for maintenance; duty of county court at levy term as to provisions of this act; duty of superintendent of hospital as to list of patients in hospital and duty of state auditor hereunder; expense certified a debt against the county and money held by state for credit of county may

SEC.

- be applied; duty of auditor as to moneys paid under this act; expenditure of fund authorized by board of control.
34. Money paid by county on account of inmate in any state hospital may be recovered from persons under certain conditions; duty of guardian or committee; authority of county court and duty of clerk; sheriff the collector of such charges.
35. In recovery of money due the county, provisions of sections 15, 16, 17 and 18, of chapter 46 of the code, shall apply; exceptions.

Be it enacted by the Legislature of West Virginia:

That sections thirty-two, thirty-three, thirty-four and thirty-five of chapter fifty-eight of the code of West Virginia, as amended by chapter fifty-one of the acts of the regular session of the legislature of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 32. When an attendant is sent out from a state hospital 2 to bring in a person committed thereto, the expense incurred in 3 taking the person to the hospital, including the transportation and 4 other necessary traveling expenses of such person and of the at- 5 tendant, shall be paid out of the treasury of the State. A written 6 and fully itemized statement of such expenses, sworn to by the 7 attendant making the same and attested by the superintendent 8 of the hospital, shall be sent by mail to the auditor, who shall issue 9 his warrant upon the treasury therefor.

Sec. 33. Every county shall pay into the state treasury at 2 the rate of fifty dollars per annum for every epileptic, idiot, imbe- 3 cile, or such other incurable defective heretofore or hereafter ad- 4 mitted as a patient or inmate to the Huntington state hospital from

5 such county, but the counties shall not be required to pay at said
5-a rate of fifty dollars per annum or any other sum to the state for
5-b the maintenance of any insane person proper, anything in this act
5-c or any other provision of the laws of this state to the contrary
5-d notwithstanding. At every levy term of each county court
6 it shall estimate for and levy a sufficient amount to meet all
7 such expenses. The superintendent of said hospital, on or be-
8 fore the tenth day of January of each year, shall certify to
9 the auditor a list of all the patients in the said hospital during
10 the whole or any part of the preceding year for which the coun-
11 ties are to pay, showing on such list under the name of the
12 county, the number from each county and the length of time he
13 was in said hospital during the year, and showing the amount due
14 from each county for each patient, and the total amount due from
15 each county for the year. As soon as such list is received by the
16 auditor he shall charge to each county the amount appearing to
17 be due therefrom from the certificates of the said superintendent.
18 Within ten days after the receipt of such certificate the auditor
19 shall make out a copy thereof for each county and certify the same
20 to the county court thereof, which list shall show the name of each
21 patient in said hospital from the county during the year, the length
22 of time he was in such hospital during the year, the amount
23 charged for each patient, and the total amount charged on account
24 of all such patients from the county; and said total amount shall
25 constitute a debt against the county due the state. Whenever there
26 is in the state treasury a sum of money due any county from any
27 source the same shall be at once applied on the debt aforesaid
28 against the county, and the fact of such application of such fund
29 shall be reported by the auditor to the county court of the county,
30 which report shall be a receipt for the amount therein named.
31 All moneys paid into the state treasury by counties as herein pro-
32 vided shall be credited by the auditor to the current expense or
33 maintenance fund of said hospital, and shall be subject to be
34 drawn out of the state treasury on the requisition of the state
35 board of control for the current expenses of the said hospital, and
36 all such moneys are hereby appropriated for that purpose.

Sec. 34. All moneys which any county shall pay or become
2 liable for under the provisions of this chapter on account of any
3 inmate from the county in any state hospital, the county court
4 of the county may recover, within five years after payment of

5 the same by the county or from the time the county became lia-
6 ble therefor, from the persons and in the manner following,
7 namely: If the inmate be a minor, from his guardian; or, if
8 he have no estate, or it be insufficient, from his father; or, if he
9 have no father or his estate be insufficient, from his mother. If
10 the inmate be an adult, from his or her estate; but if such es-
11 tate be insufficient, and the inmate be a wife, from the estate
12 of her husband; or, if his estate be insufficient, from the estate
13 of her children, or such of them as have sufficient estate. If the
14 inmate be a husband, and his estate be insufficient, from the
15 estate of his wife; or, if her estate be insufficient, from the estate
16 of his children, or such of them as have sufficient estate.

17 It shall be the duty of the guardian or committee of any
18 such inmate to pay to the county of which his ward is a resident,
19 if he have sufficient estate in his hands to do so, the money so
20 due to the county from his ward. The county court may order
21 its clerk to make out a bill against any such inmate for the sum
22 so due to the county, which bill shall show the different items and
23 the amount of each, and be certified by the clerk as correct, and
24 by him delivered to the sheriff for collection. The clerk shall
25 charge against the sheriff the amount of each of such bills, show-
26 ing the date when delivered to the sheriff. It shall be the duty
27 of the sheriff to collect the same from the proper person, or the
28 guardian or committee of such inmate. Within sixty days after
29 receiving any such bill, or at the next session of the county court
30 held after the expiration of such sixty days, the sheriff shall make
31 a report to the county court of his acts in respect thereto and
32 return all such bills he has been unable to collect. The county
33 court may redeliver any of such bills to the sheriff for collection,
34 and in respect thereto the sheriff shall make report as above pro-
35 vided.

Sec. 35. In the recovery of moneys due the county under the
2 provisions of this chapter, in addition to the provisions of this
3 chapter, all the provisions of sections fifteen, sixteen, seventeen
4 and eighteen of chapter forty-six of said code shall apply as far as
5 they may be applicable; and the county court may proceed ac-
6 cording to said provisions without first placing the claim in the
7 hands of the sheriff for collection; *provided*, that as to any per-
8 son liable to the county for any money under the provisions of
9 this chapter, the county court may, if it find he is unable to pay

10 the same, or that the payment of the same would work a hard-
 11 ship upon him or his family or others dependent upon him, ex-
 12 onerate him from the payment of the same or from a part there-
 13 of, or make any other order in the matter that the county court
 14 shall deem just and equitable or expedient under all the circum-
 15 stances of the case.

CHAPTER 7

(Senate Bill No. 6.)

AN ACT to amend chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, as amended by chapter seven, acts of the legislature of one thousand nine hundred and fifteen, regular session, relating to prohibiting the manufacture, sale and keeping for sale of intoxicating liquors and the enforcement of the amendment of section forty-six, article six of the state constitution, ratified on the fifth day of November, one thousand nine hundred and twelve, by enacting one additional section thereto, to be numbered section thirty-four, and to be part of said act.

[Passed May 24, 1915. In effect ninety days from passage. Approved by the Governor May 29, 1915.]

Acts amended, 1915, regular session, chapter 7, section 34 added.

SEC.	34. Unlawful to receive, directly or indirectly, intoxicating liquors from common or other carrier,		SEC.	or to possess same; section not to apply in certain cases; penalty and exceptions.
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Be it enacted by the Legislature of West Virginia:

That chapter thirteen, acts of the legislature of one thousand nine hundred and thirteen, as amended by chapter seven, of the acts of the legislature of one thousand nine hundred and fifteen, regular session, relating to prohibiting the manufacture, sale and keeping for sale, of intoxicating liquors and the enforcement of the amendment of section forty-six of article six of the state constitution, ratified on the fifth day of November, one thousand nine hundred and twelve, be amended by enacting, as additional thereto, one section, as part thereof, numbered thirty-four, as herein set out.

Sec. 34. It shall be unlawful for any person in this state to
 2 receive, directly or indirectly, intoxicating liquors from a com-
 3 mon, or other carrier. It shall also be unlawful for any person
 4 in this state to possess intoxicating liquors, received directly or

5 indirectly from a common, or other carrier in this state. This
 6 section shall apply to such liquors intended for personal use,
 7 as well as otherwise, and to interstate, as well as intrastate, ship-
 8 ments or carriage. Any person violating this section shall be
 9 guilty of a misdemeanor and upon conviction shall be fined not
 10 less than one hundred dollars nor more than two hundred dollars,
 11 and in addition thereto may be imprisoned not more than three
 12 months; *provided, however,* that druggists may receive and pos-
 13 sess pure grain alcohol, wine and such preparations as may be
 14 sold by druggists for the special purpose and in the manner as set
 15 forth in sections four and twenty-four.

CHAPTER 8

(House Bill No. 9.)

AN ACT amending chapter thirty-nine of the acts of nineteen hundred and thirteen, sections twenty-three, twenty-four and twenty-five-a, chapter fifty-two, acts of nineteen hundred and nine, relating to the limiting of indebtedness and authority of counties and districts to issue bonds for roads and bridges and providing the manner of issuing said bonds and the disbursement of funds arising therefrom.

[Passed May 24, 1915. In effect from passage. Became a law without the Governor's approval.]
 Acts amended, 1913, chapter 39; 1909, chapter 52, sections 23, 24, 25-a.

SEC.

1. No county, etc., hereafter allowed to become indebted for any purpose exceeding in the aggregate 2½ per centum on value of taxable property; how ascertained; nor without providing for collection of annual tax to pay interest and principal; exceptions for locating, etc., and permanently improving roads; exceptions as to municipal corporations for streets, sewers, etc., provided same is submitted to vote of the people and approved by three-fifths; this section not to apply in certain municipal corporations having charters.
2. Authority of county court when repair or purchase of a bridge becomes necessary.
3. Same authority as to locating, grading, draining, paving and permanently improving county roads.

SEC.

4. When levy is insufficient, bonds may be issued and sold.
5. Upon petition of legal voters, vote to be taken at general or special election; publication of order for election and how made; how conducted, ballots, what to contain and result; three-fifths required for approval; authority of court as to sale of bonds so authorized.
6. Duty and authority of engineer to close road being constructed or repaired.
7. Authority of county court under this chapter as to rights-of-way, etc., and compensation therefor.
8. County court has authority to make regulations for usage of public roads, same to be published from time to time, and refusal to obey same is misdemeanor; penalty.
9. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. No county, city, school district or municipal cor-

2 poration, except in cases where such corporation has already au-
3 thorized bonds to be issued, shall hereafter be allowed to become
4 indebted in any manner or for any purpose, to an amount, includ-
5 ing existing indebtedness, in the aggregate, exceeding two and
6 one-half per centum on the value of taxable property therein; to
7 be ascertained by the last assessment, for state and county pur-
8 poses, previous to the incurring of such indebtedness; nor, without
9 at the same time providing for the collection of a direct annual
10 tax to pay annually the interest on such debt and the principal
11 thereof within and not exceeding thirty-four years.

12 *Provided, however,* that any county, magisterial district or
13 group of magisterial districts, is hereby authorized and allowed
14 to become indebted, notwithstanding anything in this act to the
15 contrary, and additional sum not to exceed two and one-half *per*
16 *centum* on the value of the taxable property therein, ascertained
17 as aforesaid, for the purpose of locating, grading, draining, paving
18 and permanently improving the roads or highways and for the
19 construction or repair of bridges therein, or the purchase of exist-
20 ing toll bridges.

21 *Provided, further, however,* that any city or municipal corpo-
22 ration of one thousand inhabitants or more is hereby authorized
23 and allowed to become indebted, notwithstanding anything in this
24 act to the contrary, in an additional sum not to exceed two and
25 one-half *per centum* on the value of taxable property therein, as-
26 certained as aforesaid, for the purpose of grading, paving, sewer-
27 ing, and otherwise improving the streets and alleys of said city or
28 municipal corporation—the term “sewering” being used in a com-
29 prehensive sense so as to include mains, laterals, connections,
30 traps, incinerating and disposal plants, and other necessary and
31 convenient accessories to a modern, sanitary and efficient sewerage
32 system; and, *provided, further,* that no debt shall be contracted
33 under this section, unless all questions connected with the same
34 shall have been first submitted to a vote of the people, and have
35 received three-fifths of all the votes cast for and against the same:

36 And, *provided, further,* that in all cases where like authority
37 is given to such cities or municipal corporations by their charters
38 this section shall not apply.

Sec. 2. When it is necessary to build or repair a bridge, or to
2 purchase any existing toll bridge within any county or within any
3 magisterial district, or across the boundary thereof, the county

4 court of the county may contract for the same, or any part thereof
5 on such terms as may be agreed upon and take bond and security
6 from the contractors in the sum of fifty per cent of the amount
7 of such contract, for its faithful performance, and pay for the
8 work in full or in part, out of the county treasury or out of funds
9 of the district or districts in which said improvement is located,
10 or by issuing bonds or other evidence of debt for the amount as
11 may be agreed upon and to this end they shall appoint a compe-
12 tent engineer to make a thorough investigation and estimate of the
13 cost of said improvement. Upon receiving the estimate of cost,
14 the court, being satisfied with the correctness of same and the
15 necessity and importance of such improvement, may advertise for
16 and receive proposals and make such other order in the premises
17 from time to time as shall be necessary and proper.

Sec. 3. In like manner the county court of any county may
2 contract and pay for locating, grading, draining, paving and per-
3 manently improving or repairing the whole or any part of any
4 county road, including the bridges and culverts thereon within the
5 county.

6 They may permanently improve by the use of asphaltum, brick,
7 concrete, macadam, stone-block or other process of equal merit
8 the main roads within the county, or any district or districts of
9 their county and may contract therefor with any contractor for
10 the use of any of these foregoing systems and take bonds and se-
11 curity from the contractor in the sum equal to fifty per cent of
12 the estimated cost of the work in question, for the faithful per-
13 formance of such contract. They may pay for the work done un-
14 der such contract in whole or in part out of the county treasury
15 or out of the funds of any district or districts by levies to be laid
16 in manner and form as provided by law or by issuing bonds or
17 other evidence of indebtedness for the same. To this end, the
18 county court shall appoint a competent engineer to go upon the
19 road or roads proposed to be located or improved and, after a thor-
20 ough investigation, shall report to the court an estimate of cost
21 and furnish therewith such maps, profiles and plats as are neces-
22 sary, and the court, after examining the same and satisfying itself
23 with the correctness thereof and the importance and necessity of
24 the improvement, may advertise for and receive proposals for the
25 grading and paving, and other work collectively or separate from

26 the bridges and culverts, and shall make such other order in the
27 premises from time to time as shall be necessary and proper.

28 No road or bridge contract, under the provisions of this chap-
29 ter, shall be awarded without the same being first duly advertised
30 once a week for four successive weeks in one or more newspapers,
31 if such there be published in the county.

Sec. 4. When, in the opinion of the county court, the levies
2 provided by law together with any funds appropriated by the
3 state or federal governments, are insufficient to construct any coun-
4 ty road or district road and the bridges thereon, or purchase any
5 toll bridge or bridges, the said court is hereby authorized to issue
6 and sell bonds of the county or magisterial district or group of dis-
7 tricts, in which said improvement is located for such improve-
8 ment or purchase, in the following manner:

Sec. 5. Upon petition of one hundred legal voters, who are
2 free-holders of such county, the county court shall submit the
3 proposition for issuance of bonds as aforesaid, to the legal voters
4 of said county and by order specifying the work for which the
5 money is proposed to be appropriated, the amount of proposed
6 appropriation and shall cause a vote to be taken upon the question
7 at the several places of voting in said county at the succeeding
8 general election which is first held in the county after such vote is
9 taken, or, if the petition so specifies, the court shall order a spe-
10 cial election for the purpose within ninety days.

11 Upon petition of fifty legal voters, who are freeholders in any
12 magisterial district, or of fifty legal voters who are freeholders
13 in each of two or more magisterial districts, reciting and specify-
14 ing roads or bridges to be built or improved, or existing toll
15 bridges to be purchased, the county court shall submit the propo-
16 sition for issuance of bonds in said district or districts grouped
17 together in one petition, desiring to be bonded, and shall specify
18 the work to be done or the bridge to be purchased for which the
19 money is proposed to be appropriated and the amount of the pro-
20 posed appropriation, and cause a vote to be taken upon the ques-
21 tion at the several places of voting in said magisterial district or
22 districts, at the succeeding general election for state and county
23 officers, or any special election which is first held in the county
24 after such vote is ordered taken, or, if the petition so recites, the
25 court shall order a special election not later than ninety days from
26 the filing of such petition. But such order for any county or dis-

27 trict bond election shall be published throughout the said county,
28 district or districts, in which said vote is to be taken, thirty days
29 at least before the vote is taken, as follows:

30 The clerk of the county court shall cause as many copies of
31 such order to be made or printed as may be necessary, and sign
32 the same; he shall forthwith post one in a conspicuous place in
33 his office, one at the front door of the court house and shall deliver
34 the others to the sheriff of the county who shall forthwith post
35 one of said orders in a conspicuous place at every voting place in
36 the county, district or districts desiring to vote. The sheriff shall
37 make his return, showing that such orders were duly posted, which
38 shall be recorded by the clerk of the county court in the order
39 book of said court. The court shall direct a copy to be published
40 once each week for four successive weeks, prior to the date of said
41 election in one or more newspapers, if they are published in said
42 county or district.

43 A vote shall thereupon be taken and result ascertained under
44 the regulations prescribed for general election of county and dis-
45 trict officers; or, if the said vote is taken at a special election,
46 ordered for the purpose, the same shall be held by commissioners
47 appointed for the purpose, by the county court at the time said
48 election is ordered and the result shall be ascertained and certified
49 according to the regulations prescribed by law for ascertaining and
50 certifying the election of county and district officers.

51 The ballots used in taking such poll shall be the same as those
52 used in voting for officers at the general election for state and
53 county officers, except, when the same is taken at a special elec-
54 tion, as hereinbefore provided for, and there shall be written or
55 printed thereon the words "for bonds" and "against bonds," or
56 any other words that will show how the voter intends to vote on
57 the question proposed.

58 If it appears by said poll that not less than three-fifths of
59 the voters of the county or magisterial district or districts, who
60 voted upon the proposed issuance of bonds, are in favor of the
61 same, the county court will then have authority to issue, and shall
62 issue, the amount of the bonds so voted in the name of the county,
63 magisterial district or magisterial districts, grouped together for
64 the purpose of making one improvement, or any less amount on
65 any such terms as they may deem advisable, and provide for the

66 payment thereof by taxation on the county, district or group of
67 districts, as the case may be.

68 The county court shall have authority to and shall issue said
69 bonds for and in the name of said county, district or group of
70 districts and shall make provision for the payment of principal
71 and interest of the same by said county, district or group of dis-
72 tricts as is specified in the order under which said vote is taken.

73 The president of the county court shall have power, when so
74 directed by such court, by an order entered of record therein, to
75 execute, sell and deliver the bonds of said county, district or group
76 of districts and receive the proceeds therefrom and said bonds of
77 said county, district or group of districts shall be valid and bind-
78 ing thereon when signed by the president of the county court of
79 such county and countersigned by the clerk thereof, with the seal
80 of said county attached thereto.

Sec. 6. If it shall appear necessary to the engineer in charge
2 to close a public road, which is being constructed or repaired
3 under this chapter, so as to permit a proper completion of such
4 work, he shall execute a notice in duplicate; such notice shall state
5 the necessity for closing such public road, describing the portion
6 to be closed; he shall cause to be posted at each end of the por-
7 tion to be closed, a copy of said notice and may have the same
8 published in one or more newspapers in the county one week and
9 shall thereupon close the same to public travel by erecting suit-
10 able obstructions and posting conspicuous notices. In the event
11 the public road is closed, the engineer in charge may direct a
12 detour or provide a new location by the construction of a tem-
13 porary road to be used by the traveling public in lieu of the
14 closed public road and may erect temporary bridges when neces-
15 sary. For the purpose of locating and constructing such tem-
16 porary road and bridge, the engineer in charge may enter upon
17 the land adjoining or near to the closed public road and may, with
18 the approval of the county court, agree with the owner of such
19 lands, the damages, if any, caused thereby; if the engineer in
20 charge is unable to agree with such owner for the amount of
21 damages, if any, the amount thereof shall be ascertained, deter-
22 mined and paid as provided in this chapter. When such public
23 road shall have been closed to the public as provided herein, any
24 person who disregards the obstruction and notice and drives or
25 rides over the portion of the public road so closed, shall be liable

26 for the damages done to any section or portion of the road being
27 constructed and shall be guilty of a misdemeanor and upon con-
28 viction thereof may be fined not less than five dollars nor more
29 than fifty dollars.

Sec. 7. When the county court has decided to undertake work
2 under this chapter and the compensation to be paid any pro-
3 prietor or tenant for right of way either permanent or temporary,
4 be not fixed by agreement, or if the court deems wise to widen
5 out, straighten or repair any old road, the court through its
6 representative, is authorized to enter upon any lands, other than
7 those prohibited by law, locate and build said highways and the
8 court shall, sixty days after said highway is completed, cause to
9 be summoned five different freeholders who shall go upon the
10 land and assess the damages and benefits and shall take into
11 consideration the benefits accruing to the property and the dam-
12 ages sustained by the property and shall then fix the compensation
13 or damages as said jury may see proper, and the amount so fixed
14 shall be paid out of the road fund of the county, and if after
15 changing, locating or re-locating any public road or highway or
16 establishing any new road or highway, the damages so assessed
17 be not satisfactory to the property owners, proprietor or tenant,
18 he may within six months after said location, change or re-lo-
19 cate, appeal or apply to the circuit court which court shall appoint
20 a jury to go upon the ground and assess the damages and benefits
21 as herein provided, subtract the one from the other and the result
22 shall be their verdict, and if said jury award no more damages
23 than the amount offered by the county court or fixed by its com-
24 mission then the party aggrieved shall pay the cost of making
25 said assessment; *provided, however,* before entering upon said land
26 as authorized by this section, it shall be the duty of the county
27 court or its representatives to serve notice upon the owner or
28 owners of said land as provided by law, notifying the property
29 owners that the highway is to be located upon their land under
30 the authority of this act and any person who shall obstruct the
31 public road or engineer in charge or employee or employees of the
32 county court in making the survey, changing the road or opening
33 up a new public road, shall be guilty of a misdemeanor and upon
34 conviction thereof shall be fined not to exceed fifty dollars, or
35 imprisoned not to exceed one month, or both, in the discretion of
36 the court.

Sec. 8. The county court of any county may make such rules and regulations, not inconsistent with law, pertaining to the usage, maintenance and protection of the roads, and where any person, persons, firm, firms, corporation or corporations, are making continuous use of any piece of the road or driving thereon any wagon, wagons, motor vehicle, tractor, tractors, truck, trucks or bus, and by such use are causing more than the usual wear, the county court may compel such person, persons, firm, firms, corporation, or corporations to put thereon a section man or men and keep or assist in keeping said road in such repair as the court may order.

Such rules, when prescribed, shall be reasonable and be entered of record and by order of the court be published four successive weeks in two newspapers of opposite politics, if such there be in the county; one copy posted at the front door of the court house, one copy furnished the state road bureau to be included and published in its annual report.

Any person disobeying, or refusing to obey the order of any county court shall be adjudged guilty of a misdemeanor and upon conviction thereof may be fined not to exceed fifty dollars, or imprisoned, or both. Justices of the peace shall have jurisdiction in cases arising under this section.

All acts and parts of acts inconsistent herewith are hereby repealed.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted May 18, 1915.)

Raising 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 and three on the part of the house of delegates, be appointed to jointly wait upon the governor and notify him that the legislature is now in extraordinary session pursuant to his proclamation dated May 12, 1915, with a quorum of each house present, and awaits any communication he may desire to make. The members of said committee to be appointed respectively by the president of the senate and speaker of the house of delegates.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted May 24, 1915.)

Providing for the printing and distribution of the advance copies of the acts of the second extraordinary session.

Resolved by the Senate, the House of Delegates concurring therein:

That the clerk of the senate is hereby authorized and directed to concur with the clerk of the house of delegates in the publication of ten thousand advance copies of the acts of this extraordinary session, in pamphlet form, and that twenty-five copies of the same shall be mailed to each member of the senate and house of delegates; and that the clerks of the two houses shall also supply the tax commissioner, the secretary of state and the auditor with ten thousand additional copies of Senate Bill No. 1, known as the excise tax law.

Resolved, further, that the per diem of the clerk of the senate and house of delegates and the supervisor of printing and one assistant clerk for each house, be extended thirty days each, to head-note, print and mail the advance copies of the acts hereinbefore provided for; said per diem to be paid out of the contingent fund of the respective houses upon proper warrants drawn by the clerk of the senate and sergeant-at-arms of the house of delegates, upon the auditor.

HOUSE CONCURRENT RESOLUTION NO. 2.

(Adopted May 24, 1915.)

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 of the house, and two on the part of the senate, to be appointed by the president thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn.

HOUSE JOINT RESOLUTION NO. 1.

(Adopted May 24, 1915.)

Authorizing transfer of certain books from state library at Charles Town, in Jefferson county, to the library of the college of law of West Virginia university, at Morgantown.

Resolved by the Legislature of West Virginia:

That the printed briefs and records of cases decided by the supreme court of appeals of West Virginia now in the state library at Charles Town, in Jefferson county, be transmitted to the library of the college of law of West Virginia university, at Morgantown, and that the state librarian be authorized and directed to carry out such transfer. And that the law books belonging to the state of West Virginia now in the law library at Charles Town be permitted to remain there for the use of the circuit court of Jefferson county, West Virginia.

OFFICIAL DIRECTORY

STATE GOVERNMENT

STATE CAPITOL, CHARLESTON, KANAWHA COUNTY.

OFFICE.	NAME.	RESIDENCE.	COUNTY.
Governor	HENRY D. HATFIELD.	Eckman	McDowell.
Secretary of State.....	STUART F. REED....	Clarksburg....	Harrison.
State Supt. of Free Schools.....	M. P. SHAWKEY....	Charleston....	Kanawha.
Auditor	JOHN S. DARST....	Cottageville ..	Jackson.
Attorney General	A. A. LILLY.....	Beckley	Raleigh.
Assistants	FRANK LIVELY.....	Hinton	Summers
	JOHN B. MORRISON.	Sutton	Braxton.
	J. E. BROWN.....	Bluefield.....	Mercer.
Treasurer	E. L. LONG.....	Weich	McDowell
Commissioner of Agriculture....	H. E. WILLIAMS....	Trout	Greenbrier.
State Tax Commissioner.....	FRED O. BLUE....	Phillippi	Barbour.
Librarian	L. O. WILSON.....	Weston	Lewis.
Commissioner of Banking.....	S. P. SMITH.....	Charleston	Kanawha.
Commissioner of Health.....	S. L. JEPSON.....	Wheeling	Ohio.
Adjutant General	JOHN BOND.....	Charleston	Kanawha.
Workmen's Compensation Com'r.	LEE OTT.....	Thomas	Tucker.
Commissioner of Labor.....	J. H. NIGHTINGALE.	Parkersburg ..	Wood.
Chief Mine Inspector.....	EARL A. HENRY....	Clifton	Mason.
Game and Fish Warden.....	J. A. VIGUESNEY...	Belington	Barbour.
Pardon Attorney.....	E. G. PIERSON....	Fayetteville ..	Fayette.
Archivist and Historian.....	HENRY S. GREEN...	Morgantown ..	Monongalia.

STATE BOARD OF CONTROL.

JAMES S. LAKIN, <i>President</i>	Kingwood.....	Preston County.
J. M. WILLIAMSON.....	Moundsville.....	Marshall County.
A. B. MCCRUM.....	Kingwood.....	Preston County.

PUBLIC SERVICE COMMISSION.

ELIOTT NORTHCOTE.....	Huntington.....	Cabell County.
WM. M. O. DAWSON.....	Charleston.....	Kanawha County.
E. F. MORGAN.....	Fairmont.....	Marion County.

UNITED STATES SENATORS.

NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
WILLIAM E. CHILTON.....	Charleston	Kanawha	March 4, 1917.
NATHAN GOFF.....	Clarksburg	Harrison	March 4, 1919.

REPRESENTATIVES IN CONGRESS.

DISTRICT.	NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
First....	M. M. NEELEY.....	Fairmont	Marion	March 4, 1917.
Second...	WILLIAM G. BROWN...	Kingwood	Preston	March 4, 1917.
Third....	ADAM B. LITTLEPAGE..	Charleston	Kanawha	March 4, 1917.
Fourth...	HUNTER H. MOSS.....	Parkersburg	Wood	March 4, 1917.
Fifth....	EDWARD COOPER.....	Bramwell	Mercer	March 4, 1917.
At Large.	HOWARD SUTHERLAND..	Elkins	Randolph	March 4, 1917.

THE JUDICIARY

UNITED STATES COURTS

CIRCUIT COURT OF APPEALS, FOURTH CIRCUIT, RICHMOND, VA.

COMMENCEMENT OF TERMS.

First Tuesday in February, first Tuesday in May and first Tuesday in November.

Edward Douglass White, Chief Justice, Washington, D. C.
 Jeter C. Pritchard, Circuit Judge, Asheville, N. C.
 Charles A. Woods, Circuit Judge, Florence, Marlon, S. C.
 John C. Rose, District Judge, Baltimore, Md.
 Henry Groves Connor, District Judge, Wilson, N. C.
 James Edmond Boyd, District Judge, Greensboro, N. C.
 Henry A. M. Smith, Charleston, S. C.
 Edmund Waddill, Jr., District Judge, Richmond, Va.
 H. Clay McDowell, District Judge, Lynchburg, Va.
 Alston G. Dayton, District Judge, Phillippl, W. Va.
 Benjamin F. Keller, District Judge, Charleston, W. Va.
 Henry T. Melouey, Clerk, Richmond, Va.
 Claude M. Deau, Deputy, Richmond, Va.

DISTRICT COURTS OF WEST VIRGINIA

NORTHERN DISTRICT.

COMMENCEMENT OF TERMS.

Parkersburg—Second Tuesday of January and Second Tuesday of June.
 Wheeling—First Tuesday of May and third Tuesday of October.
 Clarksburg—Second Tuesday of April and first Tuesday of October.
 Martinsburg—First Tuesday of April and third Tuesday of September.
 Phillippl—Fourth Tuesday of May and second Tuesday of November.
 Elkins—First Tuesday of July and first Tuesday of December.

Alston G. Dayton.....	District Judge	Phillippl.
Charles B. Kefauver.....	Clerk	Parkersburg.
John H. Conrad.....	Deputy Clerk	Parkersburg.
H. G. Chaney.....	Deputy Clerk	Phillippl.
Geo. E. Boyd, Jr.....	Deputy Clerk	Wheeling.
A. C. Nedenbousch.....	Deputy Clerk	Martinsburg.
S. R. Harrison.....	Deputy Clerk	Clarksburg.
Stuart W. Walker.....	District Attorney	Martinsburg.
H. J. Byrer.....	Assistant District Attorney	Phillippl.
J. J. P. O'Brien.....	Assistant District Attorney	Wheeling.
Garland H. Moore.....	Clerk	Martinsburg.
C. E. Smith.....	United States Marshal	Parkersburg.
Thomas E. Joyce.....	Chief Deputy	Parkersburg.
John F. Throckmorton.....	Office Deputy	Parkersburg.
Charles P. Cook.....	Office Deputy	Parkersburg.
Katherine W. Rex.....	Office Deputy	Parkersburg.
John D. Moore.....	Field Deputy	Phillippl.
C. F. Allison.....	Field Deputy	Wheeling.
E. W. Athey.....	Field Deputy	Martinsburg.

George E. Boyd, Jr.....	Wheeling.
Dorr Casto.....	Parkersburg.
James T. Dalley.....	Kingwood.
H. A. Downs.....	Martinsburg.
Samuel R. Harrison, Jr.....	Clarksburg.
Glenn Hunter.....	Morgantown.
John W. Mason, Jr.....	Fairmont.
Alva B. Moore.....	New Martinsville.
J. H. Siler.....	Berkeley Springs.
Charles R. Lilly.....	Grafton.
T. A. Brown.....	Referee in Bankruptcy.....Parkersburg.
W. Frank Stout.....	Referee in Bankruptcy.....Clarksburg.
O. E. Wyckoff.....	Referee in Bankruptcy.....Grafton.
B. L. Butcher.....	Referee in Bankruptcy.....Fairmont.
M. H. King.....	Referee in Bankruptcy.....Elkins.
J. Ben Brady.....	Referee in Bankruptcy.....Kingwood.
Wilbur H. Thomas.....	Referee in Bankruptcy.....Martinsburg.
J. W. Cummins.....	Referee in Bankruptcy.....Wheeling.
H. A. Nolte.....	Referee in Bankruptcy.....Wheeling.
T. P. Jacobs.....	Referee in Bankruptcy.....New Martinsville.

Counties composing the Northern District—Barbour, Berkeley, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt and Wood.

SOUTHERN DISTRICT.

COMMENCEMENT OF TERMS.

Charleston—First Tuesday in June and third Tuesday in November.

Huntington—First Tuesday in April and first Tuesday after the third Monday in September.

Bluefield—First Tuesday in May and third Tuesday in October.

Webster Springs—First Tuesday in September.

Lewisburg—Second Tuesday in July.

Benjamin F. Keller.....	District Judge.....	Charleston.
Edwin M. Keatley.....	Clerk.....	Charleston.
Albert V. Fitzwater.....	Deputy Clerk.....	Charleston.
Ceres K. Adkins.....	Deputy Clerk.....	Huntington.
R. L. Gosling.....	Deputy Clerk.....	Bluefield.
William G. Barnhart.....	United States Attorney.....	Charleston.
F. Witcher McCullough.....	Assistant.....	Huntington.
Fleming N. Alderson.....	Assistant.....	Richwood.
William E. Ross.....	Assistant.....	Bluefield.
Wm. Osborne.....	United States Marshal.....	Huntington.
John H. Campbell.....	Chief Office Deputy.....	Huntington.
Alphonse M. Foose.....	Assistant Office Deputy.....	Huntington.
G. C. Rutherford.....	Office Deputy.....	Huntington.
L. H. Oakes.....	Office Deputy.....	Charleston.
H. T. Lemon.....	Office Deputy.....	Beckley.
J. H. Mitchell.....	Office Deputy.....	Welch.
C. F. McQueen.....	Office Deputy.....	Sutton.
Jas. A. Farley.....	Office Deputy.....	Williamson.
V. C. Champe.....	United States Commissioner.....	Montgomery.

Joseph M. Crockett.....United States Commissioner..Welch.
 J. R. Dillard.....United States Commissioner..Bluefield.
 J. P. Douglass.....United States Commissioner..Huntington.
 A. M. Sikes.....United States Commissioner..Huntington.
 E. C. Eagle.....United States Commissioner..Hinton.
 J. H. Gadd.....United States Commissioner..Princeton.
 H. M. Patterson.....United States Commissioner..Beckley.
 Joseph Ruffner.....United States Commissioner..Charleston.
 John A. Thayer.....United States Commissioner..Charleston.
 Howard C. Smith.....United States Commissioner..Charleston.
 O. O. Sutton.....United States Commissioner..Sutton.
 Grover C. Worrell.....United States Commissioner..Mullins.
 Paris D. Yeager.....United States Commissioner..Marlinton.
 W. G. Mathews.....Referee in Bankruptcy.....Charleston.
 Thos. A. Sheppard.....Referee in Bankruptcy.....Huntington.
 John L. Whitten.....Referee in Bankruptcy.....Pt. Pleasant.
 E. G. Rider.....Referee in Bankruptcy.....Sutton.
 Harold A. Ritz.....Referee in Bankruptcy.....Bluefield.
 H. A. Bolln.....Referee in Bankruptcy.....Hinton.
 T. S. McNeel.....Referee in Bankruptcy.....Marlinton.

Counties composing the Southern District—Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe.

STATE COURTS

SUPREME COURT OF APPEALS

JUDGES.	RESIDENCE.	COUNTY.	TERM EXPIRES.
Wm. N. Miller.....	Parkersburg	Wood	Dec. 31, 1916.
Geo. Poffenbarger..	Point Pleasant.....	Mason	Dec. 31, 1924.
Ira E. Robinson...	Grafton	Taylor	Dec. 31, 1916.
L. Judson Williams.	Lewisburg	Greenbrier	Dec. 31, 1921.
Chas. W. Lynch...	Clarksburg	Harrison	Dec. 31, 1924.

CIRCUIT COURTS

FIRST JUDICIAL CIRCUIT—H. C. HERVEY, *Wellsburg* and R. M. Addicman, *Wheeling*—Judgs.

Counties.

Commencement of Terms.

Hancock.....Second Monday in March, third Monday in June and first Monday in November.
 Brooke.....Third Monday in February, first Monday in June and second Monday in October.
 Marshall.....Second Tuesday in February, last Tuesday in May and second Tuesday in October.
 Ohio.....Last Monday in March, first Monday in September and fourth Monday in November.

SECOND JUDICIAL CIRCUIT—P. D. MORRIS, Judge, New Martinsville.*Counties.* *Commencement of Terms.*

- Wetzel.....Second Tuesday in January, first Tuesday in May and third Tuesday in September.
- Tyler.....Fourth Tuesday in February, third Tuesday in June and first Tuesday in November.
- Doddridge.....Third Tuesday in March, second Tuesday in July and fourth Tuesday in September.

THIRD JUDICIAL CIRCUIT—HOMER B. WOODS, Judge, Harriaville.*Counties.* *Commencement of Terms.*

- Ritchie.....Second Tuesday in February, second Tuesday in June and second Tuesday in October.
- Pleasants.....Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.
- Gilmer.....First Tuesday in April, first Tuesday in August and fourth Tuesday in November.

FOURTH JUDICIAL CIRCUIT—WALTER E. McDUGGLE, Judge, Parkersburg.*Counties.* *Commencement of Terms.*

- Wood.....First Monday in March, first Monday in July, first Monday in October and first Monday in December.
- Wirt.....Second Monday in January, second Monday in May and second Monday in September.

FIFTH JUDICIAL CIRCUIT—W. H. O'BRIEN, Judge, Ripley.*Counties.* *Commencement of Terms.*

- Roane.....Third Tuesday in January, third Tuesday in May and third Tuesday in September.
- Jackson.....First Tuesday in April, first Tuesday in August and first Tuesday in November.
- Calhoun.....Third Tuesday in April, third Tuesday in August and third Tuesday in November.
- Mason.....First Tuesday in February, first Tuesday in June and first Tuesday in October.

SIXTH JUDICIAL CIRCUIT—JOHN T. GRAHAM, Judge, Huntington.*Counties.* *Commencement of Terms.*

- Cabell.....First Monday in January, first Monday in May and third Monday in September.
- Lincoln.....First Monday in March, fourth Monday in June, first Monday in December.
- Putnam.....Third Monday in March, third Monday in July and third Monday in November.

SEVENTH JUDICIAL CIRCUIT—JOHN B. WILKINSON, Judge, Logan.*Counties.* *Commencement of Terms.*

- Boone.....Second Monday in March, second Monday in June, second Monday in September and second Monday in December.
- Logan.....Second Monday in January, second Monday in April, second Monday in July and second Monday in October.
- Wayne.....Second Monday in February, second Monday in May, second Monday in August and second Monday in November.

EIGHTH JUDICIAL CIRCUIT—ISAIAH C. HEIRNDON, *Judge, Welch.**Counties. Commencement of Terms.*

- Mercer.....Second Tuesday in May, second Tuesday in August and fourth Tuesday in November.
- McDowell.....Second Tuesday in February, second Tuesday in June and second Tuesday in September.
- Monroe.....Second Tuesday in April, second Tuesday in July and second Tuesday in November.

NINTH JUDICIAL CIRCUIT—JAMES H. MILLER, *Judge, Hinton.**Counties. Commencement of Terms.*

- Raleigh.....Third Monday in February, first Monday in May, fourth Monday in August and first Monday in December.
- Summers.....First Monday in January, second Monday in March, second Monday in June and first Monday in October.

TENTH JUDICIAL CIRCUIT—SAMUEL D. LITTLEPAGE, *Judge, Charleston.**Counties. Commencement of Terms.*

- Clay.....First Monday in January, first Monday in April, third Monday in June and second Monday in October.
- Kanawha.....Second Monday in February, second Monday in May, second Monday in September and fourth Monday in November.

ELEVENTH JUDICIAL CIRCUIT—WM. L. LEE, *Judge, Fayetteville.**Counties. Commencement of Terms.*

- Fayette.....Second Tuesday in February, second Tuesday in May and third Tuesday in September.

TWELFTH JUDICIAL CIRCUIT—WM. S. O'BRIEN, *Judge, Buckhannon.**Counties. Commencement of Terms.*

- Upshur.....Second Monday in March, first Monday in July and second Monday in November.
- Webster.....Third Tuesday in January, fourth Tuesday in May and third Tuesday in September.

THIRTEENTH JUDICIAL CIRCUIT—HAYMOND MAXWELL, *Judge, Clarksburg.**Counties. Commencement of Terms.*

- Lewis.....First Monday in March, first Monday in July and first Monday in November.
- Harrison.....First Monday in January, first Monday in May and first Monday in September.

FOURTEENTH JUDICIAL CIRCUIT—WILLIAM S. HAYMOND, *Judge, Fairmont.**Counties. Commencement of Terms.*

- Marion.....Second Monday in March, first day of June and second Monday in November.

FIFTEENTH JUDICIAL CIRCUIT—NEIL J. FORTNEY, *Judge, Kingwood.*
Counties. Commencement of Terms.

Taylor.....Second Tuesday in January, fourth Tuesday in April and second Tuesday in September.
 Preston.....Second Tuesday in March, second Tuesday in June and third Tuesday in November.

SIXTEENTH JUDICIAL CIRCUIT—F. M. REYNOLDS, *Judge, Keyser.*
Counties. Commencement of Terms.

Grant.....First Tuesday in April, second Tuesday in July and third Tuesday in November.
 Mineral.....Third Tuesday in January, third Tuesday in April, fourth Tuesday in July and third Tuesday in October.
 Tucker.....Second Tuesday in March, first Tuesday in June, first Tuesday in September and first Tuesday in December.

SEVENTEENTH JUDICIAL CIRCUIT—R. W. DAILEY, *Judge, Romney.*
Counties. Commencement of Terms.

Hampshire.....First Tuesday in January, first Tuesday in March, first Tuesday in July and third Tuesday in September.
 Hardy.....Third Tuesday in February, third Tuesday in June and third Tuesday in October.
 Pendleton.....Third Monday in March, fourth Monday in July and first Monday in December.

EIGHTEENTH JUDICIAL CIRCUIT—J. M. WOODS, *Judge, Martinsburg.*
Counties. Commencement of Terms.

Morgan.....First Tuesday in January, first Tuesday in April and first Tuesday in September.
 Berkeley.....Third Tuesday in January, third Tuesday in April and third Tuesday in September.
 Jefferson.....Third Tuesday in February, third Tuesday in May and third Tuesday in October.

NINETEENTH JUDICIAL CIRCUIT—WARREN B. KITTLE, *Judge, Philippi.*
Counties. Commencement of Terms.

Barbour.....Second Tuesday in January, second Tuesday in April and second Tuesday in September.
 Randolph.....Second Tuesday in February, second Tuesday in May and second Tuesday in October.

TWENTIETH JUDICIAL CIRCUIT—CHAS. S. DICE, *Judge, Lewisburg.*
Counties. Commencement of Terms.

Greenbrier.....Third Tuesday in April, fourth Tuesday in June and third Tuesday in November.
 Pocahontas.....First Tuesday in April, fourth Tuesday in July and first Tuesday in December.

TWENTY-FIRST JUDICIAL CIRCUIT—JAKE FISHER, *Judge, Sutton.*
Counties. Commencement of Terms.

Braxton.....Third Monday in March, second Monday in July and third Monday in November.
 Nicholas.....Fourth Tuesday in January, second Tuesday in June and first Tuesday in October.

TWENTY-SECOND JUDICIAL CIRCUIT—*JAMES DAMRON, Judge, Williamson.*
Counties. Commencement of Terms.
 Mingo.....First Monday in January, first Monday in April, first Monday in
 July and first Monday in October.
 Wyoming.....Second Monday in February, second Monday in May, second Mon-
 day in August and second Monday in November.

TWENTY-THIRD JUDICIAL CIRCUIT—*GEORGE C. STURGISS, Judge, Morgantown.*
Counties. Commencement of Terms.
 Monongalia.....First Monday in January, first Monday in April, first Monday in
 July and first Monday in October.

JUDGES OF INTERMEDIATE AND CRIMINAL COURTS

COUNTIES.	NAMES.	ADDRESS.
Cabell	Thomas W. Taylor.....	Huntington
Fayette	Ben D. Koontz.....	Fayetteville
Harrison	Jas. W. Robinson.....	Clarksburg
Kanawha	Henry K. Black.....	Charleston
Mercer	J. F. Maynard.....	Bluefield.
McDowell	James French Strother.....	Welch.
Ohio	L. S. Jordan.....	Wheeling
Raleigh	T. J. McGinnis.....	Beckley.
Wood	F. H. McGregor.....	Parkersburg.

COUNTY OFFICERS

PROSECUTING ATTORNEYS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	Albert C. Jenkins.....	Philippi.
Berkeley	W. W. Downey.....	Martinsburg.
Boone	John B. Hager.....	Madison.
Braxton	James E. Cutlip.....	Sutton.
Brooke	William M. Werkman.....	Wellsburg.
Cabell	Henry Simms.....	Huntington.
Calhoun	Albert Smith.....	Grantsville.
Clay	T. O. Horan.....	Clay.
Doddridge	A. F. McCue.....	West Union.
Fayette	C. R. Summerfield.....	Fayetteville.
Gilmer	L. H. Barnett.....	Glenville.
Grant	E. M. Johnson.....	Petersburg.
Greenbrier	Jno. A. Preston.....	Lewisburg.
Hampshire	Robert White.....	Romney.
Hancock	Frank L. Bradley.....	New Cumberland.
Hardy	J. Ed. Chiple.....	Moorefield.
Harrison	A. Judson Findley.....	Clarksburg.
Jackson	N. C. Prickett.....	Ravenswood.
Jefferson	George D. Moore.....	Charles Town.
Kanawha	T. C. Townsend.....	Charleston.
Lewis	Hunter M. Bennett.....	Weston.
Lincoln	E. E. Young.....	Hamlin.
Logan	John Chafin.....	Logan.
Marion	Tusca Morris.....	Fairmont.
Marshall	J. D. Parriott.....	Moundsville.
Mason	F. G. Musgrave.....	Point Pleasant.
Mercer	A. M. Sutton.....	Princeton.
Mineral	Emory L. Tyler.....	Keyser.
Mingo	J. L. Stafford.....	Williamson.
Monongalia	Charles A. Goodwin.....	Morgantown.
Monroe	W. H. Copeland.....	Union.
Morgan	H. W. Bayer.....	Berkeley Springs.
McDowell	F. C. Cook.....	Welch.
Nicholas	J. M. Wolverton.....	Richwood.
Ohio	R. M. Addleman.....	Wheeling.
Pendleton	Wm. McCoy.....	Franklin.
Pleasants	M. L. Barron.....	Maxwell.
Pocahontas	S. H. Sharp.....	Marlinton.
Preston	A. G. Hughes.....	Kingwood.
Putnam	C. C. Knapp.....	Winfield.
Raleigh	J. L. Hutchinon.....	Beckley.
Randolph	H. G. Kump.....	Elkins.
Ritchie	Thos. J. Davis.....	Harrisville.
Roane	H. C. Ferguson.....	Spencer.
Summers	T. N. Read.....	Hinton.
Taylor	Gene W. Ford.....	Grafton.
Tucker	Wayne K. Priltt.....	Parsons.
Tyler	O. B. Conaway.....	Middlebourne.
Upshur	Jerome Dally.....	Buckhannon.
Wayne	D. B. Hardwick.....	Wayne.
Webster	W. L. Wooddell.....	Webster Springs.
Wetzel	Glen Snodgrass.....	New Martinsville.
Wirt	S. W. Cain.....	Elizabeth.
Wood	H. O. Hiltshew.....	Parkersburg.
Wyoming	J. Albert Toler.....	Pineville.

CLERKS OF CIRCUIT COURTS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	W. D. Corder	Phillippi.
Berkeley	L. DeW. Gerhardt	Martinsburg.
Boone	C. R. Mitchell	Madison.
Braxton	C. H. Bland	Sutton.
Brooke	Frank E. Foster	Wellsburg.
Cabell	George R. Seamonds	Huntington.
Calhoun	Lee Gainer	Grantsville.
Clay	A. Stephenson	Clay.
Doddridge	J. E. Kiger	West Union.
Fayette	J. L. Nuttall	Fayetteville.
Gilmer	W. W. Davis	Glenville.
Grant	D. P. Hendrickson	Petersburg.
Greenbrier	H. C. Skaggs	Lewisburg.
Hampshire	V. M. Polling	Romney.
Hancock	F. M. Cochran	New Cumberland.
Hardy	C. B. Welton	Moorefield.
Harrison	I. Wade Coffman	Clarksburg.
Jackson	Herbert Skeen	Ripley.
Jefferson	Charles W. Conrad	Charles Town.
Kanawha	A. P. Hudson	Charleston.
Lewis	William O. Allman	Weston.
Lincoln	Grant Cremeans	Hamlin.
Logan	John Ellis	Logan.
Marion	Wm. S. Clack	Fairmont.
Marshall	Victor Myers	Moundsville.
Mason	Perry Buxton	Point Pleasant.
Mercer	H. D. Karnes	Princeton.
Mineral	J. V. Bell	Keyser.
Mingo	Guy White	Williamson.
Monongalia	John Shriver	Morgantown.
Monroe	R. Porter Boyd	Union.
Morgan	W. H. Webster	Berkeley Springs.
McDowell	W. Burbridge Payne	Welch.
Nicholas	Jennings J. Summer	Summersville.
Ohio	John L. Klinghorn	Wheeling.
Pendleton	Gordon Boggs	Franklin.
Pleasants	W. R. Carson	St. Mary's.
Pocahontas	Geo. W. Sharp	Marlinton.
Preston	John W. Watson	Kingwood.
Putnam	W. E. Hodges	Winfield.
Raleigh	Albert Williams	Beckley.
Randolph	G. N. Wilson	Elkins.
Ritchie	L. L. Cokeley	Harrisville.
Ronne	L. O. Curtis	Spencer.
Summers	Rufus S. Brown	Hinton.
Taylor	Joe E. Mason	Grafton.
Tucker	Lawrence Lipscomb	Parsons.
Tyler	Olsey J. Hill	Middlebourne.
Upshur	A. J. Zickafoose	Buckhannon.
Wayne	Chas. E. Walker	Wayne.
Webster	John R. Dyer	Webster Springs.
Wetzel	F. B. Smith	New Martinsville.
Wirt	Hugh Prater	Elizabeth.
Wood	C. L. McVey	Parkersburg.
Wyoming	Rice Cook	Pineville.

CLERKS OF COUNTY COURTS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	S. F. Hoffman	Philippi.
Berkeley	E. A. Hobbs	Martinsburg.
Boone	Elmer Nelson	Madison.
Braxton	P. B. Adams	Sutton.
Brooke	K. C. Brasheer	Wellsburg.
Cabell	R. S. Douthat	Huntington.
Calhoun	S. F. Fleming	Grantsville.
Clay	James Reed	Clay.
Doddridge	Hiram Hutson	West Union.
Fayette	R. J. Stegall	Fayetteville.
Gilmer	H. E. Rymer	Glenville.
Grant	D. P. Hendrickson	Petersburg.
Greenbrier	John S. Crawford	Lewisburg.
Hampshire	C. W. Haines	Romney.
Hancock	R. R. Hobbs	New Cumberland.
Hardy	C. B. Welton	Moorefield.
Harrison	J. J. Crews	Clarksburg.
Jackson	C. C. Staats	Ripley.
Jefferson	Chas. A. Johnson	Charles Town.
Kanawha	L. C. Massey	Charleston.
Lewis	Leander Troxell	Weston.
Lincoln	A. F. Black	Hamlin.
Logan	C. H. Miller	Logan.
Marlon	A. G. Martin	Fairmont.
Marshall	John E. Chase	Moundsville.
Mason	W. B. Barnett	Pt. Pleasant.
Mercer	Lowery G. Bowling	Princeton.
Mineral	J. V. Bell	Keyser.
Mingo	Elihu Boggs	Williamson.
Monongalia	John M. Gregg	Morgantown.
Monroe	E. S. McNeer	Union.
Morgan	M. S. Harmison	Berkeley Springs.
McDowell	W. W. Whyte	Welch.
Nicholas	P. N. Wiseman	Summersville.
Ohio	John H. Wells	Wheeling.
Pendleton	Gordon Boggs	Franklin.
Pleasants	R. L. Griffin	St. Marys.
Pocahontas	S. L. Brown	Marlinton.
Preston	E. C. Everly	Kingwood.
Putnam	J. M. Henson	Winfield.
Raleigh	Jackson Smith	Beckley.
Randolph	Thaddeus Pritt	Elkins.
Ritchie	J. H. Sharpnack	Harrisville.
Roane	W. A. Carpenter	Spencer.
Summers	John M. Carden	Hinton.
Taylor	C. T. Bartlett	Grafton.
Tucker	H. F. Colebank	Parsons.
Tyler	James Everett Smith	Middlebourne.
Upshur	Ernest Phillips	Buckhannon.
Wayne	Sam J. Crum	Wayne.
Webster	A. J. McGuire	Cowen.
Wetzel	Sylvester Myers	New Martinsville.
Wirt	I. P. Thorn	Elizabeth.
Wood	Clay B. Wells	Parkersburg.
Wyoming	Will P. Cook	Plneville.

SHERIFFS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	Arthur F. Bennett	Phillippi.
Berkeley	E. H. Tabler	Martinsburg.
Boone	Walter W. Smoot	Danville.
Braxton	Russell N. Rollyson	Sutton.
Brooke	George H. Patterson	Wellsburg.
Cabell	P. C. Buffington	Huntington.
Calhoun	Robert J. Knotts	Frozen.
Clay	C. U. Summers	Ivydale.
Doddridge	Ell Nutter	West Union.
Fayette	T. J. Davis	Montgomery.
Gilmer	J. R. Garrett	Sand Fork.
Grant	Dr. W. T. Highberger	Maysville.
Greenbrier	Wm. A. Boone	Organ Cave.
Hampshire	J. N. Sirbaugh	Capon Bridge.
Hancock	J. S. D. Mercer	New Cumberland.
Hardy	O. S. Fisher	Moorefield.
Harrison	Ross F. Stout	Clarksburg.
Jackson	R. P. Shinn	Ripley.
Jefferson	J. W. Gardner	Shepherdstown.
Kanawha	Bonner H. Hill	Chelvan.
Lewis	John A. Chitum	Weston.
Lincoln	Henry Miller	Griffithsville.
Logan	Don Chafin	Logan.
Marion	C. D. Conaway	Fairmont.
Marshall	C. E. Hutchinson	Moundsville.
Mason	F. E. Bletner	Mason.
Mercer	W. W. Hamilton	Bramwell.
Mineral	C. E. Nethkin	Keyser.
Mingo	G. W. Hatfield	Williamson.
Monongalia	John B. Wallace	Morgantown.
Monroe	C. T. Sibold	Dorr.
Morgan	H. M. Ruppenthal	Berkeley Springs.
McDowell	J. Frank Johnson	Weich.
Nicholas	Jettes Mollohan	Summersville.
Ohio	A. T. Sweeney	Wheeling.
Pendleton	L. D. Trumbo	Brandywine.
Pleasants	S. V. Riggs	St. Marys.
Pocahontas	L. S. Cochran	Marlinton.
Preston	H. Foster Hartman	Terra Alta.
Putnam	E. W. Wick	Winfield.
Raleigh	Geo. W. Thompson	Odd.
Randolph	A. J. Crickaril	Valley Bend.
Ritchie	Creed C. McKinley	Harrisville.
Roane	J. P. Price	Spencer.
Summers	D. M. Meador	Hinton.
Taylor	Lee Bennett	Grafton.
Tucker	Albert C. Minear	Parsons.
Tyler	Lloyd H. Morris	Middlebourne.
Upshur	H. A. Zickafoose	Buckhannon.
Wayne	J. S. Billups	Wayne.
Webster	O. C. Ferrell	Cleveland.
Wetzel	Ciarence M. Stone	New Martinsville.
Wirt	F. E. Badger	Elizabeth.
Wood	Wm. Devore	Parkersburg.
Wyoming	Charley Short	Ballevsille.

COUNTY SUPERINTENDENTS OF FREE SCHOOLS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	E. A. Hunt	Bellington.
Berkeley	Chas. W. Crowell	Martinsburg.
Boone	W. W. Nelson	Madison.
Braxton	J. H. Hutchinson	Sutton.
Brooke	T. A. Burton	Wellsburg.
Cabell	Edw. Mays	Huntington.
Calhoun	A. E. Weaver	Grantsville.
Clay	Rosco C. Mullins	Clay.
Doddridge	L. L. Sadler	West Union.
Fayette	J. W. Cavendish	Fayetteville.
Gilmer	J. E. Hays	Glenville.
Grant	H. F. Groves	Petersburg.
Greenbrier	W. F. Richardson	Lewisburg.
Hampshire	Arthur Slonaker	Romney.
Hancock	H. O. Miller	New Cumberland.
Hardy	E. A. Hawse	Moorefield.
Harrison	Carl S. Lawson	Clarksburg.
Jackson	P. H. Rardin	Ripley.
Jefferson	James Grantham	Charles Town.
Kanawha	G. W. Jenkins, Jr.	Charleston.
Lewis	Ellis L. Smith	Weston.
Lincoln	Fisher B. Adkins	Hamlin.
Logan	L. E. Browning	Logan.
Marion	Homer C. Toothman	Fairmont.
Marshall	H. W. McDowell	Moundsville.
Mason	M. E. Roach	Point Pleasant.
Mercer	J. A. French	Princeton.
Mineral	Richard W. Thrush	Keyser.
Mingo	Chas. H. Ellis	Williamson.
Monongalia	H. E. Brookover	Morgantown.
Monroe	W. W. Baker	Union.
Morgan	G. F. Fearnow	Berkeley Springs.
McDowell	W. C. Cook	Welch.
Nicholas	E. W. Skaggs	Summersville.
Ohio	J. H. Lazear	Wheeling.
Pendleton	Jesse H. Cook	Franklin.
Pleasants	G. C. McTaggart	St. Marys.
Pocahontas	B. B. Williams	Marlinton.
Preston	M. E. Martin	Kingwood.
Putnam	Henry C. Hill	Winfield.
Raleigh	W. S. Rogers	Beckley.
Randolph	Troy B. Wilmoth	Elkins.
Ritchie	R. B. Cokeley	Harrisville.
Roane	I. B. Boggs	Spencer.
Summers	Lee Harper	Hinton.
Taylor	R. J. Martin	Grafton.
Tucker	C. R. Parsons	Parsons.
Tyler	J. T. Foner	Middlebourne.
Upshur	B. H. Carpenter	Buckhannon.
Wayne	O. J. Rife	Wayne.
Webster	S. N. Miller	Webster Springs.
Wetzel	D. L. Haught	New Martinsville.
Wirt	Ross Wilson	Elizabeth.
Wood	H. A. Langfitt	Parkersburg.
Wyoming	J. H. Cooper	Pineville.

COUNTY SURVEYORS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	Ellsworth Willson	Belington.
Berkeley	Henry H. Hess	Martinsburg.
Boone	B. F. Ball	Ramage.
Braxton	G. H. Cunningham	Bulltown.
Brooke	M. E. Boyd	Wellsburg.
Cabell	J. M. Oliver	Huntington.
Calhoun	D. W. Shock	Dodrill.
Clay	P. N. King	Bomont.
Doddridge	C. C. Freeman	Big Isaac.
Fayette	Earl McVey	Victor.
Gilmer	J. Earnest Bell	Glenville.
Grant	S. A. Stonestreet	Streby.
Greenbrier	James W. Rader	Lewisburg.
Hampshire	E. J. Loy	Ford Hill.
Hancock	E. C. Grafton	New Cumberland.
Hardy	J. Wm. Kuykendall	Moorefield.
Harrison	C. A. Osborn	Clarksburg.
Jackson	Herbert Skeen	Kentuck.
Jefferson	Jas. K. Hendricks	Charles Town.
Kanawha	A. E. Price	Blue Creek.
Lewis	P. F. Flesher	Freemansburg.
Lincoln	Delmer Hill	Caldona.
Logan	Chas. G. Curry	Coalmer.
Marion	Frank J. Wilfong	Fairmont.
Marshall	R. C. Yoho	Moundsville.
Mason	Geo. E. Childs	Point Pleasant.
Mercer	Forest E. Walker	Matoaka.
Mineral	J. L. Hott	Keyser.
Mingo	J. L. Ferrell	Williamson.
Monongalia	A. L. Headley	Fairview.
Monroe	Thos. L. Crotson	Union.
Morgan	J. N. Fries	Berkeley Springs.
McDowell	Harry J. Brook	Welch.
Nicholas	R. O. Odell	Pearl.
Ohio	O. S. Koller	Wheeling.
Pendleton	Z. M. Nelson	Nome.
Pleasants	John Triplett	Willow.
Pocahontas	E. H. Williams	Marlinton.
Preston	S. R. Guesman	Reedsville.
Putnam	J. T. Lanham	Lanham.
Raleigh	W. J. Scarborough	Beckley.
Randolph	A. Ward Schoonover	Montrose.
Ritchie	John A. Pew	Cairo.
Roane	Taylor	Spencer.
Summers	H. L. Batten	Pence Springs.
Taylor	R. A. Morrow	Bridgeport.
Tucker	Joe K. Grubb	Parsons.
Tyler	Charles P. Clark	Sistersville.
Upshur	Claude Burr	Buckhannon.
Wayne	Basil S. Burgess	Wayne.
Webster	P. B. Cogar	Webster Springs.
Wetzel	J. M. Cochran	Reader.
Wirt	H. F. Peil	Creston.
Wood	H. J. Ross	Parkersburg.
Wyoming	L. R. Hash	Rockview.

COUNTY ASSESSORS.

COUNTIES.	NAMES.	ADDRESS.
Barbour	E. E. Musick	Varney.
Berkeley	John W. Dodd	Martinsburg.
Boone	Clarence C. Hopkins	Danville.
Braxton	Clay G. Perkins	Gassaway.
Brooke	Ed. M. Smith	Wellsburg.
Cabell	Homer Melrose	Huntington.
Calhoun	William J. Sturm	Hur.
Clay	Alex Summers	Valley Fork.
Doddridge	C. H. Piggott	Central Station.
Fayette	C. H. Settle	Payetteville.
Gilmer	Sam E. West	Auburn.
Grant	Geo. E. Ours	Dorcas.
Greenbrier	James W. McClung	Lewisburg.
Hampshire	E. H. Blue	Romney.
Hancock	Robert C. Evans	New Cumberland.
Hardy	J. W. F. Combs	Needmore.
Harrison	Howard Robinson	Rosebud.
Jackson	J. M. Statts	Gay.
Jefferson	Floyd L. Watson	Kearneysville.
Kanawha	Henry A. Walker	Charleston.
Lewis	W. O. Lunsford	Weston.
Lincoln	June C. Messinger	Sheridan.
Logan	George Justice	Logan.
Marion	Jas. W. Davis	Worthington.
Marshall	W. L. Nolte	Benwood.
Mason	W. W. Rowsey	Ruby.
Mercer	J. J. Via	Via.
Mineral	F. C. Patton	Eik Garden.
Mingo	Coney E. Corder	Phillippi.
Monongalia	Norman Garrlson	Core.
Monroe	H. T. Neel	Gap Mills
Morgan	Perkins Courtney	Berkeley Springs.
McDowell	Charles E. Rumlseil	McDowell.
Nicholas	W. S. Henderson	Delphi
Ohio	William Hankey	Wheeling.
Pendleton	Elmer Lambert	Riverton.
Pleasants	W. H. Myers	Fluch.
Pocahontas	William Gibson	Marlinton.
Preston	Ezra B. Hanger	Terra Alta.
Putnam	R. A. Raynes	Buffalo.
Raleigh	John Anderson	Beckley.
Randolph	Jasper N. Phares	Gilman.
Ritchie	W. M. Nutter	Iris.
Roane	B. S. Ray	Spencer.
Summers	Carry N. Vass	Marie.
Taylor	Melvin Newlon	Grafton.
Tucker	S. C. Simpson	Parsons.
Tyler	John H. Tippens	Sistersville.
Upshur	N. C. Cutright	Buckhannon.
Wayne	P. Frazier	Wayne.
Webster	Walter Cool	Diana.
Wetzel	D. H. McMillen	New Martinsville.
Wirt	Carl E. McCoy	Palestine.
Wood	J. W. Flinn	Parkersburg.
Wyoming	W. B. Belcher	Plneville.

INDEX

	Page.
ACKNOWLEDGMENTS:	
(See "Defective Deeds, etc.").....	444
ACTS, DISTRIBUTION OF:	
(See "Distribution of Acts").....	360
ACTS OF THE LEGISLATURE AMENDED:	
1913, chapter 13, relating to prohibition.....	53
1913, chapter 9, sections 1, 2, 3, 4, 5, 9, 10, 14, 15, 22, creating public service commission.....	38
1913, chapter 10, sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 43, 44, 45, 46, 48, 49, 51, 52 and 54, workmen's compensation fund.....	52
1907, chapter 78, to create a department of mines.....	82
1882, chapter 59, relating to weights and measures.....	167
1913, chapter 11, concerning hydro-electric or other companies....	181
1907, chapter 13, section 2, as amended by chapter 12, acts 1913, relating to public uses for which private property and public highways may be taken or damaged.....	214
1907, chapter 74, section 18, relating to taking land without owner's consent for purpose of public utility.....	216
1913, chapter 13, section 19, relating to prohibition.....	221
1908, chapter 22, to prevent corrupt practices in elections.....	246
1909, chapter 58, sections 1, 6, 8, 11, 12, 24 and 25, creating state board of control and state board of regents.....	271
1907, chapter 61, relating to practice of dentistry.....	278
1903, chapter 8, section 2, relating to investigation of corporate sureties before acceptance.....	313
1882, chapter 96, prescribing method of procedure in equity for dissolution of corporation.....	315
1891, chapter 70, sub-section 10, concerning state librarian.....	322
1909, chapter 58, changing name of state hospitals.....	328
1897, chapter 15, sections 1, 2, 3, 4, 5, 6, 7 and 8, for protection of persons dealing in mineral waters, etc.....	329
1908, chapter 27; 1909, chapter 25; 1911, chapter 66; 1913, chapter 69; relating to education.....	365
1908, chapter 27, section 21, relating to school levies.....	378
1908, chapter 27, sections 11 and 68, relating to education.....	381
1908, chapter 27, sections 28 and 29, relating to salaries of teachers.....	385
1911, chapter 68, relating to establishment of district high schools; classification and distribution of state aid.....	387
1882, chapter 70, concerning bail.....	452
1908, chapter 9, sections 8 and 9, relating to rate and manner of laying levies.....	479
1913, chapter 38, relating to jaller's fees.....	500
1897, chapter 88, to abolish independent school district of West Grafton.....	505
1908, chapter 16, section 19, relating to time for holding circuit courts.....	508
1909, chapter 16, section 3, pertaining to school district of Huntington.....	515
1905, chapter 19, section 3, relating to independent school district of Burnsville.....	533

ACTS OF THE LEGISLATURE AMENDED—Continued.	Page.
1909, chapter 28, section 11, relating to criminal court of McDowell county	547
1872, 1873, 1907 and 1909, relating to school district of Martinsburg	552
1895, chapter 55, sections 1, 4, 6, 13 and 14, relating to independent school district of Weston	555
1907, chapter 29, section 29, salary and duty of prosecuting attorney of Raleigh county	558
1908, chapter 3, sections 1 and 24, relating to Independent school district of Buckhannon	561
1893, chapter 21, sections 1 and 2, boundaries independent school district of Elkins	563
1907, chapter 29, section 9, concerning salary judge criminal court Raleigh county	571
1911, chapter 75, sections 13, 14 and 19, concerning Parkersburg independent school district	571
1907, chapter 29, section 8, concerning salary clerk circuit court Raleigh county	577
1897, chapter 1, section 38, relating to maximum levy, etc. Clarksburg	579
1905, chapter 33, sections 2, 4, 6 and 17, independent school district of Williamson	581
1911, chapter 26, sections 1, 3 and 4, establishing high school in Nicholas county	585
1887, chapter 39, section 7, concerning Point Pleasant independent school district	589
1907, chapter 22, section 32, relating to library Sistersville independent school district	596
1913, chapter 66, relating to revenue	640
1915, regular session, chapter 8, section 15, relating to public service commission	654
1915, regular session, chapter 51, relating to insane persons.....	657
1915, regular session, chapter 7, relating to prohibition	660
1913, chapter 39, relating to bonds for roads and bridges.....	661
 ACTS REPEALED:	
1913, chapter 10, sections 5, 32, 47 and 55, workmen's compensation	53
1913, chapter 15, relating to fraudulent sales of stocks.....	210
1903, chapter 48; 1905, chapter 61; 1907, chapter 72; 1913, chapter 14, relating to San Jose scale	294
1911, chapter 20, concerning Erie canal bonds	332
1908, chapter 27, sections 131½, 132, relating to education	367
1908, chapter 27, section 27½, salaries of teachers	385
1907, chapter 38, relating to instructions to juries.....	435
1908, chapter 27, section 137, relating to sheriffs' bonds.....	479
1907, chapter 19, independent school district of Fayetteville....	530
1891, chapter 12, court of limited jurisdiction, Wood county.....	575
 ADVERTISING:	
(See "Fraudulent Advertising").....	320
 ADVERTISING RESOURCES:	
County court has authority for advertising resources and how; limitations; section 1	502
same provision as to municipalities, section 2.....	502
inconsistent acts repealed, section 3.....	502
 AFFIDAVIT:	
(See "Proof by Affidavit")	450

AGRICULTURAL AGENTS:	Page.
(See "County Agricultural Agents")	490
ANNUAL REPORT STATE FINANCES:	
chief inspectors of public offices to compile and print report, section 1	317
what report to show, section 1	317
to be submitted to governor, section 1	317
all state officers, etc., to eliminate itemized statements, section 2..	318
duty of state officers, etc., as to financial accounts, section 3.....	318
Inconsistent acts repealed, section 4	318
APPEAL:	
(See "Ball")	453
APPEALS TO THE SUPREME COURT OF APPEALS:	
code amended, chapter 135, sections 1, 5, 6 and 26, adding section 31	402
appeals allowed in certain enumerated cases, procedure, section 1..	402
duty of clerk, section 5	404
unless otherwise directed, no copy to be made in transcript, etc., section 6	405
clerk's fees, section 6	405
court to affirm or reverse, and enter judgment, decree or order; proceedings in case of appeal, section 26.....	405
provision for writ of error by state in criminal case, section 31..	406
(See "Supreme Court of Appeals").....	399
APPORTIONMENT OF DELEGATES:	
until new apportionment of delegates is declared, house of dele- gates apportioned, section 1	271
APPROPRIATIONS:	
Contingent,	
for expenses of senate	1
for expenses house of delegates	1
how paid	1
General,	
agricultural experiment station,	
for current general expenses	21
attorney generals office,	
for salaries of assistant attorney generals.....	15
for salary printing clerk	15
for salary of stenographers	15
current contingent fund	15
auditor's office,	
for salary of chief clerk	16
for stenographer's salary	16
for salaries of other clerks	16
for expenses insurance department.....	16
for contingent and current expenses.....	16
for publishing delinquent corporations	16
for rebinding and rewriting records.....	16
for refunding money erroneously paid.....	16
for pay of state agents	16
for refunding taxes	17
for publication delinquent taxes.....	17
Berkeley Springs board,	
for current and contingent expenses	12
for paving and improvements.....	12
Bluefield colored institute	23

APPROPRIATIONS—Continued.	Page.
for salaries officers, teachers, etc.....	23
for current general expenses	23
for repairs and improvements	23
board of optometry,	
for expenses of board	12
bureau of labor,	
for contingent and traveling expenses.....	13
for salaries two deputies.....	13
for free public employment bureau.....	13
for salary clerk and stenographer.....	13
for salary two factory inspectors	13
for traveling expenses of same	13
capitol buildings and grounds	14
commissioner of banking,	
for salaries of assistants	15
for salary of stenographer	15
for traveling expenses commissioners	15
for contingent expenses	15
for deficit salary of commissioner.....	15
commissioners of pharmacy,	
for salary and expenses	12
Concord state normal school,	
for salaries officers, teachers, etc.....	23
for current general expenses	23
for repairs and improvements	23
contingent legislative expenses,	
for house of delegates	15
for the senate	15
criminal charges,	
for criminal charges	11
for transportation of prisoners and extradition of criminals	12
for support of lunatics in jail.....	12
department of agriculture,	
for traveling expenses	19
for salary chief clerk	19
for salary stenographer	19
for diseased animals	19
for collecting statistics, etc.	19
for current and contingent expenses.....	19
for controlling foot and mouth disease.....	19
department of archives and history,	
to pay salary of curator	18
to pay salary of stenographer.....	18
to pay salary of messenger	18
current and contingent	18
department of health,	
current general expenses	25
department of mining,	
salaries inspectors	18
traveling expenses	18
current and contingent	18
salaries stenographers and clerks	18
department of schools,	
salary chief clerk	19
salaries stenographers	20
salaries other clerks	20
current and contingent	20
purchase of books	20

APPROPRIATIONS—Continued.	Page.
printing, binding and stationery	20
expenses state superintendent, provisions article 12, section 2, of constitution	20
per diem and expenses state board of education.....	20
compensation institute instructors	20
expenses uniform examinations	20
salaries county superintendents	20
supplemental aid teachers' fund	20
supplemental aid building fund	20
aid classified high schools.....	20
how paid	20
Fairmont hospital No. 3, current general expenses	25
repairs and improvements	25
Fairmont state normal school, salaries officers and teachers and employes.....	22
current general expenses	22
repairs and improvements	22
buildings and land	22
Florence Crittenden home	12
forestry, game and fish, mileage and expenses warden.....	19
current and contingent expenses.....	19
salaries chief deputies	19
expenses chief deputies	19
mileage and expenses deputies	19
for protection of forests, etc., and how paid.....	19
governor's office, civil contingent fund	14
salary private secretary	14
stenographers and other clerks	14
salary pardon attorney	14
stenographer pardon attorney	14
contingent expense pardon attorney	14
governor's mansion and grounds	14
repairs and betterments	14
maintenance	14
service in mansion	14
Glenville state normal school, salaries officers, teachers and employes	22
current general expenses	22
repairs and improvements	22
Huntington state hospital, current general expenses	24
repairs and improvements	24
buildings and land	24
insurance on public buildings	13
judicial department, compensation special judges circuit court	13
mileage judges supreme court	13
mileage judges circuit court	13
King's daughters and city hospitals.....	12
labor fund capitol building, chief engineer	15
night engineer	15
night watchman	15
firemen	15
janitors and messengers	15
charwomen	15

APPROPRIATIONS—Continued.	Page.
elevator men	15
Marshall college state normal school.	
salaries officers, teachers and employees.....	22
current general expenses	22
repairs and improvements	22
buildings and land	22
millita	18
McKendree hospital No. 2.	
current general expenses	24
repairs and improvements	24
miscellaneous,	
to pay Prentice Ashton Co.....	26
to pay Burlew Hardware Co.....	26
to pay H. O. Baker Co.....	26
to pay Capital Syndicate	26
to pay G. M. Clinedinst.....	26
to pay A. B. Moore	26
to pay Chesapeake and Potomac Telephone Co.....	26
to pay Commercial Law Co.....	26
to pay Charleston Paper & Stationery Co.....	26
to pay Daniels Department Store.....	26
to pay Diamond Shoe & Garment Co.....	26
to pay Fattie L. Dennison.....	26
to pay P. A. Donovan	26
to pay Dawley Furniture Co.....	26
to pay W. T. Eisensmith	26
to pay Eskew, Smith & Cannon	26
to pay Elk Plumbing Co.....	26
to pay Grossman & Co.....	26
to pay Homer Hutchinson	27
to pay Gallia Oil Co.....	27
to pay Kanawha Repair Co.....	27
to pay Lovett Printing Co.....	27
to pay Krieg & Price.....	27
to pay C. A. Lemkuhl	27
to pay County Court of McDowell Co.....	27
to pay S. S. Moore Co.....	27
to pay Morgan Lumber & Mfg. Co.....	27
to pay Remington Typewriter Co.....	27
to pay A. W. Cox	27
to pay W. F. Shawver Co.....	27
to pay Underwood Typewriter Co.....	27
to pay Walnut Hill Lithia Water Co.....	27
to pay The Opera Pharmacy	27
to pay F. C. Ritter	27
to pay United Brokerage Co.....	27
to pay John Shackelford	27
to pay W. A. Shultz	27
to pay J. P. Woods & Co.....	27
to pay Baltimore Office Supply Co.....	27
to pay Roy Rhodes	27
to pay H. M. Scott.....	27
to pay M. F. Leonard	27
to pay S. K. Whitehair, Admr.....	27
to pay Harvey Cochran	28
to pay William A. Sarver	28
to pay County Court Webster. Co.....	28
to pay expenses office of commissioner prohibition, etc..	28
to reimburse governor's contingent fund.....	28

APPROPRIATIONS—Continued.

	Page.
to pay salary of compensation commissioner.....	28
to pay E. A. Dover	28
to pay Savilla Grass	28
to pay John Lavender.....	28
to pay P. R. Gress.....	28
to pay Simon Schwartz.....	28
to reimburse tax commissioner's office.....	28
in re Virginia debt case	28
to pay John H. Holt, Virginia debt case.....	28
to reimburse Federal and Confederate veterans, Gettys- burg	28
to pay mine inspectors	28
to pay stenographer and clerk.....	28
to pay E. J. Gross.....	28
to pay Dr. James R. Bloss.....	29
to pay James Coleman	29
to pay H. H. Rice, attorney.....	29
to pay J. O. Henson, attorney	29
for refunding over payments account of taxes, etc.....	29
Point Pleasant monument:	
for improvement and ornamentation.....	25
preparatory branch West Virginia university at Keyser,	
salaries officers, teachers and employes.....	22
current general expenses	22
repairs and improvements	22
preparatory branch West Virginia, university at Montgomery.	
salaries officers, teachers and employes.....	22
current general expenses	22
public service commission,	
current general expenses	25
how paid	25
printing, binding and stationery,	
for deficiency 1914-1915	13
for printing, etc.	13
Shepherd college state normal school,	
salaries officers, teachers and employes.....	23
current general expenses	23
repairs and improvements	23
secretary of state's office,	
to pay salaries of clerks	16
current and contingent fund.....	16
for distribution of acts	16
for distribution of journal and bills.....	16
Spencer state hospital,	
current general expenses.....	24
repairs and improvements	24
buildings and land	24
state board of regents.	
for expenses members and secretary.....	12
for salary and travelling expenses of secretary and field agent	12
Storer college,	
for salaries of teachers	13
for industrial departemnt	13
state geological and economic survey,	
for completing reports	13
state treasurer's office,	
to pay salary chief clerk.....	16
to pay salaries of clerks	16

APPROPRIATIONS—Continued.	Page-
current and contingent expenses.....	16
state hotel inspector,	
salary inspector	20
contingent and travelling expenses.....	20
how paid	20
state board of control,	
to pay salaries clerical force	20
travelling expenses	20
current and contingent expenses	20
repairs and improvements	20
state tuberculosis sanitarium,	
current general expenses	24
repairs and improvements	24
buildings and land	24
state librarian,	
current and contingent expenses.....	25
books for library	25
for librarian, Charles Town	25
state road bureau,	
current and contingent expenses	25
to carry out provisions section 3, chapter 41, acts 1913..	25
for current and contingent expenses, 1915.....	25
supreme court,	
for contingent and current expenses	14
to pay salaries law clerks	14
to pay salaries criers, etc.	14
to pay salary of clerk	14
to pay salary of order clerk	14
to pay salaries assistant clerks.....	14
tax commissioner's office,	
for expenses, etc.	17
for salary chief accountant	18
for expenses uniform system of accounting	18
for expenses auditing state departments	18
for expenses commissioner of prohibition.....	18
Virginia debt commission,	
general expenses	21
West Virginia university,	
salaries officers, teachers and employes.....	21
current general expenses	21
repairs and improvements	21
agricultural, etc.	21
to the athletic board, and how paid.....	21
for mining extension work	21
for girls' dormitories and agricultural buildings.....	21
provisions as to requirement of Monongalia county.....	21
West Liberty state normal school,	
salaries officers, teachers and employees.....	22
current and general expenses	22
repairs and improvements	22
buildings and land	22
West Virginia collegiate institute,	
salaries officers, teachers and employees	23
current general expenses	23
repairs and improvements	23
West Virginia industrial home for girls.....	23
current general expenses	23
repairs and improvements	23
buildings and land	23

APPROPRIATIONS—Continued.

	Page.
West Virginia industrial school for boys.	
current general expenses	23.
repairs and improvements	23.
West Virginia school for the deaf and blind,	
salaries officers, teachers and employes	23
current general expenses	23
repairs and improvements	23.
West Virginia colored orphan's home,	
current general expenses	24
repairs and improvements	24
buildings and land	24
West Virginia children's home,	
current general expenses	24
repairs and improvements	24
field work and expenses humane society	24
Weston state hospital,	
current general expenses	24
repairs and improvements	24
buildings and land	24
Welch hospital No. 1,	
current general expenses	24
repairs and improvements	24
workmen's compensation,	
current and contingent expenses	25
directions as to foregoing appropriations	29.
appropriations for state boards and institutions, how	
drawn	30.
for new buildings and betterments, how drawn	30
provision as to per diem and travelling expenses.....	30.
no mileage paid	30.
itemized statement required	30
penalties	30.
provision as to printing, binding and stationery for state	
superintendent of free schools	30.
other printing, binding, stationery, how procured and	
manner of payment	31
provision as to annual or biennial reports.....	30
no sum to be paid above amount appropriated	32
directions to clerk of house and clerk of senate.....	32
Legislative,	
house of delegates,	
to pay per diem of members	2.
to pay mileage of members	2
to pay per diem of clerk	2
to pay per diem of sergeant-at-arms	2
to pay per diem of assistant sergeant-at-arms.....	2
to pay per diem of doorkeeper	3
to pay per diem of other attaches.....	3
senate,	
to pay per diem of members	4
to pay mileage of members	4
to pay per diem of clerk	4
to pay per diem of sergeant-at-arms	4
to pay per diem of assistant sergeant-at-arms	4
to pay per diem of other attaches	4, 5
janitors,	
to pay per diem of janitor and assistants.....	5
to pay per diem of charwomen	5
to pay per diem messenger	5

APPROPRIATIONS— <i>Continued.</i>	Page.
authorizing auditor to issue warrants	6
salaries of officers,	
appropriations years ending June 30, 1916-1917.....	6
executive department,	
to pay salary of governor.....	7
to pay salary of auditor	7
to pay salary of treasurer	7
to pay salary of attorney general.....	7
to pay salary compensation commissioner	7
to pay salary superintendent free schools	7
to pay salary secretary of state	7
to pay salary of adjutant general.....	7
to pay salary state librarian	7
to pay salary chief road engineer	7
to pay salary state tax commissioner	7
to pay salary commissioner of agriculture.....	7
to pay salary of state historian and archivist.....	7
to pay salary of state commissioner of health.....	7
judicial department,	
to pay salaries judges supreme court	7
to pay salaries judges circuit court	7
to pay deficit salary judges circuit court.....	7
to pay salary keeper of rolls.....	7
to pay salary of janitor	7
to pay salary of commissioner of banking	8
to pay salary chief department of mines.....	8
to pay salary commissioner of labor	8
to pay salaries public service commission	8
to pay salary game warden	8
to pay salaries members board of control.....	8
to pay salaries board of regents	8
appropriations defined and classified.....	8
directions to auditor as to warrants.....	9
Appropriations,	
for officers, commissions, boards or institutions not having	
offices at state capital, section 1.....	32
expenditures to be approved by board of control, section 1	32
institutions under board of control not affected, section 1	32
act effective, section 2	32
Berkeley county court authorized to spend sum of money,	
section 1	33
expenditures, how made	33
appropriation authorized for carrying out purposes of	
chapter 14	156
appropriations authorized by public service commission to	
be expended for purposes of chapter 17, section 25..	195
1913 appropriation remaining re-appropriated, chapter 18,	
section 18	210
Extra Session,	
Appropriation from public treasury authorized for pay-	
ment of per diem of members of legislature, extra ses-	
sion, etc., section 1	619
house of delegates; senate	620, 621
auditor directed to issue his warrants, section 2.....	622
APPROPRIATIONS: (Second Extraordinary Session).	
General,	
appropriation authorized; section 1	629
bureau of labor; section 4,	
for salary two inspectors.....	630

APPROPRIATIONS—Continued.	Page.
for traveling expenses	630
contingent legislative expenses; section 22,	
for expenses of house of delegates.....	634
for expenses of senate	634
criminal charges; section 2,	
for transportation of prisoners and extradition of criminals	630
for extradition of fugitives	630
department of agriculture; section 8,	
for department of agriculture	631
amount to be used carrying out provisions of chapter 13, acts 1915, (regular session)	631
department of archives and history; section 7-a,	
for salary librarian	631
for books and periodicals	631
Fairmont state normal school; section 11.	
for buildings and land	632
forestry, game and fish; section 7.	
for protection of forests, etc.	631
sums to be paid out of what fund.....	631
governor's office; section 5.	
for civil contingent fund	630
to be used in governor's office only	630
Huntington state hospital; section 18,	
for buildings and land	633
King's Daughters and city hospitals; section 3,	
for King's daughters and city hospitals, for treatment of laborers and others	630
Marshall college state normal school; section 10,	
for buildings and land	632
millita, the; section 6	630
miscellaneous; section 26	634
to pay Charleston Paper & Stationery Company.....	635
to pay the Chesapeake & Potomac Telephone Company....	635
to pay county court, McDowell county	634
to pay Rose Cuzzins	635
to pay Mary Elam	635
to pay the city of Fairmont	635
to pay Savilla Grass	635
to pay James Greer & Co., refund.....	635
to pay F. A. Holsberry & Co., refund.....	635
to pay Will E. Long	635
to pay Lovett Printing Company.....	635
to pay J. K. Monroe	635
to pay S. Spencer Moore Company.....	635
to pay Ohio Valley Commission Co., refund.....	635
to pay printing, bindlug and stationery.....	635
to pay Underwood Typewriter Company.....	635
to pay Walnut Hill Lithia Water Co.....	635
to pay West Publishing Co.....	635
Point Pleasant monument; section 21.	
for improvement and ornamentation	633
preparatory branch West Virginia university at Montgomery; section 19,	
salaries officers, teachers and employes	633
current general expenses.....	633
repairs and improvements.....	633
Spencer state hospital; section 17,	
for buildings and land	633

APPROPRIATIONS—Continued.	Page.
state board of control; section 8-a, for repairs and improvements	631
state geological and economic survey; section 20.....	633
state hotel inspector; section 9, for salary inspector	632
for contingent and traveling expenses.....	632
state librarian; section 25. for librarian at Charles Town	634
state road bureau; section 23. for current and contingent expenses.....	634
state tax commissioner; section 24. for expenses carrying out provisions of senate bill No. 1. for filing cases	634
state tuberculosis sanitarium; section 14, for buildings and land	633
Weston state hospital; section 16, for buildings and land	633
West Liberty state normal school; section 12. for buildings and land	633
West Virginia industrial home for girls; section 13, for buildings and land	633
West Virginia university. for mining extension work; section 8-b.....	632
for girls' dormitory and agricultural buildings; section 8-b.... provision as to requirement of Monongalia county; section 8-b	632
repealing certain provision in section 35, chapter 4, acts 1915, regular session; section 8-c.....	632
explanations as to foregoing appropriations; section 27... appropriations for state boards and institutions, how drawn; section 28	635
for new buildings and betterments, how drawn section 28 no warrants issued unless money needed for present use; section 28	636
provision as to per diem and traveling expenses; section 28	636
no mileage paid; section 28	636
itemized statement required; section 28.....	636
penalty for overcharge in expenses; section 28.....	636
provisions as to printing, binding and stationery for state superintendent of free schools; section 29.....	636
other printing, binding and stationery, how procured and manner of payment; section 29.....	636, 637
provision as to annual or biennial reports; section 29....	637
no sum to be paid above amount appropriated, unless; section 30	638
directions to clerk of house and clerk of senate; section 31	638
 APPROPRIATIONS: (Second Extraordinary Session).	
Legislative, appropriation authorized; section 1	638
house of delegates, to pay mileage of members	638
to pay per diem of members	638
to pay per diem of clerk, preliminary services.....	638
to pay per diem of sergeant-at-arms.....	638
to pay per diem of doorkeeper	638

APPROPRIATIONS—Continued.	Page.
to pay per diem of assistant doorkeeper	639
to pay per diem of other attaches.....	639
senate,	
to pay mileage of members	639
to pay per diem of members	639
to pay per diem of chaplain.....	639
to pay per diem of sergeant-at-arms.....	639
to pay per diem of assistant serjeant-at-arms.....	639
to pay per diem of doorkeeper.....	639
to pay per diem of assistant doorkeeper.....	639
to pay per diem of clerk, preliminary services.....	639
to pay per diem of other attaches.....	639
janitors,	
to pay per diem of janitor and assistants	640
to pay per diem of charwomen.....	640
auditor authorized to issue warrants upon proper requisitions; section 2	640
 ASSESSMENT OF TAXES:	
code amended, chapter 29, section 73	484
penalty for failure or refusal to furnish list of real estate or personal property for taxation; section 73.....	484
each failure an offense; section 73	485
duty of tax commissioner; section 73	485
fees for collection; section 73	485
duty of sheriff; section 73	485
how forfeiture enforced; section 73	486
inconsistent acts repealed; section 74	486
 ASSESSORS AND ASSISTANTS:	
code amended, chapter 29, sections 6, 7 and 10.....	486
each county one assessment district; section 6.....	486
assessor's term of office and qualification; section 6.....	486
assistant assessor's qualifications, and number to be employed; section 7	487
salary of assessor and assistants; section 10.....	487
 ATTORNEYS:	
(See "Licensing Attorneys").....	453
 BAIL:	
acts 1882 amended, chapter 79,	
code amended, chapter 156, section 6	452
justices may let to bail certain persons, section 6.....	453
not to admit to bail in certain cases, section 6.....	453
bail pending appeal	453
 BOARD OF CONTROL:	
(see "State Board of Control").....	271
 BOARD OF PHARMACY:	
code amended, chapter 150, section 29-b-111,	
board of pharmacy to consist of five members, how appointed, section 29-b-111	293
vacancies, how filled, section 29-b-111.....	293
majority of board a quorum, section 29-b-111.....	293
inconsistent acts repealed	293
 BONDS:	
(see "Jefferson County Bonds").....	587
(see "Parkersburg Board of Education").....	595

BONDS FOR ROADS AND BRIDGES:	Page.
acts 1913, amended, chapter 39, sections 23, 24 and 25-a, chapter 52, acts 1909	661
county, etc., not allowed indebtedness for any purpose, exceeding two and one-half per cent. on taxable property value; except; section 1	662
to be ascertained by last assessment	662
providing for payment of interest and principal of debt; section 1..	662
exceptions as to locating, improving, etc., roads and bridges; section 1	662
further exceptions as to municipal corporations, for streets, alleys, sewers, etc.; section 1	662
provided such questions be submitted to vote, and receive three-fifths for; section 1	662
not to apply where power is granted by charter; section 1.....	662
county court may contract for building or repair of bridge; section 2	662
terms and manner of payment for same; section 2.....	663
competent engineer to estimate cost; court to advertise and receive proposals; section 2	663
county court has same authority as to locating, grading, etc., roads, bridges, etc.; section 3.....	663
materials to be used and manner of payment; section 3.....	663
competent engineer to estimate cost, furnish maps, plats, etc.; section 3	663
county court to receive proposals, and contract awarded after advertisement; section 3	663
county court may issue and sell bonds if levy is insufficient for work; section 4	664
upon petition, question submitted to voters at either general or special election; section 5	664
upon petition, vote to be taken in magisterial district; section 5..	664
order for bond election to be published thirty days; section 5.....	665
how published and posted; section 5	665
how such election shall be conducted; what ballots shall contain..	665
if three-fifths approve, county court has authority to issue bonds; section 5	665
president of county court has power to sell and deliver bonds and receive proceeds; section 5	666
engineer may close road when necessary, during construction or repairing; section 6	666
notice of such closing to be posted and published; section 6....	666
may locate temporary road, in lieu of; section 6.....	666
may enter upon adjoining land and agree with owner as to any damages; section 6	666
person disregarding obstruction or notices, liable for damages and guilty of misdemeanor; section 6.....	666
penalty; section 6	667
county court has authority as to rights-of-way, and repair or improvement of old roads; section 7.....	667
how compensation and damages therefor shall be fixed and paid; section 7	667
if amount not satisfactory to owner, circuit court shall assess damages; section 7	667
notice to be served on property owner before highway is located; section 7	667
to obstruct road or engineer, a misdemeanor; penalty; section 7..	667
county court to make rules and regulations, governing use of public road; section 8	669

	Page.
BONDS FOR ROADS AND BRIDGES—Continued.	
if more than usual wear from wagon, truck, etc., county court may compel aid in repairs; section 8	668
rules to be published and posted from time to time; section 8...	668
refusal to obey the order of court, a misdemeanor; penalty; section 8	608
justices of the peace have jurisdiction; section 8	668
inconsistent acts repealed; section 9.....	668
BRIDGES:	
(see "Bonds for Roads and Bridges").....	661
BROWN, ANTHONY R.:	
(see "Resolutions"; H. J. R. No. 7).....	597
BUCKHANNON INDEPENDENT SCHOOL DISTRICT:	
acts amended 1908, chapter 3, sections 1 and 24.....	560
boundaries fixed, if majority so order at special election to be held; when; section 1	561
election, how held, section 24.....	562
BUREAU OF LABOR:	
code amended, chapter 15-7.....	124
state commissioner of labor to be appointed by the governor, term, vacancies, section 1	124
duties of commissioner, section 2	124
powers of commissioner, section 3	125
commissioner to report violations to prosecuting attorney; section 4	125
his duties, section 4	125
conviction a misdemeanor, how punished; section 4.....	125
commissioner to be furnished information, by whom; section 5..	125
to report to governor, when, and what report to contain; section 5	125
commissioner to appoint two factory inspectors and divide state into districts; section 6.....	126
salary of inspectors; section 6.....	126
to also appoint chief clerk and stenographer, salary; section 6..	126
salary of commissioner and traveling expenses; section 7.....	126
Inconsistent acts repealed; section 8	126
BURNSVILLE INDEPENDENT SCHOOL DISTRICT:	
acts amended 1905, chapter 19, section 3.	
board of education, to consist of, section 3.....	533
when elected, and term of office, section 3.....	533
CALHOUN COUNTY HIGH SCHOOL:	
high school established if approved by people of county, section 1..	545
election, how conducted, section 2.....	545
county superintendent secretary of board, section 3.....	545
board to organize; duties, section 3.....	545
board a corporation, and powers, section 4.....	546
revenues collected and disbursed by sheriff, section 5.....	547
CARE OF POOR PERSONS:	
code amended, chapter 46, sections 6, 7, 21, 24, 27 and 28; add section 26-a	491
on application person or family to be provided for under certain conditions, section 6	491
duty of overseer and county court, section 6.....	491
action upon failure of overseer to act; section 6.....	492
provision where person is kept at place of general reception, section 7	492

	Page.
CARE OF POOR PERSONS—Continued.	
county court to cause inspection of county infirmary, how often; section 21	493
overseer at levy term to render statement, section 24.....	494
hospital service authorized, section 26-a.....	494
duty of county court at levy term, section 27.....	494
further duty of court, section 28.....	495
inconsistent acts repealed	495
CHANGING NAMES OF HOSPITALS AND ASYLUMS:	
acts 1909 amended, chapter 58.....	328
, after June 30, 1915, names of certain state institutions changed, section 3-a	328
inconsistent acts repealed	329
CHARLESTON INDEPENDENT SCHOOL DISTRICT:	
boundaries enlarged provided same is approved by voters, section 1	543
special election, how conducted, section 2.....	543
CHILDREN:	
(see "Dependent Children")	407
CIRCUIT COURTS, TERMS OF:	
eighteenth judicial circuit,	
acts 1908 (special session) amended, section 19, chapter 16.....	508
time for holding in Morgan county; section 19.....	508
time for holding in Berkeley county; section 19.....	508
time for holding in Jefferson county; section 19.....	508
special provision as to February term in Jefferson county; sec- tion 19	508
sixth judicial circuit,	
to be at least three terms of circuit court each year in counties of Cabell and Putnam; section 1	554
four terms in Lincoln county; section 1	554
terms to commence and be held as provided in section 2; section 1.	554
time for holding in Cabell county; section 2.....	554
time for holding in Putnam county; section 2.....	555
time for holding in Lincoln county; section 2.....	555
inconsistent acts repealed; section 3.....	555
twenty-second judicial circuit,	
acts 1911 amended, section 2, chapter 10.....	578
number of terms each year for counties of Mingo and Wyoming; section 2	578
time for holding in Mingo county; section 2.....	578
time for holding in Wyoming county; section 2.....	578
provision as to special terms; section 2.....	578
inconsistent acts repealed; section 2.....	578
CLARKSBURG:	
(see "Maximum Levy for Clarksburg").....	579
CLAY COUNTY HIGH SCHOOL:	
directors authorized to lay levy to grade and improve school grounds, etc., section 1	506
CODE:	
(see "Hogg's Code")	398
CODE AMENDED:	
chapter 15-h	124
chapter 62, sections 6, 15, 19, 21, 23, 25, 26, 31, 34, 44, 45 and 56.	147

CODE AMENDED— <i>Continued.</i>	Page.
chapter 62, sections 51, 52, 53 and 54.....	162
chapter 59, 1913	167
chapter 145, section 31-a-1	211
chapter 145, section 31	218
chapter 5, 1913, sections 8-b-1 to 8-b-XIII, and 8-b-XV to 8-b-XIX	246
chapter 3	261
chapter 150, section 29-a	278
chapter 150, section 29-b-111	293
chapter 54-c	313
serial section 2889, 1913	315
chapter 151, section 5	318
serial section 391	322
chapter 58	338
chapter 13, section 1	360
chapter 45, section 3	383
chapter 45, add section 30-a	390
chapter 45, sections 173, 174	395
chapter 45, add section 205-a, 207-a	397
chapter 113	398
chapter 135, sections 1, 5, 6 and 26, adding section 31.....	402
chapter 112, section 9	434
chapter 131, add sections 22, 23, 24 and 25.....	435
chapter 64, sections 7, 8 and 10, adding sections 14 to 19, in- clusive	438
chapter 132, section 1.....	445
chapter 16, section 3	447
chapter 121, section 6	449
chapter 156, section 6	452
section 4700	453
chapter 29, section 73	484
chapter 29, sections 6, 7 and 10	486
chapter 4, section 10	488
chapter 39, section 28	489
chapter 46, sections 6, 7, 21, 24, 27 and 28, add 26-a.....	491
chapter 43, sections 56-a-LI, 56-a-LII and 56-a-LIII.....	496
chapter 1, section 22	500
chapter 114-b	559
chapter 54, section 24-a-I, 24-a-III	640
chapter 54, section 24-a-VI	640
chapter 32, section 62	640
chapter 32, sections 126, 127, 128.....	640
and adding section 126	640
chapter 32, section 139	640
chapter 32, by adding sections 147 to 158, both inclusive.....	640
chapter 32, section 45-a-1	655
chapter 58, sections 32, 33, 34 and 35.....	657
COLLEGIATE INSTITUTE:	
code amended, chapter 45, add sections 205-a and 207-a.....	397
institution known as "The West Virginia colored institute"; how changed, section 205-a	397
authority of board of regents, section 207-a	397
also has power to do extension work, section 207-a	397
COMMISSIONERS:	
(see "Special Commissioners and Receivers").....	445
COMMON CARRIERS:	
(see "Contracts of Surety")	213

	Page.
CONTRACTS OF SURETY:	
surety companies refusing to become responsible, etc., for employes to furnish employe statement of reasons in writing, section 1	213
how delivered, section 1	213
other surety to be accepted, when, section 1	213
surety company not required to disclose source of information, and exempt from proceedings for libel, section 1.....	214
violations a misdemeanor, penalty, section 2.....	214
CONDEMNATION PROCEEDINGS:	
acts 1907 amended, section 2, chapter 13, as amended by acts 1913, chapter 12	214
public uses for which private property may be taken of damaged, section 2	215
nothing construed to give hydro-electric companies right to take or damage private property, except under provisions of water power act, section 2	215
inconsistent acts repealed	216
acts 1907 amended, section 18, chapter 74	216
within three months after report or verdict of jury has been confirmed, or three months after this act takes effect, sum ascertained may be paid into court, section 18.....	217
title vested upon payment, section 18	217
exceptions as to turnpike or other road, section 18.....	217
exceptions as to railroad companies, etc., section 18.....	217
what to be done when less than a fee is taken, section 18.....	217
inconsistent provisions repealed, section 18.....	218
CORPORATE SURETIES:	
acts 1903 amended, section 2, chapter 8,	
code amended, chapter 54-c.....	313
when company, wherever incorporated is offered as surety, upon application court may appoint person to investigate, section 10	313
expenses, how defrayed, section 10	314
what to be done in certain cases, section 10.....	314
cost of proceedings, how paid, section 10	315
CORPORATIONS:	
(see "Dissolution of Corporations")	315
(see "Revenue" license tax on charter, section 126).....	643
(see "Revenue" report for corporation, section 130).....	644
(see "Revenue" special excise tax, section 5).....	645
CORRUPT PRACTICES IN ELECTIONS:	
acts 1908, amended, chapter 22,	
code 1913, chapter 5	246
in all primary elections, except, records of receipts and expenditures to be kept, section 1	247
sworn statements filed as public records, section 1.....	248
"election," "candidate," "financial agent" and "public office" defined, section 2	248
treasurer of political committees, duties and restrictions, section 3	248
treasurer of state committee, etc., not to act, except, section 4..	249
accounts and vouchers, how kept, section 5.....	249
sworn statements; when; how made and what to contain, section 6	250
blank forms for statements; by whom prepared; section 7.....	250
penalties for failure to file statements; section 8.....	251
lawful restrictions on contributions; section 9.....	251
expenditures; section 10	252

	Page.
CORRUPT PRACTICES IN ELECTIONS—Continued.	
limitation of expenditures; section 11	253
provision as to financial agent or political committee; section 11.	253
persons deemed guilty of corrupt practices; section 12.....	253
practices forbidden; section 13	255
penalties for violations; section 14	255
judicial inquiry; how begun and conducted; section 15.....	258
certificate of findings; to whom certified; section 16.....	258
election void in certain cases; section 16.....	259
governor to issue writ for new election; section 16.....	259
privilege of witnesses under this act; section 17.....	260
exceptions in actions for perjury; section 17.....	260
costs may be awarded against losing party; section 18.....	260
appeals; how taken; section 19	260
no injunction except upon application to supreme court; section 19	260
inconsistent acts repealed; section 20.....	260
COUNTY COURT:	
(see "Randolph County Court").....	502
(see "Resolutions", S. J. R. No. 8).....	601
COUNTY COURT AMENDMENT:	
provision enabling submission of proposed amendment to section	
23, article 8, of constitution; section 1.....	358
known as county court amendment; section 2.....	359
directions to ballot commissioners in each county; section 3....	359
election; how conducted; section 3.....	360
on twenty-fifth day after election, certificates to be laid before gov-	
ernor; section 4	360
duty of governor; section 4	360
COUNTY AGRICULTURAL AGENTS:	
code amended, chapter 39, section 28.....	489
county court authorized to levy for salary of county agent; when;	
section 28	490
money, how expended; section 28.....	490
COUNTY ROAD ENGINEERS:	
code amended, chapter 43, sections 56-a-LI, 56-a-LII, 56-a-LIII....	495
office of county road engineer created under certain conditions;	
section 56-a-LI	496
may be removed, and how; section 56-a-LII.....	499
court may fill vacancy at pleasure, section 56-a-LIII.....	499
inconsistent acts repealed.....	499
COURT OF COMMON PLEAS OF KANAWHA COUNTY:	
court established; designation; section 1.....	535
jurisdiction; section 2	536
judge, qualifications; section 3	536
governor to appoint first judge; section 3.....	536
elected thereafter; section 3	536
powers and jurisdiction; section 4	536
jurisdiction presumed, unless; section 5.....	536
other powers; section 6	537
duty of county court; section 7	537
clerk of circuit court, clerk of court of common pleas; section 8..	537
salary of judge, how paid; section 9.....	537
compensation of clerk and sheriff; section 10.....	537
terms fixed; section 11	537
where held; section 12	538
duty of sheriff; section 13	538

COURT OF COMMON PLEAS OF KANAWHA COUNTY—Continued.	Page.
petit jurors, how summoned; section 14	538
judge may under certain conditions certify cause to circuit court; section 15	538
to expedite business, procedure; section 16.....	538
appeals, etc.; section 17	539
proceedings on appeal; sections 18 and 19.....	539
remedy to supreme court in certain cases; section 20.....	540
appeals to circuit court; sections 21 and 22.....	540
contests; section 23	541
vacancy, how filled; section 24	541
removal proceedings; section 25	541
taxation of costs; section 26	541
chapter 114 and 115 of code applies; sections 27 and 28.....	541
power to grant writs concurrent with supreme court; section 29..	542
reports and acts to be furnished; section 30.....	542
rules held; where; manner and effect as circuit courts; section 31..	542
judgments, how docketed; section 32.....	542
attachments; section 33	542
in case right of appeal cannot be exercised, all other portions of act valid; section 34	542
COURT HOUSE:	
(see "Destruction of Court House or Jail").....	499
CRIMINAL COURT:	
(See "McDowell County Criminal Court").....	547
(see "Raleigh County Criminal Court").....	502
(see "Wood County Criminal Court Abolished").....	574
DEBTS:	
(see "Proof of Debts")	443
DEFECTIVE DEEDS, ETC.:	
no grant, bargain and sale, etc., delivered by husband and wife, deemed or held invalid by reason of informality, etc.; sec- tion 1	444
exceptions; section 1	445
DENTISTRY:	
(see "Practice of Dentistry")	278
DEPARTMENT OF HEALTH:	
state department of health created; section 1.....	116
to exercise powers and duties now conferred upon state board of health; section 1	116
to consist of commissioner of health, public health council; sec- tion 1	116
office at seat of government; section 1	117
directors and other employes provided for; section 1.....	117
commissioner appointed by the governor; section 2.....	117
qualifications; term of office; salary and expenses; section 2....	117
to engage in no other business; section 2.....	117
head of health department and member public health council; section 2	117
duties; section 2	117
public health council; number and how appointed; section 3.....	118
requirements; section 3	118
terms of office; vacancies; how filled; section 3.....	118
to meet twice a year; meetings, how called; section 3.....	118
pay of members other than commissioner; section 3.....	118
shall elect president; section 3	118

DEPARTMENT OF HEALTH—Continued.	Page.
terms of office; section 3	118
commissioner is secretary of council; section 3.....	118
duty of public health council; section 3.....	118
violation of regulations; how punishable; section 3.....	119
inspectors, examiners, or other persons appointed by the commis- sioner; their rights and authority; section 4.....	119
divisions in the state department of health; section 5.....	119
commissioner to appoint director of each division; section 5....	120
compensation fixed by governor; section 5.....	120
authority of department of health; section 6.....	120
general powers of department of health; section 7.....	120
commissioners to investigate nuisances and empowered to restrain, prevent or abate; section 8	121
public health council to enforce laws when local health authority refuse; section 9	121
local health officer may be removed; successor; how appointed; section 9	122
public health council to regulate milk products; section 10.....	122
state department of health to have supervision of state tubercu- losis sanitarium; section 11.....	122
state board of control to have charge of fiscal affairs; section 11.....	122
commissioner to encourage measures for suppression of tubercu- losis; section 11	122
additional duties of public health council; section 12.....	122
"state board of health" and "practice of medicine and surgery", defined; section 12	123
not to apply in certain cases; section 12.....	123
commissioner of health may, with the advice of the public health council, establish branches, etc.; section 13.....	123
appeal from order of public health council to be in circuit court; section 13	123
counties may combine to co-operate with state board of health; section 13	123
limitations; section 13	123
inconsistent acts repealed; section 14	123
DEPARTMENT OF MINES:	
acts 1907 amended and re-enacted.	
department of mines created, to be in charge of "chief" of the department of mines; section 1	85
to have full charge; section 1.....	85
present chief to continue in office; until when; section 2.....	85
governor to appoint successor; section 2.....	85
oath of chief, and bond required; section 3.....	86
vacancies; how filled; section 3.....	86
qualification, requirements and salary of chief; section 4.....	86
salary and travelling expenses; how paid; section 4.....	86
duties of chief; section 5	86
authority to visit any mine; section 5.....	86
annual report and what to contain; section 6.....	86
appropriation for printing same; section 6.....	87
mining districts and inspectors; section 7.....	87
terms of office expire when; section 7.....	87
term of office of inspectors appointed after December 31, 1917; section 7	87
penalty for violation by chief of any provision of this act; sec- tion 8	87
qualifications and duties of inspectors; section 9.....	87
term of office and removal; section 9.....	88

DEPARTMENT OF MINES—Continued.	Page.
salary and expenses; how paid; section 9.....	88
oath of office and bond; section 10.....	88
vacancy; how filled; section 10.....	88
duties of district mine inspectors; section 11.....	88
annual report required; what it shall contain; to be filed with chief; section 12.....	89
working places in advance of air current; what to be done; sec- tion 13.....	89
penalty for failure to comply with requirements; section 14....	89
mine maps required; plan prescribed; penalty for false state- ment; section 15.....	90
form of certificate; section 15.....	90
in case of failure to furnish map, what to be done; section 16....	91
ventilation required in all mines: shafts, slope or drift; require- ments and exceptions; section 17.....	91
use of petroleum, alcohol, or other compound prohibited; section 18.....	92
work permitted only under certain conditions; section 19.....	92
exceptions; section 19.....	92
accumulations of coal dust to be removed and mine watered; section 20.....	92
penalty for violation of sections 17, 18, 19 and 20.....	92
sound tubes required in shaft mines; section 21.....	92
safety requirements; section 21.....	92
uniform system of checking employees required; section 22.....	93
penalty for violation of sections 21 and 22.....	93
requirement as to shaft or slope mine, and duty of operator as to machinery; section 23.....	93
limit of persons to ride on cage or car; section 23.....	93
stretcher required in mine with blankets, etc.; section 24.....	93
penalty for violations of sections 23 and 24.....	93
inspector to have proper facilities for inspection; section 25.....	94
notice in writing of result of inspection; section 25.....	94
chief to be notified in certain cases; section 25.....	94
mine to be closed if found unsafe; section 25.....	94
remedy of operator in circuit court; section 25.....	94
ventilation required in all mines liberating explosive gas; sec- tion 26.....	94
unused workings to be protected; section 27.....	95
penalty for violations of sections 26 and 27.....	95
use of locked safety lamps; when required; section 28.....	95
penalty; section 28.....	95
ventilation by fans; how operated; procedure in case of accident; section 29.....	96
penalty; section 29.....	96
duty of operator as to new openings, and penalty; section 30....	96
unlawful to employ person; except under certain conditions; sec- tion 31.....	96
not to apply as to certain mines; section 31.....	97
penalty; section 31.....	97
child labor; employment of females prohibited; section 32.....	97
penalties; section 32.....	98
employment of boys while school is in session; section 33.....	98
exceptions and penalties; section 33.....	98
annual report when required, and what to contain; section 34..	98
penalty for failure; section 34.....	99
penalty for working in mine in violation of written instructions; section 35.....	99
solid shooting; permit and how obtained; section 36.....	99

DEPARTMENT OF MINES— <i>Continued.</i>	Page.
penalty for violation; section 36	99
use of steam locomotive unlawful; except; section 36.....	99
penalties for violation; section 36	100
rules for inside and outside working; section 38.....	100
penalty for violation; sections 38.....	100
penalty for refusing to furnish supplies; section 39.....	100
penalty for miner, etc., for injury to shaft, etc.; section 40.....	100
right of search for intoxicating drinks, etc.; section 41.....	101
intimidation, etc., in or about mine forbidden; section 42.....	101
exceptions and penalty; section 42.....	101
what to be done in case of explosion or accident; section 43....	101
power of chief in such cases; section 43	102
duty of coroner or justice of peace; section 43.....	102
penalty for violations; section 43	102
horse or mule stable inside mine forbidden, except; section 44..	102
penalty for violation; section 44	103
requirement as to storing powder and explosives; section 45....	103
penalty for violation; section 45.....	103
power houses and how constructed; section 46.....	103
penalty for violation; section 46	103
electricity in mines; sections 48, 49, 50, 51 and 52, to govern;	
section 47	103
protection on haulage roads, etc.; section 48	104
insulation of feed wires; section 49	104
trolley and positive feed wires; section 50.....	104
power wires and cables; section 51.....	104
electric haulage locomotive, not permitted; section 52.....	104
penalties for violations; section 52.....	104
electric coal cutting machines to be flame proof, and how approved;	
section 53	105
precautions in gaseous mine; section 54	105
further precaution for fire damp; section 55.....	105
limit of operation of machine, without examination; section 56..	105
duties of machine men; section 57.....	105
penalty for violation of sections 53, 54, 55, 56 and 57.....	106
fire boss and his duties; section 58.....	106
to hold certificate and be subject to examination; section 58....	106
further duties of fire boss; section 59.....	106
written record after examinations; where to be kept; section 60.	107
fire bosses to have no superior officer; section 61.....	107
unlawful to enter mine until signal has been given by fire boss,	
and penalty; section 62	107
mine foreman; his duties, qualifications and experience; section 63.	107
assistants authorized in certain cases; section 63.....	108
further duties of mine foreman; section 64.....	108
duties as to slopes, etc.; section 65.....	108
system of signals where hauling is done by machinery; section 66	109
to bore holes in advance of working places; section 67.....	109
duty as to danger in mines; section 68.....	109
daily examinations of mines; section 69.....	110
duty as to mine liberating explosive gas; section 70.....	110
removal of all dangers reported; section 71	110
further examinations; section 71.....	110
to notify operator in writing of conditions, and penalty for failure	
to comply; section 72	110
countersigning fire bosses' report; section 73.....	111
penalty for failure to comply with sections 67, 68, 69, 70, 71, 72	
and 73	111

DEPARTMENT OF MINES—Continued.	Page.
provisions for appointment of mine foreman in case of vacancy; section 74	111
explosives; quantity permitted; section 75.....	111
precautions before commencing work; section 76.....	111
provision as to props, etc.; section 77.....	112
shots prohibited except under certain conditions; section 78.....	112
not more than one shot to be fired at a time; section 79.....	112
requirements in shooting; section 80.....	112
restrictions as to riding loaded cars; section 81	112
intoxicated persons prohibited from mines or buildings; section 81.	112
duties of motormen and trip riders; section 82.....	113
penalty for violation of sections 75, 76, 77, 78, 79, 80, 81 and 82...	113
reporting accidents; duty of operator or agent; section 83.....	113
penalty for failure; section 83	113
bureau of mine research West Virginia university established; section 84	113
purposes and how conducted; section 84	113
definitions; section 85	114
provisions of this act apply only to mines employing five or more persons; section 86	115
circuit, criminal, intermediate courts, and justices of the peace have concurrent jurisdiction; section 87.....	115
inconsistent acts repealed; section 88	115
 DEPENDENT CHILDREN:	
definitions; section 1	409
jurisdiction; section 2	411
juvenile court; section 3	411
petition to the court; section 4	411
summons; section 5	412
probation officers; section 6	414
dependent and neglected children; section 7.....	417
guardianship; section 8	417
disposition of delinquent children; section 9.....	417
return to home on probation; section 10	418
process against delinquent child; section 11.....	419
placing in public hospital; section 12.....	419
authority of guardian, institution or association; section 13.....	419
report of guardian; section 14.....	420
citation into court; section 14	420
transfer from justice and police magistrates; section 15.....	420
children under twelve years not to be committed to jail; section 16	420
agents of juvenile reformatories; section 17.....	421
supervision of state board of control; section 18.....	422
incorporation of association; section 19.....	422
order relating to adoption; section 20.....	423
foreign corporation; section 21	424
religious preference; section 22	424
county board of visitors; section 23	424
officers of courts; section 24	425
reports of juvenile courts; section 25.....	425
construction of act; section 26	425
support of children; section 27	426
order relating to support; section 28.....	426
guardianship of person; section 29	427
appeals; section 30	427
population of counties; section 31	427
contempt of court; section 32	427

DEPENDENT CHILDREN—Continued.	Page.
definition; section 33	427
suspension of sentence; section 34	427
condition of suspended sentence; section 35.....	427
children remain in custody of persons guilty of contributory de- pendency; section 36	428
condition of bond; section 37.....	428
violation of conditions of suspended sentence; section 38.....	429
limitation of sentence; section 39	429
officers to file complaints; section 40	429
construction; section 41	430
protection; section 42	430
nothing to prevent proceedings under any act against person charged with contributory delinquency; section 43.....	430
detention home; section 44	431
how to be conducted; section 45.....	431
employees; section 45	431
employees: how employed and salary; section 46.....	431
duty of superintendent and matron; section 47.....	432
record and reports; section 47	432
power to tax for support and establishment of home; section 48..	432
how adopted; section 49	433
how electors may abandon and repeal sections 44 to 50; section 50	433
jurisdiction to commit to home; section 51.....	434
validity of acts; section 52	434
 DEPOSITORIES FOR PUBLIC MONEY:	
county court to designate; section 1.....	472
not later than July 1st every year, sheriff to name and court to designate; section 2	472
what to be done in case of failure to comply; section 2.....	472
in case of failure of sheriff, action of court; section 3.....	473
bond required; section 4	474
duty of prosecuting attorney as to bond; section 5.....	474
banks, etc., to be depositories upon acceptance of bond; section 6..	475
in lieu of bond, county court may accept other security; section 7..	475
treasurer's duty; section 8	476
deposits to bear interest on daily balances; section 9.....	477
monthly statements required; section 10.....	477
duty of treasurer as to drafts and orders; section 11.....	477
public moneys defined; section 12.....	478
failure of sheriff to comply, a misdemeanor; section 13.....	478
certain acts prohibited; section 14.....	478
sheriff to collect and disburse school money; additional bond re- quired; section 15	478
inconsistent acts repealed; section 16	479
act effective, when; section 16.....	479
 DEPOSITS IN BANK BY MINORS:	
minor having credit for deposit in bank, such bank may pay on check or order of such depositor; section 1.....	357
 DESECRATION OF FLAG:	
persons placing words, figures, etc., on any United States flag, or other improper use, guilty of misdemeanor; penalty; section 1.	321
justices have jurisdiction; section 1.....	322
"flag", etc., construed; section 2	322
act not to apply when; section 3.....	322

	Page.
DESTRUCTION OF COURT HOUSE OR JAIL:	
county courts in certain cases may lay special building levy; section 1	499, 500
limitations; section 1	500
inconsistent acts repealed; section 2	500
DISEASES AMONG DOMESTIC ANIMALS:	
definitions; section 1	128
commissioner of agriculture; powers and duties; section 2.....	129
commissioner may employ veterinarians; their requirements, duties and compensation; section 3	129
commissioner may appoint city sanitary officer as state veterinarian; section 4	130
power of enforcement of this act; section 5.....	130
various diseases to be immediately reported to commissioner; section 6	131
failure or refusal to act punishable by fine; section 6.....	132
unlawful to drive into this state any animal affected, etc.; section 7	132
commissioner may prohibit entirely or restrict importations; section 7	132
importation of domestic animals for dairy and breeding purposes restricted; section 8	133
method of procedure; section 8	133
any bovine animal not accompanied by health certificate, subject to regulations; section 9	134
quarantine; section 9	135
when quarantine may be established, and how; sections 10 and 11	135
unlawful to tear down notices of quarantine; section 12.....	137
unlawful to allow domestic animals to run at large within limits of quarantine; section 13	137
suitable quarters for quarantine animals, and how paid for; section 14	138
bodies to be destroyed, and how; section 15.....	138
transporting diseased animals prohibited, except; section 16.....	139
making tuberculin tests; by whom and under what rules; section 17	139
rules for tests; section 17	142
payment of indemnity not made, when; section 17.....	143
to prevent spread of disease, commissioner may cause animal to be killed; method employed and forms; section 18.....	144
unlawful without permission to sell or give away, etc., animal affected with disease; exceptions; section 19.....	145, 146
commissioner to describe method of making tests; section 20.....	146
sales of tuberculin, etc., to be reported in writing, and how; section 21	146
sale of biological product unlawful, except; section 22.....	146
milk of affected cow to be sold under certain restrictions; section 23	146
first and second conviction; how punished; section 24.....	147
duty of prosecuting attorney; section 25.....	147
enforcement of this act; commissioner's power and authority; section 26	147
inconsistent acts repealed; section 27.....	147
DISSOLUTION OF CORPORATIONS:	
acts 1882 amended, chapter 96.....	
code amended 1913, section 2889.....	315
not less than one-fifth interest of stockholders of a corporation may apply by bill in chancery in circuit court for dissolution; section 1	315
action to be taken if sufficient cause shown; section 1.....	316
has retrospective as well as prospective effect; section 1.....	316

INDEX TO ACTS.

xlv

	Page.
DISTRIBUTION OF ACTS:	
code amended, chapter 13, section 1.....	360
free distribution of acts and joint resolutions of each session of legislature to be made by secretary of state, and to whom; section 1	360
remaining copies of acts to be sold; section 1	361
price fixed by secretary of state and governor; section 1.....	362
additional copies, how furnished; section 1.....	362
DISQUALIFICATION OF CERTAIN JUDGES:	
code amended, chapter 112, section 9.....	434
circuit, criminal or intermediate court judge to reside in circuit or county for which elected; section 9.....	435
disqualified to act under certain conditions; section 9.....	435
DIVORCE PROCEDURE:	
code amended, chapter 64, sections 7, 8, 10, adding sections 14, 15, 16, 17, 18 and 19.	
circuit court on chancery side has jurisdiction for suits for annulling or affirming marriages or for divorces; section 7....	438
suit instituted as other chancery suits, except; section 8.....	439
no divorce to be granted for adultery, when; section 10.....	439
neither party to a divorce to again marry within six months, etc.; section 14	439
process and how matured; section 15	440
divorce commissioner created; section 16.....	440
plaintiff to give notice and time required; section 17.....	441
instead of proceedings as in 15th section, court may refer case to commissioner; section 18	441
on final decree duty of clerk; section 19.....	442
not apply to divorce cases now pending; section 19.....	442
inconsistent acts repealed	442
DOMESTIC ANIMALS:	
(see "Diseases Among Domestic Animals").....	128
EASEMENT WESTON ASYLUM GROUNDS:	
state board of control authorized to grant easement; section 1..	591
terms and conditions; section 2.....	592
if city abandons, to revert back to state; section 3.....	594
EDUCATION:	
acts repealed, 1908, chapter 27, sections 131 1/2, 132; acts amended, 1908, sections 57, 78, 83, 84, 85, 89, 93, 94, 95, 96, 130, 131, 133, 134, chapter 27; also sections 82, 92, chapter 25, acts 1909; also sections 81, 86, 91, chapter 66, acts 1911; and section 87, chapter 69, acts 1913	365, 366
no person to be employed as teacher until he presents valid certificate; section 57.....	368
subjects to be taught in free schools of state; section 78.....	368
qualifications of teacher; section 80.....	369
appropriation authorized for preparation and printing of questions, etc.; section 82	369
fees for applicant taking examination; section 84.....	369
transmitting questions and manuscripts; section 85.....	370
how opened; section 85	370
grading of manuscripts and how supervised; section 86.....	370
elementary certificates and to whom issued; section 87.....	371
state superintendent may issue short course certificate; section 88.	372
normal school certificate; section 89	373
high school certificate; section 90	373

EDUCATION—Continued.	Page.
supervisor's certificate; section 91	374
special certificates; section 92	375
state life certificates; section 93.....	375
revocation of certificates; section 96.....	376
state board of education; section 130.....	376
courses of study; section 131.....	377
renewal of certificates; section 132.....	377
compensation of state board; section 133.....	377
to keep a record of proceedings; section 134.....	377
acts amended. 1908. chapter 27, sections 11 and 68.	
board of education have general control of the schools in district;	
section 11	382
may change sub-district lines; section 11.....	383
consolidation of schools; section 68.....	383
also code amended, 1913; chapter 45, section 3.....	383
district boards of education; how composed; section 3.....	384
when elected and terms of office, except: section 3.....	384
duty of county superintendent in certain cases; section 3.....	384
ELKINS INDEPENDENT SCHOOL DISTRICT:	
acts amended 1893, chapter 21. sections 1 and 2.....	563
if a majority votes cast in favor at general election in November,	
1916, district to include; section 1	563
election, how conducted; section 2.....	564
ERIE CANAL BONDS:	
repealing chapter 20, acts 1911.....	332
act contemplates construction, etc., by Pennsylvania, or by a com-	
mission. of a canal or waterway; section 1.....	333
provision for a special election upon question of issuing bonds;	
section 2	334
duty of county court hereunder; section 3.....	336
words "county court" construed; section 4.....	337
chapter 20, acts 1911, repealed; section 5.....	337
ESTABLISHMENT OF DISTRICT HIGH SCHOOLS:	
acts amended 1911, chapter 68	386
district high schools, how established; section 30 (a).....	387
classification and state aid; (b).....	388
duty of state superintendent of schools; (c).....	388
maintenance of such high schools; (d).....	388
state superintendent of schools to notify county superintendent	
amounts due; provisions for payment of same; (e).....	388
EXTENDING TIME OF FRANCHISE:	
extending the time in which railroad companies may commence con-	
struction of roads if such have not already been commenced;	
section 1	212
not to apply in certain cases; section 1.....	212
corporate existence to cease, when; section 1.....	212
certain railroad corporations exempt; section 1.....	212
inconsistent acts repealed; section 2.....	213
FALSE STATEMENTS:	
(see "Punishment for False Statements").....	319
FAYETTEVILLE SCHOOL DISTRICT ABOLISHED:	
act repealed 1907, chapter 19; section 1.....	530
board of education Fayetteville district to conduct schools; sec-	
tion 2	530
building and grounds vested in board of education, Fayetteville dis-	
trict; section 3	530

	Page.
FEEES:	
(see "Jaller's Fees")	300
FEMALE SUFFRAGE AMENDMENT:	
question of ratification or rejection of proposed amendment, section 1, article 4, of constitution to be submitted to voters at next general election; section 1.....	363
convenient designation; section 2	363
enabling provision and requirement of ballot commissioners; section 3	363
result of election and duty of commissioners; section 4.....	364
twenty-five days after election, certificate laid before governor; section 5	365
to ascertain and declare result; section 5	365
governor to cause proposed amendment to be published, and how; section 6	365
price and how paid; section 6	365
(see "Resolutions", S. J. R. No. 5).....	599
FISH:	
(see "Game, Fish, Forestry and Stream").....	149
(see "Pollution of Streams")	655
FLAG:	
(see "Desecration of Flag")	321
FORESTER:	
(see "State Forester")	162
FORESTRY:	
(see "Game, Fish, Forestry and Stream").....	149
FRANCHISE:	
(see "Extending Time of Franchise").....	211
FRAUDULENT SALES OF STOCKS, ETC.:	
to prevent fraud in sale of stocks, etc., oath with fee to be filed with auditor; section 1	202
not to apply in certain cases; section 1	202
what statement to contain; section 1	203
duty of auditor as attorney-in-fact; section 1.....	204
"speculative securities" defined; section 2.....	204
notice to the auditor; sections 3	201
listing and description necessary; section 3-a.....	205
subscription blank to be filed with auditor; section 4 (I).....	205
may require deposit escrow; section 4 (1).....	205
promotion expense limited: (II)	205
sections 1, 2, 3, not to apply to stocks of banks, etc.; (III).....	205
other exceptions; (III)	206
act applies to speculative and non-speculative securities; auditor to examine papers and may require additional proof; decision subject to review of court; section 5.....	206
overt attempt to defraud under this act constitutes felony; section 6	207
false statements concerning value of real estate outside of state constitutes felony; section 7	207
filing statement, etc., materially false, a felony; section 9.....	207
attorney general and prosecuting attorney to prosecute; section 9.	207
amendments to charters allowed under certain conditions; section 10	207
agents of persons, mentioned in section 6, must be registered; fee; section 11	208

FRAUDULENT SALES OF STOCKS, ETC.— <i>Continued.</i>	Page.
persons operating under sections 1 and 2. to make sworn statement to auditor; section 12	208
auditor has general supervision over persons mentioned in section 6; section 13	208
person or persons to keep records open for inspection; section 14..	209
duty of auditor on failure to file circulars, etc.; section 15.....	209
jurisdiction of courts; section 15	209
any part of this act unconstitutional not to affect other sections; section 16	209
corporations, etc.. not subject to provisions hereof; section 17....	210
auditor to collect all fees; section 18	210
authorized to appoint additional clerk; how paid; section 18.....	210
1913 appropriation remaining in treasury appropriated for purposes of this act; section 18	210
"person or persons" defined; section 19	210
penalty for violations; section 20	210
inconsistent acts repealed; section 21	210
FRAUDULENT ADVERTISING :	
person, firm, etc., who with intent to sell, cause publication of untrue statements, guilty of misdemeanor; penalty; section 1...	320
violation by agent or employe deemed an offense; section 1.....	321
inconsistent acts repealed; section 2	321
GAME, FISH, FORESTRY AND STREAM :	
code amended, chapter 62. sections 6, 15, 19, 21, 23, 25, 26, 31, 34, 44, 45 and 56. add sections 50-a and 50-b.	
forest, game and fish warden and chief deputies to execute bond; approved by governor; section 6.....	149
requirements as to reports of deputies; also justices and clerks of courts; section 15	149
no person not a citizen of the United States permitted to hunt or have in possession firearms for the purpose; section 19.....	150
no person permitted to hunt without license; section 19.....	150
license fees and how obtained; section 19.....	150
alteration, etc., of license tag prohibited; section 21.....	152
game animals and birds defined; section 23.....	153
hunting, etc., of elk prohibited; exceptions; section 25.....	153
closed season for deer; section 25	153
killing of fawn or doe prohibited; section 25.....	153
violation to have in possession, deer, etc.. with intent to transport beyond limits of state; section 25.....	153
penalty; section 25	153
closed season for ruffed grouse, etc.; section 26	154
for quail; section 26	154
limit they may be killed; section 26.....	154
closed season on other game; exceptions; section 26.....	154
disposition of moneys collected; section 31.....	156
appropriation authorized; section 31	156
destruction of nest or eggs of wild birds prohibited; exceptions; section 34	156
license required for fishing; section 44.....	156
fee. how issued and by whom; exceptions; section 44.....	156
limitations and provisions; section 44.....	157
unlawful to destroy fish in any dam or pond; section 44.....	158
unlawful to drain ponds with intent to injure fish or take therefrom; section 44	158
penalty for defacing or tearing down signs; section 44.....	158
penalty for violation of this section; section 44.....	159
lawful to destroy nets, traps, etc.; section 45.....	159

	Page.
GAME, FISH, FORESTRY AND STREAM—Continued.	
erection of dam in any river, etc., prohibited, except; section 45..	159
special provisions as to duties of forest, game and fish warden; section 45	159
bounty offered for killing certain animals and predatory birds; section 50-a	159
publication required and penalty for false statements; section 50-a	161
perpetual closed seasons for game and wild birds, upon sanctuaries set apart by forest, game and fish warden; section 50-b.....	161
limit of acreage in preserves; section 50-b.....	161
provision as to fire line; section 50-b	161
penalties for violation of this section; section 50-b.....	161
(see "Pollution of Streams").....	655
GAMING:	
code amended, chapter 151, section 5.....	318
unlawful to bet or wage money, etc., on any game of chance; section 5	318
penalty; section 5	318
GRAFTON INDEPENDENT SCHOOL DISTRICT:	
acts 1897 amended, chapter 88.....	505
board of education, how composed; section 2.....	505
terms of office and when to begin; section 2.....	506
provision as to president now in office; section 2.....	506
HEALTH:	
(see "Department of Health")	115
HIGH SCHOOLS:	
(see "Calhoun County High School").....	545
(see "Clay County High School").....	506
(see "Establishment of District High Schools").....	387
(see "Mingo County High School").....	531
(see "Nicholas County High School").....	586
(see "Normal Training in High Schools").....	389
(see "Pleasants County High School").....	510
(see "Point Pleasant High School").....	589
(see "Putnam County High School").....	565
(see "Tuition Fees of High School Pupils").....	390
(see "Wayne County High School").....	513
(see "Wirt County High School").....	568
HOGG'S CODE:	
general laws edited and compiled by Charles E. Hogg, declared competent evidence without further proof; section 1.....	398.
how known and cited; section 1.....	398.
HOSPITALS AND ASYLUMS:	
(see "Changing Names of Hospitals and Asylums").....	328.
(see "Insane Persons")	338; 657
(see "Easement Weston Asylum Grounds").....	591.
HOUSE OF DELEGATES:	
(see "Apportionment of Delegates").....	271.
HYDRO-ELECTRIC COMPANIES:	
(see "Water Power Act").....	181
INSANE PERSONS:	
code 1913, repealed, chapter 58-a	338
code amended, chapter 58.	
official designation for hospitals for the insane, section 1.....	340

INSANE PERSONS— <i>Continued.</i>	Page.
to be managed by state board of control, section 1.....	340
word "lunatic" construed, section 2	340
state board to have authority to adopt rules and regulations, section 3	340
commission of lunacy established in each county, section 4.....	341
action to be taken on suspect, section 5.....	342
action to be taken if person found to be lunatic resident of another county, section 6	343
method of commitment, section 7.....	344
duty of superintendent on receipt of application for person, section 8	344
person committed to be carefully examined, by whom, section 9..	345
county court to contract with physicians respecting lunacy cases, section 10	345
resident of state, under certain conditions, may receive treatment at state hospital as voluntary patient, section 11.....	346
what class to be admitted at Huntington state hospital, section 12.	346
patient restored to sanity to receive certificate, section 13.....	347
provision in case person charged or convicted of crime, section 14.	348
insane person charged or convicted of crime, and provision for restraint, section 15	348
no compensation allowed, except, section 16.....	348
duties of superintendents in case of escape, section 17.....	348
duty of jailer when insane, etc., is confined, section 18.....	349
action to be taken for release of person confined as a lunatic, section 19	349
guardian to be appointed section 20.....	349
guardian to give bond, duties and oath, section 21.....	350
guardian entitled to custody and control of person and estate, section 22	350
if personal estate insufficient for debts, etc., what guardian may do, section 23	351
commissioners in chancery authorized to act, section 24.....	351
on report order to be entered, section 25.....	351
action on suspect residing in or out of state, section 26.....	351
resident of state defined, section 27.....	352
no private hospital to be established unless permit is first obtained, section 28	352
penalty for physician signing certificate without having made examination, section 29	353
penalties, section 30	353
enclosed premises of state hospitals declared private property, section 31	354
duty of superintendents as to reports, section 32.....	354
state board to make statement for each county, section 33.....	354
amount due from any county, debt due from county to state, section 31	355
manner of recovery of money paid by county under provisions of this chapter, section 35	356
 INSANE PERSONS: (Second Extraordinary Session).	
code amended, chapter 58, sections 32, 33, 34 and 35, as amended by chapter 51, acts 1915, regular session.....	657
expenses incident to taking person committed, to hospital, to be paid out of state treasury; section 32.....	657
statement of same to be sent to auditor; section 32.....	657
amount to be paid by county for person admitted to state hospital; not required to pay for maintenance; section 33.....	657
county court to levy; section 33.....	658

	Page.
INSANE PERSONS—Continued.	
requirement as to annual list of patients to be certified to auditor; what list to show; section 33.....	658
authority and duty of auditor; section 33.....	658
concerning debt of county due state, and what constitutes a credit; section 33	658
state board of control authorized to expend fund; section 33.....	658
manner in which and under what conditions money paid may be re- covered by county; section 34	658
guardian or committee of inmate to pay county for his ward; section 34	650
what to be done by county court and clerk in making out bill; sher- iff to collect such charges from proper person; section 34....	659
shall report to county court if unable to collect, and bills to be re- delivered; section 34	659
what chapter and sections of code to apply in recovery of moneys due county; section 35	659
exceptions as to certain persons on whom payment would work a hardship; section 35	660
INSTRUCTIONS TO JURIES:	
code amended, chapter 131, add sections 22, 23, 24 and 25, acts re- pealed, 1907, chapter 38	435
upon trial civil or criminal either party may pray court to give instructions in writing; section 22.....	436
in lieu of separate instructions court may instruct upon law, etc.; section 22	436
instructions read by court before argument; section 23.....	437
court may take instructions under certain conditions; section 23.	437
court to prescribe stages for instructions; section 24.....	437
nothing to affect power of court to instruct jury orally; section 25.	437
chapter 38, acts 1907 repealed	437
INTOXICATING LIQUORS:	
(see "Prohibition")	33, 660
(see "Transportation of Intoxicating Liquors")	221
JAIL:	
(see "Destruction of Court House or Jail").....	499
(see "Jefferson County Jail").....	580
JAILER'S FEES:	
code amended, chapter 1, section 22.....	500
acts 1913 amended, chapter 38.	
for receiving persons in jail; section 22.....	501
for keeping persons in jail; section 22	501
how paid; section 22	501
JEFFERSON COUNTY JAIL:	
county court authorized to change site; section 1.....	580
JEFFERSON COUNTY BONDS:	
county court authorized to substitute bonds; section 1.....	588
county court authorized to levy for liquidation; section 2.....	588
to be authorized at next general election; section 3.....	588
action of county court; section 4.....	588
election, how conducted; section 5.....	588
JUDGES:	
(see "Disqualification of Certain Judges").....	434

JUDGMENT:	Page.
(see "Motions for Judgment")	448
JURY COMMISSIONERS:	
code amended, chapter 16, section 3.....	447
two to be appointed, of opposite politics, judge of circuit court; section 3	447
term and qualifications; section 3	447
oath of office; section 3	448
jury commissioners authorized for courts of limited jurisdiction; section 3	448
KANAWHA COURT OF COMMON PLEAS:	
(see "Court of Common Pleas of Kanawha County").....	535
LABOR:	
(see "Bureau of Labor")	124
LEVIES:	
(see "Mineral County School Levies").....	509
(see "Rate and Manner of Laying Levies").....	480
(see "School Levies")	378
LEVY:	
(see "Maximum Levy for Clarksburg")	579
(see "Special Levy for Lewis County").....	547
(see "Special Levy in Monongalia County").....	567
(see "Special Levy for Wayne County").....	551
(see "Revenue")	640
LIBRARIAN:	
(see "State Librarian")	322
LICENSING ATTORNEYS:	
code amended, section 4700	453
attorney or counselor at law may practice as visiting attorney; how: section 4700	454
citizen of another state desiring to practice, how admitted; sec- tion 4700	454
LOTS:	
(see "Recordation Plats of Lots").....	327
MAXIMUM LEVY FOR CLARKSBURG:	
acts amended, 1897, chapter 101, section 38.....	578
duties of common council as to levy for municipal purposes; sec- tion 38	579
MEMBERS OF CONGRESS:	
(see "Redistricting for Members of Congress").....	270
MINERAL COUNTY SCHOOL LEVIES:	
special election authorized in Cabin Run district, etc.; section 1... ..	509
manner of voting and notice; section 1.....	509
MINES:	
(see "Department of Mines")	82
MINGO COUNTY HIGH SCHOOL:	
established in the city of Williamson; section 1.....	531
board of directors: how and when elected; section 1.....	531
board of directors to have full power; section 2.....	531
board a body corporate; section 3.....	532

MINGO COUNTY HIGH SCHOOL—Continued.	Page.
levy authorized; limit; section 4	532
qualifications for admission; section 5.....	532
all revenue disbursed by sheriff; section 6.....	532
board to receive compensation; section 7.....	532
before act takes effect to be submitted at regular or special elec- tion; section 8	532
MINORS:	
(see "Deposits in Banks by Minors")	357
(see "Parole of Minor Offenders").....	451
MOTIONS FOR JUDGMENT:	
code amended, chapter 121, section 6.....	448
person entitled to recover may obtain judgment after 20 days' no- tice; section 6	449
return 15 days before motion; section 6.....	449
affidavit by plaintiff; affidavit by defendant; section 6.....	449
if plea filed, judgment taken for sum due; section 6.....	449
may be continued after motion docketed; section 6.....	450
MCDOWELL COUNTY CRIMINAL COURT:	
acts amended, 1909, chapter 28, section 11.....	547
terms fixed; section 11	547
MCDOWELL COUNTY CLERK:	
county court authorized to make allowances for public services; sec- tion 1	558
inconsistent acts repealed	558
NICHOLAS COUNTY HIGH SCHOOL:	
acts amended, 1911, chapter 26, sections 1, 3 and 4, and add sec- tion 9.	
high school established near Summersville; section 1.....	586
board of directors; how selected; section 1.....	586
board of body corporate; section 3	587
levy authorized; section 4	587
after July 1, 1915, independent district of Richwood exempt from taxation for certain purposes; section 9	587
inconsistent acts repealed; section 9	587
NORMAL TRAINING IN HIGH SCHOOLS:	
county high school board or other board have authority to estab- lish normal training departments; section 29-a.....	389
duty of state board to prescribe course of study, etc.; section 29-a	389
entitled to receive state aid; certain restrictions; section 29-a....	390
OFFICES:	
(see "Vacancies in Offices")	488
OFFICIAL REPORTER SEVENTH CIRCUIT:	
code amended chapter 114-b	
judge authorized to employ; section 15.....	559
compensation; section 16	559
how paid; section 17	560
shorthand held official; section 18	560
OFFICIAL REPORTER THIRTEENTH CIRCUIT:	
appointment authorized; duties and compensation; section 1....	576
(see "Stenographer Nineteenth Circuit").....	549
(see "Stenographer Fourth Judicial Circuit").....	590

	Page.
OGDEN, HON. H. N.:	
(sec "Resolutions", H. C. No. 1).....	602
PARKERSBURG BOARD OF EDUCATION:	
authorized to retire and cancel bond issue; section 1.....	595
PARKERSBURG INDEPENDENT SCHOOL DISTRICT:	
acts amended 1911, chapter 79, sections 13, 14 and 19.	
board of education to provide school house, etc.; section 13.....	572
levy authorized; section 14	573
board to appoint examining committee for applicants to teach;	
section 19	573
classification of certificates; section 19.....	574
PAROLE OF MINOR OFFENDERS:	
under extenuating circumstances court may direct release; sec-	
tion 1	451
court may at any time issue process for apprehension; when; sec-	
tion 2.	452
inconsistent acts repealed	452
PENNSBORO INDEPENDENT SCHOOL DISTRICT:	
certain described territory to be independent school district of	
Pennsboro, provided majority favor same at election held,	
when; section 1	517, 518
who shall constitute board of education, and how chosen; section 2	518
powers, duties and compensation; section 2	519
when members are elected and how election is conducted; section 2.	519
at first meeting, board to organize and elect officers; section 3.....	519
duties and compensation of secretary; section 3.....	519
board to be a body corporate; section 4.....	519
rights, privileges and authority of board; section 4.....	519
necessary expenses incurred to be paid from building fund; section	
4	520
how vacancies shall be filled; section 4.....	520
board has power to establish schools or high schools in district;	
section 5	520
may issue bonds to raise funds; section 5	520
question to be submitted to voters; three-fifths vote in favor,	
necessary; section 5	520
board to prescribe branches to be taught; direct grading; section 5.	520
high school open to all pupils, provided; section 5.....	520
providing for meetings of board; how special meetings are called;	
section 6	521
how call shall be given, and notice of same; section 6.....	521
compensation of members of board; section 6.....	521
board to appoint teachers, substitutes, and fix compensation; sec-	
tion 7	521
teachers subject to certain rules; cause for removal; section 7....	521
may appoint principals, superintendents and employes; fix compen-	
sation and remove for cause; section 7.....	521
board to acquire by proper means, necessary buildings, grounds,	
etc.; section 8	521
to keep school property in good order; furnish fuel, etc.; section 8.	521
quantity of land board may acquire not limited, section 8.....	522
secretary of board to keep record of official acts; section 9.....	522
keep books of account, showing resources, etc.; section 9.....	522
books open to inspection of taxpayers; section 9.....	522
shall preserve all records, papers, etc., make reports, and may be	
removed by majority; section 9	522
enumeration of school youth in district, when; section 10.....	522

PENNSBORO INDEPENDENT SCHOOL DISTRICT— <i>Continued.</i>	Page.
same to be verified and returned to secretary of board; steps to be taken by board; section 10.....	522
state superintendent of schools to report enumeration to auditor; section 11	523
apportionment of school funds to be made accordingly; section 11. tax to be levied to provide necessary funds, not to exceed; section 12	523
providing for additional levy to keep schools open certain time; section 13	523
to be known as teachers fund and used for no other purpose; section 13	523
board may establish and maintain public library; section 13.....	523
who shall use same, and how governed; section 13.....	523
circuit court may compel levy upon failure of board; section 14. how and by whom taxes shall be collected, and where deposited; section 14	523
sheriff to make report in writing to board and receive compensation; section 14	524
banks to allow interest and add same to principal; section 14....	524
sheriff to pay out sums upon order of board; section 14.....	524
proceeds from sale of bonds, etc., credited and deposited in same manner; section 14	524
sheriff not entitled to commission on certain funds; section 14..	524
banks required to give bond for safe care of funds; section 14...	524
bids received from banks before award of fund; section 14.....	524
certain rate of interest required; section 14.....	524
sums paid out only upon orders properly signed; section 14	524
board authorized to establish schools for manual training, etc.; section 15	525
to be conducted under order, rules, etc., of board; section 15....	525
board may expend necessary sums out of building or teachers' fund; section 15	525
provision as to contracting debt, when authorized by vote of people; section 15	525
separate accounts of cost of schools kept; section 15.....	525
money disbursed only by order of board, entered of record; section 16	525
order to be properly signed and specify where chargeable; section 16	525
board shall appoint district superintendent of schools, when; fix salary; section 17	525
term of office; removal for cause; how vacancy is filled; section 17	525
superintendent to have general supervision of schools; make reports, etc.; section 17	525
shall not receive gift or reward for certain services; section 17...	525
providing for examining committee; section 18.....	525
applicant to pay fee; section 18	526
classification of certificates to be issued; section 18.....	526
provision as to colored teachers; section 18.....	526
time for which certificates are issued; renewable; section 18...	526
meetings of committee; fees for services; section 18.....	526
children of school age must attend; section 19.....	526
neglect of such duty a misdemeanor; penalty; section 19.....	526
bond required in case of prosecution; disposition of amount recovered; section 19	526
failure to give bond, a misdemeanor; penalty; section 19.....	526
what constitutes an offense under this act; section 19.....	526
provisions as to attendance; section 19.....	527
finer collected and where deposited; section 19.....	527

	Page.
PENNSBORO INDEPENDENT SCHOOL DISTRICT—Continued.	
steps to be taken when child is adjudged incorrigible; section 19.	527
attendance officers to be employed by board; section 19.....	527
vested with police powers and necessary authority to enforce this act; section 19	527
other powers and duties of attendance officer; section 19.....	527
a misdemeanor to induce child to absent himself from school; penalty; section 19	528
attendance officer to institute proceedings against violators of this act; section 19	528
directions as to record and reports; section 19.....	528
principals and teachers to report to board, names, ages, etc., of pupils; section 19.....	528
also report cases of truancy, etc.; section 19.....	528
failure to comply, a misdemeanor; penalty; section 19.....	528
disposition of fines, and costs of prosecution; section 19.....	528, 529
attendance officer to look after cases of truancy; section 19....	529
to notify person having control of child; section 19.....	529
court or justice of Ritchie county has jurisdiction; section 19....	529
inconsistent provisions of general school law void in this district; otherwise in effect; section 20.....	529
PLEASANTS COUNTY HIGH SCHOOL:	
county high school established at or near St. Marys, provided, etc.; section 1	510
board of directors to have control; section 2.....	511
board a body corporate; section 3.....	511
bonds to be authorized by special election; section 4.....	512
qualification for admission; section 5.....	512
revenues, how collected and disbursed; section 6.....	512
members of board allowed compensation; section 7.....	512
special election authorized; section 8.....	512
POINT PLEASANT HIGH SCHOOL:	
acts amended, 1887, chapter 39, section 7.	
board to establish and maintain first-class high school, within meaning of chapter 45, section 30, of code; section 7.....	589
POLLUTION OF STREAMS:	
code 1913, amended, chapter 62, section 45-a-I, (serial section 3509) unlawful for person, firm, etc., to put matter into stream, deleterious to propagation of fish; section 45-a-I.....	655
lawful to drain from mine and from coal washery into stream; section 45-a-I.....	656
such water to be in sanitary condition and free from pollution; section 45-a-I	656
state board of health, its agents, etc., has authority to enter premises or mine and inspect same; section 45-a-I.....	656
has right to prevent owner or operator, who fails to comply, from draining water into streams; section 45-a-I.....	656
owner or operator having suitable outlet into one stream, not to use stream; section 45-a-I.....	656
violation of provisions, a misdemeanor; penalty; section 45-a-I., no prosecution instituted without consent of forest, game and fish warden; section 45-a-I	656
consent to be in writing, and entered of record in court or justice's office; section 45-a-I	656
inconsistent acts repealed; section 45-a-I.....	656
POOR PERSONS:	
(see "Care of Poor Persons").....	491

PRACTICE OF DENTISTRY:	Page.
code amended, chapter 150, section 29-a.....	278
West Virginia state dental board heretofore created, continued;	
section 29-a-(1).....	280
officers, meetings, records, etc.; (2)	280
license registration and how granted; (3).....	281
registering license with county clerk; (4).....	282
display of license and certificate of registration; (5).....	282
revocation of license; (6)	282
examination fees and compensation; (7).....	283
biennial registration; (8)	283
penalty of fraud in obtaining certificate; (9).....	284
dentistry defined; (10)	284
signature seal, etc., on licenses; (11).....	284
unlawful to practice under the name of a company; (12).....	285
dental reciprocity; (13)	285
reciprocity on leaving state; (14).....	285
reciprocity fees; (15)	286
penalty of practicing without license or certificate; (16).....	286
penalty for failure to register license; (17).....	286
disposition of fines and fees; (18)	286
druggists may fill dentist's prescriptions; (19).....	287
not to prevent students from performing dental operations; (20) ..	287
secretary of state board to file all records; (21).....	287
act effective July 1, 1915; (22).....	287
inconsistent acts repealed	287
PRIMARY ELECTIONS:	
hereafter all state, district and county executive committees, dele-	
gates to national conventions, candidates of political parties	
(except judges of courts), candidates for special elections, presi-	
dential candidates and electors, candidates in cities, towns or	
villages of less than 5,000, to be nominated by direct primary	
election; section 1	225
municipality defined; section 1	225
political party defined; section 1	225
primary elections, when held; section 2.....	225
notice to be published, and how; section 2.....	225
primary for municipalities fixed by ordinance; section 2.....	225
exceptions; section 2	225
municipal publications; section 2.....	226
executive committees and how chosen; section 3.....	226
terms of committeemen; section 3.....	226
duties of committees now in office; section 3.....	227
duty of county court to appoint commissioners and clerks; when;	
section 4	227
qualifications, and how selected; section 4.....	227
county executive committee to name primary ballot commissioners;	
section 5.	228
circuit clerk third member; section 5.....	228
duty of clerk county court as to registration booths and ballot	
boxes; section 6	228
oaths of commissioners and clerks; section 7.....	229, 230
announcement of candidates and form of certificates; section 8..	231
duty of secretary of state as to arrangement of names of candi-	
dates; section 9	232
separate ballot for each party; section 10.....	232
how and when official ballot prepared; section 11.....	233
description and form of ballot; section 12.....	233, 234, 235
method of voting; section 13.....	235, 236

PRIMARY ELECTIONS—*Continued.*

	Page.
ascertaining result of primary; section 14.....	237
duty of ballot commissioners and provision for special messenger in certain cases; section 15	238
in case of accident to ballot boxes, etc., what to be done; section 16	239
duty of commissioner appointed to receive ballots; section 17.....	239
county court a canvassing board; when to meet and duties; sec- tion 18	240
certificates, how issued, and to whom disposed of; section 19....	241
vacancies; how filled; what to be done in case of a tie; section 20.	241
assessment of candidates and disposition of funds; section 21.....	241
right of appeal is to circuit court; section 22.....	242
expense of primary paid same as other election expenses; section 23.	242
how candidates for public office may be nominated other than by direct primary; section 23	243
chapters 3 and 5 of code not in conflict, to apply; section 24.....	243
penalties; section 25	243
no candidate eligible unless having filed affidavit required by cor- rupt practices act; section 26.....	244
state executive may make rules not inconsistent with law; section 27	244
national committeemen, how elected; section 27.....	244
nothing to prohibit political committees from campaign work; sec- tion 27	244
municipal committees have similar functions; section 28.....	245
provisions for state meeting to formulate platform; when held; section 29	245
candidates for judges supreme court then to be nominated; sec- tion 29	245
candidates for judges circuit and other courts, nominated by conventions in respective circuits and counties; section 29....	245
candidate receiving plurality vote declared nominee; section 30..	245
in presidential election years, to vote on choice for president; section 31	246
same rules to govern; section 31	246
requirements as to persons, candidates for delegate or alternate; section 31	246
Inconsistent acts repealed; section 32	246

PROHIBITION:

acts 1913 amended, chapter 13, section 7; adding sections 27 to 33 inclusive	33
unlawful to have, keep or use, for personal use or otherwise, in- toxicating liquors, at; section 7	34
unlawful to give or furnish to another; section 7.....	35
penalty for violations; section 7.....	35
exceptions; section 7	35
the word "home" defined; section 7	35
exceptions as to common carriers; section 7	35
further exceptions as to search and seizure; section 7.....	35
penalty for corporations or associations for violations; section 27	35
unlawful to give intoxicating liquor to minor, or person of intem- perate habits, etc.; section 28	35
penalty; section 28	35
failure of county, district, or other officer to discharge duty; grounds for removal; section 29.....	36
method of procedure; section 29.....	36
vacancy created; how filled; section 29.....	36
any citizen or commissioner may prefer charges; section 29....	36

	Page.
PROHIBITION—Continued.	
“officer” defined; section 29	36
method of procedure on indictment; section 30.....	36
duty of clerk, judge and jury; section 30.....	37
unlawful to bring or carry into state even for personal use, liquors in excess of one-half gallon; section 31.....	37
exceptions; section 31	37
penalty and authority of officers; section 31.....	37
jurisdiction of justices; first offense; section 32.....	37
defendant entitled to trial by jury; section 32.....	37
procedure; section 32	37
transcript of first trial admissible as evidence second offense; section 32	38
rights of state; section 32	38
fees and costs; section 32.....	38
duties and rights of prosecuting attorney and commissioner of prohibition; section 32	38
state witnesses immune from prosecution; section 33.....	38
PROHIBITION: (Second Extraordinary Session).	
acts 1913 amended, chapter 13, as amended by chapter 7, acts 1915, regular session: enforcing amendment of section 46, article 6, of state constitution; and adding section 34.....	660
unlawful to receive or possess intoxicating liquors from common or other carrier; section 34	660
applies to liquors for personal use and otherwise; section 34....	661
violation a misdemeanor: penalty; section 34.....	661
provision as to druggists; section 34.....	661
PROOF BY AFFIDAVIT:	
in civil action before justice, if affidavit filed with statement, no answer to be filed by defendant, except; section 1.....	450
if no affidavit by defendant, judgment for plaintiff; section 1..	451
if answer denies sum. trial proceeds as if affidavit not filed; sec- tion 1	451
defendant right to continuance; section 1	451
inconsistent acts repealed; section 2.....	451
PROOF OF DEBTS:	
credit in chancery cause may establish debt by filing itemized statement, with affidavit; what affidavit shall contain; coun- ter-affidavit; section 1	443
inconsistent acts repealed	443
PROSECUTING ATTORNEY OF RALEIGH COUNTY:	
acts amended 1907, chapter 29, section 29.	
compensation authorized; section 29.....	558
inconsistent acts repealed	559
PUBLIC LIBRARIES:	
definitions; section 1	392
municipal authority may levy tax to establish, equip and maintain public library: limit; section 2	392
how levied and collected; section 2.....	392
but question first to be submitted to vote of the people; section 2.	393
when established, library to be under board of six directors; sec- tion 3	393
how organized, conducted and who employed; section 4.....	394
libraries established free; section 5	394
boards to report each year; section 6.....	394
provision as to donations; section 7.....	395
to deface or injure building, etc.; a misdemeanor; section 8....	395
rules for library; section 9	395

	Page.
PUBLIC MONEY:	
(see "Depositories for Public Money").....	472
PUBLIC SERVICE COMMISSION:	
acts amended 1913, chapter 9, sections 1, 2, 3, 4, 5, 9, 10, 14, 15, 22, and adding sections 23 to 28, inclusive	40
public service commission created; section 1	40
three members appointed by the governor; section 1.....	40
length of term and qualifications; section 1.....	40
vacancies; how filled; section 1	41
oath of office; section 1	41
governor may remove member for cause; section 1	41
if removed, statement of charges to be filed; section 1.....	41
chairman designated by governor; section 1.....	41
concurrent judgment of two, action of commission; section 1....	41
members prohibited from holding official relations to any public service corporation, etc.; section 1.....	41
not to hold other public office; section 1	41
office vacated under certain conditions; section 1.....	41
to appoint secretary and other employees; section 1.....	41
salary and duties; section 1.....	41
secretary may administer oaths; section 1	42
salary of commissioners and how paid; section 1.....	42
general offices at capitol, and office hours; section 1.....	42
hearings may be had at other places; section 1	42
duty of attorney general; section 1.....	42
commission may employ counsel at discretion; section 1.....	42
terms of present commissioners expire; section 1.....	42
commission to prescribe rules of procedure; section 2.....	42
to have seal and courts to take judicial notice of same; section 2.	43
jurisdiction of commission; section 3.....	43
"Public service corporation" defined; section 3.....	43
public service corporation required to provide safety appliances; section 4	43
charges, tolls, fares, etc., to be reasonable, and no change made, ex- cept; section 4	43
provision as to switch connection for intra-state business; sec- tion 4	43
requirement of railroads as to public service facilities; section 4..	44
number of men to constitute safe crews; section 4.....	44
no regular passenger train to be discontinued without authority; section 4	44
power of commission to investigate methods and practices; sec- tion 5	44
other powers to compel obedience of lawful orders; section 5....	44
may change inter-state rate, etc.; limitation; section 5.....	44
order to be enforced until when; section 5.....	45
rates, etc., not to be changed except upon notice; section 9....	45
how made; section 9	45
other method in lieu of written notice; section 9.....	45
changes permitted under certain conditions; section 9.....	45
hearings on changes in schedule; proceedings; section 9.....	46
commission to have general supervision of persons, firms, etc., hav- ing franchise in cities, towns, etc.; section 10.....	46
authority in supervision; section 10	47
to appoint inspectors, and use of meters not inspected prohibited, except; section 10	47
action in case of inspection; section 10	48
commission may change or modify method of inspection; section 10	48

PUBLIC SERVICE COMMISSION—Continued.	Page.
commission to collect information annually before June 1, for use of board of public works; section 14.....	48
special license fee required of public service corporations; section 15	48
fee fixed by auditor, and how; section 15.....	48
when to be paid; section 15	48
fees appropriated for use of public service corporation and employes; section 15	48
power of commission to enforce, establish, etc., rates, tolls, etc., for all public service corporations; section 22	49
power of commission to fix other rates; section 23.....	49
penalty in case of failure to comply; section 23.....	49
provision as to use of equipment, etc., of one public corporation by another; section 24	49
compensation; how fixed and paid; section 24.....	50
physical connection permitted; section 25	50
commission may establish system of accounts not inconsistent with act of congress; section 26.....	51
making of false entries a misdemeanor; penalty; section 26.....	51
violation of order of commission, contempt; section 27.....	52
penalty for failure to comply with requirements of commission; section 28	52
what constitutes a separate offense; section 28.....	52
intermediate and circuit courts of Kanawha county given concurrent jurisdiction; section 28	52
conflicting acts repealed	52
PUBLIC SERVICE COMMISSION: (Second Extraordinary Session.)	
acts 1915, (regular session) amended, chapter 8, section 15.....	654
public service corporations to pay special license, additional to those now required; section 15.....	655
to be fixed by auditor according to value of property; section 15.	655
to be apportioned to produce \$60,000 per annum; section 15....	655
when to be paid; section 15	655
so much as is necessary of said sum to pay expenses of commission, salaries of employes, etc.; section 15.....	655
salaries of members to be paid out of state fund; section 15....	655
to be charged to appropriations made by legislature for administration of act; section 15.....	655
PUNISHMENT FOR FALSE STATEMENTS:	
person making false statement in writing, etc., for procuring property, etc.; section 1	319
or, knowing false statement has been made, procures benefits; section 2	319
or, knowing statement has been made, represents, etc.; section 3....	319
misdemeanor; penalty; section 3	320
PUTNAM COUNTY HIGH SCHOOL:	
provision for special election to authorize same; section 1.....	565
authority of board; section 2.....	565
board a body corporate; section 3	566
levy authorized; section 4.....	566
revenues collected and disbursed by sheriff; section 5.....	566
compensation of board; section 6.....	566
special election; how conducted; section 7.....	566
RAILROADS:	
(see "Extending Time of Franchise").....	211
(see "Special Officers for Railroads").....	218
(see "Trespassing on Railroad Trains").....	211

	Page.
RALEIGH COUNTY CRIMINAL COURT:	
acts amended, 1907, chapter 29, section 9.	
salary of judge fixed; section 9.....	571
RANDOLPH COUNTY COURT:	
county court reformed, altered and modified; section 1.....	502, 503
in 1916, one commissioner elected in each district; section 2.....	503
provisions of chapter 39 of code, applicable; section 3.....	504
first meeting of county court; section 4.....	504
question of adoption of system proposed to be at election of 1916:	
section 5	504
how conducted; section 6	504
act effective if majority for; section 7.....	505
RATE AND MANNER OF LAYING LEVIES:	
acts amended 1908, chapter 9, sections 8 and 9.....	479
counties, etc., having outstanding orders, etc., previous to July 1.	
1915, may lay additional levy; section 8.....	480
unlawful to expend money or incur obligations not expressly author-	
ized by law; section 9.....	482
inconsistent acts repealed; section 9.....	483
RECEIPTS AND PAYMENTS OF STATE FUNDS:	
moneys received by state officers, etc., to be paid into state treas-	
ury; when, section 1	316
appropriations authorized for state officers, etc.; section 1.....	316
no money on account of one institution, etc., to be used for an-	
other; section 1	317
act effective, when; section 2.....	317
inconsistent acts repealed; section 3.....	317
RECEIVERS:	
(see "Special Commissioners and Receivers").....	445
RECORDATION PLATS OF LOTS:	
when land is subdivided into lots, owner to record plat; section 1.	327
forfeiture for failure, and how recovered; section 1.....	328
REDISTRICTING FOR MEMBERS OF CONGRESS:	
members to which state is entitled, apportioned; section 1.....	270
REGISTRATION OF VOTERS:	
code amended, chapter 3.	
county courts to appoint registrars, one from each of the dominant	
parties; how and when; section 98-a-I.....	261
eligibility of registrars; section 98-a-I.....	262
one registrar may perform duties of the other; section 98-a-I....	262
oath to be taken; section 98-a-I.....	263
county clerk to notify registrars and provide books and blanks;	
section 98-a-III	263
registrars to meet; when to proceed to register; section 98-a-III.	263
proceeding in case one registrar fails to perform duty; section	
98-a-III	263
appeals, where taken; section 98-a-III.....	264
other instructions for registrars and clerks; section 98-a-III....	264
persons registered qualified to vote on election day; section 98-a-III	264
registrars have authority to administer oaths and require answers to	
questions; section 98-a-IV	265
registrars to sit together two days; when; section 98-a-VI.....	266
notice given by posting; section 98-a-VI.....	266
duty of registrars as to lists; section 98-a-VI.....	266

REGISTRATION OF VOTERS—Continued.	Page.
county court to convene, and when, for hearing as to registration of voters; section 98-a-VII.....	267
special elections; section 98-a-VII.....	267
no voter to be stricken from list until after five days' notice; section 98-a-VII.....	268
appeals from county court; section 98-a-VII.....	268
clerk not to register any name except by order of the court; section 98-a-VII.....	268
no person allowed to vote unless registered; section 98-a-XI.....	268
duties of commissioners of election; section 98-a-XI.....	269
exceptions as to persons not registered; section 98-a-XI.....	269
penalty for violations; section 98-a-XI.....	269
inconsistent acts repealed.....	269
REGULATING PRACTICE OF VETERINARIANS:	
unlawful to practice veterinary surgery, etc.; exceptions; section 1.....	287, 288
persons resident of state who practiced for two years prior to the passage of this act, permitted to register; section 2.....	288
provision as to graduates of another state; section 3.....	289
after act takes effect persons allowed to register after taking satisfactory examination; section 4.....	289
examination and what it shall consist of; section 4.....	289
governor to appoint examining board; section 5.....	289
terms and qualifications; section 5.....	290
compensation of members; section 6.....	290
board to hold examinations; section 7.....	290
application for registration and how made; section 8.....	290
fee for certificate to practice; section 9.....	291
violations a misdemeanor; penalty; section 10.....	291
registered veterinarian who complies with either sections 2, 3 or 4, furnished certificate; section 11.....	291
practicing veterinarian defined; section 12.....	291
board of examiners to keep record of practitioners; section 13.....	292
president and secretary have authority to administer oaths and take testimony; section 14.....	292
annual license fee; to whom paid; section 15.....	292
duty of prosecuting attorney in case of offenses; section 16.....	292
inconsistent acts repealed; section 17.....	292
REPORT:	
(see "Annual Report State Finances").....	317
RESOLUTIONS:	
H. J. R. No. 7, authorizing Anthony R. Brown to practice medicine and surgery.....	597
H. J. R. No. 11, authorizing the state board of health to issue to S. J. Ross a certificate to practice medicine and surgery.....	598
II. J. R. No. 1 (<i>extraordinary session</i>), authorizing the auditor to draw his warrants, etc.....	622
II. C. R. No. 1, raising a joint committee to attend the funeral of Hon. H. N. Ogden.....	602
II. C. R. No. 5, raising a joint committee to wait on the governor.....	605
II. C. R. Nos. 1 and 4 (<i>extraordinary session</i>), raising a joint committee to wait on the governor.....	623

RESOLUTIONS—Continued.	Page.
H. C. R. No. 2 (<i>second extraordinary session</i>), raising a joint committee to wait upon the governor.....	669
S. J. R. No. 4, assenting to provisions of 'Smith-Lever' act of congress....	598
S. J. R. No. 5, amending section 1, article 4 of constitution, granting women right of suffrage.....	599
S. J. R. No. 6, authorizing secretary of state to furnish law library West Virginia university, supreme court reports.....	599
S. J. R. No. 7, adopting joint rules for the government of the two houses..	600
S. J. R. No. 8, proposing an amendment to the constitution in relation to county courts.....	601
S. C. R. No. 1, raising a joint committee to wait on the governor.....	602
S. C. R. No. 2, raising a joint committee to confer with the governor on the Virginia debt.....	603
S. C. R. No. 3, authorizing the clerks of the two houses to have printed advance copies of S. B. No. 79.....	603
S. C. R. No. 4, authorizing the clerks of the two houses to have printed advance copies of S. B. No. 131.....	603
S. C. R. No. 5, providing for the printing and distribution of advance copies of the acts.....	604
S. C. R. No. 1 (<i>second extraordinary session</i>), raising a joint committee to wait upon the governor.....	668
S. C. R. No. 2 (<i>second extraordinary session</i>), providing for the printing and distribution of advance copies of acts of second extraordinary session.....	669
H. J. R. No. 1 (<i>second extraordinary session</i>), authorizing transfer of certain books from state library at Charles Town, in Jefferson county, to the library of the college of law of West Virginia university, at Morgantown.....	670
RESOURCES: (see "Advertising Resources").....	501
REVENUE: Code amended, chapter 54, sections 24-a-I, 24-a-III, repealing sec- tion 24-a-VI; etc.....	640
Auditor to be attorney in fact for foreign and non-resident domestic corporations; section 1.....	642
has authority to accept service on behalf of; section 1.....	642
act of corporation appointing auditor not necessary; section 1....	642
address of corporations to be filed with auditor; section 1.....	642
when served with process, auditor to make copy and transmit pro- cess to corporation; section 1.....	642
no process served or accepted less than ten days before the return; section 1.....	642
amending section 62, chapter 32, code, as amended by chapter 66, acts 1913; section 2.....	642
fourteen cent levy, 1915; after 1915, ten cent levy; section 2....	642
board of public works has power to reduce; also to refrain from laying levy; section 2.....	642

REVENUE—Continued.	Page.
board has power to apportion levy between state fund and school fund; section 2.....	643
act of board in fixing levy to be certified to clerk county court, assessor and sheriff, when; section 2.....	643
duty of said officers; section 2.....	643
certain sections of chapter 32 of code repealed; section 126 enacted; section 3.....	643
fixing license tax of resident and non-resident corporation, based on capital stock; section 3.....	643, 644
section 130. chapter 32. code 1913. amended and re-enacted; section 4.....	644
foreign corporations doing business in this state to make annual report to auditor; section 4.....	644
when to be made and what report shall contain; section 4.....	644, 645
report to be verified by affidavit of officer of corporation; section 4.....	645
duty of auditor to fix license tax: how fixed; section 4.....	645
duty to notify corporation of amount so assessed; section 4.....	645
duty of corporation within thirty days to pay same into state treasury; section 4.....	645
penalty for failure; section 4.....	645
every corporation, etc. to pay annual special excise tax; section 5.....	645
amount and how assessed; section 5.....	645
not to apply to certain organizations, companies, etc.; section 5.....	645, 646
all companies, etc., liable under section 5, to make return in writing to state tax commissioner, when; section 6.....	646
how tax may be computed; section 6.....	646
notice of day designated closing of fiscal year to be given to state tax commissioner, when; section 6.....	646
what return shall set forth; section 6.....	647
how net income shall be ascertained; section 7.....	648, 649
tax to be computed upon net income for year ending December 31, 1915; section 7.....	649
corporations, etc., named in chapter 4, to be liable to tax imposed under this chapter; section 7.....	649
certain exceptions as to insurance companies; section 7.....	649, 650
state tax commissioner to furnish forms for making returns; section 8.....	650
corporations may use duplicate of return made to collector of internal revenue; section 8.....	650
exceptions as to insurance companies, which shall furnish supplemental statement as to gross income, etc.; section 8.....	650
other companies to furnish supplemental statement, showing assessed valuation of property, etc.; section 8.....	650
such copy to be verified; section 8.....	650
return accepted as conclusive by state tax commissioner, except; section 8.....	651
state tax commissioner to ascertain and assess tax upon company making return; section 9.....	651
notice to be mailed to company; section 9.....	651
such ascertainment final unless appealed from in thirty days; section 9.....	651
duty of state tax commissioner if company fails to make return; section 9.....	651
shall then proceed to assess tax upon company and notify it of amount; section 9.....	651
act shall be final; section 9.....	651
company aggrieved by assessment may appeal to board of public works within thirty days; section 10.....	651

REVENUE—Continued.	Page.
what petition shall set forth and how board shall proceed; section 10	651
board may make such order as may appear just; section 10.....	652
no injunction awarded to restrain collection of taxes under this act, except under certain conditions; section 11.....	652
taxes to be paid into state treasury within sixty days after notice, or thirty days after appeal; section 12.....	652
taxes a debt due to the state and may be collected by judicial proceedings; section 12.....	652
ten per cent added thereto if not paid when due; section 12.....	652
special excise tax an additional tax to all others; section 13.....	652
when paid, company is authorized to engage in business under its charter; section 13.....	652
state tax commissioner to issue to company certificate of payment; section 13.....	653
person making false or fraudulent return, guilty of misdemeanor; section 14	653
penalty; section 14.....	653
unlawful for officer, agent, etc., to divulge information set forth in income return; section 15.....	653
unlawful to print or publish any return; section 15.....	653
violation, a misdemeanor; penalty; section 15.....	653
state tax commissioner custodian of returns; section 15.....	653
supreme court of appeals may prescribe manner in which returns may be made public or used in court; section 15.....	653
exceptions in certain cases; section 15.....	654
manner in which state tax commissioner shall determine proper items of income under this act; section 16.....	654
chapter 32 code amended by adding certain sections, numbered from 147 to 158, inclusive; section 17.....	654
inconsistent acts repealed; section 18.....	654
ROADS:	
(see "Bonds for Roads and Bridges").....	661
ROAD ENGINEERS:	
(see "County Road Engineers").....	496
ROSS, S. J.:	
(see "Resolutions"; H. J. R. No. 11).....	598
RUFFNER GRAVEYARD:	
city of Charleston authorized to vacate as a graveyard and use as a park; section 1	534
duty of municipal authorities; section 1.....	534
SALES:	
(see "Fraudulent Sales of Stocks").....	202
SALARIES COUNTY OFFICERS:	
all fees, etc., collected by clerk county court, sheriff, clerk circuit, criminal or intermediate court and prosecuting attorney to be received and held as public moneys; section 1.....	456
duty of officers; section 2.....	456
accounts, how kept; section 3.....	457
payments, how made; section 4	457
reduction of fees forbidden; section 5	457
poor persons exempted from payment of fees under certain conditions; section 6	458
deposit required in certain cases; section 7	459

SALARIES COUNTY OFFICERS—Continued.	Page.
assistants and other employes; section 8.....	459
form of receipt for pay for services; section 9.....	461
illegal order and who liable for same; section 10.....	462
officers prohibited from receiving reward, etc.; section 11.....	462
annual compensation for sheriffs; section 12.....	463
exceptions; section 12	464
for clerks county courts; section 12.....	464
for clerks criminal, circuit or intermediate; section 12.....	465
for prosecuting attorney; section 12.....	466
clerks of courts in counties where both are held by the same person; section 12	468
allowances by county court for sheriff; section 13.....	468
officers required; section 14	468
no fees earned heretofore to be paid over; section 15.....	468
sheriff, ex-officio county treasurer, etc.; section 16.....	469
no compensation for assistants to prosecuting attorneys, except; section 17	469
duty of chief inspector and penalty for false swearing; section 18..	470
itemized statements required annually; section 19.....	470
acts authorizing allowances, repealed; section 20.....	470
not effective, when; section 21	470
Inconsistent acts repealed; section 21.....	471
 SALARIES OF TEACHERS:	
acts repealed, 1908, chapter 27, section 27.	
acts amended, 1908, chapter 27, sections 28 and 29.	
boards of education, when to determine number of teachers to be employed and salary; section 28	385
salaries fixed according to grades; section 28.....	385
not to be increased or diminished; section 28.....	386
additional levy authorized; section 28.....	386
special levy authorized under certain conditions; section 29.....	386
 SALARY CIRCUIT CLERK, RALEIGH COUNTY:	
acts amended, 1907, chapter 29, section 8.....	577
duties; section 8	577
additional compensation authorized; section 8.....	577
 SALARY COUNTY CLERK, JEFFERSON COUNTY:	
county court authorized to pay clerk; section 1.....	596
 SAN JOSE SCALE:	
acts 1903, 1905, 1907, 1913, repealed.	
commissioner of agriculture to appoint state entomologist; section 1	295
terms construed; section 2	296
unlawful to permit insect or plant disease to exist in or on premises; section 3	297
state entomologist to mark or tag infected plants; section 4.....	297
in case of objection, what to be done; section 5.....	298
remedy of owner; section 6	299
commissioner empowered to enter premises; section 7.....	301
state entomologist authorized to appoint assistants; section 8..	301
all nursery stock to be inspected; section 9.....	302
state entomologist empowered to prohibit and prevent removal or shipment; section 10	302
persons desiring to sell or ship, to make application; section 11..	303
persons receiving nursery stock from foreign country to notify state entomologist; section 12	303
unlawful to deliver nursery stock not inspected; section 13.....	303

	Page.
SAN JOSE SCALE—Continued.	
unlawful to sell, etc., within this state, nursery stock, etc., unless certification has been procured; section 14	304
dealer required to secure certificate; section 15.....	304
dealer to file names of travelling salesmen; section 16.....	305
in addition to certificate, packages to bear label; section 17.....	305
willful misrepresentation, a misdemeanor; section 18.....	306
violations of any section, a misdemeanor; section 19.....	306
duty of prosecuting attorney; section 20.....	306
justices of the peace have jurisdiction: section 20.....	306
state auditor to reserve all moneys as fund for payment of expenses; section 21	306
all charges to be upon itemized vouchers; section 22.....	307
certain chapters of acts repealed	307
act effective July 1, 1915	307
SCHOOL DISTRICT:	
(see "Buckhannon Independent School District")	560
(see "Burnsville Independent School District")	533
(see "Charleston Independent School District").....	543
(see "Elkins Independent School District").....	563
(see "Fayetteville School District Abolished").....	529
(see "Grafton Independent School District").....	505
(see "Huntington School District")	515
(see "Martinsburg School District")	552
(see "Parkersburg Independent School District").....	571
(see "Sistersville Independent School District") (Library).....	596
(see "Weston Independent School District").....	555
(see "Williamson Independent School District").....	581
SCHOOL DISTRICT OF HUNTINGTON:	
acts amended, chapter 16, section 3.....	
qualified voters to elect board of education at regular election; section 3	515
terms of office and qualifications; section 3.....	516
SCHOOL DISTRICT OF MARTINSBURG:	
acts amended, 1872, 1873, 1907, 1909.	
boundaries; section 1	553
provision for special election to authorize same; section 1-a.....	553
how held and conducted; section 1-b.....	553
no registration required; section 1-c.....	554
inconsistent acts repealed; section 1-d.....	554
SCHOOL LEVIES:	
acts 1908 amended, section 21, chapter 27.....	378
if a majority of ballots cast are "for school levy," duty of board of education in respect thereto; section 21.....	378
what to be done with statement and publication; section 21.....	379
duty of prosecuting attorney; section 21.....	379
order to be entered for levy, to continue school six months or longer, when; section 21.....	380
additional levy authorized under certain conditions: section 21.....	381
inconsistent acts repealed.....	381
SEEDS FOR AGRICULTURAL PURPOSES:	
person, firm, etc., not permitted to sell or distribute agricultural seeds exceeding one pound in weight, unless labeled; section 1	308
what label shall contain; section 1.....	308
"agricultural seeds" defined; section 2.....	308
provisions as to seeds of certain noxious weeds; section 3.....	308

	Page.
SEEDS FOR AGRICULTURAL PURPOSES—Continued.	
when statement as to such seeds shall be made on label; section 3	309
seeds of certain named weeds classed as impurities; section 4.....	309
impurities exceeding two per cent. must be stated in label; section 4	309
what matters are considered impurities; exceeding two per cent.	
shall be stated in label; section 5.....	309
what label of certain samples must show; section 6.....	309
agricultural seeds considered as misbranded, when; section 7....	309, 310
exceptions where this act shall not apply; section 8.....	310
seed deemed pure when containing only seed examined; section 9..	310
department of agriculture to enforce this act; commissioner to	
appoint assistants; section 10.....	310
commissioner of agriculture to visit places of business, etc., in	
enforcement of this act, and take samples of seed for annual	
analysis; section 11.....	311
how such samples shall be taken and prepared; method of examina-	
tion and testing; section 11.....	311
department of agriculture to publish in bulletin, result of all tests	
of seed; section 12.....	312
tests by commissioner of agriculture to be guarantees of purity;	
section 13.....	312
tests of seeds by dealer, liable to re-test by commissioner; section 13	312
commissioner, upon request, to furnish printed standards and direc-	
tions; section 13.....	312
violations of provisions of this act, a misdemeanor; penalty;	
section 14.....	312
fee for each sample examined and tested; paid into state treasury,	
and shall be fund for carrying out provisions of this act;	
section 15.....	312
inspection of seeds by commissioner, an aid to purchasers; em-	
powered to make rules and regulations; section 16.....	312
duty of commissioner, and prosecuting attorney of county, in case	
of violations; section 16.....	313
 SISTERSVILLE INDEPENDENT SCHOOL DISTRICT:	
acts amended, 1907, chapter 22, section 32.	
board of education authorized to establish and maintain a library;	
section 32.....	596
authorized to lay levy; limit; section 32.....	596
 SMITH-LEVER ACT:	
(see "Resolutions," S. J. R. No. 4).....	598
 SPECIAL COMMISSIONERS AND RECEIVERS:	
code amended, chapter 132, section 1.....	445
provisions for appointment of commissioner or receiver; section 1	446
qualifications and bond; section 1.....	446
provisions as to deposits of moneys; section 1.....	446
report required; section 1.....	446
 SPECIAL LEVY FOR LEWIS COUNTY:	
county court authorized to lay special levy to improve four public	
roads; section 1.....	548
how improved; section 2.....	548
fund to be used as designated; section 3.....	548
 SPECIAL LEVY MONONGALIA COUNTY:	
county court authorized to lay special levy for purposes of the	
university; section 1.....	567
inconsistent acts repealed; section 2.....	568

	Page.
SPECIAL LEVY WAYNE COUNTY:	
county court authorized to levy fifteen cents, known as special road levy; section 1	551
how expended; section 1.....	552
SPECIAL OFFICERS FOR RAILROADS:	
code amended, chapter 145, section 31.....	218
unlawful to injure, etc., any building, bridge, road, etc., owned by any company operating railroad or other internal improvement; section 31.....	218
a misdemeanor; penalty; section 31.....	219
if death occurs from commission of act, murder; section 31.....	219
if maimed or disfigured, a felony; section 31.....	219
to shoot, throw stones, etc., at or into passenger car, a felony; section 31.....	219
disorderly behavior on train, a misdemeanor; section 31.....	219
conductor, flagman or brakeman, a conservator of the peace; section 31.....	219
railroad company may apply to governor for appointment of special officers; section 31.....	220
duty of officer and provision for removal; section 31.....	220
services to be paid for by railroad company; section 31.....	221
STATE BOARD OF CONTROL:	
acts 1909, amended.....	271
state board of control to continue a corporation and have a common seal; section 1.....	273
to consist of three members appointed by governor; section 1.....	273
governor may remove for cause; section 1.....	273
salary and expenses; how paid; section 1.....	273
to have office at state capitol; section 1.....	273
one member to be chosen president and one treasurer; section 1...	273
oath of office and bond required; section 1.....	273
deeds, contracts, etc., to have name of president, seal, and attested by secretary; section 1.....	274
all money belonging to state to be paid to treasurer once each month; section 6.....	274
duty of auditor; section 6.....	274
authority of board and appropriation authorized; section 6.....	274
funds designated; section 6.....	274
what to be done when appropriations are insufficient; section 6...	274
state board of control to visit and inspect institutions; section 8..	275
power and authority in making investigations; section 8.....	275
board of control authorized to purchase all supplies named in sections 3 and 4, and for other institutions; section 11.....	275
power and authority; section 11.....	276
has authority to employ architects, etc., to erect new buildings and make repairs; section 12.....	277
may also use labor of inmates; section 12.....	277
may also, with approval of governor, make plans for new buildings for submission to the legislature; section 12.....	277
all buildings hereafter to be erected to be fire-proof; section 12....	277
to have authority to transfer patients from one institution to another, except penitentiary; section 24.....	277
has authority to require bond of head or any other officer of any institution; section 25	278
inconsistent acts repealed.....	278
STATE FINANCES:	
(see "Annual Report State Finances").....	317

STATE FORESTER :	Page.
Code amended, chapter 62, sections 51, 52, 53 and 54; and add sections 54-a and 54-b.	
forest, game and fish warden made <i>ex-officio</i> fire warden; section 51	162
authorized to appoint state forester; section 51.....	163
duties and bond; section 51.....	163
deputy forest, game and fish warden also deputy fire warden; section 51	163
duty and authority in case of forest fires; section 51.....	163
pay of deputy warden a charge against counties; section 52.....	164
method of payment and duty of deputy; section 52.....	164
penalty for false report by deputy warden; section 52.....	164
building fires in an abandoned field, etc., a misdemeanor in certain cases; section 53.....	164
unlawfully setting fire to woods, etc., a felony; section 53.....	165
exceptions; section 53.....	165
what constitutes <i>prima facie</i> proof; section 53.....	165
duty of railway company as to right-of-way through forests or land subject to fire; section 54.....	166
forest, game and fish warden to recover amount expended in extinguishing fires; section 54-a.....	166
forest, game and fish warden has authority to purchase land for forest culture; section 54-b.....	166
duty of attorney general; section 54-b.....	167
inconsistent acts repealed.....	167
STATE FUNDS :	
(see "Receipts and Payments of State Funds").....	316
STATE LIBRARIAN :	
acts 1891 amended, sub-section 10, of section 2, chapter 70.....	322
state librarian and duties as to supreme court reports; sub-section 10	323
to make annual report to governor; sub-section 10.....	324
disposition of funds; sub-section 10.....	324
inconsistent acts and resolutions repealed.....	324
STENOGRAPHER NINETEENTH CIRCUIT :	
court empowered to employ; section 1.....	549
duties; section 2.....	550
further duties and authenticity of records; section 3.....	550
compensation; section 4.....	550
additional duties; section 5	551
inconsistent acts not to apply; section 6.....	551
STENOGRAPHER FOURTH JUDICIAL CIRCUIT :	
judge fourth circuit authorized to employ a stenographer; section 1	590
compensation and duties; sections 2 and 3.....	591
inconsistent acts repealed; section 4.....	591
(see "Official Reporter Seventh Circuit").....	599
(see "Official Reporter Thirteenth Circuit").....	576
STOCKS :	
(see "Fraudulent Sales of Stocks, Etc.,").....	202
SUFFRAGE :	
(see "Female Suffrage Amendment").....	363
(see "Resolutions," S. J. R. No. 5).....	599

	Page.
SUPREME COURT OF APPEALS:	
code amended, chapter 113.	
how constituted; section 1.....	399
one to be president; in absence, any other judge to act; section 2..	399
terms, when and where held; section 3.....	399
original jurisdiction; section 4.....	399
review and rehearings; section 5.....	400
officials of court; how designated; section 6.....	400
duty of clerk; section 7.....	400
duty of crier; section 8.....	400
duty of messenger; section 9.....	400
special terms authorized; section 10.....	401
court may adjourn from day to day; section 11.....	401
special terms at Charleston or other points; section 12.....	401
at special terms, what causes may be heard; section 13.....	401
court may at any regular or special term, decide cause previously heard; section 14.....	401
inconsistent acts repealed.....	401
(see "Appeals to the Supreme Court of Appeals").....	402
TAXES:	
(see "Assessment of Taxes").....	484
(see "Revenue" license tax on charters; section 126).....	643
(see "Revenue" report for corporation; section 130).....	644
(see "Revenue" special excise tax; section 5).....	645
TEACHERS:	
(see "Salaries of Teachers").....	385
TEACHERS' RETIREMENT FUND (WHEELING):	
board of education authorized to establish teachers' retirement pension fund; section 1.....	507
to adopt rules, etc., for creation, investment and distribution of said fund; section 1.....	507
fund, if established, shall be made up, how; section 2.....	507
to be maintained only for benefit of retiring teachers; section 3..	507
certain requirements and conditions as to service; section 3.....	507
words "public schools" and "teachers" as used in this act, defined; section 4.....	508
TRADE MARKS:	
acts 1897 amended, sections 1, 2, 3, 4, 5, 6, 7 and 8, chapter 15...	329
person, firm, etc., selling liquids in bottles, called bottlers; section 1.....	330
may adopt trade-mark; section 2.....	330
form and effect of trade-mark; section 2.....	330
said writing to be acknowledged for record; section 2.....	330
where same shall be entered of record; section 2.....	330
requirements as to publication thereof; section 2.....	330
trade-mark adopted to be property of person, firm, etc.; section 3.	330
others attempting to use, guilty of misdemeanor; section 3.....	330
penalty; section 3.....	330
use may be restrained by writ of injunction; section 3.....	330
to refill bottles without permission of proprietor of trade-mark, a misdemeanor; section 4.....	331
penalty for so doing; section 4.....	331
if violator previously convicted, additional penalty; section 4...	331
trade-mark <i>prima facie</i> proof as to ownership, in legal proceedings; section 5.....	331
in prosecution for violation, what constitutes <i>prima facie</i> proof of unlawful act; section 6.....	331

TRADE MARKS---Continued.	Page.
action to be taken by proprietor of trade-mark as to bottles hidden or unlawfully held; section 7.....	331
duty of justice to issue search warrant; section 7.....	331
officer to take possession of bottles if found; section 7.....	332
persons violating, dealt with according to law; section 7.....	332
such bottles to be delivered to proprietor of trade-mark; provided: section 7	332
this act to apply to trade-marks heretofore and hereafter adopted; section 8	332
word "liquids" not construed to mean intoxicating liquors; section 8	332
TRANSPORTATION OF INTOXICATING LIQUORS:	
acts 1913 amended, section 19, chapter 13.....	221
express companies, railroad companies, etc., required to keep books; section 19	221
what books shall contain and show; section 19.....	221
consignee to sign name in person to record; section 19.....	221
books open to inspection of any state, county, or municipal officer; section 19	222
certain exceptions as to licensed druggist or registered pharmacist; section 19	222
books constitute <i>prima facie</i> evidence of facts; section 19.....	222
admissible as evidence in court; section 19.....	222
failure or refusal of employe or agent of express company, etc., to comply, a misdemeanor; section 19	222
penalty; section 19	222
not construed as permitting common carrier, etc., to bring liquors into state; exception as to druggists; section 19.....	222
inconsistent acts repealed; section 19.....	222
TRESPASSING ON RAILROAD TRAINS:	
code 1913 amended, section 31-a(1), chapter 145.....	211
any person, not passenger or employe, trespassing on railroad car or train, deemed disorderly person; 31-a(1)	211
offenders punished by fine or imprisonment; section 31-a(1)....	211
Justices of the peace have concurrent jurisdiction to try offenders; section 31-a(1)	211
TUITION FEES OF HIGH SCHOOL PUPILS:	
board of education to pay tuition fees of pupils in district not maintaining high school; certain requirements; section 30-a.....	390
provision as to amount to be paid, and time of such tuition shall be paid; section 30-a.....	391
board may pay for equivalent of four years' course in other school; section 30-a	391
fees to be paid out of building fund of district; section 30-a.....	391
certificate to be presented, signed by president of board; section 30-a	391
what certificate shall contain; section 30-a	391
UNIVERSITY CADETS:	
code amended, sections 173 and 174, chapter 45.....	395
regents may admit in military department of university not more than 600 students; section 173.....	396
age limitation and term of service; section 173.....	396
cadet entitled to privileges and benefits of university, free; section 174	396
books and stationery to value of \$15 in year, free; section 174	396

UNIVERSITY CADETS—Continued.	Page.
to be public guard of university and property; section 174.....	396
of stores, garrison, equipage, etc.; section 174.....	396
responsible for safe keeping of arms, etc.; section 174.....	396
VACANCIES IN OFFICE:	
code amended, chapter 4, section 10.....	488
vacancies in office of prosecuting attorney, how filled: section 10.	488
vacancy in office of sheriff, etc., how filled; section 10.....	489
VIRGINIA DEBT:	
(see "Resolutions", S. C. R. No. 2).....	603
VIRGINIA DEBT COMMISSION:	
commission to consist of five members; governor <i>ex-officio</i> and chairman; section 1.....	326
four members, two republican, two democratic, appointed by governor; section 1.....	326
duties of commission with attorney general; section 2.....	326
empowered to employ attorneys; section 3.....	326
majority to act and may appoint secretary; section 4.....	326
expenses, how paid; section 5.....	326
Virginia debt commission heretofore established abolished; section 6.....	326
governor has power to fill vacancies; section 7.....	326
governor to report appointments to present session; section 8..	327
inconsistent acts repealed; section 9.....	327
WATER POWER ACT:	
acts 1913 amended, chapter 11.....	181
chapter designated "water power act;" section 1.....	183
"commission" defined; "municipality" defined; "permit" defined: section 1.....	183
what water streams are under control and supervision of state; section 2.....	183
corporations organized under laws of this state, under proper conditions, to have certain rights, etc.; section 3.....	183
to acquire by condemnation, within limits, lands, etc., to construct and operate dams, etc.; section 3.....	184
to acquire by condemnation, within limits, lands, waters, interests, etc.; section 3.....	184
to acquire by condemnation, within limits, lands for sub-stations, etc.; section 3.....	185
compensation to be paid owner for property taken or damaged; section 3.....	185
to condemn and acquire mills, etc.; section 4.....	185
to acquire by condemnation within limits, right to flood ferries, etc.; section 5.....	185
but shall re-locate ferries, in a condition satisfactory to county court; section 5.....	185
to acquire by condemnation, right to flood private and public roads and bridges; to acquire streets or alleys, etc.; section 6.....	185
right to flood public and private cemeteries; to condemn other lands for purpose of removing bodies and monuments thereto; section 7.....	186
if disagreement as to location and area of lands, circuit court shall determine; section 7.....	186
right to acquire within limits, easements, ways, rights-of-way, etc., for erection of poles, wire lines, etc.; exceptions: section 8....	186
may procure right-of-way for crossing over railroad, pipe line, etc., crossing to be approved by public service commission; section 8.....	186

WATER POWER ACT—Continued.	Page.
right to erect and operate wires, poles, etc., across public roads, under regulations of county court; section 9.....	187
right to acquire right-of-way, not to exceed in width, for construction of earth, steam and electric roads, etc.; section 10.	187
right to condemn lands owned by churches and public and private schools, within certain area; section 11	187
may condemn right to flood, raise or change pipe line within certain area; restrictions; section 12.....	187
right to remove timber adjacent, when endangering work; section 13	187
condemnation proceedings governed by chapter 42 of code; section 14	187
granted permits to use bed or banks of streams for construction of power dam, etc.; section 15.....	188
proper authority shall regulate and control; section 15.....	188
foreign corporations already operating, excepted; section 15....	188
no corporation to sell electric or other energy generated outside state, except; section 15.....	188
such corporations to be public service corporations; chapter 9, acts 1913, to govern; section 16.....	188
application to be made to public service commission for powers and permit; section 17	188
what application shall contain; plans, etc., of proposed work to be filed with commission; section 17.....	189
approval of commission necessary; has power to employ engineer, etc.; section 17	189
commission may require changes in location, etc., of dam if deemed necessary; or refuse application; section 18.....	189
no court can give corporation right to condemn property, except; section 18.....	189
notice of application for permit to be public; section 18.....	190
commission to hear and consider objections; section 18.....	190
as to priority rights of location; section 18.....	190
corporation acting under section 3, having located dam, and expended \$50,000, has power without permit; section 19....	190
not liable to penalty for failure to make application, etc.; section 19	191
commission may require change in plan, etc., of dam, if necessary; section 19	191
commission has power to levy assessment on corporation to pay for employment of experts; section 20	191
additional levy authorized to pay cost of inspection of dams, etc.; section 20	191
commission has power to make rules, etc., examine dams; determine what alterations or repairs are necessary, or cause removal; section 21	191
action to be taken by commission in case of emergency; section 21	192
commission has full discretion as to permit for dam construction; no permit granted until satisfied as to safety; section 22..	192
has power to prescribe factors of safety; section 22.....	192
shall investigate as to effect upon city, etc.; shall estimate and compare economic values, considering public inconveniences; section 22	193
shall have due regard for public sentiment; section 22.....	193
corporation shall pay annual royalty; how fixed and paid; to be ascertained by state tax commissioner; section 23.....	193
reports of corporations to be filed with state tax commissioner; what to contain; section 23.....	194

WATER POWER ACT—Continued.

	Page.
term "gross income" defined; section 23	194
corporation aggrieved may appeal to board of public works; board to fix amount of royalty; section 24.....	194
if corporation fails to file report, action to be taken by state tax commissioner; section 24	194
state tax commissioner to collect royalty if not paid within stipulated time; section 25	194
royalty a lien on corporation property; moneys collected to be paid into state treasury monthly; section 25.....	194
assessments levied under section 20, to be certified to auditor and be a lien; duty of auditor if corporation fail to pay same; section 25	195
such assessments to constitute a special fund; section 25.....	195
duty of corporation to sell hydraulic power, etc., at rates approved commission; section 26	195
commission has power to vacate rate and set aside rules, with right of appeal to circuit court of Kanawha county; section 26.....	195
commission has right to regulate rates to consumers of electricity, etc.; all charges to be just and reasonable; section 27....	196
contracts for sale of electricity or other energy, subject to approval of commission; section 27.....	196
limit of contract and how effective; section 27.....	196
this act not to interfere with jurisdiction of United States government over navigable streams; section 28.....	196
requirements as to construction of dams, locks, booms, sluices, etc.; section 28	196
commission to fix rates of tolls charged; section 28.....	196
jurisdiction of commission includes persons, firms, corporations, etc.; section 29	197
corporations may renew charters on conditions prescribed by law; section 30	197
unexpended assessments may be returned to corporations; section 30	197
commission has power to ascertain methods of construction of dams, etc.; section 31	197
no franchise shall limit authority of commission; section 31....	197
permit granted for fifty years; then to terminate and vest in states; section 32	197
state may operate or dispose of; permit may be renewed at discretion of commission; section 32	197
permit may be revoked by commission on notice, for failure to comply; section 32	198
bonds, securities, capital stock, etc., subject to approval of commission; section 33	198
corporation to install system of accounting and report annually; expert accountants to examine vouchers; section 34.....	198
accounting to show itemized cost of power site, and commission to enter on record detailed statement; section 34.....	198
corporation to file yearly report with commission, of names and salaries of officers, etc.; section 34	198
all expenses for organization to be reasonable; section 34.....	198
in lieu of bonuses for service, etc., fair cash value to be paid; section 34	199
accountants to be paid as provided for in section 20; section 34..	199
after fifty years, state has right to acquire property granted under permit, on one year's notice; section 35.....	199
value of property to be determined by arbitration; how arbitrators are selected; section 35	199

	Page.
WATER POWER ACT—Continued.	
no transfer, sale, etc., valid, unless approved by commission; section 36	199
under this act, person, firm, etc., not exempt from liability for damages; section 37	199
municipality, etc., not prevented from taking water for use under regulations prescribed by commission; section 38	200
state may take over by proceedings any improvement if controlled by unlawful trust in restraint of trade; section 39.....	200
members of commission to act as receivers; section 39.....	200
permit void unless acceptance filed within ninety days; section 40.	200
dam to be completed in five years, otherwise permit void under section 19; section 40	200
time extended for good cause; section 40	201
authorized dam; section 41	201
applications for permits heretofore made may be amended or changed; or new applications may be filed; section 41-a	201
proceedings in court may be amended in petition, etc.; or new proceedings instituted; section 41-a.....	201
any section held to be unconstitutional not to affect remainder of act; section 42	201
inconsistent acts repealed; section 43	201
WAYNE COUNTY HIGH SCHOOL:	
establishing high school in said county, in or near town of Wayze; section 1	513
board of directors to select site; section 1.....	513
board to consist of three members; county superintendent to be <i>ex-officio</i> member and president; section 1	513
how chosen and term of service; section 1.....	514
board has power to make rules for management and control of school; section 2	514
employ teachers, fix salaries, prescribe course of study; section 2..	514
do all things essential to welfare of school; section 2.....	514
elect secretary, prescribe duties and compensation; section 2....	514
board to be a body corporate; section 3.....	514
board may lay levy for securing school grounds and buildings, not to exceed; section 4	514
board to prescribe rules as to qualifications for admission; section 5	514
sheriff of county to collect and disburse revenues from taxation; section 6	514
compensation allowed members of board; section 7	514
question submitted to voters of county before act takes effect; section 8	514
manner of holding election; section 8	515
WEIGHTS AND MEASURES:	
acts 1882 amended, chapter 59.	
code 1913 amended, chapter 59.....	167
weights and measures received from United States shall be state standards of weights and measures; section 1.....	168
may be kept at physical laboratory of state university, or elsewhere; section 1	168
state commissioner of labor, <i>ex-officio</i> commissioner of weights and measures; section 1	169
standards to be known as office standards and working standards; section 2	169
to be verified and compared by state commissioner, and if found accurate, sealed and stamped; section 2	169
uses of office standards; section 2	169

WEIGHTS AND MEASURES—Continued.	Page.
state commissioner of labor authorized to appoint and fix salaries of deputies; limitations; section 3	169
commissioner of labor to give bond approved by attorney general, for faithful performance of duties; section 4	169
commissioner to have charge of standards and keep them in safe place; section 5	170
shall maintain state standards; keep a record of standards, balances, etc.; section 5	170
report to governor annually of all work; section 5	170
assistant commissioner of weights and measures; duties; section 5	170
powers and duties of commissioner of weights and measures; section 6	170
action to be taken by circuit court on failure of witnesses to testify; section 6	170
commissioner to try and prove all standards once in five years; when accurate to be sealed and stamped; section 7	170
record to be kept; section 7	171
commissioner or deputy to visit cities, etc., and inspect local sealers and measuring devices, etc.; section 7	171
commissioner shall issue regulations; section 7	171
commissioner of weights and measures to have general supervision of weights and measures and devices; section 8	171
he or his assistant, upon request, shall test weights, etc.; section 8	171
shall annually test scales, etc., and report to state board of control; section 8	171
may appoint special deputies; section 8	171
duty of commissioner to inspect, test, etc., weights, measures and measuring devices; section 9	171
shall weigh or measure and inspect packages to determine amounts represented; section 9	172
shall make tests twice a year; in case of violation of statute, can cause prosecution; section 9	172
if weights, measures, etc., correspond with standards, commissioner shall seal or mark; section 10	172
commissioner shall condemn, seize or destroy incorrect weights, etc.; section 11	172
owner or user may have same repaired or corrected; otherwise, commissioner shall confiscate; section 11	172
deputies and inspectors to have same powers as commissioner of weights and measures; section 12	172
sheriff of county to be <i>ex-officio</i> county sealer of weights and measures, and charge no fee; section 13	173
county commissioners may appoint deputy sealers if necessary, and fix salaries; section 13	173
term of office, powers and duties of county sealer; section 13	173
city sealer of weights and measures provided for; how appointed; salary, how determined; section 14	173
deputies appointed if necessary; salaries; term of office; duties; section 14	173
two or more counties may combine, and employ one set of standards and sealer; section 15	174
sheriff not required to give special bond as county sealer; section 16	174
county sealer must give bond; section 16	174
county commissioner required to procure set of weights and measures; section 17	174
must be tried, and if proven accurate, to be sealed and certified by state commissioner; section 17	174

WEIGHTS AND MEASURES—Continued.	Page.
action to be taken if county commissioners fail to provide such standards; section 17	174
powers and duties of county or city sealer; section 18.....	175
county or city sealer to keep record and make report to state commissioner; section 19	175
commissioner and assistants, and county and city sealer, made special policemen; section 20	175
powers and authority given them; section 20	175
to hinder, or obstruct commissioner, deputies or sealers, a misdemeanor; penalty; section 21	175
to impersonate commissioner, deputies or sealers, a misdemeanor; penalty; section 22	175
net quantity of contents of packages to be sold, must be plainly marked; section 23	176
exemptions as to small packages; section 23	176
word "package" defined; provisions as to certain packages; section 23	176
unlawful to sell butter or oleomargarine other than by weight; section 24	176
must bear plain statement of true net weight; section 24	176
"prints," "bricks" and rolls," how construed; section 24	177
not to apply to farmers; section 24	177
capacity of bottles to be used; certain variations to be allowed; section 25	177
certain bottles to have the word "sealed" blown or marked in; section 25	177
manufacturer to file bond, and record of bonds to be kept; section 25	177
penalty for failure to comply as to size and markings of bottles; section 25	177
exceptions as to sealers of weights and measures; section 25	178
dimensions of standard barrel; exceptions; section 26	178
weight, avoiddupols. of "bushel" of certain articles; section 27...	178, 179
number pounds in barrel of certain articles; section 27.....	179
only net weight of commodity sold. lawful; section 28	180
what actions constitute violations; how punishable; section 29	180
definitions; section 30	180, 181
 WESTON INDEPENDENT SCHOOL DISTRICT:	
acts 1895 amended. sections 1, 4, 6, 13 and 14. chapter 55	555
boundaries which shall constitute said district; section 1.....	555, 556
vacancy in office of school commissioner, how filled; section 4....	556
what to be done in case board fails to appoint; section 4.....	556
compensation of commissioners, president and secretary of board; how paid; section 6	556
superintendent of schools for said district to act as examiner; section 13	556
requirements as to applicants; section 13	556
grades of certificates: time for which same are granted; renewable; section 13	557
time and place for examinations; subjects prescribed; section 13	557
applicants to pay fee; superintendent to receive compensation out of fees; section 13	557
remainder to go to building fund; section 13	557
certificates issued without examination under certain conditions; section 13	557
board to appoint teachers and fix salaries; section 14	557
must first obtain certificate; section 14	557
teachers subject to rules, and may be removed for cause; section 14	557

	Page.
WEST VIRGINIA UNIVERSITY :	
(see "Resolutions," S. J. R. No. 6)	399
(see "University Cadets")	395
WHEELING TEACHERS' RETIREMENT FUND :	
(see "Teachers' Retirement Fund (Wheeling)")	507
WILLIAMSON INDEPENDENT SCHOOL DISTRICT :	
acts 1905 amended, sections 2, 4, 6 and 17, chapter 33; adding sections 17-a, 17-b and 17-c	581
commissioners for district elected; how and when; term of office; section 2	582
what ballot shall contain; section 2	582
commissioners to constitute board of education; section 2	582
how election shall be held and conducted; section 2	582
commissioner and clerk for voting precinct, how chosen; section 2 voting precincts; section 2	583
board to choose president and secretary and prescribe duties; section 4	583
president to have one vote; section 4	583
board may hold stated or special meetings; section 6	583
two members must concur on questions; section 6	583
members to receive compensation; section 6	583
examining committee, composed of whom; section 17	583
examination not required of superintendent; section 17	583
other members ineligible as teachers; section 17	583
committee to examine applicants; fee required; section 17	583
applicant must be of good character; section 17	584
classification of certificates granted; section 17	584
limit of certificate, renewable on examination; section 17	584
committee to hold meetings for examination; when; where; section 17	584
compensation of board; disposition of fees; section 17	584
requirements as to employment of teachers; exception as to super- intendent; section 17	584
other provisions as to those eligible as teachers; section 17....	584
superintendent to be appointed by board and enter into contract; section 17	584
teachers to sign; section 17	584
authority and duty of truant officer; section 17-a	584
confirmed truant to be committed to institution, provided; sec- tion 17-a	584
expense incurred; how paid; section 17-a	585
truant officer appointed; when; section 17-b	585
shall enforce provisions of act; how; section 17-b	585
board of education to continue in office, until; section 17-c	585
inconsistent acts repealed; section 17-c	585
WIRT COUNTY HIGH SCHOOL :	
"Wirt county high school" established; section 1	568
board of directors to select site; section 1	568
who shall constitute board; how elected, and term of service; section 1	569
powers and authority of board as to teachers, course of study, etc.; section 2	569
shall elect secretary and prescribe duties, etc.; section 2	569
board a body corporate; section 3	569
may lay levy for grounds, buildings, etc., not to exceed; section 4	569
shall prescribe regulations as to qualifications for admission; section 5	570

	Page.
WIRT COUNTY HIGH SCHOOL—Continued.	
what to be done with revenues from taxation; section 6	570
members of board allowed compensation; section 7	570
question to be submitted to voters of county; section 8	570
requirements as to publication of notice of such election; section 8	570
form of ballot; section 8	570
if majority favor, act effective from announcement of vote; sec-	
tion 8	570
conducted as general elections; section 8	570
failing to carry, may be re-submitted; section 8	570
WOOD COUNTY CRIMINAL COURT ABOLISHED:	
acts repealed, 1891, chapter 12; section 1	574
pending actions re-docketed in circuit court; section 2	575
inconsistent acts repealed; section 2	576
WORKMEN'S COMPENSATION FUND:	
acts amended, 1913, chapter 10, sections 1, 2, 3, 4, 6, 7, 8, 9, 10,	
11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29,	
30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 43, 44, 45, 46, 48, 49, 51,	
52 and 54; and repealing sections 5, 32, 47 and 55, of chapter	
10, acts 1913	52
office of state compensation commissioner created; section 1....	55
appointment by governor: when and how made, and term of office;	
section 1	55
how vacancy may be filled; section 1	55
oath of office; bond required; removal from office for cause;	
section 1	56
legal services performed by attorney general; section 1	56
commissioner prohibited from engaging in other business; section 1	56
salary and how paid; section 1	56
seal, courts in state to take judicial notice of same; section 1..	56
public service commission to perform duties until compensation	
commissioner is appointed and qualified; section 1	56
fund created to be used only for payment of benefits; section 2..	56
all expenses and salaries to be paid by state; section 2	57
manner of paying salaries and expenses; section 3	57
office hours of commissioner; secretary in charge; section 4....	57
record of proceedings kept, which shall be public; section 4	57
office at seat of government; suitable equipment; section 6	57
after notice, hearings may be held anywhere within state; section 6	57
all records, etc., in custody of commissioner and subject to his	
orders: section 6	57
same jurisdiction, rights, powers, etc., vested in commissioner as	
under chapter 10, acts 1913; section 6	58
commissioner authorized to employ assistants; compensation and	
how paid; section 7	58
necessary traveling expenses allowed; section 7	58
proper rules of procedure to be adopted; notices and service	
thereof in case of accident: section 8	58
method of investigations, examinations, etc.; section 8	58
employers and employees defined within meaning of this act; excep-	
tions; section 9	58
employers who may elect to pay into workmen's compensation	
fund: section 9	59
statement furnished under oath; deposit required under section 24;	
section 9	59
provisions and requirements as to foreign corporations; section 9..	59
no application accepted until certificate is filed; section 9	59
employer shall furnish to commissioner all information required;	
section 10	60

WORKMEN'S COMPENSATION FUND—Continued.	Page.
report blanks and directions furnished employers; what they shall contain and where returned; section 11	60
commissioner or person appointed by him. has power to administer oaths, certify official acts, etc.; section 12	60
refusal or failure to comply or testify; circuit judge may compel obedience; section 13	60
fee for serving processes, and fee and mileage of witnesses; how and when paid; section 14	61
may cause depositions of witnesses; section 15	61
transcribed copy of proceedings; when it may be received as evidence; section 16	61
copy of evidence furnished on payment of fee; section 16	61
commissioner shall furnish free, blank forms; section 17	61
classification of industries; section 18	61, 62, 63, 64
commissioner has power to re-classify into schedules; section 18 ..	64
commissioner to fix rate of premium for each class, according to risk; section 18	65
duty of commissioner to fix and maintain lowest possible rate under certain requirements; section 18	65
to keep accurate account of premiums paid and liabilities incurred; section 18	65
premium rate, etc.; surplus fund; section 18	65
on July 1, 1916, and annually thereafter, readjustment of rates to be made; section 18	65
notice to be given and yearly statement furnished; section 18	66
compensation fund established for benefit of employes of employers that have paid premiums; section 19	66
manner of compensation prescribed by commissioner; section 19 ..	66
state treasurer custodian of fund; how disbursed; section 20 ..	66
board of public works has authority to invest surplus; section 20 ..	66
duty of county, school district, etc., issuing bonds; section 20	67
auditor shall be custodian, and keep and account for all bonds purchased for investment; section 20	67
attorney general to invest and give written opinion of such bonds or securities purchased; section 20	67
employers who elect to pay premiums into fund. not liable to respond in damages; exceptions; section 22	67
employer electing to pay premiums shall post notices; no employer or employe shall exempt himself by contract, etc.; section 23 ..	68
premium rate; premium to be paid when; minimum premium; section 24	68
premium rate of employe and how paid; minimum; section 24 ..	68
receipt or statement to be given by employer to employe; section 24	68
penalty for failure to pay premiums; commissioner not required to notify delinquent employer, but shall notify employees; section 24	69
manner of re-instatement; section 24	69
how to insure payment of monthly premiums; section 24	69
upon notice by commissioner, deposit required; when; section 24 ..	70
deposits held as advance credit to employer; section 24	70
upon withdrawal of employer, balance due him to be refunded; section 24	70
commissioner shall disburse fund; to whom; section 25	70
requirements as to claims for hernia resulting from injury; compensation therefor; section 25	70
upon refusal to undergo surgical operation, no compensation allowed; section 25	71

WORKMEN'S COMPENSATION FUND-- <i>Continued.</i>	Page.
commissioner shall disburse and pay from fund, for medical, surgical and hospital treatment, not to exceed; section 27	71
no employe entitled to receive any sum from fund for injury or death self-inflicted, disobedience to rules, or intoxication; section 28	72
employers may be required to adopt rules and keep same posted for protection of employes; section 28.....	72
if death or injury result to employe from deliberate intention of employer, dependent may take under this act and have cause of action; section 28	72
reasonable funeral expenses to be paid; section 29	72
no benefit allowed for one week after injury; except; section 30	72
compensation schedule for injured employes under provisions of this act; section 31	73, 74
classification in case injury causes death within twenty-six weeks; section 33	75, 76
benefits in case of death to be paid to; section 34	77
benefits to be applied as directed by commissioner; section 35 ...	77
average weekly wage or earnings to be taken as basis upon which to compute benefits; time of injury defined; section 37	77
payments may be made in periodical installments, or at direction of commissioner; section 38	77
application for compensation to be made; proof of dependency filed when; section 39	77
non-resident aliens may be represented; how; section 39	77
power and jurisdiction of commissioner over each case; section 40	77
commissioner may commute periodical benefits; when; section 41	78
commissioner to hear and determine questions within his jurisdiction; decisions thereon final, except; section 43.....	78
claimant entitled to an appeal to supreme court of appeals; when; section 43	79
proceedings to be had; attorney general to represent commissioner on such appeal; section 43	78
costs, etc.; section 43	79
commissioner not bound by usual common law rules, etc.; section 44	79
expenditures authorized to obtain statistical and other information; section 45	79
annual report to be made by commissioner to governor; when, and what to contain; section 46	79
during absence of commissioner, secretary may act; section 48..	79
failure of person, firm or corporation to make report, a misdemeanor; penalty; section 49	79
to make false report or statement or testify falsely, is perjury; section 49	80
duty of board of public works to loan or invest money belonging to compensation fund; when; section 51	80
commissioner may request board of public works to sell or realize upon investment when expedient; section 51	80
provisions of this act to apply to employers and employes engaged in inter-state, intra-state and foreign commerce; when and how; section 52	80
employers of sufficient responsibility may maintain their own benefit funds or systems of compensation; section 54	80
bond required to be approved by commissioner; rules and regulations to be prepared and published by commissioner; section 54	81
employer carrying his own risk, not liable to respond in damages, under certain conditions; section 54	81
individual compensation prohibited in certain cases; section 54...	82

WORKMEN'S COMPENSATION FUND—Continued.	Page.
under certain conditions, commissiouer may require employer to pay into fund amount equal to unpaid compensation for which liability exists, in trust; employer then discharged from further liability; section 54	82
all conflicting acts repealed; section 56	82
 WORKMEN'S COMPENSATION (EXTRAORDINARY SESSION):	
acts 1913 amended, sections 2, 3, 7, 14, 18, 19, 25 and 54, chapter 10. as amended by legislature 1915, regular session	609
expenses incident to administration of this act, how paid; section 2	610
sum appropriated out of compensation fund for necessary expenses of act; section 2	610
manner of paying salaries and expenses; section 3	610
payments charged to workmen's compensation fund; section 3	610
charges not to exceed amount appropriated under section 2; section 3	610
commissloner authorized to employ assistants; compensation and how paid; section 7	610
necessary traveling expenses allowed; section 7	611
fee for serving processes, and fee and mileage of witnesses; how paid; section 14	611
classification of industries; section 18	611 to 614
commissloner has power to re-classify into schedules; section 8.	614
commissloner to consider degrees of hazard; fix premium according to risk; section 18	614
duty to fix and maintain lowest possible rate under certain requirements; section 18	615
to keep accurate account of premiums paid and liabilities incurred; section 18	615
premium rate, etc., surplus fund; for what purpose; section 18..	615
re-adjustment of rates to be made, when; section 18	615
notice to be given of change of rate; yearly statement; section 18	615
compensation fund established for benefit of employes of employers that have paid premiums; section 19	616
manner of compensation prescribed by commissloner; section 19..	616
commissloner shall disburse fund; to whom; section 25	616
also for expenses in administration of this act; section 25	616
requirements as to claims for hernia resulting from injury; compensation therefor; section 25	616, 617
refusal to undergo operation, no compensation allowed; except; section 25	617
requirements as to employers who maintain their own benefit funds; section 54	617
bond required, to be approved; section 54	617
rules and regulations to be prepared and published; section 54..	618
employer carrying his own risk, not liable to respond in damages; certain conditions; section 54	618
individual compensation prohibited in certain cases; section 54..	618
under certain conditions, commissloner may require employer to pay into fund amount equal to unpaid compensation for which liability exists, in trust; employer then discharged from further liability; section 54	619
repealing section 62 of general appropriation bill, 1915, regular session, and conflicting acts; section 54	619