

ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

REGULAR SESSION, 1919



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REGULAR SESSION 1919

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Democrats.....7

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(R)..... Republicans.

(D)..... Democrats.

(*) Deceased. Theo. F. Imbach, December, 1918. Leroy Shaw, April, 1919.

Republicans.....70
 Democrats.....24

Standing Committees of the House of Delegates

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Messrs. Cuppett (*Chairman*), Richards, Moran, Clements, Hickman, Scott, Williams (of Pleasants), Blizzard, Bland, Moore and Peck.

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ERRATUM

CHAPTER 2, (Senate Bill No. 45.)

- Section 33, line 13—After the word "out," insert the word "of."
- Section 42, lines 5 and 6—Strike out the whole sentence.
- Section 46, line 6—Between lines 6 and 8, supply line 7 as follows: "and may prosecute and maintain any and all suits and proceedings."
- Section 49, line 14—After the word "proceedings," strike out the "," (comma).
- Section 52, between lines 1 and 3 supply line 2 as follows: "cation shall in all cases require persons entering into contract for."
- Section 54, line 11—In the word "addition," strike out final "s."
- Section 56—Invert line 54.
- Section 65, line 8—To the word "furnish," add "ed."
- Section 65, line 45—In the word "papy," strike out the second letter "p."
- Section 67, line 8—In the word "established," strike out the syllable "ed."
- Line 19—In the word "districts," strike out the final "s."
- Section 104, line 15—To the word "subject," add "s."
- Line 37—Strike out the word "twenty-four," and insert the word "twenty-six."
- Line 41—Strike out the word "twenty-four," and insert the word "twenty-six."
- Line 41—Strike out the word "twenty-six," and insert the word "twenty-eight."
- Section 150, line 1—Strike out the word "the."
- Section 154, line 23—After the word "same," connect up the words "by law," found under next section.
- Section 156—Correct spelling of "course" in caption.
- Section 162—Correct spelling of the word "data," in caption.
- Section 173, line 1—After the word "to," insert the word "be."
- Section 174—Correct spelling of the word "data," in caption.
- Section 186, line 10—Correct spelling of the word "ninety."
- Section 50, line 35—The word "fifty" should read "forty-nine."
- Section 57, line 5—The word "fifty-six" should read "fifty-five."
- Section 67, line 9—The word "fifty-nine" should read "fifty-one."
- Section 74, line 4—The word "seventy-four" should read "seventy-two."
- Section 78, line 15—The word "eighty-seven" should read "eighty-four."
- Section 79, line 11—The word "eighty-seven" should read "eighty-four;" and the same in lines 31-32.
- Section 86, line 11—The word "fifty-eight" should read "fifty-seven."
- Section 128, line 11—The word "twenty-five" should read "twenty-two."
- Section 162, line 4—The word "sixty-three" should read "sixty."
- Section 163, line 4—The word "sixty-three" should read "sixty."
- Section 168—In lines 6, 7 and 12, the word "sixty-three" in each case should read "sixty."
- Section 186, lines 10 and 11—The word "ninety-three" should read "ninety."
- Section 189, line 20—The word "ninety-three" should read "ninety."
- Section 191, line 3—The word "ninety" should read "eighty-seven."
- Line 6—The word "ninety-two" should read "eighty-nine."
- Line 7-a—The word "ninety-three" should read "ninety."
- Section 193, line 2—The word "ninety" should read "eighty-seven."
- Line 10—The word "ninety-five" should read "ninety-two."

Note by Clerk:—The foregoing inaccuracies and improper references were in bill (S. B. 45) when passed by the Legislature.

- Chapter 25, page 154, "House Bill No. 100," should read: "House Bill No. 110."
- Chapter 70, (Senate Bill No. 4)—page 272, author of bill should read Mr. "Harmer" instead of Mr. "Harman."
- Chapter 127, (Senate Bill No. 238)—page 457, line 8, "the second day of March following," should read: "the second Monday of March following."

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LEGISLATURE OF WEST VIRGINIA

ACTS OF 1919

REGULAR SESSION

CHAPTER 1.

(Senate Bill No. 113—"Budget Bill.")

AN ACT making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the Constitution of the State of West Virginia, known as the "Budget Amendment."

[Passed February 21, 1919. In effect from passage.]

Sec.		Sec.	
1.	Appropriations to pay general charges upon the treasury.	37.	West Virginia school for deaf blind.
2.	For years appropriated and payable.	37-a.	Colored deaf and blind school.
3.	Relating to appropriations under sub-sections "A" and "B"; out of what funds payable.	38.	West Virginia industrial school for boys.
4.	Salaries of elective and appointive officials.	39.	West Virginia industrial home for girls.
5.	Auditor's office.	40.	West Virginia colored orphan's home.
6.	Attorney general's office.	41.	West Virginia children's home.
7.	Governor's office.	42.	State geological and economic survey.
8.	Pardon attorney's office.	43.	Forestry, game and fish.
9.	Governor's mansion and grounds.	44.	Point Pleasant monument.
10.	Civil contingent fund.	45.	Commissioners of pharmacy.
11.	Treasurer's office.	46.	Rumseyan society.
12.	Secretary of state's office.	47.	Berkeley Springs board.
13.	Department of agriculture.	48.	Insurance on public buildings.
14.	State law library.	49.	West Virginia university.
15.	Criminal charges.	50.	Agriculture experimental station.
16.	Support of lunatics in jail.	51.	West Virginia trades school—Montgomery.
17.	State tax commissioner's office.	52.	Preparatory branch West Virginia university—Keyser.
18.	Department of mines.	53.	Marshall college—Huntington.
19.	Commissioner of banking.	54.	Fairmont state normal school.
20.	Bureau of labor and department of weights and measures.	55.	Shepherd College State Normal School.
21.	Department of archives and history.	56.	West Liberty state normal school.
22.	State health department.	57.	Glenville state normal school.
23.	Capitol building and grounds.	58.	Concord state normal school.
24.	Labor fund, capitol building.	59.	West Virginia collegiate institute.
25.	Printing, binding and stationery.	60.	Bluefield colored institute.
26.	Supreme court of appeals.	61.	Storer college—Harpers Ferry.
27.	Circuit courts.	62.	West Virginia penitentiary.
Sen-Sec. "B."		63.	West Virginia humane society.
28.	State board of control.	63-a.	Demonstration community packing house.
29.	Huntington state hospital.	64.	Wheeling hospital—Wheeling.
30.	Spencer state hospital.	65.	Ohio valley general hospital—Wheeling.
31.	Weston state hospital.	66.	King's daughters hospital—Martinsburg.
31-a.	State colored hospital for insane.	66-a.	City hospital—Martinsburg.
32.	Welch hospital No. 1.		
33.	McKendree hospital No. 2.		
34.	Fairmont hospital No. 3.		
35.	State tuberculosis sanitarium.		
36.	State colored tuberculosis sanitarium.		

SEC.		SEC.	
67.	Barnett hospital—Huntington.	74.	Out of what fund payable.
68.	St. Joseph's hospital and City hospital—Parkersburg.	75.	Miscellaneous appropriations.
69.	Glendale hospital—Moundsville.	Sub-SEC. "E."	
70.	Florence Crittenden home—Wheeling.	76.	Out of what fund payable.
70-a.	Harrison hospital—Kimball.	77.	Department of schools.
70-b.	Mercer sanitarium—Bluefield.	Sub-SEC. "F."	
70-c.	St. Francis' hospital—Charleston.	78.	Out of what fund payable.
70-d.	Huntington general hospital—Huntington.	79.	State road commission.
70-d-2.	Mount Hope hospital—Huntington.	Sub-SEC. "G."	
70-d-3.	Guthrie hospital—Huntington.	80.	Out of what fund payable.
70-d-4.	Kessler-Hatfield hospital—Huntington.	81.	Public service commission.
70-c.	Mason hospital—Clarksburg.	Sub-SEC. "H."	
70-f.	St. Mary's hospital—Clarksburg.	82.	Out of what fund payable.
70-g.	Grafton city hospital—Grafton.	83.	Workmen's compensation.
70-h.	Roane county hospital—Spencer.	Sub-SEC. "I."	
70-i.	City hospital—Elkins.	84.	Out of what fund payable.
70-j.	Hillcrest tuberculosis sanitarium, Charleston.	85.	Appropriation for refund of overpayment of taxes, licenses, fines and commissions.
70-k.	The Lomax hospital—Bluefield.	86.	Directions for drawing appropriations; requisition upon auditor; per diem and traveling expenses of state boards.
70-l.	View Point sanitarium—Elm Grove.	87.	Printing and binding for state superintendent of free schools and what fund payable from; printing and binding for certain boards, commissions, hospitals, etc., not payable out of the appropriation for public printing; how payable; certifying cost thereof to auditor.
70-m.	The Hinton hospital—Hinton.	88.	No sum to be paid beyond amounts appropriated, unless provided for by the constitution or general laws; no money to be paid on salaries of officers or employees before service is rendered.
Sub-SEC. "C."		89.	Instructious to Clerk of House of Delegates and Clerk of the Senate.
71.	Out of what fund payable.		
72.	Senate—mileage and per diem of members and officers. Presidential appointees; Clerk's appointees.		
73.	House of Delegates—mileage and per diem of members and officers; Speaker's appointees; Clerk's appointees.		
73-a.	Legislative printing and stationery.		
73-b.	Legislative hand-book and manual.		
Sub-SEC. "D."			

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirty, one thousand nine hundred and twenty, and for the fiscal year ending June thirty, one thousand nine hundred and twenty-one, and for the remainder of the fiscal year ending June thirty, one thousand nine hundred and nineteen, the following sums of money for the following ing-named purposes:

Sec. 2. The amounts appearing in the column headed "1920" are for the fiscal year ending June thirty, one thousand nine hundred and twenty, and the amounts appearing in the column headed "1921" are for the fiscal year ending June thirty, one thousand nine hundred and twenty-one.

Sec. 3. All appropriations appearing under Sub-sections "A" and "B" are payable out of the general revenue of the State unless otherwise provided herein.

Sub-Section "A."

Salaries.

	1920.	1921.
Sec. 4.—		
2 Salary of the Governor.....	\$5,000.00	\$6,612.86
3 Salary of the Auditor.....	4,500.00	4,500.00
4 Salary of the Treasurer.....	3,500.00	3,500.00
5 Salary of the Attorney General.....	4,000.00	4,000.00
6 Salary of the Commissioner of Agri-		
7 culture	4,000.00	4,000.00
8 Salary of the Secretary of State.....	4,000.00	4,000.00
9 Salary of the State Law Librarian.....	1,800.00	1,800.00
10 Salary of the Adjutant General.....	3,600.00	3,600.00
11 Salary of the State Tax Commissioner.	4,000.00	4,000.00
12 Salary of the Forest, Game and Fish		
13 Warden	1,800.00	1,800.00
14 Salaries of the members of the Public		
15 Service Commission.....	18,000.00	18,000.00
16 Salary of the State Compensation Com-		
17 missioner	6,000.00	6,000.00
18 Salary of the Chief of the Department		
19 of Mines	5,000.00	5,000.00
20 Salary of the Commissioner of Banking	3,500.00	3,500.00
21 Salary of the Commissioner of Labor..	3,600.00	3,600.00
22 Salary of the State Historian and		
23 Archivist.....	2,700.00	2,700.00
24 Salary of the State Commissioner of		
25 Health (not to exceed the amount		
26 fixed by general law).....	4,800.00	4,800.00
27 Salary of the Janitor.....	1,800.00	1,800.00
28 Salary of the Keeper of the Rolls.....	300.00	300.00
29 Salaries of the three members of the		
30 Board of Control.....	15,000.00	15,000.00
31 Salaries of the Judges of the Supreme		

The Judiciary.

32 Court of Appeals.....	40,000.00	40,000.00
33 Salaries of the Judges of the Circuit		
34 Courts	79,200.00	79,200.00

EXECUTIVE DEPARTMENT.

Auditor's Office.

Sec. 5.—

2	Salary of the chief clerk.....	\$2,400.00	\$2,400.00
3	Salary of the stenographer.....	1,320.00	1,320.00
4	Salary of the corporation clerk.....	2,100.00	2,100.00
5	Salary of the land clerk.....	2,000.00	2,000.00
6	Salaries of other clerks.....	19,000.00	19,000.00
7	Current and contingent expenses.....	3,000.00	3,000.00
8	Expenses of the Insurance Department.	11,000.00	11,000.00
9	Salary of the assistant to the custodian		
10	of bonds and other securities of the		
11	workmen's compensation fund, the		
12	school fund, insurance companies and		
13	State depositories, and other ex-		
14	penses in connection with said bonds		
15	and securities	2,400.00	2,400.00
16	For refunding moneys erroneously paid		
17	into the treasury such sums are here-		
18	by appropriated as may be erroneously		
19	so paid, payable out of the same fund		
20	into which paid.....		
21	For pay of State agents, such amounts		
22	are hereby appropriated as may be		
23	necessary to pay commissions of State		
24	agents, payable out of the fund col-		
25	lected; <i>provided</i> , that in no case shall		
26	the amount so paid exceed ten per		
27	centum of the funds collected and		
28	paid into the treasury by any such		
29	agent		
30	For refunding to counties, districts and		
31	municipal corporations, county, dis-		
32	trict and municipal taxes paid into		
33	the treasury for the redemption of		
34	lands, such amount is hereby appro-		
35	priated as will be necessary to refund		
36	to the counties, districts and municip-		
37	al corporations entitled thereto....		
38	taxes so paid into the treasury....		

39 For refunding county, district and mu-
 40 nicipal taxes paid into the treasury
 41 by railroad and other companies, such
 42 sum is hereby appropriated as will be
 43 necessary to refund to each county,
 44 district and municipal corporation
 45 the amount of such taxes as may be
 46 paid into the treasury to the credit of
 47 such county, district and municipal
 48 corporation

Attorney General's Office.

Sec. 6.—

2	Salary of First Assistant Attorney		
3	General	\$3,800.00	\$3,800.00
4	Salary of Second Assistant Attorney		
5	General	3,250.00	3,250.00
6	Salary of Third Assistant Attorney		
7	General	3,250.00	3,250.00
8	Salary of the reading clerk.....	1,500.00	1,500.00
9	Salary of the printing clerk.....	2,100.00	2,100.00
10	Salary of the chief stenographer, book-		
11	keeper and file clerk.....	1,500.00	1,500.00
12	Salaries of two stenographers.....	2,400.00	2,400.00
13	Current, contingent and traveling ex-		
14	penses	3,000.00	3,000.00

Governor's Office.

Sec. 7.—

2	Salary of private secretary to the		
3	Governor	\$4,000.00	\$4,000.00
4	Salaries of stenographers and clerks...	3,500.00	3,500.00

Pardon Attorney's Office.

Sec. 8.—

2	Salary of the Pardon Attorney.....	3,000.00	3,000.00
3	Salary of the stenographer.....	1,200.00	1,200.00
4	Current and contingent expenses.....	300.00	300.00

Governor's Mansion and Grounds.

Sec. 9.—

2	For maintenance.....	1,250.00	1,250.00
3	For service in mansion.....	1,380.00	1,380.00
4	Repairs and improvements.....	1,000.00	1,000.00
5	Furniture, furnishings and other sup-		
6	plies	1,000.00	1,000.00

Civil Contingent Fund.

Sec. 10.—

2	For civil contingent fund, to be ex-		
3	pende'd upon the order of the Gov-		
4	ernor, no part of which, however, is to		
5	be used for clerk hire in any of the		
6	State offices or institutions other than		
7	the Governor's office.....	\$15,000.00	\$15,000.00

Treasurer's Office.

Sec. 11.—

2	Salaries of clerks, bookkeepers, stenog-		
3	raphers and other employees.....	\$12,000.00	\$12,000.00
4	Current, contingent and traveling ex-		
5	penses, office equipment and machines.	3,000.00	3,000.00

Secretary of State's Office.

Sec. 12.—

2	Expenses of Secretary of State's office,		
3	including compensation of clerks,		
4	stenographers and other expenses...	\$17,000.00	\$17,000.00
5	Cost of distribution of acts and journals	500.00	

Department of Agriculture.

Sec. 13.—

2	Salary of the Chief of the Bureau of		
3	Markets	\$2,400.00	\$2,400.00
4	Salary of clerks and stenographers....	10,000.00	10,000.00
5	Traveling expenses of the Commissioner	1,000.00	1,000.00
6	Traveling expenses of Chief of the		
7	Bureau of Markets.....	1,000.00	1,000.00
8	Current and contingent expenses.....	5,000.00	5,000.00

9	For carrying out the provisions of chap-		
10	ter 13, acts of the regular session of		
11	the legislature of 1915, relating to		
12	diseased animals; for enforcement of		
13	Sire registration law; for the pro-		
14	motion of poultry industry and in-		
15	vestigating and developing live-stock		
16	industry	25,000.00	25,000.00
17	For enforcement of crop pest law and		
18	developing farm, horticultural and		
19	trucking industries.....	25,000.00	25,000.00
20	For other expenses of the Department		
21	of Agriculture, including the en-		
22	forcement of the pure-seed law and		
23	employment of special agents.....	20,000.00	20,000.00

State Law Library.

Sec. 14.—

2	Current and contingent expenses and		
3	clerk hire	2,400.00	2,250.00
4	Purchase and binding books for the		
5	State Law Library (Charleston)....	2,500.00	2,500.00

Criminal Charges.

Sec. 15.—

2	To pay criminal charges.....	\$50,000.00	\$50,000.00
3	For transportation of prisoners and ex-		
4	tradition of criminals.....	3,500.00	3,500.00
5	For extradition of fugitives.....	3,000.00	3,000.00

Support of Lunatics in Jail.

Sec. 16.—

2	To pay for support of lunatics in jails.	\$2,000.00	\$2,000.00
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State Tax Commissioner's Office.

Sec. 17.—

2	Salary of assistant to the State Tax		
3	Commissioner	\$3,000.00	\$3,000.00
4	Expenses of the State Tax Commis-		
5	sioner's office, including compensation		
6	of assistants, stenographers and other		
7	expenses	25,000.00	25,000.00

8	Salary of chief clerk in excise tax de-		
9	partment	3,000.00	3,000.00
10	Expenses of excise tax department, in-		
11	cluding compensation of assistants		
12	and stenographers, filing cases and		
13	other expenses.....	10,000.00	10,000.00
14	Expenses of office of commissioner of		
15	prohibition, including compensation		
16	of deputies, assistants, clerks, stenog-		
17	raphers and other expenses.....	40,000.00	40,000.00
18	Salary of chief accountant.....	5,000.00	5,000.00
19	Expenses of auditing State departments		
20	and compiling financial reports.....	9,000.00	9,000.00
21	Expenses of uniform system of account-		
22	ing, including compensation of assis-		
23	tants, stenographers, and other ex-		
24	penses	7,000.00	7,000.00
25	For services and traveling expenses of		
26	deputies to make examinations of the		
27	books, records and papers of corpora-		
28	tions delinquent in filing of special		
29	excise tax returns; to assess and col-		
30	lect the excise tax due the State from		
31	delinquent corporations and to do		
32	such other things as will insure effect-		
33	iveness of provisions of law with re-		
34	spect to the filing of said returns and		
35	the payment of said tax.....	7,500.00	7,500.00

Department of Mines.

Sec. 18.—

2	Salaries of nineteen mine inspectors...	57,000.00	57,000.00
3	Salary of the chief clerk.....	2,400.00	2,400.00
4	Salary of statistical clerk.....	1,500.00	1,500.00
5	Salaries of three stenographers.....	3,900.00	3,900.00
6	Traveling expenses of chief and district		
7	inspectors.....	18,000.00	18,000.00
8	Current and contingent expenses.....	2,500.00	2,500.00
9	Salary of inspector of sand and lime-		
10	stone mines.....	2,100.00	2,100.00
11	Traveling expenses of inspector of sand		
12	and limestone mines, etc.....	1,000.00	1,000.00

13	For the purchase of mine rescue equip-		
14	ment and the establishment of rescue		
15	stations	14,000.00	
16	Salary of director of rescue work	2,400.00	2,400.00
17	Traveling expenses of director and ex-		
18	penses of maintaining and operating		
19	rescue stations	5,300.00	5,300.00

Commissioner of Banking.

Sec. 19.—

2	Salaries of three assistants to Commis-		
3	sioner of Banking	\$7,500.00	\$7,500.00
4	Traveling expenses of the Commissioner		
5	and assistants	4,000.00	4,000.00
6	Current and contingent expenses	1,000.00	1,000.00
7	Salaries of stenographers and clerks	1,800.00	1,800.00

Bureau of Labor and Department of Weights and Measures.

Sec. 20.—

2	Salaries of four factory inspectors	\$7,200.00	\$7,200.00
3	Salary of chief clerk	2,400.00	2,400.00
4	Salary of assistant clerk and stenog-		
5	rapher	1,800.00	1,800.00
6	Salary of statistical clerk	1,200.00	1,200.00
7	Current and contingent expenses of the		
8	Department of Weights and Measures	3,000.00	3,000.00
9	Current and contingent expenses of the		
10	Bureau of Labor	2,500.00	2,500.00
11	Traveling expenses of the Commissioner		
12	of Labor and factory inspectors	7,500.00	7,500.00
13	Salaries of inspectors of weights and		
14	measures	3,600.00	3,600.00
15	Traveling expenses of inspectors of		
16	weights and measures	3,000.00	3,000.00

Department of Archives and History.

Sec. 21.—

2	Salary of the curator of museum	\$1,800.00	\$1,800.00
3	Salary of librarian	1,500.00	1,500.00
4	Salary of stenographers	1,200.00	1,200.00
5	Salary of chief cataloguer	1,200.00	1,200.00

6	Salary of messenger and janitor.....	900.00	900.00
7	Current and contingent expenses.....	1,500.00	1,500.00
8	Purchase of books, State papers and		
9	periodicals	1,000.00	1,000.00

State Health Department.

Sec. 22.—

2	Current general expenses.....	31,460.00	31,460.00
3	Bureau of venereal diseases.....	7,000.00	7,000.00
4	For office rent.....	1,680.00	1,680.00

Capitol Buildings and Grounds.

Sec. 23.—

2	For water, light, heat and current ex-		
3	penses other than repairs and im-		
4	provements	\$15,000.00	15,000.00
5	Repairs and improvements.....	5,000.00	5,000.00

Labor Fund Capitol Building.

Sec. 24.—

2	Salary of chief engineer.....	\$1,800.00	\$1,800.00
3	Salary of one night engineer.....	1,200.00	1,200.00
4	Salaries of two night watchmen.....	2,400.00	2,400.00
5	Salary of one day fireman.....	1,200.00	1,200.00
6	Salary of caretaker of public grounds..	1,200.00	1,200.00
7	Salary of janitor and messenger at State		
8	Board of Control.....	1,200.00	1,200.00
9	Salaries of janitors and cleaners....	10,800.00	10,800.00
10	Salaries of two charwomen.....	960.00	960.00
11	Salaries of two elevator operators.....	1,440.00	1,440.00

Printing, Binding and Stationery.

Sec. 25.—

2	For printing, binding, stationery, and		
3	storage	\$80,000.00	\$80,000.00

JUDICIARY DEPARTMENT.

Supreme Court of Appeals.

Sec. 26.—

2	Salary of the clerk.....	\$1,500.00	\$1,500.00
3	Salary of the stenographer.....	1,200.00	1,200.00

4	Salary of the deputy clerk.....	2,400.00	2,400.00
5	Salaries of the law clerks.....	10,500.00	10,500.00
6	Salary of court librarian and mes-		
7	senger	1,800.00	1,800.00
8	Salary of the crier.....	800.00	800.00
9	Mileage of the Supreme Court judges..	500.00	500.00
10	Current and contingent expenses of the		
11	Supreme Court and expenses of con-		
12	ducting law examinations other than		
13	per diem of members of the examin-		
14	ing board.....	1,250.00	1,250.00
15	Printing and binding Supreme Court		
16	reports	6,000.00	6,000.00

Circuit Courts.

Sec. 27.—

2	Compensation of special judges of the		
3	circuit courts	\$1,500.00	\$2,000.00
4	Mileage of the judges of the circuit		
5	courts.....	3,000.00	3,000.00

General School Fund.

7	To supplement the general school fund		
8	for the purpose of paying part of		
9	state aid to high schools.....	50,000.00	50,000.00

Sub-Section "B."

All appropriations appearing under "Sub-Section 'B' " are
 2 payable only on the requisition and approval of the state board
 3 of control.

EXECUTIVE DEPARTMENT.*State Board of Control.*

Sec. 28—

2	Salaries of secretary, buyer, superin-		
3	tendent of construction, bookkeepers		
4	and other assistants.....	\$15,000.00	\$15,000.00
5	Salaries of seven stenographers.....	8,400.00	8,400.00
6	Traveling expenses	1,500.00	1,500.00
7	Current and contingent expenses.....	4,250.00	4,250.00

Huntington State Hospital.

Sec. 29.—

2	Current general expenses.....	\$120,000.00	\$120,000.00
3	Repairs and improvements.....	7,500.00	7,500.00
4	Buildings and land.....	20,000.00	20,000.00

Spencer State Hospital.

Sec. 30.—

2	Current general expenses.....	\$120,000.00	\$120,000.00
3	Repairs and improvements.....	7,500.00	7,500.00

Weston State Hospital.

Sec. 31.—

2	Current general expenses.....	\$195,000.00	\$195,000.00
3	Repairs and improvements.....	25,000.00	25,000.00
4	Buildings and land.....	6,000.00	6,000.00

State Colored Hospital for the Insane.

Sec. 31-a—

2	Buildings and Land	\$75,000.00	\$75,000.00
3	Current General Expenses		15,000.00

Welch Hospital No. 1.

Sec. 32.—

2	Current general expenses.....	\$42,000.00	\$42,000.00
3	Repairs and improvements.....	5,000.00	5,000.00

McKendree Hospital No. 2.

Sec. 33.—

2	Current general expenses.....	\$25,000.00	\$25,000.00
3	Repairs and improvements.....	10,000.00	5,000.00

Fairmont Hospital No. 3.

Sec. 34.—

2	Current general expenses.....	\$22,000.00	\$22,000.00
3	Repairs and improvements.....	2,500.00	2,500.00

State Tuberculosis Sanitarium.

Sec. 35.—

2	Current general expenses.....	\$85,000.00	\$85,000.00
3	Repairs and improvements.....	15,000.00	15,000.00
4	Buildings and land.....	7,500.00	7,500.00

State Colored Tuberculosis Sanitarium.

Sec. 36.—

2	Current general expenses.....	\$15,000.00	\$18,000.00
3	Repairs and improvements.....	5,000.00	5,000.00

West Virginia School for Deaf and Blind.

Sec. 37.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$40,000.00	\$40,000.00
4	Current general expenses.....	45,000.00	45,000.00
5	Repairs and improvements.....	7,500.00	7,500.00
6	Buildings and land.....	30,000.00	30,000.00

Colored Deaf and Blind School.

Sec. 37-a—

2	Buildings and land.....	\$15,000.00	\$15,000.00
3	Current general expenses.....	.....	10,000.00

West Virginia Industrial School for Boys.

Sec. 38.—

2	Current general expense.....	\$85,000.00	\$85,000.00
3	Repairs and improvements.....	7,500.00	7,500.00

West Virginia Industrial Home for Girls.

Sec. 39.—

2	Current general expenses.....	\$25,000.00	\$25,000.00
3	Repairs and improvements.....	8,000.00	8,000.00

West Virginia Colored Orphans' Home.

Sec. 40.—

2	Current general expenses.....	\$12,500.00	\$12,500.00
3	Repairs and improvements.....	3,500.00	3,500.00
4	Buildings and land.....	2,500.00	2,500.00

West Virginia Children's Home.

Sec. 41.—

2	Current general expenses.....	\$10,000.00	\$10,000.00
3	Repairs and improvements.....	1,000.00	1,000.00

State Geological and Economic Survey.

Sec. 42.—

2	Cooperative topographic mapping....	\$18,750.00	\$18,750.00
3	Publication of detailed report on Nich-		
4	olas Co.	5,000.00	.....

5	Publication of detailed reports on		
6	Tucker and Mineral counties.....	.....	5,000.00
7	Field and incidental expenses.....	1,900.00	1,600.00
8	Soil studies	600.00	600.00
9	Stream gauging	500.00	500.00
10	Salaries	10,250.00	10,250.00

Forestry, Game and Fish.

Sec. 43.—

2	Salaries of two chief deputies.....	2,400.00	2,400.00
3	Current and contingent expenses of		
4	deputies.....	500.00	500.00
5	Mileage and traveling expenses of dep-		
6	uties.....	750.00	750.00
7	Current and contingent expenses of		
8	Warden.....	750.00	750.00
9	Mileage and traveling expenses of		
10	Warden.....	500.00	500.00

11 For the protection of forests, and the protection and propa-
 12 gation of fish and game, to be expended by and upon the approval
 13 of the forest, game and fish warden in the manner and for the
 14 purposes provided by the Acts of 1909, as amended, not to ex-
 15 ceed \$10,000.00 for the year ending June 30, 1920, and \$10,000.00
 16 for the year ending June 30, 1921. Said sums are hereby appro-
 17 priated out of the "Forest, Game and Fish Protective Fund,"
 18 which was created by Section 31 of Chapter 60 of the Acts of
 19 1909, and acts amendatory thereof.

Point Pleasant Monument.

Sec. 44.—

2	For the improvements and maintenance		
3	of Tu-En-Die-Wei Park at Point		
4	Pleasant.....	\$1,000.00	\$1,000.00
5	Construction of retaining walls river		
6	bank.....	1,500.00	1,500.00

Commissioners of Pharmacy.

Sec. 45.—

2	For salaries and expenses of board....	\$2,100.00	\$2,100.00
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Rumseyan Society.

Sec. 46.—

2	For improvements and maintenance		
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3	of grounds and monument at Shep-		
4	herdstown.....	\$500.00	\$500.00

Berkeley Springs Board.

Sec. 47.—

2	For current, contingent and traveling		
3	expenses of board.....	\$500.00	\$500.00

Insurance on Public Buildings.

Sec. 48.—

2	To pay for insurance on public build-		
3	ings.....	\$25,000.00	\$25,000.00

West Virginia University.

Sec. 49.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$200,000.00	\$210,000.00
4	Current general expenses.....	80,000.00	80,000.00
5	Repairs and improvements.....	40,000.00	25,000.00
6	Agricultural, horticultural and home		
7	economic extension work.....	60,000.00	65,000.00
8	For expenses of Athletic Board.....	5,000.00	5,000.00
9	Mining and industrial extension work.	10,000.00	10,000.00
10	Building and land (Law Building)...	62,500.00	62,500.00
11	To purchase for the West Virginia uni-		
12	versity the I. C. White property at		
13	Morgantown	65,000.00	65,000.00

Agricultural Experiment Station.

Sec. 50.—

2	Current general expenses.....	\$45,000.00	\$45,000.00
3	Farm buildings and improvements....	15,000.00	15,000.00
4	For buildings on farm known as the		
5	“Reyman Farm”.....	7,500.00	7,500.00

West Virginia Trades School.—Montgomery.

Sec. 51.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$10,000.00	\$10,000.00
4	Current general expenses.....	2,500.00	2,500.00
5	Repairs and improvements.....	1,500.00	1,500.00
6	For vocational and physical education.	3,000.00	3,000.00

Preparatory Branch of the West Virginia University.—Keyser.
Sec. 52.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$12,500.00	\$12,500.00
4	Current general expenses.....	7,500.00	7,500.00
5	Repairs and improvements.....	5,500.00	5,500.00
6	For land and improvements—vocation-		
7	al and physical education.....	6,000.00	6,000.00
8	Buildings and land.....	5,000.00	5,000.00

Marshall College.

Sec. 53.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$65,000.00	\$70,000.00
4	Current general expenses.....	12,500.00	12,500.00
5	Repairs and improvements.....	15,000.00	10,000.00
6	For vocational and physical education.	5,000.00	5,000.00
7	Buildings and land.....	48,000.00	40,000.00

Fairmont State Normal School.

Sec. 54.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$40,000.00	\$40,000.00
4	Current general expenses.....	10,000.00	10,000.00
5	Repairs and improvements.....	10,000.00	10,000.00
6	Buildings and land.....	37,500.00	37,500.00

Shepherd College State Normal School.

Sec. 55.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$20,000.00	\$20,000.00
4	Current general expenses.....	6,000.00	6,000.00
5	Repairs and improvements.....	3,000.00	2,000.00

West Liberty State Normal School.

Sec. 56.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$16,000.00	\$16,000.00
4	Current general expenses.....	5,000.00	5,000.00
5	Repairs and improvements.....	3,500.00	3,500.00

Glennville State Normal School.

Sec. 57.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$21,000.00	\$22,000.00

4	Current general expenses.....	5,000.00	5,000.00
5	Repairs and improvements.....	3,000.00	3,000.00
6	Buildings and land.....	5,000.00	5,000.00

Concord State Normal School.

Sec. 58.—

2	Salaries of officers, teachers and em-		
3	ployees.....	24,000.00	24,000.00
4	Current general expenses.....	6,000.00	6,000.00
5	Repairs and improvements.....	5,000.00	5,000.00
6	Buildings and land.....	30,000.00	30,000.00

West Virginia Collegiate Institute.

Sec. 59.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$ 32,000.00	\$32,000.00
4	Current general expenses.....	14,000.00	14,000.00
5	Repairs and improvements.....	12,000.00	12,000.00
6	Buildings and land.....	15,000.00	15,000.00

Bluefield Colored Institute.

Sec. 60.—

2	Salaries of officers, teachers and em-		
3	ployees.....	\$17,000.00	\$17,000.00
4	Current general expenses.....	4,000.00	4,000.00
5	Repairs and improvements.....	5,000.00	5,000.00
6	Buildings and land.....	7,500.00	7,500.00

Storer College.

Sec. 61.—

2	Salaries of teachers.....	\$1,200.00	\$1,200.00
3	For industrial department.....	1,500.00	1,500.00

West Virginia Penitentiary.

Sec. 62.—

2	For emergency current general ex-		
3	penses.....	\$40,000.00	\$40,000.00

West Virginia Humane Society.

Sec. 63.—

2	Salaries, traveling expenses, current		
3	and contingent expenses.....	\$25,000.00	\$25,000.00

Demonstration Community Packing House.

Sec. 63-a—

2	Buildings, land and equipment.....	\$25,000.00	\$.....
3	Current and general expense.....	.....	4,000.00

Wheeling Hospital—Wheeling.

Sec. 64.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$10,000.00	\$10,000.00

Ohio Valley General Hospital—Wheeling.

Sec. 65.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$10,000.00	\$10,000.00

King's Daughters Hospital—Martinsburg.

Sec. 66.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	5,000.00	5,000.00

City Hospital—Martinsburg.

Sec. 66-a—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$5,000.00	\$5,000.00

Barnett Hospital—Huntington.

Sec. 67.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$1,250.00	\$1,250.00

St. Joseph's Hospital—Parkersburg.

Sec. 68.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	2,500.00	2,500.00

City Hospital—Parkersburg.

6-a	For the treatment of laborers and		
7	others who may become public charge,		
8	said amount to be paid upon approval		
9	of the state board of control.....	2,500.00	2,500.00

Glendale Hospital—Moundsville.

Sec. 69.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$5,000.00	\$5,000.00

Florence Crittenden Home—Wheeling.

Sec. 70.—

2	For Florence Crittenden Home at		
3	Wheeling.....	2,500.00	2,500.00

Harrison Hospital—Kimball.

Sec. 70-a.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$1,250.00	\$1,250.00

Mercer Sanitarium—Bluefield.

Sec. 70-b.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$1,250.00	\$1,250.00

St. Francis Hospital—Charleston.

Sec. 70-c.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$5,000.00	\$5,000.00

Huntington General Hospital—Huntington.

Sec. 70-d.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$1,500.00	\$1,500.00

Mount Hope Hospital—Huntington.

Sec. 70-d2—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$2,500.00	\$2,500.00

Guthrie Hospital—Huntington.

Sec. 70-d3—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$1,000.00	\$1,000.00

Kessler-Hatfield Hospital—Huntington.

Sec. 70-d4—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$5,000.00	\$5,000.00

Mason Hospital—Clarksburg.

Sec. 70-e.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$2,500.00	\$2,500.00

St. Marys Hospital—Clarksburg.

Sec. 70-f.—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$2,500.00	\$2,500.00

Grafton City Hospital—Grafton.

Sec. 70-g—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$1,250.00	\$1,250.00

Roane County Hospital—Spencer.

Sec. 70-h—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$3,000.00	\$3,000.00

City Hospital—Elkins.

Sec. 70-i—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$2,000.00	\$2,000.00

Hillcrest Tuberculosis Sanitarium—Charleston.

Sec. 70-j—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$5,000.00	\$5,000.00

The Lomax Hospital—Bluefield.

Sec. 70-k—

2	For treatment of laborers and others		
3	who may become public charge,		
4	said amount to be paid upon ap-		
5	proval of the state board of con-		
6	trol	\$1,250.00	\$1,250.00

View Point Sanitarium—Elm Grove.

Sec. 70-l—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$5,000.00	\$5,000.00

The Hinton Hospital—Hinton.

Sec. 70-m—

2	For treatment of laborers and others		
3	who may become public charge, said		
4	amount to be paid upon approval of		
5	the state board of control.....	\$2,500.00	\$2,500.00

Sub-Section "C."

Sec. 71. All appropriations appearing under Sub-Section
2 "C" are payable out of the General Revenue of the State Fund
3 for the fiscal year ending June 30, 1919.

LEGISLATIVE DEPARTMENT.

SENATE.

Sec. 72.—

2	Mileage of members of the Senate.....	\$1,123.90
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Per Diem of President and Members.

3	President of the Senate, at six dollars per day.....	\$270.00
4	Twenty-nine members of Senate, at four dollars per	
5	day	5,220.00

Per Diem of Other Elective Officers.

6	Clerk of Senate at \$15.00 per day.....	675.00
7	Sergeant-at-Arms of Senate at \$7.00 per day.....	315.00
8	Doorkeeper of the Senate at \$6.00 per day.....	270.00

Presidential Appointees.

9	Secretary and stenographer to President at \$8.00	
10	per day	720.00
11	Clerk and stenographer to Committee on Finance at	
12	\$8.00 per day	720.00
13	Clerk and stenographer to Committee on Judiciary	
14	at \$8.00 per day	720.00
15	Clerk and stenographer to Virginia Debt Committee	
16	at \$8.00 per day	360.00
17	Twenty-two additional clerks at \$6.00 per day.....	5,940.00

18	Eight floor stenographers at \$6.00, per day.....	2,160.00
19	Mail and Banking and three journal pages at \$4.00	
20	per day	720.00
21	Eleven floor pages at \$3.00 per day	1,485.00
22	One assistant sergeant-at-arms at \$7.00 per day..	315.00
23	Two assistant doorkeepers and gallery doorkeepers	
24	at \$5.00 per day	675.00
25	Librarian at \$6.00 per day, watchman and night	
26	watchman at \$5.00 per day	720.00
27	Two cloak room keepers, toilet room attendant and	
28	one woman attendant at \$5.00 per day.....	900.00
29	Three messengers at \$5.00 per day.....	675.00

Clerk's Appointees.

30	Chief Assistant Clerk, Minute Clerk and Super-	
31	visor of Printing, at \$10.00 per day, each.....	1,350.00
32	Assistant supervisor of printing, reading clerk,	
33	stenographer to clerk, roll clerk, voucher clerk,	
34	bookkeeper, bill editor, assistant bill editor,	
35	senate bill abstract clerk, printing clerk, two as-	
36	assistants and three copyholders, in charge of Sen-	
37	ate Journal, a printing clerk, two assistants and	
38	three copyholders in charge of Senate bills, Sen-	
39	ate bill record clerk, House bill record clerk, clerk	
40	to Committee on Engrossed Bills, assistant clerk	
41	to Committee on Engrossed Bills, clerk to Com-	
42	mittee on Enrolled Bills, assistant clerk to Com-	
43	mittee on Enrolled Bills, two stenographers for	
44	general assignment, and six general assistants at	
45	\$8.00 per day, each.....	12,960.00
46	Messenger to clerk at \$4.00.....	180.00
47	Page to clerk at \$4.00.....	180.00
48	Contingent fund of Senate	15,000.00

HOUSE OF DELEGATES.

Sec. 73.—

2	Mileage of Members of the House	3,407.00
	<i>Per Diem of Speakers and Members.</i>	
3	Speaker of the House, at six dollars per day.....	\$270.00
4	Ninety-two members of House, at four dollars per	
5	day.....	16,560.00

Per Diem of Other Elective Officers.

6 Clerk of the House at \$15.00 per day	675.00
7 Sergeant-at-Arms of the House at \$7.00 per day	315.00
8 Doorkeeper of the House at \$6.00 per day.....	270.00

Speaker's Appointees.

9 Four floor stenographers at \$6.00 per day	1,080.00
10 Clerk and stenographer to Committee on Finance	
11 at \$8.00 per day	720.00
12 Secretary and stenographer to Speaker at \$8.00	
13 per day	720.00
14 Clerk and stenographer to Committee on the Judi-	
15 ciary at \$8.00 per day	720.00
16 Fifteen other clerks at \$6.00 per day	4,050.00
17 Supervisor of Committee Clerks at \$8.00 per day ...	360.00
18 Assistant Sergeant-at-Arms at \$7.00 per day ...	315.00
19 Clerk to Sergeant-at-Arms at \$6.00 per day.....	270.00
20 Eleven floor pages at \$3.00 per day	1,485.00
21 One mail and banking page at \$4.00 per day.....	180.00
22 Five journal pages at \$4.00 per day.....	900.00
23 One night watchman at \$5.00 per day.....	225.00
24 Two day watchmen at \$5.00 per day	450.00
25 One assistant doorkeeper at \$5.00 per day	225.00
25-a One assistant gallery doorkeeper at \$5.00 per day	225.00
26 Five cloak and toilet room keepers at \$5.00 per day	1,125.00
26-a Two gallery door-keepers at \$5.00 per day	450.00

Clerk's Appointees.

27 Twenty-four clerks in which is included assistant	
28 clerks provided for by section eighteen, chapter	
29 twelve of the code and including desk clerks,	
30 printing clerks, bill editors, assistant printing	
31 clerks, bill receipt clerks, calendar clerks, copy	
32 holders, stenographers, and assistant clerk to	
33 the Committee on Enrolled Bills, at \$8.00 per day,	
34 each	8,640.00
35 Two minute clerks at \$10.00 per day, each.....	900.00
36 One supervisor of printing at \$10.00 per day	450.00
37 One messenger to the clerk at \$4.00 per day	180.00
38 One page to the clerk at \$4.00 per day.....	180.00

39	To pay R. L. Hamilton, former clerk, for services	
40	rendered for this session	100.00
41	Contingent fund of the House of Delegates.....	23,500.00

Legislative Printing and Stationery.

Sec. 73a.—

2	To pay the cost of legislative printing and stationery,	
3	the appropriation to be available for the year ending	
4	June 30, 1919, and also for each of the two years	
5	ending June 30, 1920, and June 30, 1921.....	\$35,000.00

Legislative Handbook and Manual and Official Register.

Sec. 73b.—

2 To Pay John T. Harris for editing, compiling and publishing
 3 two editions of the West Virginia Legislative Handbook and
 4 Manual and Official Register, including all expenses for clerical
 5 and stenographic services, for having digests made of the educa-
 6 tional, election and other of the more important general laws of
 7 the State, and for distributing the handbook to members of the
 8 present and the next succeeding legislature in accordance with
 9 resolution adopted at the regular session of one thousand nine
 10 hundred and seventeen, or any modification of the same, \$8,000.00
 11 for the year ending June 30, 1920, and \$8,000.00 for the year
 12 ending June 30, 1921.

13 One-half of the above amounts to be paid by the auditor to
 14 the editor and compiler, upon a certificate from the superintendent
 15 of public printing that the "copy" for the handbook has been turned
 16 over to the public printer, and the other half upon a similar cer-
 17 tificate that the completed editions have been delivered.

"Sub-Section "D."

Sec. 74. All appropriations appearing under Sub-Section
 2 "D" are payable out of the general revenue of the state fund for
 3 the fiscal year ending June thirtieth, one thousand nine hundred
 4 and nineteen.

Miscellaneous Appropriations.

Sec. 75.—

2	Deficiency appropriation for salary of extra clerk in	
3-4	treasurer's office, August 1, 1918, to June 30, 1919,	\$1,320.00
5	Deficiency appropriation to reimburse Hal F. Morris,	
6	chief clerk, for amount expended for extra help in	
7	Treasurer's office	335.56

8	Deficiency appropriation for traveling expenses of	
9	chief of the Department of Mines and fifteen district	
10	inspectors for remainder of year ending June 30,	
11	1919.....	2,500.00
12	Deficiency appropriation for current and contingent	
13	expenses of the Department of Mines for remainder	
14	of the year ending June 30, 1919.....	1,000.00
15	Deficiency appropriation to employ additional clerks	
16	for statistical work in the Department of Mines for	
17	year ending June 30, 1919.....	900.00
18	Deficiency appropriation to supplement salary of chief	
19	clerk in the Department of Mines for year ending	
20	June 30, 1919.....	600.00
20-a-1	To pay additional salary of chief department of	
20-a-2	mines, March 1 to June 30, 1919.....	666.67
20-a-3	To pay additional salary of 15 mine inspectors,	
20-a-4	March 1 to June 30, 1919.....	4,500.00
20-a-5	To pay salary of four additional mine inspectors,	
20-a-6	March 1 to June 30, 1919.....	4,000.00
20-a-7	To pay traveling expenses of four additional mine	
20-a-8	inspectors, March 1 to June 30, 1919.....	1,000.00
20-a-11	To pay additional salary of commissioner of	
20-a-12	labor, May 15 to June 30, 1919.....	150.00
20-a-13	To pay salary of two factory inspectors,	
20-a-14	department of labor, May 16 to June 30,	
20-a-15	1919.....	450.00
20-a-15-a	To pay additional salary of two factory inspec-	
20-a-15-b	tors May 15 to June 30.....	150.00
20-a-16	To pay additional salary of chief clerk, depart-	
20-a-17	ment of labor, May 15 to June 30, 1919.....	75.00
20-a-18	To pay additional salary of assistant clerk and	
20-a-19	stenographer, department of labor, May 15 to	
20-a-20	June 30, 1919.....	75.00
20-a-21	To pay salary of statistical clerk, department of	
20-a-22	labor, May 15 to June 30, 1919.....	150.00
20-a-23	To pay additional salary of inspector of weights	
20-a-24	and measures, department of labor, May 15 to	
20-a-25	June 30, 1919.....	75.00
20-a-26	To pay deficiency and additional traveling ex-	
20-a-27	penses of factory inspectors, department of	
20-a-28	labor.....	1,200.00
21	Deficiency appropriation to pay expenses of office of	

22	Prohibition Commissioner for remainder of fiscal	
23	year ending June 30, 1919.....	15,000.00
24	To pay state's proportion for paving Washington street	
25	in the city of Charleston, between Capitol and	
26	Dickinson streets, being certificate No. 1465 issued	
27	by the city of Charleston, for \$2,125.45, and in-	
28	terest \$63.76.....	2,189.21
29	Deficiency appropriation to pay for water, light, heat,	
30	current expenses, repairs and improvements, capitol	
31	buildings and grounds	10,000.00
32-33	D. Appleton & Co., reimbursement of charter tax..	440.00
34	A. B. Moore, for attendance at trial at Webster	
35	Springs, in case of State vs. Asbury.....	74.20
36	Eskew, Smith & Cannon, water cooler, basins, pitchers	15.00
37	Walker Dry Goods Co., carpets and floor coverings for	
38-52	legislative chambers and rooms.....	3,956.64
53	To reimburse purchasers for unused fertilizer tags,	
54	same being unused on account of change in the law;	
55	claims to be audited by State Board of Control, and	
56	paid on requisition of said board to be paid from	
57	funds accruing to the state from the operation of the	
58	act of the legislature providing for the analysis of	
59	commercial fertilizers	4,000.00
60	To pay costs incurred in Escheat case, Taylor county,	
61	Armstrong estate:	
62	Juror fees	256.70
63	Witness fees	29.60
64	Sheriff fees	9.00
65	Prosecuting attorney fee	10.00
66	Escheator fee	10.00
67	To pay John H. Holt, special counsel, Virginia	
68	debt case, in full for services rendered to date,	
69	Services	10,000.00
70	Expenses	300.00
71-72	Total.....	10,300.00
73	To pay guards employed in case of State vs. Jack	
74	Nolte, Ohio county:	
75	Thomas Wier.....	\$110.00
76	N. E. Coulter.....	57.00
77	Elmer Tischer.....	75.00
78		<u>242.00</u>

79	To reimburse James Greer & Co., stock brokers, part		
80	of license taxes paid for the years 1911 to 1915, as		
81	follows:		
82	1911	\$363.00	
83	1912	112.50	
84	1913	117.50	
85	1914	450.00	
86	1915	450.00	
87			1,493.00
87-a-1	To reimburse A. E. Masten & Co., stock brokers,		
87-a-2	part of license taxes paid for the years 1912 to		
87-a-3	1917 as follows:		
87-a-4	1912	\$450.00	
87-a-5	1913	450.00	
87-a-6	1914	450.00	
87-a-7	1915	450.00	
87-a-8	1916	450.00	
87-a-9	1917	450.00	\$2,700.00
87-a-10	To reimburse T. C. Townsend, trustee of the		
87-a-11	estate of Max M. Fisher, doing business as		
87-a-12	Fisher, May & Co., stockbrokers, part of license		
87-a-13	taxes paid for the years 1913 to 1916, as fol-		
87-a-14	lows:		
87-a-15	1913	\$450.00	
87-a-16	1914	450.00	
87-a-17	1915	450.00	
87-a-18	1916	450.00	\$1,800.00
87-a-19	To reimburse Terrie, Dabney & Herscher, stock-		
87-a-20	brokers, part of license taxes paid for the year		
87-a-21	1917, as follows: 1917		\$376.02
88	To complete school buildings now under construction		
89	at Keyser		6,500.00
90	For cost mailing journals and bills by the Secretary		
91	of State		6,000.00
92	Woodrum Home Outfitting Co., 2 dozen chairs for		
93	senate and house		105.00
94	To pay Fred O. Blue balance of fee as counsel on be-		
95	half of state in equity cause of Baldwin Tool Works		
96	et al. vs. Walter S. Hallanan, State Tax Commis-		
97	sioner, involving constitutionality of state excise		
98	tax, chapter 3, Acts 1915, second extraordinary ses-		

99	sion. Case in United States district court before	
100	Judges Pritchard, Woods and Waddill.....	4,000.00
101	To reimburse Department of Agriculture for, and to	
102	complete payment; account repairing and re-	
103	modeling basement, capitol building.....	6,100.00
104	To pay T. J. Lemon, father of Ashbie Lemon, on	
105	account of the death of his son while serving in	
106	the West Virginia National Guard on Cabin	
107	Creek	500.00
108	To pay the following named physicians account of ex-	
109	pert testimony in case of State vs. Henry Able,	
110	Ohio county:	
111	Dr. C. A. Wingerter	\$200.00
112	Dr. E. B. Plant	150.00
113	Dr. Randolph Hersey	100.00
114		450.00
115	To pay the following named physicians account of ex-	
116	pert testimony in case of State vs. Jack Nolte, Ohio	
117	county:	
118	Dr. C. A. Wingerter	\$250.00
119	Dr. E. B. Plant	250.00
120	Dr. John C. Marschner	150.00
121	Dr. E. S. Bippus	250.00
122	Dr. C. W. Ulfert	150.00
123		1,050.00
124	To pay McMillan Hospital and Dr. R. H. Walker	
125	for medical services, hospital fees and nurses, treat-	
126	ment of George Gibson and —— Whittington,	
127-130	Jackson county shooting case.....	500.00
131	To pay A. C. Blake, employed by the State in the	
132	construction of barracks at West Virginia Univer-	
133	sity, for injuries sustained in accident while in said	
134	employment, to be paid on approval of State	
135	Board of Control at the same rates paid to persons	
136	entitled to benefits under Workmen's Compensa-	
137	tion Act, not to exceed.....	1,000.00
138	To reimburse the County Court of Taylor County	
139	for labor in the construction of the Pruntytown	
140	road abutting State property of the Industrial	
141	School for Boys, to be paid on approval of the	
142	State Board of Control not to exceed.....	5,000.00

Miscellaneous Expenses Account 1919 Session of Legislature.

143	To pay Remington Typewriter Co. for typewriter for	
144	House Judiciary Committee, \$101.25; for rent of	
145	typewriter, Sergeant-at-Arms, State Senate, \$16.00;	
146	total	117.25
147	To pay S. Spencer Moore Co. for typewriter chair	
148	and desk, House Judiciary Committee, \$72.00;	
149	for 22 chairs, 2 desks, 1 table, drinking cups, pencil	
150	sharpeners, dictionary and resolution frame for	
151	State Senate, \$589.60; supplies for House, \$72.38;	
151-a	total	733.98
152	To pay Commercial Law Co. for 140 complete sets	
153	of Hogg's Annotated Codes of West Virginia, in-	
154	cluding 1918 supplement	2,940.00
155	To pay H. R. Judy for cutting keys, resetting locks	
156	on Senate and House desks, etc.	61.80
157	To pay P. A. Donovan for lights for Senate and House	
158	chambers and anterooms, for electrical supplies	
159	and labor	530.37
160	To pay Underwood Typewriter Co. for rental of	
161	typewriters, use of Senate, \$51.50; exchange price	
162	on typewriter for Clerk of Senate, \$47.64; rental	
162-a	for House, \$41.50; total	140.64
163	To pay Eskew, Smith & Cannon for cuspidors for	
164	legislature, \$48.47; six water coolers, \$83.20; grate,	
164-a	\$12.50; total	144.17
165	To pay Pine Rock Water Co. for water furnished	
166	Senate and House	130.00
167	To pay Woodrum Home Outfitting Co. for chairs and	
168	davenport, use of legislature	143.00
169	To pay Woodrum Home Outfitting Co. for 12 chairs,	
170	use of legislature	51.00
171	To pay H. O. Baker Co. for one flat top desk, use of	
172	legislature	30.00
173	To pay Charleston Sheet Metal Works for 4 galvan-	
174	ized pans for use under water coolers in House and	
175	Senate chambers	10.00
176	To pay Perry Matthews Plumbing Co. for plumbing	
177	supplies, legislative rooms	410.25
178	To pay F. W. Hughes for lettering doors, legislative	
179-180	rooms, retouching shield	19.15

181	To pay Walker Dry Goods Co. for dry goods and	
182	screens	25.05
183	To pay Coyle & Richardson for window shades and	
184	screens and cushions, legislative rooms.....	141.00
185	To pay Burlew Hardware Co. for supplies furnished	
186	Sergeant-at-Arms of Senate, 1917 session.....	21.90
187	To pay Clara Gies for making towels.....	6.00
188	To pay C. Beverly Broun for administering oath and	
189	certificate to 88 members House of Delegates.....	44.00
190	To pay H. S. Rummel for administering oath to	
191	members of legislature, 1917 session.....	43.00
192	To pay The Chesapeake & Potomac Telephone Co. for	
193	telephones and tolls, 1919 session.....	82.27
194	To pay Jeffers & Richardson, contractors, for labor	
195	and material, repairs to legislative rooms and fur-	
196	niture	635.31
197	To pay Rev. J. M. Knight, Chaplain of the House	
198	of Delegates, for services 1919 session.....	100.00
199	To pay Charleston Ministerial Association for daily	
200	prayer services, 1919 session.....	100.00
201	To pay Mrs. Wm. Brown for washing towels, 1919	
202	session	20.00

General Miscellaneous.

1	To reimburse H. S. Mathews, public printer, account	
2	increase in wages paid to employees on state work	
3	during last year of 1917-1918 state contract, said	
4	increase being due to abnormal conditions caused	
5	by war, to be paid on approval of state board of	
6	control, not to exceed.....	\$4,878.86
7	To reimburse R. P. Andrews Paper Co., state con-	
8	tractor, for printing stationery and paper, account	
9	loss sustained on contract as a whole for furnishing	
9-a	paper and supplies to the state under the 1915-1916	
10	contract, said loss being due to abnormal conditions	
11	as a result of the war, the amount to be determined	
12	by the state board of control, and paid on approval	
13	of said board, not to exceed.....	\$11,100.13
14	To reimburse R. R. Kitchen & Co., contractor, for con-	
15	struction of agricultural building and woman's hall	
16	at West Virginia University for loss sustained on	

17	contract as a whole for said building, said loss be-	
18	ing due to abnormal conditions caused by war, the	
19	amount to be determined by the state board of con-	
20	trol, and paid on the approval of said board, not to	
21	exceed.....	20,028.94

Sub-Section "E."

Sec. 76. All appropriations appearing under sub-section 2 "E" are payable out of the general school fund of the state.

DEPARTMENT OF SCHOOLS.

Sec. 77.—	1920.	1921.
2 Salary of the Superintendent of Free		
3 Schools	\$4,000.00	\$4,000.00
3-a Salary of six members of the state		
3-b board of education or of four mem-		
3-c bers board of regents at \$1,000.00		
3-d each	6,000.00	6,000.00
4 Expenses of members of the State Board		
5 of Education or Regents	1,500.00	1,500.00
6 To pay salary and traveling expenses of		
7 secretary and field agent, State Board		
8 of Education or Regents.....	1,800.00	1,800.00
9 To pay salary of the chief clerk.....	2,400.00	2,400.00
10 To pay salary (in part) of high school		
11 supervisor	1,800.00	1,800.00
12 To pay salary and expenses of super-		
13 visor of colored schools, (not to ex-		
13-a ceed the amount fixed by general law)	2,900.00	2,900.00
13-b Salary of two advisory members of		
13-c state board of education, (not to ex-		
13-d ceed the amount fixed by general law)	2,000.00	2,000.00
13-e Expenses of two advisory members of		
13-f state board of education.....	500.00	500.00
14 To pay salary of stenographers.....	2,400.00	2,400.00
15 To pay salaries of other clerks.....	9,500.00	9,500.00
16 Current and contingent expenses.....	3,000.00	3,000.00
17 Printing, binding and stationery.....	15,000.00	15,000.00
18 Expenses to be incurred by the State		
19 Superintendent of Schools under the		
20 provisions of article 12, section 2, of		
21 the constitution	500.00	500.00

22	Per diem and expenses of the State		
23	Board of Education.....	1,500.00	1,500.00
24	Compensation and expenses of institute		
25	instructors	10,000.00	10,000.00
26	Expense of conducting uniform ex-		
27	aminations	8,000.00	8,000.00
28-30	Salaries of county superintendents	75,000.00	75,000.00
31	State aid for classified high schools in		
31-a	accordance with the provisions of		
31-b	general law	118,000.00	122,000.00
31-c	Provided, however, if the aggregate		
31-d	amount in the general school fund		
31-e	is not sufficient to supplement in full		
31-f	all elementary schools, together with		
31-g	aid to high schools, then after sup-		
31-h	plementing all elementary schools the		
31-i	balance shall be apportioned to all		
31-j	high schools.		
32	To assist in vocational education proj-		
33	ects for which the federal government		
34	provides dollar for dollar under the		
35	Smith-Hughes law	3,000.00	3,000.00
36	Expenses of School Code Commission.	400.00	.....
37	The Auditor shall credit all delinquent		
38	taxes due the state to the fund to		
39	which they belong, and the cost of		
40	certification and publication of sale		
41	shall be paid out of the fund to		
42-47	which they are credited, and there is		
48	hereby appropriated so much as may		
49	be necessary for the payment of the		
50	same, not to exceed.....	5,000.00	5,000.00
51	And for the publication there is hereby appropriated so much		
52	as may be necessary, the cost of publication of each tract not to		
53	exceed the sum of seventy-five cents.		
54	(This appropriation is payable on requisition of the state		
55	auditor.)		
56	In addition to the foregoing appropriations the balance of		
57	the receipts for each year of said fund is hereby appropriated		
58	for supplemental aid to schools in accordance with the provisions		
59	of general law.		

Sub-Section "F."

Sec. 78. All appropriations appearing under sub-section 2 "F" are payable out of the state road fund of the state.

STATE ROAD COMMISSION.

Sec. 79.—	1920.	1921.
3 Salary of office engineer and assistant.	3,000.00	3,000.00
3-a Salaries of the commissioners.....	\$7,000.00	\$7,000.00
4 Auto tags and postage for distribution		
4-a of same	20,000.00	25,000.00
5 (The Auditor and Treasurer are hereby		
6 authorized to honor requisitions on		
7 these appropriations beginning May		
8 1, 1918, and May 1, 1920, respect-		
9 tively.)		
10 To pay salaries of clerks and assistants		
11 in automobile bureau,	5,000.00	5,000.00
12 To pay salaries of engineers, draftsmen,		
13 clerks and stenographers in the engi-		
14 neering bureau	40,000.00	40,000.00
15 Office rent	2,500.00	2,500.00
16 Office furniture, fixtures and instru-		
17 ments	3,000.00	.....
18 Office supplies, postage, telegraph,		
19 telephone and current and contin-		
20 gent expenses	5,500.00	5,500.00
21 For collecting, printing and distrib -		
22 uting statistics and publications.....	5,000.00	5,000.00
23 Traveling expenses	12,000.00	12,000.00
24 For testing materials.....	5,000.00	5,000.00
25 For salary and expenses of field and		
26 traffic agent in automobile bureau..	4,000.00	4,000.00
27 For complying with and carrying out a		
28 provision of section 135, chapter 66,		
29 Acts of 1917, and refunding moneys er-		
30 roneously paid through the commis-		
31 sion into the treasury, such sums are		
32 hereby appropriated as may be er-		
33 roneously so paid, and to comply		
34 with the requirements of said section,		
35 payable out of the same funds into		
36 which paid.		

Deficiency Appropriations.

37	To pay for services and traveling expenses of field	
38	agent to collect delinquent licenses.....	\$4,000.00
39	(This item is payable during the year ending June 30,	
40	1919.)	
41	For the payment of engineering expenses to meet re-	
42	quirements of state and federal government under	
43	laws passed in 1917.....	1,000.00
44	(This item is payable during the year ending June 30,	
45	1919.)	
46	To carry out the provisions of House Bill 46 and Bank-	
47	head Federal Aid Bill	8,500.00
48	(This item is payable during the year ending June	
49	30, 1919.)	

Sub-Section "G."

Sec. 80. All appropriations appearing under sub-section 2 "G" are payable out of the special license fees authorized by section 15, chapter 8, Acts of 1915 (regular session) and amendments thereto.

PUBLIC SERVICE COMMISSION.

Sec. 81.—	1920.	1921.
2 Current general expenses.....	\$60,000.00	\$60,000.00

Sub-Section "H."

Sec. 82. All appropriations appearing under sub-section 2 "H" are payable out of the fund created by the Acts of 1915 (extraordinary session) and amendments thereto.

WORKMEN'S COMPENSATION.

Sec. 83.—		
2 Current general expenses.....	\$140,000.00	\$140,000.00
3 To pay the expenses of an audit of the		
3-a workmen's compensation department,		
4 including a report showing the ac-		
5 tual standing of the reserves with		
6 reference to paying actual and esti-		
7 mated liabilities, so much as may be		
8 necessary not to exceed.....	\$12,000.00	\$5,000.00
8-a One thousand dollars for each year		
8-b of the above appropriation shall be		
8-c paid to the chief accountant of the		

8-d state tax commissioner's office (in
8-e addition to his compensation other-
8-f wise fixed by law) for said special
8-g audit.

9 Audit to be made in accordance with
10 the provisions of chapter 33, acts
11 1908, and the appropriation to be
12 disbursed on the requisition of the
13 chief inspector.

Sub-Section "I."

Sec. 84. All appropriations made by general law payable
2 out of "special revenue" are hereby authorized payable out of
3 the special revenue collected for the specific purposes.

Sub-Section "J."

Sec. 85. For refunding overpayments made into the treas-
2 ury on account of taxes, licenses, fines and commissions, to be
3 paid out of the fund into which they were paid, such an amount
4 as may be necessary for such purpose is hereby appropriated.

Sec. 86. The appropriations herein made to or for any
2 state board or institution shall be drawn from the treasury upon
3 the requisition of the proper officers thereof made upon the
4 Auditor at such times and in such amounts as may be necessary
5 for the purposes for which such appropriations are made; and
6 the Auditor shall pay the amount named in any such requisition
7 at such time and in such installments as shall be necessary for
8 the purposes for which any such appropriation is made. But all
9 requisitions for appropriations for new buildings and substantial
10 betterments, except such as are under control of the Board of
11 Control, shall be accompanied by the architect's estimate that
12 the amount named in such requisition is needed for immediate
13 use. The Auditor shall not issue his warrants to pay any money
14 out of 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 directors of state institutions, unless a different rate of
17 compensation is provided by law, shall be allowed four dollars
18 per 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
28 duplicate he shall at once forward to the Auditor. If any such
29 member shall willfully make a greater charge for such services
30 or expenses than truth justifies, he shall be guilty of embezzle-
31 ment and punished accordingly.

Sec. 87. All printing, binding, printing paper and stationery
2 for the state superintendent of free schools shall be paid for out
3 of the general school fund. No printing, binding or printing
4 paper or stationery for the following named boards, officers or
5 institutions shall be paid for out of the appropriation for public
6 printing, public binding, or for supplying paper or stationery,
7 but shall be paid for out of the appropriations therefor herein
8 made, or out of the expense fund or contingent expense fund
9 thereof, namely:

10 The public service commission, the state road commission,
11 the workmen's compensation department, the forest, game and
12 fish warden, the board of dental examiners, state vaccine agents,
13 commissioners of pharmacy, state board of examiners, state board
14 of embalmers, Welch hospital No. 1, McKendree hospital No. 2,
15 Fairmont hospital No. 3, West Virginia Humane Society, nor-
16 mal schools, schools for the deaf and blind, the university and
17 all its branches, including the experiment station, Huntington,
18 Weston and Spencer state hospitals, industrial school for boys,
18-a the West Virginia collegiate institute and the industrial home
19 for girls.

20 Such boards, officers and institutions, except the state super-
21 intendent of free schools, that are herein required to pay for their
22 own printing, stationery and printing paper and binding, have
23 authority to procure the same, or have the same done on requis-
24 ition of the superintendent of public printing, or may buy such
25 printing and stationery, or have such printing and binding done
26 on competitive bids, under such rules as may be made by the
27 commissioners of public printing.

28 When stationery or printing is procured from the superin-
29 tendent of public printing, or printing and binding are done on
30 requisition on his office, by any such board, officers or institu-

31 tions, the superintendent of public printing as to such printing,
32 binding, stationery and printing paper, shall certify the cost
33 thereof to the Auditor, stating to what officer, board or institu-
34 tion the same was furnished, and the Auditor shall charge against
35 the proper fund or appropriation of such officers, institution or
36 board the amount thereof, and credit such amount to the proper
37 appropriations made by this act for public printing, binding,
38 stationery and printing paper. *Provided*, that the annual or
39 biennial reports required by law to be made to the governor by
40 such boards, 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 printer's 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 public
47 printer except on requisition therefor, signed by the governor,
48 which requisition shall state the number to be printed and how
49 the same are to be bound. Such officers, boards and institutions
50 as are required by law to make a report to the governor shall
51 place the same in his hands as soon as the same are completed,
52 and within ninety days after the close of the period which they
53 are to cover.

Sec. 88. No sum of money shall be paid out of the treasury
2 for the years ending June 30, 1920 and 1921, beyond the amounts
3 hereby appropriated, unless the same be provided for by the con-
4 stitution or some general law, and no money shall be hereafter
5 drawn from the treasury to pay the salary of any officers or em-
6 ployees before their services have been rendered.

Sec. 89. Upon the adjournment of this session of the legis-
2 lature, the clerk of the house and the clerk of the senate, shall
3 jointly make up and furnish the auditor and treasurer, without
4 delay, a certified copy of this and all other acts carrying appro-
5 priations.

CHAPTER 2.

(Senate Bill No. 45.)

AN ACT to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, all relating to education.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 25, 1919.]

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Definitions of words used. 2. School year. 3. School districts. 4. State board of education; how constituted; vacancies; how filled. 5. Meetings; salaries; expenses. 6. Organization of state board. 7. Powers and duties. 8. Training of teachers. 9. Shall prescribe minimum standards for courses of study. 10. Plans for school buildings shall be approved. 11. Shall adopt text books. 12. Gifts and bribes; penalty for soliciting and accepting. 13. Shall make rules governing purchase and distribution of text books. 14. Shall make rules for carrying into effect laws and policies relating to education. 15. Shall exercise other authority. 16. State boards abolished. 17. State superintendent of schools; election; qualification; salary. 18. General powers and duties of. 19. Shall have general supervision of schools. 20. Shall institute proceedings. 21. May hold conference. 22. Shall interpret school law and rules. 23. Publication of state manuals. 24. Shall make bi-ennial report. 25. Employment of assistants. 26. Other powers and duties. 31. County superintendent of schools; election; qualification; oath; bond. 32. Vacancy; how filled. 33. Compensation of county superintendents. 34. How payment shall be made. 35. General powers and duties. 36. Shall visit schools. 37. May hold conferences. 38. Shall be county financial secretary. 39. Making of annual reports. 40. Shall exercise other authority. 41. District board of education; how constituted; election; term. 42. Tie in the vote for. 43. Vacancies; how filled. 44. Oath of office. 45. Meetings; quorum; compensation. 46. General powers and duties; district board a corporation. 47. School lands. 48. Sale of school property. 49. Shall provide school sites. 50. Providing buildings, furniture and equipment. 51. May provide buildings jointly. 52. Bond required from contractors. 53. May appoint trustees. | <p>Sec.</p> <ol style="list-style-type: none"> 54. Minimum school term; board may extend same. 55. Salaries for teachers; board may increase minimum. 56. May appoint district supervisors. 57. Appointment of teachers. 58. District boards shall have general control. 59. Transfer of pupils; tuition charges. 60. Kindergarten schools in district. 61. Evening schools and other extension activities. 62. School libraries. 63. United States flags, display of. 64. Medical inspection; school nurses. 65. Free text books. 66. Teachers' retirement fund. 67. Colored pupils, schools for. 68. Other duties of district boards. 69. Secretary of district board; duties of. 70. Abstract of proceedings of meetings. 71. Secretary administers oaths. 72. Assessor's certificate. 73. Laying of levy; report of rate. 74. Penalty for failure to report, etc. 75. Annual report of the secretary. 76. Salaries of secretaries. 77. Other duties of secretary. 78. District and county high schools; district high schools; how established. 79. Joint district high schools. 80. Normal training in high schools; state aid. 81. High school tuition; payment. 82. Classification of high schools; state aid. 83. Dormitories for high schools. 84. Discontinuance of high schools. 85. Junior high schools. 86. Teachers; contracts with; violation of same. 87. Authority of teachers. 88. Teachers exempt from jury service. 89. Records and reports of teacher, principal, supervisor, etc. 90. Payment of teachers' salaries. 91. School enumeration. 92. How taken and reported. 93. Secretary to have enumeration taken. 94. Record and report of enumeration. 95. Other duties of teachers. 96. Examination and certificates; required of all teachers; minimum age, etc. 97. Time and place of holding examinations. 98. Expenses of examinations. 99. Assistants; appointment of; salary. 100. Fee for examination. 101. Transmitting questions and manuscripts. 102. Grading of manuscripts. |
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| <p>SEC.
103. Fraud in examinations; penalty therefor.
104. Elementary certificates; examination for, time valid.
105. High school certificates.
106. Supervisors' certificates.
107. Short course certificates.
108. Special certificates.
109. Emergency certificates.
110. Credits for grades made in school.
111. Renewal of certificates.
112. Revocation of certificates.
113. Teachers' institutes; time and place of holding.
114. Attendance upon institutes required.
115. Filing of teachers' certificates.
116. Institute instructors.
117. Pay of instructors.
118. Enrollment fee.
119. Report of institute to be made.
120. District institutes and round tables.
121. Reading circles and coupons of credit.
122. Compulsory attendance; age; time; misdemeanor.
123. Attendance officers; appointment of; duties.
124. Enumeration list to be furnished teachers.
125. Penalty for neglect of duty.
126. Aiding violations of compulsory attendance.
127. Fines collected; disposition of.
128. Unemployed children shall attend school.
129. Employed children shall attend evening or part-time day school.
130. Deaf and blind; compulsory education of.
131. Vocational education; acceptance of federal act.
132. Custodian of vocational education funds.
133. State board to carry out provisions of federal act.
134. West Virginia University; name; location; control.
135. President; his powers and duties.
136. President shall make biennial report.
137. Colleges, schools, departments may be established and maintained.
138. Admission and graduation of students.
139. Agricultural extension division.
140. Military training at the university.
141. Extension work in general.
142. Endowment for agricultural college.
143. Federal appropriations for university use.
144. Agricultural experiment station.
145. Anatomical board; use of dead bodies.
146. Financial support of the university.
147. State normal school and its branches.
148. Preparatory branch of the university.
149. West Virginia trades school at Montgomery.</p> | <p>SEC.
150. West Virginia collegiate institute.
151. Bluefield colored institute.
152. West Virginia school for deaf and blind.
153. Admissions to school for deaf and blind.
154. Clothing for pupils in such institution.
155. Period of attendance; special admissions.
156. Course of instruction.
157. Registration.
158. Compensation for registration.
159. West Virginia industrial school for boys.
160. Commitments thereto.
161. Convicts may be admitted.
162. Date accompanying commitment.
163. Proceedings for commitment.
164. Commitment fees.
165. Conveyance of youths to school; expense incurred.
166. Offenses at the school; penalties.
167. Transfers between school and penitentiary.
168. Payment for cost of detention; reimbursement.
169. Lists of inmates for auditor; application of county funds.
170. Certification of lists and credits; levy; compel payment.
171. Parole to inmates.
172. Industrial home for girls.
173. Admission to the home.
174. Date accompanying commitment; return and sentence.
175. Trial on complaint.
176. Separation of races.
177. Binding out inmates as apprentices.
178. Cruelty to apprentices.
179. Removal of apprentices; escapes.
180. Jurisdiction of apprentices, desertion.
181. Other state educational institutions.
182. Full report of state educational institutions to be made annually.
183. Bonds; voting of; for what purpose.
184. School elections, how held.
185. Collection and disbursement of school funds by sheriffs.
186. Payment of orders of school boards.
187. Annual settlements with county financial secretaries.
188. Payments in excess; no credits for.
189. Method of settlement by sheriffs.
190. Sheriffs settlement with county court.
191. Corrections in settlement.
192. Failure to account for or to pay orders.
193. Failure to settle, penalty.
194. Provisions of this act in no manner infringe upon powers and privilege granted independent school districts; any independent school district may avail itself of provisions of this act.
195. Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. *Definitions.* The words used in this chapter and by-
2 laws and in any proceedings pursuant thereto, shall, unless the
3 context clearly indicates a different meaning, be construed as
4 follows:

5 (1) "School" shall mean the pupils and teacher or teachers
6 assembled in one room.

7 (2) "District" shall mean magisterial school district and
8 shall not include any independent school district heretofore estab-
8-a lished by special act or acts of the legislature.

9 (3) "Teacher" shall mean teacher, supervisor, principal,
10 superintendent, public school librarian, or any other person regu-
11 larly employed for instructional purposes in a public school of
12 this state.

Sec. 2. *School Year.* The school year shall begin on the first
2 day of July and end on the thirtieth day of June, and all reports,
3 accounts and settlements respecting the free schools shall
4 be made with reference to the school year.

Sec. 3. *School Districts.* Every magisterial district in each
2 of the counties of the state shall be a school district, which shall
3 be divided into such number of sub-districts as may be
4 necessary for the convenience of the free schools therein. The
5 present districts and sub-districts shall remain until changed in
6 the manner prescribed by law.

STATE BOARD OF EDUCATION.

Sec. 4. *How Constituted—Vacancies—How Filled.* There
2 is hereby created a state board of education which shall be a
3 corporation and as such may contract and be contracted with,
4 plead and be impleaded, sue and be sued, and have and use a
5 common seal.

6 Said board shall consist of seven members of whom one shall
7 be the state superintendent of schools *ex-officio*, and the other
8 six members shall be appointed by the governor, as herein pro-
8-b vided from the two dominant political parties. On or
9 before the first day of May, one thousand nine hundred and
10 nineteen, the Governor shall, by and with the consent of
11 the senate, appoint six members of the board for the fol-

12 lowing terms, to commence on the first day of July next after
13 their appointment: One for one year, one for two years, one for
14 three years, one for four years, one for five years, and one for
15 six years. Thereafter one member of the board shall be appointed
16 by the governor on or before the first day of May in every year for
17 a term of six years.

18 The members of the state board of education shall be citizens
19 of the state, but not fewer than three appointive members shall be
20 actively engaged in school work, nor shall more than three ap-
21 pointive members be of the same political party. No appointee of
22 the board shall serve on the board, unless such appointment is to
23 fill a vacancy by the board as provided by the next following para-
24 graph of this section. The governor may remove from office any
25 member of the state board of education for incompetency, will-
26 ful neglect of duty, immorality, malfeasance in office, or for any
27 other good and sufficient reason.

28 Vacancies on the board shall be filled by the governor for the
29 unexpired term, but if within sixty days after a vacancy has oc-
30 curred the governor has not filled such vacancy, or if within sixty
31 days after the term of a member of the board has expired, the gov-
32 ernor has not appointed a successor to such member, then in either
33 such event the board itself may fill such vacancy or elect such suc-
34 cessor. Before exercising any authority or performing any duties
35 as a member of the state board of education each member thereof
36 shall qualify as such by taking and subscribing to the oath of of-
37 fice prescribed by section five, article four of the state constitution,
38 the certificate whereof shall be filed with the records of the board.
39 A suitable office or offices in the state department of schools at
40 Charleston shall be provided for the use of the state board of edu-
41 cation.

Sec. 5. *Meetings, Salary, Expenses.* The state board of edu-
2 cation shall meet in Charleston on the first day of July, one thou-
3 sand nine hundred and nineteen, and thereafter the board shall
4 hold at least six meetings in every year at such times and places as
5 its by-laws may prescribe. The board may meet at other times as
6 often as may be necessary. Such other meetings shall be by reso-
7 lution of the board when in session, or at the call of the president
8 of the board or of the state superintendent of schools.

9 Each appointive member of the state board of education shall
10 be entitled to receive from the general school fund, upon warrants
11 drawn by the state superintendent of schools, the sum of one

12 thousand dollars a year as salary, payable quarterly, and
13 every member of the board shall be reimbursed from said fund for
14 any expenses incident to the performance of his duties, upon pre-
15 sentation of an itemized sworn statement of the same. There is
16 hereby created an advisory council to the state board of educa-
17 tion to assist said board in formulating and carrying out policies
18 with respect to the education of the colored youth of the state.
19 Said council shall consist of the state supervisor of colored schools,
20 herein provided, and two citizens of the Negro race to be ap-
21 pointed by the governor on or before the first day of May, one
22 thousand nine hundred and nineteen, by and with the consent
23 of the Senate for the following terms to commence on the first
24 day of July next after their appointment; one for two years and
25 one for four years, and thereafter one member of said council
26 shall be appointed by the governor on or before the first day
27 of May in every second year for a term of four years. Vacan-
28 cies in said council shall be filled by the governor for the un-
29 expired term.

30 The two appointive members of said advisory council shall
31 be entitled to receive from the general school fund, upon war-
32 rants drawn by the state superintendent of schools, the sum
33 of one thousand dollars a year as salary, payable quarterly, and
34 each of said appointive members shall be reimbursed from said
35 fund for any necessary expenses incident to the performance of
36 his duties, upon presentation of itemized sworn statement of
37 same. The said advisory council shall have charge of all mat-
38 ters with reference to colored schools, subject to the approval of
39 the state board of education.

Sec. 6. *Organization.* At its first meeting to be held on the
2 first day of July, one thousand nine hundred and nineteen, and at
3 its first regular meeting in every year thereafter, the state board
4 of education shall elect one of its members as president and one as
5 vice-president of the board. The state superintendent of schools
6 shall be the chief executive officer of the state board of education.
7 Said board shall appoint a secretary and fix his salary, which
8 shall not exceed one thousand eight hundred (\$1,800) dollars
9 per year, the same to be paid out of the general school fund upon
10 warrants drawn by the state superintendent of schools.

Sec. 7. *Powers and Duties*—On and after the first day of
2 July, one thousand nine hundred and nineteen, the state board of
3 education created in section four of this act shall have the general

4 control and management of the educational affairs of the West Vir-
5 ginia university, the state normal schools, the West Virginia
6 trades school, the West Virginia vocational school, the West
7 Virginia collegiate institute, the Bluefield colored institute, the
8-9 West Virginia schools for the deaf and the blind, and of any
10 other state educational institution which may hereafter be
11 created by law; and the statutory provisions applicable to
12 the government and maintenance of the schools or institutions
13 named in this section shall continue in full force except as may be
14 provided otherwise by this act or by succeeding acts of the legis-
15 lature. Said board shall exercise such authority and perform such
16 duties as may have been delegated heretofore to the state board of
17 regents, to the state board of education as now constituted, to the
18 state school book commission, and to the state vocational board,
19 subject however to the provisions of this act and of succeeding acts
20 of the legislature. The state board of education shall employ
21 the president or principal and the professors, teachers and other
22 employees of each of the institutions named in this section, and
23 shall fix the yearly or monthly salary to be paid to each person so
24 employed, to be approved by state board of control according to
25 law.

Sec. 8. *Training of Teachers*—The training of teachers in
2 the state shall be under the general direction and control of the
3 state board of education, which shall through the state superin-
4 tendent of school, exercise supervisory control over the state
5 normal school and such other institutions named in section seven
6 of this act as may be charged with the duty of training teachers,
7 and over normal training high schools. Said board shall also ex-
8 ercise supervisory control over the teacher training departments of
9 all private or denominational schools which offer courses for the
10 training of teachers, or which maintain classes or departments
11 therefor.

12 The state board of education shall make rules and regula-
13 tions for the classification and standardization of all schools in
14 the state, and shall determine the minimum standards for the
15 conferring of degrees and the granting of diplomas. No insti-
16 tution may grant any diploma or confer any degree on any basis
17 of work or merit below the minimum standard prescribed by the
18 state board of education.

19 Any institution doing work equal to the minimum standard
20 shall be authorized to grant such diplomas or degrees as shall be

21 appropriate to its class, such authorization to continue so long as
22 the institution maintains the standards set. All educational in-
23 stitutions whose degrees or diplomas were for the school year
24 ending in June, one thousand nine hundred and eighteen, recog-
25 nized by the state board of education in the granting of teachers'
26 certificates or otherwise, shall be rated as approved institutions
27 and shall continue to hold that distinction so long as they measure
28 up to the minimum standard for institutions of their respective
29 classes.

30 *It is further provided, however,* that nothing contained herein
31 shall infringe upon the rights granted to any such institution by
32 charter given according to law previous to the passage of this act.
33 *It is provided further,* that hereafter no charter or other instru-
34 ment containing the right to confer degrees or to issue diplomas
35 can be granted by the state of West Virginia, to any institution,
36 or other association or organization, either within or without the
37 state, until the condition of conferring such degrees or of issuing
38 such diplomas have first been approved in writing by the state
39 board of education.

Sec. 9. *Shall Prescribe Minimum Standards for Courses of*
2 *Study*—The state board of education shall prescribe minimum
3 standards of the courses of study to be offered in elementary schools,
4 high schools, vocational schools, and in all other kinds, grades, and
5 classes of schools, or departments thereof, which may now or here-
6 after be maintained in the state in whole or in part from any state
7 fund or funds; *provided, however,* that the courses of study in the
8 state educational institutions shall be prepared by the faculties,
9 teachers, or other constituted authority thereof, and shall before
10 going into effect be submitted to the state board of education for
11 its approval.

12 It is provided that the basic language of instruction in the
13 common school branches in all schools, public and private and
14 parochial, shall be in the English language only.

Section 10. *Plans for School Buildings Shall Be Approved*—
2 The state board of education shall have authority to require that
3 the plans and specifications for any and all school buildings to be
4 erected in school districts and in independent school districts
5 having a population of less than five thousand (5,000), shall be
6 submitted to said board or its agent for approval. It shall be the
7 duty of the state board of education to see that all such plans and

8 specifications comply with all the requirements of law relating to
9 the erection of school buildings.

Sec. 11. *Shall Adopt Text-Books*—The state board of edu-
2 cation shall adopt text-books for uniform and exclusive use in the
3 public schools of the State, except as hereinafter provided, such
4 adoptions to be made subject to the following restrictions and pro-
5 visions:

6 (a) By written request or otherwise the state board of edu-
7 cation shall ask various publishers of text-books in the United
8 States to submit samples and prices of text-books on all subjects
9 required to be taught in the schools of the state. All bids or
10 proposals shall be under seal, and each bidder shall deposit in the
11 state treasury such sum of money as said state board of educa-
12 tion shall designate, such deposit to be not less than one thousand
13 dollars (\$1,000) nor more than three thousand dollars (\$3,000);
14 and said deposit shall be forfeited to the general school fund,
15 if such bidder shall fail or refuse to make and execute such contract
16 and bond as are herein required in case of the acceptance of all or
17 a part of his bid, and otherwise shall be returned to said bidders
18 after contracts have been made.

19 (b) All bids shall be opened by the state board of education
20 in executive session. After considering the subject matter, print-
21 ing, binding, general suitableness and prices of books submitted,
22 said board shall on or before the first Tuesday in May, one thousand
23 nine hundred and twenty two, and every fifth year thereafter adopt
24 one book, or one series of books, and only one, for uniform and ex-
25 clusive use in the free schools of this state, except in classified
26 high schools and in towns and cities which have a population of
27 thirty-five hundred or over. All bids submitted at such session
27-a shall be made a matter of public record by showing the same by
27-b separate items on the record book of the board. No book or
27-c books shall be changed at the expiration of any five-year
28 contract except by the unanimous vote of the board.
29 When selections and adoptions of books have been properly
30 made, it shall be the duty of the state board of edu-
31 cation to execute contracts therefor with the publishers thereof
32 for a period of five years, beginning July first following, each pub-
33 lisher being required to enter into bond of not less than ten thous-
34 and dollars (\$10,000) to be approved by the state board of public
35 works. Such contracts shall be prepared by the attorney general
36 in accordance with the terms and provisions of this act, and shall be

37 executed in duplicate, one copy held by the contractors and one by
38 the state superintendent of schools. Should any successful bid-
39 der fail to contract, or, if for any cause any book or books adopted
40 cannot be secured, the state board shall proceed at once to the se-
41 lection and adoption of other books in lieu thereof. The state of
42 West Virginia shall not be liable in any sum on account of any
43 contract made in pursuance of the provisions of this section. It is
44 expressly provided, however, that nothing contained herein shall
45 impair the contracts now in effect between the state school book
46 commission abolished by section sixteen of this act and the pub-
47 lishers of uniform text-books now adopted and in use in the public
48 schools of the state.

49 (c) If any publisher or contractor furnishes to this state any
50 book of like binding, material and workmanship at a higher price
51 than the price at which said publisher or contractor furnishes the
52 same book to any other state, county, city or other school unit in
53 the United States, like conditions prevailing, the state board of
54 education shall require such publisher or contractor to make a like
55 reduction of such price in this state, under penalty of cancellation
56 of contract for any such book.

57 (d) It shall be the duty of the state board of education to
58 fix the prices at which the various books adopted shall be sold to
59 patrons, the excess of which above contract price shall represent the
60 profit to the retailer; but in no case shall such profit exceed twen-
61 ty per cent. of the contract price. The state superintendent of
62 free schools shall notify each county superintendent of the list of
63 books adopted and the prices at which they are to be sold and any
64 person selling such books at a higher price than that fixed by the
65 state board of education shall be guilty of a misdemeanor, and
66 upon conviction thereof, shall be fined not less than ten dollars nor
67 more than fifty dollars. The books furnished during the contract
68 period shall be equal in all respects to the sample copies furnished
69 the said board; and it shall be the duty of the state superin-
70 tendent of free schools to carefully preserve in his office as the
71 standard of quality, sample copies of all books contracted for.

72 (e) It shall be the duty of each contractor at his own ex-
73 pense to place with responsible dealers, in no fewer than three
74 magisterial districts in each county, at least two weeks before
74-a the beginning of school in any district in this county where
74-b such books are used, a sufficient number of books to supply
75 the demand. He shall also arrange for the exchange of

76 books at such places, allowing pupils or boards of education an
77 exchange price as liberal as is granted on the same books to any
78 other city, county, or state in the United States, like conditions
79 prevailing. The exchange privilege shall extend through one en-
80 tire school year, and the dealer making the exchange shall be
81 allowed by the contractors ten per cent of the cash proceeds of
82 same. Nothing in this act is to be construed as preventing
83 the use of supplementary readers; *provided*, they do not displace
84 the adopted readers, nor the use of more advanced books in such
85 schools as may be ready for the same.

Sec. 12. *Gifts and Bribes*—Any member of the state board
2 of education who shall receive, solicit or accept any gift, present or
3 thing of value to influence him in his vote for the adoption of books,
4 or any person who shall either directly or indirectly give or offer to
5 give any such gift, present or thing of value to any member of said
6 state board of education to influence him in voting for the adop-
7 tion of books shall be guilty of a felony, and upon conviction there-
8 of shall be punished by confinement in the penitentiary of this
9 state not less than one year nor more than three years.

Sec. 13. *Shall Make Rules Governing Purchase, Distribution,*
2 *and Care of Text Books*—The state board of education shall make
3 rules governing the purchase, distribution, use, and care of all
4 free text-books used in the public schools of this state.

Sec. 14. *Shall Make Rules*—Subject to and in conformity
2 with the state constitution and the laws of the state, the state
3 board of education shall determine the educational policies of the
4 state and shall make rules for carrying into effect the laws
5 and policies of the state relating to education, including rules
6 relating to the physical welfare of pupils, the education of feeble-
7 minded and physically disabled or crippled children of school age,
8 retirement fund for teachers, school attendance, evening and con-
9 tinuation or part-time day schools, school extension work, the
10 classification of schools, the issuing of certificates upon credentials,
11 the purchase, distribution and care of free text-books by the dis-
12 trict board of education, the general powers and duties of county
13 and district boards of education, and of school trustees, teachers,
14 principals, supervisors, and superintendents and such other mat-
15 ters pertaining to the public schools in the state as may seem to
16 the board to be necessary and expedient.

17 The state board of education is hereby authorized and em-
18 powered to accept for the state of West Virginia any appropria-

19 tions of money for the removal of illiteracy, the teaching of im-
20 migrants, and other educational purposes that may hereafter be
21 made out of the federal treasury by any act or acts of congress,
22 and shall be constituted the chief state educational authority for
23 the expenditure and administration of any such funds. Said
24 board shall have authority to make rules and regulations for the
25 expenditure of such funds, such expenditure to be in accordance
26 with the terms of the acts of congress making such appropriations.
27 The treasurer of the state is hereby designated as custodian for all
28 funds received as apportionments under the provisions of any such
29 act or acts of congress.

Sec. 15. *Shall Exercise Other Authority*—The state board
2 of education shall exercise such other authority and perform such
3 other duties as may be delegated to it by this act and by succeeding
4 acts of the legislature.

Sec. 16. *Boards Abolished*—The state board of regents, the
2 state board of education, the state school book commission, and
3 the state vocational board as now respectively constituted by
4 law are hereby abolished, effective at midnight of the thirtieth
5 day of June, one thousand nine hundred and nineteen.

THE STATE SUPERINTENDENT OF SCHOOLS.

Sec. 17. *Election, Qualifications, Salary*—There shall be
2 elected by the qualified voters of the state a state superintendent
3 of schools, whose term of office shall be the same as that of the
4 governor. He shall be a person of good moral character, of recog-
5 nized ability as a school administrator, with academic and profes-
6 sional training equivalent to graduation from a standard university
7 or college, and shall have had not less than five years of experience
8 in public school work. He shall receive an annual salary of five
9 thousand dollars (\$5,000), to be paid monthly out of the state
10 fund upon warrants of the state auditor, and he shall receive
11 necessary traveling expenses when away from the capital on of-
12 ficial business, not to exceed the sum of five hundred dollars, the
13 same to be paid out of the general school fund upon warrants of
14 the state auditor. Said superintendent shall reside and keep his
15 office at the state capital.

General Powers and Duties.

Sec. 18. *Shall Provide Seal*—The state superintendent of
2 schools shall provide a seal for his office and copies of his acts and

3 decisions, and of papers kept in his office when authenticated by his
4 signature and his official seal, shall be received as evidence in all
5 courts the same as the original. He shall sign all requisitions on
6 the auditor for the payment of money out of the state treasury for
7 school purposes, except as otherwise provided by law.

Sec. 19. *Shall Have General Supervision of Schools*—The
2 state superintendent of schools shall have general supervision of
3 the free schools of the state, and shall be the chief executive officer
4 of the state board of education. He shall be charged with the
5 general supervision of all county and city superintendents of free
6 schools and of county and district boards of education within
7 the state, except as provided in chapter thirty-three of the acts
7-a of one thousand nine hundred and eight. He shall
7-b prescribe the forms and cause to be prepared and
8 printed all blanks necessary for carrying out the details
9 of the school system of the state, and of the rules of the
10 state board of education, so as to secure the uniform opera-
11 tion of the same throughout the state. In respect to
12 general school statistics, said forms and blanks shall conform as
13 nearly as may be to the forms and blanks recommended by the
14 United States bureau of education. Said state superintendent
15 shall also cause such forms and blanks to be forwarded to all school
16 officers and other persons whose duty or right it is to use them.

Sec. 20. *Shall Institute Proceedings*—The state superin-
2 tendent of schools shall cause to be instituted such proceedings or
3 processes as may be necessary properly to enforce and give effect to
4 any provision or provisions of this act and to the
5 provisions of any other general or special laws pertaining to
6 the school-system of the state, or any part thereof, or of any rule or
7 direction of the state board of education, made in conformity with
8 its powers and duties as provided in this or subsequent acts. Said
9 superintendent shall have authority to administer oaths and to ex-
10 amine under oath, in any part of the state, witnesses in any proceed-
11 ing pertaining to the public schools, and to cause such examination
12 to be reduced to writing. Witnesses, other than employees of the
13 state, shall be entitled to the same fees as in civil cases in the cir-
14 cuit court. The state superintendent of schools shall have pow-
15 er to institute the proper proceedings for the removal of any
16 school official charged with dishonesty, continued neglect of duty,
17 or with failure to comply with the provisions of this act or of the
18 rules of the state board of education.

Sec. 21. *May Hold Conference*—The state superintendent of schools shall have the authority to call conferences of the county, district, and city superintendents of schools of the state, or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the state, or any section thereof.

Sec. 22. *Shall Give Interpretation*—At the request in writing of any citizen, teacher, school official, county or state officer, the state superintendent of schools shall give his interpretation of the meaning of any part of the school law or of the rules of the state board of education.

Sec. 23. *State Manuals and Other Publications.*

(1) From time to time as may be necessary, the state superintendent of schools shall cause to be prepared and published for distribution to the proper persons to receive them, manuals of the courses of study prescribed by the state board of education, as provided by section nine of this act. It shall be his duty to see that the minimum standards set forth therein shall be maintained in all the several kinds and grades of the public schools throughout the state. It shall also be the duty of the state superintendent of schools to provide for the examination of pupils completing such courses of study and to cause diplomas or certificates to be issued to all persons who satisfactorily complete such courses.

(2) Said superintendent shall cause to be printed and distributed from time to time a sufficient number of copies of the school law to supply the needs of school officials and other citizens of the state.

(3) Said superintendent shall cause to be prepared and published a list of books suitable for school libraries and shall recommend the proper conditions for the purchase and use of such books. Such list shall be distributed among the teachers, principals, and superintendents throughout the state.

(4) The state superintendent of schools shall also have authority to publish and distribute such other reports, circulars of information, and bulletins as in his judgment will promote the best interests of the schools.

The expenses of printing all such publications or other documents shall be paid out of the general school fund on warrants drawn by the state superintendent of schools.

Sec. 24. *Shall Make a Biennial Report*—On or before the first day of November preceding each regular session of the legislature, the state superintendent of schools shall make and transmit a report to the governor, to be transmitted by him to the legislature. Such reports shall contain summaries of the annual reports of the county superintendents and such other information about the conditions of the public school-system of the state as said superintendent may deem it wise to communicate to the governor and the legislature. Said report shall, however, contain such information about the public schools of the state as the governor or the legislature may have previously requested. Said report shall also include the recommendations of the state superintendent respecting needed legislation on behalf of the schools.

Sec. 25. *Shall Employ Assistants*—For carrying into effect the provisions of this act, the state superintendent of schools shall maintain a department of public schools at his office at the state capital and he shall have authority to appoint assistants and such other employees as may be necessary, including a state supervisor of colored schools, whose salary shall be \$2,400.00 per annum and for any necessary expenses incident to the performance of his duties, upon presentation of itemized sworn statement of the same.

Sec. 26. *Other Powers and Duties*—The state superintendent of schools shall exercise such other powers and discharge such other duties as are herein assigned to him, or as may from time to time be assigned to him by the legislature and by the state board of education.

THE COUNTY SUPERINTENDENT OF SCHOOLS.

Sec. 31. *Election, Qualification, Oath, Bond*—The county superintendent of schools elected at the general election in November, one thousand nine hundred and eighteen, shall hold office for the full term of four years for which they were elected, and until their successors are elected as herein provided and are qualified according to law.

A county superintendent of free schools shall be elected in each county by the voters thereof, at the general election held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty-two, who shall be a resident of the county in which he is elected and whose term of office shall commence on the first day of July next after his election, and continue for

13 four years and until his successor is elected and qualified accord-
14 ing to law. The county superintendent of free schools shall im-
15 mediately upon receiving the certificate of election from the can-
16 vassing board, or the county court, forward a written notice thereof
17 to the state superintendent of free schools.

18 In case of a tie in the vote for a county superintendent of
19 free schools, the presidents of the various district boards of educa-
20 tion shall at a meeting called for that purpose, at the court house
21 of the county, by the county superintendent of free schools, not
22 less than six nor more than twelve days after the result of such
23 election is ascertained, appoint one of the persons receiving the
24 highest number of votes for said office at the said election as
25 county superintendent of free schools who shall give notice as
26 aforesaid to the state superintendent of his appointment. A notice
27 of such meeting shall be made out by the county superintendent
28 and served upon the president of each district board of education
29 at least three days before the day of such meeting in the manner
30 provided by law for the service of other process.

31 After this act shall go into effect, no person shall be elected
32 or appointed to the office of county superintendent of schools who
33 does not, at the time of his election, hold a supervisor's certificate
34 or who is not a graduate of a standard normal school or who has
35 not completed courses in other institutions that, in the opinion of
36 the state board of education, are equivalent to such graduation.
36-a *Provided, however,* that anyone who holds a first grade elemen-
36-b tary certificate or its equivalent, issued prior to July first, one
36-c thousand nine hundred and twenty-two, on which he has taught
36-d for a period of ten years, shall be eligible to the office of county
36-e superintendent, the same as the ones possessing the qualifica-
36-f tions named in this section.

37 Before assuming any of the duties of his office, or exercising
38 any authority whatsoever, every county superintendent of schools
39 shall qualify before the clerk of the county court, and he shall also
40 execute with said clerk a bond with approved security in the penalty
41 of one thousand dollars (\$1,000) conditioned upon the faithful
42 performance of the duties of his office and upon the accounting and
43 paying over to the proper authorities of all money coming into his
44 hands. Said clerk shall within five days after said qualification
45 and execution of bond, certify to the state superintendent of schools
46 the name of such county superintendent and the fact of his quali-
47 fying and executing such bond.

48 Every county superintendent of schools shall devote his en-
49 tire time during his term of office to the performance of his duties
50 as superintendent.

Sec. 32. *Vacancy, How Filled*—Upon proper complaint in
2 writing from the state superintendent of schools or from any of-
3 ficer or citizen of the county against any county superintendent of
4 schools for immorality, misconduct in office, incompetency, willful
5 neglect of duty, or other good and sufficient cause, the state board
6 of education may, after careful investigation of such complaint, re-
7 move any such county superintendent of schools by making knowu
8 to him in writing upon not less than ten days' notice, the charges
9 against him and by giving him an opportunity to be heard in his
10 own defense, either in person or by counsel. After this act shall
11 go into effect any vacancy occurring in the office of county superin-
12 tendent of schools, whether by removal or otherwise, shall be filled
13 by the presidents of the district boards of education until the next
14 general election. In case of a tie in the vote for filling any such
15 vacancy, the state superintendent of schools shall appoint a
16 county superintendent of schools.

Sec. 33. *Compensation*—County superintendents of schools
2 shall receive for their services from the general school fund
3 annual compensation as follows: In counties having fewer than
4 seventy-five schools, twelve hundred dollars (\$1,200); in counties
5 having seventy-five schools but fewer than one hundred schools,
6 thirteen hundred dollars (\$1,300); in counties having one hundred
7 schools but fewer than one hundred twenty-five schools, fourteen
8 hundred dollars (\$1,400); and in counties having one hundred
9 twenty-five schools or more, the county superintendent shall re-
10 ceive fourteen hundred dollars (\$1,400), and in addition thereto
11 three dollars (\$3.00) for each school above one hundred twenty-
12 four; *provided, however*, that the salary of a county superintendent
13 of school payable out of the general school fund shall in no case
14 exceed twenty-one hundred dollars (\$2,100) per annum.

Sec. 34. *How Payments Shall Be Made*—Such compensation
2 of the county superintendent of schools shall be paid monthly out
3 of the general school fund upon orders drawn by the county sup-
4 erintendent of schools on the state superintendent, who shall upon
5 receiving the same issue a requisition upon the auditor therefor,
6 payable to said county superintendent, or to his assignee.

General Powers and Duties.

Sec. 35. *Shall be Chief Executive Officer*—As chief executive
2 school officer in the county, the county superintendent of schools
3 shall see that the school law and the rules of the state board of edu-
4 cation are carried into effect, except in independent school districts.
5 He shall explain the true intent and meaning of the school laws
6 and of the rules of the state board of education; he shall decide
7 all controversies and disputes involving the orders of any district
8 board of education in his county, and his decisions shall be final
9 unless the same are appealed within thirty days to the state
10 superintendent of schools. Said county superintendent shall also
11 have authority to administer oaths and to examine under oath,
12 witnesses in any proceeding pertaining to the public schools of
13 the county and to cause the examination to be reduced to writing.

Sec. 36. *Shall Visit Schools*—The county superintendent of schools
2 shall visit the schools of his county as often as practicable, shall ob-
3 serve the management and instruction therein, and offer sugges-
4 tions for the improvement of the same. He shall advise with sup-
5 ervisors, principals, and teachers; shall counsel with district
6 boards of education and school trustees, and shall labor in every
7 way to awaken public interest in the schools and to improve educa-
8 tional conditions throughout the county. Subject to the rules of
9 the state board of education the county superintendent of schools
10 shall cause the schools of his county to be graded and standardized
11 and shall see that at least the minimum standards for the courses
12 of study as prescribed by the state board of education are main-
13 tained. He shall report to the proper district board of education
14 all cases of incompetency or neglect of duty on the part of any
15 teacher, trustee, or attendance officer and he shall report to the
16 state superintendent of schools all cases of drunkenness, untruth-
17 fulness, immorality or continued neglect of duty on the part of
18 teachers, principals and supervisors, with his recommendations for
19 the proper remedy by said state superintendent. The county
20 superintendent of schools shall also have authority to suspend any
21 teacher whose presence in the school he regards as detrimental to
22 the welfare of the pupils, pending an investigation into the conduct
23 or condition of such teacher by the state superintendent of schools
24 or by his representatives. If the physical conditions in or about
25 any schoolhouse are in the judgment of the county superintendent
26 of schools a menace to the health or safety of the pupils of the

27 school, said county superintendent shall have authority to close
28 such school until such conditions are remedied.

Sec. 37. *May Hold Conference*—The county superintendent
2 of schools shall have authority to call annually, or from time to
3 time as needs may require, conferences of members and secre-
4 taries of boards of education or of principals and supervisors of
5 schools in order that he may discuss with them his plans for im-
6 proving the administration of the school affairs throughout the
7 county. Members of boards and supervisors and principals shall
8 be reimbursed out of the building fund of their respective dis-
9 tricts for their actual and necessary traveling expenses incurred
10 in attending one such conference each school year.

Sec. 38. *Shall be County Financial Secretary*—The county
2 superintendent of schools in each county shall be *ex-officio* county
3 financial secretary of school affairs, and as such officer he shall
4 have the power and authority to perform the duties herein as-
5 signed to him by the legislature.

6 The county financial secretary shall keep the financial records
7 for all the schools within his county, said records to be kept in the
8 form prescribed by the chief inspector under chapter thirty-three,
9 acts of 1908. He shall countersign all proper orders issued by the
10 several boards of education within his county before said orders
11 are payable by the sheriff or school treasurer, and shall make
12 annual settlements with the sheriff or school treasurer for the sev-
13 eral school funds, as provided by law; he shall at the end of each
14 month deliver to each board of education a summarized statement
15 showing the financial condition of their several school funds, said
16 statement to be in the form prescribed by the chief inspector under
17 chapter thirty-three, acts of one thousand nine hundred and eight.

18 No sheriff or school treasurer shall pay any order drawn on
19 any school fund until said order has been countersigned by the
20 county financial secretary. At the end of each month the sheriff
21 or school treasurer shall make a report to the county financial secre-
22 tary, showing the date, number and amount of each school bond and
23 interest coupon paid during the month.

24 The county court of every county shall provide at the county
25 seat a suitable office, in the courthouse, if there be sufficient room,
26 for the county superintendent of schools, and shall keep the same
27 supplied with the necessary furniture, apparatus, fuel, light, rec-
28 ord books, stationery, postage, and such other things as shall be

29 necessary, including janitor service. The county financial secre-
30 tary shall receive for his services required by this act an annual
31 compensation of seventy-five dollars, except that in counties having
32 more than one hundred teachers employed for at least six months
33 during the year, the annual compensation shall be at the rate of
34 seventy-five cents for each teacher so employed, said compensation
35 to be based on the number of teachers employed during the preced-
36 ing year, and to be paid monthly on orders issued by the county
37 court drawn on the general county fund.

Sec. 39. *Shall Make Annual Report*—The county superin-
2 tendent of schools shall receive and revise the reports made to him
3 by the secretaries of the several boards of education of the districts
4 and independent districts, and see that they are complete and in
5 forms prescribed by law or as prepared by the state superintendent
6 of schools; and when deficiencies or errors exist, he shall return
7 such reports to such secretaries and refuse to issue warrants for
8 their salaries until all reports are accurate and complete. From
9 these reports and such other information as he may have the coun-
10 ty superintendent of schools shall make a report to the state sup-
11 erintendent of schools on or before the first day of August annual-
12 ly, or as soon thereafter as possible, setting forth in reference to
13 each district and independent district of his county for the year
14 ending on the thirtieth day of June next preceding, the several
15 particulars required in the blank forms to be furnished to him by
16 the state superintendent of schools. If any county superintendent
17 of schools shall fail to make such report to the state superin-
18 tendent of schools by the first day of August in any year said state
19 superintendent shall have authority to withhold the salary of such
20 county superintendent and may deduct three dollars (\$3.00) from
21 the salary of such county superintendent for every day after the
22 first day of August until the receipt of such annual report.

Sec. 40. *Shall Exercise Other Authority*—The county super-
2 intendent of schools shall exercise such other authority and perform
3 such other duties as may be prescribed by this act or by succeed-
4 ing acts of the legislature, or as may be required by the by-laws of
5 the state board of education, and he shall have authority to act
6 at his discretion in any cases of emergency affecting the best inter-
7 ests of the schools.

DISTRICT BOARD OF EDUCATION.

Sec. 41. *How Constituted, Election, Term*—In each district
2 there shall be a board of education, which shall consist of a presi-
3 dent and two school commissioners, elected by the qualified voters
4 of the district. The commissioner who was elected at the general
5 election in one thousand nine hundred and sixteen, and the com-
6 missioner and president who were elected at the general election in
7 one thousand nine hundred and eighteen, shall serve the full term
8 of four years for which they were elected, and until their successors
9 are elected or appointed, and have qualified according to law. At
10 the general election to be held on the Tuesday after the first Mon-
11 day in November, one thousand nine hundred and twenty, and every
12 four years thereafter, one school commissioner shall be elected; and
13 at the general election to be held on the Tuesday after the first
14 Monday in November, one thousand nine hundred and twenty-two,
15 and every four years thereafter, a president and one school commis-
16 sioner shall be elected. Their terms of office shall commence on
17 the first day of July next after their election, and they shall each
18 continue in office for four years, and until their successors are
19 elected or appointed and have qualified according to law.

Sec. 42. *Tie in the Vote*—In case of a tie in the vote for
2 school commissioner or president of the board the county super-
3 intendent shall appoint one of the contestants as commissioner
4 or president.

5 Vacancies in the office of school commissioner or president
6 shall be filled by the county superintendent of schools.

Sec. 43. *Vacancy, How Filled*—Any member of any board of
2 education who shall be employed to teach in his district, or any
3 member who shall move to another district, county or state, shall in
4 either case thereby immediately vacate his office.

5 Vacancies in the office of school commissioner or president
6 shall be filled by the county superintendent of schools.

Sec. 44. *Oath of Office*—Every president and commissioner
2 of a board of education elected or appointed within the state shall,
3 before exercising any authority or performing any duties of his
4 office, qualify as such by taking and subscribing to the oath of office
5 prescribed by section five of article four of the state constitution,
6 which oath shall be filed with the secretary of the board of educa-
7 tion of his district.

Sec. 45. *Meetings, Quorum, Compensation*—The district

2 boards of education shall hold their regular meetings on the first
3 Monday in July, the second and fourth Tuesdays in August, and
4 when the schools are in session, on the fourth Saturday of each
5 calendar month, or other regular day in the fourth week of the
6 month to be agreed upon by the board, all such meetings to be
7 held at a place to be designated by the board at its first meeting
8 held on the first Monday in July. Upon the call of the president
9 or of the two school commissioners boards of education may hold
10 other meetings, but no business shall be transacted at any called
11 meeting except such as may be designated in the call therefor, of
12 which all the members have had notice.

12 A majority of all the members of a board of education shall
13 constitute a quorum and such board cannot transact any official
14 business except when assembled as a board.

15 Each member of a board of education shall be entitled to re-
16 ceive, as compensation for his service, three dollars (\$3.00) a day
17 for each day spent in the performance of his official duties; *pro-*
18 *vided, however,* that no president of a board of education shall re-
19 ceive pay for more than fifteen days, and no commissioner shall re-
20 ceive pay for more than twelve days, in any year.

GENERAL POWERS AND DUTIES.

Sec. 46. *The District Board a Corporation*—The board of
2 education of each district shall be a corporation by the name of
3 “The board of education of the district of _____ in the county
4 of _____,” and as such may sue and be sued, plead and be im-
5 pleaded, contract and be contracted with; and shall succeed and be
6 subrogated to all the rights of former district boards of education;
8 now pending or which might have been brought and prosecuted in
9 the name of any such former board of education for the recovery of
10 any money, or property or damage to any property due to or vested
11 in such former board, and shall also be liable in its corporate
12 capacity for all claims legally existing against the board of educa-
13 tion of which it is successor. Said board shall, according to law.
14 hold and dispose of any real estate or personal property belonging
15 to said corporation or its predecessors, or that may hereafter come
16 into its possession. Said board shall receive, hold, and dispose of,
17 according to law, and the intent of the instrument conferring title,
18 any gift, grant, devise, or bequest. All schoolhouses, school sites,
19 and other property belonging to any board of education and used
20 for school purposes shall be exempt from execution or other pro-

21 cess, and free from lien or distress for taxes or for county or state
22 levies.

Sec. 47. *School Land*—Any land or school sites which for
2 five years prior to the first day of July, one thousand nine hundred
3 and nineteen, have been in the undisputed possession of any dis-
4 trict board of education and which are still in such possession and
5 to which title cannot be shown by any other claimant, shall be the
6 property of the board of education of the district in which any such
7 lands may lie, and the title thereto shall be vested in such board
8 and their successors in office, to be held and used for school pur-
9 poses, subject to the provisions of section forty-nine of this act.

Sec. 48. *School Property May Be Sold*—It shall be the duty
2 of every district board of education to ascertain, at the
3 beginning of each school year, the physical condition of
4 all school buildings in its district and the necessity of the same
5 for school purposes and such buildings as, in the judgment of the
6 board, are properly located and are suitable or can with reasonable
7 expense be rendered suitable for school purposes, shall if necessary
8 for carrying on the schools, be retained; all other buildings to-
9 gether with lands held in connection therewith, shall with the con-
10 sent of the county superintendent of schools be sold at public auc-
11 tion to the highest responsible bidder, by the board of education, on
12 proper legal notice and on such terms of sale as the board may ord-
13 er, and the proceeds of such sale shall be placed to the credit of the
14 building fund of the district; *provided*, that in rural districts the
15 grantor of such lands, his heirs or assigns, shall have the right,
16 at such sale, to purchase said land, exclusive of mineral rights, and
17 buildings thereon, at the same price for which it was sold, plus
18 legal interest. Said board may also lease for oil or gas or other
19 minerals any lands or school sites owned in fee by it, and not used
20 for school purposes, the rental or other proceeds of any such lease
21 to be placed to the credit of the building fund of the district.

Sec. 49. *Shall Provide School Sites*—The board of education
2 of every district and independent school district shall provide by
3 purchase, condemnation or otherwise, such lands as may be neces-
4 sary for school buildings, playgrounds, experiments in agriculture,
5 and other educational purposes, and shall have authority to make
6 the necessary expenditures for the improvement of such lands.

7 If the owner or owners refuse to sell any land selected by a
8 board of education or a county superintendent as a location for a
9 schoolhouse and other necessary buildings, or for enlarging a

10 schoolhouse lot, or for any other educational purpose, or if such
11 owner demand an unreasonable price therefor, or is "*non compos*
12 *mentis*," a "*femme couverte*," a minor, or a non-resident, the board
13 of education may petition the circuit court to have such land con-
14 demned, and such proceedings, shall thereupon be had in the name
15 of such board for the condemnation thereof, as provided for in
16 chapter forty-two of the code of West Virginia; *provided*, that the
17 land so taken shall not exceed in quantity five acres.

18 It is *provided, however*, that except in independent school
19 districts, no lands may be purchased by any board of education,
20 nor condemned by any circuit court, unless such lands
21 have first been approved for the purpose or purposes intended, by
22 the county superintendent of schools, in writing. It is *provided*,
23 *further*, that a board of education cannot spend public school
24 funds for the erection of school houses or other buildings for
25 educational purposes, on lands to which the board does not possess
26 legal title or other instrument of possession approved by the
27 county superintendent of schools.

Sec. 50. *Shall Provide Buildings, Furniture and Equip-*
2 *ment.* The board of education of every district and independent
3 school district shall provide by purchase, lease, building, or
4 otherwise a sufficient number of suitable schoolhouses and other
5 buildings to meet the educational needs of its district. Said
6 board shall also provide such furniture, fixtures, and apparatus for
7 said school houses and other buildings as may be necessary for the
8 effectiveness of the schools and for the convenience, health and
9 cleanliness of the pupils thereof, including fuel and other necessary
10 supplies and shall cause the school grounds, school houses, and the
11 furniture, fixtures, and apparatus therein to be kept in good order
12 and repair, and may provide for medical and dental clinics. It is
13 *provided, however*, that no schoolhouse or other school building
14 shall be constructed by any board of education, except in independ-
15 ent districts, until the location therefor has first been approved by
16 the county superintendent of schools, nor until the plans for such
17 building have first been approved in writing by said superin-
18 tendent, unless the plans have been indorsed by the state board of
19 education or its agent. In the event said board cannot agree
20 upon the location or plans of any proposed school building said
21 county superintendent shall select the location and the plans for
22 such building.

23 It is *further provided*, that proposed repairs upon old build-

24 ings or the remodeling of the same, costing in excess of two
25 hundred (\$200.00) dollars for any building, shall not be made by a
26 board of education, except in independent districts, without the
27 written approval of the county superintendent of schools; and that
28 no purchase of school furniture, fixtures, equipment, library
29 books, or supplies costing in excess of fifty (\$50.00) dollars shall
30 be made by such board of education without the written approval
31 of said superintendent.

32 The county superintendent of schools may as county finan-
33 cial secretary refuse to countersign any orders which may be
34 issued by any board of education in violation of the provisions
35 of this section and of section fifty requiring his approval.

36 The county superintendent of schools shall also have
37 authority to require that any district board of education shall
38 submit for his approval any contract about to be made by such
39 board involving an expenditure from the building fund of the
40 district, if the amount of such contract is in excess of three
41 hundred (\$300.00) dollars.

Sec. 51. *May Provide Buildings Jointly.* District boards
2 of education in adjoining districts may jointly provide for the
3 construction of schoolhouses and the teaching of school therein
4 for the attendance of pupils in adjoining portions of such dis-
5 tricts, whether in the same or different counties, who may be
6 better accommodated by such union of schools. The title of
7 such schoolhouses shall be vested in the board of education of the
8 district in which such joint schoolhouse is located, and the terms
9 of the agreement shall be reduced to writing and entered of
10 record in the minutes of each board concerned. Such school-
11 houses shall be provided with furniture, fixtures, and such other
12 apparatus and equipment as are supplied to schoolhouses gener-
13 ally, and an equitable amount of the cost thereof shall be appor-
14 tioned to each district affected by such union, and the same shall
15 be paid by each board in the manner of payment of other school
16 expenses within its own district.

Sec. 52. *Bond Required From Contractors.* Boards of edu-
2 cation shall in all cases require persons entering into contract for
3 the building or repairing of schoolhouses where the contract price
4 exceeds one hundred (\$100.00) dollars, to execute bond, with ap-
5 proved security in double the amount of the contract price.

Sec. 53. *May Appoint Trustees.* Boards of education may,
2 at their discretion, appoint one school trustee for each of the

3 sub-districts, in their districts, or for any one or more of such
3-a sub-districts, to be custodian of the school properties therein.
4 If any board of education decides to exercise the authority herein
5 given to it to appoint trustees, it shall at its first regular meeting
6 in any year commencing with the school year, beginning the first
7 day of July, one thousand nine hundred and nineteen, ap-
8 point as trustee for each such sub-district a responsible citizen
9 thereof, for a term of one year from the date of his appointment.
10 Said district board may at any time for neglect of duty or for
11 other good cause, remove any trustee so appointed by serving
12 notice upon him of his removal, and may appoint his successor
13 for the unexpired term. *Provided, however,* that nothing herein
14 shall prevent a board of education from appointing three trustees
15 for each sub-district in its district, who, when appointed, shall be
16 the custodians of the school property therein, and who shall have
17 the authority to appoint and contract with teachers in their re-
18 spective sub-districts, but such appointments shall be made at a
19 meeting to be held on the third Monday in July of each year, or
20 as soon thereafter as practical, and under the conditions provided
21 by law for contracting with teachers.

22 At their meeting on the first Monday in July, one thousand
23 nine hundred and nineteen, the board of education, if it exercise
24 the authority to appoint three trustees, shall appoint one for a
25 term of one year; one for a term of two years; and one for a term
26 of three years, who shall hold their offices until their successors
27 are appointed and qualified. After the expiration of said terms
28 all appointments shall be made for a term of three years; but
29 nothing herein shall prevent a board of education from exercising
30 the right to appoint trustees at their meeting on the first Monday
31 in July of any subsequent year.

32 The trustees so appointed shall exercise the same right and
33 authority over their respective sub-districts as is exercised by the
34 board of education when no trustees are appointed therein, but
35 shall be subject to removal by the board of education at any time
36 for neglect of duty or misconduct in office. The act of removing
37 any trustee by a board of education as aforesaid shall be final. A
38 school trustee shall be under the immediate direction of the board
39 of education of his district, or of its authorized executive officer.
40 He shall receive no salary or other emolument in recognition of
41 his services as school trustee, but if while performing any duty
42 imposed upon him by an order of the board of education of his dis-

43 trict, when such order is in conformity with the orders of the
44 board, he incurs any expense to himself, he shall be reimbursed
45 therefor out of the building fund of the district, and if he is re-
46 quired to perform any labor by orders of the board he shall be
47 allowed a reasonable compensation for the time actually and neces-
48 sarily spent at such labor. Said board shall also have authority
49 to appoint janitors for school buildings and to pay such janitors
50 out of the building fund an amount not to exceed two dollars
51 (\$2.00) per week for each class room in use in such building. It
52 is *provided, however*, that the maximum of two dollars per week
53 for janitor service shall not apply in independent districts or in
54 graded and high schools of more than four rooms.

Sec. 54. *Minimum School Term—Board May Extend Same.*

2 The board of education of every district and independent dis-
3 trict shall provide in the schools of its district a minimum school
4 term in each year as follows: In the year 1919-1920, one hundred
5 twenty days; in the year 1920-1921, one hundred thirty days; in
6 the year 1921-1922, one hundred forty days; in the year 1922-
7 1923, one hundred fifty days; in the year 1923-1924, and there-
8 after, one hundred sixty days. It is *provided, however*, that the
9 board of education of any district or independent school district
10 shall have authority to extend such minimum school term in any
11 year for as many days in additions thereto as the board may de-
12 termine. It is *provided, further*, that if the proceeds of the regu-
13 lar levies authorized by law are insufficient to enable the board
14 of education of any district to extend the term of
15 school for a longer term than the minimum herein pro-
16 vided, such board may at any general election or at a
17 special election submit to the qualified voters of the district the
18 question of laying an additional levy for such extension of the
19 school term, and if petitioned so to do by at least fifty tax-payers
20 in any district, the board of education *shall* submit the question
21 of such additional levy. If at any such election a majority of
22 the votes cast on the question are in favor of such additional levy,
23 it shall then be the duty of the board of education to make such
24 extension and to lay on all the assessed valuation of property in
25 the district such additional levies as may be necessary to pay the
26 additional cost of the same. The term of school fixed by such
27 election shall continue from year to year so long as a majority of
28 the votes cast at the election at which the question of "school
29 levy" is submitted, be in favor of such "school levy," or until

30 the term so fixed shall be changed by a majority vote of the people
31 in such district. The schools shall be open to all youths between
32 the ages of six and twenty-one for the full length of the school
33 term provided in their district.

Sec. 55. *Minimum Salaries for Teachers—Board May In-*
2 *crease.* Commencing with the school year, 1919-1920, every
3 teacher employed in the schools throughout the state, who holds
4 a certificate of the first grade, shall receive not less than seventy-
5 five dollars (\$75.00) a month; every teacher so employed and
6 holding a certificate of the second grade shall receive not less than
7 sixty dollars (\$60.00) a month; and every teacher so employed
8 and holding a certificate of the third grade, shall receive not less
9 than forty-five dollars (\$45.00) a month. But the board of educa-
10 tion of any district or independent district shall have authority to
11 fix a schedule of salaries for teachers holding the aforesaid grades
12 of certificates at higher rates than the minimum salaries herein
13 provided.

14 The board of education of any district or independent district
15 may fix a higher rate of salary than the rate fixed for teachers in
16 general, holding certificates of the first, second and third grades, to
17 be paid to teachers in graded schools having two or more rooms
18 in the same building, to teachers who are graduates in the diploma
19 course of state normal schools and other schools of equal or higher
20 grade, and to teachers who attend within the summer vacation
21 period the summer term of the West Virginia university, or of one
22 of the state normal schools or of other schools of equal or higher
23 grade and standing. Boards of education shall have authority to
24 fix schedules of salaries to be paid to superintendents, principals,
25 supervisors, and all other employees under its authority and con-
26 trol.

Sec. 56. *May Appoint District Supervisors.* The board of
2 education of every district in the state shall have authority to
3 appoint for its district a district supervisor of schools and to fix
4 his salary. The salary of a district supervisor shall be paid monthly
5 out of the teachers' funds of the district. Said board may, sub-
6 ject to the written approval of the county superintendent of
7 schools, appoint one or more assistant district supervisors in dis-
8-14 tricts in which fifty or more principals and teachers are employed.
15 It is *provided, further*, that the board of education of any
16 district may employ a district supervisor for as many months
17 longer than the regular school term as may be necessary for him

18 to supervise the construction of new buildings, the repairing of
19 old buildings, the improvement of school grounds, and to do
20 such other work as may be approved by the board. Said board
21 may also cooperate with the extension division of the college of
22 agriculture of West Virginia university in employing the dis-
23 trict supervisor or another person as agricultural club agent for
24 the organization and direction of boys' and girls' agricultural
25 clubs in the district; but any district supervisor so appointed
26 shall be under the authority and direction of the board of educa-
27 tion of the district and he shall in no case neglect the work of
28 supervising the schools and of performing his other duties as dis-
29 trict supervisor. It is *provided, further*, that two or more dis-
30 tricts in the same county or in adjoining counties may appoint a
31 district supervisor jointly, the apportionment of the salary and of
32 the time of such supervisor to be arranged according to the num-
33 ber of schools in each district.

34 Commencing with the year 1920-1921, no person shall be
35 eligible for appointment as district supervisor who does not hold a
36 valid supervisor's certificate or its equivalent as defined by the
37 state board of education and who is not also a graduate of a
38 standard normal school or who has not had other academic and
39 professional training approved by the state board of education as
40 equivalent in all respects to graduation from a standard normal
41 school; *provided*, that, prior to the first day of July, 1923 any
42 person holding a first grade teachers' certificate, who has had
43 successful experience in supervising schools may, upon the recom-
44 mendation of the state board of education, be granted by the state
45 superintendent a provisional license to act as district supervisor.

46 The district supervisor shall be the executive officer of the
47 board of education of his district. He shall attend all the meet-
48 ings of the board, except when his appointment, tenure or salary
49 is the order of business, and he shall have the privilege of the
50 floor, but he shall have no vote. From a list of applicants in the
51 hands of the board of education the district supervisor shall have
52 authority to recommend for appointment by the board a sufficient
53 number of principals and teachers for the schools of the district,
54 except in incorporated towns and cities where superintendents are
55 appointed by the board, and he shall have authority to assign to
56 their respective posts of duty all principals and teachers so ap-
57 pointed. Said supervisor shall visit the schools of his district as
58 often as possible and shall see that the school laws are enforced,
59 that minimum standards of the courses of study prepared by

60 the state board of education are maintained, and that all the
61 laws and rules of the state board of education relating to the
62 health of school children are observed. He shall supervise the
63 methods of instruction in the schools and offer such suggestions
64 to teachers as he may deem expedient, and he shall have authority
65 to call meetings of the teachers as often as practicable. He shall
66 make such reports as the state superintendent of schools may
67 require.

Sec. 57. *Shall Appoint Teachers.* The board of education
2 shall on or before the first Monday in July in each year, if
3 practicable, appoint the principals and teachers for all the schools
4 in the district and shall fix their salaries as provided by section
5 fifty-six of this act. All such appointments shall be in writing
6 according to the form of contract to be furnished by the state
7 superintendent of schools and all such contracts, together with
8 the certificates of the appointees, shall be filed with the secretary
9-15 of the board.

16 The board of education of any district or independent dis-
17 trict may suspend or dismiss any principal or teacher so appointed,
18 for immorality, incompetency, cruelty, insubordination, intem-
19 perance or willful neglect of duty, provided that the charges be
20 stated in writing and that the teacher be given an opportunity to
21 be heard by the board upon not less than ten days' notice and
22 provided that in all cases when the board is not unanimous in
23 its decisions to suspend or dismiss, the principal or teacher so
24 suspended or dismissed shall have the right of appeal to the state
25 superintendent of schools. It is *provided, however,* that any
26 teacher who enters into a contract with a board of education to
27 teach in a public school and who fails to complete the term of such
28 contract, unless prevented from doing so by personal illness or
29 other just cause, or unless released from such contract by said
30 board, shall be disqualified to teach in any other public school in
31 the state during the term of such contract.

32 If any school is closed by the proper health authorities on
33 account of the prevalence of any contagious or infectious diseases,
34 the time during which such school is closed shall be counted as
35 if taught in determining whether a school has been maintained
36 for the minimum term, and the teacher of such school shall not
37 be compelled to make up such lost time provided he held himself in
38 readiness to teach subject to the order of the board.

39 In making contracts with teachers or other employees of the

40 board, it shall be understood that schools are not to be kept in
41 operation for instruction on any Saturday or on the following
42 days which are hereby named and designated as school holidays,
43 namely: The Fourth of July, commonly called Independence
44 Day; the last Thursday in November, commonly called Thanks-
45 giving Day; the twenty-fifth day of December, commonly called
46 Christmas Day; any day on which a general election is held
47 throughout the state; and any day appointed and set apart by
48 the president or the governor as a day of special observance by
49 the people of the state; *provided*, that no teacher shall count any
50 such holiday or other day so set apart, as a day taught; but shall
51 teach twenty full days for each school month specified in his or her
52 contract; and *provided, further*, that on Washington's birthday
53 the schools shall be open and shall devote a portion of the day to
54 exercises bearing on the life and services of "The Father of Our
55 Country," and that Arbor Day, Memorial Day, and any other
56 special days shall be observed at such times and in such manner
57 as the state board of education may determine.

Sec. 58. *Shall Have General Control.* In accordance with the
2 provisions of this act and subject to the rules and regulations of the
3 state board of education, every district board of education shall
4 have the general control and management of all the schools and the
5 school interests of its district; it shall have authority to change the
6 boundaries of sub-districts and increase or diminish the number
7 thereof; and it shall, as hereinafter provided, establish high schools.
8 Said board shall have authority to close any schools which may
9 be unnecessary and to assign the pupils of such schools to other
10 schools, and to consolidate two or more small schools into central
11 graded schools to be known as "consolidated schools," and to pro-
12 vide a building with all necessary equipment therefor. Said board
13 shall also have authority to provide at public expense for the trans-
14 portation of pupils to and from such consolidated schools, or other
15 schools where transportation of pupils may be necessary; *provided*,
16 that such transportation shall be in accordance with the rules and
17 regulations of the state board of education relating thereto. It is
18 *provided, further*, that said district board of education may close
19 any elementary school whose average daily attendance falls below
20 ten pupils for two months in succession, and shall thereupon direct
21 the pupils affected thereby to attend, if possible, another school or
22 other schools in the same or in adjoining districts or independent
23 districts, whether in the same or in adjoining counties, and the

24 teacher of any school so closed or abandoned shall receive no fur-
25 ther compensation as teacher of such school. It is *provided, also*,
26 that whenever any child or group of children of school age shall,
27 by reason of the provisions of this act, or for any cause whatsoever,
28 be without opportunity to attend a free school as provided by law,
29 within two miles of their homes by the shortest available road or
30 path, the board of education of the district in which such child or
31 group of children reside, may employ such means as to the board
32 may seem best to provide educational opportunities to such child or
33 group of children, and may expend for such purpose an amount
34 not to exceed the proportion of all the school funds of the district
35 that such child or group of children would be entitled to receive,
36 if all such funds were distributed equally among all the children
37 of school age in the district upon a *per capita* basis, such expendi-
38 ture to be made according to such rules and regulations as the said
39 district board may make therefor.

Sec. 59. *Transfer of Pupils—Tuition.* The board of educa-
2 tion of every district and independent district shall determine what
3 schools in its district the pupils shall attend. But upon the written
4 request of any parent, guardian or other person legally responsible
5 for any pupil or pupils, the board of education may transfer such
6 pupils to another school in the district, or to a school in an ad-
7 joining district or independent district, if it can be shown that
8 such pupils would be better accommodated at such other school.
9 Any person aggrieved by the action of a district board of education
10 regarding such application for transfer of pupils may appeal to the
11 county superintendent of schools, whose decision shall be final.

12 Transfers of pupils from one district or independent district
13 to another, whether in the same or in adjoining counties shall be
14 made by the board of education of the district in which the pupil
15 or pupils desiring to be transferred reside, and the same shall be
16 subject to the approval of the board of education of the district or
17 independent district in charge of the schools to which such pupil
18 or pupils wish to be transferred. In all cases of transfer of pupils,
19 either to elementary schools or to high schools, the board of educa-
20 tion of the district making such transfer shall pay to the board of
21 education to which such transfers are made, reasonable tuition fees,
22 which for elementary schools shall not exceed two and one-half
23 dollars (\$2.50) a month, and which for high schools shall not be
24 less than two and one-half dollars (\$2.50) nor more than five

25 dollars (\$5.00) a month, the same to be paid out of the teachers'
26 fund of the one district to the teachers' fund of the other.

Sec. 60. *May Provide Kindergartens.* The board of edu-
2 cation of any district or independent district may establish in
3 connection with the schools of such district, kindergarten classes
4 to which may be admitted children between the ages of four and
5 six years.

6-7 Persons employed as teachers in such kindergarten classes
8 shall be required to hold special kindergarten certificates which
9 shall be issued by the state superintendent of schools under regu-
10 lations prescribed by the state board of education.

Sec. 61. *Evening Schools and Other School Extension*
2 *Activities.* The board of education of any district or independent
3 district shall have authority to establish and maintain evening
4 classes or night schools, continuation or part-time day schools,
5 and vocational schools wherever practicable to do so, and shall
6 admit thereto adult persons and all other persons, including per-
7 sons of foreign birth, but excepting children and youth who are
8 required by law to attend day schools. Boards of education shall
9 have the authority to use school funds for the financial support
10 of such schools and to use the school houses and their equipment
11-12 for such purposes. Any such classes of schools shall be
13 conducted in accordance with the rules and regulations of the state
14 board of education.

15 The board of education of any district or independent dis-
16 trict shall have authority also to provide for the free, comfort-
17 able and convenient use of any school property to promote and
18 facilitate frequent meetings and associations of the people in
19 discussion, study, recreation and other community activities, and
20 may require, assemble and house material for use in the study of
21 farm, home and community problems and may provide facilities
22 for the dissemination of information useful on the farm, in the
23 home, or in the community.

Sec. 62. *Shall Provide School Libraries.* The board of
2 education of every district and independent district may provide
3 libraries for their schools and may purchase books, bookcases
4 and other things necessary therefor, and shall pay the costs of
5 such libraries out of the school funds of their districts. Books
6 so purchased, except in independent school districts and in high
7 schools, shall be selected from an approved list to be prepared
8 and published from time to time by the state superintendent of

9 schools. It is *provided, however*, that books not included in
10 such list may be purchased upon the written approval of said
11 superintendent.

12 Boards of education of such districts shall have authority to
13 employ during the vacation period, a librarian for any school
14 having fifty volumes or more and to pay such librarian out of
15 the school funds of the district, an amount not to exceed one
16 (\$1.00) dollar a day for each day such library is kept open, by
17 order of the board. Any librarian so appointed shall keep the
18 library open at least one day a week, at which time the patrons
19 and pupils of the school may draw books from the library under
20 such rules and regulations for the care and return thereof as the
21 board may make.

Sec. 63. *May Display United States Flag.* Every board of
2 education shall have authority to purchase, out of the building
3 fund, United States flags of regulation bunting for the school
4 buildings of the district and to require the same to be displayed
5 over such school buildings during the time the schools are in ses-
6 sion.

Sec. 64. *Medical Inspection and School Nurses*—Boards of
2 education of independent school districts shall, and boards of edu-
3 cation of districts may, employ proper medical and dental inspec-
4-5-6 tion of all pupils attending the schools of their districts.

7 Boards of education of districts and independent districts
8 shall also have authority to employ school nurses and to take any
9 other action necessary to protect the pupils from contagious and in-
10 fectious diseases, including the authority to require from all teach-
11 ers employed in their districts, certificates of good health and of
12 physical fitness for the work of instruction in the schools.

Sec. 65. *Free Text Books.*—The board of education of any
2 district or independent district may purchase the necessary text-
3 books prescribed to be used in the free schools under their control
4 and furnish the same free to the pupils of said schools, or to pupils
4-a whose parents, in the judgment of the board, are finan-
4-b cially unable to provide such books. If the board of edu-
5 cation determines to purchase and furnish such free text-books,
6 they shall enter an order to that effect upon the records
7 and shall cause said books to be purchased and kept in charge by
8 the secretary and furnish to the pupils of free schools of their
9 district as hereinafter provided.

10-27 At the commencement of every term of the free schools

28 in such district the secretary shall deliver to the teachers thereof
29 such books as may be necessary for the use of the several pupils
30 therein for the ensuing term of school and take from them receipts
31 showing the number and kind of books so received. It shall be the
32 duty of such teachers to take charge of such books and to distribute
33 them among the pupils of their schools as needed, and said teachers
34 shall have and exercise general control over said books during such
35 term and at the close thereof and before they receive an order for
36 salary for the last month of such term shall collect and gather to-
37-38 gether all the books so used during the term and deliver them to
39 the secretary of the board of education: *provided*, that if any of
40 the books delivered to any pupil of such district shall be unnecessa-
41 rily injured or destroyed they shall be replaced by the pupil who
42 injured or destroyed them. All such books shall be purchased by
43 the board of education directly from the publisher, contracted with
44 as prescribed by law and at the net wholesale price. *Provided*,
45 *however*, that the teacher shall be allowed to pay for a period of
46 two days at the same rate of pay for which he is teaching, and
47 also be furnished means of transportation for going after and
48 returning the text-books for the school, the same to be paid out
49 of the building fund of the district, in which he teaches, on the
50 return of the books to the school board's depository.

Sec. 66. *May Establish Teachers' Retirement Fund*—Boards
2 of education of districts and independent school districts shall have
3 authority to establish and maintain a Teachers Retirement Fund
4 for the teachers of their districts, the administration of such fund
5 to be in accordance with the rules of the state board of educa-
6 tion relating thereto. Any board of education which provides
7 such retirement fund shall have authority to maintain the same
8 out of the teachers' fund in accordance with said rules.

Sec. 67. *Shall Provide Schools for Colored Pupils*—White
2 and colored pupils shall not be taught in the same school, or in the
3 same building, but it shall be the duty of the board of education to
4 establish one free school, or more if necessary, in any sub-district
5 wherein there are ten or more colored persons of school age and, if
6 practicable, in any district wherein there are fewer than ten. For
7 the purpose of carrying out this section the board of education may
8 establish schools composed of pupils from adjacent districts in
9 the manner provided in section fifty-nine of this chapter for white
10 pupils.

11 Whenever, in any school district, the benefit of a free school

12 education is not secured to the colored children of school age re-
13 siding therein in the manner mentioned in this section, the funds
14 applicable to the support of the free schools in such district shall
15 be divided by the board of education in the proportion which the
16 number of colored children bear to the number of white children
17 therein, according to the last enumeration made for school purposes,
18 and the share of the former shall be set apart for the education of
19 colored persons of school age in such districts, and be applied for
20 the purpose from time to time in such way as the board of educa-
21 tion may deem best. Any board of education failing to comply
22 with this section may be compelled to do so by mandamus.

Sec. 68. *Other Duties.* The district board of education
2 shall exercise such other authority and perform such other duties
3 as may be prescribed by law or by the regulations of the state board
4 of education.

Sec. 69. *Secretary of District Board of Education—Gen-
2 eral Duties.* The district board of education at its first meeting
3 to be held on the first Monday in July of each year, shall appoint
4 a secretary who shall not be a member of the board, and who
5 shall, before entering upon the discharge of his duties, take the
6 oath prescribed by law, and shall attend all meetings of the board,
7 and record their official proceedings in a book kept for that pur-
8 pose, showing the number of each order issued, the name of the
9 payee, the purpose for which issued, and the amount thereof,
10 which record shall be attested by his signature and the signature
11 of the president of the board. He shall have the care and cus-
12 tody of all papers belonging to the board, including evidences of
13 title, contracts and obligations and shall preserve the same in his
14 office properly arranged for reference; and he shall record and
15 keep on file in his office such papers and documents pertaining to
16 the business of the board and keep such accounts and prepare
17 and certify such reports and writings as the law may require or
18 the board direct, all of which records, papers, contracts, docu-
19 ments and other property pertaining to his office shall be imme-
20 diately delivered in proper condition to his successor in office.
21 Whenever any orders are drawn on the sheriff or school treasurer
22 the secretary shall immediately make up a list of said orders,
23 showing the number of each order, the name of the payee and the
24 amount, which list together with said orders shall be delivered to
25 the county financial secretary for his signature and proper record.

26 Said orders shall then be delivered by the county financial secre-
27 tary to the persons entitled to the same.

Sec. 70. *Abstract of Proceeding.* The secretary of the
2 board of education of each district shall, within three days after
3 each meeting of the board of education, post an abstract of the
4 proceedings thereof at the front door of the place of meeting, and
5 within ten days after the annual settlement with the sheriff the
6 secretary of the board of education of each district and independ-
7 ent district shall post at the same place an itemized statement,
8 duly sworn to by the president and the secretary of the board,
9 showing all disbursements by the board of education by orders
10 drawn on the sheriff, or otherwise, within the school year pre-
11 ceding, from the teachers' fund, and any other fund from which
12 disbursements are made, setting forth the name of the person to
13 whom and the purpose for which each order was issued.

Sec. 71. *Administer Oaths.* The secretary of a board of
2 education shall have authority to administer oaths to school officers
3 and to teachers or others making reports.

Sec. 72. *Assessor's Certificate.* The assessor shall make out
2 and deliver to the secretary of the board of education of each
3 district and independent district in his county on or before the
4 second Tuesday in August in each year a certificate showing the
5 aggregate valuation of all personal property and real estate in
6 such district or independent district, and to the county superin-
7 tendent of free schools a certificate of the aggregate valuations of
8 such property in the county, which certificates shall serve as the
9 basis for the school levies for the ensuing year.

Sec. 73. *Report Rate of Levy.* Within five days after the dis-
2 trict board of education has laid the levy for the building fund
3 and the teachers' fund it shall be the duty of the secretary to
4 report the rate thereof to the county superintendent and the
5 proper assessor, and within five days thereafter it shall be the
6 duty of the county superintendent to report the rate of levy for
7 the various funds to the clerk of the county court and the county
8 assessor and the rate of levy for the various funds to the clerk of
9 the county court and the county assessor and the rate of levy for
10 all funds, and the total valuation of real and personal property
11 in each district and independent district to the state superin-
12 tendent and the auditor; and it shall thereupon be the duty of
13 the proper county officer to extend on the personal property book
14 and on the land book the amount of taxes levied as aforesaid,

15 in separate columns, headed respectively, building fund, and
16 teachers' fund, which taxes the sheriff shall collect and account
17 for as required by law.

Sec. 74. *Penalty.* Any assessor, clerk of the county court,
2 secretary of a board of education, or county superintendent who
3 fails to perform the duties required of him by sections seventy-
4 three and seventy-four of this act shall be guilty of a misde-
5 meanor and upon conviction thereof shall be fined twenty dollars.

Sec. 75. *Report.* From the reports of trustees, the teachers'
2 registers, the annual settlement with the sheriff, and from such
3 other information as he may be able to obtain, the secretary shall
4 make a tabular report to the county superintendent on or before
5 the twentieth day of July annually, showing all the statistics and
6 other facts required in the blanks furnished by the state super-
7 intendent and such explanations and remarks as he may deem
8 pertinent.

Sec. 76. *Salaries of Secretaries*—Secretaries of district
2 boards of education shall receive annually as compensation for
3 their services the following amounts: in districts having fewer
4 than fifteen schools they shall receive twenty-five dollars;
5 in districts having as many as fifteen but fewer than twenty-
6 five schools, they shall receive forty dollars; in districts
7 having as many as twenty-five but fewer than fifty schools, they
8 shall receive seventy-five dollars; and in districts having fifty
9 schools or more they shall receive one hundred dollars and in
10 addition two dollars for each school over fifty.

Sec. 77. *Other Duties*—The secretary of the district
2 board of education shall exercise such other authority and per-
3 form such other duties as may be prescribed by law.

DISTRICT AND COUNTY HIGH SCHOOLS.

Sec. 78. *District High Schools — How Established* — If
2 the board of education of any district, or independent district,
3 deems it expedient to establish a high school in such district, it shall
4 submit the question to the voters of the district at a general or
5 special election in the manner following, that is to say: The board
6 shall prepare and sign a notice setting forth the kind of school pro-
7 posed; the estimated expense of establishing the same, including
8 cost of site, building, furniture, books and apparatus and the esti-
9 mated annual expense of supporting the school after it is in opera-
10 tion, with such other information concerning it as the board may

11 deem proper; and stating that the question of authorizing the
12 establishment of such high school shall be submitted to the voters
13 of the district at the election specified in the notice. Such election
14 shall be held according to the provisions of section one hundred
15 eighty-seven of this act. The ballots used in voting on the ques-
16 tion of establishing a district high school shall have printed
17 thereon the phrase "For district high school" and the phrase
18 "Against district high school." If it is found by the results of
19 such election that a majority of the voters who voted on the ques-
20 tion are in favor of authorizing the establishment of a district
21 high school, the board of education of the district shall, at the
22 proper time, proceed to lay the necessary levies therefor, as pro-
23 vided by law, and to obtain a site or sites, erect, furnish, and equip
24 a building or buildings for high school purposes, and employ the
25 necessary teachers therefor. Every district and independent dis-
26 trict high school which may be established under the provisions of
27 this section, and every district and independent district high school
28 lawfully established when this act goes into effect, shall be under
29 the control and management of the board of education of the dis-
30 trict or independent district in which such high school is located,
31 and shall be supported by a levy laid for that purpose by such
32 board of education according to law, and by such other revenues
33 as may be in the high school fund of the district.

Sec. 79. *Joint District High Schools*—The boards of
2 education of two or more contiguous districts, in the
3 same county, may, if authorized so to do by a vote of
4 the people of each of such districts, establish and maintain jointly
5 a high school in any one of such contiguous districts. The build-
6 ing or buildings for such joint high school, if any are to be erected,
7 and the site therefor, shall be owned jointly in proportion to the
8 amount contributed by the districts so uniting. The boards of
9 education of such districts shall submit the question to the voters
10 of the respective districts at a general or special election in the
11 manner required by section one hundred eighty-seven of this act.

12 The boards of education of the districts proposing to unite
13 shall meet and determine the location of the proposed school, the
14 estimated amount to be contributed toward the establishment and
15 yearly maintenance of said school by each district, the total cost
16 thereof to be apportioned among the districts uniting on the basis
17 of their respective valuations of taxable property, which agree-

18 ment shall be reduced to writing and entered of record in the
19 minute book of the respective boards, and the substance of which
20 shall be made a part of the statement to the voters as hereinbefore
21 provided for.

22 The control and management of said joint high school, after
23 the same is established, is hereby vested in the boards of educa-
24 tion of the several districts so uniting to be exercised in joint
25 session. The county superintendent of schools shall be *ex-officio*
26 a member and chairman of said joint session, and as such shall
27 be entitled to vote and participate in the control and management
28 of said joint high school. There is hereby conferred upon each
29 board of education full authority for the establishment and main-
30 tenance of such joint high school, the election to be held and the
31 result to be ascertained as provided in section one hundred eighty-
32 seven of this act; and all of the provisions of said section, so far
33 as the same are applicable, are made applicable to the establish-
34 ment and maintenance of such joint high school, except that a
35 majority of the voters of each district shall be sufficient to authorize
36-42 the establishment of such high school.

43 Said boards of education, in joint session as herein provided,
44 may authorize the teaching of elementary pupils in such high
45 school building, upon such terms for the use of the building as
46 they may determine.

Sec. 80. Normal Training in High Schools—State Aid—

2 Whenever in the judgment of any county high school board or
3 of any district or independent district board of education in
4 whose district a high school is maintained, it is advisable to pro-
5 vide for the better training of the teachers in the elementary
6 schools of its county or district, such county high school board,
7 district board of education or independent district board of educa-
8 tion shall have the authority to establish and maintain a normal
9 training department in connection with any high school under
10 its control, to provide necessary rooms, furniture, equipment and
11 supplies, and to employ teachers therefor.

12 It shall be the duty of the state board of education to pre-
13 scribe a course of study for such normal training department, to
14 determine the number and qualifications of teachers to be em-
15 ployed therein, and to establish such other regulations and re-
16 quirements for their conduct as they may deem best; and when
17 a normal training department has been established in any high

18 school in accordance with the regulations and requirements of
19 the state board of education and has been approved by said board,
20 such high school shall be designated and known as a normal train-
21 ing high school. The state board of education shall on or before
22 the first day of October annually, report the number and location
23 of high schools approved by it as normal training high schools,
24 to the state superintendent of schools. Normal training high
25 schools so approved shall be entitled to receive, in addition to the
26-36 state aid now provided by law for classified high schools, the sum
37 of four hundred dollars (\$400.00) annually, the same to be paid
38 out of the appropriation for classified high schools at the time
39 and in the manner prescribed by law for the payment of state aid
40 to classified high schools, and to be used for the maintenance of
41 normal training departments of such high schools and for no
42 other purpose; *provided, however*, that not more than ten high
43 schools in the state shall receive aid as normal training schools at
44 one time; and *provided, further*, that such state aid shall not be
45 given in support of any such normal training department of any
46 high school located in any county in which a state normal school
47 or other state school maintaining such normal training course is
48 located.

Sec. 81. *Payment of High School Tuition.*—It shall be the
2 duty of the board of education in any district which does not
3 maintain a high school or assist in the maintenance of a county
4 high school to pay the tuition fees of all pupils in its district
5 who have completed the course of study in the elementary schools
6 and who attend public high schools in other districts or coun-
7 ties, or other schools of high school grade within the state; *pro-*
8 *vided*, that boards of education shall not pay less than two dol-
9 lars and fifty cents (\$2.50) nor more than five dollars (\$5.00)
10 per month for such tuition for each pupil attending such high
11 school, or other school of high school grade; *provided, further*,
12 that boards of education shall not be required to pay such tui-
13 tion fees for any pupil for more than four years.

14 A board of education maintaining a high school having
15 courses of study of less than four years shall in like manner pay
16 for the tuition of pupils who have completed a course in such
17 school and who desire to complete a four-year course in some
18 other high school, or other school of high school grade, offering
19 such course.

20 Fees for the tuition of high school pupils shall be paid out
21 of the teachers' fund of the district upon the presentation of a
22 certificate giving the names of the pupils for whom tuition fees are
23 due and the number of months each was in attendance, said
24 certificate to be signed by the president of the board of education
25 or other board controlling the high school or other school in
26 which tuition pupils were in attendance and by the principal of
27 the school.

Sec. 82. *Classification of High Schools—State Aid.*

2 (a) The high schools of this state shall be divided into
3 three classes as follows:

4 High schools of the first class shall include all high schools
5 offering courses of study covering four years of not less than
6 thirty-six weeks each and employing not fewer than three thor-
7 oughly qualified high school teachers who devote all of their
8 time to the teaching of high school subjects.

9 High schools of the second class shall include all high schools
10 offering courses of study covering three years of not less than
11 thirty-six weeks each and employing not fewer than two thor-
12 oughly qualified high school teachers who devote all of their time
13 to the teaching of high school subjects.

14 High schools of the third class shall include all high schools
15 offering courses of study covering two years of not less than
16 thirty-six weeks each and employing at least one thoroughly
17 qualified high school teacher who devotes all of his time to the
18 teaching of high school subjects.

19 (b) It shall be the duty of the state superintendent of
20 school to classify all of the high schools of the state in accordance
21 with the provisions of division (a) of this section.

22 (c) To assist in the maintenance of all such high schools
23 as have been properly classified according to the provisions of
24 division (a) of this section and have complied with all the re-
25 quirements thereof, the following amounts from appropriations to be
26 made for that purpose shall be paid annually out of the state fund.

27 To each high school of the first class, \$800.00; to each high
28 school of the second class, \$600.00; and to each high school of
29 the third class, \$400.00.

30 (d) The state superintendent of schools shall not later
31 than the first day of December, annually, notify the county super-
32 intendent of schools of each county as to the amount due under
33 the provisions of this section to each of the classified high schools

34 in his county. The county superintendent shall issue his war-
35 rants upon the auditor, payable to the order of the sheriff of his
36 county, for the amount due each school which shall be paid in
37 two equal installments, payable on the first day of December
38 and the first day of April.

Sec. 83. *District and County Boards May Erect Dormitories
2 for High Schools.*—In any district or county maintaining a high
3 school, the board of education may erect, purchase, or lease a
4 building to be used as a dormitory for the accommodation of
5 pupils wishing to attend the high school and of persons employed
6 to teach therein, and may furnish and equip the same from the
7 high school funds of the district or county. Said board shall place
8 a reputable and responsible person or persons in charge of such
9 dormitory to conduct the same and furnish meals and lodging to
10 pupils and teachers resident therein, and shall determine the rate
11 that shall be charged pupils and teachers for such accommodation.
12 The person or persons placed in charge of such dormitory shall
13 be required to give bond in the sum of one thousand dollars
14 (\$1,000.00) for the proper care and use of the dormitory and its
15 equipment and supplies.

Sec. 84. *High School May Be Discontinued*—Any district
2 high school shall be discontinued at the end of any year upon
3 the petition in writing of at least seventy-five per cent of the
4 taxpayers of the district.

Sec. 85. *Junior High Schools.*—County boards of education
2 and boards of education of school districts and independent school
3 districts shall have the authority to organize intermediate schools,
4 or junior high schools, in connection with any or all schools under
5 their control. Such schools may be organized as a part of a
6 six-three-three plan of school organization or of any other plan
7 recommended by the state board of education. It shall be the
8 duty of the state board of education to prescribe courses of
9 study for such intermediate or junior high schools, to prescribe
10 requirements for teachers employed in the same, and to establish
11 any other regulations for such schools that may seem to the board
12 advisable.

TEACHERS.

Sec. 86. *Contracts*—Before entering upon their duties all
2 teachers, principals, and assistants shall execute a contract with
3 their boards of education, or trustees as the case may be, which

4 contract shall state the duration of time of such employment and
5 the salary to be paid, and shall be in the form prescribed by the
6 state superintendent of schools. Every such contract shall be
7 signed by the teacher and by the president and the secretary of
8 the board of education, and when so signed said contract shall be
9 filed together with the certificate of the teacher, by the secretary
10 in the office of the board. A violation of such contract shall sub-
11 ject the teacher to the penalties prescribed in section fifty-eight of
12 this act.

Sec. 87. *Teacher's Authority*—The teacher shall stand in
2 the place of the parent or guardian in exercising authority over
3 the school and shall have control of all the children enrolled in
4 the school from the time they reach the school until they have re-
5 turned to their respective homes, except that where transportation
6 of pupils by wagon, autobuss, or other conveyance is provided, the
7 driver in charge of such conveyance shall exercise such authority
8 and control over the children while they are in transit to and
9 from the school. Subject to the rules of the state board of
10 education, the teacher of the school, or the principal of a graded
11 or high school, shall exclude from the school any pupil or pupils
12 known to have, or suspected of having, any contagious or infec-
13 tious disease, or any pupil or pupils who have been exposed to
14 such disease, and shall immediately notify the proper health offi-
15 cer, or medical inspector, of such exclusion; and any pupil so ex-
16 cluded shall not be re-admitted to the school by the teacher or
17 principal thereof until such pupil has complied with all the re-
18 quirements of said rules governing such cases, or has presented
19 a certificate of health signed by the medical inspector or other
20 proper health officer.

21 The teacher shall also have authority, under the rules and
22 regulations of the state board of education, to suspend any pupil
23 guilty of disorderly, refractory, indecent, or immoral conduct, and
24 the district board of education may expel or exclude any such
25 pupil if, on investigation, the conduct of such pupil is found to
26 be detrimental to the progress and the general conduct of the
27 school.

Sec. 88. *Teachers Exempt From Serving on Juries*—No
2 teacher, superintendent, supervisor, principal, or other person act-
3 ively engaged in school work in this state shall be required to serve
4 on any jury during the period of his contract with a board of edu-
5 cation.

Sec. 89. *Records and Reports*—Every teacher, principal, supervisor, or other person employed by a district or independent district board of education shall keep such records and shall make such reports as may be required by the state superintendent of schools and such records shall be kept and such reports shall be made according to the forms and blanks prescribed and furnished by said state superintendent. Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them.

Sec. 90. *Payment of Teachers*.—All teachers and other employees of a board of education, or trustees as the case may be, whose salaries are payable out of the teachers' fund, shall be paid for their services monthly by orders drawn upon the sheriff or treasurer, duly signed by the president and secretary of the board and countersigned by the county financial secretary; *provided*, that if the secretary of the district board of education be a teacher, the order for his salary shall be signed by the president and one of the school commissioners of the board; and *provided, further*, that the board may withhold the monthly salary of any teacher or other employee until he has first made such report or reports as may be required by the state superintendent of schools, and no teacher shall receive his salary for the last month of the term of his contract with the board of education until he has first presented to the secretary of the board in correct form all reports required by law.

Sec. 91. *Enumeration*.—The teacher or teachers in each sub-district shall annually before the close of the school or schools therein, and not later than the first day of April, take and report an enumeration of all the youth residing in the sub-district who will be between the ages of six and twenty-one on the first day of July, following, distinguishing between males and females, and between white and colored.

Sec. 92. *How Enumeration Shall be Taken and Reported*.—The enumeration shall be taken and reported in separate classes as follows:

- (1) All youth who on the first day of July following will not be less than six nor more than twenty years of age;
- (2) All youth who on said date will be not less than six nor more than sixteen years of age; and
- (3) All youth who on said date will not be less than seven nor more than fourteen years of age.

10 (4) All youth over fourteen and under sixteen years of
11 age.

12 The report of enumeration shall be verified by the affidavit
13 of the person who made it to the effect that he used all means
14 in his power to make it; and that he believes it to be correct.
15 He shall deliver such report to the secretary of the board of edu-
16 cation with the term report of the school or not later than the
17 first day of April, and, unless such enumeration be properly taken
18 and reported by the teacher within the time required herein, the
19 secretary shall deduct from the last month's salary of such teacher
20 such amount as may be necessary to defray the expenses of taking
21 said enumeration as hereinafter provided for.

Sec. 93. *Secretary to Have Enumeration Taken*—When
2 the report of such enumeration for any sub-district is not
3 received by the secretary of the board on or before the first
4 day of April in any year, it shall be his duty forthwith to
5 employ a competent person to take and report the same as
6 aforesaid. The person taking and reporting such enumeration
7 shall receive reasonable compensation for the time actually and
8 necessarily spent in taking and reporting such enumeration, by an
9 order of the board on the sheriff, the same to be paid out of the
10 teachers' fund of the district.

Sec. 94. *Record and Report of Enumeration*—The secre-
2 tary of the district board of education shall keep in his office a
3 record of the enumeration of youth so taken, and shall annually,
4 on or before the fifteenth day of April, transmit a summary of
5 such enumeration to the county superintendent of schools, who
6 not later than the first day of May shall forward to the state
7 superintendent of schools a summary by districts and independent
8 districts of the enumeration so taken and reported in his county.

Sec. 95. *Other Duties*—Teachers shall exercise such other
2 authority and perform such other duties as may be prescribed for
3 them by law or by the rules of the state board of education.

EXAMINATIONS AND CERTIFICATE.

Sec. 96. *Certificates Required of all Teachers—Minimum*
2 *Age*—No person shall be employed to teach in the free schools of
3 this state or receive for teaching any part of any free school fund
4 who does not at the time he enters upon his duties hold a valid
5 teacher's certificate, covering the period of his employment; and
6 under no circumstances shall a certificate to teach be granted to

7 any person who is not of good moral character and physically and
8 mentally qualified to perform the duties of a teacher and who shall
9 not have attained the age of eighteen years on or before the first
10 day of October of the year in which his certificate is issued.

Sec. 97. *Time and Place of Holding Examinations*—The
2 general regulation, direction and control of all matters relating
3 to the examination of applicants for teachers' certificates, includ-
4 ing the preparation of questions, the grading of manuscripts, the
5 granting and issuing of certificates, and all other powers neces-
6 sary for the proper examination of applicants for teachers' certi-
7 ficates shall hereafter be vested in the state superintendent of
8 free schools, who shall designate the time for holding examina-
9 tions simultaneously in all the counties of the state, at such places
10 and in such buildings as the county superintendent shall desig-
11 nate, subject to the approval of the state superintendent.

Sec. 98. *Expenses*—For the preparation and printing of
2 questions, for the grading of manuscripts, for postage and express
3 charges, for the additional clerical work necessary, the state sup-
4 erintendent of schools shall be allowed annually an amount to be
5 recommended by him, which amount shall be set apart and ap-
6 propriated by the legislature from the general school fund for
7 such purpose.

Sec. 99. *Assistants*—The county superintendent shall con-
2 duct all examinations as directed by the state superintendent,
3 and shall have authority to appoint one or more qualified per-
4 sons to assist him when necessary to the proper conduct of the
5 examination, who shall receive four dollars (\$4.00) a day for not
6 more than two days in helping conduct such examination, and
7 shall be approved in advance of their appointment by the state
8 superintendent. But nothing herein contained shall prevent the
9 state superintendent from sending a competent person to super-
10 vise such examinations if he deem it expedient to do so.

Sec. 100. *Fees*—Each applicant at the time of enrollment
2 for any examination, or for the renewal of a certificate shall pay
3 to the county superintendent a fee of one dollar. Out of the ag-
4 gregate of all fees collected by the county superintendent he shall
5 pay his assistants and other legitimate expenses of conducting
6 such examination. Within ten days after each examination, the
7 county superintendent shall make and transmit to the auditor of
8 the state a detailed and certified report of the number of appli-
9 cants for certificates, the amount of fees collected by him, the

10 amount paid out for expenses, and the balance remaining, which
 11 balance shall be transmitted with the report, to be placed by the
 12 auditor to the credit of the general school fund. At the same time,
 13 he shall transmit to the state superintendent of schools a dupli-
 14 cate of the report made to the auditor, together with receipts
 15 for all money paid for expenses.

16 All applicants for certificates upon graduation or other cre-
 17 dentials shall pay a fee of one dollar to the state superintendent
 18 of schools, who shall transmit the same to the auditor of the
 19 state to be credited to the general school fund.

Sec. 101. *Transmitting Questions and Manuscripts*—The
 2 state superintendent of schools shall provide for the preparation
 3 of questions for said examinations and for their transmission in
 4 securely sealed packages, to the county superintendent of each
 5 county. The county superintendent shall open the packages of
 6 questions in the presence of his assistants and the assembled ap-
 7 plicants, and shall conduct such examinations in the manner
 8 prescribed by the state superintendent. At the conclusion of the
 9 examination, the county superintendent shall forward the manu-
 10 scripts in securely sealed packages to the state superintendent, to-
 11 gether with such information, statements or affidavits as the state
 12 superintendent may require. No person who is known to be of
 13 immoral character, or to be addicted to drunkenness, or who sha-
 14 not have attained the age of eighteen years on or before the first
 15 day of October of the year in which said examination is held,
 16 shall be admitted to said examination.

Sec. 102. *Grading of Manuscripts*—Within a reasonable
 2 time after the receipt of the aforesaid manuscripts, it shall be the
 3 duty of the state superintendent to have them examined and grad-
 4 ed by competent persons who are actively engaged in school work, such
 5 persons to be appointed by him for this purpose, and to issue cer-
 6 tificates based thereon; *provided*, that not more than one certifi-
 7 cate of the same kind and grade shall be issued to an applicant in
 8 any school year; but the state superintendent shall forward to
 9 each applicant taking more than one examination in the same year,
 10 a statement of the grades made by him in each examination taken;
 11 and in making up his certificate the applicant shall be given the
 12 benefit of his highest grade in each subject. Such certificate when
 13 so issued shall be forwarded by the state superintendent to the
 14 proper county superintendent, who shall countersign it and de-
 15 liver it to the person entitled thereto; *provided*, that the state

16 superintendent of schools may refuse to issue a certificate to any
17 applicant whom he believes to have been guilty of giving or re-
18 ceiving assistance in the preparation of any manuscripts or of any
19 other act which would warrant or justify the revocation of such
20 certificate.

21 The state superintendent and each county superintendent
22 shall keep a record of all certificates issued, showing the kind and
23 grade of each certificate and the date of issue thereof; and the
24 state superintendent and each county superintendent, upon vacat-
25 ing his office shall deliver said record to his successor.

Sec. 103. *Misdemeanor*—If any person intentionally opens
2 or attempts to open a package containing questions for an exami-
3 nation before the time fixed by the state superintendent of schools
4 for the distribution of such questions, or has any of the questions
5 in his possession without authority of law or in any way makes any
6 change, alteration or erasure in any manuscript after it has been
7 submitted to those in charge of the examination, or makes any
8 fraudulent substitution for any manuscript during or after the
9 examination, or passes or attempts to pass any such examination
10 under an assumed name, or intentionally and fraudulently gives
11 or receives aid in passing an examination, he shall be guilty of a
12 misdemeanor and upon conviction thereof shall be fined not less
13 than twenty-five dollars (\$25.00) and confined in jail not less than
14 thirty days. If any county superintendent or examination assistant
15 willfully violates any of the official instructions issued by the
16 state superintendent for the conduct of examinations; he shall be
17 guilty of a misdemeanor and upon conviction thereof shall be fined
18 not less than twenty-five dollars (\$25.00) and may be confined in
19 jail not less than ten nor more than thirty days, and such convic-
20 tion shall vacate his office.

Sec. 104. *Elementary Certificates*—Subject to all the condi-
2 tions set forth in this section, first grade elementary certificates
3 valid for a period of five years shall be issued to all applicants
4 who are otherwise qualified and who attain a general average of
5 ninety per cent, with no subject below seventy-five per cent;
6 second grade elementary certificates valid for a period of three
7 years, shall be issued to applicants who are otherwise qualified and
8 who attain a general average of eighty per cent, with no subject
9 below sixty-eight per cent; and third grade elementary certifi-
10 cates valid for one year shall be issued to applicants who are other-
11 wise qualified and who attain a general average of seventy per

12 cent, with no subject below sixty per cent; *provided*, that the third
13 grade certificate shall not be issued more than twice to the same
14 person.

15 The subject in which applicants for said certificates shall be
16 examined, or otherwise qualified according to law, shall be read-
17 ing, spelling, writing, English grammar and language, arithmetic,
18 physiology and hygiene, United States and West Virginia history,
19 general and West Virginia geography, civil government, theory
20 and art of teaching, elementary agriculture, and such other sub-
21 jects as the state board of education shall from time to time
22 prescribe.

23 It is *provided, however*, that on and after the first day of
24 July, one thousand nine hundred and twenty-two, no person shall
25 receive a first grade elementary certificate, who cannot satisfy, by
26 certificate of credit or otherwise, the following conditions as to
27 academic and professional attainments acquired by study in high
28 schools and in normal schools, or in other schools of the same or
29 higher grade, for the periods as indicated below; that is to say:

30 (1) From the first day of July, one thousand nine hundred
31 and twenty-two, to the thirtieth day of June, one thousand nine
32 hundred and twenty-four, applicants for first grade certificates
33 shall have had at least one year of high school work and in addition
34 thereto nine weeks' study of professional subjects.

35 (2) From the first day of July, one thousand nine hundred
36 and twenty-four, to the thirtieth day of June, one thousand nine
37 hundred and twenty-six, applicants for the first grade certificates
38 shall have had at least two years of high school work and in
39 addition thereto, eighteen weeks' study of professional subjects.

40 (3) From the first day of July, one thousand nine hundred
41 and twenty-four, to the thirtieth day of June, one thousand nine-
42 hundred and twenty-six, applicants for the first grade certificates
43 shall have had at least three years of high school work and in
44 addition thereto twenty-seven weeks' study of professional sub-
45 jects.

46 After the first day of July, one thousand nine hundred and
47 twenty-six, the state board of education may at its discretion
48 prescribe additional requirements for the granting of teachers' cer-
49 tificates.

50 The state superintendent of schools shall have authority
51 to issue normal school certificates valid for five years, to graduates
52 in the diploma course of any state normal school, or other schools

53 approved for the offering of this course, to graduates in the diploma
54 course of the Bluefield colored institute and of the West Virginia
55 collegiate institute and to persons who have completed a normal
56 course of study in any school of another state, which in the judg-
57 ment of the state board of education, is equivalent in all respects
58 to the diploma course of study in the state normal schools of this
59 state.

60-69 Until the first day of July, one thousand nine hundred and
70 twenty-two, first grade elementary certificates shall be valid in
71 all the schools of the state, and thereafter they shall be valid
72 in elementary schools and junior high schools. Second grade
73 and third grade elementary certificates shall be valid in all the
74 grades of the elementary schools, *provided*, that no person shall
75 be employed as principal of any school of two or more rooms in
76 the same building who does not hold a first grade certificate or
77 its equivalent.

Sec. 105. *High School Certificates*—High school certificates
2 valid for a period of five years shall be issued by the state super-
3 intendent of schools to applicants who have passed a satisfactory
4 examination upon ten subjects to be designated by the state board
5 of education.

6 The state superintendent of schools shall have authority to
7 issue the high school certificate valid for five years, upon applica-
8 tion in due form, to graduates of the West Virginia University,
9 and to graduates of other approved colleges and universities, in
10 this and other states; *provided*, that the collegiate courses of in-
11 struction completed by such graduates have included not less than
12 twenty semester hours in professional subjects and, *provided, fur-*
13 *ther*, that each high school certificate issued under the provisions
14 of this act shall show the subject or subjects the holder thereof
15-17 is especially qualified to teach.

18 High school certificates shall be valid in all high schools and
19 elementary schools in the state; and after the first day of July,
20 one thousand nine hundred and twenty-two, they shall be required
21 in all classified high schools.

Sec. 106. *Supervisor's Certificates*—Supervisor's certificates
2 valid for a period of five years shall be issued by the state superin-
3 tendent of schools to applicants who have taught not less than two
4 years on a first grade certificate, or who have had other experience
5 which the state board of education regards as equivalent to two
6 years of teaching, and who have passed a satisfactory examina-

7 tion upon such subjects as shall be designated by the state board
8 of education.

9 The state superintendent of schools shall have authority to
10 issue the supervisor's certificate valid for five years, upon appli-
11 cation in due form, to graduates of the West Virginia university,
12 or other approved universities or colleges and to graduates of the
13 state normal schools or other institutions approved by the state
14 board of education for the offering of the diploma normal course;
15 *provided*, the course of instruction completed by such graduates
16 shall have included not less than twenty semester hours in profes-
17 sional subjects, five semester hours of which shall have been in the
18 subject of school supervision. Supervisors' certificates shall be
19 valid in all the schools of the state.

Sec. 107. *Short Course Certificate*—The state superin-
2 tendent of schools shall have authority, upon application in due
3 form, to issue without examination the short course certificates,
4 valid for a period of three years, to persons who are otherwise
5 qualified and who have completed the short course in any of the
6 state normal schools or other schools approved by the state board
7 of education for the offering of this course, the short course in
8 the West Virginia collegiate institute and the Bluefield colored
9 institute, the normal training course in high schools that have
10-12 been approved by the state board of education.

13 Such short course certificates shall be valid in the elementary
14 and junior high schools in the state, and in the payment of
15 salaries shall be considered as first grade certificates.

Sec. 108. *Special Certificates*.—The state superintendent
2 of free schools shall have authority, upon the recommendation
3 of the state board of education, to issue special certificates to
4 librarians, kindergarten teachers, primary teachers, and special
5 teachers and supervisors of music, drawing, physical training,
6 home economics, manual training, agriculture and other vocational
7 subjects, and such other subjects as the needs of the schools may
8 require.

9 Special certificates may be issued upon examination or upon
10 the satisfactory completion by the applicants therefor, of such
11 courses of study as may be approved by the state board of edu-
12 cation for the issuance of such certificates.

13 Special certificates shall be valid throughout the state of
14 the teaching or for the supervising of the special subjects to be
15 designated on such certificates.

Sec. 109. *Emergency Certificates.*—Emergency certificates
2 may be issued by the state superintendent of schools in accord-
3 ance with rules and regulations made therefor by the state board
4 of education. Such certificates shall not be issued more than once
5 to the same person, they shall be valid only in the county designated
6 in the certificate, and they shall not be valid after the thirtieth
7 day of June following the date of their issue. The grade of any
8 such certificate shall be determined by the state superintendent
9 of schools and the same shall be indicated on the face of the
10 certificate.

Sec. 110. *Credit for Grades Made in School.* Nothing here-
2 inbefore contained shall prevent the state superintendent of
3 schools from accepting in lieu of an examination in any sub-
4 ject or subjects required for the granting of any certificate herein
5 provided for, a satisfactory grade or grades made by the applicant
6 in such subject or subjects in an approved college, normal school,
7 or first class high school; *provided*, that such grade or grades have
8 been given by such college, normal school or first class high
9 school upon the satisfactory completion of not less than one
10 year's work or the equivalent thereof, in each subject in which
11 such substitution of grade is sought.

12 All certificates issued for a period of five years or longer,
13 shall be considered first grade certificates as to renewal and pay-
14 ment of salaries.

Sec. 111. *Renewal of Certificates.* All first grade certifi-
2 cates, normal school certificates, high school certificates, super-
3 visors' certificates and special certificates, issued after July first,
4 one thousand nine hundred and twenty-two, shall upon their ex-
5 piration or within the year immediately following, be renewable
6 for five year periods; *provided*, that the holders thereof shall have
7 been actively engaged in educational work for not less than three
8 years of each five year period, and shall pass an examination on
9 two reading circle books for the first renewal, and be recommended
10 for such renewal by the county superintendent of schools of the
11 county where the certificate was issued, or where the teacher
12 holding such certificate has taught, without additional require-
13 ments whatever.

14 At the termination of the first renewal period of all first
15 grade certificates issued after one thousand nine hundred and
16 twenty-two, the holder thereof shall be granted a renewal for the
17 period of five years upon the condition that he has taught three
18 years of the five year period or been actively engaged in school

19 work, and is recommended for renewal by the county superinten-
20 dent of the county where he resides or has been teaching.

21 At the end of the second renewal period, the holder of any
22 certificate of the first grade, issued after one thousand nine
23 hundred and twenty-two, shall receive a similar certificate valid
24 for life, if he has taught or been otherwise actively engaged
25 in school work within the life of the certificate, for a period
26 equal to the period of service required for second renewal, and
27 no other requirements shall be imposed upon him. *Provided,*
28 *however,* that the holders of certificates of the first grade which
29 have been issued, or which shall be issued prior, to July first,
30 one thousand nine hundred and twenty-two, shall be renewable
31 as follows:

32 First renewal on condition that the holder has taught or
33 been actively engaged in school work for three years during
34 the preceding five year period and is recommended for such
35 renewal by the county superintendent where he resides or has
36 been teaching. At the end of the first renewal period it shall
37 be renewed on recommendation of county superintendent and
38 passing an examination on two books of the reading circle
39 course.

40 At the end of the second renewal period the holder of any
41 certificate of the rank of first grade shall be issued a similar
42 certificate valid for life, if he has taught or been otherwise ac-
43 tively engaged in school work for three years during the life of
44 the certificate, and is recommended for such renewal by the
45 county superintendent of his county. No other conditions of
46 any kind shall be required of the applicant for said renewals.

Sec. 112. *Revocation of Certificates.*—The state superin-
2 tendent may, after ten days' notice and upon proper evidence,
3 revoke the certificate of any teacher for drunkenness, untruthful-
4 ness, immorality, or for any physical, mental or moral defect
5 which would render him unfit for the proper performance of his
6 duties as a teacher, or for any neglect of duty or refusal to per-
7 form the same or for any other cause which would have justified
8 the withholding of a certificate when the same was issued.

9 Any county superintendent who knows of any immorality
10 or neglect of duty on the part of any teacher shall report the same,
11 together with all the facts and evidence, to the state superin-
12 tendent for such action as in his judgment may be proper.

TEACHERS' INSTITUTES—COUPONS OF CREDIT.

Sec. 113. *Time and Place of Holding Teachers' Institutes*—
2 As a means of improving the teachers and fitting them for more
3 effective service in the schools of the state, teachers' county insti-
4 tutes shall be held annually throughout the state, one or more
5 in each county, at such times and at such places as the state
6 superintendent, with the advice of the county superintendent,
7 shall direct, and such institutes shall continue each for one week
8 of five days. It is provided, however, that the state superintend-
9 ent may vary the nature of the instruction in such institutes, and
10 may arrange the time and duration of the same in such way as
11 to promote the best interests of the schools.

Sec. 114. *Attendance Upon Institutes*.—Every person em-
2 ployed as a teacher in the schools of this state shall be required
3 to attend a county teachers' institute, or such other teachers' meet-
4 ing as the state superintendent of schools shall prescribe for his
5 group of teachers or kind of work, for at least five days in each
6 year, or for the number of days more or less than five as may
7 be prescribed by the said superintendent.

8 The county superintendent of schools may excuse, if requested,
9 from attending the teachers' institute any teacher who has been
10 in attendance for at least six weeks after January first of the
11 year in which such excuse is sought, at a standard college, uni-
12 versity, or state normal school, or other approved school, and who
13 presents to said county superintendent a statement signed by
14 the principal or president of the school showing what branches
15 have been pursued and that the required work has been satis-
16 factorily completed. The state superintendent of schools shall
17 determine what schools shall be recognized and the nature and
18 amount of the work which shall be accepted by said county super-
19 intendent in carrying out the provisions of this section. For
20 such institute attendance the teacher shall be paid two dollars and
21 fifty cents (\$2.50) a day for not to exceed five days in any one
22 year, such compensation to be paid out of the teachers' fund of
23 the district at the end of his term of school. Teachers whose
24 schools have been discontinued for any legal cause shall receive
25 such portion of the total per diem as the number of months
26 actually taught bears to the number of months in the school term
27 provided for the district.

28 It shall be the duty of the county superintendent to see that
29 teachers who do not attend institute or who have not been legally

30 excused are not allowed to teach in his county during any year
31 in which such failure occurs.

Sec. 115. *Filing of Certificate.*—It shall be the duty of each
2 teacher to file with the secretary of the board of education of
3 the district in which he is employed, before the opening of his
4 school, a certificate of institute attendance or an excuse therefrom
5 signed by the county superintendent of schools.

6 If the county institute is held after the opening of his school,
7 the teacher shall file his certificate of attendance within ten days
8 after the close of the institute.

Sec. 116. *Instructors.*—The institute shall be conducted by
2 experienced and skillful instructors appointed by the state super-
3 intendent of free school, but it shall be a part of the duty of
4 the county superintendent under the instructions of the state
5 superintendent, to make all arrangements for the institutes and
6 to assist in conducting them.

Sec. 117. *Pay of Instructors.*—The instructors appointed
2 by the state superintendent shall be paid for their services and
3 expenses out of the general school fund on the order of the state
4 superintendent; *provided*, that the amount expended for teachers'
5 institutes in the state for any year shall not exceed the amount
6 appropriated by the legislature for that purpose.

Sec. 118. *Enrollment Fee.*—Every teacher enrolled in a
2 county teachers' institute, or other teachers' meeting conducted
3 in lieu thereof, shall pay an institute fee of one dollar and twenty-
4 five cents (\$1.25), two-fifths of which may be used by the county
5 superintendent of schools for incidental expenses and for the bet-
6 terment of the institute, and the other three-fifths of said fee,
7 together with any remainder of said two-fifths allowed for inci-
8 dental expenses, shall be remitted by the county superintendent of
9 schools to the auditor of the state to be paid into the state treasury
10 to the credit of the general school fund. An account of said ex-
11 penses shall be submitted to the institute during its session for
12 approval or disapproval. If any county superintendent of schools
13 shall fail within a reasonable time to remit said portion of the
14 institute fees in his county to the auditor, it shall then be the
15 duty of the auditor to withhold payment of the salary of such
16 county superintendent until such remittance has been received.

Sec. 119. *Report to be Made.*—The county superintendent
2 of schools shall, within five days after the close of the institute,

3 forward to the state superintendent of schools a certified list of
4 all persons enrolled at the county institute, giving the exact time
5 each teacher was in attendance. Said county superintendent shall
6 also forward to the state superintendent a certified statement of
7 the receipts and expenditures as approved by the institute as pro-
8 vided in section one hundred twenty-one of this act, together with
9 the receipts for all money expended.

Sec. 120. *District Institutes*—As a further means of im-
2 provement among the teachers, the county superintendent, or the
3 district supervisor, with the consent of the county superintendent,
4 shall arrange for and conduct district or joint district institutes,
5 one or more for each district of the county within the school year.
6 The county superintendent may also approve the attendance of
7 the teachers employed in his county at a teachers' round table.
8 Attendance upon district institutes or teachers' round tables as
9 herein provided may be substituted for an equal amount of teach-
10 ing at the discretion of the county superintendent, who shall report
11 to the secretary of the board of education the attendance ap-
12 proved by him.

Sec. 121. *Reading Circles — Coupons of Credit* — Teachers
2 shall be encouraged to form reading circles for the purpose of
3 pursuing courses of study in professional subjects, and it shall
4 be the duty of the state superintendent to prescribe a course of
5 study in the said subjects, to provide for examining those who
6 complete the said course and to issue certificates of merit to such
7 persons as pass satisfactory examinations thereon.

8 The state superintendent of schools may also outline addi-
9 tional professional work and projects for teachers and issue cou-
10 pons of credit, good only for the school year in which they are
11 issued, to such teachers as complete such professional work or
12 project satisfactorily. Such coupons when signed by the state
13 superintendent and by the county superintendent shall entitle the
14 holder thereof to one dollar a month additional salary for each
15 coupon so held, payable by the district or independent district
16 board of education at the expiration of the school term out of the
17 teachers' fund of such district.

COMPULSORY ATTENDANCE.

Sec. 122. *Age—Time—Misdemeanor*—Every person who
2 has legal or actual charge of a child or children not less than seven

3 nor more than fourteen years of age shall cause such child or
4 children each year to attend a free day school for the full school
5 term of the district or independent district in which such person
6 resides; *provided, however*, that such person shall be exempt from
7 the foregoing requirement for any of the following causes:

8 (a) Instruction for a time equal to that required by this
9 act in a private, parochial or other school approved by the dis-
10 trict board of education. The principal or other person in con-
11 trol of such private, parochial or other approved school shall upon
12 the request of the district board of education, furnish to said
13 board such information as it may require with regard to the at-
14 tendance and instruction of pupils between the ages of seven and
15 fourteen years enrolled therein.

16 (b) Instruction for a time equal to that required by this act
17 in the home of such child or children or elsewhere by a person or
18 persons who are, in the judgment of the district board of educa-
19 tion, qualified to give instruction in the subjects required to be
20 taught in the free elementary schools of this state. The person
21 or persons giving such instruction shall, upon the request of the
22 district board of education, furnish to said board such informa-
23 tion as it may require with regard to the attendance and instruc-
24 tion of pupils between the ages of seven and fourteen years re-
25-28 ceiving such instruction.

29 (c) Physical or mental incapacity for school attendance
30 and the performance of school work.

31 (d) Death or serious illness in the immediate family of the
32 pupil.

33 (e) Extreme destitution of parents or other person or per-
34 sons in legal or actual charge of a child or children. Exemption
35 for this cause shall not be allowed when such destitution is re-
36 lieved through public or private means.

37 (f) Conditions rendering school attendance impossible or
38 rendering it hazardous to the pupil's life, health or safety.

39 (g) Residence of the pupil at a distance of more than two
40 miles from the nearest school by the shortest practicable road or
41 path, unless free transportation to and from school is provided for
42 such pupil.

43 (h) Observance of regular church ordinances.

44 (i) Other causes that are accepted as valid by the county

45 superintendent or by the district supervisor of schools or by the
46 superintendent of schools of an independent district.

47 Any person who, after due notice has been served upon him
48 as hereinafter provided, shall fail to cause a child or children in
49 his legal or actual charge to attend school as hereinbefore pro-
50 vided, shall be guilty of a misdemeanor and shall upon conviction
51 thereof before any justice of the peace be fined not less than three
52 dollars nor more than twenty dollars, together with the costs of
53 prosecution, or confined in jail not less than five days nor more
54 than twenty days. Each day a child is out of school contrary to
55 the provisions of this act shall constitute a separate offense.

56 Whenever a person accused of violating the provisions of this
57 act has been tried and acquitted, the costs of prosecution shall be
58 paid by the district board of education out of the building fund
59 of the district.

Sec. 123. *Attendance Officer—Duties*—The board of edu-
2 cation of every district or independent district shall, at its first
3 meeting or as soon thereafter as practicable, appoint one or more
4 attendance officers, who shall qualify as such and shall enforce the
5 provisions of this act in the districts or independent districts in
6 which they have been appointed to serve; *provided, however,* that
7 any school trustee may be appointed to serve as truant officer in
8 his sub-district. Each officer so appointed shall use due diligence
9 to ascertain any violations of this law, and when from personal
10 knowledge or by report or complaint from any resident or teacher
11 of the district under his supervision, he believes that any child
12 subject to the provisions hereof has been absent from school con-
13 trary to the provisions of this act, he shall immediately give written
14 notice to the parent, guardian, or custodian of such child that
15 the attendance of said child at school is required, and if the parent,
16 guardian or custodian of such child does not comply with the
17 provisions of this act at once, then such attendance officer shall
18 make complaint against such parent, guardian or custodian be-
19 fore a justice of the peace of the county; and *provided,* that for
20 subsequent offenses in any school year no such notice shall be re-
21 quired. When any doubt exists as to the age of a child absent
22 from school, the attendance officer shall have authority to require
23 a properly attested birth certificate or an affidavit from the parent,
24 guardian, or custodian of such child, stating the age of such
25 child. The attendance officer shall, in the performance of his

26 duties as such officer, have authority to visit and enter any office,
27 factory, or business house employing children; he shall also have
28 the authority to arrest without warrant any child absent from
29 school in violation of the provisions of this act and to place such
30 child in the school in which such child is or should be enrolled.
31 Said attendance officer shall be paid monthly at such rate per
32 diem for the time actually spent in the performance of his duties
33 as the board shall determine; but in no case shall payment for
34 any month's services be made until the attendance officer has filed
35 with the secretary of the district board of education the statement
36 required by said board of education, together with a sworn state-
37 ment of the number of truancy cases investigated and the time
38 actually spent in performing such duties. When the attendance
39 officer has faithfully performed his duties and filed the statement
40 required, the district board of education, if satisfied that the same
41 is just and correct, shall issue to him an order on the sheriff for
42 the amount of his account, payable out of the building fund of
43 the district.

Sec. 124. *Secretary to Furnish Enumeration List* — It
2 shall be the duty of the secretary of the district board of educa-
3 tion at the beginning of the school term to furnish to the teacher
4 of each one-room school in the district a copy of the last school
5 enumeration for the sub-district, together with the name and ad-
6 dress of the attendance officer of the district. Such teacher shall
7 at the opening of school and at such times as the district board
8 of education may require, compare said enumeration list with the
9 enrollment of the school and report to the attendance officer the
10 names and residences of parents, guardians or custodians of chil-
11 dren between the ages of seven and fourteen who are or have been
12 absent from school without a legal excuse; also, the names and
13 residences of parents, guardians, or custodians of children of com-
14 pulsory school age not included in such enumeration list who are,
15 or have been absent from school without legal excuse. The sec-
16 retary of the district board of education shall furnish said enumer-
17 ation list, together with the name and address of the attendance
18 officer, to the superintendents, district supervisors or principals
19 of all town and city schools and to the principals of all district
20 schools of two or more rooms, and said superintendents, district
21 supervisors, and principals shall make reports to the attendance

22 officer concerning all cases of truancy as hereinbefore required of
23 teachers of one-room schools.

Sec. 125. *Fine for Neglect of Duty*—Any school officer,
2 attendance officer, district supervisor, superintendent, principal,
3 teacher or other person upon whom a duty is imposed by this act
4 who neglects or refuses to perform any duty or duties so imposed
5 upon him shall be guilty of a misdemeanor, and upon conviction
6 thereof shall be punished by a fine of not less than three dollars
7 (\$3.00) nor more than twenty dollars (\$20.00), and may be im-
8 prisoned not to exceed twenty-five days.

Sec. 126. *Aiding or Abetting Violations of Compulsory*
2 *Attendance*—Any person who induces or attempts to induce any
3 child unlawfully to absent himself from school or who harbors or
4 employs any child of compulsory school age while the school which
5 he is required to attend is in session, or employs such child within
6 the term of said school without the written permission of the
7 county, district or city superintendent of schools shall be guilty
8 of a misdemeanor, and upon conviction thereof shall be punished
9 by a fine of not less than twenty-five dollars (\$25.00) nor more
10 than fifty dollars (\$50.00), or may be confined in jail not less than
11 five days nor more than thirty days.

Sec. 127. *Fines Collected* — All fines collected, under the
2 provisions of this act shall be paid over at once by the justice to
3 the sheriff, and by him credited to the building fund of the
4 proper district; and every attendance officer shall make to the
5 secretary of the district board of education and to the sheriff an
6 itemized statement on the last day of each month of all fines im-
7 posed as provided herein.

Sec. 128. *Unemployed Children over Fourteen and Under*
2 *sixteen Shall Attend School*—Every child over fourteen and un-
3 der sixteen years of age who is not engaged in some regular
4 employment or business for at least six hours per day or who has
5 not received written permission from the superintendent of schools
6 of the city or county in which he resides, to engage in profitable
7 employment at home, shall attend a public day school or other day
8 school approved by the board of education of his school district or
9 independent school district during the entire time the public
10 schools are in session, subject to such exemptions as are provided
11 for in section one hundred twenty-five of this act, except that no
12 child over fourteen and under sixteen years of age shall be exempt
13 from school attendance as herein required for the reason that he

14 has completed an eight-years' course of study in the elementary and
15 grammar schools or junior high schools of the state, if a high
16 school or other school of advanced grades is provided within two
17 miles of his home.

Sec. 129. *Children Over Fourteen and Under Sixteen
2 Who Are Employed Shall Attend Evening or Part-Time Day
3 Schools*—Every child over fourteen and under sixteen years of age
4 who is engaged in regular employment or business for six or more
5 hours during the day shall attend an evening school, part-time day
6 school or other continuation school for at least five hours per week
7 for a period of twenty weeks, or for such period as such school is
8 in session, if it is in session less than twenty weeks; provided, there
9 is an evening school, part-time day school or other continuation
10 school approved by the board of education of the district in which
11 such child resides, within two miles of such child's home or tem-
12 porary place of residence. Individuals, firms and corporations
13 employing children over fourteen and under sixteen years of age
14 shall, if necessary to enable such children to attend an evening
15 school, part-time day school or other continuation school as herein
16 required, release such children from work for at least five hours
17 per week for a period of not less than twenty weeks each year.
18 All children over fourteen and under sixteen years of age shall be
19 included as a separate class in the enumeration list required in
20 section ninety-five of this act. The requirements of this section
21 shall be enforced by the persons and in the manner prescribed
22 for the enforcement of the requirements of sections one hundred
23 twenty-five to one hundred thirty-one, inclusive, of this act.

Sec. 130. *Compulsory Education of the Deaf and the
2 Blind*—Every parent, guardian or other person having control of
3 any mentally normal minor over eight years of age who is defec-
4 tive in sight or hearing to the extent that he can not be benefited
5 by instruction in the public schools, shall be required to send such
6 minor to the West Virginia schools for the deaf and the blind
7 at Romney. Such minor shall continue to attend said schools for
8 a term of at least thirty-six weeks each year until he has completed
9 the course of instruction prescribed for said schools by the state
10 board of education, or until he has been discharged by the super-
11 intendent of said schools. It is *provided, however*, that minors of
12 the negro race who come under the requirements of this section
13 shall be placed in a separate school or schools located at such place
14 or places as may be determined by the state board of control.

15 Any such deaf or blind minor shall be exempt from attend-
16 ance at said schools for any of the following reasons:

17 1. Instruction by a private tutor or in another school ap-
18 proved by the state board of education, for a time equal to that
19 required by the first paragraph of this section.

20 2. Physical incapacity for school work.

21 3. Any other reason deemed good and sufficient by the super-
22 intendent of said schools, with the approval of the state board of
23 education.

24 Any parent, guardian or other person in charge of such minor
25 or minors who fails or refuses to comply with the requirements of
26 this section shall be guilty of a misdemeanor, and upon convic-
27 tion thereof shall be fined not less than ten dollars (\$10.00) nor
28 more than thirty dollars (\$30.00) for each offense.

29 Failure for the period of one week within the school year
30 to send such minor to school shall constitute an offense; *provided*,
31 that the time necessary for such minor to travel from his home to
32 Romney shall not be counted as time absent from school.

33 Any person who induces or attempts to induce such blind or
34 deaf minor to absent himself from school or who employs or har-
35 bors such minor unlawfully, while said schools are in session shall
36 be guilty of a misdemeanor and upon conviction thereof shall be
37 fined not less than twenty dollars (\$20.00) nor more than fifty
38 dollars (\$50.00) for each offense.

39 It shall be the duty of school attendance officers, prosecuting
40 attorneys and any special attendance officers appointed by the
41 said schools for the deaf and the blind to enforce the provisions
42 of this section.

43 It shall be the duty of the public school teachers of each
44 county to furnish to the county superintendent of schools of their
45 county the names of deaf or blind persons in their sub-districts
46 between the ages of six and twenty-five years together with infor-
47 mation as to the age, sex and race of each such deaf or blind per-
48 son. The county superintendent of schools shall certify the names
49 of all such persons with the names and addresses of their parents
50 or guardians to the superintendent of the schools for the deaf and
51 the blind at Romney.

52 It shall be the duty of the state superintendent of schools to
53 provide suitable blanks for the enumeration of such deaf and blind
54 persons to each county superintendent for distribution among
55 teachers and others responsible for taking the school enumeration.

56 The enumeration of such deaf and blind persons shall be taken
57 at the time the regular school enumeration is taken and shall be
58 reported to the superintendent of the schools for the deaf and the
59 blind at the time that the regular school enumeration is reported
60 to the state superintendent of schools.

VOCATIONAL EDUCATION.

Sec. 131. *Acceptance of Federal Act.*—The provisions of
2 an act of congress entitled “an act to provide for the promotion
3 of vocational education; to provide for cooperation with the states
4 in the promotion of such education in agriculture and the trades
5 and industries; to provide for cooperation with the states in the
6 preparation of teachers of vocational subjects; and to appropriate
7 money and regulate its expenditures”, are hereby accepted by the
8 state of West Virginia as to:

9 (a) Appropriations for the salaries of teachers, supervisors
10 or directors of agricultural subjects.

11 (b) Appropriations for salaries of teachers of vocational
12 and industrial subjects.

13 (c) Appropriations for the training of teachers of voca-
14 tional subjects.

Sec. 132. *Custodian of Funds.*—The state treasurer is here-
2 by designated as the custodian of funds to be paid into the
3 treasury of this state for vocational education and shall
4 receive money paid to the state from the United States treasury
5 under the provisions of said act of congress and shall pay the
6 same upon the warrant of the auditor of state when the same is
7 certified by the state board of control.

Sec. 133. *State Board.*—The state board of education is here-
2 by designated as the state board to carry out the provisions of
3 said act so far as the same relates to the cooperation of the states
4 and federal government and shall have full power to do all things
5 necessary in the formulation or execution of plans for the pro-
6 motion of education in agriculture, in trades and industries and
7 to formulate and execute plans for the preparation of teachers of
8 vocational subjects.

STATE EDUCATIONAL INSTITUTIONS.

Sec. 134. *West Virginia University, Name, Location, Con-
2 trol.*—The West Virginia university, created and established by
3 chapter one hundred twenty-three, sections seventy-six and sev-

4 enty-seven, of the acts of the legislature of one thousand eight
5 hundred seventy-two and one thousand eight hundred seventy-
6 three, shall hereafter remain where now located and shall con-
7 tinue to be known as the West Virginia university. On and after
8 the first day of July, one thousand nine hundred nineteen, said
9 university shall be under the control and management of the
10 state board of education as provided in section seven of this act,
11 and the state board of control as provided in section four of chap-
12 ter fifteen-m of Barnes' code of nineteen hundred and sixteen.

Sec. 135. *Powers and Duties of the President.*—The presi-
2 dent of the university shall be president of the general faculty
3 and of the faculties of the several colleges and department there-
4 of, and the executive head of the university in all its departments.
5 Subject to the authority herein vested in the state board of edu-
6 cation, he shall give general direction to the administrative affairs
7 and to the scientific investigations of the university and of its
8 several departments. And subject to the orders of the board, he
9 shall have authority, in the recess of the board, to remove any
10 employee or subordinate officer, who is not a member of the faculty,
11 and supply for the time any vacancy that may occur by such re-
12 moval or otherwise.

Sec. 136. *The President Shall Make Biennial Reports.*—On
2 or before the end of each biennial period the president of the
3 university shall make a report to the state board of education and
4 the state board of control showing in detail the progress and
5 condition of the university during such biennium, and such other
6 detailed information about the affairs and the control of the
7 university as the said boards may request or as he may deem
8 wise to communicate.

Sec. 137. *Colleges, Schools, Department*—In consultation
2 with the president of the university, the state board of education
3 shall have authority to establish and to maintain in the univer-
4 sity such colleges, schools, departments, and divisions as from
5 time to time may be expedient, and shall provide for the organi-
6 zation and management of the same.

Sec. 138. *Admission and Graduation of Students*—The
2 rules and regulations made by the president and faculties of the
3 university governing the admission of students to the university,
4 the standards of scholarship to be maintained, the conferring of
5 degrees and the granting of diplomas, certificates, and other evi-
6 dences of work done by students of the university, shall be sub-

7 mitted to the state board of education for its approval. The
8 rules and regulations made by said president and faculties for
9 the general government of the university shall in like manner be
10 submitted to said board for its approval.

Sec. 139. *Agricultural Extension Division*—In order to pro-
2 mote the improvement and advancement of agriculture, domestic
3 science, and rural life among the people of the several counties
4 of the state of West Virginia, there is hereby created and estab-
5 lished in the college of agriculture, at West Virginia university,
6 an agricultural extension division to be coordinate with the
7 resident instruction division and the agricultural experiment sta-
8 tion. The work of the agricultural extension division of the
9 college of agriculture shall be conducted under such rules, regu-
10 lations and methods as may be approved by the state board of
11 education, but every expenditure under this section shall be ap-
12 proved by the state board of control. Said extension work shall
13 consist of holding extension schools in the various counties of
14 the state, at which instruction shall be given in soil fertility, horti-
15 culture, stock raising, crop production, dairying, and other
16 branches of agriculture, domestic science and kindred subjects;
17 of conducting farmers' institutes; of furnishing speakers and ex-
18 hibits for special agricultural trains; of giving instruction and
19 demonstrations at agricultural fairs, farmers' institutes, clubs,
20 granges, or other organizations that may be useful in extending
21 agricultural knowledge; of conducting in cooperation with school
22 officials and the United States department of agriculture, boys'
23 and girls' agricultural clubs; of appointing county agricultural
24 and home demonstration agents and supervising and assisting
25 them in advancing the agricultural and home interests of their
26 respective counties or districts by encouraging demonstrations in
27 orcharding, soil improvement, crop production, stock raising, and
28 other phases of agriculture, home economics and kindred sub-
29 jects, as provided for in section twenty-eight, chapter thirty-nine
30 of the code of West Virginia; of giving instruction by mail in
31 agriculture, domestic science, and kindred subjects; of publishing
32 bulletins, circulars, and newspaper articles; and of such other
33 methods as may carry the benefits of the work of the college of
34 agriculture, the agricultural experiment station and the United
35 States department of agriculture to the people of the several
36 counties of the state, as provided for in the Federal Smith-Lever
37 act of May eighth, one thousand nine hundred fourteen, and

38 accepted by the state of West Virginia in Senate Joint Resolution
39 number four, adopted February, one, one thousand nine hundred
40 fifteen; and all such itinerant educational work in agriculture
41 and home economics carried on under appropriation by or to this
42 state, shall be under the control and supervision of said agri-
43 cultural extension department.

Sec. 140. *Military Training.*—Male students of suitable age
2 in the university shall be required, under such regulations as the
3 state board of education shall prescribe to enroll in the depart-
4 ment of military science. Said students shall serve for the time
5 required by said regulations and shall be entitled to such special
6 privileges and immunities as the state board of education may
7 determine. The state board of education shall have authority to
8 accept appropriations, material, and other benefits from the Fed-
9 eral government on account of any federal law providing for aid
10 to the West Virginia university for giving instruction in mili-
11 tary science and to cooperate as far as practicable with the fed-
12 eral government for such purpose.

Sec. 141. *Extension in General.*—The state board of edu-
2 cation is hereby authorized and empowered to organize and con-
3 duct, through the organization of the different colleges, schools, or
4 departments of the university, extension work in the form of
5 schools, classes, lectures, and other forms of instruction, through-
6 out the state, in order that the benefits of the university may
7 reach all parts of the state.

Sec. 142. *Endowment for Agricultural College.*—The funds
2 derived from the sale of United States land warrants which have
3 been donated to this state for the purpose of endowing an agri-
4 cultural college shall be invested by the board of the school fund
5 in a loan of public stock of the United States or otherwise, as
6 required by congress, for the use and benefit of the university,
7 and as set forth in the acts of the legislature of one thousand
8 eight hundred seventy-two and seventy-three, one thousand eight
9 hundred eighty-one, one thousand nine hundred eight, and one
10 thousand nine hundred nine.

Sec. 143. *Federal Appropriations.*—For the uses and pur-
2 poses of the West Virginia university there is hereby set apart
3 such sum or sums of money as shall accrue from the annual ap-
4 propriation made by the act of congress, approved August thirti-
5 eth, one thousand eight hundred ninety, known as the "Morrill
6 Fund" and all other sums of money that may at any time be

7 appropriated by act of congress for the benefit of the West Vir-
8 ginia university, and the treasurer of this state is hereby desig-
9 nated as the proper officer to receive from the secretary of the
10 treasury of the United States the said sum or sums of money
11 to be paid into the treasury of this state under said act or acts of
12 congress and the state board of control shall have general super-
13 vision and control of said sum or sums of money as is now provided
14 by the act creating the said state board of control.

Sec. 144. *Agricultural Experiment Station*—The state of
2 West Virginia hereby assents to the act of congress approved
3 July second, one thousand eight hundred sixty-two, entitled "An
4 act donating public lands to the several states and territories
5 which may provide colleges for the benefit of agricultural and
6 mechanic arts" and to all other acts passed since that one re-
7 enacting or amending it and accepts from the government of the
8 United States the grants of money authorized by said act of
9 congress, and assents to the purpose of said grants. In the act
10 of West Virginia legislature passed March second, one thousand
11 eight hundred eighty-seven, establishing a department in the West
12 Virginia University, known as the "West Virginia agricultural
13 Experiment Station" is hereby re-enacted for the purposes enumer-
14 ated and the state board of control and the state board of educa-
15 tion are authorized and empowered as is now provided by law
16 to carry out the provisions of these several acts.

Sec. 145. *Anatomical Board; Use of Dead Bodies*—Chapter
2 thirty-two of the acts of the legislature of one thousand nine
3 hundred one, providing for the disposition of dead human bodies
4 by persons in charge of any almshouse, prison, morgue, hospital,
5 asylum, or other place included in said act shall remain in full
6 force.

Sec. 146. *Financial Support*—The legislature shall make
2 the necessary appropriations for the financial support of the West
3 Virginia university.

Sec. 147. *State Normal School*—The provisions of all acts
2 of the legislature relating to the West Virginia state normal
3 school and its branches shall be and remain in full force except
4 so far as the same may be altered by this act.

5 The "West Virginia State Normal School" established under
6 and by virtue of an act passed February twenty-seventh, one
7 thousand eight hundred sixty-seven, entitled "An act for the
8 establishment of a state normal school," shall be and remain at

9 Huntington in the county of Cabell, as provided in said act. The
10 branch of the state normal school established at Fairmont, under
11 and in pursuance of the act passed March fourth, one thousand
12 eight hundred and sixty-eight, entitled "An act providing for
13 the purchase of the West Virginia normal school at Fairmont",
14 the branch of the West Virginia state normal school established
15 at West Liberty, under and in pursuance of the act passed March
16 first, one thousand eight hundred and seventy, entitled "An act to
17 establish a branch normal school at West Liberty, in Ohio
18 county"; the branch of the state normal school established at
19 Glenville, under and in pursuance of the act passed the nineteenth
20 day of February, one thousand eight hundred and seventy-two
21 entitled, "An act to establish a branch normal school at Glenville,
22 Gilmer county"; the branch of the state normal school established
23 at Shepherdstown, under and in pursuance of the act passed and
24 approved February fourteenth, one thousand eight hundred and
25 seventy-two, entitled "An act to establish a branch normal school
26 at Shepherdstown, in the county of Jefferson"; and the branch
27 of the state normal school at Athens, in Mercer county, establish-
28 ed by the act passed the twenty-eighth day of February, one thous-
29 and eight hundred and seventy-two entitled, "An act to locate a
30 branch state normal school at Concord, in the county of Mercer".
31 shall each be and remain at the place where said institution is
32 now located. The state normal school and its branches named
33 in this section, shall be under the control and management of the
34 state board of education, as provided by section seven of this
35 act, and of the state board of control, as provided in section
36 four of chapter fifteen-*m* of Barnes' code of one thousand nine
37 hundred and sixteen. On and after the first day of July, one
38 thousand nine hundred and nineteen, said normal school
38-*a* and its branches shall each be known as a state normal school,
39 and none shall be known as a branch of the one first es-
40 tablished, and shall be designated respectively as "Marshall Col-
41 lege", "Fairmont State Normal School", "West Liberty State
42 Normal School", "Glenville State Normal School", "Shepherd
43 College State Normal School", and "Concord State Normal
44 School". The function of said normal schools shall be the pre-
45 paration of teachers through such courses of study as the facul-
46 ties may prescribe with the approval of the state board of educa-
47 tion. The rules and regulations made by the president or other
48 head and the teachers of each of said normal schools for the

49 general government of such school and for the admission of
50 students thereto, the standards of scholarship to be maintained
51 therein, and the graduation of students therefrom, shall be sub-
52 mitted to the state board of education for its approval. The
53 president and the teachers of each of said normal schools shall be
54 men and women of broad and liberal education, as evidenced by
55 the possession of a bachelor's degree from a standard college or
56 university, or the equivalent thereof, as a minimum requirement.
57 The legislature shall make the necessary appropriations for the
58 financial support of each of the said normal schools.

Sec. 148. *Preparatory Branch of The State University*—

2 The preparatory branch of the state university heretofore estab-
3 lished at Keyser, in Mineral county, shall remain where now locat-
4 ed and on and after the first day of July, one thousand nine hun-
5 dred and twenty-one, shall be known as the "West Virginia Voca-
6 tional School", which shall be under the control and management
7 of the state board of education, as provided by section seven
8 of this act, and of the state board of control, as provided by sec-
9 tion four of chapter fifteen-*m* of Barnes' code of one thousand nine
10 hundred and sixteen. The rules and regulations made by the
11 principal and teachers of this institution for its general
11-*a* government shall be submitted to the state board of
12 education for its approval. Said vocational school shall offer
13 instruction in agriculture, home economics, industrial subjects
14 and such other subjects as the state board of education may
15 direct. The legislature shall make the necessary appropriations
16 for the financial support of said institution.

17 Chapter seventy of the acts of the legislature of one thousand
18 nine hundred and seventeen, regular session, is hereby repealed.

Sec. 149. *The West Virginia Trades School*—The West Vir-
2 ginia trades school heretofore established at Montgomery shall
3 remain where now located and shall be under the control and
4 management of the state board of education as provided by
5 section seven of this act, and of the state board of control as
6 provided in section four of chapter fifteen-*m* of Barnes' code of
7 one thousand nine hundred and sixteen. The rules and regu-
8 lations made by the principal and the teachers of said
8-*a* trades school for its general government shall be submitted
9 to the state board of education for its approval. In addition
10 to academic courses of secondary grade, the state board of educa-
11 tion shall have authority to provide for the teaching of other

12 courses of secondary grade consistent with the name of said school
13 and shall do whatever may be necessary to comply with the act of
14 congress passed the ninth day of January, one thousand nine
15-16 hundred and seventeen, granting federal aid to schools in the
17 several states offering instruction in trades and vocations. All
18 students of this state shall receive instruction in any of the
19 vocational courses maintained in said school free of tuition. Said
20 trades school shall be supported in the manner provided for the
21 support of other state educational institutions.

Sec. 150. *The West Virginia Collegiate Institute*—The
2 institution for the instruction of colored students lo-
3 cated at Institute in the county of Kanawha and designated by an
4 act of the legislature of one thousand eight hundred and ninety-
5 one, regular session, chapter sixty-five, as "The West Virginia Col-
6 legiate Institute," shall remain where now located, and shall
7 have and hold all the property, funds, rights, powers and privi-
8 leges granted to said institution in said chapter sixty-five of the
9 acts of the legislature of one thousand eight hundred and ninety-
10-95 one, and all subsequent acts relating thereto.

96 Said institute shall be under the control and manage-
97 ment of the state board of education and the state board of
98 control, as provided herein for other state educational institutions.

99 The state board of education shall establish and main-
100 tain in the West Virginia collegiate institute, in addition to the
101 departments already established, such college courses of study
102 as may be expedient and possible and shall prescribe the con-
103 ditions for graduation therein and make rules for the conferring
104 of degrees and for issuing the proper diplomas to those who
105 complete such courses, as in the case of other state educational
106 institutions.

107 The West Virginia collegiate institute shall have power and
108 authority to do extension work in agriculture, home economics,
109 and such other subjects as the state board of education may
110 direct, among the negro population of West Virginia.

111 The treasurer of the state is hereby designated as the
112 officer to receive from the secretary of the treasury of the United
113 States the said several sums of money to be paid into the treas-
114 ury of this state by the federal government for the uses and pur-
115 poses named in any grants for said institute. He shall keep an ex-
116 act account of the moneys so received, and shall place to the credit
117 of each of said beneficiaries thereof its due proportion of the

118 same. The sums so placed to the credit of the West Virginia
119 collegiate institute shall be paid out by him on the order of the
120 state board of control. And said treasurer shall include in
121 his biennial report to the governor a statement of his receipts
122 and disbursements under the provisions of this act.

122-131 The rules and regulations made by the president and
132 faculty of said institute for its general government and for the
133 admission of students thereto, the standards of scholarship to be
134 maintained therein, and the graduation of students therefrom,
135 shall be submitted to the state board of education for its ap-
136 proval.

137 The legislature of the state of West Virginia hereby ac-
138 cepts for said state, the terms and provisions of the act
139 of congress of the United States approved August thirtieth, one
140 thousand eight hundred and ninety, for the objects and pur-
141 poses mentioned and declared therein, and designates "The West
142 Virginia University," established in pursuance of the act of
143 congress of the United States passed July two, one thousand
144 eight hundred and sixty-two, and a subsequent act passed by
145 said congress on April nineteen, one thousand eight hundred and
146 sixty-four, at Morgantown, in the county of Monongalia, in this
147 state, as a beneficiary of said appropriation for the instruction
148 of white students, and "The West Virginia Collegiate Insti-
149 tute," for the beneficiary of said appropriation for the instruc-
150 tion of colored students, to be paid to each in the proportion
151 mentioned in chapter sixty-five of the acts of the legislature of
152 one thousand eight hundred and ninety-one and chapter twenty-
153 seven of the acts of the legislature of one thousand nine hun-
154 dred and eight. And the said institution by the name of "The
155 West Virginia Collegiate Institute," shall have and hold all the
156 property, funds, rights, powers and privileges herein mentioned.
157 The legislature shall supplement the funds received from
158 the federal government as aforesaid, by making such appropri-
159 ations from time to time as may be necessary for the further
160 support of the West Virginia collegiate institute.

Sec. 151. *The Bluefield Colored Institute*—The Blue-
2 field colored institute shall remain where now located, and shall
3 be known as the "Bluefield Colored Institute." Said institute
4 shall be under the control and management of the state board of
5 education as provided by section seven of this act, and of the state
6 board of control as provided by law for other state educational in-

stitutions. The rules and regulations made by the principal and faculty of said institute for its general government and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval. The legislature shall make from time to time such appropriations as may be necessary for the financial support of said institute.

Sec. 152. *The West Virginia Schools for the Deaf and the Blind—Name—Location—Management—Purpose*—The West Virginia schools for the deaf and the blind heretofore established shall remain at Romney and be known as "The West Virginia Schools for the Deaf and the Blind," and shall be maintained for the care and training of the deaf and the blind of the state as provided by law. The school shall be under the control and management of the state board of education and the state board of control as provided in this chapter for other state educational institutions.

Sec. 153. *Admission*—All such deaf and blind youth resident in the state, between the ages of eight and twenty-five years, shall be admitted to the institution on application to the principal. It shall be the duty of the principal to keep a careful record of the names of all applicants, with the dates of their admission and discharge, their age, post office address, the name of their parents or guardians, and the degree, cause and circumstances of their deafness or blindness.

Sec. 154. *Clothing*—All such deaf and blind pupils shall be admitted as above directed without charge for board and tuition; and when not otherwise provided with clothing they shall be furnished therewith by the institution while they are pupils therein, and the principal shall make out an account therefor in each case against the respective counties from which said pupils come, in an amount not exceeding forty dollars per annum for every such pupil, which account shall be sworn to by the principal and countersigned by the secretary, and which shall be transmitted by the principal to the auditor of the state, whose duty it shall be to transmit a copy of the same to the clerk of the county courts of the respective counties in which such pupils live, and the county courts of such counties shall thereupon, at their next session thereafter held for the purpose of making a county levy, include in such levy the amount of said account against their counties, and cause an order to be issued on the sheriff of the county in favor

17 of the auditor of the state, and cause the same to be transmitted
18 by the clerk of said court to the auditor whose duty it shall be to
19 collect the same and place it to the credit of the institution, to be
20 drawn out upon a requisition as a part payment of the current
21 expenses of said school. If the same is not paid to the auditor
22 by the respective counties from which they are due in a reason-
23 able time, it shall be the duty of the auditor to collect the same
24 by law.

Sec. 155. *Period of Attendance—Special Admissions—*

2 The pupils of said school may continue therein five years, and
3 for as much longer as in the discretion of the board and principal
4 their condition and progress would seem to justify. After all the
5 applicants between the prescribed ages of eight and twenty-five
6 years have been admitted, if there are accommodations, the prin-
7 cipal may admit other deaf and blind persons who may be of
8 suitable age to receive any advantage from the institution, and
9 upon such terms as the board may prescribe; but it shall be dis-
10 tinctly understood that such persons shall withdraw from the
11 institution in the order of their admission to make room for new
12 applicants between the ages prescribed.

Sec. 156. *Court of Instruction—*The course of instruc-

2 tion in the institution shall be prescribed by the state board of
3 education with the advice of the principal, and shall be as exten-
4 sive both in the intellectual, musical and mechanical depart-
5 ments as the capacities and interests of the pupils may require.

Sec. 157. *Registration—*In addition to their other duties

2 the assessors of the state are hereby required to register in a book
3 to be furnished them by the auditor for the purpose, the names
4 of all the deaf and the blind persons in their respective districts,
5 with the degree and cause of deafness and blindness in each case
6 as far as can be ascertained, from the heads of the families, or
7 from other persons whom the assessors may conveniently consult,
8 their ages, the names of their parents or guardians, their post
9 office addresses and such other facts as may be useful in making
10 the said institution efficient in ameliorating the conditions of the
11 deaf and the blind. They shall complete the registration as early
12 as possible and forward their report to the auditor who shall, if
13 practicable, before the first day of July or as soon thereafter as
14 possible, make an alphabetical abstract of all the facts furnished
15 him by the assessors' reports and shall send the same by mail to
16 the principal of the West Virginia schools for the deaf and the

17 blind, and said principal is hereby further required to put himself
18 into immediate correspondence with all the deaf and dumb persons
19 of suitable age and condition mentioned in the auditor's abstract,
20 with a view to their admission as pupils into said school.

Sec. 158. *Compensation for Registration*—The assessors
2 shall receive for the extra duties hereby imposed the same com-
3 pensation as now allowed them for the registration of births and
4 deaths, and shall be liable to the same penalties for failure to
5 discharge their duties.

Sec. 159. *West Virginia Industrial School for Boys*—
2 *Name—Location—Purpose—Management*—The West Virginia
3 reform school, established by chapter three of the acts of one
4 thousand eight hundred and eighty-nine shall hereafter be known
5 and designated as the "West Virginia Industrial School for Boys"
6 and shall be conducted in the buildings heretofore and hereafter
7 erected for that purpose at Pruntytown in Taylor county. This
8 school shall be exclusively charged with the care and training of
9 male youth of the state, but white and colored shall be kept sepa-
10 rate. It shall be managed, controlled, and governed by the state
11 board of control, as provided in chapter fifty-eight of the acts of
12 one thousand nine hundred and nine and all subsequent acts
13 relating thereto.

Sec. 160. *Commitments*—Any male youth under the age
2 of eighteen, and not under the age of ten years, may be committed
3 to and received into the West Virginia industrial school for boys
4 for the reasons and in the manner following:

5 1. By a justice of the peace of the county in which he re-
6 sides on complaint under oath and due proof made to him, by the
7 parent, guardian or other person having the custody and control of
8 such youth, that by reason of incorrigible or vicious conduct such
9 youth has rendered his control beyond the power of the parent,
10 or guardian or such other person, and made it manifestly requisite
11 that, from regard for the morals and future welfare of such youth,
12 and the peace and order of society, he shall be placed in said
13 school.

14 2. By the same authority, upon complaint under oath and
15 due proof before the justice that such youth is vagrant, incorrigible
16 or vicious in disposition and conduct, and that his parents, guar-
17 dian, or other person having custody of or authority to control
18 him, are depraved or otherwise unfit, unwilling or unable to ex-
19 ercise care or discipline over such youth.

20 3. By the several courts of this state, as provided in the next
21 section.

Sec. 161. *Convicts*—Whenever any male youth under the
2 age of eighteen years, shall be convicted in any of the courts of
3 this state of felony or a misdemeanor, punishable by imprison-
4 ment, the judge of said court in his discretion, and with reference
5 to the character of the industrial school as a place of correction
6 and not of punishment, instead of sentencing said youth to be
7 confined in the penitentiary or county jail, may order him to be
8 removed to and confined in the said industrial school, to remain
9 until he shall have arrived at the age of twenty-one years, unless
10 sooner discharged by the state board of control. Male youth under
11 eighteen years of age, convicted in any of the courts of the United
12 States for the districts of West Virginia, of any offense punish-
13 able by imprisonment, may also be received into said industrial
14 school upon such regulations and such terms for their maintenance
15 and support as may be prescribed by the state board of control,
16 and assented to by the proper authorities of the United States.

Sec. 162. *Date Accompanying Commitment*—It shall be
2 the duty of a justice of the peace when committing a youth to the
3 industrial school under the first and second clauses of section
4 one hundred sixty-three of this act, in addition to the commit-
5 ment, to annex to said commitment the names and residences of
6 the different witnesses examined before him, and the substance of
7 the testimony given by them respectively, on which the adjudica-
8 tion was found, together with full answers to such interrogatories
9 respecting the history of the case and the mental and physical
10 health of the youth, as shall be prescribed by the board of control,
11 and furnished in printed form, on application, by the superin-
12 tendent of the industrial school.

Sec. 163. *Proceedings for Commitment*—In all proceed-
2 ings before justices of the peace for commitment of youth to the
3 industrial school under the first and second clauses of section one
4 hundred sixty-three, of this act, the justice shall appoint some
5 discreet and disinterested person guardian *ad litem* of such youth,
6 whose duty it shall be to represent the interests of the youth and
7 to see that no injustice is done him; and the guardian *ad litem*
8 or the youth shall have the right to demand a jury of twelve men
9 to try the truth of the charges made against the youth, and the
10 jury shall be selected, and the trial shall be conducted in the same
11 manner as is provided by law for the trial of criminal cases before

12 justices by juries. And the guardian *ad litem* or the youth shall
13 have the same right of appeal from any final decision rendered
14 against the youth in any such proceedings, whether upon a trial
15 by jury or otherwise, as is allowed by law in other criminal cases
16 tried before justices.

Sec. 164. *Commitment Fees*—Justices, constables and
2 jurors shall receive the same fees in a proceeding for committing
3 a youth to the industrial school as are allowed by law for similar
4 services in misdemeanor cases, and such fees shall be paid in like
5 manner as fees of such officers and persons are paid in misde-
6 meanor cases.

Sec. 165. *Conveyances of Youths to School—Expense*—
2 As soon as is practicable after a youth, on any account, is com-
3 mitted to the industrial school the papers in the case shall be
4 mailed to the superintendent, and such youth shall remain in the
5 custody of the court pronouncing such commitment, until he be
6 delivered to an officer of the industrial school, who shall be sent
7 without delay, and duly authorized by the superintendent to con-
8 duct such youth by the most direct and convenient route to the
9 said school; but no youth committed to the industrial school shall
10 be lodged in any jail or lockup, if he be under the age of twelve
11 years. The superintendent shall, in so far as is consistent with
12 the safe conveyance of youth to the school, cause as many youths
13 as may be committed from the same or several counties to be con-
14 ducted to the school at the same time. The expense incurred in
15 conducting a youth to the industrial school, including transpor-
16 tation and other necessary traveling expenses of the youth and of
17 his conductor, shall be paid by the county court out of the treasury
18 of the county from which the youth was committed to the school,
19 and a written statement of such necessary expenditures, fully
20 itemized and sworn to by the officer making such expenditures,
21 and attested by the superintendent of the school, when presented
22 to any county court, shall be a bill against such court, to be paid to
23 the industrial school, and credited to that fund of the school from
24 which the original expenditure was made; but when two or more
25 youths shall be so conducted from more than one county, the
26 necessary expenditure on the personal account of the conductor
27 shall be apportioned among the counties concerned in due pro-
28 portion to the mileage traveled by the youth from the respective
29 counties.

Sec. 166. *Offenses*—If any person shall entice or attempt
2 to entice away from the industrial school any youth legally com-

3 mitted to the same, or shall aid or abet any youth to escape from
4 the industrial school, or shall harbor, conceal, or aid or abet in
5 harboring or concealing, any youth who shall have escaped there-
6 from, or shall, without the permission of the superintendent, give
7 or sell, or aid or abet any other person to give or sell, to any youth
8 in the industrial school, whether on the premises of such institu-
9 tion or otherwise, any money, firearms, intoxicating drinks, to-
10 bacco, cigarettes, or other articles whatsoever, or shall in any way
11 cause or influence, or attempt to cause or influence or aid or abet
12 therein, any youth in the industrial school to violate any rule of
13 the institution or to rebel against the government of said school
14 in any particular, or shall receive by the hands of any such youth
15 anything of value, whether belonging to the state or otherwise,
16 such person shall be deemed guilty of a misdemeanor, and upon
17 conviction thereof shall be fined not less than ten, nor more than
18 one hundred dollars, or be confined not more than twelve months
19 in the county jail, or both fined and imprisoned as aforesaid, as
20 the court may deem proper. And the superintendent, or any of
21 his assistants or any one authorized in writing by him, or any
22 sheriff, constable, policeman or other peace officer, shall have
23 power, and it is hereby made his duty to arrest any youth when
24 in his power to do so who shall have escaped from said school,
25 and return him thereto.

Sec. 167. *Transfers Between School and Penitentiary*—

2 In any case where a youth is committed to the industrial school
3 for an offense punishable by confinement in the penitentiary and
4 it is found by the state board of control that the industrial school
5 is unable to benefit such youth, and that his presence is a detri-
6 ment or menace to other youth in the institution, or to the general
7 good of the school, he may be securely returned to the court
8 which sent him, and said court shall thereupon pass such sen-
9 tence upon him as to confinement in the penitentiary as may be
10 proper in the premises, or as it should have done had it not sen-
11 tenced him to the industrial school. And the governor shall have
12 power, when in the judgment of the warden of the penitentiary
13 and of the superintendent of the industrial school, it is advisable,
14 to remit the penalty of any offender under the age of eighteen
15 years confined in the penitentiary, to a commitment to the indus-
16 trial school.

Sec. 168. *Payments by Counties of Cost of Detention*—

2 *Reimbursement*—The county court of every county shall pay into

3 the state treasury the sum of fifty dollars a year on account of each
4 youth from the county who shall be received in said school of the
5 first, second or third classes mentioned in section one hundred
6 sixty-three. But in all cases of youth received in said school of
7 the first class mentioned in section one hundred sixty-three, the
8 parent, if of sufficient means, and the guardian where the youth
9 has sufficient estate, shall annually reimburse the county the
10 amount paid into the state treasury, by virtue of this section, on
11 account of such youth mentioned in the first class of section one
12 hundred sixty-three, and the county court of such county shall
13 have a right to recover the same of such parent or guardian in
14 any court of competent jurisdiction.

Sec. 169. *Lists of Inmates For Auditor*—Application of
2 *County Funds*—The superintendent of said school shall before the
3 tenth day of January in each year, make out and certify to the
4 auditor and the state board of control each a list by counties of
5 all such youth as are mentioned in the preceding section, who are
6 kept in the school during the preceding year or any part of it,
7 showing as to each youth what part of the year he was so kept in
9 the school, and to which class he belonged. On receiving such
10 list the auditor shall charge to each county fifty dollars on account
11 of each youth who was kept in such school during the preceding
12 year, and a proportionate amount on account of each youth kept
13 in school for any part of such year less than the whole. Any
14 money in the treasury of the state to the credit of any such
15 county from whatever source arising, and not appropriated to pay
16 any other debt of the county to the state, shall be applied, so far
17 as necessary to the payment of the sums so charged; if any sum
18 in the treasury due the county shall not be sufficient to pay the
19 whole amount so charged against it, such sum shall be applied
20 as a credit on the amount charged, and the balance shall remain
21 a charge against the county.

Sec. 170. *Certification of List and Credits to County*
2 *Court—Levy—Compelling Payment*—Within ten days after re-
3 ceiving such list the auditor shall certify to the county court of
4 such county a list of the youth from the county in such school,
5 stating the class to which each belongs, the length of the term
6 during the year he was in such school, as shown by the list certi-
7 fied by the superintendent and the amount due from the county
8 on his account and the total amount due on account of all. He
9 shall credit on such statement whatever amount has been applied

10 as a payment thereon from any funds of the county in the treasury.
11 Such statement shall be a receipt to the county for any amount
12 so credited, and shall be a bill for any amount still appearing to
13 be due from the county. Unless the bill shall have been paid by
14 the application of funds of the county in the state treasury, the
15 county court shall at its next levy term provide for the payment
16 of the same, or such part as may not have been paid, and cause
17 the amount to be paid into the state treasury. If the amount so
18 due from any county be not paid in a reasonable time after such
19 levy term, the auditor may, in the name of the state, apply to the
20 circuit court of the county for a mandamus to require the county
21 court to provide for and to pay the same, or he may proceed in
22 the name of the state by any other appropriate remedy to recover
23 the same.

Sec. 171. *Parole*—The state board of control shall have
2 authority, under such rules and regulations as they may pre-
3 scribe, to grant, on recommendation of the superintendent, a
4 parole to any inmate of the industrial school; but while said in-
5 mate is on such parole, and until he is discharged according to
6 law, he shall remain in legal custody of the board of control and
7 subject at any time to be returned to the industrial school, if in
8 the judgment of the board the interests of such paroled inmate
9 will best be served thereby. The written order of said board,
10 certified by the superintendent shall be sufficient warrant for any
11 officer named therein to arrest and return to the school said
12 paroled inmate, and it is hereby made the duty of any peace officer,
13 or other person, so named, to make such arrest and return such
14 youth to the industrial school. All actual expenses incurred in
15 returning to the school paroled inmates shall be paid out of funds
16 appropriated for the maintenance of the industrial school.

Sec. 172. *Industrial Home for Girls—Name—Location*—
2 “The West Virginia Industrial Home” shall remain where now
3 located.

Sec. 173. *Admission*.—Girls eligible to be received into said
2 home are those who are from seven to eighteen years of age, and
3 who may be committed by any justice of the peace of this state, on
4 complaint and due proof made to him by the parent, guardian,
5 or next friend of such girl, that by reason of incorrigible or
6 vicious conduct, such girl has rendered her control beyond the
7 power of such parent, guardian or next friend, and made it mani-
8 festly best that such girl should be placed in said home, or by any

9 criminal, circuit or intermediate court of this state. Girls may
10 be committed for vagrancy up to eighteen years of age, or where
11 parents, guardians, or next friends agree and contract with the
12 state board of control for their support and maintenance, or
13 girls up to fifteen years of age, who may be found in houses of
14 ill fame or assignation houses, upon conviction thereof before
15 any justice of the peace, mayor of a town or city; or girls convicted
16 by any of the courts of this state of felony or misdemeanor,
17 punishable by imprisonment, the judge in his discretion, instead
18 of confining such girl in the county jail or sending her to the
19 penitentiary, may transfer such girl so convicted to said home,
20 from any county of this state; provided, there is room for such
21 girl. Every girl committed to said home shall remain there until
22 she is twenty-one years of age, unless sooner discharged by the
23 state board of control.

Sec. 174. *Date Accompanying Commitment—Return and*
2 *Sentence.*—It shall be the duty of the justice of the peace, mayor
3 or other authority, when committing any girl to said home, in
4 addition to the commitment, to annex the name and residence
5 of the witnesses examined, and the substance of the testimony
6 given on which the adjudication was founded, as well as the name
7 and residence of the girl, the name of her parents, and their
8 residence, if known. Any girl who may be found incorrigible,
9 or pregnant, or otherwise an improper subject for admission to
10 said institution, may be returned by the board of education to
11 the court, justice or other authority by whom she was committed,
12 and thereupon such court, justice or other authority, shall have
13 power to pass sentence as would have been legal in the first in-
14 stance, as if such girl had not been sent to said home.

Sec. 175. *Trial on Complaint.*—In all cases coming before
2 a justice, mayor or other authority, they shall appoint a guardian
3 *ad litem* for such girl, who shall be some disinterested person,
4 discreet and careful, and who shall see that no injustice is done
5 the girl; and he shall have the right to demand a trial for his
6 ward by a jury of twelve men to ascertain the truth of
7 the charges against the girl, and said jury shall be selected and
8 trial conducted, as other trials are conducted by justices in crim-
9 inal cases before them. Or, said justice or court may, without a
10 jury, try such girl, if no jury is demanded by her guardian or next
11 friend.

Sec. 176. *Separation of Races*—The said industrial home

2 shall be exclusively charged with the reformation and care of
3 girls, but white and colored shall be held separate as far as prac-
4 ticable.

Sec. 177. *Binding Out Inmates as Apprentices*—The
2 board of control shall have power to bind out such girls as
3 committed to their care as apprentices to the time said girls shall
4 arrive at twenty-one years of age, to learn some proper trade,
5 business or calling, on such terms as shall be advantageous to
6 such girls; but such girls so bound out, are to be bound only to
7 those whose characters are above reproach, and within the state.
8 The indentures by which any girl may be so bound shall
9 state for what period she is bound, her age, **what trade, art or**
10 business she is to follow, and that the master shall see that for
11 at least five months in each year said apprentice shall be sent to
12 the free schools of the state, and shall be bound to furnish school
13 books requisite to learn the usual branches taught; the amount
14 to be paid said child for each year, if anything above the main-
15 tenance of said child, and for what year or years, and the master
16 shall bind himself with good security to pay the amount agreed
17 upon, which sum of money, if any, contracted to be paid, shall
18 be reserved, to be paid said girl or girls so bound, when their
19 apprenticeship shall cease with interest, and said board shall not
20 bind out any girl under the provisions of this act unless the master
21 bind himself to comply with the conditions thereof, and whatever
22 salary said master shall give, shall be paid to the state board of
23 control; and it shall be the duty of said board to collect the same
24 according to the tenor or effect of such contract, and turn the same
25 over to the girl when she arrives at twenty-one years of age, or
26 sooner if she marries, when the same shall be turned over to her.

Sec. 178. *Cruelty to Apprentices*—For cruelty or inhu-
2 man treatment by such master of such apprentice, the circuit court
3 of the county in which such master or apprentice may reside, or
4 any justice of the peace of any such county shall have jurisdiction
5 to try same, and upon conviction of such master for cruel or in-
6 human treatment of such child, such master shall be fined not
7 less than ten nor more than one hundred dollars, and may in addi-
8 tion thereto be confined in jail not to exceed ninety days.

Sec. 179. *Removal of Apprentices—Escapes*—No master
2 can remove such child out of the county where she has been bound
3 by such board, except on the written permit of such board; and
4 any person who shall aid or assist any girl who has been committed

5 to said institution, or who is subject thereto, to escape from any
6 other home or other place where she has been placed by the offi-
7 cers of the said institution, or who shall aid or assist any such
8 girl to leave this state, shall be guilty of a misdemeanor, and upon
9 conviction thereof shall be fined not less than five nor more than
10 twenty-five dollars, and any justice of the county wherein such
11 offense is committed shall have jurisdiction thereof.

Sec. 180. *Jurisdiction of Apprentices—By Circuit Court*
2 —*Desertion*—The circuit court of the county shall in a summary
3 way be open to hear any complaint of such master against his
4 apprentice or to said apprentice against the master, and shall make
5 such order in relation thereto as it shall deem fair and right. Any
6 apprentice who shall desert the service of such master shall receive
7 no pay (if the pay exceed the maintenance), while such desertion
8 continues, and anyone who shall knowingly harbor such appren-
9 tice shall be liable to said master three dollars for every day such
10 harboring or concealing such apprentice exists, to be recovered
11 before any court having jurisdiction.

Sec. 181. *Other State Educational Institutions*—On and
2 after the first day of July, one thousand nine hundred and nine-
3 teen, the West Virginia schools for the deaf and the blind, and
4 such other state educational institutions as may hereafter be
5 established by the legislature, shall be under the control and
6 management of the state board of education and the state board
7 of control, as provided in this act for other state educational
8 institutions.

Sec. 182. *Shall Make Reports*—On the first day of
2 October of each year or as soon thereafter as practicable, the state
3 board of education through the state superintendent of schools,
4 shall make to the governor a full report concerning the state
5 educational institutions (a copy whereof shall be filed with the
6 state board of control at the same time) which shall show the
7 number of persons employed about each of the said institutions;
8 the official designation of each of such persons, and the amount
9 and rate of compensation paid to him; and shall report the amount
10 disbursed by them of any funds under their control, stating the
11 purposes for which expended and the amount expended for each
12 purpose, and the number of days actually engaged by the per-
13 sons employed about each of their said institutions, including
14 teachers and professors. Said report shall also show the number
15 of students actually attending each of said institutions, and the

16 number of students enrolled in each school or department of each
17 of said institutions, and the total cost of each of said schools or
18 departments; and shall make special reports to the governor as he
19 may request; and may make recommendations respecting legisla-
20 tion needed to promote the welfare of their institutions.

21 The state board of control and the state board of education
22 shall from time to time as may be necessary, make a report to the
23 auditor, which shall state the names of each person employed by
24 each of them at any of the institutions named in section seven of
25 this act, his official designation and the rate of compensation per
26 month (or by the day or week if employed for less than a month)
27 and out of what funds or appropriation the same is payable. The
28 chief officer or head teacher of any such institution, or other person
29 who may have been appointed for the purpose by the state board
30 of control, shall make out and certify to the auditor at the end
31 of each month a list of persons to whom any payments may be
32 due, stating for what purpose due, the amount due each person
33 and the fund or appropriation from which payable; one copy
34 whereof shall be filed in the office of the institution where made,
35 and one in the office of the state board of control. If the auditor
36 finds such list correct and in accordance with the reports made
37 to him by the state board of control, or the state board of educa-
38 tion, he may pay to the persons entitled thereto the amounts so
39 certified as due each.

Sec. 183. *Voting of Bonds.* In any district or independent
2 district the board of education may borrow money and issue bonds
3 therefor, for the purpose of purchasing school sites, and erecting,
4 completing, enlarging, repairing or furnishing school buildings in
5 such district or independent district; *provided, however,* that no
6 such debt shall be contracted under this section unless all questions
7 connected therewith shall have been first submitted to a vote of the
8 people of such district or independent district, at a general or
9 special election, and have received a majority of three-fifths of all
10 the votes cast for and against the same; and *provided further,* that
11 no debt shall be contracted under this section which shall, including
12 existing indebtedness, in the aggregate, exceed two and one-half
13 per centum of the value of the taxable property in the district or
14 independent district, as ascertained by the last assessment thereof
15 for state and county taxes, nor without at the same time submitting
16 to the voters of such district at the election held for the purpose of
17 authorizing bonds, the question of authorizing a special levy suffi-

18 cient to pay the interest annually on all the outstanding bonds and
19 to retire annually a proportionate amount of the principal of such
20 bonds. If a majority of the votes cast at such election be in favor
21 of such levy, the board of education shall have authority to lay
22 such levy and may continue to lay the same or such portion thereof
23 as may be necessary, from year to year, without an additional vote,
24 until such bonded indebtedness is paid off and discharged; but the
25 funds arising from such levy shall be used for the purpose desig-
26 nated, and no other.

27 Such bonds shall not be issued for a longer period than twenty
28 years, nor shall they be sold for less than their par value, nor bear
29 interest at a greater rate than six per centum. They shall be
30 issued serially in equal installments, so that after the first five
31 years from the date of their issue one of the series will fall due
32 and be payable in every year of the remaining period of their issue.
33 Such bonds shall also contain a provision authorizing the board
33-a of education after five years from the date of issue to pay any
34 or all of the remaining outstanding bonds at any interest period,
35 by notifying the holders of such bonds by letter, if the names and
36 postoffice addresses of such holders be known to the board, and by
37 giving at least sixty days' notice by publication in one or more
38 newspapers, said bonds to be retired in the order in which they
39 fall due.

40 The issuance of such bonds shall be in accordance with the
41 provisions of chapter fifty-seven of the acts of the legislature of
42 one thousand nine hundred and seventeen (regular session).

Sec. 184. *School Elections—How Held.* Any and all
2 elections authorized by this act, for school purposes,
3-4 may be held separately or in connection with any
5 general or special election. Notice of such election shall
6 be given by the publication of the order of the board calling
7 the same, in two newspapers of different political parties and
8 having general circulation in the territory in which the election
9 is to be held, at least once each week for two successive weeks.
10 If there is only one newspaper in general circulation in the ter-
11 ritory in which the election is to be held, then the notice of pub-
12 lication shall be made therein. Printed copies of the aforesaid
13 order shall be posted at each place of voting at least ten days be-
14 fore the election. All provisions of the law concerning general
15 and special elections shall apply in such elections in so far as
16 is practicable, except that the board calling the election shall

17 appoint necessary election officers and shall canvass the returns,
18 and the secretary of the board shall procure and furnish to the
19 election commissioners at each place of voting the tickets, poll
20 books, tally sheets and other things needed. In calling elections,
21 district and county boards of education shall follow the forms
22 to be prescribed by the attorney general.

SHERIFFS—DUTIES AS TO SCHOOL FUNDS.

Sec. 185. *Collections and Disbursement of School Money—*
2 *Bond.* The sheriff of the county shall receive, collect and disburse
3 all school money for the county and the several districts and inde-
4 pendent districts therein. But before receiving or collecting any
5 such school money he shall give in addition to his bond as collector
6 of the state and county taxes, a bond with approved security in a
7 penalty double the amount of school money which will probably
8 come into his hands for school purposes during any one year of his
9 term of office.

Sec. 186. *Pay Orders.* He shall keep accounts with the
2 boards of education of the various districts and independent dis-
3 tricts of the money belonging to the several funds, as provided by
4 law, and shall credit every receipt and charge every disburse-
5 ment to the fund to which it belongs. He shall pay out no
6 money except upon orders of the respective boards specifying the
7 amount to be paid, the purpose for which paid and the fund to
8 which it is to be charged, signed by the president and secretary
9 and countersigned by the county financial secretary, or by the
10 president and one other member, as prescribed in section ninety-
11 three of this act, and countersigned by the county financial
12 secretary.

Sec. 187. *Annual Settlement with County Financial Secre-*
2 *tary.* He shall on or immediately before the first day of July in
3 each year, settle with the county financial secretary for each dis-
4 trict and independent district in the county. In this settlement he
5 shall be charged with the amount of taxes and of general school
5 fund apportioned to each district or independent district by the
6 county superintendent and the amount of taxes levied by the board
7 of education upon the property of each district or independent
8 district for the teachers' fund, for the building fund and all other
9 school funds, and for any other money received by him during the
10 current year on account of the free schools of such district or inde-
11 pendent district; and he shall be credited with the amount of de-

12 linquent school tax in such district or independent district that has
13 been duly certified by the clerk of the county court to such board
14 of education.

15 If any county financial secretary fails to make the settlement
16 required by this section, with the sheriff within the proper time as
17 aforesaid, he shall be guilty of a misdemeanor and upon conviction
18 thereof be fined twenty dollars, the proceeds of which fine shall be
19 placed to the credit of the building fund of the district for which
20 said settlement is not made.

Sec. 188. *Payments in Excess.* He shall be credited in such
2 settlements with all orders paid and produced by him, if found
3 to be correct by the board of education, and he shall receive no
4 other credits except his commission as hereinafter provided. If
5 any sheriff shall pay out in any one year more money on account
6 of the teachers' funds or of the building funds or of any other
7 fund, than shall have been levied and could have been collected by
8 him during said year together with the amount remaining in his
9 hands from any preceding year, he shall in such settlement receive
10 no credits for such excess.

Sec. 189. *Method of Settlement.* In making said settle-
2 ment it shall be the duty of the sheriff to prepare and present to
3 the said board of education in duplicate separate lists of all the
4 credits claimed by him against each of the several school funds
5 collected by him showing the amount, date and number of each
6 voucher or order, and to whom payable, together with the state-
7 ment of the proper debits to the several funds to which he is
8 chargeable; which lists and statements together with the vouchers
9 claimed as credits by the sheriff shall be endorsed by the secretary
10 of the board on the back of each with the words "Settled by board
11 of education," under which the secretary shall sign his name and
12 enter the date of the settlement, and said statements and lists as
13 corrected shall be signed by said sheriff and by the president and
14 secretary of the said board of education in duplicate, one copy to be
15 retained by said board and the other, together with the vouchers
16 and orders shall be turned over to the sheriff, who shall as soon as
17 may be deliver them to the clerk of the county court, and the same
18 shall serve as a basis for the settlement required by sections seven
19 of article twelve of the constitution, and section one hundred and
20 ninety-three of this act.

Sec. 190. *Settlement With County Court.* In addition to
2 the settlements required by the sheriff with each board of education,

3 every sheriff shall also make the annual settlements by districts
4 with the county court of his county at the next term after the first
5 day of July in each year, showing an itemized statement of all
6 money disbursed for the preceding year on account of the building
7 fund, the teachers' fund, and any other school funds in his hands,
8 showing the amount, date and number of each credit voucher and
9 to whom payable, and the balance due each district and independent
10 district on each of said funds, which settlement shall be made a
11 matter of record by the clerk of said court in a book kept for that
12 purpose.

Sec. 191. *Corrections in Settlement.* But the settlement
2 made by the sheriff with the several school districts of the county,
3 as provided in section one hundred and ninety of this act,
4 when found correct and properly signed and turned over
5 to the clerk of said court as required by section one hundred
6 and ninety-two of this act, may be taken and treated as the
7 settlements required to be made and recorded by sec-
7-a tion one hundred and ninety-three of this act; *provided, how-*
8 *ever,* that the prosecuting attorney or any taxpayer of the coun-
9 ty may appear before said court for the purpose of making correc-
10 tions in said report, and said court may hear said objections, after
11 reasonable notice to the sheriff and board of education and make
12 such corrections as may be proper, and when corrected said settle-
13 ments shall be recorded; and said settlement and vouchers turned
14 over to the clerk of said court shall be filed by said clerk by dis-
15 tricts.

Sec. 192. *Failure to Account for or to Pay Orders.* If he
2 shall fail to account for and pay over as required by law any money
3 which may come into his hands or for which he is liable, judgment
4 may be rendered therefor against him and his sureties with inter-
5 est and ten per cent damages; and upon the failure of such sheriff
6 to pay any proper order issued by the said board of education, the
7 person entitled to receive the sum of money specified in such order
8 may require the sheriff to endorse thereon or write across the face
9 thereof the words "presented for payment" with the proper date and
10 sign the same, and judgment upon motion after at least ten days'
11 notice may be obtained against the sheriff before any justice of his
12 county or before the circuit court thereof, with interest from the
13 time said order was presented and ten per cent damages. But a
14 sheriff shall not be required to endorse any school order nor shall

15 suit be brought on any such school order prior to the first day of
16 November of the current school year.

Sec. 193. *Failure to Settle.* If any sheriff fails to make the
2 settlement required by section one hundred ninety of this act
3 at the time required, without reasonable cause therefor, he shall be
4 charged in said settlement with twelve per cent interest on all
5 school money in his hands for the time he is in default in making
6 the said settlement. If the sheriff fails to make the said settlement
7 at the time required it shall be the duty of the prosecuting attorney
8 to proceed by action against him and his sureties in the circuit
9 court to recover the fine and penalty imposed upon him by this
10 section and by section one hundred ninety-five of this act.

11 Every retiring sheriff shall immediately after he shall have
12 made his final settlement in the manner herein provided, pay and
13 turn over to his successor in office such balance as may be shown to
14 be due from him by said settlement.

Sec. 194. The provisions of this act shall in no manner in-
2 fringe upon the powers and privileges heretofore granted by any
3 special act or acts to any independent school district in the state;
4 and any independent school district may avail itself of any of
5 the provisions of this act as determined by the board of educa-
6 tion of said independent district.

Sec. 195. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 3.

(House Bill No. 16.)

AN ACT to provide for a vote on the school levy in West Union dis-
trict, Doddridge county, and in other districts in said county, or
in the state.

[Passed January 24, 1919. In effect from passage. Approved by the Governor,
February 6, 1919.]

SEC.

1. Board of education of West Union
district, Doddridge county, and
boards of education of other dis-
tricts of said county, and of all
other districts of the state which
failed to vote the school levy at
the general election in Novem-

SEC.

ber, one thousand nine hundred
eighteen, authorized to hold spe-
cial elections on the question of
school levy; date of such special
election in West Union district,
Doddridge county; method of
holding same.

Be it enacted by the Legislature of West Virginia:

Section 1. That a special election on the question of the
2 school levy shall be held on the third Tuesday in May one thou-

3 sand nine hundred and nineteen, in West Union district, Dod-
4 dridge county, and in other districts in said county, and in all other
5 districts of the state which failed to vote the school levy at the
6 general election in November, one thousand nine hundred and
7 eighteen. The voting at said election shall be by ballot at all the
8 regular voting places, and it shall be the duty of the board of ed-
9 ucation of each district to give at least ten days' notice of such
10 election by causing written or printed notice thereof to be posted
11 at each place of voting and such other places as they may deem
12 necessary. Books for said election shall be prepared by the board
13 of education of each district for the several places of voting there-
14 in, and delivered to the commissioners, or some of them, appointed
15 to superintend the election at each place of voting, before seven
16 o'clock a. m., of the day of which the election is held.

17 The ballots used at said election shall have written or printed
18 thereon the words "For school levy" and "Against school levy," and
19 if a majority of the ballots cast upon that question in a district
20 have written or printed thereon "For school levy," it shall be the
21 duty of the board of education to make the levies required by sec-
22 tion twenty-one of chapter forty-five of the code, and the levy voted
23 for at such election shall continue until the next general election
24 in which a county superintendent is elected, but if a majority of
25 the ballots cast in a district have written or printed thereon
26 "Against school levy," no levy shall be made by said board for the
27 next year succeeding. But in such case it shall be the duty of said
28 board to cause a special election to be held on the same day in the
29 following year, at which the question of levy or no levy shall in
30 like manner again be submitted to the people for their decision,
31 and if a majority of the ballots cast at such special election be "For
32 school levy," such levy shall be made as hereinbefore required.

33 The poll shall be held, the election conducted, the official rec-
34 ords returned and the result ascertained in accordance with the
35 provisions of section one hundred and sixty of chapter forty-five of
36 the code.

CHAPTER 4.

(House Bill No. 35.)

AN ACT authorizing the board of education of Union independent
school district, in the county of Marion, to issue bonds for the
purpose of providing a high school for said district.

[Passed January 27, 1919. In effect ninety days from passage. Approved by the Governor, February 6, 1919.]

SEC.

1. Board of education of Union independent school district, Marion county, authorized to issue bonds.

SEC.

2. Denomination of bonds; when payable.

3. Must submit question to voters; election and method of holding same.

Be it enacted by the Legislature of West Virginia.

Section 1. That the board of education of Union independent school district in the county of Marion, West Virginia, be and it is hereby authorized and empowered to issue the bonds of said school district to an amount sufficient for the purpose of providing a suitable plot of land, and of erecting thereon, and furnishing and equipping, a suitable high school building, within said school district.

Sec. 2. Said bonds shall be of such denomination as said board of education shall by order prescribe, and shall be payable in not less than five years nor more than thirty-four years, at the option of said board of education, and shall bear interest at the rate of not to exceed six per centum per annum, payable annually; *provided*, that the aggregate of said bonds for said purposes, including existing indebtedness of said district, shall not exceed five per centum of the value of all the taxable property in said district, to be ascertained by the last assessment for state and county purposes next before the incurring of such indebtedness; and said board of education shall provide by levy a direct annual tax sufficient to pay annually the interest on such indebtedness, and the principal when due.

Sec. 3. But no such bonds shall be issued under this act, unless the question of issuing the same shall have first been submitted to the voters of said school district, at an election to be held for that purpose, and shall have received three-fifths of all the votes cast for and against the same. Such bond election shall be held and conducted under the supervision of said board of education, and the result thereof shall be ascertained and certified by said board, which shall appoint at least three qualified voters to hold said election at each of the following named precincts, to-wit, at the Central school building, and at the East Park school building, one of which said persons so appointed shall act as clerk, and the other two shall act as commissioners of the election. A notice of said election, duly published in two newspapers of general circulation in said district, once a week for two weeks prior to said election, shall be sufficient notice and publication thereof.

CHAPTER 5.

(House Bill No. 38.)

AN ACT to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county.

[Passed January 20, 1919. In effect from passage. Approved by the Governor February 6, 1919.]

SEC. 9. Salary of judges; how paid.	SEC. 11. Terms and dates of holding court.
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Be it enacted by the Legislature of West Virginia:

That section nine of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven and section eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county, be amended and re-enacted, so as to read as follows:

Sec. 9. The judge shall receive for his services, \$4,800.00 2 per annum, to be paid out of the county treasury.

Sec. 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, the first 4 Monday in October. Adjourned and special terms of said court 5 may be called and held as provided for special terms of the circuit 6 court.

CHAPTER 6.

(House Bill No. 45.)

AN ACT to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county, under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic.

[Passed January 24, 1919. In effect from passage. Approved by the Governor, February 6, 1919.]

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| <p>Sec.
1. Establishing a dental clinic.
2. Appointment of county director of clinic; salary; removal.
3. Equipment and supplies; payment for same.
4. County court authorized to lay levy to pay expense.</p> | <p>Sec.
5. Employment of dentists for conduct of clinic; salaries; removals.
6. Employment of clerical assistants; salaries.
7. Books of accounts to be kept.
8. Payment of salaries monthly.
9. School workers to assist.
10. Levy to be authorized by voters.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county, is hereby
2 authorized and empowered to establish and maintain, in said
3 county, as herein provided, a dental clinic, for the benefit of all
4 resident children in said county, under the age of sixteen years,
5 and to prescribe rules and regulations for the government of said
6 clinic.

Sec. 2. Said county court is authorized to appoint for a term
2 of four years, from the first day of July after this act shall take
3 effect, and every four years thereafter, a competent dentist, licensed
4 to practice dentistry in the state of West Virginia, who shall have
5 had at least five years of experience and who is a member in good
6 standing of the West Virginia Dental Society, who shall be
7 known as county director of dental clinic, and fix his salary, and
8 said county director may be removed as provided by section seven
9 of chapter seven of the code of West Virginia.

Sec. 3. Said county court is authorized to purchase and fur-
2 nish all equipment, supplies and materials that may be necessary
3 to establish and maintain said dental clinic, and pay for the same
4 out of the funds hereinafter provided, and to prescribe rules and
5 regulations for the government and management of said dental
6 clinic.

Sec. 4. Said county court is authorized to lay a levy not to
2 exceed ten cents on every one hundred dollars of valuation of the
3 taxable property in the county, according to the last assessment
4 thereof, for the year one thousand nine hundred and nineteen; to
5 lay a levy not to exceed seven and one-half cents on every one
6 hundred dollars of valuation of the taxable property in the county,
7 according to the last assessment thereof, for the year one thousand
8 nine hundred and twenty; and to lay a levy not to exceed five
9 cents on every one hundred dollars of valuation of the taxable
10 property in the county, according to the last assessment thereof,
11 for the year one thousand nine hundred and twenty-one, and
12 each succeeding year thereafter, to pay the expenses and cost of

13 establishing and maintaining said clinic, which shall be known
14 as the dental clinic fund.

Sec. 5. Said county director shall with the approval of the
2 county court employ as many dentists as may, in his judgment, be
3 necessary for the successful conduct of said clinic, who shall be
4 in good standing in their profession, and licensed to practice den-
5 tistry in the state of West Virginia; said county court shall fix the
6 salaries of said dentists, and they shall be subject to the direction
7 and control of said county director, and may be removed or dis-
8 charged by him at any time he may deem advisable.

Sec. 6. Said county director shall employ with the approval
2 of the county court, such clerks, assistants and other help as may,
3 in his judgment, be necessary and required for the proper and suc-
4 cessful conduct and management of such dental clinic, and he
5 shall have authority to discharge and discontinue the services of
6 said clerks, assistants and other help at any time, but the salaries
7 of such employees shall be fixed by said court.

Sec. 7. Said county court may require said county director
2 to keep books of account, and such other records, and make such
3 reports from time to time, as may be prescribed by the court, and
4 all dentists, clerks, assistants and help employed as herein pro-
5 vided, shall furnish the county director with such reports as he may
6 require.

Sec. 8. All persons employed under this act, shall be paid
2 monthly out of the fund hereinbefore provided for, upon requi-
3 sition issued by the county director in the manner prescribed by
4 the county court.

Sec. 9. The county superintendent of schools, the boards of
2 education, the district superintendents and teachers, and all other
3 persons employed in said county in connection with school work,
4 shall assist and co-operate with said county director, and all per-
5 sons employed by him in said clinical work.

Sec. 10. The county court shall not lay the levy herein pro-
2 vided for, until authorized by the voters of the county, at a gen-
3 eral or special election, to be held, as provided for in section seven,
4 of chapter twenty-eight-a, of the code of West Virginia.

CHAPTER 7.

(H. B. No. 70.)

AN ACT to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library.

[Passed January 27, 1919. In effect ninety days from passage. Approved by the Governor, February 6, 1919.]

SEC.

1. Authorizing establishment of a county law library; name of same; where located; equipment and how purchased; making rules governing.
2. Appointment of librarian; requirements, salary, etc.

SEC.

3. Authority to exchange, sell or trade law books in library.
4. Library shall receive reports of supreme court of appeals and bound copies of acts of the legislature of West Virginia.
5. Inconsistent acts or parts of acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of commissioners of the county of Ohio be and the said board of commissioners of the county of Ohio are hereby authorized to establish and maintain a law library for the use of the judges of the courts of said county, all attorneys at law practicing in said courts, and all public officers of said county, or any sub-division thereof, or municipality therein. Said library shall be known and designated as "The Ohio County Law Library" and shall be located in the court house in the city of Wheeling. The said board of commissioners of the county of Ohio shall purchase law books, law periodicals, stationery, supplies, furniture and equipment for said library, and for said purposes shall have authority to expend money; *provided, however,* that no law books shall be purchased for said library except upon the order of the judges of the circuit court of the first judicial district, or the judges thereof in vacation, and said court or judges shall have power to make and enforce all rules and regulations as may be deemed necessary for the government of said library and use thereof.

Sec. 2. For the purpose of caring for and maintaining the said library, a librarian shall be appointed by the board of commissioners of the county of Ohio, and such librarian shall be a resident of Ohio county, who shall hold his office at the will of the board of commissioners and shall be allowed and paid such salary out of the treasury of Ohio county as the board of commissioners may advise, and required to give bond in such an amount as shall be indicated by the board and with such surety or sureties as the said board may require.

Sec. 3. Upon the recommendation or approval of the judges

2 of the circuit court the board of commissioners shall have authority
3 to exchange, sell or trade any law books now in said library.

Sec. 4. As soon as practicable after any new volume of the
2 reports of the supreme court of appeals of West Virginia, as
3 well as the bound volumes of the acts of the legislature have been
4 printed, the officers charged with the distribution of the said re-
5 ports and said acts shall deliver one copy of each to said library.
6 And the said board of commissioners shall have authority to re-
7 ceive for said library any books or other property by loan, gift or
8 bequest.

Sec. 5. All acts and parts of acts inconsistent or in con-
2 flict herewith, insofar as the same may be applicable to said
3 county of Ohio, or said board of commissioners, are hereby repealed.

CHAPTER 8.

(House Bill No. 52.)

AN ACT to authorize the board of education of Kanawha district,
Fayette county, to make a contract for the construction of
a high and graded school building, at Montgomery.

[Passed January 24, 1919. In effect from passage. Approved by the Governor,
February 6, 1919.]

Sec.

1. Authorizing board of education of
Kanawha district, Fayette county,
to contract for construction of
a high and graded school build-

SEC.

ing in Montgomery; board
authorized to lay special levy to
raise not to exceed \$65,000.00.

Whereas, it is represented to the legislature on behalf of the board
of education of Kanawha district, Fayette county, that they have
at their disposal \$35,000.00, and that they are in need of school
buildings, which will cost at least \$100,000.00, in order to accommo-
date the students of the town of Montgomery and Kanawha district.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Kanawha dis-
2 trict, Fayette county, be, and is hereby authorized and empowered
3 to make a contract for the construction of a high and a graded
4 school building in the town of Montgomery. And said board is
5 further authorized to lay a special levy for the years one thousand
6 nine hundred and nineteen and one thousand nine hundred and
7 twenty to raise not to exceed \$65,000.00 in addition to the \$35,-
8 000.00 now in the treasury of said board.

CHAPTER 9.

(House Bill No. 43.)

AN ACT to amend and re-enact section fifteen of chapter forty-eight-*a* of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal.

[Passed January 24, 1919. In effect from passage. Became a law without the Governor's approval.]

<p>Sec. 15. Fixing salary of the state fire marshal and deputy fire marshal;</p>		<p>providing for employment of a stenographer or clerk; travelling expenses, etc.</p>
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Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter forty-eight-*a* of the code be, and the same is, hereby amended and re-enacted so as to read as follows:

Section 15. The state fire marshal shall receive an annual salary of three thousand dollars, and the deputy fire marshal shall receive an annual salary of one thousand five hundred dollars. The state fire marshal shall be authorized to employ a stenographer or clerk, and incur such other expenses as may be necessary in the performance of the duties of his office, including the necessary traveling expenses, not to exceed, including salary, such sums as may be paid into the state treasury in the manner hereinafter provided, or by appropriation or contribution.

CHAPTER 10.

(House Bill No. 14.)

AN ACT pertaining to the public health.

[Passed February 5, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>Sec. 1. Purchase of diphtheria anti-toxine for free distribution to indigent poor of the state; where deposited and who delivered to.</p> <p>2. Purchase and distribution by state</p>		<p>Sec. commissioner of health; payment for same; legislature to appropriate</p> <p>3. Inconsistent acts and parts of acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the state of West Virginia shall purchase and furnish free of charge to each county within the state, a sufficient supply of diphtheria anti-toxine, to the indigent poor, the amount of which shall be determined by the county health officer of each county, and deposited in such drug-stores or any other store within said county as said county health officer may designate, and such anti-toxine shall be kept at said drug-stores or any

8 other store at all times and in sufficient quantities to be delivered
 9 to any licensed physician by said drug-stores or any other store,
 10 and by said physicians to be used upon persons infected with
 11 diphtheria, or to prevent the same, without cost to the patient
 12 so treated.

Sec. 2. The anti-toxine mentioned in the preceding section
 2 shall be bought by the state commissioner of health and by him
 3 distributed to the various drug-stores or any other store designat-
 4 ed by the county health officers of the various counties of this
 5 state, and such county health officers shall designate such drug-
 6 stores or any other store as they may think proper as depositories
 7 for said anti-toxine, and the state commissioner of health shall
 8 deliver to the drug-stores or any other store aforesaid, so named
 9 as depositories, so much anti-toxine as may be reasonably neces-
 10 sary for use in each of said counties for the purposes aforesaid,
 11 and take a receipt from the proprietor of such drug-stores or any
 12 other store for the same. And the auditor of the state shall pay
 13 the actual cost of such anti-toxine and the cost of the delivery
 14 of the same to such drug-stores or any other store, upon the
 15 presentation of the original invoices thereof, duly verified by af-
 16 fidavit, and approved by the state health commissioner, and shall
 17 in addition thereto pay to the drug-stores or any other store for
 18 delivery of the same to the physicians aforesaid, ten per cent.
 19 commission of the original cost of said anti-toxine so delivered
 20 to the physicians aforesaid. And the legislature at each session
 21 thereof shall make appropriations for the payment of said anti-
 22 toxine and the commissions thereon.

Sec. 3. All acts and parts of acts coming within the purview
 2 of this act, and inconsistent herewith, are hereby repealed.

CHAPTER 11.

(House Bill No. 15.)

AN ACT to establish a state institution for the deaf and blind persons
 of the Negro race, and to provide for the management of such
 institution.

[Passed February 8, 1919. In effect ninety days from passage. Approved by the
 Governor February 12, 1919.]

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| <p>Sec.</p> <p>1. Establishing institution; chief ex-
 ecutive officer; requirements.</p> <p>2. Selection of site for school; by</p> | <p>Sec.</p> <p>3. Those eligible to and applications
 for admittance.</p> |
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whom; provision for govern-
 ment.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established for the care, treatment and education of the deaf and blind persons of the Negro race a state institution to be known as the colored deaf and blind school. It shall belong to that class of institutions mentioned in section three of chapter fifty-eight of the acts of one thousand nine hundred and nine, and shall be managed and controlled as provided in said act, all the provisions whereof shall be as applicable to said school as if the same were named in said section three of said act. The chief executive officer thereof shall be the principal, and shall be a graduate of some reputable college and shall have had at least six years experience as a teacher and shall be a person of good executive ability, and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and a committee of three colored persons, citizens of West Virginia, appointed by the governor, shall jointly select a suitable site for such school and provide plans for the necessary buildings as soon after July first, one thousand and nine hundred and nineteen, as practicable; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand and nine hundred and nine and chapter forty-five of Barnes' nineteen hundred and sixteen West Virginia code shall govern herein as far as applicable.

Sec. 3. All such deaf and blind youths of the Negro race, residents of the state, between the ages of eight and twenty-five years, shall be admitted to the institution on application to the principal, until the institution is filled. Applicants shall be admitted in the order of their application, and it shall be the duty of the principal to keep a careful record of the names of all applicants, with the dates of the admission and discharge, their age, post office address, the name of their parents or guardians and the degree, cause and circumstances of their deafness and blindness.

CHAPTER 12.

(House Bill No. 75.)

AN ACT to amend and to re-enact section four of chapter twenty-seven of the acts of one thousand nine hundred and nine.

[Passed February 5, 1919. In effect from passage. Became a law without the Governor's approval.]

SEC.

4. Salary of judge of the criminal court of Harrison county; by whom paid.

Be it enacted by the Legislature of West Virginia:

That section four, of chapter twenty-seven, of the acts of one thousand nine hundred and nine be amended and re-enacted so as to read as follows:

Section 4. The judge of the said criminal court shall receive 2 for his services a salary of four thousand dollars per year; said 3 amount to be fixed and paid from year to year by the county court 4 of said county out of the funds of said county as provided by 5 statute.

CHAPTER 13.

(House Bill No. 19.)

AN ACT to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution.

[Passed February 8, 1919. In effect ninety days from passage. Approved by the Governor February 12, 1919.]

SEC.

1. Establishing state colored hospital for insane; chief executive officer; requirement; appointment by the Governor.

SEC.

2. Selection of site and plans for building; by whom; laws for governing.
3. Eligibility for and method of admittance.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established for the care and treatment of insane persons, or persons who are mentally afflicted and such other incurable mental defectives of the Negro race as the state board of control shall deem eligible, a state institution to be known as the state colored hospital for the insane. It shall belong to that class of institutions mentioned in section three of chapter fifty-eight of the acts of one thousand nine hundred and nine, and shall be managed and controlled as provided in said act, all the provisions whereof shall be as applicable to said hospital as if the same were named in said section three of said act. The chief executive officer thereof shall be the superintendent, who shall be a legally qualified physician of at least six years experience in the practice of his profession, and shall be a person of good executive ability, and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and a committee of three colored persons, citizens of West Virginia, appointed by the governor, shall jointly select a suitable site for such hospital and provide plans for the necessary buildings as soon after July first, one thousand nine hundred and nineteen, as practicable; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand nine hundred and nine and of chapter fifty-one of the acts of one thousand nine hundred and fifteen shall govern herein as far as applicable.

Sec. 3. There shall be admitted to said hospital persons of the Negro race, residents of this state, who may be insane or mentally afflicted and such other incurable mental defectives as the state board of control shall deem eligible; all like persons of said race now confined in any other state institution shall be transferred by the state board of control to said hospital as soon after its completion as practicable.

CHAPTER 14.

(House Bill No. 116.)

AN ACT relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof.

[Passed February 8, 1919. In effect ninety days from passage. Approved by the Governor February 12, 1919.]

Sec.

1. Itemized account necessary in payment of claims for services rendered or materials furnished; detail of such itemization; verification by affidavit; false swearing; indorsement of claims by presiding officers of courts or other disbursing bodies.

Sec.

2. Unlawful for state officer to issue requisition for payment in absence of itemized account; requirements in filing accounts.

3. Repealing all acts as parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any county court, board of education or the council of a municipal corporation, or other body charged with the administration of the fiscal affairs of any county, school district or independent district or a municipality, to pay any claim for services rendered or materials furnished unless an itemized account therefor is filed by the claimant, covering the claim; said account shall be itemized in detail, and shall show, among other things, the following: If the claim is for services, it shall show the kind of service and dates when same were performed and the name of the person performing the service; if the claim is for material or supplies furnished the claim shall

12 show in detail the kind of material or supplies, the quantity, dates
13 of delivery and to whom delivered; if the claim is for road or
14 bridge work or for road or bridge material, the amount of which
15 claim is for material in excess of five dollars and for labor in ex-
15-a cess of twenty-five dollars, the claim shall be verified by the
16 affidavit of the person making the claim, and in such affidavit the
17 person making the claim shall be required to state that the serv-
18 ices performed or materials furnished, as set forth in said claim,
19 were actually performed or actually furnished, and that the claim
20 as stated is true and correct and that there is justly due to the
21 claimant the sum set forth in the account. If any person shall
22 swear falsely in the making of such affidavit, he shall be deemed
23 guilty of false swearing. The president or presiding officer of the
24 fiscal body allowing claims shall endorse on all accounts allowed
25 the words "allowed and payment authorized," together with the
26 date of allowance and signature of the president or other presiding
27 officer.

Sec. 2. It shall be unlawful for any state officer to issue his
2 requisition on the state auditor in payment of any claim unless an
3 itemized account is filed in the office of the officer issuing the
4 requisition. If the account is for services it shall show kind of
5 service, dates when performed and name of persons performing
6 the service; if the account is for materials or supplies it shall show
7 in detail the kind of material or supplies, the quantity, dates of
8 delivery and to whom delivered; if the account is for automobile
9 hire or other transportation it shall show date, from where, to
10 where, and the purpose of the expenditure. No account shall con-
11 tain an item designated "sundry," "miscellaneous," or terms of like
12 general nature.

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

CHAPTER 15.

(House Bill No. 166.)

AN ACT authorizing the county court of Wirt county, West Virginia,
to lay a special levy for the year one thousand nine hundred and
twenty, and if necessary for the purpose for the year one thousand
nine hundred and twenty-one on all taxable property of said
county for the purpose of erecting a public bridge across the Little
Kanawha river at the county-seat thereof, and providing for the
receipt and disbursement of all moneys raised by said levy.

[Passed February 7, 1919. In effect ninety days from passage. Approved by the Governor February 12, 1919.]

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| <p>SEC.
1. County court of Wirt county authorized to lay special levy for constructing public bridge over Little Kanawha river; years in</p> | <p>SEC.
which levy may be laid; limit of levy.
2. Plans and specifications for construction of such bridge.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing a public bridge across the Little Kanawha river, at the county seat of the county of Wirt, the county court of said county is hereby authorized to lay a special levy on all taxable property within the said county for the year one thousand nine hundred and twenty and if necessary for the year one thousand nine hundred and twenty-one, not to exceed in either year ten cents on the one hundred dollar valuation of said property, as assessed for regular state, county and district taxation. Said levy shall be called a "special bridge levy" and the funds derived therefrom shall be used for said purpose and for no other.

Sec. 2. Said bridge shall be constructed according to such plans and specifications as said county court may decide upon and all moneys realized from said special levy shall be kept in a separate fund and a separate account kept of the receipts and disbursements of the same.

CHAPTER 16.

(House Bill No. 61.)

AN ACT to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one, (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

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| <p>SEC.
1. Appointment of a state librarian; by whom made; removable at pleasure of court; salary; bond</p> | <p>SEC.
with surety; term of present librarian to continue to July 1, 1921.</p> |
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Be it enacted by the Legislature of West Virginia:

That section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one be amended and re-enacted so as to read as follows:

Section 1. The supreme court of appeals or the judges thereof in vacation shall appoint a state librarian, who shall hold his office and be removable at the pleasure of said court or judges. His salary shall be the sum of eighteen hundred dollars per annum. He shall give bond in the penalty fixed by the court of not less than two nor more than five thousand dollars with surety thereon to be approved by the court. The state librarian now in office may hold the same until the first day of July, one thousand nine hundred and twenty-one, and until the appointment and qualification of his successor.

CHAPTER 17.

(House Bill No. 78.)

AN ACT to prohibit and regulate the employment of minors.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC.

1. Prohibiting employment of children under 14 years of age; exceptions made; boys of 12 years or hours; special work permit from school authorities necessary; unlawful to permit child under 14 years to work during school hours.
2. Regulating employment of children under 16 years of age in place of danger to life, limb, health or morals; who shall determine such occupations and dangers; right of appeal to supreme court of appeals from any determination.
3. Person, firm or corporation required to keep on file a work permit for all children employed, between ages of 14 and 16 years; permit to be accessible to officers charged with enforcement of this act; proof necessary to issuance of permit to work by school superintendents or other officials; vacation work permit to children of 14 years or over.

SEC.

4. What work permits shall set forth; printed forms for permits; who prepared by; where filed; commissioner of labor may revoke permit; hearing of evidence in revocation; notification of revocation.
5. Age certificate filed in office of employer shall be accepted by officer as evidence of age of child; officer may inquire into true age of child for whom no permit is filed; if under 16 years, presence of such child in such establishment a violation of law; issuance of work permits and age certificates under supervision of state superintendent of free schools.
6. Days and hours in week and hours in day which children may be permitted to work; posted notice of same on premises required; longer hours than stated on notice a violation of law.
7. Officers and agents charged with enforcement of this act.
8. Violations of this act and penalties.
9. Acts or parts of acts inconsistent with this act repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That no child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation except agriculture or domestic service; provided that boys twelve years of age or over may be employed in mercantile establishments and business offices outside of school hours provided that they obtain a special work permit from the school authorities as hereinafter provided.

8 That it shall be unlawful for any person, firm or corporation
9 to employ, permit, or suffer any child under fourteen years of age
10 to work in any business or service whatever during any of the hours
11 when the public schools of the school district in which the child
12 resides are in session.

Sec. 2. That no child under the age of sixteen years shall be
2 employed, permitted, or suffered to work in any occupation danger-
3 ous to the life or limb, or injurious to the health or morals of such
4 child. The state commissioner of labor, the state commissioner
5 of health, or the state superintendent of free schools may from time
6 to time, after hearing duly had, determine whether or not any
7 particular trade, process of manufacture, or occupation in which
8 the employment of children under the age of sixteen years is not
9 already forbidden by law, or any particular method of carrying
10 on such trade, process of manufacture, or occupation, is suf-
11 ficiently dangerous to the lives or limbs or injurious to the health
12 or morals of children under sixteen years of age to justify their
13 exclusion therefrom. No child under sixteen years of age shall
14 be employed, permitted or suffered to work in occupation thus
15 determined to be dangerous or injurious to such children. There
16 shall be a right of appeal to the supreme court of appeals from
17 any such determination.

17-a No child under the age of sixteen years shall be employed, per-
17-b mitted, or suffered to work in any mine, quarry, tunnel or excava-
18 tion. No child under the age of sixteen years shall be appren-
19 ticed, given away, let out, or otherwise disposed of to any person
20 or company to engage in the occupation or service of rope or wire
21 walker, gymnast, contortionist, circus rider, acrobat or clown, nor
22 in any indecent, obscene or immoral exhibition or practice; and
23 it shall be unlawful for any person, firm or corporation, to take,
24 receive or employ such child for any of the purposes or occupa-
25 tions mentioned in this paragraph.

Sec. 3. That no child between the ages of fourteen and six-
2 teen years shall be employed, permitted, or suffered to work in
3 any gainful occupation, unless the person, firm or corporation by
4 whom such child is employed, permitted, or suffered to work, ob-
5 tains and keeps on file and accessible to officers charged with the
6 enforcement of this act, a work permit issued by the superinten-
7 dent of schools of the city or county in which such child resides,
8 or person authorized by him in writing. The superintendent of

9 schools or person authorized by him in writing shall issue such
10 work permit only upon receipt of the following documents:

Proof of Prospective Employment.

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

Proof of Age.

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

18 (b) Or a record of baptism or a certificate or attested tran-
19 script thereof showing the date of birth and place of baptism of
20 the child.

21 (c) Or a *bona fide* contemporary record of the date and
22 place of the child's birth kept in the Bible in which the records of
23 the births of the family of the child are preserved, or other docu-
24 mentary evidence approved by the state commissioner of labor,
25 such as a passport showing the age of the child, a certificate of
26 arrival in the United States issued by the United States immigra-
27 tion officers and showing the age of the child, or a life insurance
28 policy; *provided*, that such other satisfactory documentary evi-
29 dence has been in existence at least one year prior to the time it is
30 offered in evidence; and *provided, further*, that a school record or
31 parent's, guardian's or custodian's affidavit, certificate, or other
32 written statement of age alone shall not be accepted.

33 (d) A certificate signed by the public health physician or a
34 public school physician specifying what in the opinion of such
35 physician is the physical age of the child; such certificate shall
36 show the height and weight of the child and other facts concern-
37 ing its physical development revealed by examination and upon
38 which the opinion of the physician as to the physical age of the
39 child is based. In determining such physical age the physician
40 shall require that the school record or the school census record
41 showing the child's age be submitted as supplementary evidence.

42 The issuing officer shall require first the proof specified in
43 sub-division (a) and shall not accept the proof designated in any
44 subsequent sub-division until he shall have been convinced that
45 the proof specified in the preceding sub-division cannot be obtained.

Proof of Schooling.

46 A certificate signed by the principal of the school last attended
47 showing that the child can read and write correctly simple
48 sentences in the English language and that he has satisfactorily
49 completed the studies covered in the first six yearly grades of the
50 elementary public schools, or their equivalent; in case such
51 certificate cannot be obtained, then the officer issuing the work
52 permit shall examine such child to determine whether he can
53 meet the educational standard specified and shall file in his office
54 a statement setting forth the result of such examination.

Proof of Physical Fitness.

55 A certificate signed by a medical inspector of schools or public
56 health officer stating that the child has been examined by him and
57 in his opinion has reached the normal development of a child of
58 its age, and is in sound health and physically able to be employed
59 in the occupation in which the child intends to engage.

60 *Provided*, that the superintendent of schools, or person author-
61 ized by him in writing shall have authority and is hereby empower-
62 ed to issue a vacation work permit to children fourteen years of
63 age or over without requiring a statement that the child has com-
64 pleted the sixth grade of the elementary course of study, or its
65 equivalent, as hereinbefore provided. Such vacation work permit
66 shall be different in form and color from the regular work permit
67 and shall be valid only during the time when the public schools of
68 the district in which the child resides are not in session. Every
69 vacation work permit shall be null and void on the day the public
70 schools open for regular session. *Provided, further*, that the super-
71 intendent of schools or person authorized by him in writing, shall
72 have authority and is hereby empowered to issue a special work
73 permit to any boy twelve years of age or over to work in business
74 offices and mercantile establishments outside of school hours with-
75 out requiring a statement that he has completed any school grade
76 whatsoever.

Sec. 4. That the work permit mentioned in the foregoing
2 section shall set forth the full name, the date and place of birth
3 of the child with the name and address of his parent, guardian,
4 or custodian and shall certify that the child has appeared before
5 the officer issuing the permit and submitted the proofs of age,
6 physical fitness, schooling and prospective employment required

7 in the foregoing section. Printed forms for these permits and
8 certificates shall be prepared and furnished by the state commis-
9 sioner of labor to the superintendent of schools in the cities and
10 counties of the state. A copy of each permit issued shall be for-
11 warded to the state commissioner of labor within four days of its
12 issuance and there shall be kept in the office of the issuing officer
13 a record of all permits granted and of all applications denied as
14 well as all certificates of age, schooling, physical fitness and pros-
15 pective employment submitted by the applicants for permits. The
16 state commissioner of labor may at any time revoke a permit if in
17 his judgment it was improperly issued and for this purpose he is
18 authorized to investigate into the true age of any child employed
19 to hear evidence and to require the production of relevant books
20 or documents; if the permit be revoked the issuing officer and the
21 person employing the child at the time shall be notified of such
22 action, and the child shall not thereafter be employed or permitted
23 to labor until a new permit has been legally obtained.

Sec. 5. That upon the request of any employer who is de-
2 sirable of employing a child who represents his or her age to be
3 sixteen years or over, the local officer charged with the issuance of
4 work permits shall require of such child the proof of age specified
5 in section three of this act and upon receipt thereof if it be found
6 that the child is actually sixteen years of age or over, shall issue
7 to such employer a certificate showing the age and date and place
8 of birth of such child. Such age certificate when filed in the office
9 of the employer shall be accepted by the officer charged with the
10 enforcement of this act as evidence of the age of the child in whose
11 name it was issued. Any officer charged with the enforcement of
12 this act may inquire into the true age of a child apparently under
13 the age of sixteen years who is employed, permitted or suffered
14 to work in any gainful occupation and for whom no work permit
15 or age certificate is on file and if the age of such child be found
16 to be actually under sixteen years the presence of such child in
17 such establishment shall be deemed a violation of the provisions
18 of this act. The state commissioner of labor may at any time re-
19 voke any such age certificate if in his judgment it was improperly
20 issued and for this purpose he is authorized to investigate into the
21 true age of any child employed as in the case of work permits.
22 The issuance of work permits and of age certificates shall be
23 under the supervision of the state superintendent of free schools,
24 who shall seek at all times to standardize this work.

Sec. 6. That no child under the age of sixteen years shall
2 be employed, permitted or suffered to work in, about or in con-
3 nection with any gainful occupation except agriculture or domestic
4 service for more than six days in any one week, nor more than forty-
5 eight hours in any week, nor more than eight hours in any one
6 day; nor before the hour of six o'clock in the morning, nor after
7 the hour of seven o'clock in the evening of any day. Every em-
8 ployer shall post and keep posted in a conspicuous place in every
9 room where any child between the ages of fourteen and sixteen
10 years is employed, permitted or suffered to work, a printed notice
11 setting forth the maximum number of hours such person may be
12 required or permitted to work each day of the week, the hours
13 beginning and ending work each day and the time allowed for
14 meals; the printed form of such notice shall be furnished by the
15 state commissioner of labor and the employment of such child for
16 a longer time in any day than so stated or at any time other than
17 as stated in said printed notice, shall be deemed a violation of the
18 provisions of this section.

Sec. 7. That it shall be the duty of the state commissioner
2 of labor, his assistants, factory inspectors, school truancy officers
3 and accredited agent of the humane society, to enforce the pro-
4 visions of this act; *provided, however,* that the provisions relating
5 to the employment of children in mines shall be enforced by the
6 state department of mines, said department to make complaint
7 against any person, firm or corporation, violating any of the pro-
8 visions of this act, and to prosecute the same before any magistrate
9 or court of competent jurisdiction.

Sec. 8. That any person or agent or representative of any
2 firm or corporation, who violates any of the provisions of this
3 act, or any parent, guardian, or custodian of any child who per-
4 mits or suffers such child to work in violation of any of the pro-
5 visions of this act, or any superintendent of county or city schools
6 who illegally issues a work permit to a child, or any person who
7 furnishes false evidence in reference to the age or birthplace or
8 educational qualifications of a child, shall for a first offense be
9 punished by a fine of not less than twenty dollars or more than
10 fifty dollars; for a second offense by a fine of not less than fifty
11 dollars or more than two hundred dollars, or by imprisonment
12 for not more than thirty days or by both such fine or imprison-
13 ment; for a third or subsequent offense by a fine of not less than

14 two hundred dollars or by imprisonment for not more than sixty
15 days or by both such fine and imprisonment.

Sec. 9. That sections twenty-four (insofar as it relates to,
2 the employment of children) twenty-five, seventy-one, seventy-
3 two, seventy-three, and seventy-four, chapter fifteen-*h* and sec-
4 tion sixteen-*d* (two) chapter one hundred and forty-four, code
5 one thousand nine hundred and sixteen, and all acts or part of
6 acts inconsistent herewith are hereby repealed.

CHAPTER 18.

(House Bill No. 100.)

AN ACT to amend and re-enact sections twenty-two and twenty-three
of chapter one hundred and twelve-*a* of the code of West Virginia,
one thousand nine hundred and thirteen, (being serial sections
four thousand five hundred and eighty-four and four thousand
five hundred and eighty-five of said code) and chapter ninety-
seven of the acts of one thousand nine hundred and seventeen, fix-
ing the time of holding the regular terms of the circuit court in
the twentieth judicial circuit.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the
Governor February 13, 1919.]

<p>SEC. 1. Fixing terms of circuit court of the twentieth judicial circuit. 2. Dates for term in Greenbrier county</p>	<p>SEC. and Pocahontas county. 3. Repealing acts and parts of acts inconsistent.</p>
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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 two counties of the twentieth
3 judicial circuit, and the terms for each of the said counties shall
4 commence and be held as provided in section two of this act.

Sec. 2. For the county of Greenbrier, on the third Tuesday
2 in January, on the second Tuesday in May, and on the second
3 Tuesday in September, in each year.

4 For the county of Pocahontas on the first Tuesday in April, on
5 the first Tuesday in June, and on the first Tuesday in October, in
6 each year.

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

CHAPTER 19.

(House Bill No. 151.)

AN ACT to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

Sec.

1. Establishing a demonstration community packing house; location and purpose; creating committee for carrying provisions and purposes of act into effect; duty of state board of control to procure site, erect buildings and equip same; when completed shall be

Sec.

turned over to college of agriculture of West Virginia university for operation.
2. Expenditure of appropriation to be made by state board of control.
3. Repealing all acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established a demonstration community packing house to be located in the principal apple growing section of the state, for the purpose of demonstrating the most approved methods of picking, sorting and packing apples, peaches, and similar fruit, and for the purpose of teaching any citizen of West Virginia approved methods of picking, sorting and packing said fruit in barrels, boxes or other containers, and for the purpose of carrying the provisions and purposes of this act into effect a committee is hereby created consisting of the dean of the college of agriculture of West Virginia university, the commissioner of agriculture, the president of the state horticultural society, the chairman of the horticultural committee of the state federation of farm bureau, and horticulturist of the West Virginia agricultural experiment station. It shall be the duty of the state board of control to procure a site, erect buildings and pre-cooling room, and provide the equipment and necessary space for the aforesaid demonstration. It shall be the duty of the state board of control when said building and school are provided and equipped as above stated to turn it over to the college of agriculture of the West Virginia university for operation and the carrying out of the purposes and intents herein set forth.

Sec. 2. Any appropriation hereafter made to carry out the provisions and purposes of this act shall be expended through the state board of control.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 20.

(House Bill No. 55.)

AN ACT to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC.

1. Execution on judgment may be issued within 10 years after date thereof; other executions 10 years from return day last ex-

SEC.

ecution; action upon judgment in case of change of parties by death or otherwise; when such action must be had.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter one hundred and thirty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Section 10. On a judgment, execution may be issued within 2 ten years after the date thereof. Where execution issues within 3 ten years as aforesaid, other executions may be issued on such 4 judgment within ten years from the return day of the last execu- 5 tion issued thereon, on which there is no return by an officer or 6 which has been returned unsatisfied. An action, suit or *scire* 7 *facias* may be brought upon a judgment where there has been a 8 change of parties by death or otherwise at any time within ten 9 years next after the date of the judgment; or within ten years 10 from the return day of the last execution issued thereon on which 11 there is no return by an officer or which has been returned un- 12 satisfied. But if such action, suit or *scire facias* be against the 13 personal representative of a decedent, it shall be brought within 14 five years from the qualification of such representative.

CHAPTER 21.

(House Bill No. 6.)

AN ACT to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC.

4. Method of keeping proceedings of courts; law orders of each day to be read in open court by the clerk; after correction; orders shall be signed by judge or presiding officer before transaction

SEC.

of any other business, exception made of last day of term and procedure therein; chancery proceedings of each day, and signature of judge.

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen be, and is, hereby amended and re-enacted so as to read as follows:

Records—How Kept.

Section 4. The proceedings of every court shall be entered in 2 a book and the law orders read in open court by the clerk of the 3 court. The law proceedings of each day shall be drawn up at 4 large and read the next succeeding court day immediately after 5 the court is opened and after being read and corrected where it 6 is necessary shall be signed by the judge or presiding officer be- 7 fore the transaction of any other business, except those of the 8 last day of the term and of the day on which the court may ad- 9 journ to a future day as prescribed in chapter one hundred and 10 twelve of the code, which shall be drawn up and read and cor- 11 rected where it is necessary and signed by the said judge or 12 officer on the same day. The chancery proceedings of each day 13 shall be drawn up at large, and signed by the judge, after being 14 corrected where it is necessary.

CHAPTER 22.

(House Bill No. 52.)

AN ACT to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

<p>Sec. 2. Jury commissioners to select and draw persons for grand juries; preparation of lists of qualified persons; submitting of lists to clerk of court or judge; striking out names of persons not qualified; requirements for grand jury service; method of preserving names and by whom kept; to be opened only by jury commissioners.</p> <p>3. Summoning of jury commissioners for selection of grand jurors; drawing names of jurors from</p>	<p>Sec. grand jury box; cancellation of names of persons dead or disqualified; transmission of names to clerk and issuing of summons to jurors.</p> <p>4. Fifteen grand jurors a competent grand jury; appointment of qualified persons to serve in failure of sufficient number of drawn jurors to attend; method of selection and compensation for persons making selection</p> <p>5. Repealing all acts or parts of acts inconsistent.</p>
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Be it enacted by the Legislature of West Virginia:

That sections two, three and four of chapter one hundred and fifty-

seven of the code of West Virginia, be amended and re-enacted to read as follows:

Section 2. The jury commissioners appointed under the provisions of section three of chapter one hundred and sixteen of the code, shall select and draw persons for grand juries. Said commissioners shall, at the levy term of the county court each year, and at any other time when required by the court which appointed them, or the judge thereof in vacation, prepare a list of not less than one hundred nor more than two hundred qualified persons of their county, for grand jury service, chosen from the respective magisterial districts thereof, as near as may be in proportion to the population of the districts. The lists so prepared shall be submitted to the clerk of the court, or the judge thereof when required, and the name of any person who is not qualified shall be stricken from the list by the clerk or judge. The persons so listed shall be men of good moral character, and who have never been convicted of a felony or of any scandalous offense; and shall be *bona fide* citizens of the state and county for at least one year immediately preceding the preparation of the list, and shall not be office holders under the laws of the United States or of this state.

At the time such jury list is made up the jury commissioners shall cause all the names thereon to be written each on a separate ballot, and shall fold, roll or prepare same so as to resemble each other as near as may be, and so that the name written thereon shall not be visible on the outside, and shall enclose the ballots for each magisterial district in a separate envelope endorsed with the name of the magisterial district and the number of ballots enclosed, and shall deposit all the ballots, with the list, in a secure box to be prepared for the purpose, which shall be delivered to and safely kept by the clerk of the circuit court, and shall be opened only by the jury commissioners or by order of the judge of the court having control thereof.

Sec. 3. The clerk of the circuit court or other court requiring a grand jury shall, at least thirty days before the term of court, summon the jury commissioners to attend at his office at a day specified, which shall not be less than twenty days before such term, and select men for the grand jury, but the court, or judge thereof, may require said jury commissioners to appear forthwith, or at any specified time, and select grand jurors for either a regular or special term of court. On the day appointed the said jury commissioners shall appear and draw the names of sixteen persons

10 from the grand jury box, and the persons so drawn shall constitute
11 the grand jury. If when drawing the ballots it shall appear to the
12 commissioners that any person so drawn is dead, or for any reason
13 disqualified or unable to serve, they shall destroy the ballot and
14 cancel the name on the list and draw another in his stead. They
15 shall enter the names of all persons so drawn in a book kept for
16 that purpose and deliver a list thereof to the clerk who shall issue
17 a summons for said grand jurors directed to the sheriff of the coun-
18 ty requiring him to summon them to appear on the day required
19 and serve as grand jurors. The provisions of chapter one hun-
20 dred and sixteen relating to the drawing and summoning of petit
21 jurors and drawing ballots and cancellation and making thereof,
22 so far as applicable and not inconsistent with the provisions of this
23 act, shall be observed and govern the selections of a grand jury, ex-
24 cept that the ballots shall be drawn from the several envelopes in
25 proportion as near as may be to the numbers endorsed thereon, but
26 so that at least one ballot shall be drawn from each envelope.

Sec. 4. Any fifteen or more of the grand jurors attending
2 shall be a competent grand jury. If a sufficient number of quali-
3 fied jurors do not attend, the court shall appoint two *bona fide*
4 citizens of the county, of opposite politics, having all of the quali-
5 fications of jury commissioners, who, after taking the oath re-
6 quired of jury commissioners, shall select the number of qualified
7 persons necessary to complete the grand jury, for which services
8 the persons so appointed shall be allowed the sum of two dollars
9 each to be certified by the court to the county court for pay-
10 ment.

11 All acts or parts of acts inconsistent with this act are hereby
12 repealed.

CHAPTER 23.

(House Bill No. 57.)

AN ACT to validate certain proceedings authorizing the issuance of
bonds of Curry district, Putnam county, for the purpose of locat-
ing, grading, draining, paving and permanently improving or re-
pairing the public roads of said district and to validate the sale
of such bonds and authorize the sale thereof, and to provide a
tax to pay the same.

[Passed February 13, 1919. In effect from passage. Approved by the Governor
February 17, 1919.]

SEC.

1. Confirming and validating proceedings authorizing issuance of permanent road improvement bonds of Curry district, Putnam county; authorizing levy of tax

SEC.

to pay interest and maturing principal of such bonds; sale of bonds validated and confirmed; authorities authorized to execute and deliver bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of the 2 permanent road improvement bonds, of Curry district, Putnam 3 county, in the amount of ninety-five thousand dollars, for the pur- 4 pose of locating, grading, draining, paving and permanently 5 improving or repairing the public roads of said district, which 6 bonds mature annually covering a period of thirty years from the 7 date thereof and bear interest at the rate of five per cent. per 8 annum, and were authorized by an order of the county court of 9 said county and received the vote of more than three-fifths of all 10 the votes cast for and against the same at an election held on 11 March twenty-fourth, one thousand nine hundred and seventeen, 12 for that purpose, are hereby in all respects validated and confirmed, 13 and a tax sufficient to pay the interest and maturing principal 14 of such bonds shall be levied each year as required by the consti- 15 tution, anything herein or in any other statute to the contrary not- 16 withstanding. The sale of such bonds is likewise validated and 17 confirmed, and the constituted and acting authorities of such 18 county are hereby authorized to execute and deliver such bonds 19 pursuant to such proceedings and such sale or pursuant to any 20 further sale thereof at not less than par.

CHAPTER 24.

(House Bill No. 104.)

AN ACT to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitutions and laws.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

SEC.

1. Prohibiting circulation or dissemination of doctrines hostile to the constitution and laws of the United States.
2. Unlawful to have in possession or display any red or black flag.

SEC.

emblem or device hostile to the spirit of the constitution, laws, ideals and institutions of this state or the United States.
3. Violations of this act misdemeanor.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person to speak, 2 print, publish or communicate, by language, sign, picture, or

3 otherwise, any teachings, doctrines or counsels in sympathy or
 4 favor of ideals, institutions or forms of government hostile,
 5 inimical or antagonistic to those now or hereafter existing under
 6 the constitution and laws of this state or the United States, or in
 7 sympathy or favor of the propriety, duty or necessity of crime,
 8 violence or other unlawful methods of terrorism as a means of
 9 accomplishing economic or political reform, or in sympathy or
 10 favor of the overthrow of organized society, the unlawful de-
 11 struction of property or the violation of law.

Sec. 2. It shall be unlawful for any person to have in his
 2 possession or to display any red or black flag, or to display any
 3 other flag, emblem, device or sign of any nature whatever indi-
 4 cating sympathy or support of ideals, institutions or forms of
 5 government, hostile, inimical or antagonistic to the form or
 6 spirit of the constitution, laws, ideals and institutions of this state
 7 or the United States.

Sec. 3. Any person violating any of the provisions of this
 2 act shall, for the first offense, be guilty of a misdemeanor, and,
 3 upon conviction, shall be fined not less than one hundred nor
 4 more than five hundred dollars, or imprisoned in the county jail
 5 not exceeding twelve months, or both, and, for the second offense,
 6 shall be guilty of a felony, and, upon conviction, shall be confined
 7 in the penitentiary not less than one nor more than five years.

CHAPTER 25.

(House Bill No. 100.)

AN ACT to amend and re-enact section two of chapter one hundred
 and sixteen of Barnes' code, one thousand nine hundred and
 sixteen, relating to exemptions from jury service.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
 Governor February 17, 1919.]

SEC.
 2. Persons exempt from jury service.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 2. The governor of the state, practicing attorneys,
 2 physicians and dentists, druggists, postmasters, officers of any
 3 court, all telegraph operators actually engaged as such in any

4 office in this state, and all persons mentioned in the eighth sec-
 5 tion of chapter nineteen of this code as exempted from military
 6 duty (except school commissioners, persons exempted under the
 7 eighth section of chapter nineteen of this code by reason of hav-
 8 ing relatives dependent upon them for support, or in the military
 9 service of the United States or of this state, officers of the militia
 10 who resign their commissions after serving seven years succes-
 11 sively, and officers and members of a uniformed and armed volun-
 12 teer company, who shall have served three years) shall be exempt
 13 from serving on juries.

CHAPTER 26.

(House Bill No. 111.)

AN ACT to authorize the board of education of Red Sulphur dis-
 trict of Monroe county to lay an additional levy for the comple-
 tion of a public high school building in said district, already
 begun but not fully completed, and to pay off an existing debt
 thereon, and thereby to enable said board to obtain a clear title
 therefor.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
 Governor February 17, 1919.]

SEC. 1. Authorizing board of education of Red Sulphur district, Monroe county, to lay a special building	SEC. fund levy; amount and purpose of same.
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WHEREAS, The people of Red Sulphur district of Monroe county,
 prior to January first, one thousand nine hundred and seventeen,
 voted a levy for the purpose of erecting an eight-room brick high school
 building therein, which said building was erected, and the funds de-
 rived from the levies provided therefor were insufficient to complete
 the same, and there is lacking for that purpose the sum of two thou-
 sand three hundred dollars, and said board is unable to obtain title
 therefor for that reason, and said board does not lay a levy for school
 purposes in excess of fifty-five cents on the one hundred dollars
 valuation on all taxable property therein; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Red Sulphur district
 2 of Monroe county is hereby empowered, in addition to all the levies
 3 now authorized by law, to lay a special building fund levy not to
 4 exceed thirteen cents on the one hundred dollars valuation of tax-
 5 able property in said district for the sole purpose of raising suffi-

6 cient funds to pay off and discharge said debt and for fully com-
7 pleting and equipping said high school building; which special
8 levy shall be laid for one year only.

CHAPTER 27.

(House Bill No. 125.)

AN ACT to amend and re-enact sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine, relating to assessments and taxation.

[Passed February 13, 1919. In effect from passage. Became a law without the Governor's approval.]

SEC.

1. Amending and re-enacting certain sections of the code.
6. Assessment districts; each county constitutes one district; shall elect one assessor; assessors now in office to serve to expiration of their terms; successors to be elected at general election, 1920, and every four years thereafter; eligibility to office; office at county seat; time to be kept open; assistant and compensation therefor.
7. Assistants to be appointed on basis of population; eligibility to appointment and duties.
8. Appointment of assistants by assessor; not more than two assistants from one magisterial district; length of time of employment; oath of office; vacancies and how filled.
10. Compensation for assessor and assistants; how fixed; limit on salaries.
12. Property shall be assessed at true and actual value; duty of assessor to assess value of all property annually.
17. Annual meeting of assessors; attendance required; date and place of meeting to be fixed by tax commissioner; preparation of program for meeting; expenses incurred by attendance to be paid, upon affidavit, by clerk of county court out of county treasury; additional meetings of assessor and his assistants;

SEC.

- time and place of same; purpose of such meetings; clerk of county court to sit as advisory member at last meeting.
24. Correction of mistakes in land and personal property books.
 25. Omission of land or personal property from assessment books for a period of five years or less shall be corrected and same assessed at true and actual value with interest for years omitted; forfeiture by assessor for failure to make such entry.
 63. Personal property, stocks of corporations and moneys loaned subject to taxation unless exempted by law; fraudulent returns and evasions of taxation through loans, deposits or gifts deemed illegal; assessor shall assess such property to party who makes such transfers, loans, deposits or gifts.
 - 132-a. Authority vested in county courts to correct mistakes, clerical and other errors made by assessors; relief through county court for tax payers claiming to be aggrieved by entry resulting from a mistake or clerical error; application for such relief to have precedence of all other business before the court; refund or release to tax payer entitled to relief; certification of order for relief to the auditor, sheriff and assessor; acts and parts of acts inconsistent herewith repealed.

Be it enacted by the Legislature of West Virginia:

1. That sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine of the code, be amended and re-enacted so as to read as follows:

Section 6. Each county in the state shall constitute one assessment district, and shall elect one assessor, whose term of office

3 shall be four years. The assessors now in office shall serve until
4 the expiration of the term for which they were elected, and their
5 successors shall be elected at the general election of one thousand
6 nine hundred and twenty, and every four years thereafter. No
7 person shall be eligible to the office of assessor who is not a resi-
8 dent of the county and a freeholder therein at the time of his
9 election. The county court shall provide the assessor with an office
10 at the county seat, which shall be kept open during the time the
11 assessor is listing property. With the consent and approval of
12 the county court, the assessor may appoint a stenographer to
13 assist him in the office to serve for the period of not more than
14 six months in each year. The compensation of such stenographer
15 shall be paid out of the county treasury and shall not exceed
16 one hundred dollars per month for the time actually employed.

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 thousand, and not to exceed thirty
7 thousand, there shall be appointed three assistant assessors;
8 in every county whose population is thus shown to exceed
9 thirty thousand and not to exceed sixty thousand, there shall
10 be appointed not less than two nor more than four assistant as-
11 sessor; in every county whose population is thus shown to exceed
12 sixty thousand, and not to exceed seventy thousand, there shall
13 be appointed five assistant assessors; and in every county whose
14 population is thus shown to exceed seventy thousand there shall
15 be appointed seven assistant assessors. Each of said assistant
16 assessors shall be a voter and resident of the county in which he is
17 appointed. The assistant assessors hereinbefore provided shall
18 devote their whole time to the performance of their duties from
19 the first day of the assessment year until the levies are extended on
20 the land and personal property books.

21 There may be appointed in each county one additional as-
22 sistant to the number hereinbefore provided, to be known as "the
23 office assistant," who shall have the same power to assess property
24 as the assessor and other assistants, and shall also stay in the office
25 of the assessor throughout the year and perform the clerical work
26 of the office. The salary of such assistant shall be fixed by the

27 county court and shall not be less than five hundred nor more than
28 eighteen hundred dollars per annum, payable proportionately at
29 the end of each month.

Sec. 8. The assistant assessors shall be appointed by the
2 assessor, with the advice and consent of the county court, of the
3 counties for which they are to be appointed. Not more than two
4 assistants shall be appointed from any magisterial district. It
5 shall be the privilege of any assessor in this state to employ his
6 assistants herein provided for whatever time he and the county court
7 may deem necessary to have such services or if they so desire for the
8 full term for which the assessors were elected. They shall take the
9 same oath of office prescribed for the assessor. Vacancies occurring
10 from any cause in the office of any assistant assessor, shall be filled
11 in the same manner provided for the appointment to full terms of
12 office, and shall be for the unexpired term made vacant.

Sec. 10. The assessor and his assistants in each county shall
2 receive annually the following compensation to be paid out of the
3 county fund: Each assessor shall receive annually thirty dollars
4 for each full one hundred voters voting at the preceding presi-
5 dential election for President of the United States in his county,
6 for the first three thousand voters thereof; twenty-five dollars for
7 each full one hundred additional voters as aforesaid up to three
8 thousand additional voters as aforesaid; twenty dollars for each
9 full one hundred additional voters as aforesaid, up to three thou-
10 sand additional voters as aforesaid; *provided, however,* that the
11 compensation of any assessor in any county shall in no case be
12 more than twenty-one hundred nor less than one thousand dollars,
13 except in those counties in which the population according to the
14 last preceding census exceeds fifty-five thousand and does not
15 exceed seventy thousand, the assessor shall be paid a salary not
16 exceeding twenty-five hundred dollars, and in counties the popu-
17 lation of which, as aforesaid, exceeds seventy thousand, said as-
18 sessor shall be paid a salary not exceeding three thousand dollars.
19 The salary of the assistant assessors shall be fixed by the county
20 court and shall not be less than one hundred nor more than nine
21 hundred dollars per year.

Sec. 12. All property, both real and personal, in any county,
2 whether it be assessed by the assessor, assistant assessor, or by the
3 board of public works, or any other person or officer or tribunal,
4 after July first, one thousand nine hundred and nineteen, shall
5 be assessed as of the first day of April, at its true and actual

6 value, (that is to say, at the price for which such property would
7 sell if voluntarily offered for sale by the owner thereof, upon such
8 terms as such property, the value of which is sought to be ascer-
9 tained, is usually sold, and not the price which might be realized,
10 if such property were sold at a forced sale). It shall be the duty
11 of the assessor in each county to assess the value of all real estate
12 annually in said county as well as the value of all personal prop-
13 erty therein, at the true and actual value.

Sec. 17. There shall be an annual meeting of the assessors
2 held during the month preceding the beginning of the assessment
3 year, at which meeting the assessors of the state shall be required
4 to attend. The date and place of such meeting shall be fixed by
5 the state tax commissioner and due notice thereof shall be given
6 to the assessors of the state. The state tax commissioner shall
7 prepare a program of matters pertaining to assessments and work
8 of the assessors to be discussed at said meeting and he shall attend
9 and be *ex-officio* chairman of the same. The meeting shall con-
10 tinue for the period of two days. The actual necessary expenses
11 incurred by any assessor in attendance at such meeting shall be
12 paid out of the county treasury of the county of the assessor so
13 attending. Before such payment, however, the assessor shall file
14 an itemized statement, which shall be sworn to, of his actual and
15 necessary expenses, with the clerk of the county court.

16 In addition to the meeting hereinbefore provided for, there
17 shall be at least two meetings of each assessor and his assistants
18 between the first day of the assessment year and the twentieth
19 day of June, of the current year, at such time and place as the
20 assessor shall appoint, of which meeting all of such assistants shall
21 have due notice, for the purpose of procuring uniform valuation
22 of property, both real and personal, throughout the entire county,
23 according to the true and actual value. The last meeting shall be
24 held after the work of listing property has been completed, at
25 which meeting all the lists shall be thoroughly gone over and re-
26 vised and corrected, and if found to be erroneous, either in the
27 amount of property, real or personal, assessed to any person, firm,
28 or corporation, or in the value given to any item of property by
29 the taxpayer by placing on such list the omitted property and
30 giving to it, as well as any property that has been listed, but which
31 has been incorrectly valued, the true and actual value thereof ac-
32 cording to the rule prescribed in section twelve, of this chapter,

33 and by omitting property improperly listed. The clerk of the
34 county court shall sit as an advisory member at such last meeting.

Sec. 24. The assessor in making out the land and personal
2 property books, shall correct any and every mistake he shall dis-
3 cover in the original books, or in the land books for any previous
4 year.

Sec. 25. When the assessor shall ascertain that any land or
2 personal property in his county liable to taxation has been
3 omitted from the land or personal property books for a
4 period of less than five years, he shall make an entry thereof in
5 the proper book and of the name of the owner, in the land books
6 of the year in which said omission was discovered, and of personal
7 property book for the current year, and assess the same at its true
8 and actual value according to the rule prescribed in section twelve
9 of this chapter, and shall charge the same with all taxes charge-
10 able against it together with interest thereon at the rate of six
11 per centum per annum for the years the same was omitted from the
12 books. Any assessor failing to make such entry, when discovered
13 by him, or called to his attention by any taxpayer interested there-
14 in, shall forfeit twenty dollars.

Sec. 63. All personal property belonging to persons residing
2 in this state, whether such property be in or out of the state, and
3 all personal property in the state, though owned by persons re-
4 siding out of the state, shall be entered in the personal property
5 book, and be subject to equal and uniform taxation unless especial-
6 ly exempted by law; but personal property of all classes, except as
7 hereinbefore provided, belonging to the residents of this state,
8 which is actually and permanently located in another state, and
9 by the laws of such other state is subject to taxation and is actually
10 taxed in such other state, shall not be entered on the personal
11 property book, or be taxed in this state. But the shares of capital
12 stock owned by residents of this state in corporations actually
13 located in other states, and whose property is taxed by the laws
14 of such other state, shall not be required to be listed for taxation.
15 All moneys belonging to citizens of this state, and loaned to any
16 person or deposited out of the state, shall be subject to taxation the
17 same as if loaned or deposited in this state. Any person who any
18 time before the assessment year transfers by loan, deposit or gift,
19 any moneys, credits, notes, bonds, stocks, certificates of deposit, or
20 other credits, which are subject to taxation, to any one, who does
21 not return a list of taxation as of the day on which the assessment

22 year commences including such property, transfers, loans, deposits
23 or gifts, if made with the intention of evading taxation, shall be
24 deemed and treated as illegal and fraudulent and the assessor
25 shall assess such property for taxation to the party who makes such
26 transfers, loans, deposits or gifts as aforesaid.

Sec. 132-a. Authority is hereby vested in the county
2 court to correct mistakes, clerical errors, and all other errors made
3 by the assessor in the land and personal property books, except
4 the fixing of valuation. Any taxpayer, or the prosecuting attorney
5 or state tax commissioner on behalf of the state, county and dis-
6 tricts, claiming to be aggrieved by any entry in the land or per-
7 sonal property books of the county, resulting from a mis-
8 take, or clerical error or any error, resulting from any cause other
9 than the value of the property as fixed by the assessor or board of
10 review and equalization, may, within one year from the time
11 such land or personal property books are delivered to the sheriff,
12 apply for relief to the county court of the county in which such
13 books are made out. But before such application is heard, the tax-
14 payer shall give notice to the prosecuting attorney of the county
15 or the state shall give notice to the taxpayer, as the case may be, of
16 such hearing. Such application whether the case be by the tax-
17 payer or the state, shall have precedence of all other business be-
18 fore the court; but any order or judgment made upon such appli-
19 cation shall show that either the prosecuting attorney or the state
20 tax commissioner was present defending the interests of the state,
21 county and district. In the event it shall be ascertained that such
22 applicant is entitled to relief as aforesaid and the taxes have been
23 paid, the same shall be refunded to the taxpayer, and if charged
24 and not paid, such applicant shall be released from the payment
25 thereof. And whenever any such is corrected by the county court
26 the clerk of the court shall certify a copy of such order to the audi-
27 tor, to the sheriff and to the assessor, and, if real estate, said
28 assessor shall thereupon make a correction in his land book for the
29 next year according to such order. Any such order delivered to
30 the sheriff or other collecting officer shall restrain him from col-
31 lecting so much as is erroneously charged against the taxpayer,
32 and if the same has been already collected, shall compel him to
33 refund the money if such officer has not already paid into the treas-
34 ury, and in either case, when endorsed by the person exonerated,
35 it shall be sufficient voucher to entitle the officer to a credit for so
36 much in his settlement which he is required to make. If the appli-

37 cant be the state, then the order so certified to the sheriff shall
 38 show the correct amount of taxes due the state, county and dis-
 39 tricts and shall be sufficient to authorize him to collect such taxes
 40 in the same manner as other state, county and district taxes are
 41 collected. The provisions of this section shall apply to taxes levied
 42 for the year one thousand nine hundred and eighteen.
 43 All acts and parts of acts inconsistent herewith are hereby
 44 repealed.

CHAPTER 28.

(House Bill No. 198.)

AN ACT fixing the annual allowance to the clerks of the circuit and
 county courts of Morgan county.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
 Governor February 17, 1919.]

<p>SEC. 1. Annual allowance to the clerk of the circuit court and the clerk of the county court of Morgan county, for public services; sal-</p>	<p>SEC. ary to begin January 1, 1919, and end December 31, 1920; acts and parts of acts in conflict re- pealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Morgan county shall an-
 2 nually allow to the clerk of the circuit court and to the clerk of the
 3 county court of said county, the sum of not less than two hun-
 4 dred dollars nor more than six hundred dollars each for his pub-
 5 lic services, for which no other fee or reward is allowed by law.
 6 Said salary to begin on the first day of January, one thousand
 7 nine hundred and nineteen, and end on the thirty-first day of
 8 December, one thousand nine hundred and twenty, and that this
 9 act shall in no wise conflict with the salary act of said clerks now
 10 on the statute books, to begin January one, one thousand nine
 11 hundred and twenty-one.

12 All acts or part of acts in conflict herewith are hereby re-
 13 pealed.

CHAPTER 29.

(House Bill No. 10.)

AN ACT relating to pure drinking water for live stock in transit.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC.

1. Railroads required to provide drinking water for live stock by placing suitable troughs in stock pens and supplying same with water.
2. Railroads coming within provisions

SEC.

- of this act refusing to comply with requirements, guilty of a misdemeanor; penalty for first and succeeding offenses.
3. Repealing all acts and parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

Section 1. That all railroads maintaining stations that are shipping points for live stock where there are as many as one thousand head shipped in any one year, shall wherever practicable place within the stock pens owned or controlled by such railroad a company suitable watering troughs which shall at all times during the time stock is being shipped from the station, be supplied with pure drinking water such as stock will drink. It shall be considered practicable where there are water works from which there can be water obtained, (city or otherwise) by piping not to exceed one-fourth of a mile.

Sec. 2. Any railroad company which refuses to comply with this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense. And each day that such pens are without water during the shipping season shall be considered a separate offense.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 30.

(House Bill No. 50.)

AN ACT to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto, sections sixty-seven-a, sixty-seven-c, sixty-seven-d, sixty-seven-e and sixty-seven-f, relating to inspection of factories, mercantile establishments, mills or workshops.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the Governor February 18, 1919.]

SEC.

6. Providing for construction of buildings and operation of same where labor is employed so as to protect the lives, health, safety and morals of persons employed therein; appointment of four factory inspectors by commissioner of labor; salary

SEC.

of inspectors and traveling and hotel expenses; chief clerk, assistant clerk and statistical clerk, and their salaries; salary of the commissioner of labor and traveling and incidental expenses.

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|---|--|
| <p>SEC.
59. Location of machinery, ovens, furnaces, vats, pans, receptacles containing molten metal, etc., in factory buildings; dangerous places in and about mercantile and other establishments; use of machinery to be known to be dangerously defective; repairs to machine when in motion.</p> <p>60. Removing of safeguards from machine to make repairs, and replacing of same; effective means for disconnecting power in case of accident; use of tight and loose pulleys, clutches, belt shifters, switches, throttles and other controlling devices required where practicable; requirements where machines are arranged in groups, rooms or departments; speaking tubes, electric bells, colored lights, etc., to be provided for control of machinery in case of accident.</p> <p>61. Providing for the fencing, or other protection, of hoistways, hatchways, elevator wells and wheel holes; holding devices for elevator cars or cars; unsafe conditions in machines, electrical apparatus or systems of wiring shall be promptly remedied.</p> <p>62. Prohibiting the taking of food into establishments where white lead, arsenic or other poisonous substances, fumes, dusts or gases are present; employees not to remain in any such room or apartment during time allowed for meals; notices to such effect to be posted in each room or apartment.</p> <p>63. Suitable seats for female employees; uses of same.</p> <p>64. Sufficient and reasonable means of escape from fire, to be kept free from all obstructions, required; commissioner of labor or factory inspector may order fire escapes erected on outsides of buildings wherever deemed necessary.</p> <p>65. Requiring hand-rails on stairways, and treads thereon so as to provide firm and safe foothold; proper lights required at sneaked points during necessary hours; overcrowding of floor space, and overweighting of floors and walls prohibited; passageways free of obstruction.</p> | <p>SEC.
66. Sufficient number of water closets for employees; requirements relative thereto.</p> <p>67. Adequate washing facilities; sanitary and suitable dressing rooms where necessary.</p> <p>67-a. Misdemeanor for any person to light a pipe, cigar or cigarette, or enter any building with a lighted pipe, cigar or cigarette, at the entrance of which is posted a notice stating that no smoking is allowed; penalty therefor; authority of commissioner of labor or factory inspector to inspect steam boilers; owners of steam boilers required to equip same with steam gauge, safety valve and water gauge; neglect to do so a misdemeanor; penalty therefor.</p> <p>67-c. Failure of employer to pay wages or salary of a discharged employee; recourse of such discharged employee seventy-two hours after demand; does not apply in case of bankruptcy, assignment or other legal disability of the employer; as in case of shut-down or other cessation of operations.</p> <p>67-d. Violations of the provisions of this act, or omissions or failures to comply with requirements, or disregarding notices of commissioner of labor, or factory inspector, or obstruction or interferences with any examination or investigation being made by authorized persons, or removal or interference with any protective or sanitary devices, are misdemeanors; penalties therefor; justices of the peace have concurrent jurisdiction with circuit and other courts for the trial of offenses; coal mining unprofitable and operations under supervision of the department of mines excepted from provisions of this act.</p> <p>67-e. Commissioner of labor, inspectors and chief clerk to make and keep full record of expenses and of inspection and statistics looking to welfare of employees and report same to each biennial session of legislature.</p> <p>67-f. Repealing sections of the code inconsistent herewith.</p> |
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Be it enacted by the Legislature of West Virginia:

That sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven of chapter fifteen-h, of the code of West Virginia of one thousand nine hundred and sixteen, be amended, and re-enacted, and sections sixty-seven-a, sixty-seven-c, sixty-seven-d, sixty-seven-e, and sixty-seven-f be added thereto, relating to inspection of factories, mercantile establishments, mills or workshops, same to read as follows:

Section 6. All rooms, buildings and places in this state where 2 labor is employed, or shall hereafter be employed, in any factories, 2-a mercantile establishments, mills or workshops shall be so con- 3 structed, equipped and arranged, operated and conducted, in all re- 4 spects, as to provide reasonable and adequate protection for the life, 5 health, safety and morals of all persons employed therein. For the 6 carrying into effect of this provision, and the provisions of all the 7 laws of this state, the enforcement of which is now or shall hereafter 8 be intrusted to or imposed upon the bureau of labor, the commis- 9 sioner of labor shall appoint not more than four factory inspectors 10 who shall be under the supervision of the commissioner of labor. 11 The commissioner of labor may at anytime divide the state into in- 12 spection districts as to him may seem advisable, and assign the in- 13 spectors to the districts as the good of the service requires. 14 The salary of a factory inspector shall be eighteen hundred 15 dollars per annum, and actual traveling and hotel expenses. 16 The commissioner of labor shall appoint a chief clerk, whose salary 17 shall be twenty-four hundred dollars per annum, an as- 18 sistant clerk who shall be a stenographer, at a salary of 19 eighteen hundred dollars per annum, and a statistical clerk whose 20 salary shall be twelve hundred dollars per annum. The 21 salary of the commissioner of labor provided for in this act, shall 22 be three thousand six hundred dollars per annum, and he shall be 23 allowed his actual traveling and incidental expenses.

Sec. 59. All power driven machinery, including all saws, 2 planers, wood shapers, jointers, sandpaper machines, iron mangles, 3 emery wheels, ovens, furnaces, forges and rollers of metal; all pro- 4 jecting set screws or moving parts; all drums, cogs, gearing, belt- 5 ing, shafting, fly wheels and flying shuttles; all laundry machinery, 6 mill gearing and machinery of every description; all vats or pans 7 and all receptacles containing molten metal or hot or corrosive 8 fluids in any factory, mercantile establishment, mill or workshop, 9 shall be so located, whenever possible, as not to be dangerous to 10 employees, or where possible, be properly enclosed, fenced or other- 11 wise protected. All dangerous places, in or about mercantile estab- 12 lishments, factories, mills or workshops, near to which any employe 13 is obliged to pass or to be employed, shall, where practicable, be 14 properly enclosed, fenced or otherwise guarded. No machine in any 15 factory, mercantile establishment, mill or workshop, shall be used 16 when the same is known to be dangerously defective, and no re-

17 pairs shall be made to the active mechanism or operative part of any
18 machine, when the machine is in motion.

Sec. 60. No person shall remove or make ineffective, any safe-
2 guard required by this act, during the active use or operation of the
3 guarded machine or device, except for the purpose of immediately
4 making repairs thereto, and all such safeguards so removed shall be
5 promptly replaced. In every factory, mercantile establishment,
6 mill or workshop, effective means shall be provided for immediate-
7 ly disconnecting the power, so that in case of need or accident, any
8 particular machine, group of machines, room or department, can be
9 promptly and effectively shut down. Where machines require to be
10 started and stopped frequently, they shall, wherever practicable, be
11 provided with tight and loose pulleys, clutch or other effective dis-
12 engaging device. When provided with tight and loose pulleys, the
13 shifting of the belt shall be accomplished by the use of a belt shifter,
14 placed within easy reach of the operator. When a clutch, or other
15 disengaging device is used, an effective means for throwing such
16 device into or out of engagement shall be provided, and shall be
17 placed within easy reach of the operator. Where machines are
18 directly connected with the prime mover, (electric motor, steam,
19 gas or gasoline engine, or other source of power), a switch, throttle,
20 or other power controlling device shall be furnished and shall be
21 placed within easy reach of the operator or his co-worker. Where
22 machines are arranged in groups, rooms or departments, and power
23 is supplied by a prime mover, located within the confines of such
24 group, room or department, a switch, throttle, or other controlling
25 device shall be furnished, and shall be placed within easy reach of
26 the operators affected, so that all shafting, transmitting machinery
27 and machines of such group, room or department, can be simul-
28 taneously shut down. Where machines are arranged in groups,
29 rooms or departments, and are supplied by power through the use of
30 main or line shafts, receiving power from some prime mover, lo-
31 cated without the group, room or department, the power receiving
32 wheel or such main or line shaft, shall, wherever possible, be pro-
33 vided with a friction clutch, or other effective power disengaging
34 device, with suitable means for operating the clutch, or power dis-
35 engaging device, and these means shall be placed within the con-
36 fines of such group, room or department, and within easy reach of
37 employees or operatives affected, so that all machines, shafting and
38 other transmission machinery within such group, room or depart-
39 ment, can be simultaneously shut down. In addition to such safe-

40 guard, communication, consisting of speaking tubes, electric bells,
41 electric colored lights, or other approved and effective means, shall
42 be provided in all cases covered by this paragraph between each such
43 group, room or department, and the room in which the engineer,
44 or prime mover, is located, so that in case of need or accident the
45 motive power of such group, room or department can be promptly
46 stopped or controlled.

Sec. 61. All hoistways, hatchways, elevator wells and wheel
2 holes in factories, mercantile establishments, mills or workshops,
3 shall be securely fenced, enclosed or otherwise safely protected, and
4 due diligence shall be used to keep all such means of protection
5 closed, except when it is necessary to have the same open, in order
6 that the said hatchways, elevators or hoisting apparatus may be
7 used. All elevator cabs or cars, whether used for freight or pass-
8 engers, shall be provided with some device, whereby the car or cab
9 may be held in the event of accident, to the shipper rope or hoisting
10 machinery or controlling apparatus. If any elevator, machine,
11 electrical apparatus or system of wiring, or any part or parts there-
12 of, in any factory, mercantile establishment, mill or workshop, are
13 in an unsafe condition, or are not properly guarded, where reason-
14 able to guard the same, the owner or lessee or his agent, superin-
15 tendent or other person in charge thereof, shall, upon notice from
16 the commissioner of labor or factory inspector, remedy such unsafe
17 condition within a reasonable time after receiving such notice.

Section 62. No employee shall take or be allowed to take food
2 into any room or apartment in any factory, mercantile establish-
3 ment, mill or workshop, where white lead, arsenic, or other poison-
4 ous substances, or injurious or noxious fumes, dusts or gases under
5 harmful conditions are present, as the result of the business con-
6 ducted by such factories, mercantile establishments, mills or work-
7 shops, and notice to this effect shall be posted in each room or apart-
8 ment. Employees shall not remain in any such room or apartment
9 during the time allowed for meals, and suitable provisions shall be
10 made and maintained by the employer, when practicable, for en-
11 abling the employees to take their meals elsewhere in such estab-
12 lishment.

Sec. 63. Every person, firm or corporation employing fe-
2 males in any factory, mercantile establishment, mill or workshop,
3 in this state, shall provide a reasonable number of suitable seats
4 for the use of such female employees, and shall permit the use of
5 such seats by them when they are not necessarily engaged in active

6 duties for which they are employed, and shall permit the use of
7 such seats at all times when such use would not actually and
8 necessarily interfere with the proper discharge of the duties of such
9 employees, and where practicable, such seats shall be made a per-
10 manent fixture and may be so constructed or adjusted that when
11 seats are not in use, they will not obstruct such female employee
12 when engaged in the performance of her duties.

Sec. 64. In all factories, mercantile establishments, mills or
2 workshops, sufficient and reasonable means of escape in case of fire
3 shall be provided, and such means of escape shall at all times be
4 kept free from any obstruction and shall be kept in good repair
5 and ready for use, and shall be plainly marked as such. The com-
6 missioner of labor or factory inspector may order fire escapes erected
7 on the outside of buildings used as factories, mercantile establish-
8 ments, mills or workshops which are two or more stories in height,
9 whenever deemed by the commissioner of labor or factory inspector
10 to be necessary.

Sec. 65. In all factories, mercantile establishments, mills or
2 workshops, proper and substantial hand rails shall be provided on
3 all stairways, and the treads thereon shall be so constructed as to
4 furnish a firm and safe foothold. A proper light shall be kept
5 burning by the owner or lessee in all main passageways, main hall-
6 ways, at all main stairs, main stair landings and shafts, and in front
7 of all passenger or freight elevators, upon the entrance floors, and
8 upon other floors, on every workday of the year, from the time that
9 the building is open for use until the time when it is closed, except
10 at times when the influx of natural light shall make artificial light
11 unnecessary. No floor space or any work room in any factory, mer-
12 cantile establishment, mill or workshop, shall be overloaded with
13 machinery or other material as thereby to cause serious risk to or
14 endanger the life or limb of any employee, nor shall there be per-
15 mitted in any such establishment, a load in excess of the safe su-
16 staining power of the floors and walls thereof, machines must not be
17 placed so closely together as to be a serious menace to those that
18 have to pass between them. Passageways must be of ample width,
19 well lighted and free from obstruction.

Sec. 66. Every factory, mercantile establishment, mill or
2 workshop, shall be provided with a sufficient number of water clos-
3-5 ets, and whenever both male and female persons are
6 employed, said water closets shall be provided separate and
7 apart for the use of each sex, and plainly marked by which sex they

8 are to be used; and no person or persons shall be allowed to use the
9 closets assigned to the opposite sex; and such water closets shall be
10 constructed in an approved manner and properly enclosed, and at all
11 times kept in a clean and sanitary condition. The closets, where
12 practicable, shall be located so that they shall have direct ventilation
13 with the outside air; where it is impracticable to locate the closets
14 so as to have direct ventilation with the outside air, they shall be
15 placed in an inclosure, and every such closet shall be properly and
16 effectively disinfected and separately ventilated, and shall be prop-
17 erly lighted by artificial light, except when the influx of natural
18 light makes artificial light unnecessary.

Sec. 67. In all factories, mercantile establishments, mills or
2 workshops, adequate washing facilities shall be provided for the
3-7 employees, where necessary. When the labor performed by the em-
8 ployees is of such a character as to make customary or necessary a
9 change of clothing by the employees, there shall be provided sani-
10 tary and suitable dressing room or rooms, and both such dressing
11 rooms and washing facilities shall be separately maintained for each
12 sex.

Sec. 67-a. Every person who shall light a pipe, cigar or cigar-
2 ette in, or who shall enter with a lighted pipe, cigar or cigarette, any
3 factory, mercantile establishment, mill or workshop in which is
4 posted in a conspicuous place over and near each principal entrance
5 a notice in plain English letters, stating that no smoking is al-
6 lowed in such building, shall be guilty of a misdemeanor, and
7 upon conviction thereof shall be fined not less than twenty dollars
8 nor more than one hundred dollars for each separate offense. The
9 commissioner of labor or factory inspector shall have authority to
10 inspect steam boilers in this state and any person owning or operat-
11 ing steam boilers shall provide the same with steam gauge, safety
12 valve and water gauge and keep the same in good order. Any
13 person neglecting so to do, shall be guilty of a misdemeanor and
14 upon conviction thereof shall be fined not less than twenty nor
15 more than one hundred dollars.

Sec. 67-c. Whenever any employer of labor shall here-
2 after discharge his or its employees without first paying them
3 the amount of any wages or salary then due them in cash, lawful
4 money of the United States, or its equivalent or by check or draft,
5 within seventy-two hours after demand, or shall fail or refuse to
6 pay them in like money, or its equivalent or by check
6-a or draft, the amount of any wages or salary at the

7 time the same becomes due and owing to them under their con-
8 tract of employment, whether employed by the hour, day, week
9 or month, each of his or its employees so discharged may
9-a charge and collect wages in the sum agreed upon in the contract
10 of employment for each day his employer is in default, until he is
11 paid in full, without rendering any service therefor; *provided, how-*
12 *ever*, he shall cease to draw such wages or salary thirty days after
13 such default. Every employee shall have such lien and all other
14 rights and remedies for the protection and enforcement of such
15 salary or wages, as he would have been entitled to had he rendered
16 service therefor in manner as last employed. This section shall
17 not apply in case of bankruptcy, assignment or other legal dis-
18 ability of the employer to pay for any wages so due and owing,
19 or in case of shut down or other cessation of operations.

Sec. 67-d. Any person, firm or corporation who shall, or any
2 agent, manager or superintendent of any person, firm or corpora-
3 tion, who, for himself or for such person, firm or corporation, shall
4 violate any of the provisions of this act, or who omits or fails to
5 comply with any of the foregoing requirements of this act, or who
6 disregards any notice of the commissioner of labor or state factory
7 inspector, when said notice is given, in accordance with the pro-
8 visions of this act; or who obstructs or interferes with any exam-
9 ination or investigation being made by the commissioner of labor or
10 a state factory inspector, under this act, or any employee in any
11 such factory, mercantile establishment, mill or workshop, who shall
12 remove or interfere with any guard or protective or sanitary de-
13 vice, required by the provisions of this act, except as hereinbefore
14 provided, or who shall violate any of the other provisions of this
15 act, where penalties are not otherwise provided, shall be punished
16 for the first offense by a fine of not less than ten dollars, nor more
17 than fifty dollars; and upon conviction of the second or subsequent
18 offense, shall be fined not less than twenty-five dollars, nor more
19 than two hundred dollars. A justice of the peace shall have con-
20 current jurisdiction with the circuit court and other courts having
21 criminal jurisdiction in his county for the trial of offenses under
22 this act. Those portions of all coal mining properties and
23 operations now under the supervision of the department of mines
24 are excepted from the provisions of this act.

Sec. 67-e. The commissioner of labor, inspectors and chief
2 clerk shall make and keep full and proper record of all their
3 expenses, and of inspections and statistics as to conditions, changes

4 and improvements made for the safety and welfare of employees
5 affected by this act, and that the commissioner of labor shall sub-
6 mit a proper report thereof to each biennial session of the legis-
7 lature.

Sec. 67-f. Sections six, fifty-nine, sixty, sixty-one, sixty-
2 two, sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven
3 of chapter fifteen-h, of the code of West Virginia of one thousand
4 nine hundred and sixteen be and they are hereby repealed.

CHAPTER 31.

House Bill No. 54.)

AN ACT to amend and re-enact section nineteen of chapter one hun-
dred and fifty-two of Barnes' code of the edition of one thousand
nine hundred and eighteen.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the
Governor February 18, 1919.]

SEC.

1. Competency of accused as a wit- ness in trial before court for misdemeanor or felony; com-		SEC. petency of wife or husband as witness in certain actions; not compulsory, but optional.
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Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter one hundred and fifty-two of
Barnes' code, of the edition of one thousand nine hundred and eigh-
teen, be amended so as to read as follows:

Section 19. In any trial or examination in or before any
2 court or officer for a felony or misdemeanor, the accused shall, at
3 his or her own request (but not otherwise) be a competent witness
4 on such trial and examination. The wife or husband of the ac-
5 cused shall, also, at his or her request, where the offense is com-
6 mitted against either the husband or the wife or the child, father,
7 mother, sister or brother of either of them, or upon the request
8 of the accused (but not otherwise) be a competent witness on such
9 trial and examination. But nothing in this section shall be con-
10 strued as being compulsory upon either husband or wife, and a
11 failure to make such request by either party shall not create any
12 presumption against him or her, nor shall any reference be made to
13 nor comment upon such failure by any one during the progress of
14 the trial in the hearing of the jury.

CHAPTER 32.

(House Bill No. 156—Mr. Hale.)

AN ACT to create the department of mines; to re-district the state for the purpose of mine inspection; and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven.

[Passed February 13, 1919. In effect from passage. Approved by the Governor February 18, 1919.]

Sec.

1. Department of mines created; purpose for; office of chief of department; duties.
2. Appointment of chief by the Governor; term of office.
4. Qualifications of chief; salary of chief; how paid.
7. Division of state into mining districts; appointment of inspectors; terms of office, first appointment.

SEC.

9. Qualifications of inspectors; prohibiting ownership, operation, stockholding or participation in ownership of mines; term of office; when beginning and ending; removals for incompetency, neglect of duty, drunkenness or other causes; salaries; traveling expenses; when and how paid; repealing all acts or parts of acts inconsistent with this act.

Be it enacted by the Legislature of West Virginia:

That sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen be 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 its
 3 purpose the supervision of the execution and enforcement of all
 4 state laws pertaining to the inspection of mines, heretofore and
 5 hereafter enacted for the safety of persons employed within or at
 6 the mines within this state, and the protection of mine property and
 7 other property used and in connection therewith; and the said
 8 department of mines shall be in charge of an official to be known
 9 as the "chief of the department of mines", who shall have full
 10 charge of said department, and who shall superintend and direct
 11 the inspection of mines as herein provided and as provided by any
 12 other state law not in conflict with this act.

Sec. 2. On or before March first, one thousand nine hun-
 2 dred and nineteen the governor shall, with the consent of the
 3 senate, appoint a chief of the department of mines, who shall
 4 continue in office until December thirty-first, one thousand nine
 5 hundred and twenty-one, or until his successor shall be duly
 6 appointed and qualified, unless sooner removed as provided by
 7 law; and the governor of the state shall, with the consent of the
 8 senate, appoint a chief of the department of mines whose term
 9 of office shall begin January first, one thousand nine hundred

10 and twenty-two, and shall continue for four years, or until his
11 successor shall be duly appointed and qualified; and the governor,
12 with the consent of the senate, shall each four years thereafter
13 appoint a chief of the department of mines for the term of four
14 years or until his successor be appointed and qualified.

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

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 nineteen 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 ap-
5-a point one inspector for each mining district within the state,
6 whose term of office shall expire the thirty-first day of December,
7 one thousand nine hundred and twenty-one, unless sooner removed
8 as provided by law; and he shall direct and prescribe in which of
9 the said districts each of the said inspectors shall serve. After
10 December thirty-first, one thousand nine hundred and twenty-one,
11 appointments of all inspectors shall be for a term of four years,
12 except those appointments made to fill out unexpired terms.

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 as
8 owner, operator, stockholder, superintendent, or engineer of any
9 coal mine, and he shall be of good moral character and temperate
10 habits. His term of office shall expire on December thirty-first,
11 one thousand nine hundred and twenty-one, or when his suc-

cessor is appointed and qualified, unless sooner removed as provided by law. An inspector of mines shall be removed from office by the chief of department of mines for incompetency, neglect of duty, drunkenness, malfeasance, or for other good cause. The salary of each district mine inspector shall be three thousand dollars per annum, and actual traveling expenses; such salary and expenses shall be paid monthly out of the state treasury upon approval of the chief of department of mines; *provided*, that before payment of such expense shall be made to the inspector he shall file an account of such expense, verified by his affidavit, showing they accrued in the discharge of his official duties.

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

CHAPTER 33.

House Bill No. 197—Mr. Parsons.)

AN ACT to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the "Independent School District of Point Pleasant," and to change and enlarge the boundary and limits of said independent school district so as to include additional territory.

[Passed February 14, 1919. In effect from passage. Became a law without the Governor's approval.]

SEC.

1. Act to be submitted to voters; territory of Point Pleasant independent school district bounded and described; providing for special election to be held under direction of board of education; date of election; providing for special election to be held by voters of magisterial district of Lewis proposed to be included in Point Pleasant independent school district; date of such election.
2. Tickets for and method of holding election; result of such election.
3. Board of education for independent school district of Point Pleasant; how constituted; method of election; terms of office; when beginning and ending.
4. Laws governing independent district and board of education; present board of education to continue in office until successors are elected and qualified; duties of temporary board; reelection of members of present board not prohibited; vacancies in board; method of filling vacancies.
4. Unexpended school moneys of

SEC.

- Lewis district; disposition of same; duty of boards of education to make financial settlement.
6. Appointment of secretary to the board; duties of the secretary; salary.
7. Ascertaining amount of money necessary to keep schools of district in operation not less than nine months of each year; levying and collecting of taxes; sheriff's commission.
8. Establishment and maintenance of a high school; qualifications of teachers for such school; taxpayers may enforce requirements by mandamus to compel performance of official duty, or by injunction to prevent violation thereof; privilege of district to maintain other schools in addition of high school; admittance of non-resident pupils to high school upon payment of tuition to be fixed by the board; appointment of teachers for current school year; removal for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia creating the independent school district of Point Pleasant and any amendments thereto be amended and re-enacted so as to change and enlarge the boundary limits of said independent school district of Point Pleasant created by chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven to read as follows:

Section 1. That in case a majority of the voters voting on 2 the question at the election herein provided for, be in favor thereof, 3 the following described territory in the county of Mason shall 4 after the result of such election is ascertained and declared, be 5 added to and become a part of the independent school district of 6 Point Pleasant, to-wit:

7 All that territory bounded and described as follows:

8 Beginning at a point on the Kanawha river where a stake is 9 called for, being a corner of the lands formerly owned by C. C. 10 Miller, who is now deceased, and the lands of the Kanawha and 11 Michigan railway company, thence with the division line between 12 said Miller lands and the railway company lands, north twenty- 13 nine degrees forty-five minutes, east two hundred four poles and 14 twenty-two links to a stake; thence by same course fifty-five poles 15 and four links to a corner of the said Miller lands, the lands of 16 the Kanawha and Michigan railway company and the lands for- 17 merly owned by J. D. McCulloch; thence north fifty-eight de- 18 grees west; two hundred ninety-seven poles to a stake on the south 19 side of the Clarksburg road; thence crossing the lands formerly 20 belonging to H. J. Fisher, north seventy degrees west ninety poles 21 and twelve links to a stake on the south side of a road; thence 22 north thirty-seven degrees thirty minutes west, thirty-seven poles 23 to a large cedar tree on a hill side; thence north twenty degrees 24 fifteen minutes, one hundred twenty-one poles at a chestnut oak 25 on a hill side; thence north twenty-eight degrees thirty minutes 26 east, one hundred thirty-four poles and eleven links to a small 27 black oak on the top of a ridge on the lands of P. S. Eastham; 28 thence north seventy-three degrees thirty minutes west, to the 29 west bank of Crooked creek; thence along the west bank of Crook- 30 ed creek with its meanderings and bindings thereon, north thirty- 31 five degrees east four poles; north seventy-one degrees thirty 32 minutes east, sixteen poles; north twenty-three degrees twenty

33 poles; north twenty-two degrees east, twelve poles; north sixty-
34 seven degrees forty-five minutes east, twelve poles; south eighty-
35 four degrees fifteen minutes east, seventeen poles; north forty-
36 two degrees thirty minutes east, twelve poles; north two degrees
37 east, eight poles to the division line between the lands of P. C.
38 Eastham and James Capehart; thence across the lands of James
39 Capehart north five degrees east, four poles; north twenty-four
40 degrees thirty minutes east, ten poles; north twenty-four degrees
41 thirty minutes west, nine poles; north thirty-three degrees thirty
42 minutes east, twenty-five poles; north fifty-six degrees thirty-two
43 minutes east, thirty-two poles; north six degrees east, sixteen
44 poles; north thirty-three degrees thirty minutes east, twenty-two
45 poles to a point on south side of Jerico road, same being corner
46 to lands of E. J. Mossman; thence with the lines of said E. J.
47 Mossman south thirty-seven degrees west ten poles to a stake in
48 center of road; north eighty-one degrees thirty minutes west, four
49 poles ten and one-half links to a point in center of Jerico road;
50 thence leaving said Jerico road north eight degrees east thirty-
51 two poles nineteen links to a post set in the ground on the fifteenth
52 day of July, one thousand nine hundred and four; thence south
53 eighty-two degrees east twenty-five poles to a stake on top of creek
54 bank; thence along top of creek bank north twenty-seven degrees
55 fifteen minutes east, twenty poles to a stake; thence north thirty-
56 five degrees east ten poles ten links to a stake in bend of the fence;
57 thence north fourteen degrees thirty minutes east, thirty-eight
58 poles ten links to a stake in out line of thirty-six acre tract known
59 as lot number one in Point Pleasant development company's sur-
60 vey; thence with said lot number one north eighty-two degrees west
61 nine poles fifteen links to a stake; thence north forty-one degrees
62 west eleven poles eight links to a stake at the north east corner of
63 fair ground; thence along the north line of said fair grounds north
64 eighty-two degrees west, nine poles to a stake; thence north six
65 degrees east, sixty-one poles eleven links to a stake; thence south
66 thirty degrees east, seven and one-half poles to a fence post in
67 southeast corner of cemetery lot; thence along the south line of
68 cemetery lot north seventy-five degrees forty-five minutes west
69 forty-eight poles to the east line of Jackson avenue as laid out by
70 the Point Pleasant development company; thence along the east
71 line of Jackson avenue north nine degrees east, thirty-four poles
72 twelve links to a stake in the outline of the Point Pleasant de-

73 velopment company's lands and with said outline and line of land
74 of Mrs. Ham Parr north seventy-six degrees west one hundred
75 seventy-one poles to a stake in the south bank of Old Town creek;
76 thence along the south bank of said Old Town creek with its
77 meandors and binding thereon, south thirty-five degrees west, six-
78 teen poles four links; north forty-seven degrees fifteen minutes
79 west, six poles, north twenty-eight degrees forty-five minutes west,
80 eight poles; north seventy-five degrees west, five and one-half
81 poles; south three degrees thirty minutes three poles four links;
82 south twenty-eight degrees east, six poles twenty links; south
83 twenty degrees east, five poles; south twelve degrees west, six poles
84 nine links; south eight degrees west, seven poles seven links;
85 north eighty-one degrees thirty minutes west, four poles twenty-
86 two links; south forty-four degrees forty-five minutes west, thir-
87 teen poles twenty-three links to the top of the Ohio river bank;
88 thence north seventy-three degrees thirty minutes west, to the
89 Ohio and West Virginia state line; thence with said state line
90 down the Ohio river to a point opposite the center of the Kana-
91 wha river; thence crossing the Ohio river and in a line with the
92 center of the Kanawha river, and continuing said course up the
93 center of said Kanawha river five hundred three poles to a point
94 opposite the beginning corner, thence north twenty-nine degrees
95 forty-five minutes east, three hundred twenty-five feet to the place
96 of beginning. The same being the metes and bounds of the city
97 of Point Pleasant.

98 *Provided, however,* that before this act shall take effect as
99 to the territory included in the said independent school district of
100 Point Pleasant, as existing before this act went into effect, it
101 shall be submitted to the voters of the independent school dis-
102 trict of Point Pleasant at a special election to be held in said
103 independent district under the direction of the board of educa-
104 tion thereof, to be held on the twelfth day of April, one thou-
105 sand nine hundred and nineteen, and before the same shall take
106 effect as to any part of the magisterial district of Lewis pro-
107 posed to be included in said independent school district of Point
108 Plessant from said district of Lewis, it shall be submitted to
109 the voters of the said magisterial district of Lewis at a special
110 election to be held in said district under the direction of the
111 board of education thereof, to be held on the twelfth day of
112 April, one thousand nine hundred and nineteen.

Sec. 2. The tickets for the said election herein provided for 2 shall have written or printed thereon "For enlarging independent 3 school district" and "Against enlarging independent school dis- 4 trict." The said election shall be held and conducted and the 5 result thereof, in each of said districts, ascertained by officers to 6 be appointed for the purpose in each of said districts by the 7 boards of education thereof, respectively, conforming to the gen- 8 eral law governing elections so far as applicable, and if the ma- 9 jority of the votes cast upon said question in each of the said dis- 10 tricts shall be in favor of enlarging said independent school dis- 11 tricts of Point Pleasant then the territory described in section 12 one of this act shall thereafter be included within the independent 13 school districts of Point Pleasant. If, however, the majority of 14 votes cast upon said question in either of said districts shall be 15 against enlarging said independent school district of Point Pleas- 16 ant, or if the vote be even, then the boundary limits of said in- 17 dependent school district shall be and remain as they were before 18 this act went into effect.

Sec. 3. In the independent school district of Point Pleasant 2 there shall be a board of education, who shall be a corporation by 3 the name of "The Board of Education of the independent school 4 district of Point Pleasant, in the county of Mason," and as such 5 shall possess all the power and be subject to all the liabilities of 6 such corporation, and in addition thereto shall likewise perform 7 all the duties and be subject to all the liabilities of both boards of 8 education and trustees. Except as in the next section otherwise 9 provided, said board of education shall consist of a president and 10 two commissioners, to be elected at the general elections held in 11 said county of Mason, all of whom, after those first elected, shall 12 hold their offices for terms of four years, beginning on the first 13 day of July, next after the dates of their respective elections, and 14 until their successors shall have been elected and qualified. They 15 shall be first elected at the general election to be held as aforesaid 16 in the year nineteen hundred and twenty, the president and one of 17 said commissioners for terms of two years, commencing as afore- 18 said, and the other commisioner for the full term of four years.

Sec. 4. The independent school district of Point Pleasant 2 herein authorized, and the board of education herein authorized 3 to be elected, shall conform to, and be governed by, the general 4 school law in this state, except where it is otherwise provided by

5 this act. But until the board of education is elected as provided
6 in the next preceding section, the present members of the board
7 of education of the independent school district of Point Pleasant,
8 and the members of the board of education of Lewis district re-
9 siding within the territory included in this act shall be and is
10 hereby constituted the board of education of the independent
11 school district of Point Pleasant as created by this act until their
12 successors are elected and qualified, as aforesaid. The members
13 of the temporary board of education so constituted shall on the first
14 Monday in July, 1919, meet and elect one of their members presi-
15 dent of said board. Nothing herein contained shall be construed
16 to prohibit the re-election and eligibility of any member of such
17 board for two or more terms. Vacancies in the board shall be
18 filled for the unexpired term by appointment by said board within
19 four weeks after such vacancy shall have occurred. If the board
20 shall fail or refuse to act within this time, the county superintend-
21 ent of schools shall promptly fill said vacancy by appointment.

Sec. 5. All school moneys, whether belonging to the teach-
2 ers' or building fund of Lewis district, which may be unexpended
3 when the provisions of this act take effect, shall be divided be-
4 tween the said Lewis district and the independent school district
5 of Point Pleasant, in proportion to the amount of taxable prop-
6 erty added to the independent school district of Point Pleasant.
7 The latest assessment for state and county purpose shall be taken
8 as the basis of such settlement and division. It shall be the duty
9 of the boards of education of each of said districts, on or before
10 the first day of July, next after the provisions of this act take
11 effect, to make the financial settlement provided for in this sec-
12 tion.

Sec. 6. The said board of education, at their annual meet-
2 ing on the first Monday of July of each year, shall appoint a sec-
3 retary who shall not be a member of the board, and who shall
4 perform all the duties of a secretary of a board of education pre-
5 scribed in the general school law, and in addition thereto, shall
6 make an enumeration of the youths of the said independent dis-
7 trict, between the ages of six and twenty-one years of age, at the
8 time required by the general school law, and according to the
9 provision therein contained in relation to the making enumera-
10 tion of youths. Salary of said secretary shall not exceed one
11 hundred and fifty dollars per year.

Sec. 7. It shall be the duty of the board of education of said

2 independent district at their annual meeting, to be held at the
3 time required by the general school law, to ascertain, as near as
4 can be, the amount of money necessary, in addition to other funds
5 properly belonging to said independent district available for that
6 year, to keep the schools of said districts in operation not less than
7 nine months in the year, for which amount said board shall levy
8 a tax upon the taxable property included in said district, which
9 tax shall be collected in the same manner as other school taxes
10 are collected, under the provisions of the general school law of
11 this state; and for collecting the same the sheriff shall be allowed
12 the same commission as he is allowed by law for collecting the
13 school money for the districts.

Sec. 8. The board of education of said independent school
2 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) the requirements of this section,
10 as to such high school, may be enforced by any taxpayer
11 of said independent district by mandamus to compel
12 performances of official duty thereunder, or injunction to
13 prevent violation thereof. In addition to said high school,
14 said board of education may establish and maintain such
15 other schools as shall, in their judgment, promote the edu-
16-17 cational interests of children of said independent school
18 district. Pupils between the ages of six and twenty-one years,
19 residing elsewhere than in said independent district may be ad-
20 mitted to said schools upon payment to said board of education,
21 in advance, of a reasonable monthly tuition, to be fixed by said
22 board, and to become a part of the teachers' fund of said inde-
23 pendent district. Said board of education shall, at a meeting to
24 be held not later than the first day of September, in each year,
25 appoint the teachers for said schools for the current school year,
26 and fix and determine their salaries for such year. Such appoint-
27 ments shall be recorded by the secretary of said board; and any
28 teacher appointed by said board may, by them, be removed for
29 incompetency, neglect of duty, intemperance, profanity, cruelty
30 and immorality.

CHAPTER 34.

(House Bill No. 93—Mr. Parsons.)

AN ACT to regulate the sale of commercial feeding stuffs.

[Passed February 17, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

1. Defining term "commercial feeding stuffs."
2. Requiring tag or label affixed to every parcel, containing legible statement of contents; method of determining crude proteins, crude fats and crude fibre in feeding stuffs.
3. Certified copy of statement by manufacturers, importers, jobbers, associations, corporations or persons offering for sale or distributing feeding stuffs to be filed with commissioner of agriculture; commissioner may require sample package of feeding stuffs with affidavit as to contents; regulating the sale of tankage, meat meal or meat scraps; each container required to have label from bureau of animal industry.
4. Inspection tax on commercial feeding stuffs: to whom paid; label showing tax having been paid; regulating sale of commercial feeding stuffs in bulk.
5. Power of commissioner of agriculture to refuse to register commercial feeding stuffs under misleading brand or name; power to cancel registration if found deceptive; other powers of the commissioner.
6. Other agents not required to file statement or pay tax when same has been filed and paid by manufacturer, importer, jobber, firm, association, corporation or person manufacturing or selling like brand of commercial feeding stuffs.
7. Commissioner of agriculture to have free access to places of business, mills, buildings, carriages, cars, vessels and parcels used in manufacture, transportation, importation, sale or storage

SEC.

- of commercial feeding stuffs; authority to open parcels and take therefrom samples for analysis; shall annually cause analysis of samples of all commercial feeding stuffs; method of analysis; publication of bulletin for guidance of purchasers of feeding stuffs.
8. Violations of provisions of this act; certification of same to prosecuting attorneys; notice to be given to persons charged with violations; right of party so notified to be heard in his defense before facts shall be certified to prosecuting attorney; certificates of analysis when duly sworn to, *prima facie* evidence of facts certified.
9. Violations of act defined; penalty upon conviction thereof for first and subsequent violations.
10. Commissioner of agriculture empowered to enforce provisions of this act; to prescribe form of tags, stamps or labels showing tax has been paid; to prescribe and enforce rules he may deem necessary to carry into effect full intent and meaning of act.
11. Moneys collected by commissioner of agriculture; disposition of same; payment of legitimate expenses incurred in enforcement of act; moneys remaining to be used in carrying on co-operative work with U. S. bureau of animal industry for eradication of tuberculosis among cattle; expenses not to exceed \$15,000 per year.
12. Provision for commercial feeding stuffs manufactured and prepared from pure grain at any mill in this state.
- 12-a. Repealing all laws or parts of laws in conflict.

Be it enacted by the Legislature of West Virginia:

Section 1. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir, and milo; whole hays, straws, cotton seed hulls and corn stover when unmixed with other materials, together with all other materials containing sixty per cent, or more of water.

Sec. 2. Every lot or parcel of commercial feeding stuffs sold,

2 offered or exposed for sale or distributed within the state shall have
3 affixed thereto a tag or label, in a conspicuous place on the outside
4 thereof, containing a legible and plainly printed statement in the
5 English language, clearly and truly certifying:

6 (a) The net weight of the contents of the package, lot or
7 parcel;

8 (b) The name, brand or trade mark;

9 (c) The name and principal address of the manufacturer or
10 person responsible for placing the commodity on the market;

11 (d) The minimum per centum of crude protein;

12 (e) The minimum per centum of crude fat;

13 (f) The maximum per centum of crude fiber;

14 (g) The specific name of each ingredient used in its manu-
15 facture.

16 The crude protein, crude fat and crude fiber shall be deter-
17 mined by the methods in force at the time by the association of offi-
18 cial agricultural chemists of the United States.

Sec. 3. Before any manufacturer, importer, jobber, firm, as-
2 sociation, corporation or person shall sell, offer or expose for sale
3 or distribute in this state any commercial feeding stuffs, he or they
4 shall file with the commissioner of agriculture a certified copy of
5 the statement specified in section two for each brand of commer-
6 cial feeding stuffs; said certified copy to be accompanied when
7 the commissioner of agriculture shall so request by a sealed pack-
8 age containing at least one pound of the commercial feeding stuffs
9 to be sold, offered or exposed for sale, or distributed in this state;
10 and the company or person furnishing said sample shall thereupon
11 make affidavit that the said sample is representative of the com-
12 mercial feeding stuffs offered for registration. Tankage, meat
13 meal or meat scraps cannot be sold in this state through dealers,
14 or otherwise, except under the regulation of government inspec-
15 tion of tankage, meat meal or meat scraps, and that each con-
16 tainer shall have a prescribed label from the bureau of animal
17 industry in compliance with the act of congress of June thirtieth,
18 one thousand nine hundred and six.

Sec. 4. Each and every manufacturer, importer, jobber,
2 firm, association, corporation or person manufacturing or selling
3 any commercial feeding stuffs as defined in section one of this
4 act, shall pay to the commissioner of agriculture an inspection
5 tax or fee of twenty-five cents per ton for each ton of commercial
6 feeding stuffs sold, offered or exposed for sale or distributed in

7 this state, and shall affix to or accompany each lot shipped in bulk,
8 and to each parcel of such commercial feeding stuffs, stamp or label
9 to be furnished by the commissioner of agriculture, stating that
10 all charges specified in this section have been paid. Whenever any
11 commercial feeding stuffs as defined in section one is offered or
12 exposed for sale in bulk or otherwise stored, the manufacturer, im-
13 porter, jobber, firm, association, corporation or person keeping the
14 same for sale shall keep on hand cards upon which shall be printed
15 the statement required by the provisions of section two, and when
16 such feeding stuffs is sold at retail in bulk or in packages belong-
17 ing to the purchaser, the manufacturer, jobber, firm, association,
18 corporation or person shall furnish the purchaser with sufficient
19 tax tags or stamps to cover the sale, and, upon request, with a card
20 or cards upon which appears the statement required by the pro-
21 visions of section two.

Sec. 5. The commissioner of agriculture shall have power to
2 refuse to register any commercial feeding stuffs under a name,
3 brand or trade mark which would be misleading or deceptive or
4 which would tend to mislead or deceive as to the materials of
5 which it is composed, or when the specific name of each and all
6 ingredients used in its manufacture are not stated. He shall also
7 have the power to refuse to register more than one commercial
8 feeding stuffs under the same name or brand when offered by the
9 same manufacturer, jobber, importer, firm, association, corpora-
10 tion or person. Should any commercial feeding stuffs be regis-
11 tered in this state, and it is afterward discovered that such regis-
12 tration is in violation of any of the provisions of this act, the
13 commissioner of agriculture shall have the power to cancel such
14 registration. The commissioner of agriculture shall have the
15 power to refuse to allow any manufacturer, importer, jobber, firm,
16 association, corporation or person to lower the guaranteed analy-
17 sis or change the ingredients of any brand of his or their com-
18 mercial feeding stuffs during the term for which registered unless
19 satisfactory reasons are presented for making such change or
20 changes.

Sec. 6. Whenever a manufacturer, importer, jobber, firm,
2 association, corporation or person manufacturing or selling a brand
3 of commercial feeding stuffs shall have filed the statement required
4 by section three and paid the inspection tax or fee, as required by
5 section four of this act, no other agent, importer, jobber, firm, as-

6 sociation, corporation or person shall be required to file such state-
7 ment or pay such tax or fee upon such brand.

Sec. 7. The commissioner of agriculture is authorized in
2 person, or by deputy, to have free access to all places of business,
3 mills, buildings, carriages, cars, vessels, and parcels of whatsoever
4 kind used in the manufacture, transportation, importation, sale or
5 storage of any commercial feeding stuffs, and shall have the power
6 and authority to open any parcel containing or supposed to con-
7 tain any commercial feeding stuffs; and upon tender and full pay-
8 ment of the selling price, to take therefrom samples for analysis.
9 And said commissioner shall annually cause to be analyzed at least
10 one sample of every commercial feeding stuffs that is found, sold,
11 offered or exposed for sale, or distributed in this state. The meth-
12 ods of analysis shall be those in force at the time by the association
13 of official agricultural chemists of the United States. The said
14 commissioner shall publish annually in pamphlet or bulletin form,
15 the result of all analyses and other examinations required by this
16 section, for the guidance of purchasers of commercial feeding stuffs
17 in this state.

Sec. 8. If it appears that any of the provisions of this act
2 have been violated, the commissioner of agriculture shall certify
3 the facts to the proper prosecuting attorney, and furnish that offi-
4 cer with a copy of the results of the analysis or other examination
5 of such feeding stuffs, duly authenticated by the analyst or other
6 officer making the determination under the oath of such officer;
7 *provided*, that if it shall appear from any such examination that
8 any of the provisions of this act have been violated, the said com-
9 missioner shall cause notice to be given to the manufacturer or
10 dealer from whom said sample was taken. Any party so notified,
11 shall be given an opportunity to be heard in his defense under
12 such rules and regulations as may be prescribed by the commis-
13 sioner of agriculture, before the facts shall be certified to the
14 proper prosecuting attorney. In all prosecutions arising under
15 the provisions of this act, certificates of the analyst or other officer
16 making the examination or analysis, when duly sworn to by such
17 officer, shall be *prima facie* evidence of the fact or facts therein
18 certified.

Sec. 9. Any manufacturer, importer, jobber, firm, associ-
2 ation, corporation or persons who shall sell, offer or expose for sale,
3 or distribute in this state, any commercial feeding stuffs without
4 having attached thereto or furnished therewith such tax stamps,
5 labels or tags, as required by this act, or who shall use the re-

6 quired tax stamps, labels or tags, or who shall impede, obstruct,
7 hinder, or otherwise prevent or attempt to prevent said commis-
8 sioner or his authorized agent in the performance of his duty in
9 connection with the provisions of this act, or who shall sell, offer
10 or expose for sale or distribute in this state any commercial feed-
11 ing stuffs as defined in section one without complying with the
12 requirements of the provisions of this act; or who shall sell, offer,
13 or expose for sale or distribute in this state any commercial feed-
14 ing stuffs which contains a small percentum of crude protein or
15 crude fat, or a larger percentum of crude fiber than is certified
16 to be contained therein, or who shall fail to properly state the
17 specific name of each and every ingredient used in its manufac-
18 ture, shall be deemed guilty of a violation of the provisions of
19 this act and upon conviction thereof shall be fined not more than
20 one hundred dollars for the first violation, and not less than one
21 hundred dollars for each subsequent violation.

Sec. 10. The commissioner of agriculture is hereby em-
2 powered to enforce the provisions of this act, and to prescribe the
3 form of tags, stamps or labels to be used to show that the in-
4 spection tax or fee has been paid; and to prescribe and enforce
5 such rules as he may deem necessary to carry into effect the full
6 intent and meaning of this act.

Sec. 11. The commissioner of agriculture shall pay prompt-
2 ly into the treasury of the state all money received by him on ac-
3 count of this act and shall draw upon the same to meet all legiti-
4 mate expenses incurred in the enforcement of this act, and any
5 moneys remaining after all expenses have been paid shall be ex-
6 pended by the said commissioner. Any moneys received under
7 this act, remaining after said expenses have been paid, shall be
8 used by the commissioner for carrying on co-operative work with
9 the United States bureau of animal industry for the eradication
10 of tuberculosis among cattle in this state and such moneys re-
11 maining as aforesaid are hereby appropriated to the use of said
12 purposes. Said expenses shall not exceed fifteen thousand dollars
13 in any one fiscal year.

Sec. 12. *Provided*, that any commercial feeding stuffs, manu-
2 factured and prepared from pure grain at any mill in this state
3 and sold by the manufacturer thereof, shall not be required to be
4 registered and tagged.

Sec. 12-a. All laws or parts of laws in conflict with the pro-
2 visions of this act are hereby repealed.

CHAPTER 35.

(House Bill No. 148—Mr. Musser.)

AN ACT to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five, of the acts of one thousand nine hundred and seventeen.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the Governor February 19, 1919.]

SEC.

1. Empowering county court of Lewis county to lay a special levy for permanent improvement of certain roads leading out of the city of Weston; roads particularly described; provision for submission to the voters of magisterial districts bond issues for improvement of such roads; districts approving bond issues to

SEC.

be exempt from special levy.
2. Method of improving roads described; power of county court to make necessary changes; moneys realized from special levy to be placed in separate fund; separate account to be kept by court of receipts and expenditures.
3. Use of fund designated.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, as amended by chapter thirty-five, of the acts of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 1. That 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 on
4 each one hundred dollars of valuation on the taxable property of
5 the county for the year the levy is laid, to be called a special road
6 levy, for the purpose of permanently improving the five public
7 roads leading out of the city of Weston, and more particularly
8 described as the Staunton and Parkersburg turnpike, sometimes
9 called Beverly and Glenville turnpike, the Weston and Beverly
10 turnpike, sometimes called the Weston and Buchannon turnpike;
11 the Weston and Sutton turnpike; the Weston and Clarksburg
12 turnpike; and what is known as the down the river road, starting

13 at the point on the corporate line of the city of Weston, on the
14 west side of the Baltimore and Ohio railroad company's tracks
15 at or near the concrete bridge across Polk creek near Springs
16 Lumber company and running thence by way of Mid avenue or
17 Main street, Shady Brook to the Harrison county line at the A. W.
18 Rhoades near the mouth of Kincheloe creek.

19 It is *provided, however*, that if the voters of any magisterial
20 district should petition the county court to submit a bond issue
21 to permanently improve such parts of said turnpikes and roads as
22 traverses that magisterial district, the county court shall submit, in
23 the manner prescribed by law, to the voters of that magisterial
24 district, for their ratification or rejection, a bond issue, and
25 magisterial district voting bonds for the permanent improvements
26 of the said roads or turnpikes, shall be thereby exempted from
27 the operation of the special levy for permanent road purposes
28 under the provisions of this act.

Sec. 2. Said roads and turnpikes shall be permanently im-
2 proved by said county court of Lewis county, in such manner
3 as it shall decide and shall be so permanently improved under the
4 direction, authority and supervision of said county court in such
5 a way and manner as to fully carry out the provisions of sections
6 one of this act; and said county court shall make such changes in
7 the location of said roads and turnpikes as may be necessary to
8 improve the grades and curves and to carry out the provisions of
9 this act; and all moneys realized from such special levy shall be
10 placed in a separate fund apart from all other funds, and a sepa-
11 rate account shall be kept by said court of the receipt and expendi-
12 tures of the same, setting forth clearly the sum received by reason
13 of 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 purposes herein designated and to carry out the provisions
3 of this act and no other.

CHAPTER 36.

(House Bill No. 145—Mr. Cunningham.)

AN ACT to amend and re-enact section twenty of chapter one, of the
acts of the legislature of West Virginia of one thousand nine
hundred and eight.

[Passed February 15, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.]

SEC.
20. Special levy on dogs running at large in the city of Beckley, Raleigh county, and a tax upon real and personal property there-

SEC.
in; basis of valuation; purpose of such taxes; acts and parts of acts inconsistent repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty of chapter one of the acts of the legislature of West Virginia, of one thousand nine hundred and eight be amended and re-enacted so as to read as follows:

Section 20. The levy so ordered shall be a special levy of 2 not more than two dollars on each dog running at large in said 3 city and a tax upon real and personal property therein subject to 4 state, county and municipal taxes, upon the basis of the valuation 5 of said property as provided for in said chapter one, and the taxes 6 so levied upon said property to be raised for all municipal pur- 7 poses for the next fiscal year, and one additional year thereafter, 8 not to exceed sixty cents, on each one hundred dollars. All acts 9 and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 37.

(House Bill No. 200—Mr. Anderson.)

AN ACT to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

[Passed February 15, 1919. In effect ninety days from passage. Approved by the Governor February 19, 1919.]

SEC.
1. Formation of a corporation, other than a joint stock company, by any number of persons, not fewer than five.
2. Corporation shall have no capital stock; names and postoffice addresses of incorporators required; election or appointment of trustees to manage same vested in body of persons organized as a conference, association or presbytery; number of trustees and term of office.
3. Governing power, in whom vested; powers of board of trustees; original corporators board of trustees until successors are elected; number may be added to.
4. Organization of board of trustees; election of president, vice-president and secretary; adoption of

SEC.
by-laws providing for other agents and employees, and prescribing duties of officers, agents and employees; tenure of office.
5. Transfer of title to property held by board of trustees for any institution of learning to a corporation organized under provisions of this act.
6. Provisions of certain chapters of the code held to apply to corporations organized under provisions of this act; act shall not be construed to prevent creation of joint stock companies as provided for in the code.
7. References to the code of West Virginia in this act deemed to refer to Hogg's West Virginia code, 1913 edition.

Be it enacted by the Legislature of West Virginia:

Section 1. When any number of persons, not fewer than 2 five, desire to form a corporation, not a joint stock company, for

3 any of the purposes mentioned in clause four of section two of
4 chapter fifty-four of the code of West Virginia, they may do so
5 in the manner provided by said chapter fifty-four in so far as
6 the same is applicable, except as herein modified.

Sec. 2. In lieu of the matters required to be set forth in the
2 agreement of incorporation by clause four of section six of said
3 chapter fifty-four, the agreement shall state, this corporation
4 shall have no capital stock, and in lieu of the matters required to
5 be set forth in the agreement of incorporation by clause five of
6 said section six, the agreement of incorporation shall state the
7 names and post office addresses of the incorporators. In addition
8 to the matters which may be set forth under clause seven of said
9 section six as it now exists, the agreement of incorporation shall
10 provide for the election or appointment of trustees to manage the
11 corporation, and may vest the power of election or appointment of
12 such trustees in any body of persons organized as a conference,
13 association, presbytery, or such other organization of whatever
14 name, and may specify the number of trustees and provide for
15 their tenure of office.

Sec. 3. The governing power of such corporations shall be
2 vested in a board of trustees, and such board shall be vested with
3 all powers which are or may be vested in the stockholders and
4 directors of joint stock companies under the laws of the state of
5 West Virginia, except as herein differently provided and except
6 as limited by the agreement and certificate of incorporation and
7 by-laws adopted for the government of the corporation. The
8 original incorporators shall form the board of trustees until their
9 successors are elected, but their number may be added to in the
10 manner provided for the election or appointment of trustees.

Sec. 4. The trustees of such corporation shall organize with-
2 in the time provided by law for the organization of joint stock
3 companies by electing one of their number president and another
4 of their number vice-president and by the election of a secretary,
5 whose official titles shall be president of the board of trustees,
6 vice-president of the board of trustees and secretary of the board
7 of trustees, respectively. They shall adopt by-laws providing for
8 such other officers, agents and employees as may be desirable, and
9 prescribe the powers and duties of all officers, agents and em-
10 ployees. If the agreement and certificate of incorporation do not

11 prescribe the number of trustees and their tenure of office, then
12 the by-laws shall provide for same.

Sec. 5. When any board of trustees holding title to property,
2 whether real or personal or both, for any university, college,
3 seminary, high school or other institution of learning under the
4 provisions of chapter fifty-seven of the code of West Virginia,
5 shall deem that the interest of such institution of learning will
6 be promoted by a transfer of the property so held by them to a
7 corporation organized under the provisions hereof, they may do
8 so by obtaining permission from the proper court under the pro-
9 visions of section nine of chapter fifty-seven of the code of West
10 Virginia.

Sec. 6. The provisions of chapters fifty-two, fifty-three and
2 fifty-four of the code of West Virginia in so far as they are not
3 inconsistent with the provisions hereof and in so far as they may
4 be applicable shall be held to apply to corporations organized
5 under the provisions of this act, and this act shall not be construed
6 to prevent the creation of joint stock companies for the purposes
7 set forth in clause four of section two of said chapter fifty-four
8 of the code.

Sec. 7. All references to the code of West Virginia herein
2 shall be deemed to refer to Hogg's West Virginia code, one thou-
3 sand nine hundred and thirteen edition.

CHAPTER 38.

(House Bill No. 181—Mr. Moore.)

AN ACT to amend chapter fifty-four of the acts of the legislature of
West Virginia, one thousand eight hundred and ninety-five, cre-
ating the independent school district of Moundsville, by adding
thereto section twenty-five relating to compulsory attendance.

[Passed February 15, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.]

<p>SEC. 25. Persons having under their con- trol a child between the age of seven and fourteen years re- quired to cause such child to at- tend a public school for a period</p>	<p>of twenty-four weeks; provision as to exceptions set out in gen- eral school law and law relating to child labor; neglect of duty a misdemeanor; penalty upon con- viction.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the acts of the legislature of one thousand
eight hundred and ninety-five, creating the independent school dis-

trict of Moundsville, be amended by adding thereto section twenty-five as follows:

Section 25. Every person having under his control a child between the age of seven years and fourteen years shall cause such child to attend one of the public schools within said independent school district for a period of twenty-four weeks beginning with the opening of the school term therein; *provided*, that the exceptions set out in the general school law and the general law of this state relating to child labor shall apply in said independent school district and shall limit the application of this section.

For every neglect of such duties the person offending shall be guilty of a misdemeanor and shall, upon conviction thereof before any justice who is hereby authorized to try and determine such cases, be fined two dollars for the first offense and five dollars for each subsequent offense; fines shall be paid into the building funds of the said independent school district. An offense as understood herein shall consist of the failure of such person for two days in any week to cause such child to attend school.

CHAPTER 39.

(House Bill No. 46—Mr. McClaren.)

AN ACT to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a.

[Passed February 19, 1919. In effect from passage. Approved by the Governor February 21, 1919.]

SEC.
5-a. Assent to congressional act or acts naking provision for the survey, construction or maintenance of rural post roads; state road commission authorized to enter into contracts and agreements with U. S. government relating to same; good faith of state pledged to make available funds sufficient to equal sums apportioned to state by U. S. government.

14-a. State road commission in conjunction with West Virginia university to hold annually school of good roads; who shall attend; fixing time and conduct of school; expense incurred and how paid; providing for able talent to bring to state latest improvements and methods in road construction; expense and

SEC.
how paid.

25. Duty of state road commission to apportion funds to counties of state complying with this act; further duties of state road commission in distribution; appropriations by road commission of additional funds.

31. County courts empowered to lay district levy for construction, improvement and maintenance of district roads and bridges; provision for special district road levy, with written approval of state tax commissioner; combined levy not to exceed thirty cents on \$100 valuation.

40. Employment of assistants, clerks, foreman, inspectors, agents and employees; county court to determine compensation of employees.

Sec.

45. Purchase of materials necessary in construction and maintenance of roads; right of condemnation proceedings upon failure of agreement; right of road officials to enter upon lands adjacent to public roads for purpose of preventing damage to roads or bridges; allowance for damages to such lands; how paid.
112. Sheriff to employ guards for prisoners working on roads; wages of guards and how paid; guards subject to and under direction of county road engineers; monthly statement of jail keeper in reference to prisoners; how county prisoners may be used; payment for good service and good behavior; prisoners may be

Sec.

- transferred for road work from one county to another; method of transfer.
124. Requirements for motor vehicles operated or driven over state highways; adequate brakes, horn or device for signaling, lighted lamps that produce non-glaring lights, red lights for rear, display of number-plate; devices preventing excessive noise, annoying smoke, escape of gasoline or steam; requirement as to exhaust pipes.
- 132-a. Motor vehicles and chauffeur's licenses on and after December 31, 1920; collection of license fees by state road commission; term and time of collection of such licenses and fees.

Be it enacted by the Legislature of West Virginia:

That sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a, be, and the same is hereby amended, enacted and re-enacted to read as follows:

Section 5-a. That in addition to the assent given and the
2 good faith pledged by the legislature by virtue of section five, of
3 chapter sixty-six of the acts of one thousand nine hundred and
4 seventeen, regular session, the legislature of West Virginia, hereby
5 assents to the provision or provisions of any subsequent act of
6 the congress or appropriation thereby, making provision for the
7 survey, construction or maintenance of rural post roads.

8 The state road commission is hereby authorized to enter into
9 all contracts and agreements with the United States government
10 relating to such survey, construction and maintenance as may be
11 required by the secretary of agriculture or other officer having
12 authority to enter into such contracts. For the construction and
13 maintenance of rural post roads the good faith of the state is
14 hereby pledged to make available funds sufficient to equal the
15 sums which may be apportioned to the state, by or under the
16 United States government, during each of such years as federal
17 aid may be so apportioned to this state

Sec. 14-a. The state road commission in conjunction with
2 the West Virginia university may hold, annually, a school of good
3 roads, of not less than three days duration. All county road
4 engineers and county supervisors and presidents of the county
5 courts shall attend said school and receive instructions in road

6 building and maintenance. The road commission shall fix the
7 time, or times, and may hold or conduct said school or schools at
8 the West Virginia university, and other points in the state. The
9 actual expenses incurred by said county road engineer, supervisors
10 and presidents or members of said county courts shall be paid out
11 of the county treasury.

12 To provide the ablest talent and to bring to the state the latest
13 improvements and method in road construction and maintenance
14 the road commission shall be members of and attend national road
15 conventions, associations, and conferences of federal and state road
16 officials, and shall do everything necessary to carry to every section
17 of the state the most practical discoveries and economical methods
18 of road construction and maintenance. The expense of the road
19 commission or of any of its division engineers attending any road
20 school or convention shall be paid out of the proper appropriation
21 of the commission.

Sec. 25. It shall be the duty of the state road commission at
2 the beginning of each fiscal year to apportion to the several coun-
3 ties of the state, which have complied with the provisions of this
4 act, in the establishment of main county roads, and which agree to
5 supplement said apportionment by a like sum, the state road funds
6 in proportion to the number of miles of main county roads in the
7 several counties approved by the commission, and certify the same
8 to the several county courts.

9 Any county court which has complied with all the provisions
10 of this act and agrees to supplement said apportionment with a
11 like sum shall enter an order of record stating such fact and agree-
12 ing to contribute a like sum for the construction and maintenance
13 of main county roads, and apply it to the state road commission for
14 its distributable share thereof.

15 It shall then be the duty of the said road commission to set
16 apart for the use and to be paid to the said county its distributable
17 share and certify the same to the auditor of the state. The said
18 commission making said distribution may in its discretion dis-
19 tribute to any county wholly federal or wholly state fund; in either
20 event such distribution shall be taken and considered as the dis-
21 tributable share to which each county is entitled, regardless of
22 whether it be state or federal aid. When the said county court has
23 contracted to improve its main county roads, or make provision
24 therefor, it shall be the duty of the state road commission to pay to
25 said court, by requisition upon the auditor from time to time, such

26 parts of said apportionment as shown, by the proper estimates
27 made by the engineer in charge of said work or construction, to be
28 properly due upon said contract exceeding one-half of the cost
29 thereof. *Provided, however,* that in any county that has laid the
30 maximum twenty-five cent class "a" levy on each one hundred
31 dollars taxable valuation of property within the entire county and
32 has set aside or used for maintenance therein, not exceeding fifty
32-a dollars per mile of class "a" road therein, shall receive the allot-
33 ment accruing thereto to be expended as the state road commis-
34 sion may direct, but nothing contained in this provision shall be
35 construed to give any county assistance or aid in excess of fifty
36 percent of the cost of the construction unless said county shall have
37 laid the maximum levy for class "a" roads and shall have main-
38 tained in its class "a" fund the full amount of levy, excepting
39 maintenance expenditures of not over fifty dollars per mile of
40 class "a" road. The state road commission, in case the federal
41 government increases the apportionment to this state, may, in
42 matching said federal apportionment, consider all funds raised
43 from either or both state and county levies and fees. And to meet
44 additional necessary engineering or inspection expenses that will
45 be incurred by reason of additional responsibility, there is hereby
46 appropriated and the said road commission is authorized to set
47 aside in addition to its regular appropriations, out of funds at its
48 disposal a sum not to exceed three percent of such additional funds
49 or appropriations accruing to the state.

Sec. 31. In addition to the general county and district levy
2 the county court shall lay a district levy not to exceed fifteen
3 cents on each one hundred dollars' assessed valuation of all tax-
4 able property in each of the several districts of said county, the
5 proceeds of which shall be known as the district road fund of such
6 district, and shall be expended only for the construction, improve-
7 ment and maintenance of the district roads and parts thereof in
8 said district, and for the construction and maintenance of bridges
9 thereon after said roads are properly located. The county court
10 of any county, with the written approval of the state tax com-
11 missioner, may lay a special district levy in excess of the district
12 road levy hereinbefore provided, not to exceed fifteen cents on
13 each one hundred dollars' assessed valuation of all the taxable
14 property of the district to be known as a special district road levy
15 for the construction, maintenance and improvement of the roads

16 of such district, or the bridges thereon, for such year or years as
17 may be named in such approval, but in no case shall the combined
18 district road levy and special district road levy exceed thirty
19 cents on each one hundred dollars' assessed valuation of the tax-
20 able property of said district. Nothing contained in section two
21 of chapter twenty-eight-a of the code as amended shall be so con-
22 strued as to limit the power and authority of the county court to
23 lay the respective county and district road levies provided for in
24 this section, though by so doing the total levies laid may exceed
25 the limit provided by said section.

Sec. 40. By and with the advice and consent of the county
2 court, the county road engineer, or supervisor, may employ such
3 assistants, clerks, foreman, inspectors, agents and employees as
4 may be deemed necessary to properly plan, locate, construct, main-
5 tain and care for the roads, pay rolls, files, communications and
6 records under his charge and may discharge such agents and em-
7 ployees at pleasure. Such agents and employees may receive
8 such compensation per day, month or year as may be determined
9 by the county court of the county, according to the services
10 rendered.

Sec. 45. The county road engineer, or any county super-
2 visor may, with the approval of the county court of the county,
3 purchase any gravel, stone, earth or wood necessary in the construc-
4 tion, repair or maintenance of a public road, from any owner of
5 such materials within or without the county. If such officer and
6 the county court shall not be able to agree with such owner upon
7 the price to be paid for such material, the officer by direction of
8 said court may proceed to acquire such property and the right to
9 take and remove the same by condemnation proceedings within his
10 said county. Any such road officer shall also be authorized to
11 enter upon any land adjacent to a public road for the purpose
12 of opening any existing drain or ditch or for digging any ditch or
13 drain for the free passage of water in order to drain such road;
14 and to enter upon any land adjoining rivers, streams or creeks to
15 drive piles, throw up embankments or perform any other labor
16 necessary to keep such rivers, streams or creeks within their proper
17 channel and prevent their encroachment upon public roads or abut-
18 ments of bridges, or any other damage to such roads or bridges;
19 and for any damage done to such lands by entry thereon as afore-
20 said, the county court may make a reasonable and proper allowance
21 to the owner. All moneys provided by this section to be paid by

22 the county court as compensation or damages shall be paid from
23 the respective funds applicable to the maintenance of the roads
24 benefited.

Sec. 112. The sheriff upon recommendation of the county
2 engineer or other representatives of the county court having the
3 work in charge, and with the approval of the county court, shall
4 employ a sufficient number of persons to guard such prisoners, not
5 to exceed one for every ten prisoners so employed on such county
6 roads, and the wages of such guards shall be paid out of the county
7 treasury when allowed by the county court. Such guards, when
8 employed shall be subject to, and under the direction of, the county
9 road engineer or other representative of the county court having
10 the work in charge. The keeper of the jail shall file with the clerk
11 of the county court a monthly statement showing the number of
12 prisoners in jail awaiting trial, the number of prisoners sentenced
13 to work upon the public roads, the number of days' work performed,
14 the number of days idle, the reason therefor, and shall furnish a
15 duplicate copy to the state road commission. Whenever prisoners
16 are worked from camps or kept outside of the jail, the person in
17 charge of the camp shall furnish the jailer with the information
18 herein required, or file the same with the clerk of the county court
19 under the direction of the county road engineer, or other such
20 representative of the court.

21 The county prisoners may be worked upon any road or may be
22 used in the preparation of any road material within or without the
23 county where the county is doing such work under the direction of
24 the county road engineer. The county court of any county work-
25 ing prisoners may by order authorize the county engineer or per-
26 son having said prisoners in charge to allow such payment for
27 good service and good behavior as may be deemed advisable.

28 The county court of any county not having sufficient prisoners
29 to justify working them upon public roads or not having adequate
30 provisions for working the same shall communicate with the county
31 court of the adjoining counties and arrange for the transfer of
32 such prisoners to the prison camp of the county so working said
33 prisoners, or the judge of the circuit court, criminal court or inter-
34 mediate court, or any justice sentencing a prisoner to work upon
35 the road may direct, in so sentencing, the county to which said
36 prisoner may be transmitted for labor; *provided*, the said county
37 in which such prisoner is sentenced does not provide for working
38 prisoners within its borders. Any prisoner so transferred shall be

39 subject to the rules, regulations and direction of the officials of the
40 county to which he is transferred and worked.

Sec. 124. Every motor vehicle operated or driven upon the
2 public highway of this state shall be provided with adequate
3 brakes in good working order and sufficient to control such vehicles
4 when same are in use, and an adequate horn or other device for
5 signaling sufficient under all conditions to give timely warning of
6 the approach of the motor vehicle.

7 During the period from thirty minutes after sunset to thirty
8 minutes before sunrise, all vehicles, motor driven, shall dis-
9 play at least one lighted lamp on the front, the lens of which
10 shall be frosted, shaded, colored, corrugated or otherwise con-
11 structed as to break the glare of the reflector so as to produce
12 a non-glaring light. Every motor vehicle shall have displayed on
13 the rear thereof, a red light visible from the rear, the white rays of
14 such rear light shall shine upon and illuminate the number plate
15 carried on the rear of such vehicle so that said number shall be
16 clearly visible; *provided*, that such motor vehicle may be equipped
17 with what is known as a search or spot light, which shall not
18 be used as a headlight for driving. Every such motor vehicle
19 shall have devices to prevent excessive noise, annoying smoke,
20 escape of gasoline or steam, as well as the falling out of embers
21 or residue from the engine, and all exhaust pipes, carrying ex-
22 haust from the engine, shall be directed parallel to the ground or
23 slightly upwards.

Sec. 132-a. On and after December thirty-first one thousand
2 nine hundred and twenty, all motor vehicles and chauffeur's
3 licenses shall be issued and tags thereon shall represent the calen-
4 dar year beginning January first and ending December thirty-first.
5 The state road commission shall collect the full license fee from
6 January first to August thirty-first of each year and shall collect
7 one-half of license fee from September first to December thirty-
8 first of each year. Licenses issued from July first, one thousand
9 nine hundred and nineteen, to December thirty-first, one thousand
10 nine hundred and nineteen, shall be for one and one-half years, the
11 tags issued thereon shall be good to December thirty-first, one
12 thousand nine hundred and twenty. The commission shall col-
13 lect from January first, one thousand nine hundred and twenty,
14 to August thirty-first, one thousand nine hundred and twenty,
15 the full fee for such vehicles and the tags issued by the commis-

16 sion for one thousand nine hundred and twenty shall be valid,
 17 when issued, to December thirty-first, one thousand nine hundred
 18 and twenty. Nothing in this provision shall be construed to
 19 change the fiscal year so far as the distribution of the funds of
 20 said commission are concerned.

CHAPTER 40.

(House Bill No. 169—Mr. Richards.)

AN ACT authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education.

[Passed February 19, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC.

1. Authorizing purchase of land and equipment of same for physical education of students of public schools of Wheeling independent

SEC.

2. Repealing acts and parts of acts school district. inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the independent school district of Wheeling is hereby authorized to purchase, equip and maintain a piece of ground, not to exceed in quantity more than ten (10) acres, either within the limits of the city of Wheeling, or without the same, to be used for the purpose of physical education of the students of the public schools of said city, and if the owner or owners of the piece of ground selected by said board for said purposes refuse to sell said land so selected, or demand an unreasonable price therefor, or if the owner is *non compus mentis*, a minor, or a non-resident, the board of education may petition the circuit court to have such land condemned, and such proceedings shall thereupon be had in the name of such board for the condemnation thereof, as are provided for in chapter forty-two of the code of West Virginia.

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

CHAPTER 41.

(House Bill No. 277—Mr. Williams of Pleasants.)

AN ACT relating to interest on high school bonds of Washington district, Pleasants county, West Virginia.

[Passed February 19, 1919. In effect from passage. Became a law without the Governor's approval.]

Sec.

1. Pleasants county court authorized to refund to sheriff accrued interest on high school bonds; disposition of amount so refunded.

Sec.

2. Interest accruing hereafter to be credited by sheriff to high school bond fund of Washington district.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Pleasants county is hereby
2 authorized and directed to refund to the sheriff of said county all
3 the interest accrued to the county treasury from July first, one
4 thousand nine hundred and seventeen, until this act becomes
5 effective, upon the total amount which was credited by said county
6 court, since the said first day of July, to the high school bond
7 fund of Washington district of the said county, and the said
8 sheriff shall place the amount of the said interest to the credit of
9 the high school bond fund of the said district.

Sec. 2. All interest accruing on the said high school bond
2 fund shall, from the passage of this act, be credited by the said
3 sheriff to the high school bond fund of Washington district.

CHAPTER 42.

(House Bill No. 106—Mr. Shomo.)

AN ACT to fix the salary of the prosecuting attorney of Barbour county.

[Passed February 20, 1919. In effect from passage. Became a law without the Governor's approval.]

Sec.

1. Salary of prosecuting attorney of Barbour county.

Sec.

2. Repealing inconsistent acts and parts of acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of prosecuting at-
2 torney of Barbour county be and the same is hereby fixed at the
3 sum of \$1,800.00 per year.

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

CHAPTER 43.

(House Bill No. 221—Mr. Lester.)

AN ACT to amend and re-enact section twenty-six of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county.

[Passed February 20, 1919. In effect from passage. Approved by the Governor February 21, 1919.]

SEC.

1. County court of Calhoun county authorized to lay special road levy; specific designation of manner in which moneys so raised shall be expended, and upon what roads; expenditure of moneys following completion of roads described.
2. Permanent improvement of roads;

SEC.

- moneys realized from special levy to be placed in separate fund; separate accounts to be kept of receipts and expenditures.
3. Funds arising from special levy may also be used to build bridges where necessary on described roads.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Calhoun county, upon petition of twenty per cent of the voters voting at the last general election, is hereby authorized to lay a levy each year, in addition to all other levies allowed by law, not exceeding twenty-five cents on each one hundred dollars of all taxable property of the county for the year the levy is laid, to be called a special road levy for the purpose of permanently improving the roads of said county as hereafter set forth (permanently improving main class "a" roads). All moneys raised by said levies shall be expended as hereafter set forth: one-half of said fund to be spent in the magisterial districts of Sheridan, Center and Sherman, the remaining one-half to be expended in Lee and Washington districts; all to be expended on class "a" roads, beginning at two stated points: First, at the corporation line of the town of Grantsville, thence to the Wirt county line; second, beginning at the corporation line of Grantsville to the Lee district line; third, beginning at the Roane county line on the Glenville, Ripley and Ohio turnpike, commonly known as the Arnoldsburg and Spencer pike; thence with said pike to the Sherman district line, connecting with the Grantsville road; thence from the mouth of Millstone up the West Fork to the terminal of class "a" road. All moneys raised by said levy shall be used only for road purposes, as set forth, and for the purpose of building bridges in said roads. After the completion of the above described roads, the county court may at its discretion expend the money raised from

26 year to year, as set forth for the improvement of class "a" roads,
27 in the said magisterial districts.

Sec. 2. Said roads or turnpikes shall be permanently im-
2 proved by said county court of Calhoun county in such manner as
3 is set forth. All moneys realized from said special levy shall be
4 placed in a separate fund, and separate accounts shall be kept by
5 said court of the receipts and expenditures of the same, setting
6 forth clearly the sum received by said special levy, and the manner
7 in which the same was expended.

Sec. 3. The fund arising from said road levy shall be used
2 for no other purpose than for the one above designated, except to
3 build bridges where necessary in building said described roads.

CHAPTER 44.

(House Bill No. 288—Mr. Perlin.)

AN ACT to amend and re-enact section six of chapter fifty-two of
Barnes' code of one thousand nine hundred and eighteen.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.]

Sec.

6. Extent of land acquired by con-
demnation by any company in-
corporated for a work of internal
improvement; land acquired for
buildings or for an abutment and
extent of same; land acquired

Sec.

for buildings or other purposes
at termini of its work; acreage
of same; land acquired for main
depots, machine shops, termini,
etc., and acreage.

Be it enacted by the Legislature of West Virginia:

That section six of chapter fifty-two of Barnes' code of one thou-
sand nine hundred and eighteen be amended and re-enacted to read
as follows:

Section 6. The land acquired by condemnation by any com-
2 pany incorporated for a work of internal improvement along its
3 line generally, shall not exceed one hundred feet in width, except
4 in deep cuts and fillings, and then only so much more shall be
5 acquired as may be reasonably necessary therefor; the land which
6 it may acquire for buildings or for an abutment along its line
7 generally, shall not exceed three acres in any one parcel; and the
8 land which it may acquire for buildings or other purposes of the
9 company at the principal termini of its work, or at any place or
10 places within five miles of such termini, shall not exceed fifteen
11 acres in any one parcel, but in the case of a railroad company, an
12 amount of land not exceeding one hundred acres in any one parcel.

13 may be acquired for its main depots, machine shops, termini, and
 14 other necessary purposes connected with the business of said com-
 15 pany.

CHAPTER 45.

(House Bill No. 302—Mr. Moran.)

AN ACT to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act.

[Passed February 20, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

- | | |
|---|---|
| <p>Sec.
 1. Salary of the prosecuting attorney of Wyoming county.
 2. Appointment of assistant prosecuting attorney; salary and how paid; oath and duties of assist-</p> | <p>Sec.
 ant; removal at will of his principal for misconduct or neglect of duty.
 3. Repealing acts and parts of acts inconsistent.</p> |
|---|---|

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wyoming county, West Virginia, shall allow and pay to the prosecuting attorney thereof, out of the treasury of said county, an annual salary of not less than one thousand eight hundred dollars and not exceeding two thousand four hundred dollars, which salary shall be paid monthly in the same manner that the salaries of other county officers are paid.

Sec. 2. The prosecuting attorney of said county may designate, and by and with the advice and consent of the said county court, appoint some competent attorney as assistant prosecuting attorney of said county, and said county court may, in its discretion pay such assistant prosecuting attorney such reasonable salary for his services as such assistant as said court may deem proper, but such salary shall not exceed the sum of one thousand two hundred dollars per annum. Such salary shall be paid to said assistant monthly, out of the county treasury, and in the same manner as the salary of other county officers is paid. Such assistant shall take the same oath and perform the same duties required by law of his principal. He may be removed from office at the will of his principal, or for misconduct or neglect of duty.

14 In case such assistant shall be removed, the vacancy may be filled
 15 as herein provided for his appointment. It shall always be dis-
 16 cretionary with said county court whether such assistant is ap-
 17 pointed, and it may at any time, by an order entered of record,
 18 stop the payment of the salary of such assistant.

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

CHAPTER 46.

(House Bill No. 263—Mr. Kern.)

AN ACT empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county; to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof; accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor.

[Passed February 20, 1919. In effect from passage. Approved by the Governor February 21, 1919.]

Sec.
 1. Authorizing the county court of Marion county to accept a grant or devise of land with buildings thereon situate in the city of Fairmont for a home for indigent children.
 2. County court authorized and empowered to properly equip, perpetually maintain, continue, conduct and carry on the same as such home.
 3. County court shall select, hire and appoint all nurses, teachers and other agents for such home, fix

Sec.
 salaries and wages of such and provide for and make payment thereof; shall make and enforce proper rules for conduct of such home.
 4. County court to have full control and supervision at all times; shall keep buildings and grounds in proper condition.
 5. Children who may be admitted to such home; age limit and time permitted to remain; discharges from home and reason therefor.
 6. Humane treatment and opportunity

SEC. for education of inmates of such home.
 7. Authority given county court to accept endowments, transfers donations and gifts for purpose of

SEC. aiding in maintenance and conduct of such home; authority to raise by direct levy moneys not otherwise available.
 8. Act effective from passage.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Marion 2 (in this state), a body politic, be and is fully authorized and em- 3 powered, as well as required, to accept from any person possessing 4 the same by fee simple title and desiring to grant the same to it, 5 a grant or devise of land with buildings already erected thereon 6 situate within the corporate limits of the city of Fairmont, in said 7 county of Marion, for a home for the shelter, care and maintenance 8 of poor, indigent and dependent children whose parents are, at 9 the time of their admission to such home, citizens and residents of 10 the said county of Marion. And the fact that such grant or devise 11 may contain conditions, restrictions and requirements based upon 12 the provisions, or any of them, of this act, shall not constitute 13 objection or impediment to said county court accepting such grant 14 or devise.

Sec. 2. That said county court be and is fully authorized 2 and empowered, as well as required, on becoming vested with title 3 to said land and buildings, to fully and properly equip the same as 4 and for such home; and to perpetually maintain, continue, conduct 5 and carry on the same as such home for such children, and thereat 6 and therein properly maintain, keep, feed, clothe, nurse and in 7 every way, manner and respect care for such poor, indigent and 8 dependent children who are there provided with home and housed 9 and kept; and to provide, at all times, a sufficient number of com- 10 petent and suitable trained persons to properly conduct, continue 11 and carry on such home.

Sec. 3. Said county court shall have authority and power 2 from time to time, to select, hire and appoint all nurses, teachers , 3 and other agents necessary and required for the said home, to fix 4 the salaries and wages of such and provide for and make payment 5 thereof, and to adopt, promulgate and enforce reasonable and 6 proper rules and regulations for the conduct of such home.

Sec. 4. Said county court shall at all times have and exer- 2 cise full and complete supervision, management and control of 3 said land and buildings, and said home and the children thereat 4 and therein, as well as over said nurses, teachers and agents; and

5 shall at all times keep said buildings and grounds in proper
6 condition.

Sec. 5. The children to be admitted to such home and
2 there kept and maintained shall be of the white or Caucasian race,
3 and may be of any age under fifteen years, and their admission
4 shall be determined by said county court, and they shall be per-
5 mitted to remain there until of such age as said county court
6 shall determine before discharging them therefrom; but if be-
7 cause of incorrigibility or other good and sufficient cause said
8 county court shall determine that it is for the best interest of
9 said home that any child be discharged therefrom at an earlier
10 period, it shall have power and authority to so cause the discharge
11 of such child.

Sec. 6. The children admitted to such home shall have the
2 most humane treatment, nursing, nurturing, care and attention,
3 and shall be given and have opportunity to secure education along
4 all practical lines, including domestic science and domestic art,
5 and shall be at all times surrounded with christian influence and
6 environments.

Sec. 7. Said county court shall have authority to accept any
2 and all endowments, transfers, donations and gifts which may be
3 made to it of real estate, rents and income from real estate, cash,
4 stocks, bonds and other personal estate and property, interest,
5 dividends and income from cash, stocks, bonds and other per-
6 sonal estate and property, for the purpose of aiding in the main-
7 tenance, conduct, continuation and carrying on of such home as by
8 this act required; and shall expend the same therein and therefor
9 as such may be required from time to time. And it shall be the
10 duty of said county court, and it shall have authority and power,
11 to fully provide, at all times, the moneys necessary and required
12 to maintain, conduct, continue and carry on such home and pro-
13 vide for the said children as by this act required; and any moneys
14 required therein and for such purposes in excess of the moneys
15 secured by it through such endowments, transfers, donations and
16 gifts aforesaid, the said county court shall have power and au-
17 thority to raise each year by direct levy in the same manner as
18 other levies for county purposes, and the same shall be expended
19 and applied in and for such purposes.

Sec. 8. This act shall be in effect from date of passage.

CHAPTER 47.

(House Bill No. 9—Mr. Swisher.)

AN ACT to amend chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding sections thirty-three, thirty-four, thirty-five, and thirty-six thereto.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC.

33. Beneficiary associations may issue certificates for payment of sick, death or annuity benefits upon lives of children; age limit and examination of applicants; when child arrives at age permitting personal application certificate may be exchanged for other form; designation of beneficiary in such exchange left to child.

SEC.

34. When association may be permitted to issue such benefit certificate on life of child.
 35. Basis of rate the standard industrial table of mortality adopted by New York state; funds collected to be kept separate and distinct.
 36. Table showing death benefits allowed at stated ages; repealing conflicting acts or parts of acts.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies, be amended by adding sections thirty-three, thirty-four, thirty-five and thirty-six, to read as follows:

Section 33. *Fraternal Insurance—Children Insurance*—That
 2 any beneficiary association organized under the laws of this state
 3 or doing business in this state, may issue certificates for the pay-
 4 ment of sick, death or annuity benefits upon the lives of children
 5 between the ages of one and eighteen years who have been ex-
 6 amined and approved in accordance with the laws of such asso-
 7 ciation, provided that the application for such a benefit certificate
 8 shall be made by a parent or guardian of such child or some person
 9 upon whom such child is dependent for support. When such child
 10 shall arrive at the age permitting personal application for insur-
 11 ance under the laws of such association, the certificate issued under
 12 this provision may be exchanged for any other form of certificate
 13 issued by the association, such exchange to be in accordance with
 14 the constitution, laws and regulations of such association. The
 15 free designation of a beneficiary in such exchange being left to
 16 such child.

Sec. 34. *When Permitted*—That such association shall not
 2 issue any such benefit certificate until after it shall have simul-
 3 taneously put in force at least five hundred such certificates on
 4 each of which, at least one assessment has been paid; nor where
 5 the number of lives represented by such certificate falls below five
 6 hundred.

Sec. 35. *Basis of Rates*—That the net beneficiary assessment
2 collected upon such certificate shall be based upon the standard
3 industrial table of mortality now adopted by the state of New York
4 and interest at the rate of three and one-half per centum per
5 annum, or upon a higher standard. The funds so collected shall
6 be kept as separate and distinct funds and shall not be liable nor
7 used for the payment of debts and obligations of the association
8 other than the benefits herein authorized.

Sec. 36. *Benefits Allowed*—That death benefits shall be made
2 to increase with advancing age but shall not exceed the sum
3 specified in the following table, the age therein specified being
4 the ages at the time of death :

- 5 Between the ages of two and three years, thirty-four dollars;
6 Between the ages of three and four years, forty dollars;
7 Between the ages of four and five years, forty-eight dollars;
8 Between the ages of five and six years, fifty-eight dollars;
9 Between the ages of six and seven years, one hundred and
10 forty dollars;
11 Between the ages of seven and eight years, one hundred and
12 sixty-eight dollars;
13 Between the ages of eight and nine years, two hundred
14 dollars;
15 Between the ages of nine and ten years, two hundred and
16 forty dollars;
17 Between the ages of ten and eleven years, three hundred
18 dollars;
19 Between the ages of eleven and twelve years, three hundred
20 and eighty dollars;
21 Between the ages of twelve and thirteen years, four hundred
22 and sixty dollars;
23 Between the ages of thirteen and sixteen years, five hundred
24 and twenty dollars;
25 Between the ages of sixteen and seventeen years, six hundred
26 and twelve dollars;
27 Between the ages of seventeen and eighteen years, seven hun-
28 dred dollars;
29 All acts and parts of acts in conflict herewith are hereby
30 repealed.

CHAPTER 48.

(House Bill No. 281—Mr. Mollohan.)

AN ACT amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state. .

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

<p>SEC. 24. Terms of circuit court for Braxton and Nicholas counties of the twenty-first circuit; dates of be-</p>		<p>SEC. ginnings of such terms; repealing inconsistent acts and parts of acts.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 24. That there shall be held in each year at least 2 three terms of the circuit court in and for the county of Braxton 3 in said judicial circuit so created, and that there shall be held 4 in each year at least four terms of the circuit court in and for the 5 county of Nicholas in said judicial circuit so created, and the 6 terms of the circuit court of the counties of Braxton and Nicholas 7 in said judicial circuit shall commence and be held as follows:

8 For the county of Braxton on the third Monday in March,
9 the second Monday in July and the third Monday in November.

10 For the county of Nicholas on the third Monday in January,
11 on the second Monday in April, on the third Monday in August,
12 and the third Monday in October.

13 All acts and parts of acts inconsistent herewith are hereby
14 repealed.

CHAPTER 49.

(House Bill No. 85—Mr. McClaren.)

AN ACT to authorize the county court of any county to acquire by purchase or otherwise a suitable site and to erect, equip and main-

tain thereon, a building or buildings, or other structure or structures, in memory and in recognition of the services in the world war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC.

1. Power of county courts upon petition of voters to establish memorials in recognition of sacrifices of soldiers and sailors in the world war; may levy a tax for building and maintaining same.
2. Appointment of board of directors equal in number to magisterial districts of county; tenure of office; vacancies, how filled; no compensation allowed.
3. Duties of members of boards of directors; election of president and secretary; by-laws and regulations for governing; authority to contract for construction or purchase of memorial; contracts

SEC.

- and expenditures subject to approval of county courts; method of disbursement; may acquire ground by condemnation; appointment of custodians and assistants; compensation.
4. Memorials free to use of inhabitants of county; may extend use and privileges to non-residents.
5. Annual reports of boards of directors to county courts; what reports shall contain.
6. Right of persons to make donations for benefit of memorials.
7. Trespassing a misdemeanor; penalties therefor.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county shall have the power upon the petition of twenty per cent. of the voters of said county, based on the number of votes cast at the last general election, to acquire and to establish at the county seat, or adjacent thereto, by purchase or otherwise, ground, park or grove and to erect and to maintain thereon a building or buildings, structure or structures, monument or monuments, as a memorial in memory of and in recognition of the virtues and sacrifices of the soldiers and sailors from the county in the world war, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in the county, and thereafter a like tax of not more than two cents on the one hundred dollars, such tax to be levied and collected in like manner as the general taxes of the county, which shall be kept separate in a fund to be known as the "memorial fund."

Sec. 2. Whenever such memorial is established under this act, the county court shall appoint a board of directors equal in number to the magisterial districts of the county and select one from each of such districts from the citizens thereof, with reference to their fitness for such office. Such directors shall hold office for four years from the first day of July following their appointment, and until their successors are appointed. No person shall be ineligible to appointment by reason of sex. Vacancies in the board

9 shall be reported to the county court and filled by appointment in
10 like manner as original appointments for the unexpired term.
11 The county court may remove any director for misconduct or neg-
12 lect of duty. No compensation shall be paid or allowed any di-
13 rector.

Sec. 3: The board of directors of each memorial establish-
2 ed under this act shall, immediately after their appointment, meet
3 and organize by electing one of their number as president and one
4 as secretary; a majority of all the members of any board shall con-
5 stitute a quorum for the transaction of business. They shall make
6 and adopt such by-laws, rules and regulations from time to time
7 for their own guidance and for the government and use of the
8 memorial, as may be expedient and not inconsistent with this act.
9 Said board shall have authority to contract for the construction or
10 purchase of a memorial established under this act and for repairs
11 thereon or maintenance thereof and the supervision, care and cus-
12 tody of the ground, structure or structures; *provided, however, that*
13 *all contracts shall be approved by the county court and that the ex-*
14 *penditures of all funds shall be subject to the approval of the coun-*
15 *ty court, and all moneys belonging to the memorial fund shall be*
16 *deposited in the treasury of such county to the credit of the mem-*
17 *orial fund and shall be drawn therefrom on orders issued by the*
18 *county court. Said orders shall not be drawn except upon requis-*
19 *tion of the memorial board attached to proper authenticated vouch-*
20 *ers.*

21 Ground, park or a grove for a memorial established under this
22 act may be acquired by condemnation by said board in the same
23 manner as the county court may acquire other real estate for public
24 uses and purposes, and the title of all such property shall be and
25 vest in the county court. The said board shall have power to ap-
26 point a suitable custodian and assistants and prescribe rules for
27 their conduct; fix their duties and compensation, and shall have
28 power to remove such appointees and, in general, to carry out the
29 spirit and intention of this act.

Sec. 4. Each memorial established under this act, shall be
2 free for the use of the inhabitants of the county, subject to such
3 reasonable rules and regulations as the board may adopt, in order
4 to render the use of such building or structure of the greatest ben-
5 efit to the greatest number; and the said board may exclude from
6 the use of the building any and all persons who shall willfully vio-
7 late such rules. The board of directors may extend the use and pri-

8 vileges of the building and structure to non-residents of the coun-
9 ty upon such terms and conditions as said board may prescribe.

Sec. 5. The board of directors shall on or before the first
2 day of July in each year, make report to the county court, stat-
3 ing the condition of the property, the various sums of money re-
4 ceived from the memorial fund, and from all other sources, how
5 much money was expended and for what expended; also an item-
6 ized budget estimate of expense of the property for the ensuing
7 year, with such other information and suggestions as they deem of
8 general interest, or that may be required by the county court.

Sec. 6. Any person or persons, including corporations, who
2 desire to make donations of cash or other personal property, or
3 real estate for the benefit of the memorial, shall have the right to
4 do so, and shall have the right to vest the title thereof in the coun-
5 ty court, to be held in trust and controlled by such board, the same
6 as the other property owned or acquired, and according to the
7 terms and for the purposes set out in the deed, gift, devise or be-
8 quest.

Sec. 7. Any one who shall willfully deface or injure such
2 building or property, shall be guilty of a misdemeanor, and on con-
3 viction thereof shall be punished by a fine of not less than ten dol-
4 lars nor more than one hundred dollars or by imprisonment not ex-
5 ceeding twelve months, or both. The fine in each case shall be paid
6 to the proper officer of the memorial fund, to be used as other
7 money paid into its treasury.

CHAPTER 50.

(House Bill No. 296—Mr. Nutter.)

AN ACT fixing the salary of the assistant prosecuting attorney of
Kanawha county, West Virginia.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the
Governor February 22, 1919.]

<p>SEC. 1. Annual salary of the assistant prosecuting attorney of Kanawha county.</p>	<p>SEC. 2. Repealing all acts or parts of acts inconsistent.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That from and after the first day of April, one
2 thousand nine hundred and nineteen, the assistant prosecuting
3 attorney of Kanawha county, West Virginia, shall receive an

4 annual salary, to be fixed by the county court of said county not
5 to exceed the sum of \$3,000, to be paid out of the county treasury.

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

CHAPTER 51.

(House Bill No. 257—Mr. Hall)

AN ACT fixing the annual allowance to the clerk of the county court
of Wetzel county, West Virginia.

[Passed February 21, 1919. In effect from passage. Approved by the Governor
February 22, 1919.]

<p>Sec. 1. Salary of clerk of the county court of Wetzel county; when salary shall begin and end.</p>		<p>SEC. 2. Repealing acts and parts of acts inconsistent.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wetzel county, West Virginia
2 shall annually allow the clerk of the county court of said county
3 the sum of not less than six hundred dollars nor more than one
4 thousand dollars for his services for which no other fee or re-
5 ward is allowed by law. Said salary to begin on the first day
6 of January, one thousand nine hundred and nineteen and end on
7 December thirty-first, one thousand nine hundred and twenty,
8 and this act of said clerks now on the statute book to begin Jan-
9 uary first, one thousand nine hundred and twenty-one.
10 All acts or parts of acts in conflict herewith are hereby re-
11 pealed.

CHAPTER 52.

(House Bill No. 132—Mr. McClintic.)

AN ACT to amend and re-enact sections nineteen, twenty-six, thirty-
one, forty, forty-four, forty-seven and fifty-a of chapter sixty-
two of Barnes' code of West Virginia, being section forty of
chapter sixty of the acts of one thousand nine hundred and nine,
and sections nineteen, twenty-five, twenty-six, thirty-one, forty-
four, forty-seven and fifty-a of chapter fourteen of the acts of one
thousand nine hundred and fifteen of the legislature of West Vir-
ginia, all relating to the protection and preservation of certain
animals, birds and fishes, forest and streams.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

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|--|--|
| <p>SEC.
19. Prohibiting aliens from hunting and killing wild animals and birds in this state; and from having in their possession firearms of any kind for purpose of hunting; hunting license and how procured; non-resident hunting license; fee for license; persons hunting on their own lands not required to have license; license good for calendar year in which issued; tags to accompany license; carrying of uncased gun in hunting fields by persons not holding license a misdemeanor; penalty therefor; license shall not be issued to minors under fifteen years of age.</p> <p>25. Prohibiting hunting or killing of elk, deer and wild turkey for stated number of years; violations and penalties; seasons in which certain wild animals and birds may be hunted and killed; prohibiting transportation of same beyond limits of this state; violations and penalties.</p> <p>26. Open season for ruffed grouse, pheasant, wild turkey, quail, partridge; number that may be killed in one season by any one person; open season for wild ducks, goose, brant, woodcock, plover, ortolan, sandpiper, snipe; open season for gray, black fox and red squirrel; number that may be killed by any one person in one season; open season for rabbits, with exceptions for land owners; protection of red fox and skunk in certain counties; snaring on lands of others; violations of this act are misdemeanors; penalties therefor.</p> <p>31. Moneys collected for fines, license taxes, etc.; disposition of same; duty of forest, game and fish warden to stock streams with</p> | <p>SEC.
trout, bass and other fish to extent of twenty per cent of forest, game and fish protective fund; expenditure to be with consent of the governor; rewards for arrest of violators of provisions of this chapter.</p> <p>40. Birds not protected by this chapter.</p> <p>44. License required of aliens, non-residents and corporations to catch or destroy any of the fish in creeks or rivers of the state; manner of procuring license; shall exhibit license on demand to any officer, land owner, tenant or lessee of land upon which person is fishing; provision for non-resident land owners; prohibiting use of seines, nets, traps or devices, gigs and spears in catching fish; length in inches of fish that may be lawfully taken; open season for jack salmon, jack fish, white salmon, trout, landlock salmon, black bass, green bass, willow bass, rock bass, pickerel and wall-eyed pike; catching minnows or other fish, with exceptions, to be used for bait in angling or for scientific or propagating purposes; prohibiting the letting of water out of ponds to catch fish; misdemeanor, penalty upon conviction; trespass notices on unenclosed lands; penalty for destroying such notices.</p> <p>47. Prohibiting use of dynamite or other explosives, poisonous drugs, lime, electricity, guns, rifles, pistols or other substances or mediums in killing or catching fish; penalty for violation.</p> <p>50-a. Bounty paid for killing, within this state only, certain wild animals and predatory birds; proof of such killing; bounty, by whom and how paid.</p> |
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Be it enacted by the Legislature of West Virginia:

That sections nineteen, twenty-five, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a be amended and re-enacted so as to read as follows:

Section 19. No person not a citizen of the United States
2 of America shall at any time hunt, pursue, kill or catch any
3 wild animals, or wild birds in this state, or have in his posses-
4 sion fire arms of any kind for the purpose of hunting.

5 No person shall, at any time, hunt, pursue, kill or catch
6 any wild animals, or wild birds in this state, without first hav-
7 ing secured a license so to do, as herein provided, and then only
8 during the respective periods when it shall be lawful to hunt

9 such game, animals and game birds. Such license may be pro-
10 cured in the following manner, to-wit: The applicant shall go
11 before the clerk of the county court of the county of his resi-
12 dence and fill out a blank application, stating his citizenship,
13 name, age, occupation, or profession, weight, height, place and
14 county residence, color of hair, eyes and complexion; the ap-
15 plication shall be subscribed in ink and sworn to by the appli-
16 cant that his statements are correct and true to the best of his
17 knowledge and belief before the county clerk issuing said license.
18 If the applicant be a citizen of any state or territory of the
19 United States of America, and a non-resident of this state, such
20 application may be made and the license issued by the clerk of
21 the county court in any county in the state, and such non-resi-
22 dent applicant shall pay to the clerk of the county court before
23 receiving the license the sum of eighteen dollars as a license tax
24 for a hunting license permitting him to hunt any of the wild
25 animals or wild birds in this state. All non-resident members
26 of any club or organization owning or leasing a game or fish
27 preserve in this state, shall be required to secure a non-resident
28 license to hunt or fish.

29 If the applicant be a *bona fide* resident of this state he shall
30 make application for a hunting license to the clerk of the county
31 court of the county of his residence, which application shall be
32 the same as above described, and in the manner so described; or
33 if applicant is a *bona fide* resident and citizen of this state, he
34 may fill out said application and swear to the same before some-
35 one authorized to administer oaths and send the same to the
36 county clerk of the county of his residence together with the
37 amount of license tax herein prescribed and sufficient postage
38 for the return of the license, and such clerk shall thereupon
39 issue and send him such license; but before issuing the said
40 license, the applicant shall in all cases, pay to the clerk of the
41 county court the sum of one dollar as a license tax; *provided*,
42 that a *bona fide* resident land owner or his children, or his *bona*
43 *fide* tenant may, on his own land, hunt any of the game animals
44 or game birds mentioned in this chapter during the hunting
45 season without obtaining a license so to do. No person to whom
46 such license has been issued shall be entitled to hunt, pursue
47 or kill game in this state, unless at the time of such hunting,
48 pursuing or killing of game animals, or game birds, he shall

49 have such license in his actual possession; and he shall exhibit
50 the same to any officer of this state or to the owner, tenant or
51 leasee on any land on which he is hunting on demand. Such
52 license shall be good anywhere in this state to permit the holder
53 thereof to hunt in any of the counties of this state, but only
54 during the period of time in which it is lawful to hunt for any
55 of the game birds or game animals; and such license shall be
56 good and valid until the end of the calendar year in which the
57 same is issued. Said license shall be signed by the clerk of the
58 county court and bear the name of the county, and the seal of
59 the county court of the county in which same is issued, and shall
60 bear a number according to the serial order in which it was
61 issued, and the clerk shall be allowed to deduct twenty-five cents
62 from such license tax paid him under this section, as a fee for
63 his services for filling out, acknowledging affidavit and
63-a issuing said licenses. At the same time that such
64 a clerk issues such a license to the applicant he shall also de-
65 liver to him a tag bearing in figures the name and number of his
66 license, and the name of the county wherein the same was
67 issued, and if the same was issued to a non-resident of this state,
68 the said tag shall also bear the words, "non-resident."

69 The form of said license to be issued hereunder, and the
70 said affidavits to be made to the applicants therefor, and the tag
71 hereinbefore required to be delivered to the applicant, shall be
72 designed and supplied to the clerk by the state forest, game and
73 fish warden, and such tag shall at all times be worn on the arm
74 of the licensee, prominently exhibited, while hunting under the
75 authorship of said license.

76 Said clerks shall keep an accurate list of all such licenses
77 issued by them and shall pay into the treasury of the state of
78 West Virginia on the first day of each month all such license
79 taxes collected by them for the month next preceding, except
80 his fees.

81 The carrying of any uncased gun in any of the fields or
82 woods of this state by any person not having a right to hunt,
83 pursue or kill game birds, or animals in such fields or woods,
84 shall, as to such person, other than the *bona fide* owner or own-
85 ers of such fields or woods, his or their child or children, tenants
86 or leasees be deemed *prima facie* evidence of a violation of this
87 section; and any person claiming to hold a license to hunt in

88 this state, having in his possession any gun or other hunting
89 paraphernalia in such woods, or fields, shall on failure to pro-
90 duce such license for inspection to any warden of this state or
91 to any officer or owner or agent of the owner of such woods and
92 fields, on demand, or upon failure, at all times to wear, as herein
93 required, the tag while in such woods or fields, or who shall
94 transfer or attempt to transfer any license mentioned in this
95 section, or who shall hunt or attempt to hunt with or under such
96 transferred license, be deemed guilty of a misdemeanor, and on
97 conviction be punished as herein provided. Any person violating
98 any of the provisions of this section shall be deemed guilty of
99 a misdemeanor, and upon conviction thereof, shall be fined not
100 less than twenty-five nor more than one hundred dollars for each
101 and every offense, including the cost of prosecution and a fee of
102 ten dollars to the attorney prosecuting the case, and in addition
103 thereto may be confined in the county jail for a period not ex-
104 ceeding sixty days, in the discretion of the court or justice try-
105 ing the case, and upon failure to pay said fine and costs, the per-
106 son convicted shall be confined in the county jail until such fine
107 and costs are paid, but such imprisonment shall not exceed thirty
108 days for any one offense. No hunters' license shall be issued to
109 any minor under the age of fifteen years without the consent in
110 writing from the parent or guardian of such minor, such con-
111 sent to be filed with the clerk issuing the license and by him pre-
112 served, but such infant may hunt on his own land or that of his
113 parents or guardian.

Sec. 25. No person shall hunt, chase, wound or kill any elk
2 in this state at any time for a period of eight years from and after
3 the passage of this act; *provided*, that the owner of any elk, which
4 shall be kept in any park or field sufficiently inclosed to reasonably
5 prevent their escape therefrom, shall have the right to kill any elk
6 of his own; *provided, further*, that such owner may pursue, recap-
7 ture or kill any of his elks that may escape from his enclosure. No
8 person shall hunt, chase, wound or kill any deer in this state at any
9 time for a period of three years from and after the passage of this
10 act; *provided*, that the owner of any deer, which shall be kept in
11 any park or field sufficiently inclosed to reasonably prevent their
12 escape therefrom, shall have the right to kill any deer of his own;
13 *provided, further*, that such owner may pursue, recapture or kill
14 any of his deer that may escape from his inclosure.

15 No person shall chase, wound or kill any wild turkey in this
16 state at any time for a period of two years from and after the
17 passage of this act. No person or persons shall chase or hunt deer
18 with dogs in this state at any time. Any person violating any pro-
19 vision of this paragraph shall be guilty of a felony, and on con-
20 viction thereof shall be confined in the penitentiary not less than
21 six months nor more than five years.

22 No person shall hunt, chase, kill or wound any deer after the
23 year one thousand nine hundred and twenty-one, from the first day
24 of December until the fifteenth day of October following, of any
25 year except tame deer owned by the person owning same; nor shall
26 any one person kill more than one deer in any one season. No per-
27 son shall at any time kill any fawn, doe, or any other deer than
28 bucks with horns or antlers over four inches in length, or have the
29 fresh skin of any doe or fawn in his possession. No person shall at
30 any time kill or have in his possession any deer, quail, pheasant or
31 ruffed grouse, wild turkey, squirrel, or any part of the same, or
32 game fishes with the intention of sending or transporting the same
33 or having the same sent or transported beyond the limits of this
34 state. Any person violating any provisions of this paragraph shall
35 be guilty of a misdemeanor and on conviction thereof shall be fined
36 not less than twenty-five nor more than fifty dollars for each and
37 every deer unlawfully hunted, chased, wounded, or killed, and for
38 each doe or fawn's skin had in his possession and not less than
39 twenty-five dollars nor more than fifty dollars for each and every
40 quail, ruffed grouse or pheasant, wild turkey or any part of the
41 same, for each and every game fish and for each deer, or part of a
42 deer, killed or had in possession with the intention of sending or
43 transporting the same, or having sent or transported beyond the
44 limits of this state. And in addition to the fine or fines prescribed in
45 this paragraph, the person or persons convicted may be confined in
46 the county jail not to exceed sixty days for each and every offense;
47 and upon default of the payment of the fine and costs shall be con-
48 fined in the county jail until the same are paid, but not to exceed
49 a period of sixty days.

Sec. 26. It shall be unlawful for any person to catch, kill
2 or injure, or pursue with 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 following year;
5 or any quail or Virginia partridge between the first day of Decem-

6 ber and the first day of November following. Nor shall any one
7 person kill more than twelve quail or five ruffer grouse, or two
8 wild turkeys in any one day, and no more than sixty quail or
9 twenty ruffed grouse, or five wild turkeys in any one open season.
10 No person shall kill any wild ducks, goose, or brant between the
11 first day of January and the first day of October; *provided*, that
12 the wood duck shall not be killed at any time within this state;
13 woodcock between the thirtieth day of November and the first
14 day of October following; plover, ortolan, or sandpiper between
15 the fifteenth day of December and the first day of September fol-
16 lowing; or any snipe between the fifteenth day of December and
17 the fifteenth day of October following; nor any gray, black, fox or
18 red squirrel between the first day of December and the fifteenth day
19 of September of the following year. Nor shall any person kill more
20 than ten squirrels in any one day, nor more than seventy during
21-22 any open season.

23 It shall be unlawful for any person to catch, kill or injure
24 or pursue with intent to catch, kill or injure any rabbit between
25 the first day of January and first day of October following; *pro-*
26 *vided*, it shall be lawful for any person or any of his children or
27 agents to catch, kill or pursue at any time any rabbit upon his
28 own land or upon any land upon which he may be an actual
29 *bona fide* tenant or resident and also for the *bona fide* agent of
30 the owner of such land to hunt, and kill any rabbit thereon by the
31 direction of such owner otherwise than by the use of a ferret; but
32 for the protection of orchards, gardens and young fruit trees or
33 vines, rabbits may be lawfully hunted with ferrets by the owners
34 thereof or their agents.

35 It shall be unlawful for any person to catch, kill or injure
36 by means of a gun, snare, trap or poison any red fox, or skunk
37 between the first day of February and the first day of December
38 following, except in the following named counties: Pocahontas,
39 Randolph, Fayette, Pendleton, Monroe, Jefferson, Hardy, Wayne,
40 Wood, Marshall, Mason, Gilmer, Hancock, Lincoln, Hampshire,
41 Braxton, Raleigh, Webster, Putnam, Preston, Lewis, Jackson,
42 Mercer, Greenbrier, Berkeley, Tyler, Boone, Kanawha, Lo-
43 gan, Barbour, McDowell, Tucker and Calhoun; *provided, how-*
44 *ever*, that it shall be lawful for any person at any time or by any
45 means to catch, kill or pursue any red fox or skunk upon his own
46 land, or on any lands upon which he may be an actual *bona fide*
47 tenant or resident, and also for the agent of the owner or tenant.

48 of such land to so hunt and kill any red fox or skunk thereon by
49 the direction of such owner or tenant. It shall be unlawful
50 for any person at any time to set or maintain any snare upon the
51 improved or inclosed lands of another without the express per-
52 mission of the owner or tenant of such lands, or at any time to
53 set or maintain any steel or spring bear trap upon any lands
54 not his own.

55 Any person violating any of the provisions of this section
56 shall be guilty of a misdemeanor and upon conviction thereof
57 shall be fined not less than twenty-five dollars and no more than
58 fifty dollars for each offense, and in the discretion of the justice
59 or court trying the case, be imprisoned in the county jail for a
60 period not exceeding thirty days for each offense, and the unlaw-
61 ful catching, killing or injuring of each and every wild game bird,
62 or wild game animal hereinbefore mentioned in this section, shall
63 be deemed a separate offense, and in default of the payment of the
64 fine and costs, the persons convicted shall be confined in the
65 county jail for a period not exceeding thirty days, unless such
66 fine and costs be sooner paid; *provided, however*, that the forest,
67 game and fish warden or deputy warden, or other persons under
68 the direction of a warden may capture by any means any of the
69 game birds or game animals to keep them alive for propagation
70 purposes. And *provided, further*, that the warden may give writ-
71 ten permission to any responsible person as provided by section
72 thirty-eight of this chapter.

Sec. 31. All moneys collected for fines, license taxes or
2 otherwise and due the state, under and by virtue of the provisions
3 of this chapter, shall be disposed of as follows: The net proceeds
4 of all fines collected from convictions for the violation of any
5 section of this chapter, shall, after the payment of the amount
6 fixed by this chapter to the proper deputy warden and the cost
7 as provided by law, be paid into and credited to "the school fund"
8 of this state, as provided by the constitution; all other moneys due
9 the state by virtue of any provision of this chapter, as now
10 amended, shall be paid into the state treasury and credited to
11 the "forest, game and fish protective fund" and the same shall be
12 applicable to the payment of the expense of inaugurating, carry-
13 ing out and maintaining any and all of the purposes set forth
14 in this chapter, as now amended, and of any other law relating
15 to protection of forest or the protection and propagation of game
16 and fish, and shall be paid out upon the requisition of the game

17 and fish warden, approved by the governor, for which purpose said
18 fund is hereby appropriated.

19 And the forest, game and fish warden shall annually out of
20 the forest, game and fish protective fund stock the streams of this
21 state with trout, bass and any other proper fish to the extent of
22 twenty per cent of the annual income of such fund, but such ex-
23 penditure shall be with the consent of the governor. And the for-
24 est, game and fish warden is hereby empowered, when so ap-
25 proved by the governor, to offer reasonable rewards for the arrest
26 and conviction of persons violating the provisions of this chapter,
27 and also to employ and pay persons to assist in arresting or pro-
28 curing evidence for the conviction of persons violating the pro-
29 visions of this chapter, or any law for the protection of game and
30 fish in this state, all of which shall be paid out of the said forest,
31 game and fish protective fund.

Sec. 40. The English or European sparrow, owls, hawks,
2 eagles, crows, king fishers, and the common black bird, sometimes
3 called the "crow" black bird, are not included among birds pro-
4 tected by this chapter.

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
3 this state, or any corporation doing business in this state to catch
4 or destroy any of the fish in creeks or rivers of this state, or
5 subject to the jurisdiction thereof, without first having obtained
6 a license so to do, and then only by the means whereby and
7 during the respective periods when it shall be lawful to do so.
8 Such license shall be procured in the following manner to-wit;
9 The applicant shall go before the clerk of the county court of
10 some county of this state and fill out a blank application, to be
11 provided by the forest, game and fish warden, stating his name.
12 age, occupation, weight, height, place of residence, and color of
13 hair, eyes and complexion; said application shall be subscribed
14 by the applicant in ink, and sworn to by the applicant before
15 said clerk, and shall aver that his statements made therein are
16 true, and correct to the best of his knowledge, and belief; the
17 applicant shall thereupon pay to said county clerk the sum of
18 five dollars as a license tax. The said clerk shall thereupon
19 issue to such applicant a license of the form to be furnished by
20 the said warden, entitling such applicant to catch and take fish
21 according to law from any of the creeks or rivers in this state;
21-a *provided, however,* that such applicant may fill out said appli-

22 cation and sign and swear to the same before some notary public
23 or justice of the peace of the county wherein such application
24 is made and sent the same to said clerk, together with the amount
25 of said license tax, and such clerk shall send him such license.
26 Such license shall be signed by said clerk and shall bear the seal
27 of the county court of the county in which the same is issued and
28 for his services in issuing same the clerk shall receive the sum of
29 twenty-five cents. All such license taxes shall be paid by the said
30 clerk to the said treasury on the first day of each month for the
31 month next preceding, except his fees. No person to whom such
32 license has been issued shall exercise the privilege thereby con-
33 ferred without at the same time having such license in his actual
34 possession, and he shall exhibit the same on demand to any officer
35 of this state, or owner, tenant or lessee of any land upon which
36 such person is fishing; *provided, however*, that nothing hereint
37 contained shall be construed to require the nonresident owner of
38 any lands in this state, or his children, to obtain such license in
39 order to lawfully fish upon such land.

40 It shall not be lawful for any person to have in his possession
41 or to set or maintain anywhere in this state, or on any water sub-
42 ject to the jurisdiction thereof any seines, net or traps or devices
43 of like nature, whereby fish may be taken or caught. Nor shall it
44 be lawful for any person to catch or have in his possession any
45 jack salmon, commonly called jack fish, or any white salmon less
46 than seven inches in length, any pike or pickerel of less than
47 ten inches in length, any black bass less than eight inches in
48 length, or any trout less than six inches in length, or to catch
49 or kill by use of gig or spear any black bass or trout, or have in
50 his possession any black bass or trout so caught or killed, or any
51 fish caught out of season or caught or taken in any manner pro-
52 hibited by law. All fish less than the length prescribed herein
53 shall be returned to the water immediately with as little injury
54 as possible.

55 And the measurement of the fish shall be taken from the
56 end of the nose to the center fork of the tail. It shall be unlaw-
57 ful to take or destroy any jack salmon, jack fish, or white sal-
58 mon in any manner between the first day of April and the first
59 day of June of each year; or to catch or destroy any trout or land-
60 lock salmon in any manner between the first day of September
61 and the first day of May following. It shall be unlawful for
62 any person to catch any black bass, green bass, willow bass, rock

63 bass, pickerel or wall-eyed pike between the first day of April
64 and the first day of June of each year.

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

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

85 The owners or those in control of lands or rights in land;
86 in or bordering upon any pond designated in this act, shall have
87 erected and maintained in a conspicuous place along these ponds
88 when they are unenclosed, a sign at least a foot square and which
89 shall have thereon the name of the party in control, and the
90 words "trespassers warned off under penalties of the law." Any
91 person who shall wilfully and wrongfully tear down, deface or
92 injure the boards provided for in this section, shall be guilty of
93 a misdemeanor and liable to a penalty as hereinafter provided.

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

Sec. 47. It shall be unlawful for any person to kill or at-
2 tempt to kill any fish by the use of dynamite, or other explosive
3 mixture or by the use of any poisonous drugs, substance, bait or

4 food; or by the use of electricity, lime or any other thing of like
5 nature. And the placing of any such articles or substances in
6 any stream, pond or lake, shall be deemed and taken to be
7 *prima facie* proof of intention to violate this section. It shall
8 be unlawful for any person to kill or take, or attempt to kill or
9 take, any fish by shooting with any gun, rifle, pistol or other
10 device of like nature. Any person violating this section shall be
11 guilty of a misdemeanor, and upon conviction thereof shall be
12 confined in the county jail for a period of not less than two
13 months, nor more than twelve months, and shall, at the discretion
14 of the court, be fined not less than twenty-five dollars nor more
15 than one hundred dollars; but upon conviction of the same person
16 for the second offense in this state, he shall be guilty of a felony
17 and be confined in the penitentiary not less than one nor more than
18 three years.

Sec. 50-a. From and after the time this act shall take effect,
2 an award 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-
5 wit: for each lynx, wild-cat, bob-cat, or catamount, the sum of
6 five dollars; for each hawk, except the sparrow or mouse hawk,
7 the sum of twenty-five cents; for each great-horned owl, the
8 sum of twenty-five cents; and for each crow the sum of ten
9 cents. The payment of such award or bounty may be obtained by
10 the person killing any such animal or bird in the following man-
11 ner and not otherwise. He shall produce such killed animal,
12 or bird within thirty days from the killing thereof, before the
13 justice of the peace of the county in which such animal or bird
14 is killed, and make an affidavit before such justice that he killed the
15 same, stating distinctly the time and place of such killing, and that
16 such place was within the state of West Virginia. Upon the pro-
17 duction of such animal, or bird, and the making of such affi-
18 davit, the said justice shall in the presence of the party making
19 such affidavit and at least one reputable witness residing in said
20 county, cut off the head of such animal or bird and destroy the
21 same by burning; and he shall not charge any fee for any service
22 required of him hereby. Upon the destruction of such head,
23 such justice of the peace shall endorse upon said affidavit and
24 sign a certificate of such fact, and deliver said affidavit to the
25 affiant, who shall present or mail the same to the forest, fish and
26 game warden, and he shall thereby upon delivery, mail to said

27 affiant a check for the amount of the said bounty or reward, and
 28 charge the same against the funds out of which said bounty or
 29 award is hereby made payable; *provided, however*, that no more
 30 than ten per cent of the amount derived from the license taxes
 31 collected in any one year under the provisions of this act, shall be
 32 applicable to the payment of such bounty or award claimed during
 33 the succeeding calendar year, and in the event the amount of
 34 such bounties or rewards so claimed in any calendar year should
 35 equal in the aggregate the sum of ten per centum of such license
 36 taxes, the game warden shall immediately thereupon give notice of
 37 such fact in two papers representing two different political parties
 38 published at the seat of government, and thereafter no further
 39 bounties or rewards for any such birds killed during such calendar
 40 year shall be paid; and all claims for bounties or rewards made
 41 as aforesaid shall be paid in the order in which they are received
 42 by the forest, game and fish warden.

CHAPTER 53.

(House Bill No. 76—Mr. Hackney.)

AN ACT to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto sections thirty-one, and thirty-two, relating to weights and measures.

[Passed February 20, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

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| <p>SEC.
3. State commissioner of labor <i>ex officio</i> commissioner of weights and measures; authorized to appoint and fix salaries of deputies and inspectors; limit on salaries.</p> <p>7. Duties of commissioner of weights and measures and his deputies and inspectors; appointment of sealer; inspection of all standard weights, measures and other apparatus; keeping record of same; rules and regulations of bureau of weights and measures of Washington, D. C., to govern inspectors and sealers in performance of duties.</p> <p>13. Sheriffs to act as <i>ex officio</i> sealers in failure of county commissioners to appoint; commissioners may pay salary to one sealer and to one or more deputy sealers; tenure of office; duties.</p> | <p>14. City sealer of weights and measures in cities of not less than 25,000 population; how appointed; term of office, salary and duties.</p> <p>16. Sealers and deputies to give bond with surety.</p> <p>SEC.
23. Commodities in package form must bear statement on outside of net weight, measure or numerical count; provision for small packages and medicinal articles; definition of word "package."</p> <p>24. Requirement for sale of butter, renovated butter, process butter and oleomargarine.</p> <p>25. Bottles and accessories for sale of milk and cream; size and markings of same; penalties for violation of requirements; test of bottles by sealer of weights and measures.</p> <p>27. Table showing amount of weight, avoirdupois, of bushel, half-</p> |
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Sec. bushel, peck, half-peck, quarter peck, quart and pint: weight required in barrel of flour, barrel of lime and ton; dimensions of barrel for fruit, vegetables and produce. 30. Jurisdiction of justice of peace to	SEC. hear and determine actions in violation of provisions of this chapter. 31. Defining words and terms used in this chapter. 32. Rules for measurement of logs, lumber and timber.
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Be it enacted by the Legislature of West Virginia:

That sections three, seven, thirteen, fourteen, twenty-three, twenty-five, twenty-seven, and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session be, and the same are hereby re-enacted and amended so as to read as follows; and that there is enacted and added thereto sections thirty-one and thirty-two.

Section 3. The state commissioner of labor shall be *ex-officio* commissioner of weights and measures, and he shall be authorized to appoint and fix the salaries of such deputies and inspectors, not to exceed two in number, as may be required to carry out the purpose of this act, within the limits of such appropriations as may be made by the legislature for the maintenance of the work of the bureau of labor; *provided*, the salaries of each of said deputies or inspectors shall not exceed eighteen hundred dollars per annum.

Sec. 7. The commissioner of weights and measures, or his assistant commissioner, deputy, or inspectors, at his direction shall at least once in five years try and prove by the office standards all standard weights, measures and other apparatus which may belong to any county or city, required to appoint a sealer and to purchase and keep standards of weights and measures by the provisions of this act, and shall seal such when found to be accurate by stamping on them the letters "W. Va.," and the last two figures of the year with seals which he shall have and keep for that purpose.

The state commissioner or his assistant, deputy or inspectors, at his direction, shall inspect all standard weights, measures and other apparatus used by such counties and cities at least once in two years, and shall keep a record of the same. He, or his deputy, or inspectors, at his direction, shall at least once in two years visit these cities and counties for the purpose and in order to inspect the work of the local sealers, and in the performance of such duties they may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person, and shall have the same powers as the local sealer of weights and measures. The rules and regulations for the guidance of county and city sealers

22 of weights and measures issued by the bureau of weights and
23 measures of Washington, D. C., known as circular No. two, or any
24 subsequent rules and regulations issued by such bureau of weights
25 and measures, shall be the rules and regulations governing the in-
26 spectors and county and city sealers in the performance of their
27 duties.

Sec. 13. Except in counties where the county commissioners
2 shall appoint a sealer of weights and measures as hereinafter pro-
3 vided, the sheriff of the county shall be *ex-officio* county sealer of
4 weights and measures in each county, and no fee shall be charged
5 by him or by the county for the inspection, testing or sealing or
6 the repairing or adjusting of weights, measures, or measuring de-
7 vices. Whenever the county commissioners of any county shall
8 deem it necessary, they may appoint and fix the salary of one sealer
9 and one or more deputy sealers of weights and measures. Such
10 sealer or deputies, when not appointed merely for some temporary
11 purpose, shall hold office for a term of four years from the date
12 of their appointment, unless removed for just cause, and all depu-
13 ties shall have the same power and may perform the same duties
14 as the county sealer when acting under his instructions and at his
15 direction.

Sec. 14. There may be a city sealer of weights and measures in
2 cities of not less than twenty-five thousand population, according to
3 the latest official statement of United States census, to be appointed
4 by the mayor from a list to be furnished by the civil service board,
5 and under the rules of such board, where such board exists; other-
6 wise, he shall be appointed by the mayor, by and with the advice
7 and consent of the common council, and shall hold office for a term
8 of two years and receive a salary to be determined by the appoint-
9 ive power. The county commissioners of any county or the mayor
10 of any such city may appoint one or more deputy sealers of weights
11 and measures. All deputies appointed shall have the same power
12 and perform the same duties as the county or city sealer when
13 acting under his instructions and his direction, and no fee shall
14 be charged by any county or city for the testing, trying, adjusting
15 or repairing of any weights or measures, or weighing and measuring
16 device.

17 The commissioner shall issue from time to time regulations
18 for the guidance of the county and city sealers and the said regu-
19 lations shall govern the procedure to be followed by the afore-
20 said officers in the discharge of their duties.

Sec. 16. Each county or city sealer of weights and measures
2 or deputy sealer of weights and measures, under the provisions of
3 sections thirteen and fourteen of this act, shall forthwith upon his
4 appointment give bond in the penal sum of one thousand dollars,
5 with sureties to be approved by the appointing power, for the faith-
6 ful performance of the duties of his office.

Sec. 23. It shall be unlawful to keep for the purpose of sale,
2 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, mea-
5 sures, 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 medicinal articles
10 and to those commodities in packages the manner of sale of which is
11 specifically regulated 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, basket, can, box, barrel, half
14 barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapping
15 parcel, package, bottle, phial, or other receptacle put up by the
16 manufacturer; or when put up prior to the order of the commodity,
17 by the vendor; which may be labeled, branded, or stenciled or other-
18 wise marked, or which may be suitable for labeling, branding, or
19 stenciling, or marking otherwise, making one complete package of
20 the commodity. The word "package" shall be construed to include
21 both the wholesale and the retail package; *provided,* that a box or
22 carton used for shipping purposes containing a number of similar
23 packages which are individually marked, as hereinbefore provided,
24 will not be required to bear the weight or measure of contents; and,
25 *provided, further,* that all commodities in packages, boxes, cans,
26 bottles or other containers in the hands of merchants, both whole-
27 sale and retail, at the time of the passage of this act, shall be and
28 are hereby exempt 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 oleomarga-
3 rine in any other manner than by weight. Whenever such butter,
4 renovated or process butter or oleomargarine, is sold, offered or
5 exposed 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
10 the label, wrapper or carton of any such print, brick or roll, the
11 statement as to net weight shall be in gothic type not less than
12 one-quarter of an inch square.

13 The prints, bricks, or rolls referred to in this section shall
14 be construed to include those prints, bricks, or rolls put up by
15 the manufacturer or producer; or when put up prior to the order
16 of the commodity, by the vendor; *provided, however*, that this
17 section shall not apply to farmers who manufacture and sell their
18 own butter.

Sec. 25. Bottles used for the sale of milk or cream shall be
2 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
4 of an inch of the cap seat or stopple in the case of those bottles
5 having an inside diameter immediately below this cap seat or
6-7 stopple of over two inches. The following variations
8 on individual bottles or jars may be allowed, but the
10 average contents of not less than twenty-five bottles selected
10 at random from at least four times the number tested must not
11 be in error more than one-quarter of these tolerances; six drams
12 above and six drams below on the half gallon, five drams above
13 and five drams below on the three pints; four drams above and
14 four drams below on the quart; three drams above and three
15 drams below on the pint; two drams above and two drams below
16 on the gill. Bottles or jars used for the sale of milk or cream
17 shall have clearly blown or otherwise permanently marked in the
18 side of the bottle, the capacity of the bottle and the word "sealed;"
19 and the side or bottom of the bottle the name, initial, or trade-
20 mark of the manufacturer and a designating number, which
21 designating number shall be different for each manufacturer and
22 may be used in identifying the bottles. The designating number
23 shall be furnished by the state commissioner of weights and
24 measures upon application by the manufacturer, and upon the
25 filing by the manufacturer of a bond in the sum of one thousand
26 dollars with sureties to be approved by the attorney general con-
27 ditioned upon their conformance with the requirements of this
28 section. A record of the bonds furnished, and the designating
29 numbers and to whom furnished shall be kept in the office of the
30 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 and

33 markings with the provisions of this section shall suffer a penalty of
34 five hundred dollars, to be recovered by the attorney general in
35 an action against the defender's bondsmen to be brought in the
36 name of the state of West Virginia. Any dealer who uses, for the
37 purpose of selling milk or cream, jars or bottles, purchased after
38 this law takes effect that do not comply with the requirements of
39 this section as to markings and capacity, shall be deemed guilty
40 of using a false and insufficient measure.

41 Sealers of weights and measures are not required to seal bot-
42 tles or jars for milk or cream marked as in this section provided,
43 but they shall have the power to and shall from time to time make
44 tests on individual bottles used by various firms in the territory
45 over which they have jurisdiction in order to ascertain if the
46 above provisions are being complied with, and they shall immedi-
47 ately report violations found to the state commissioner of weights
48 and measures.

Sec. 27. A bushel, half bushel, peck, half peck, quarter peck,
2 quart and pint of the respective articles hereinafter mentioned
3 shall be the amount of weight, avoirdupois, as shown by the fol-
4 lowing table:

COMMODITY	Bu.		Peck		$\frac{1}{2}$ Peck		$\frac{1}{4}$ Peck		Quart		Pint	
	Lbs.	Lbs.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.
Apples (green).....	48	24	12	.....	6	.....	3	.....	1	8	....	12
Apples (dried).....	24	12	6	....	3	....	1	8	....	12	....	6
Alfalfa Seed.....	60	30	15	....	7	8	3	12	1	14	....	15
Apple Seed.....	40	20	10	....	5	....	2	8	1	4	....	10
Beans (dried, sheel).....	60	30	15	....	7	8	3	12	1	14	....	15
Beans, Castor.....	46	23	11	8	5	12	2	14	1	7	....	11½
Beans (unshelled).....	38	19	9	8	4	12	2	6	1	3	....	9½
Beans (stringed).....	24	12	6	....	3	....	1	8	....	12	....	6
Beans (limas).....	56	28	14	....	7	....	3	8	1	12	....	14
Beans, Soy.....	58	29	14	8	7	4	3	10	1	13	....	14½
Beans, Scarlet Pole.....	50	25	12	8	6	4	3	2	1	9	....	12½
Beets.....	56	28	14	....	7	....	3	8	1	12	....	14
Blackberries.....	48	24	12	....	6	....	3	....	1	8	....	12
Blue Grass Seed.....	14	7	3	8	1	12	....	14	....	7	....	3½
Blue Grass Seed, English.....	22	11	5	8	2	12	1	6	....	11	....	5½
Broom Corn Seed.....	57	28½	14	4	7	2	3	9	1	12½	....	14¼
Buckwheat.....	52	26	13	....	6	8	3	4	1	10	....	13
Barley.....	48	24	12	....	6	....	3	....	1	8	....	12
Bran.....	20	10	5	....	2	8	1	4	....	10	....	5
Cabbage.....	50	25	12	8	6	4	3	2	1	9	....	12½
Canary Seed.....	60	30	15	....	7	8	3	12	1	14	....	15
Carrots.....	50	25	12	8	6	4	3	2	1	9	....	12½
Cement.....	100	50	25	....	12	8	6	4	3	2	1	10

Charcoal.....	20	10	5	....	2	8	1	4	....	10	....	5
Cherries (with stems).....	56	28	14	....	7	....	3	8	1	12	....	14
Cherries (without stems).....	64	32	16	....	8	....	4	....	2	....	1	....
Chestnuts.....	50	25	12	8	6	4	3	2	1	9	....	12½
Clover Seed.....	60	30	15	....	7	8	3	12	1	14	....	15
Coal.....	80	40	20	....	10	....	5	....	2	8	1	4
Coke.....	40	20	10	....	5	....	2	8	1	4	....	10
Corn (cracked).....	50	25	12	8	6	4	3	2	1	9	....	12½
Corn (ear dry).....	68	34	17	....	8	8	4	4	2	2	1	1
Corn (ear green).....	72	36	18	....	9	....	4	8	2	4	1	2
Corn (shelled).....	56	28	14	....	7	....	3	8	1	12	....	14
Corn (sweet).....	50	25	12	8	6	4	3	2	1	9	....	12½
Corn Meal.....	48	24	12	....	6	....	3	....	1	8	....	12
Corn Meal (bolted).....	46	23	11	8	5	12	2	14	1	7	....	11½
Cotton Seed.....	32	16	8	....	4	....	2	....	1	....	....	8
Cotton Seed (S. I.).....	44	22	11	....	5	8	2	10	1	6	....	11
Cranberries.....	36	18	9	....	4	8	2	4	1	2	....	9
Cucumbers (green).....	50	25	12	8	6	4	3	2	1	9	....	12½
Currants.....	40	20	10	....	5	....	2	8	1	4	....	10
Flax Seed.....	56	28	14	....	7	....	3	8	1	12	....	14
Gooseberries.....	40	20	10	....	5	....	2	8	1	4	....	10
Grapes (with stems).....	48	24	12	....	6	....	3	....	1	8	....	12
Grapes.....	60	30	15	....	7	8	3	12	1	14	....	15
Hair (washed).....	4	2	1	....	....	8	....	4	....	2	....	1
Hair (unwashed).....	8	4	2	....	1	....	....	8	....	4	....	2
Hemp Seed.....	44	22	11	....	5	8	2	12	1	6	....	11
Herds Grass.....	45	22½	11	4	5	10	2	13	1	6½	....	11¼
Hickory Nuts.....	50	25	12	8	6	4	3	2	1	9	....	12½

COMMODITY	Bu.		½ Bu.		Peck		½ Peck		¼ Peck		Quart		P.nt	
	Lbs.	Lbs.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.	Lb.	Oz.
Hominy.....	60	30	15	....	7	8	3	12	1	14	....	15		
Horse Radish.....	50	25	12	8	6	4	3	2	1	9	....	12½		
Huckleberries.....	52	26	13	....	6	8	3	4	1	10	....	13		
Hungarian Grass.....	50	25	12	8	6	4	3	2	1	9	....	12½		
Kaffir Corn.....	56	28	14	....	7	....	3	8	1	12	....	14		
Kale.....	15	7	8	....	....	....	....	....	....	....	....	....
Lime (unslaked).....	70	35	17	8	8	12	4	6	2	3	1	1½		
Lime (slaked).....	40	20	10	....	5	....	2	8	1	4	....	10		
Malt.....	34	17	8	8	4	4	2	2	1	1	....	8½		
Millet.....	50	25	12	8	6	4	3	2	1	9	....	12½		
Millet (Japan).....	35	17½	8	12	4	6	2	3	1	1½	....	8¾		
Oats.....	32	16	8	....	4	....	2	....	1	....	....	8		
Onions.....	55	27½	13	12	6	14	3	7	1	11½	....	13¾		
Onions (bottom sets).....	32	16	8	....	4	....	2	....	1	....	....	8		
Onions (top sets).....	28	14	7	....	3	8	1	12	....	14	....	7		
Orchard Grass.....	14	7	3	8	1	12	....	14	....	7	....	3½		
Osage Orange Seed.....	33	16½	8	4	4	2	2	1	1	½	....	8¾		
Parsnips.....	42	21	10	8	5	4	2	10	1	5	....	10½		
Peaches.....	48	24	12	....	6	....	3	....	1	8	....	12		
Peaches (dried).....	33	16½	8	4	4	2	2	1	1	½	....	8¾		
Peanuts.....	23	11½	5	12	2	14	1	7	....	11½	....	5¾		
Pears.....	50	25	12	8	6	4	3	2	1	9	....	12½		
Peas (dry).....	60	30	15	....	7	8	3	12	1	14	....	15		

Peas (green, shelled).....	50	25	12	8	6	4	3	2	1	9	....	12½
Peas (green, unshelled).....	30	15	7	8	3	12	1	14	....	15	....	7½
Peas (wrinkled).....	56	28	14	....	7	....	3	8	1	12	....	14
Plums.....	60	30	15	....	7	8	3	12	1	14	....	15
Potatoes (Irish).....	60	30	15	....	7	8	3	12	1	14	....	15
Potatoes (sweet).....	50	25	12	8	6	4	3	2	1	9	....	12½
Quinces.....	48	24	12	....	6	....	3	....	1	8	....	12
Rape Seed.....	50	25	12	8	6	4	3	2	1	9	....	12½
Raspberries.....	48	24	12	....	6	....	3	....	1	8	....	12
Red Top Grass Seed.....	14	7	3	8	1	12	....	14	....	7	....	3½
Rice Corn (shelled).....	56	28	14	....	7	....	3	8	1	12	....	14
Rice Corn (unshelled).....	45	22½	11	4	5	10	2	13	1	6½	....	11¼
Rutabagas.....	50	25	12	8	6	4	3	2	1	9	....	12½
Rye.....	56	28	14	....	7	....	3	8	1	12	....	14
Rye Meal.....	50	25	12	8	6	4	3	2	1	9	....	12½
Salt (coarse).....	70	35	17	8	8	12	4	6	2	3	1	1½
Salt (fine).....	50	25	12	8	6	4	3	2	1	9	....	12½
Sand.....	130	65	32	8	16	4	8	2	4	1	2	½
Shorts.....	20	10	5	....	2	8	1	4	....	10	....	5
Sorghum Seed.....	57	28½	14	4	7	2	3	9	1	12½	....	14¼
Spelt or Speltz.....	40	20	10	....	5	....	2	8	1	4	....	10
Spinach.....	30	15	7	8	3	12	1	14	....	15	....	7½
Strawberries.....	48	24	12	....	6	....	3	....	1	8	....	12
Timothy Seed.....	45	22½	11	4	5	10	2	13	1	6½	....	11¼
Tomatoes.....	56	28	14	....	7	....	3	8	1	12	....	14
Turnips.....	55	27½	13	12	6	14	3	7	1	11½	....	13¾
Walnuts.....	50	25	12	8	6	4	3	2	1	9	....	12½
Wheat.....	60	30	15	....	7	8	3	12	1	14	....	15

5 One barrel of flour shall contain one hundred and ninety-six
6 pounds, one-half barrel ninety-eight pounds, one-quarter barrel
7 forty-nine pounds, and one-eighth barrel twenty-four and one-half
8 pounds, one-sixteenth barrel twelve and one-quarter pounds, net
9 weight.

10 One barrel of lime shall contain two hundred pounds.

11 A ton shall contain two thousand pounds.

12 The standard barrel for fruit, vegetables and produce shall
13 be of the following dimensions: Inside staves at ends, seventeen
14 and one-eighth inches; distance between heads, inside, twenty-six
15 inches; circumference over bilge, sixty-four inches; and capacity,
16 seven thousand and fifty-six cubic inches.

Sec. 30. Justices of the peace shall have jurisdiction to hear
2 and determine any action which may be brought for a violation
3 of the provisions of this act, where the property in question is
4 two hundred dollars and less. In cases of over two hundred
5 dollars shall hold the accused for indictment to the grand jury.

Sec. 31. 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.

5 The words "weights, measures or weighing or measuring de-
6 vices" as used in this act, shall be construed to include all weights,
7 scales, beams, measures of every kind, instruments and mechanical
8 devices for weighing or measuring, and any appliances and acces-
9 sories connected with any or all such instruments.

10 The words "sell" or "sale" as used in this act shall be con-
11 strued to include barter and exchange.

Sec. 32. "Doyle and Scribner's combined rules" for the
2 measurement of logs, lumber and timber of all kinds, is hereby
3 established as the lawful rule in this state for the measurement of
4 all kinds of lumber, logs and timber, unless some other rule be
5 agreed to.

CHAPTER 54.

(House Bill No. 261—Mr. Nutter.)

AN ACT allowing counties of more than eighty thousand population
to lay a special levy to purchase land and erect a jail and jailer's
residence thereon.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC.

1. Counties having more than eighty thousand population may lay a special levy for purchase of lands

SEC.

and erecting jail and jailer's residence thereon.

Be it enacted by the Legislature of West Virginia:

Section 1. That in counties having more than eighty thousand population as shown by the last preceding census taken by the United States Government the county court may, for any three consecutive years, for the sole purpose of purchasing land, by condemnation or otherwise, and erecting a jail and jailer's residence thereon, lay a special levy not exceeding ten cents in any one year on the one hundred dollars valuation on the taxable property in such county under the provisions of the constitution and laws of this state.

CHAPTER 55

(House Bill No. 249—Mr. McClaren.)

AN ACT fixing the annual allowance to the clerk of the county court of McDowell county.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC.

1. Salary of the clerk of the county court of McDowell county; act or acts in conflict repealed.

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 two thousand four hundred dollars and not more than four thousand 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 56.

(House Bill No. 283—Mr. McClintic.)

AN ACT to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

9. Salary of the judge of the intermediate court of Kanawha county; how paid.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine be amended and re-enacted so as to read as follows:

Section 9. The said judge of the intermediate court of
2 Kanawha county shall, for his services, receive a salary of five
3 thousand dollars per annum, to be paid out of the county treasury
4 of said county, to commence from the first day of January one
5 thousand nine hundred and nineteen.

CHAPTER 57.

(House Bill No. 115---Mr. Moore.)

AN ACT to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC.

13. Fee allowed sheriffs for keeping and feeding prisoners; fee allowed for days prisoners work on public roads; expenses allowed for arresting, pursuing and transporting persons accused or convicted of crime, and for transferring prisoners; sheriffs' bonds with fidelity companies; shall file, under oath, accurate account of expenses mentioned; annual accounting of moneys received and paid out by sheriffs and all other officers, whether state, county, district or municipal; time of making settlements.

8. Filing of detailed statement annually by sheriffs and clerks of

SEC.

courts, with county courts, of probable amount necessary to be expended for deputies, assistants and employees in following calendar year; fine for failure to make statement; duty of court following filing of statement; right of appeal in determining equity of maximum allowances; employment of deputies, assistants and other employees, fixing their compensation; statement in writing to show such action; method of paying salaries and compensation; authority to discharge deputies, assistants and employees; method to be pursued; repealing acts or parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one, of chapter one hundred and ninety-eight, of the acts of the legislature of one thousand eight hundred and seventy-two, relating to annual settlements of certain county officers, and section eight, of chapter eighty-three, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers, be amended and re-enacted so as to read as follows:

Section 13. The county court, or tribunal in lieu thereof, 2 of every county shall, in addition to the compensation and salary 3 herein provided, allow to the sheriff for keeping and feeding 4 prisoners, as provided by law, the sum of sixty cents per day; 5 *provided, however,* that in any county where the prisoners do not 6 exceed five in number the county court may allow a sum not to 7 exceed seventy-five cents per day; and an additional ten cents per 8 day shall be allowed to the sheriff for each day a person is actually 9 worked on the public road under sentence of any court having ju- 10 risdiction; and said court shall allow the actual and necessary ex- 11 pense incurred or expended in arresting, pursuing or 12 transporting persons accused of or convicted of crime 13 and offenses, and in conveying or transferring to or from 14 any state institution to which any person may be committed from 15 his county where, by law, the sheriff is authorized to convey or 16-17 transfer such persons, and may allow the actual and necessary 18 expenses incurred or expended in serving summonses, notices and 19 other official papers in connection with the sheriff's office; *pro-* 20 *vided, however,* that the amount of such expenses so allowed shall 21 not in the aggregate exceed the total fees earned by the sheriffs for 22 any year for serving such papers.

23 Whenever a sheriff gives bond with a fidelity and indemnity 23-a company as surety, the county court shall pay the premium there- 24 on out of the county treasury. Every sheriff shall file, under oath, 25 monthly, a full and accurate account of all his actual and necessary 26 expenses mentioned in this section before the same shall be al- 27-29 lowed by the county court.

30 That sheriffs, and all other officers, whether state,

31 county, district or municipal, who shall collect or receive, or
32 whose official duty it is or shall be to collect, receive or pay out any
33 money belonging to or which is or shall be for the use of the state
34 or of any county, district or municipal corporation, shall make an
35 annual account and settlement therefor on or before the thirtieth
36 day of June.

37 In making the settlement provided for in this section, the
38 sheriffs shall be allowed three months and until the first
39 day of April following the expiration of their terms in which to
40 make their settlements as of December thirty-one.

Sec. 8. The sheriff, clerk of the county court, clerk of the
2 circuit court; (clerk of the criminal, common pleas or interme-
3 diate courts) on or before December first of each year,
4-6 shall file with the county court, or tribunal in lieu
7 thereof, a detailed statement of the probable amount necessary
8 to be expended for deputies, assistants, and other employees of
9-14 their respective offices in the following calendar year.
15 If any such officer shall fail to file the statement hereby required,
16 he shall be punishable by a fine of not less than fifty nor more
17 than one hundred dollars, or imprisonment in the county jail not
18 less than thirty days nor more than six months, or both, at the dis-
19 cretion of the court. The county court, or tribunal in lieu thereof,
20 shall, not later than fifteen days after the filing of said statement,
21 take up and consider the same and shall determine and fix an aggre-
22 gate sum to be expended for the period covered by said statement
23 for the compensation of all such deputies, assistants and other em-
24 ployees of said respective officers, which shall be reasonable and
25 proper regard being had to the amount of labor necessary to be
26 performed by those to receive the same, and enter upon its court
27 record, a finding of its action, *provided* the amount to be expended
28 for the office of clerk of the circuit court shall be fixed by the
29 concurrent jurisdiction of the county court or tribunal in lieu
30 thereof, and the judge or judges of the circuit, criminal, common
31 pleas or intermediate courts; *provided, however,* any taxpayer feel-
32 ing aggrieved at the allowance made by the county court to the
33 sheriff and any sheriff feeling that the business of his office cannot
34 be conducted properly by the maximum allowance by the county
35 court for office expenditures, or the number of deputies and their
36 salaries, shall be allowed the right of appeal to the circuit court of
37 such county for the purpose of determining the equity of such
38-39 maximum allowance.

40 The officers herein named shall appoint and employ such dep-
41 uties, assistants and other employees in the manner provided by
42 law, as may be necessary for their respective offices and fix their
43 compensation, and shall file with the clerk of the county court or
44 other tribunal in lieu thereof, a statement in writing showing
45 such action and setting forth the name of each deputy, assistant
46 and employee, the time for which employed and the monthly com-
47 pensation; but the compensation for all deputies, assistants and
48 other employees shall not exceed in the aggregate for each office, the
49 amount so fixed for that office as hereinbefore provided. The com-
50 pensation of the sheriff, clerk of county court, clerk of the circuit
51 court (criminal, common pleas or intermediate courts), and
52 prosecuting attorney and the compensation of their deputies, as-
53 sistants and other employees, duly appointed or employed, after
54 being so fixed, shall be paid monthly in the manner provided by
55-56 law to those entitled to same out of the county
57-67 fund. The county court (or other tribunal in lieu thereof), after
68 filing of the statement provided for by this section, showing
69 names of the deputies, assistants and other employees, the time
70 for which employed and their compensation may, by order of rec-
71 ord, authorize and direct orders or drafts on the treasurer, paya-
72 ble out of the general county fund, to be drawn in favor of the
73 officer, his deputy, assistant, or employee named in such
74 statement, in payment of the monthly salary to which
75-77 such officer is entitled, and when such order has been entered of
78 record, the president and clerk of the county court (or other
79 tribunal in lieu thereof) shall be authorized to sign such
79-a orders and drafts, for the purposes aforesaid; *provided, however,*
80 that no orders shall be issued to the officer or deputy, assistant or
81 other employees until the officer has filed a detailed monthly state-
82 ment with the county treasurer and has filed with the county clerk
83 a duplicate copy thereof, together with a receipt from the county
84 treasurer, showing that he has paid into the county treasury all
85 fees, costs, percentages, commissions, allowances, compensation, in-
86 come and all other perquisites of whatever kind that have been col-
87 lected during said month, as shown by said statement. The offi-
88 cers herein named shall have authority to discharge any deputy,
89 assistant or other employee, by filing with the clerk of the county
90 court or tribunal in lieu thereof, a statement in writing showing
91 such action. All statements required to be filed by this section,
92 shall be verified by the affidavit of the person making them, and

93 among other things contained in the affidavit shall be the state-
94 ment that the amounts shown therein were the amounts actually
95 paid or intended to be paid to the deputies, assistants, or other
96 employees; that no rebates, agreement, understanding and expect-
97 ation that any part thereof shall be repaid to him, and that noth-
98 ing has heretofore been paid or promised him on that account, and
99 that if he shall thereafter receive any money, or thing of value, on
100 account thereof, he will account for and pay the same to the coun-
101 ty. Until the statements required by this section have been filed,
102 no allowances or payments shall be made to any officer for depu-
103 ties, assistants or other employees. .

104 All acts or parts of acts in conflict herewith or inconsistent
105 herewith are hereby repealed.

CHAPTER 58.

(House Bill No. 143—Mr. Cuppett.)

AN ACT to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the Allies during the world war or in any charitable, humane or relief organization connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings as memorials to those of them who have died in such service or in any such organization.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. Commission; how appointed duties.

Be it enacted by the Legislature of West Virginia:

That, in order to render just tribute to citizens of West Virginia who have served in any branch of the naval or military forces of the United States or those of the Allies during the world war or in any charitable, humane or relief organization connected with the operations of such forces, and to perpetuate the memory of those who have died in such service or in any such organization, whether on the field of battle or elsewhere, the governor of this state hereby is authorized, empowered and directed to select such number of representative citizens of West Virginia as he shall think advisable, who, with himself, shall constitute a commission for the purposes hereinafter declared. The

members of such commission shall serve and discharge their duties without cost or charge to the state, and the governor shall be the chairman and have direction thereof.

Said commission shall take under consideration and report in writing to the next session of the legislature on the following matters and things:

What records should be compiled, kept and preserved in each county of the state of the enlistment and service of citizens of such county in any branch of the naval or military forces of the United States or those of the Allies during the world war or in any charitable, humane or relief organization connected with the operations of such forces.

What tablets, monuments or memorial buildings have been or should be erected or provided in each county as a memorial to the citizens therefrom who have died in such service or in any such organization.

What records have been or should be compiled, kept and preserved by the state of West Virginia of the enlistment and service of its citizens in any branch of such naval or military forces or in any such organization.

What tablets, monuments or memorial buildings have been or should be erected or provided by the state of West Virginia as a memorial to its citizens who have died in such service or in any such organization.

Said commission shall include in its report any and all matters and things which it may think pertinent to any of the foregoing inquiries.

CHAPTER 59.

(House Bill No. 34—Mr. McPherson.)

AN ACT to amend and re-enact section three of chapter sixty of the code, as amended by chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec.

3. Liability for damage by owners of animals running at large on public highways when such animals enter lawfully enclosed grounds: unlawful for animals to run at large on highways of railroad

Sec.

right of way; misdemeanor on part of owner of animals when damage is incurred; penalty on conviction; repealing acts or parts of acts inconsistent.

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

That section three of chapter sixty of the code, as amended by chapter thirty-one of the acts of the legislature of the regular

session of the year one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 3. If any horses, mules, ass, jennet, cattle, sheep, 2 hogs, goats shall enter into any grounds enclosed by a lawful 3 fence, the owner or manager of such animal shall be liable to the 4 owner of such grounds for any damage he may sustain thereby. 5 It shall be unlawful for any such animal to run at large on any 6 public road or highway or railroad right of way in this state and 7 should such stock while running at large destroy or injure the 8 property of another, the owner shall be guilty of a misdemeanor 9 and fined not less than five dollars and not more than ten dol- 10 lars, and shall pay to the party whose property shall have been 11 injured or destroyed, the amount of damages sustained by him by 12 reason of such destruction or injury. And the party so injured, 13 may, if he find such stock on his premises, retain them, or a suf- 14 ficient number thereof, until said damages and costs of keeping 15 be paid.

16 All acts or parts of acts in conflict herewith or inconsistent 17 herewith are hereby repealed.

CHAPTER 60.

(House Bill No. 171—Mr. Hackney.)

AN ACT to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (7) and seventy-nine-a (1) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (7), seventy-nine-a (8), seventy-nine-a (9), seventy-nine-a (10), seventy-nine-a (11) and seventy-nine-a (12); all relating to banking.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

<p>SEC. 77. Capital stock of banking institutions; how divided; deemed personal property; may be transferred.</p> <p>78. Powers that may be exercised by banks under this chapter; unlawful for individuals or association of individuals to use term "bank," "banker," "banking company" or "trust company" or receive deposits or sell foreign exchanges until they have taken out a charter; application for charter must be approved by commissioner of banking; holding and conveying of real estate by banks.</p> <p>78-a (7). Examination of banks by the</p>	<p>SEC. commissioner of banking; method of examination; power of commissioner to order keeping of books in such manner as to enable him to readily ascertain bank's true condition; official communications of commissioner or assistants to a bank or officer thereof, relative to examination; to be submitted by recipient to board of directors.</p> <p>79-a (1) Limit placed on loans; amortization of securities; loans to officers, directors, clerks and other employees.</p> <p>79-a (7) Deposits by trustee for another; in event of death of trustee; to whom deposit shall be</p>
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<p>SEC. paid; joint deposits, how paid, and in event of death who payable to.</p> <p>79-a (8) Misdemeanor to circulate any false rumor or statement affecting solvency or financial standing of any bank; penalty therefor.</p> <p>79-a (9) Liability of bank to depositor of forged or raised check issued in name of depositor, when liable, bank not liable to depositor because of non-payment through mistake or error of check which should have been paid, unless actual damage is proven.</p> <p>79-a (10) Payment of check or other negotiable instrument between</p>	<p>SEC. Saturday noon and midnight valid; provision for Saturday closing at bank's option.</p> <p>79-a (11) Defining words "federal reserve act," "federal reserve board," "federal reserve bank," "member bank," privileges of banks of this state in connection with federal reserve act.</p> <p>79-a (12) Right of notary public connected with a bank to take acknowledgments or administer oath to officials or agents of such bank; circumstance under which he is not eligible to take acknowledgment or administer oath.</p>
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Be it enacted by the Legislature of West Virginia:

That sections: seventy-seven, seventy-eight, seventy-eight-a (7), and seventy-nine-a (1) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen be and the same are hereby amended and re-enacted; and said chapter be further amended by adding thereto sections seventy-nine-a (7), seventy-nine-a (8), seventy-nine-a (9), seventy-nine-a (10), seventy-nine-a (11) and seventy-nine-a (12); all relating to the subject of banking, and to read as follows:

Section 77. The capital stock of every banking institution
2 formed under the provisions of this chapter shall not be less than
3 twenty-five thousand dollars.

4 Said stock shall be divided into shares of the par value of
5 one hundred dollars each; such shares shall be deemed personal
6 property and transferable on the books of the association in such
7 manner as may be prescribed in the by-laws of the association.

Sec. 78. Every such bank may exercise, under the laws of
2 this state, all such incidental powers as may be necessary to carry
3 on the business of banking, by discounting promissory notes,
4 negotiating drafts, bills of exchange and other evidences of in-
5 debtedness, receiving deposits, buying and selling exchange, bank
6 notes, bullion or coin, and by loaning money on personal or other
7 security. Any banking institution may accept for payment at a
8 future date drafts drawn upon it by its customers, and to issue
9 letters of credit authorizing the holders thereof to draw drafts
10 upon it or its correspondents, at sight or on time, not exceeding
11 one year. It shall be unlawful for any individual or association
12 of individuals doing business in this state to use in connection
13 with such business the term "bank," "banker," "banking com-
14 pany," or "trust company," or receive deposits, or sell foreign

15 exchange, until they shall have taken out a charter and complied
16 with the statutes governing banks and trust companies. Here-
17 after no charter shall be issued to any bank to do business in this
18 state until the application therefor has been approved in writing
19 by the commissioner of banking; and no real estate shall be carried
20 upon the books of any bank at a value greater than the assessed
21 value as shown by the land books of the county wherein such real
22 estate is assessed. No bank shall hold or convey real estate except
23 for the following purposes:

24 (1) Such as shall be necessary for its immediate accommo-
25 dation in the transaction of its business.

26 (2) Such as shall be mortgaged to it in good faith by way
27 of security for debts contracted.

28 (3) Such as shall be conveyed to it in satisfaction of debts
29 previously contracted in the course of its dealings.

30 (4) Such as it shall purchase at sales under judgments,
31 decrees, deeds of trust or mortgages, held by the association, or
32 shall purchase to secure debts due to it, which it shall dispose
33 of at the earliest practicable date. Any person violating the
34 provisions of this section shall be deemed guilty of a misdemeanor,
35 and on conviction thereof shall be fined not less than five hun-
36 dred dollars nor more than one thousand dollars, or be confined
37 in the county jail for a period not exceeding six months, or both,
38 at the discretion of the court, for each and every offense.

Sec. 78-a (7). At least twice in every year the commissioner
2 of banking, either in person or by competent assistant, shall make
3 a thorough examination of the books and affairs of every asso-
4 ciation mentioned in the next preceding section of this act. He
5 shall carefully examine all notes and mortgages and all other
6 assets of the concern, and shall ascertain the full amount of its
7 liabilities. He shall see that the books are kept properly posted
8 and balanced, and that complete trial balances are struck at regu-
9 lar intervals. Whenever it shall appear to the commissioner of
10 banking that any institution which by law is required to obtain
11 from him a certificate, or permit, to begin business, does not keep
12 its books and accounts in such manner as to enable him readily
13 to ascertain its true condition, he may issue an order requiring
14 such institution, or the officers thereof or any of them, to open
15 and keep such books or accounts as he may, in his discretion, de-
16 termine and prescribe for the purpose of keeping accurate and

17 convenient records of the transactions and accounts of such in-
18 stitution; and the expense thereof shall be paid by said institution.
19 Every bank shall preserve all its records of final entry, including
20 cards used under the card system and deposit tickets, for a period
21 of at least six years from the date of making the same or from the
22 date of the last entry thereon. Each official communication di-
23 rected by the commissioner of banking or one of his assistants
24 to a bank or to any officer thereof, relating to an examination or
25 investigation conducted by the banking department or containing
26 suggestions or recommendations as to the conduct of the business
27 of the bank, shall be submitted, by the officer receiving it, to the
28 board of directors at the next meeting of such board, and duly
29 noted in the minutes of the meetings of such board. If at any
30 time he shall find one of these institutions in an insolvent con-
31 dition, he shall deal with it according to the manner prescribed
32 in section eighty-one-a (7) of this act.

Limit on Loans; Amortization of Securities.

Sec. 79-a (1). The total liabilities to any bank or trust com-
2 pany of any person, or of any company, corporation or firm, for
3 money borrowed, including the liabilities of the company or firm,
4 the liabilities of the several members thereof, shall at no time
5 exceed twenty per centum of the capital stock, plus the surplus
6 fund and undivided profits. But the discount of bills of exchange
7 drawn in good faith against actually existing values, and the dis-
8 count of commercial or business paper actually owned by the
9 person negotiating the same, shall not be considered as money
10 borrowed. The corporation mentioned in this section shall not be
11 construed to mean municipal corporations, districts or counties.
12 The stocks, bonds and other interest-bearing securities purchased
13 by a bank shall be entered on its books at the actual cost thereof,
14 and for the purpose of calculating the undivided profits applica-
15 ble to the payment of dividends, such stocks and securities shall not
16 be estimated at a valuation exceeding their present cost as de-
17 termined by amortization, that is, by deducting from the cost of
18 any such stock or security purchased for a sum in excess of the
19 amount payable thereon at maturity, and charging to profit and
20 loss, a sufficient sum to bring it to par at maturity, or adding to
21 the cost of any such stock or security purchased at less than the
22 amount payable thereon at maturity, and crediting to profit and

23 loss, a sufficient sum to bring it to par at maturity; but nothing
24 herein contained shall prevent a bank from carrying such stocks,
25 bonds and other interest-bearing corporate securities on its books at
26 their market value. No officer, director, clerk or other employee
27 of any bank shall borrow, directly or indirectly, from the bank
28 with which he is connected, any sum of money without the written
29 approval of a majority of the board of directors or discount com-
30 mittee thereof filed in the office of the bank or embodied in a
31 resolution adopted by a majority vote of such board exclusive of
32 the director to whom the loan is made. If an officer, director,
33 clerk or other employee of any bank shall own or control a ma-
34 jority of the stock of any other corporation a loan to that corpo-
35 ration shall be considered for the purpose of this sub-division as
36 a loan to such officer, director, clerk or other employee.

Sec. 79-a (7). When any deposit shall be made by any
2 person describing himself in making such deposit as trustee for
3 another and no other or further notice of the existence and terms
4 of a legal and valid trust than such description shall have been
5 given in writing to the bank; in the event of the death of the
6 person so described as trustee, such deposit or any part thereof,
7 together with the dividends or interest thereon, may be paid to
8 the person for whom the deposit was thus stated to have been
9 made. When a deposit shall have been made by any person in
10 the name of such depositor and another person and in form to
11 be paid to either, or the survivor of them, such deposit thereupon
12 and any additions thereto made, by either of such persons, upon
13 the making thereof, shall become the property of such persons as
14 joint tenants, and the same, together with all interest thereon,
15 shall be held for the exclusive use of the persons so named, and
16 may be paid to either during the life-time of both, or to the sur-
17 vivor after the death of one of them; and such payment and the
18 receipt or the acquittance of the one to whom such payment is
19 made, shall be a valid and sufficient release and discharge to said
20 bank, for all payments made on account of such deposit prior to
21 the receipt by said bank of notice in writing signed by any one
22 of such joint tenants, not to pay such deposit in accordance with
23 the terms thereof.

Sec. 79-a (8). Any person who shall wilfully and maliciously
2 make, circulate or transmit to another or others, any false state-
3 ment, rumor or suggestion, written, printed or by word of mouth,

4 which is directly or by inference derogatory to the financial condi-
5 tion or affects the solvency or financial standing of any bank, sav-
6 ings bank, banking institution or trust company doing business in
7 this state, or who shall counsel, aid, procure or induce another to
8 start, transmit, or circulate any such statement or rumor, shall
9 be guilty of a misdemeanor, and upon conviction thereof, shall
10 be punished by a fine of not more than one thousand dollars or
11 imprisoned in the county jail not more than one year, or both, in
12 the discretion of the court.

Sec. 79-a (9). No bank which has paid and charged to the
2 account of a depositor any money on a forged or raised check
3 issued in the name of said depositor shall be liable to said de-
4 positor for the amount paid thereon unless either (1) within one
5 year from notice to said depositor that the vouchers representing
6 payments charged to the account of said depositor for the period
7 during which such payment was made are ready for delivery, or
8 (2) in case no such notice has been given, within one year after
9 the return to said depositor of the voucher representing such pay-
10 ment, said depositor shall notify the bank that the check so paid
11 is forged or raised. The notice referred to may be given by mail
12 to said depositor at his last known address with postage prepaid.
13 No bank shall be liable to a depositor because of the non-payment
14 through mistake or error and without malice of a check which
15 should have been paid unless the depositor shall allege and prove
16 actual damage by reason of such non-payment and in such event
17 the liability shall not exceed the amount of damage so proved.

Sec. 79-a (10). Nothing in any law of this state shall in any
2 manner whatsoever affect the validity of, or render void or void-
3 able, the payment, certification or acceptance of a check or other
4 negotiable instrument or any other transaction by a bank in this
5 state because done or performed on any Saturday between twelve
6 o'clock noon and midnight; *provided*, such payment, certification,
7 acceptance, or other transaction would be valid if done or per-
8 formed before twelve o'clock noon on such Saturday; *provided*,
9 *further*, that nothing herein shall be construed to compel any bank
10 in this state, which by law or custom is entitled to close at twelve
11 o'clock noon on any Saturday, to keep open for the transaction
12 of business or to perform any of the acts or transactions afore-
13 said, on any Saturday after such hour except at its own option.

Sec. 79-a (11). The words "federal reserve act," as herein

2 used, shall be held to mean and to include the act of congress of
3 the United States approved December twenty-three, one thousand
4 nine hundred and thirteen, as heretofore and hereafter amended.
5 The words "federal reserve board" shall be held to mean the fed-
6 eral reserve board created and described in the federal reserve
7 act. The words "federal reserve bank" shall be held to mean
8 the federal reserve banks created and organized under the authority
9 of the federal reserve act. The words "member bank" shall be
10 held to mean any national bank, state bank or banking and trust
11 company which has become or which becomes a member of one
12 of the federal reserve banks created by the federal reserve act.
13 That any bank or trust company incorporated under the laws of
14 this state shall have the power to subscribe to the capital stock
15 and become a member of a federal reserve bank. Any bank or
16 trust company incorporated under the laws of this state which is,
17 or which becomes, a member of a federal reserve bank is vested
18 with all powers conferred upon member banks of the federal
19 reserve banks by the terms of the federal reserve act as fully and
20 completely as if such powers were specifically enumerated and
21 described herein, and all such powers shall be exercised subject
22 to all restrictions and limitations imposed by the federal reserve
23 act, or by regulations of the federal reserve board made pursuant
24 thereto. The right, however, is expressly reserved to revoke or
25 to amend the powers therein conferred. A compliance on the part
26 of any such bank or trust company with the reserve requirements
27 of the federal reserve act shall be held to be a full compliance
28 with those provisions of the laws of this state which require banks
29 or trust companies to maintain cash balances in their vaults or
30 with other banks, and no such bank or trust company shall be
31 required to carry or maintain reserve other than such as is re-
32 quired under the terms of the federal reserve act. Any such bank
33 or trust company shall continue to be subject to the supervision
34 and examinations required by the laws of this state, except that
35 the federal reserve board shall have the right, if it deems necessary,
36 to make examinations; and the authorities of this state having
37 supervision over such bank or trust company may disclose to the
38 federal reserve board, or to examiners duly appointed by it, all
39 information in reference to the affairs of any bank or trust com-
40 pany which has become, or desires to become, a member of a
41 federal reserve bank.

Sec. 79-a (12). It shall be lawful for any notary public

2 who is a stockholder, director, officer or employe of a bank or
 3 other corporation to take the acknowledgment of any party to
 4 any written instrument executed to or by such corporation, or
 5 to administer an oath to any other stockholder, director, officer,
 6 employe or agent of such corporation, or to protest for non-
 7 acceptance or non-payment bills of exchange, drafts, checks, notes
 8 and other negotiable instruments which may be owned or held
 9 for collection by such corporation; *provided*, it shall be unlawful
 10 for any notary public to take the acknowledgment of an instru-
 11 ment by or to a bank or other corporation of which he is a stock-
 12 holder, director, officer, or employe, where such notary is a party
 13 to such instrument, either individually or as a representative of
 14 such corporation, or to protest any negotiable instrument owned
 15 or held for collection by such corporation, where such notary is
 16 individually a party to such instrument.

CHAPTER 61.

(House Bill No. 279—Mr. Anderson.)

AN ACT to authorize the county court of the county of McDowell to establish and maintain a county law library.

[Passed February 21, 1919. In effect from passage. Approved by the Governor February 22, 1919.]

- | | |
|--|---|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Establishment of law library in McDowell county. 2. Purchase of books, periodicals, stationery, supplies, furniture and equipment for same. 3. Appointment of committee of lawyers to purchase library; making and enforcing of rules and | <p>SEC.</p> <ol style="list-style-type: none"> 4. regulations for government. Delivery of reports of supreme court of appeals and acts of legislature to library ordered; authority to receive books or other property by loan, gift or bequest. |
|--|---|

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of McDowell be and the said county court of McDowell county is hereby authorized to establish and maintain a law library for the use of the judges of the courts of said county, all attorneys at law practicing in said court, and all public officers of said county, or any subdivision thereof, or municipality therein. Said library shall be known and designated as "The McDowell County Law Library," and shall be located at such place as the county court may designate in the town of Welch, in said county.

Sec. 2. The said county court of the county of McDowell may, within its discretion, purchase law books, law periodicals,

3 stationery, supplies, furniture and equipment for said library, and
 4 for said purpose shall have authority to expend money; *provided*,
 5 *however*, that the cost of establishing said library shall not ex-
 6 ceed the sum of ten thousand dollars, and the maintenance thereof
 7 shall not exceed the sum of one thousand five hundred dollars
 8 per year thereafter.

Sec. 3. The said county court may, within its discretion, ap-
 2 point a committee of three lawyers to purchase said library, one of
 3 whom shall be the judge of the circuit court of said county, and
 4 no law books shall be purchased for said library except upon the
 5 order of the said committee; and the said committee shall have
 6 power to make and enforce all rules and regulations as may be
 7 deemed necessary for the government of the said library, and the
 8 use thereof.

Sec. 4. As soon as practicable after any new volume of the
 2 reports of the supreme court of appeals of West Virginia, as
 3 well as the bound volumes of the acts of the legislature have been
 4 printed, the officers charged with the distribution of the said re-
 5 ports and said acts shall deliver one copy of each to said library.
 6 And the said board of commissioners shall have authority to re-
 7 ceive for said library any books or other property by loan, gift or
 8 bequest.

CHAPTER 62.

(House Bill No. 96—Mr. Scott.)

AN ACT authorizing the board of education of Town district,
 Raleigh county, West Virginia, to lay a special levy for the years
 one thousand nine hundred and nineteen and one thousand nine
 hundred and twenty, for the purpose of securing sufficient funds
 to finish the construction of a public school building in the city
 of Beckley, in said Town district.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the
 Governor February 13, 1919.]

Sec.

1. Authorizing special levy for com-
 pletion of school building in city
 of Beckley, Raleigh county.

Sec.

2. Method of assessment and collec-
 tion; use of proceeds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Town district, Raleigh
 2 county, West Virginia, is hereby authorized, in the years one
 3 thousand nine hundred and nineteen and one thousand nine hun-

4 dred and twenty, to lay a special levy not to exceed ninety-five
 5 cents on the one hundred dollars valuation of all property situate
 6 in said district, to pay for the completion of a public school build-
 7 ing in the city of Beckley, Raleigh county, West Virginia, now in
 8 the course of construction.

Sec. 2. Such levies shall be assessed and collected as other-
 2 wise provided by law and the proceeds of the same shall be used
 3 for the purpose set forth in section one of this act, and for no
 4 other.

CHAPTER 63.

(House Bill No. 60—Mr. McClintic.)

AN ACT to amend and re-enact sections twelve, thirteen, nineteen
 and twenty, of chapter one hundred and thirty-seven, of the
 code of West Virginia, Hogg's one thousand nine hundred and
 thirteen edition, relating to fees of officers.

{Passed February 12, 1919. In effect ninety days from passage. Approved by the
 Governor February 14, 1919.}

<p>SEC. 12. Fees that may be charged by jus- tices of the peace in civil cases. 13. Fees that may be charged by con- stables.</p>	<p>SEC. 19. Fees that may be charged by jus- tices in criminal cases. 20. Justices' fees in cases not other- wise provided.</p>
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Be it enacted by the Legislature of West Virginia:

That sections twelve, thirteen, nineteen and twenty, of chapter one
 hundred and thirty-seven of the code of West Virginia (Hogg's one
 thousand nine hundred and thirteen edition), be, and the same are
 hereby, amended and re-enacted so as to read as follows:

Section 12. Every justice of the peace shall be entitled to

2	charge and receive the following fees in civil cases, viz:	
3	For summons to commence a suit.....	\$.30
4	For every copy thereof.....	.15
5	For every additional summons in same action.....	.30
6	For a copy thereof.....	.15
7	For docketing an action commenced by appearance and	
8	agreement .....	.30
9	For issuing order of arrest, order of commitment, or order	
10	of attachment .....	.30
11	For every subpoena for witness.....	.15
12	For order of arrest against delinquent witnesses or jurors,	
13	or in any case of contempt, and for the trial and judg-	

14	ment of such case.....	.75
15	For swearing each witness, arbitrator or party.....	.05
16	For taking and certifying any affidavit in writing.....	.25
17	For every continuance.....	.20
18	For appointing a guardian for the suit of an infant plaintiff	
19	or defendant .....	.20
20	For appointing special constables at request of either party.	.25
21	For settling and allowing interrogatories.....	.25
22	For entering agreement for arbitration.....	.25
23	For summons of arbitrators.....	.30
24	For every bond filed in the suit.....	.25
25	For venire for jury, including the drawing for the same....	.25
26	For trying a case.....	1.00
27	For entering judgment.....	.25
28	For abstract of judgment for docketing in the office of the	
29	clerk of the county court.....	.25
30	For transferring a judgment on docket.....	.25
31	For entering satisfaction of judgment.....	.15
32	For issuing execution and entering return thereof on his	
33	docket .....	.50
34	For issuing every additional execution.....	.25
35	For entering stay of execution.....	.25
36	For trying right of property levied on or attached.....	1.00
37	For taxing costs.....	.25
38	For every process or order not otherwise provided for.....	.30
39	For transcript from docket, and other writings and copies	
40	not otherwise provided for.....	.50
41	For transmitting or delivering papers to the clerk of the	
42	circuit court in case of an appeal.....	.50
43	For taking and certifying acknowledgment of deed or other	
44	instrument of writing.....	.25
45	For taking depositions of witnesses, if done in an hour or less	.75
46	If not done in an hour for additional time at the rate, per	
47	hour of .....	.75
48	For taking an inquest on a dead body, to be audited and paid	
49	from the treasury of the county.....	5.00

Sec. 13. Every constable shall be entitled to charge and receive the following fees: For removing a person by virtue of warrant issued under the thirteenth section of chapter forty-six to be charged to the county court of the county, five cents for each mile of necessary travel, going and returning; for service and return of

5-a summons to commence a suit and for every additional summons,
 6 seventy-five cents; for serving and returning order of attachment,
 7 fifty cents for each garnishee summoned, and one dollar for
 8 taking property, including inventory and appraisal, besides
 9 the reasonable expenses of removing, securing and keeping the
 10 property attached; for subpoenas, for each person served there-
 11 with, twenty-five cents; for summoning a jury and return of
 12 venire, one dollar and fifty cents; for levying an execution on
 13 personal property and return, one dollar; for posting notices of
 14 sale, forty cents; for money made under execution or attachment
 15 and paid to the party entitled thereto, five per cent; for serving
 16 and returning other writs and notices not specified in this section,
 17 each seventy-five cents; for executing a writ of possession under
 18 section two hundred and thirty-five of chapter fifty, two dollars;
 19 for summoning the jury and witnesses for inquest on a dead body,
 20 to be audited and paid from the treasury of the county, three
 21 dollars; for services not otherwise provided for the same fees as
 22 sheriff for similar cases.

Sec. 19. Every justice shall be entitled to the following fees
 2 in criminal cases and proceedings before him, to be charged and
 3 recovered as provided by the two hundred and twenty-seventh and
 4 two hundred and twenty-ninth sections of chapter fifty.
 5 For every recognizance or bond to keep the peace, or be of
 6 good behavior\$.50
 7 For every warrant of arrest or commitment..... .50
 8 For docketing case on return of warrant of arrest executed.. .30
 9 For all services rendered at the instance of the defendant, the
 10 same fees shall be charged as are allowed for similar services in
 11 civil cases.
 12 For trial\$1.00
 13 For every subpoena for one or more witnesses..... .15
 14 For every copy thereof..... .10
 15 For every warrant to summon a jury..... .25
 16 For swearing a jury..... .25
 17 For swearing witnesses, each..... .05
 18 For entering his judgment on his docket, and taxing the
 19 costs50
 20 For issuing execution, and entering return thereof..... .50
 21 For granting an appeal, including taking the bond or recog-
 22 nizance, making and certifying a transcript of his docket
 23 and transmitting the same and the papers in the case to

24 the clerk of the circuit court, ten cents per hundred
 25 words, or in lieu thereof a specified fee of..... 1.00
 26 In all other cases the fees allowed in civil cases by law to other
 27 county officers for similar services.

Sec. 20. A justice shall be entitled in cases not otherwise
 2 provided for to the following fees, which shall be audited and
 3 paid by the county court as other claims against the county.
 4 For warrant to arrest the person or persons accused, and take
 5 him before a justice for examination, including the sum-
 6 moning of witnesses.....\$.50
 7 For examination of witnesses to ascertain whether such war-
 8 rant ought to be issued, and against whom..... .50
 9 For the examination when the accused is apprehended and
 10 brought before him..... 1.00
 11 For recognizance of bail, warrant of commitment, or dis-
 12 charge of the accused..... .50
 13 For recognizance of witnesses, each..... .10
 14 For search warrant..... .50

CHAPTER 64.

(House Bill No. 197—Mr. Parsons.)

AN ACT to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the "Independent School District of Point Pleasant," and to change and enlarge the boundary and limits of said independent school district so as to include additional territory.

[Passed February 14, 1919. In effect from passage. Became a law without the Governor's approval.]

- | | |
|--|--|
| <p>Sec.</p> <ol style="list-style-type: none"> 1. Enlarging the boundaries and limits of Point Pleasant independent school district; territory bounded and described; provision for submitting proposed enlargement to the voters of the district at a special election; date of election. 2. Tickets for and method of conducting election; result to be declared. 3. Board of education of Point Pleasant independent school district; how constituted and elected; powers; term of office. 4. General school law of state to govern district; present board to continue until successors have been chosen. | <p>SEC.</p> <ol style="list-style-type: none"> 5. School moneys unexpended; disposition of same; financial settlements. 6. Appointment of secretary; duties; salary. 7. Levying tax for keeping schools open not less than nine months of every year; collecting of same. 8. Establishment and maintenance of high school; qualification of teachers for same; pupils who may be admitted; tuition for non-resident pupils; appointment of teachers; removals for incompetency, neglect of duty, intemperance, profanity, cruelty and immorality. |
|--|--|

Be it enacted by the Legislature of West Virginia:

That chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia creating the independent school district of Point Pleasant and any amendments thereto be amended and re-enacted so as to change and enlarge the boundary limits of said independent school district of Point Pleasant created by chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven to read as follows:

Section 1. That in case a majority of the voters voting on
2 the question at the election herein provided for, be in favor
3 thereof, the following described territory in the county of Mason
4 shall after the result of such election is ascertained and de-
5 clared, be added to and become a part of the independent school
6 district of Point Pleasant, to-wit:

7 All that territory bounded and described as follows:

8 Beginning at a point on the Kanawha river where a stake is
9 called for, being a corner of the lands formerly owned by C. C.
10 Miller, who is now deceased, and the lands of the Kanawha and
11 Michigan railway company, thence with the division line between
12 said Miller lands and the railway company lands, north twenty-
13 nine degrees forty-five minutes, east two hundred four poles and
14 twenty-two links to a stake; thence by same course fifty-five poles
15 and four links to a corner of the said Miller lands, the lands of
16 the Kanawha and Michigan railway company and the lands for-
17 merly owned by J. D. McCulloch; thence north fifty-eight de-
18 grees west; two hundred ninety-seven poles to a stake on the south
19 side of the Clarksburg road; thence crossing the lands formerly
20 belonging to H. J. Fisher, north seventy degrees west ninety poles
21 and twelve links to a stake on the south side of the road; thence
22 north thirty-seven degrees thirty minutes west, thirty-seven poles
23 to a large cedar tree on a hill side; thence north twenty degrees
24 fifteen minutes, one hundred twenty-one poles to a chestnut oak
25 on a hill side; thence north twenty-eight degrees thirty minutes
26 east, one hundred thirty-four poles and eleven links to a small
27 black oak on the top of a ridge on the lands of P. S. Eastham;
28 thence north seventy-three degrees thirty minutes west, to the
29 west bank of Crooked creek; thence along the west bank of
30 Crooked creek with its meanderings and bindings thereon, north
31 thirty-five degrees east four poles; north seventy-one degrees
32 thirty minutes east, sixteen poles; north twenty-three degrees

33 twenty poles; north twenty-two degrees east, twelve poles; north
34 sixty-seven degrees forty-five minutes east, twelve poles; south
35 eighty-four degrees fifteen minutes east, seventeen poles; north
36 forty-two degrees thirty minutes east, twelve poles; north two
37 degrees east, eight poles to the division line between the lands of
38 P. C. Eastham and James Capehart; thence across the lands of
39 James Capehart north five degrees east, four poles; north twen-
40 ty-four degrees thirty minutes east, ten poles; north twenty-four
41 degrees thirty minutes west, nine poles; north thirty-three de-
42 grees thirty minutes east, twenty-five poles; north fifty-six de-
43 grees thirty-two minutes east, thirty-two poles; north six degrees
44 east, sixteen poles; north thirty-three degrees thirty minutes east,
45 twenty-two poles to a point on south side of Jerico road, same
46 being corner to lands of E. J. Mossman; thence with the lines of
47 said E. J. Mossman south thirty-seven degrees west ten poles to a
48 stake in center of road; north eighty-one degrees thirty minutes
49 west, four poles ten and one-half links to a point in center of
50 Jerico road; thence leaving said Jerico road north eight degrees
51 east thirty-two poles nineteen links to a post set in the ground on
52 the fifteenth day of July, one thousand nine hundred and four;
53 thence south eighty-two degrees east twenty-five poles to a stake
54 on top of creek bank; thence along top of creek bank north twen-
55 ty-seven degrees fifteen minutes east, twenty poles to a stake;
56 thence north thirty-five degrees east ten poles ten links to a stake
57 in bend of the fence; thence north fourteen degrees thirty minutes
58 east, thirty-eight poles ten links to a stake in out line of thirty-six
59 acre tract known as lot number one in Point Pleasant develop-
60 ment company's survey; thence with said lot number one north
61 eighty-two degrees west nine poles fifteen links to a stake; thence
62 north forty-one degrees west eleven poles eight links to a stake at
63 the northeast corner of fair ground; thence along the north line
64 of said fair grounds north eighty-two degrees west, nine poles to
65 a stake; thence north six degrees east, sixty-one poles eleven links
66 to a stake; thence south thirty degrees east, seven and one-half
67 poles to a fence post in southeast corner of cemetery lot; thence
68 along the south line of cemetery lot north seventy-five degrees
69 forty-five minutes west forty-eight poles to the east line of Jack-
70 son avenue as laid out by the Point Pleasant development com-
71 pany; thence along the east line of Jackson avenue north nine
72 degrees east, thirty-four poles twelve links to a stake in the out-
73 line of the Point Pleasant development company's lands and with

74 said outline and line of land of Mrs. Ham Parr north seventy-six
75 degrees west one hundred seventy-one poles to a stake in the south
76 bank of Old Town creek; thence along the south bank of said Old
77 Town creek with its meandors and binding thereon, south thirty-
78 five degrees west, sixteen poles four links; north forty-seven de-
79 grees fifteen minutes west, six poles, north twenty-eight degrees
80 forty-five minutes west, eight poles; north seventy-five degrees
81 west, five and one-half poles; south three degrees thirty minutes
82 three poles four links; south twenty-eight degrees east, six poles
83 twenty links; south twenty degrees east, five poles; south twelve
84 degrees west, six poles nine links; south eight degrees west, seven
85 poles seven links; north eighty-one degrees thirty minutes west,
86 four poles twenty-two links; south forty-four degrees forty-five
87 minutes west, thirteen poles twenty-three links to the top of the
88 Ohio river bank; thence north seventy-three degrees thirty
89 minutes west, to the Ohio and West Virginia state line; thence
90 with said state line down the Ohio river to a point opposite the
91 center of the Kanawha river; thence crossing the Ohio river
92 and in a line with the center of the Kanawha river, and con-
93 tinuing said course up the center of said Kanawha river five hun-
94 dred three poles to a point opposite the beginning corner; thence
95 north twenty-nine degrees forty-five minutes east, three hun-
96 dred twenty-five feet to the place of beginning. The same being
97 the metes and bounds of the city of Point Pleasant.

98 *Provided, however,* that before this act shall take effect as
99 to the territory included in the said independent school district of
100 Point Pleasant, as existing before this act went into effect, it
101 shall be submitted to the voters of the independent school dis-
102 trict of Point Pleasant at a special election to be held in said
103 independent district under the direction of the board of educa-
104 tion thereof, to be held on the twelfth day of April, one thou-
105 sand nine hundred and nineteen, and before the same shall take
106 effect as to any part of the magisterial district of Lewis pro-
107 posed to be included in said independent school district of Point
108 Pleasant from said district of Lewis, it shall be submitted to
109 the voters of the said magisterial district of Lewis at a special
110 election to be held in said district under the direction of the
111 board of education thereof, to be held on the twelfth day of
112 April, one thousand nine hundred and nineteen.

Sec. 2. The tickets for the said election herein provided for
2 shall have written or printed thereon "For enlarging independent

3 school district" and "Against enlarging independent school dis-
4 trict." The said election shall be held and conducted and the
5 result thereof, in each of said districts, ascertained by officers to
6 be appointed for the purpose in each of said districts by the
7 boards of education thereof, respectively, conforming to the gen-
8 eral law governing elections so far as applicable, and if the ma-
9 jority of the votes cast upon said question in each of the said dis-
10 tricts shall be in favor of enlarging said independent school dis-
11 tricts of Point Pleasant then the territory described in section
12 one of this act shall thereafter be included within the independent
13 school districts of Point Pleasant. If, however, the majority of
14 votes cast upon said question in either of said districts shall be
15 against enlarging said independent school district of Point Pleas-
16 ant, or if the vote be even, then the boundary limits of said in-
17 dependent school district shall be and remain as they were before
18 this act went into effect.

Sec. 3. In the independent school district of Point Pleasant
2 there shall be a board of education, who shall be a corporation by
3 the name of "The Board of Education of the independent school
4 district of Point Pleasant, in the county of Mason," and as such
5 shall possess all the power and be subject to all the liabilities of
6 such corporation, and in addition thereto shall likewise perform
7 all the duties and be subject to all the liabilities of both boards of
8 education and trustees. Except as in the next section otherwise
9 provided, said board of education shall consist of a president and
10 two commissioners, to be elected at the general elections held in
11 said county of Mason, all of whom, after those first elected, shall
12 hold their offices for terms of four years, beginning on the first
13 day of July, next after the dates of their respective elections, and
14 until their successors shall have been elected and qualified: They
15 shall be first elected at the general election to be held as aforesaid
16 in the year nineteen hundred and twenty, the president and one of
17 said commissioners for terms of two years, commencing as afore-
18 said, and the other commissioner for the full term of four years.

Sec. 4. Th independent school district of Point Pleasant
2 herein authorized, and the board of education herein authorized
3 to be elected, shall conform to, and be governed by, the general
4 school law in this state, except where it is otherwise provided by
5 this act. But until the board of education is elected as provided
6 in the next preceding section, the present members of the board

7 of education of the independent school district of Point Pleasant,
8 and the members of the board of education of Lewis district re-
9 siding within the territory included in this act shall be and is
10 hereby constituted the board of education of the independent
11 school district of Point Pleasant as created by this act until their
12 successors are elected and qualified, as aforesaid. The members
13 of the temporary board of education so constituted shall on the first
14 Monday in July, one thousand nine hundred and nineteen, meet
15 and elect one of their members president of said board. Nothing
16 herein contained shall be construed to prohibit the re-election
17 eligibility of any member of such board for two or more terms.
18 Vacancies in the board shall be filled for the unexpired term by
19 appointment by said board within four weeks after such vacancy
20 shall have occurred. If the board shall fail or refuse to act within
21 this time, the county superintendent of schools shall promptly
22 fill said vacancy by appointment.

Sec. 5. All school moneys, whether belonging to the teach-
2 ers' or building fund of Lewis district, which may be unexpended
3 when the provisions of this act take effect, shall be divided be-
4 tween the said Lewis district and the independent school district
5 of Point Pleasant, in proportion to the amount of taxable prop-
6 erty added to the independent school district of Point Pleasant.
7 The latest assessment for state and county purpose shall be taken
8 as the basis of such settlement and division. It shall be the duty
9 of the boards of education of each of said districts, on or before
10 the first day of July, next after the provisions of this act take
11 effect, to make the financial settlement provided for in this sec-
12 tion.

Sec. 6. The said board of education, at their annual meet-
2 ing on the first Monday of July of each year, shall appoint a sec-
3 retary who shall not be a member of the board, and who shall
4 perform all the duties of a secretary of a board of education pre-
5 scribed in the general school law, and in addition thereto, shall
6 make an enumeration of the youths of the said independent dis-
7 trict, between the ages of six and twenty-one years of age, at the
8 time required by the general school law, and according to the
9 provision therein contained in relation to the making enumera-
10 tion of youths. Salary of said secretary shall not exceed one
11 hundred and fifty dollars per year.

Sec. 7. It shall be the duty of the board of education of said

2 independent district at their annual meeting, to be held at the
3 time required by the general school law, to ascertain, as near as
4 can be, the amount of money necessary, in addition to other funds
5 properly belonging to said independent district available for that
6 year, to keep the schools of said districts in operation not less than
7 nine months in the year, for which amount said board shall levy
8 a tax upon the taxable property included in said district, which
9 tax shall be collected in the same manner as other school taxes
10 are collected, under the provisions of the general school law of
11 this state; and for collecting the same the sheriff shall be allowed
12 the same commission as he is allowed by law for collecting the
13 school money for the districts.

Sec. 8. The board of education of said independent school
2 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) the requirements of this section,
10 as to such high school, may be enforced by any taxpayer of said
11 independent district by mandamus to compel performances of
12 official duty thereunder, or injunction to prevent violation thereof.
13 In addition to said high school, said board of education may
14 establish and maintain such other schools as shall, in their judg-
15 ment, promote the educational interests of children of said in-
16 dependent school district. Pupils between the ages of six and
17 twenty-one years, residing elsewhere than in said independent dis-
18 trict may be admitted to said schools upon payment to said board
19 of education, in advance, of a reasonable monthly tuition, to be
20 fixed by said board, and to become a part of the teachers' fund of
21 said independent district. Said board of education shall, at a
22 meeting to be held not later than the first day of September, in
23 each year, appoint the teachers for said schools for the current
24 school year, and fix and determine their salaries for such year.
25 Such appointments shall be recorded by the secretary of said
26 board; and any teacher appointed by said board may, by them,
27 be removed for incompetency, neglect of duty, intemperance, pro-
28 fanity, cruelty and immorality.

CHAPTER 65.

(Senate Bill No. 16—Mr. Sanders.)

AN ACT to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, of one thousand nine hundred and thirteen.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

<p>SEC. 4. Conveyance of real estate; acknowledgments; husband and wife form.</p>		<p>SEC. 6. Acknowledgments by married women; certification; form of right of dower.</p>
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Be it enacted by the Legislature of West Virginia:

That sections four and six of chapter seventy-three of the code be amended and re-enacted to read as follows:

Section 4. When a husband and wife have signed a writing purporting to sell or convey real estate, the wife may acknowledge the same together with, or separately from, her husband. If both acknowledge said writing at the same time, the certificate of such acknowledgments shall be in form or effect as follows:

State (territory or district) of....., county of....., to-wit:

I,, a commissioner appointed by the governor of the state of West Virginia for the said state of, (or territory or district of.....) or, I,, a justice of the peace of the said county of....., or, I,, a notary of the said county of, or, I,, prothonotary (or clerk) of the..... court or county of....., (or other officer or person authorized to take acknowledgments by section three of this chapter as the case may be,) * do certify that.....and....., his wife, whose names are signed to the writing above (or hereto annexed) bearing date the.....day of....., 19...., have this day acknowledged the same before me in my said.....

Given under my hand this.....day of.....19....

If the wife acknowledge a deed or other writing separately from her husband, the certificate of her acknowledgment after the star in the foregoing form shall be in form or effect as follows: "do certify that....., the wife of....., whose names are signed to the writing above (or hereto annexed) bear-

26 ing date the.....day of....., 19...., has this day
27 acknowledged the same before me in my said.....”

28 Given under my hand this.....day of....., 19.....

29 If the acknowledgment be before a notary without this state,
30 he shall certify the same under his official seal.

Sec. 6. When the acknowledgment of a married woman
2 shall have been so taken and certified as aforesaid, such convey-
3 ance or other writing agreeing to sell and convey shall operate
4 to pass or convey from the wife her right of dower in the real
5 estate embraced therein, and pass from her and her representa-
6 tives all right, title and interest of every nature which, at the date
7 of such writing, she may have in any real estate sold or con-
8 veyed thereby, as effectually as if she were, at said date, an un-
9 married woman. If the deed or other writing agreeing to sell
10 and convey, be executed by a married woman, who, at the time
11 of its execution and acknowledgment is living separate and apart
12 from her husband, or her husband be *non compos mentis*, and
13 such deed or other writing agreeing to sell and convey, be for
14 real estate which is her sole and separate property, such facts
15 shall be recited in the deed or other writing agreeing to sell and
16 convey, and if her husband has not joined therein, no person
17 authorized by the provisions of section four of this chapter to
18 take such acknowledgment, shall take and certify the same until
19 it is proved to his satisfaction that such real estate is the sole
20 and separate property of such married woman, and that she was,
21 and is, living separate and apart from her husband, or that her
22 husband is *non compos mentis* at the date of such deed, or other
23 writing agreeing to sell and convey, and the acknowledgment
24 thereof; and it shall be stated in the certificate of such acknowledg-
25 ment that all of said facts were shown to the satisfaction of the
26 person taking the same. The certificate as to such facts may be
27 in form or effect as follows:

27-a “And I further certify that before taking said acknowledg-
28 ment, it was proved to my satisfaction that the real estate in said
29 writing mentioned was the sole and separate property of said
30, and that she was at the date of said writing,
31 and now is, living separate and apart from her husband (or that
32 her husband is *non compos mentis*),” and the same shall be in-
33 cluded in the certificate of her acknowledgment.

34 Such certificate shall, in all cases where the validity of any
35 such deed or other writing agreeing to sell and convey

35-a comes in question, be *prima facie* evidence of the facts
 36 therein stated. If any person shall wilfully make any false cer-
 37 tificate contrary to the true facts in the case, he shall be guilty of
 38 a misdemeanor, and, upon conviction thereof, be fined and im-
 39 prisoned at the discretion of the court.

CHAPTER 66.

(Senate Bill No. 8—Mr. Sanders.)

AN ACT to require judgments and decrees of the circuit and district
 courts of the United States to be docketed in the offices of the
 clerks of the courts of West Virginia.

[Passed February 10, 1919. In effect ninety days from passage. Approved by
 the Governor February 13, 1919.]

SEC.	1. Judgments and decrees of United States circuit and district		SEC.	courts: docketing same in state courts.
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Be it enacted by the Legislature of West Virginia:

That judgments and decrees rendered in a circuit or district court of the United States within this state shall be docketed and indexed in the clerk's offices of the courts of this state in the same manner and under the same rules and requirements of law as judgments and decrees of the courts of this state.

CHAPTER 67.

(Senate Bill No. 17—Mr. Sanders.)

AN ACT to fix the salaries of the governor and the judges of the
 supreme court of appeals.

[Passed January 28, 1919. In effect ninety days from passage. Became a law
 without the Governor's approval.]

SEC.	1. Governor's salary: increase in pay; salary of Judges of the supreme		SEC.	court of appeals: inconsistent acts and parts of acts repealed.
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Be it enacted by the Legislature of West Virginia:

That from and after the fourth day of March, one thousand nine hundred and twenty-one the governor shall receive an annual salary of ten thousand dollars, payable monthly out of the treasury, and that from and after the first day of July, one thousand nine hundred and nineteen each of the judges of the supreme court of appeals shall receive an annual salary of eight thousand dollars, payable monthly out of the treasury.

All acts coming within the purview of this act and inconsistent herewith are hereby repealed.

CHAPTER 68.

(Senate Bill No. 14—Mr. Sanders.)

AN ACT to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three as amended by section one, of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four of chapter five of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia.

[Passed January 25, 1910. In effect from passage. Approved by the Governor February 6, 1910.]

SEC.
4. Criminal court of Mercer county;
salary of judge.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen, section four of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by chapter fourteen, section one, of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, chapter twenty-seven, of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four, chapter five, of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and eight, be amended and re-enacted so as to read as follows:

Section 4. That the judge of said court shall for his services
2 receive four thousand dollars per annum, payable out of the coun-
3 ty treasury of said county, as provided for by chapter fourteen,
4 section one, of the acts of the extraordinary session of the legis-
5 lature of West Virginia of one thousand nine hundred and four.

CHAPTER 69.

(Senate Bill No. 44—Mr. Stewart.)

AN ACT to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion.

[Passed January 25, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

SEC.

1. Establishing the criminal court of Marion county.
2. Jurisdictions concurrent with circuit court; supervision over and control of other courts.
3. Election of judge; time of election and length of term; appointment by governor of a judge to serve to January 1st, 1921.
4. Salary of judge; payable by county court.
5. Authority of judge; powers in vacation.
6. Jurisdiction of court presumed.
7. Power to punish for contempt.
8. Terms of court; where to be held.
9. May order grand jury drawn for any special or adjourned term of court; impaneling and compensation of jurors.
10. Circuit clerk to act for new court; fees allowed for services.
11. Powers and duties of sheriff and deputies.
12. Determination of indictments and prosecutions; criminal appeals; recognizances.
13. Change of venue.
14. Record books, seal; credit to be given; record of court.
15. Certification of record; discretion of judge; election of special judge, compensation.
16. Appeal, proceedings governing.

SEC.

17. Appeals allowed; right of appeal of both state and defendant.
18. Petition for appeal; writ of error and supersedeas; when petition shall be presented.
19. Appeal, writ of error, supersedeas; docketing of same.
20. Appeal, writ of error, supersedeas; rejection by court or judge.
21. Circuit court; proceedings regarding appeal, writ of error and supersedeas.
22. Writ of habeas corpus *ad subjiciendum*; provisions governing.
23. Duties of prosecuting attorney and assistant.
24. Laws applicable to said court.
25. Stenographer for court; duties, compensation; how paid.
26. Grand juries; not to be empaneled in circuit court.
27. Contest for office of judge; how determined.
28. Vacancy in office of judge; manner of filling such vacancy.
29. Removal of judge, reasons for and manner of accomplishing.
30. Powers to be exercised by court or judge in vacation; jurisdictions concurrent with circuit court.
31. Application to court of chapter one hundred and fourteen of the code.

Be it enacted by the Legislature of West Virginia:

Section 1. That a court of limited jurisdiction is hereby established in and for the county of Marion, to be held and presided over by a judge to be appointed or elected as provided by this act, which court shall be named and designated "The Criminal Court of Marion county."

Sec. 2. The said court shall have jurisdiction within the said county of Marion concurrent with the circuit court of all felonies and misdemeanors committed within said county of Marion. Said court shall also have jurisdiction concurrent with the circuit court of said county, and shall have the supervision and control of criminal proceedings before justices of said county, the mayor of any incorporated city, town or village or other police court of any incorporated city, town or village therein by appeal, mandamus, prohibition and certiorari. It shall also have

10 jurisdiction concurrent with said circuit court for the collection
11 of all recognizances taken by said criminal court and for the
12 collection of all bonds taken by said criminal court or by the
13 clerk thereof in vacation, to secure the payment of judgments for
14 fines and costs rendered by said court, and for the collection of
15 all recognizances and bonds taken by the justices of said county
16 or the mayor of any incorporated city, town or village in said
17 county in relation to criminal proceedings before said justices
18 or mayor. The said court shall also have jurisdiction concurrent
19 with the circuit court of said county for the maintenance of
20 illegitimate children, as provided by chapter eighty of the code
21 of West Virginia.

Sec. 3. There shall, at the general election to be held in this
2 state on the Tuesday next after the first Monday in November in
3 the year one thousand nine hundred and twenty and every four
4 years thereafter, be elected by the legal voters of said county a
5 judge of said criminal court who shall be a resident member of
6 the bar of said county and shall be disqualified from practicing
7 law in all of the courts of this state during his continuance in
8 office, who shall preside over said court for the term of four years
9 from the first day of January succeeding his election, and shall
10 be, except as to his term of office and jurisdiction, subject to the
11 laws in force governing circuit court judges. For the time in-
12 tervening between the date this act takes effect and the election
13 of a judge of said court as herein provided, the governor of this
14 state shall appoint and commission as judge of said criminal
15 court a proper person, who at the time of his appointment shall
16 be a resident member of the bar of said county, and the judge so
17 appointed shall hold said office until the first day of January,
18 one thousand nine hundred and twenty-one, or until his sue-
19 cessor is elected and qualified, and shall otherwise be subject to
20 the provisions of this act applicable to a regularly elected judge
21 of said criminal court.

Sec. 4. The judge of said criminal court shall receive for
2 his services a salary of forty-eight hundred dollars per year, said
3 amount to be fixed and paid from year to year by the county
4 court of said county out of the funds of said county, as provided
5 by statute.

Sec. 5. The powers and jurisdiction conferred upon the cir-
2 cuit courts in the trial of criminal cases and proceedings and

3 modes of procedure authorized therein within the county of
4 Marion are hereby conferred upon, and shall be exercised by said
5 criminal court of Marion county. And the judge of said criminal
6 court shall have the same powers in vacation as to felonies, mis-
7 demeanors and other offenses committed in the said county of
8 Marion that are conferred upon the judge of the circuit court of
9 said county.

Sec. 6. It shall not be necessary for any cause or proceed-
2 ing in said criminal court that the facts authorizing it to take
3 jurisdiction of the case or proceeding shall be set forth upon the
4 record, but jurisdiction shall be presumed unless the contrary
5 plainly appears from the record.

Sec. 7. The said criminal court shall have the same powers
2 to punish for contempt as are conferred upon the circuit court
3 by law.

Sec. 8. There shall be three terms of said court in each
2 year commencing on the second Tuesday in January, the second
3 Tuesday in May and the third Tuesday in September. The
4 terms of said court shall be held at the county seat of said county
5 at the court house thereof.

Sec. 9. The said criminal court shall impanel a grand jury
2 at each term thereof, and said court, or the judge thereof may in
3 his discretion order a grand jury to be drawn or summoned to
4 attend at any special or adjourned term of said court. Such
5 grand jury may consider any offense against the laws committed
6 within said county of Marion, whether the same shall have been
7 committed before the next preceding term of the court or not, and
8 whether the accused shall have been held for trial or not, prior to
9 the next preceding regular term, and all the provisions of chapter
10 one hundred and fifty-seven of the code of West Virginia in re-
11 gard to grand juries in the circuit court, shall apply so far as
12 applicable to the grand juries in said criminal court. The grand
13 and petit juries serving in said court shall be chosen and im-
14 paneled in the same manner as they are chosen and impaneled by
15 law in the circuit court and shall receive the same compensation
16 as said jurors in the circuit court.

Sec. 10. The clerk of the circuit court of Marion county shall
2 be *ex-officio* clerk of said criminal court and perform the duties
3 thereof, and shall receive the same fees as are allowed by law for
4 similar services to the clerk of the circuit court; and in the dis-

5 charge of his duties as clerk of the criminal court he shall be
6 subject to all statutes relating to the clerk of the circuit court.
7 All processes, rules and orders of said court in the exercise of its
8 jurisdiction shall be signed by the clerk thereof and be directed
9 to the sheriffs of the proper counties wherein the same are to be
10 executed, and they shall be executed in like manner and with the
11 same effect as process issuing from the circuit court of said county.

Sec. 11. The sheriff of Marion county and the sheriffs of the
2 several counties in the state shall, by themselves or their deputies,
3 execute all processes of said court, or those issued by the clerks
4 thereof, directed to them respectively and all processes issued by
5 the clerk thereof shall be directed to and executed by them in the
6 same manner as is provided by law as processes issuing from the
7 circuit court or the clerk thereof. And the sheriff of Marion
8 county shall perform the same duties and services for the criminal
9 court of Marion county as he is now by law required to perform
10 for the circuit court of said county. And in the execution of
11 processes, rules and orders of said court said officers shall have
12 the same powers and likewise be subject to the same liabilities,
13 govern themselves by the same rules and principles of law and the
14 statutes of the state and be entitled to the same fees as though
15 process issued from the circuit court of said county.

Sec. 12. The circuit court of said county may in its dis-
2 cretion certify to said criminal court for trial and determination
3 all indictments and prosecutions including criminal appeals from
4 justices of said county, the mayor of any incorporated city, town
5 or village or other police court of any city, town or village for
6 felonies, misdemeanors and offenses now pending in said circuit
7 court or that may hereafter be appealed or certified thereto or
8 pending therein or found by the grand juries impaneled in said
9 circuit court; and the said circuit court may in its discretion take
10 proper recognizances from the defendant inailable cases, and
11 also from witnesses for the state, for their appearance before the
12 said criminal court.

Sec. 13. A change of venue in any case pending in said
2 court may be ordered as provided in chapter one hundred and
3 fifty-nine of the code of West Virginia.

Sec. 14. It shall be the duty of the county court of Marion
2 county to provide all record books and other stationery that may
3 be necessary for said criminal court, and likewise a seal for the

4 said court; but full faith and credit shall be given to the record
5 of said court and certificates of its judge and clerk whether the
6 seal of the court be affixed thereto or not, in like manner, and
7 with the same effect as if the same were records of the circuit
8 court similarly authenticated.

Sec. 15. If the judge of said criminal court in his judgment
2 cannot properly preside at the hearing of any case pending
3 therein said cause may be, in his discretion, certified to, and the
4 original papers together with a copy of the orders of the court
5 filed in the circuit court of said county, and the cause shall be
6 docketed therein and proceeded with as though the case had
7 originally been brought and the prior proceedings had in the
8 circuit court to which it was transferred. And the said criminal
9 court may in its discretion take such recognizances from the de-
10 fendants in bailable cases, and from the witnesses for the state,
11 as he may deem proper, for their appearance before said court.
12 Or when for any cause the judge of said criminal court is in-
13 capable of acting, or is absent, a special judge may be elected in
14 the same manner as a special judge of the circuit court and
15 governed in all respects as far as applicable, the same as a special
16 judge of the circuit court, and shall be allowed fifteen dollars a
17 day to be paid out of the county treasury.

Sec. 16. Every person sentenced to imprisonment by the
2 judgment of a justice or the judgment of the mayor of any in-
3 corporated city, town or village, in said county, or to the pay-
4 ment of a fine of ten dollars or more, shall be allowed an appeal,
5 as provided in section two hundred and thirty of chapter fifty of
6 the code of West Virginia, to the criminal court of said county,
7 concurrent with the circuit court of said county, and all the pro-
8 visions of said section shall apply to said appeal and govern the
9 proceedings thereon, and the same shall be proceeded in, heard
10 and determined, and with like effect, as is provided in said sec-
11 tion two hundred and thirty of chapter fifty of the code.

Sec. 17. Appeals may be allowed and writs of supersedeas
2 awarded to the judgments, rules and orders of said court by the
3 circuit court of said county, or the judge thereof in vacation in
4 cases involving the freedom of a person, or the constitutionality
5 of a law, and when judgment is rendered against a defendant in
6 case of felony or misdemeanor, and in cases relating to the
7 public revenue, the right of appeal shall belong to the state as
8 well as to the defendant.

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 Marion county, or the judge thereof in 5 vacation, a petition therefor, together with the original record of 6 such controversy and attested copies of the orders entered therein, 7 and chapter one hundred and thirty-five of the code of West Vir- 8 ginia concerning appeals to the supreme court of appeals shall 9 so far as applicable govern the proceedings on such appeal, writ 10 of error or supersedeas as to the duties of the petitioner, the said 11 court and the clerk thereof; *provided, however,* no such appeal, 12 writ of error or supersedeas to said court shall be allowed unless 13 the petition therefor be presented in six months from the date of 14 such judgment or order.

Sec. 19. Every appeal, writ of error or supersedeas from 2 said criminal court shall be docketed in the circuit court of said 3 county, and shall be proceeded with in the same manner as ap- 4 peals, writs of error or supersedeas are proceeded in when heard 5 and determined in the supreme court of appeals.

Sec. 20. In a case where an appeal, writ of error or super- 2 sedeas is to the circuit court, if the court or judge thereof deems 3 the order or judgment plainly right and rejects it on this ground, 4 if the order of rejection so state no further petition shall after- 5 wards be presented for the same purpose, but the petition and the 6 order of rejection with the original record and attested copies of 7 the said orders may be presented to the supreme court of appeals, 8 or a judge thereof in vacation, for an appeal, writ of error or 9 supersedeas from said order of rejection. And, if allowed, the 10 same proceeding may be had thereon as if the same were a peti- 11 tion originally from the circuit court of said county to the supreme 12 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 judge 3 thereof in vacation shall, upon the hearing thereof, affirm said 4 judgment or order if there be no error therein prejudicial to the 5 appellant, or reverse the same in whole or in part if erroneous, 6 and the circuit court may retain the case for trial or remand the 7 same back to said criminal court to be further proceeded in and 8 finally determined. And the clerk of said circuit court shall, as 9 soon as practicable, transmit the decision of said circuit court to 10 the clerk of said criminal court.

Sec. 22. The criminal court of Marion county and the judge
2 thereof in vacation shall, concurrent with the supreme court of
3 appeals or the circuit court of said county, or any judge of any
4 circuit court in vacation, grant the writ of habeas corpus *ad*
5 *subjiendum* as provided in chapter one hundred and eleven of
6 the code of West Virginia; and all provisions of said chapter shall
7 be applicable thereto, and the same shall be governed as therein
8 provided. But in no case shall the same be issued by the said
9 criminal court or the judge thereof in vacation on the applica-
10 tion of any person unless he shall by himself, or by some one in
11 in his behalf, apply for the same by petition showing by affidavit
12 or other evidence probable cause to believe that he is detained in
13 the county of Marion without lawful authority.

Sec. 23. The prosecuting attorney of Marion county shall
2 attend the terms of said criminal court either by himself or his
3 assistant, and shall perform the duties of his office as required by
4 section six of chapter one hundred and twenty of the code.

Sec. 24. Sections forty-one, forty-two and forty-three of
2 chapter forty-one of the code of West Virginia shall apply to the
3 criminal court of Marion county and the judge thereof in the
4 same manner and to the same extent as they do to the circuit
5 court of Marion county and the judge thereof.

Sec. 25. The judge of said criminal court shall appoint a
2 court stenographer for said court, who shall attend the terms of
3 said criminal court and take the evidence and transcribe the same
4 when required so to do. And for his services he shall receive the
5 same compensation and be paid in the same manner as stenog-
6 raphers in the circuit courts of this state are paid, and the law
7 that now governs the appointment and compensation of a court
8 stenographer or reporter for the fourth judicial circuit shall
9 in all respects govern this appointment.

Sec. 26. From and after the first term of said criminal
2 court held under this act, no grand juries shall be impaneled in
3 the circuit court, unless the judge of said circuit court directs a
4 grand jury to be summoned and impaneled at a regular or special
5 term of said court or by order entered of record.

Sec. 27. If the office of judge of said criminal court be con-
2 tested the said contest shall be heard and determined in the same
3 manner as the election of judges of the circuit courts are de-
4 termined.

Sec. 28. If from any cause the office of judge of said criminal court shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of judge of the circuit court.

Sec. 29. The judge of said criminal court may be removed from office for the same reasons and in the same manner as judges of the circuit courts.

Sec. 30. Chapter one hundred and fifty-six of the code of West Virginia shall apply to the criminal court of Marion county and to the judge thereof in vacation, in the same manner and to the same extent that it does to the circuit court of Marion county, or to the judge thereof in vacation, and the same powers may be exercised within the county of Marion by said criminal court, and the judge thereof in vacation, concurrent with the circuit court of said county, as provided for in said chapter. All examinations, recognizances, warrants of commitment and certificates or other proceedings, made returnable to the circuit court of Marion county, under the provisions of said chapter one hundred and fifty-six, may be made returnable likewise to said criminal court of Marion county, concurrent with the circuit court of said county.

Sec. 31. Chapter one hundred and fourteen of the code of West Virginia shall apply to the criminal court of Marion county, in the same manner and to the same extent that it does to the circuit courts of the state.

CHAPTER 70.

(Senate Bill No. 4—Mr. Harman.)

AN ACT to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia relating to compensation of commissioners.

[Passed January 27, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

Sec.
3. Services of commissioners; court to apportion commissioner.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and thirty-two of the Code of West Virginia relating to compensation of commissioners be amended and re-enacted so as to read as follows:

Section 3. For the services of commissioners or officers under any decree or order for a sale, including the collection and paying over of the proceeds, there shall not be allowed any greater commission than five per centum of the amount received by them, unless the court otherwise order. And if a sale be made by one commissioner or officer and the proceeds be collected by another, the court under whose decree or order they acted, shall apportion the commission between them as may be just.

CHAPTER 71.

(House Bill No. 59—Mr. John.)

AN ACT in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

SEC.

1. Persons engaged in furnishing natural gas for public use in West Virginia; requirements to extent of supply.
2. Powers of public service commission to aid persons having inadequate supply for public use; application and hearing; connection of pipes and lines; determining terms and condition of connections; costs and expenses in making same.
3. Duties and powers of public service commission conferred under previous acts, when not in conflict with this act, re-conferred in respect to subject matter of this act.

SEC.

4. Violations of this act; right of aggrieved persons to complain to public service commission; right of appeal to courts of competent jurisdiction.
5. Penalties for violations of requirements of commission.
6. Suit may be brought for damages through violations; court may compel attendance of persons against whom suit is brought.
7. Defining the word "persons."
8. Sections, provisions and clauses of this act held separable.
9. Repealing acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. That every person engaged in furnishing, or required by law (whether statutory or common law) to furnish, natural gas for public use, or for the use of the public, or any part of the public, whether for domestic, industrial or other consumption, within this state, shall to the extent of his supply of said gas produced in this state, (whether produced by such person or by any other person), furnished for public use within the territory of this state, and for the use of the public and every part of the public within the territory of this state, in or from

10 which such gas is produced, or through which said gas is trans-
11 ported, or which is served by such person, a supply of natural gas
12 reasonably adequate for the purposes, whether domestic, industrial
13 or otherwise, for which natural gas is consumed or desired to be
14 consumed by the public, or any part of the public, within said
15 territory in this state, and for which said consumer or consumers
16 therein shall apply and be ready and willing to make payment at
17 lawful rates.

Sec. 2. That in case any person engaged in furnishing, or
2 required by law (whether statutory or common law) to furnish,
3 natural gas for public use within this state, or for the use of the
4 public or any part of the public within this state, shall have a
5 production or supply of natural gas which is, or probably will be,
6 insufficient to furnish for such use, (for the purposes, whether
7 domestic, industrial or otherwise, for which natural gas is consum-
8 ed by the public or any part of the public), within the territory
9 in this state served by such person, then and in that event the
10 public service commission shall have authority, and the same is
11 hereby conferred on it, upon the application of any such person
12 or any of his consumers within this state and after due hearing
13 upon notice and proof to the satisfaction of the commission that
14 public convenience and necessity so require, to order any other
15 person engaged in furnishing, or required by law (whether statu-
16 tory or common law) to furnish, natural gas for public use within
17 this state, and producing or furnishing natural gas for public use
18 in said territory or transporting the same through said territory,
19 to furnish to such person having such insufficient production or
20 supply, natural gas for the purpose of supplying such deficiency,
21 at and during such times, upon and at such just and reasonable
22 terms, conditions and rates, and in such amounts, as the commis-
23 sion shall prescribe. And whenever, after such hearing upon
24 notice and proof, the commission shall determine that public con-
25 venience and necessity so require, the commission shall have au-
26 thority to provide for and compel the establishment of a reason-
27 able physical connection or connections between the lines, pipes
28 or conduits of such person having such excess supply of gas and
29 the lines, pipes or conduits of the person having such deficiency
30 of supply, and to require the laying and construction of such
31 reasonable extensions of lines, pipes or conduits as may be neces-
32 sary for the establishment of such physical connection or con-

33 nections, and to ascertain, determine and fix the just and reason-
34 able terms and conditions of such connection or connections, in-
35 cluding just and reasonable rules and regulations and provision
36 for the payment of the costs and expense of making the same or
37 for the apportionment of such cost and expense as may appear
38 just and reasonable. *Provided, however,* that no person shall, by
39 virtue of this section, be ordered to furnish natural gas to any
40 other person so engaged in furnishing, or required by law to fur-
41 nish, natural gas for public use, except to the extent that the per-
42 son so ordered to furnish natural gas shall, at the time, have a
43 production or supply of natural gas in excess of the quantity suf-
44 ficient to furnish a reasonably adequate supply to his consumers
45 within this state; nor shall any person, by virtue of this section,
46 be ordered to furnish natural gas to any other person so engaged in
47 furnishing or required by law to furnish, natural gas for public
48 use in a territory within this state, if and when the said person
49 having said excess shall, to the extent of such excess, be ready
50 and willing to furnish, and within such time as the commission
51 shall prescribe shall actually furnish, to the consumers within
52 said territory a reasonably adequate supply of natural gas.

Sec. 3. That insofar as the same shall not be in conflict
2 with this act, all of the authority, powers, jurisdiction and duties
3 conferred and imposed on the public service commission by the
4 act entitled, "An act to create a public service commission and to
5 prescribe its powers and duties, and to prescribe penalties for the
6 violations of the provisions of this act", passed February twenty-
7 first, one thousand nine hundred and thirteen, as amended by
8 the act entitled, "An act to amend and re-enact sections one, two,
9 three, four, five, nine, ten, fourteen, fifteen and twenty-two, of
10 chapter nine of the acts of one thousand nine hundred and thir-
11 teen, creating a public service commission, prescribing its powers
12 and duties, and penalties for violation of the provisions of said
13 chapter, and to add thereto six sections to be known as sections
14 twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven
15 twenty-eight, enlarging the powers and duties of said public ser-
16 vice commission, prescribing additional penalties and giving to
17 the commission power to punish for contempt," passed February
18 tenth, one thousand nine hundred and fifteen, are hereby confer-
19 red and imposed on the public service commission in respect to the
20 subject matter of this act, or any part thereof.

Sec. 4. That in case of violation of any provision of this act
2 any person aggrieved or affected thereby may complain thereof to
3 the public service commission in like manner, and thereupon such
4 procedure shall be had, as is provided in respect to other com-
5 plaints to or before said commission, and all such proceedings and
6 remedies may be taken or had for the enforcement or review of
7 the order or orders of said commission, and for the punishment
8 of the violation of such order or orders, as are provided by law in
9 respect to other orders of said commission. In case of the viola-
10 tion of any provision of this act, the public service commission,
11 or any person aggrieved or affected by such violation, in his own
12 name, may apply to any court of competent jurisdiction by a bill
13 for injunction, petition for writ of mandamus or other appropri-
14 ate action, suit or proceeding, to compel obedience to and com-
15 pliance with this act, or to prevent the violation of this act, or
16 any provision thereof, pending the proceedings before said com-
17 mission, and thereafter until final determination of any action,
18 suit or proceeding for the enforcement or review of the final
19 order of said commission; and such court shall have jurisdiction
20 to grant the appropriate order, judgment or decree in the
21 premises.

Sec. 5. That if any person subject to the provisions of this
2 act shall fail or refuse to comply with any requirement of the
3 commission hereunder, such person shall be subject to a fine of
4 not less than one hundred dollars nor more than five hundred dol-
5 lars for each offense; and such person, or the officers of the cor-
6 poration, where such person is a corporation, may be indicted
7 for their failure to comply with any requirement of the com-
8 mission under the provisions of this act, and upon conviction
9 thereof, may be fined not to exceed five hundred dollars, and in
10 the discretion of the court, confined in jail not to exceed thirty
11 days. Every day during which any person, or any officer, agent
12 or employee of such person, shall fail to observe and comply with
13 any order or direction of the commission, or to perform any duty
14 enjoined by this act, shall constitute a separate and distinct vio-
15 lation of such order or direction of this act, as the case may be.

Sec. 6. That any person claiming to be damaged by any
2 violation of this act may bring suit in his own behalf for the re-
3 covery of the damage from the person or persons so violating the
4 same in any circuit court having jurisdiction. In any such

5 action the court may compel the attendance of the person or per-
 6 sons against whom said action is brought, or any officer, director,
 7 agent or employee of such person or persons, as a witness, and
 8 also require the production of all books, papers and documents
 9 which may be useful as evidence, and in the trial thereof such
 10 witness may be compelled to testify, but any such witness shall
 11 not be prosecuted for any offense concerning which he is com-
 12 pelled hereunder to testify.

Sec. 7. That the word "person" within the meaning of this
 2 act shall be construed to mean, and to include, persons, firms and
 3 corporations.

Sec. 8. That the sections, provisions and clauses of this act
 2 shall be deemed separable each from the other, and also in re-
 3 spect to the persons, firms, corporations and consumers mentioned
 4 therein or affected thereby, and if any separable part of this act
 5 be, or be held to be unconstitutional or for any reason invalid or
 6 unforceable, the remaining parts thereof shall be and remain in
 7 full force and effect.

Sec. 9. That all acts and parts of acts in conflict with this
 2 act are hereby repealed.

CHAPTER 72.

(Senate Bill No. 182—Mr. Staats.)

AN ACT authorizing the board of education of Washington district,
 Pleasants county, West Virginia, to acquire land by condemna-
 tion or otherwise, not to exceed ten acres, for district high school
 purposes, and authorizing a special levy to pay for the same.

[Passed February 7, 1919. In effect from passage. Approved by the Governor
 February 12, 1919.]

Sec. 1. Board of education, Washington district, Pleasants county, au-		Sec. thORIZED to acquire land for dis- trict high school purposes.
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Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Washington district,
 2 Pleasants county, West Virginia, is authorized to acquire land
 3 by condemnation or otherwise, not to exceed in quantity ten acres
 4 in one parcel, for the purpose of district high schools and grounds,
 5 and may, in the year one thousand nine hundred and nineteen
 6 and one thousand nine hundred and twenty, lay a special levy of
 7 not to exceed fifteen cents on the one hundred dollars valuation

8 of all property situate in said district to pay for the land so ac-
9 quired.

CHAPTER 73.

(Senate Bill No. 203—Mr. York.)

AN ACT relating to advertisements of certain remedies.

[Passed February 21, 1919. In effect ninety days from passage. Approved by
the Governor February 22, 1919.]

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|--|--|
| <p>SEC.</p> <p>1. Advertisements concerning venereal diseases prohibited in certain instances; penalties.</p> <p>2. Legitimate public notices may be</p> | <p>SEC.</p> <p>3. Justices of the peace granted jurisdiction to try charges under section one.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

Section 1. Whosoever publishes, delivers or distributes or
2 causes to be published, delivered or distributed in any manner
3 whatsoever in the state of West Virginia, any advertisement con-
4 cerning a venereal disease, lost manhood, lost vitality, impotency,
5 sexual weakness, seminal emissions, varicocele, self-abuse or ex-
6 cessive sexual indulgence and calling attention to a medicine,
7 article or preparation that may be used therefor, or to a person
8 or persons from whom or an office or place at which information,
9 treatment or advice relating to such disease, infirmity, habit or
10 condition may be obtained, is guilty of a misdemeanor and upon
11 conviction thereof shall be punished by a fine of not less than one
12 hundred dollars, nor more than three hundred dollars, or impris-
13 onment in the county jail not to exceed six months, or both in
14 the discretion of the court.

Sec. 2. Nothing in this act shall be construed as to pre-
2 vent legitimate and legal public notices, placards, etc., issued un-
3 der the direction of the state health department or as to prevent
4 sending out literature by either the state department of health or
5 the United States public health service.

Sec. 3. A justice of the peace shall have jurisdiction to try
2 persons charged with the violation of this act.

CHAPTER 74.

(Senate Bill No. 30—Mr. Polling.)

AN ACT relating to the salaries of county officers.

[Passed February 21, 1919. In effect ninety days from passage. Approved by
the Governor February 22, 1919.]

<p>SEC. 44. Salaries of county officers; salaries in lieu of fees, costs, etc., re-</p>		<p>SEC. pealing acts or parts of acts in- consistent.</p>
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Be it enacted by the Legislature of West Virginia:

That section forty-four of chapter one hundred thirty-seven of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted to read as follows:

Salaries of County Officers.

Section 44. The annual compensation of the sheriff in each
 2 county shall be as follows: Barbour county, two thousand five
 3 hundred dollars; Berkeley county, three thousand dollars; Boone
 4 county, two thousand dollars; Braxton county, two thousand
 5 eight hundred dollars; Brooke county, two thousand dollars;
 6 Cabell county, four thousand five hundred dollars; Calhoun
 7 county, one thousand six hundred dollars; Clay county, one
 8 thousand seven hundred dollars; Doddridge county, two thou-
 9 sand four hundred dollars; Fayette county, four thousand dol-
 10 lars; Gilmer county, two thousand two hundred dollars; Grant
 11 county, one thousand eight hundred dollars; Greenbrier county,
 12 two thousand seven hundred dollars; Hampshire county, two
 13 thousand dollars; Hancock county, two thousand dollars; Hardy
 14 county, one thousand six hundred dollars; Harrison county,
 15 four thousand five hundred dollars; Jackson county, two thou-
 16 sand five hundred dollars; Jefferson county, two thousand five
 17 hundred dollars; Kanawha county, five thousand dollars; Lewis
 18 county, three thousand dollars; Lincoln county, two thousand
 19 five hundred dollars; Logan county, three thousand five hun-
 20 dred dollars; Marion county, four thousand five hundred dol-
 21 lars; Marshall county, three thousand five hundred dollars;
 22 Mason county, two thousand five hundred dollars; Mercer
 23 county, three thousand eight hundred dollars; Mineral county,
 24 three thousand dollars; Mingo county, three thousand five hun-
 25 dred dollars; Monongalia county, three thousand six hundred
 26 dollars; Monroe county, one thousand eight hundred dollars;
 27 McDowell county, four thousand five hundred dollars; Morgan
 28 county, one thousand five hundred dollars; Nicholas county,
 29 two thousand five hundred dollars; Ohio county, four thousand
 30 five hundred dollars; Pendleton county, one thousand six hun-
 31 dred dollars; Pleasants county, one thousand eight hundred
 32 dollars; Pocahontas county, two thousand seven hundred fifty

33 dollars; Preston county, three thousand dollars; Putnam county,
34 one thousand eight hundred dollars; Raleigh county, three thou-
35 sand dollars; Randolph county, three thousand dollars; Ritchie
36 county, two thousand seven hundred fifty dollars; Roane county,
37 two thousand dollars; Summers county, two thousand dollars;
38 Taylor county, two thousand dollars; Tucker county, two thou-
39 sand two hundred dollars; Tyler county, two thousand four
40 hundred dollars; Upshur county, two thousand seven hundred
41 dollars; Wayne county, two thousand four hundred dollars;
42 Webster county, two thousand two hundred dollars; Wetzel
43 county, three thousand dollars; Wirt county, one thousand six
44 hundred fifty dollars; Wood county, four thousand dollars;
45 Wyoming county, two thousand one hundred dollars.

46 The annual compensation of the clerk of the county court
47 in each county shall be as follows: Barbour county, one thou-
48 sand eight hundred dollars; Berkeley county, two thousand dol-
49 lars; Boone county, one thousand eight hundred dollars; Brax-
50 ton county, two thousand two hundred dollars; Brooke county,
51 one thousand nine hundred dollars; Cabell county, four thou-
52 sand dollars; Calhoun county, one thousand two hundred dol-
53 lars; Clay county, one thousand five hundred dollars; Dod-
54 dridge county, one thousand eight hundred dollars; Fayette
55 county, three thousand dollars; Gilmer county, one thousand
56 eight hundred dollars; Greenbrier county, two thousand five
57 hundred dollars; Hampshire county, one thousand eight hun-
58 dred dollars; Hancock county, one thousand eight hundred dol-
59 lars; Harrison county, four thousand dollars; Jackson county,
60 two thousand dollars; Jefferson county, two thousand dollars;
61 Kanawha county, four thousand five hundred dollars; Lewis
62 county, two thousand five hundred dollars; Lincoln county,
63 two thousand dollars; Logan county, two thousand five hun-
64 dred dollars; Marion county, four thousand dollars; Marshall
65 county, two thousand seven hundred fifty dollars; Mason county,
66 two thousand five hundred dollars; McDowell county, four
67 thousand dollars; Mercer county, two thousand seven hundred
68 dollars; Mineral county, two thousand five hundred dollars;
69 Mingo county, three thousand dollars; Monongalia county, two
70 thousand seven hundred fifty dollars; Monroe county, one thou-
71 sand five hundred dollars; Morgan county, one thousand five
72 hundred dollars; Nicholas county, two thousand two hundred
73 fifty dollars; Ohio county, four thousand dollars; Pleasants

74 county, one thousand eight hundred dollars; Pocahontas county,
75 one thousand eight hundred dollars; Preston county, two thou-
76 sand three hundred dollars; Putnam county, one thousand eight
77 hundred dollars; Raleigh county, two thousand four hundred
78 dollars; Randolph county, two thousand five hundred dollars;
79 Ritchie county, two thousand five hundred dollars; Roane
80 county, two thousand dollars; Summers county, one thousand
81 six hundred dollars; Taylor county, two thousand dollars;
82 Tucker county, one thousand nine hundred dollars; Tyler
83 county, two thousand dollars; Upshur county, two thousand
84 five hundred dollars; Wayne county, two thousand dollars; Web-
85 ster county, two thousand dollars; Wetzel county, two thousand
86 two hundred dollars; Wirt county, one thousand two hundred
87 dollars; Wood county, three thousand dollars; Wyoming county,
88 one thousand five hundred dollars.

89 The annual compensation of the clerk of the circuit court
90 (or clerk of the circuit and criminal or intermediate courts)
91 in each county shall be as follows: Barbour county, one thou-
92 sand six hundred fifty dollars; Berkeley county, one thousand
93 five hundred dollars; Boone county, one thousand five hundred
94 dollars; Braxton county, two thousand dollars; Brooke county,
95 one thousand two hundred dollars; Cabell county, three thou-
96 sand five hundred dollars; Calhoun county, eight hundred dol-
97 lars; Clay county, one thousand two hundred dollars; Doddridge
98 county, one thousand five hundred dollars; Fayette county,
99 three thousand dollars; Gilmer county, one thousand five hun-
100 dred dollars; Greenbrier county, one thousand six hundred dol-
101 lars; Hampshire county, one thousand dollars; Hancock county,
102 one thousand two hundred dollars; Harrison county, four thou-
103 sand dollars; Jackson county, one thousand five hundred dol-
104 lars; Jefferson county, one thousand four hundred dollars;
105 Kanawha county, four thousand five hundred dollars; Lewis
106 county, two thousand two hundred dollars; Lincoln county,
107 one thousand five hundred dollars; Logan county, two thou-
108 sand dollars; Marion county, four thousand dollars; Marshall
109 county, two thousand two hundred fifty dollars; Mason county,
110 one thousand eight hundred dollars; McDowell county, four
111 thousand dollars; Mercer county, three thousand seven hundred
112 and fifty dollars; Mineral county, two thousand dollars; Mingo
113 county, three thousand dollars; Monongalia county, two thousand
114 two hundred fifty dollars; Monroe county, one thousand two

115 hundred dollars; Morgan county, eight hundred dollars; Nich-
116 olas county, two thousand dollars; Ohio county, three thousand
117 five hundred dollars; Pleasants county, one thousand three
118 hundred fifty dollars; Pocahontas county, one thousand five
119 hundred dollars; Preston county, two thousand dollars; Put-
120 nam county, one thousand four hundred dollars; Raleigh county,
121 two thousand dollars; Randolph county, two thousand two hun-
122 dred fifty dollars; Ritchie county, one thousand eight hundred
123 dollars; Roane county, one thousand seven hundred dollars;
124 Summers county, one thousand five hundred dollars; Taylor
125 county, one thousand eight hundred dollars; Tucker county,
126 one thousand six hundred dollars; Tyler county, one thousand
127 eight hundred dollars; Upshur county, two thousand five hun-
128 dred dollars; Wayne county, one thousand eight hundred dol-
129 lars; Webster county, one thousand eight hundred dollars;
130 Wetzel county, two thousand dollars; Wirt county, nine hun-
131 dred dollars; Wood county, three thousand dollars; Wyoming
132 county, one thousand five hundred dollars.

133 The annual compensation of the prosecuting attorney in
134 each county shall be as follows: Barbour county, one thousand five
135 hundred dollars; Berkeley county, one thousand two hundred
136 dollars; Boone county, one thousand dollars; Braxton county, one
137 thousand eight hundred dollars; Brooke county, one thousand two
138 hundred dollars; Cabell county, three thousand five hundred
139 dollars; Calhoun county, eight hundred dollars; Clay county,
140 one thousand dollars; Doddridge county, one thousand dollars;
141 Fayette county, three thousand dollars; Gilmer county, one
142 thousand dollars; Grant county, six hundred dollars; Green-
143 brier county, one thousand four hundred dollars; Hampshire
144 county, eight hundred dollars; Hancock county, one thousand
145 two hundred dollars; Hardy county, six hundred dollars; Harri-
146 son county, three thousand five hundred dollars; Jackson county,
147 one thousand dollars; Jefferson county, one thousand two hun-
148 dred dollars; Kanawha county, four thousand eight hundred
149 dollars; Lewis county, one thousand two hundred dollars; Lin-
150 coln county, one thousand five hundred dollars; Logan county,
151 one thousand eight hundred dollars; Marion county, three thou-
152 sand five hundred dollars; Marshall county, one thousand eight
153 hundred dollars; Mason county, two thousand dollars; Mc-
154 Dowell county, three thousand five hundred dollars; Mercer
155 county, two thousand five hundred dollars; Mineral county,

156 two thousand dollars; Mingo county, two thousand seven hun-
157 dred fifty dollars; Monongalia county, two thousand two hun-
158 dred fifty dollars; Monroe county, six hundred dollars; Mor-
159 gan county, eight hundred dollars; Nicholas county, two thou-
160 sand dollars; Ohio county, three thousand five hundred dol-
161 lar; Pendleton county, six hundred dollars; Pleasants county,
162 six hundred dollars; Pocahontas county, one thousand two hun-
163 dred dollars; Preston county, one thousand eight hundred dol-
164 lars; Putnam county, one thousand dollars; Raleigh county,
165 two thousand five hundred dollars; Randolph county, one thou-
166 sand eight hundred dollars; Ritchie county, one thousand two
167 hundred dollars; Roane county, one thousand two hundred dol-
168 lars; Summers county, one thousand four hundred dollars; Taylor
169 county, one thousand two hundred dollars; Tucker county, one
170 thousand two hundred dollars; Tyler county, one thousand two
171 hundred dollars; Upshur county, one thousand five hundred dol-
172 lars; Wayne county, one thousand five hundred dollars; Webster
173 county, one thousand two hundred dollars; Wetzel county, one
174 thousand five hundred dollars; Wirt county, five hundred dol-
175 lars; Wood county, three thousand dollars; Wyoming county, one
176 thousand eight hundred dollars.

177 The annual compensation of the clerks of the courts in the
178 counties where both the office of the clerk of the county court
179 and clerk of the circuit court are held by the same person shall
180 be as follows: Hardy county, one thousand eight hundred
181 dollars; Grant county, one thousand nine hundred dollars;
182 Pendleton county, one thousand nine hundred dollars.

183 And said salaries shall be in lieu of all fees, costs, penal-
184 ties, percentages, allowances, and all other perquisites, of what-
185 ever kind, which any of the officers herein named may now or
186 hereafter collect or receive, except as hereinafter provided.

187 All acts or parts of acts in conflict with this act are hereby
188 repealed.

CHAPTER 75.

(Senate Bill No. 249—Mr. Harmer.)

AN ACT to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. 11. Clarksburg school district; duty of board of education; laying of		SEC. levies, disbursment of funds.
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Be it enacted by the Legislature of West Virginia:

That section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district be amended and re-enacted so as to read as follows:

Section 11. It shall be the duty of the board of education of said district annually and in the month of July to determine as nearly as practicable the amount of money necessary in addition to all other available funds to continue the schools of the district for a period of not less than eight months nor more than nine months, and for the purchasing of sites, building school houses, repairing and improvement of school premises, and for all other purposes relating to the schools of the district; and to lay a levy therefor in the manner provided by law; and said levies shall be collected in the same manner as other school taxes are collected under the provisions of the general law of the state.

Such funds so raised and all other revenues of the board shall be paid out only upon orders issued by the board and signed by the president and secretary; and the secretary shall enter in the order-book of said board kept by him the names of all persons to whom such orders are payable, their date and amount.

CHAPTER 76.

(Senate Bill No. 167—Mr. Bloch.)

AN ACT to amend and re-enact section forty-nine of chapter fifty-three of the code.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. 49. Corporations; special duties and powers of directors and stock-		SEC. holders.
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Be it enacted by the Legislature of West Virginia:

That section forty-nine of chapter fifty-three of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 49. For every corporation subject to this chapter there shall be a board of directors who shall have power to do, or cause to be done, all things that are proper to be done by the

4 corporation. The stockholders may in general meeting, by a by-
5 law, prescribe the number of which the board shall consist; but
6 unless a different number be so prescribed there shall be five
7 directors. They may also, by a by-law, prescribe the qualifica-
8 tions of directors; but if it be not otherwise provided, every di-
9 rector must be a resident of this state and a stockholder. The
10 directors shall be elected at the annual meeting of the stock-
11 holders, or as soon thereafter as practicable, and shall hold their
12 offices until their successors are elected and qualified. The stock-
13 holders, however, may in general meeting, by by-law, classify the
14 directors in respect to the time for which they shall severally
15 hold office, the several classes to be elected for different terms, pro-
16 vided that no class shall be elected for a shorter period than one
17 year or for a longer period than three years, and that the term
18 of office of at least one class shall expire in each year. The
19 stockholders in general meeting may remove any director and
20 fill the vacancy; but any vacancy not caused by such removal may
21 be filled by the board. A majority of the board shall constitute
22 a quorum, unless it be otherwise provided in the by-laws; and if
23 the number of the board be reduced at any time so as to inter-
24 rupt the proper and efficient management of the business of the
25 corporation, a general meeting of the stockholders may be called
26 to elect new directors, or to take such order in the premises as
27 they may deem proper.

CHAPTER 77.

(Senate Bill No. 245—Mr. Staats.

AN ACT to provide for the submission to the voters of this state of
an amendment to the constitution of the state, as follows: The
legislature shall make provision by law for a system of state
roads and highways, connecting at least the various county
seats of the state, and to be under the control and supervision
of such state officers and agencies as may be prescribed by law.
The legislature shall also provide a state revenue to build, con-
struct, and maintain, or assist in building, constructing and
maintaining the same, and for that purpose shall have power to
authorize the issuing and selling of state bonds, the aggregate
outstanding amount of which, at any one time, shall not exceed
fifty million dollars. When a bond issue as aforesaid, is author-

ized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

<p>SEC. 1. Proposed constitutional amendment regarding system of state road and highways.</p>	<p>SEC. 2. Proposed amendment to be designated "Road amendment."</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provisions of section two, of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred and twenty, which proposed amendment is as follows:

Proposed Amendment.

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars.

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

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

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution at the said general election to be held in the year one thousand nine hundred and twenty, the board of ballot commissioners of each county are hereby required to prepare separate

6 ballots from that of the official ballot to be voted at said election,
7 and print thereon the following:

8 Ballot on constitutional amendment for good roads.

9 [] For ratification of amendment for good roads.

10 [] Against ratification of amendment for good roads.

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

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

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

13 For ratification of amendment for good roads.....votes.

14 Against ratification of amendment for good roads.....
15 votes.

16 Given under our hands thisday of,
17 one thousand nine hundred and twenty."

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

25 the ballots, and the other to the clerk of the circuit court of the
26 county.

27 The said certificates, together with the ballots cast on the
28 question of said proposed amendment, shall be laid before the
29 commissioners of the county court at the court house at the same
30 time the ballots, poll books and the certificates of the election
31 for the members of the legislature are laid before them; and as
32 soon as the result of said election in the county upon the question
33 of such ratification or rejection is ascertained, two certificates of
34 such result shall be made out and signed by said commissioners,
35 as a board of canvassers, in the form or to the following effect:

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

43 For ratification of amendment for good roads.....votes.
44 Against ratification of amendment for good roads.....
45 votes.

46 Given under our hands this.....day of.....,
47 one thousand nine hundred and twenty."

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

Sec. 5. On the twenty-fifth day after the election is held,
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 ratification of said amend-
8 ment, the proposed amendment so ratified shall be of force and
9 effect from and after the time of such ratification, as part of the
10 constitution of the state.

Sec. 6. The governor shall cause the said proposed amend-
2 ment, with the proper designation for the same as hereinbefore
3 adopted, to be published one time at least three months before

4 such election, in some newspapers in every county in which a
 5 newspaper is printed, at a price to be agreed upon in advance, in
 6 writing, and the cost of such advertising shall in the first instance,
 7 if found necessary by him, be paid out of the governor's contingent
 8 fund and be afterwards repaid to such fund by appropriation of
 9 the legislature.

CHAPTER 78.

(Senate Bill No. 164—Mr. Cobun.)

AN ACT to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 24, 1919.]

- | | |
|--|--|
| <p>SEC.
 3. Political parties; mode of selecting executive committees; term of service.
 8. Certificate of candidacy for public office in primary elections; form prescribed.
 10. Separate ballots required for district political parties; duties of secretary of state.
 11. Time of filing certificate of nomination; place.</p> | <p>SEC.
 20. Vacancy in nominee of party; how filled.
 21. Expenses of general primary election; provision for payment.
 23. Nomination of candidates otherwise than by primary election; method of procedure.
 29. Party platforms provided for; nomination of judges of the supreme court of appeals; other judicial candidates.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

That sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections be amended and re-enacted so as to read as follows:

Section 3. For the purpose of this act, there shall be chosen
 2 at the May primary for each political party, as hereinafter pro-
 3 vided, a state executive committee consisting of two members
 4 from each senatorial district, to be selected by the party voters
 5 in 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, and a state senatorial executive committee for each of the
 9 respective congressional and state senatorial districts, each con-
 10 mittee to consist of one member from each county in the re-
 11 spective districts, to be elected by the party voters of such county;

12 and a county executive committee consisting of two members
13 from each magisterial district therein, except that in any
14 county containing a city of ten thousand or more population
15 there shall be chosen one member of the committee from each
16 ward of such city in addition to the members chosen from the
17 magisterial district in which such city is situated. All members of
18 executive committees selected for each political division, as herein
19 provided, shall reside within the county or district, senatorial or
20 magisterial, from which chosen; *provided, however,* that any
21 political party which polled less than ten per cent of the total
22 vote cast for governor at the last or preceding general election,
23 or any group of citizens, may nominate candidates and elect com-
24 mittees for any political division either by party conventions or in
25 accordance with the provisions of section twenty-three of this
26 act; *provided, however,* that such nominations must be made and
27 the certificates filed within twenty days after said primary elec-
28 tion.

29 The term of office of all committeemen so elected shall begin
30 on the fifteenth day of June, succeeding said May primary, and
31 shall continue for four years thereof and until their successors
32 are elected and qualified. Vacancies in the state executive com-
33 mittee shall be filled by the members of the committee for the
34 unexpired term. Vacancies in the congressional, judicial, sena-
35 torial and county executive committees shall be filled by the execu-
36 tive committees of the county in which such vacancy exists, and
37 shall be for the unexpired term.

37-a As soon as possible after the fifteenth of June, succeeding
38 the selection of the new executive committees as herein provided,
39 they shall convene within their respective political divisions, on the
40 call of the chairman of corresponding outgoing executive commit-
41 tees, and proceed to select a chairman, a treasurer, and a secre-
42 tary, each of which officers shall for their respective committees
43 perform the duties that usually appertain to such offices.

44 The various executive committees and officers thereof, now in
45 existence, shall exercise the powers and possess the duties herein
46 prescribed until their successors are chosen in accordance with this
47 act.

Sec. 8. Any person who is eligible to hold any office (in-
2 cluding member of a state or a county executive committee) may
3 file with the secretary of state, if it be 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 himself
7 a candidate for the nomination for such office, which certificate
8 shall be in form or effect as follows:

9 I, hereby certify that I am a can-
10 didate for the nomination for the office of
11 to represent party, and desire my name printed
12 on the official ballot of said party to be voted at the primary
13 election to be held on the day of
14 19 .., that I am a legally qualified voter of the county of
15 state of West Virginia; that my resident is
16 number of street, in the city (or town)
17 of in county in said state;
18 that I am eligible to hold the said office; that I am a member of
19 and affiliated with said political party; that I am a candidate for
20 said office in good faith.

21
22 Signature of candidate

23 Subscribed to and acknowledged before me this day
24 of, 19...

25
26 Signature of officer taking acknowledgment.

27 Such announcement shall be signed and acknowledged by the
28 candidate before some officer qualified to administer oaths, who
29 shall certify the same; *provided*, that no person may be a can-
30 didate for nomination to office in any political party, unless it be
31 openly known that such person is a *bona fide* member of such
32 party.

33 Such certificate shall be filed at least thirty days before the
34 primary election day.

Sec. 10. There shall be a separate ballot of candidates
2 of each political party who may file their petition as required by
3 this act, on different color of paper, and the ballot of no two par-
4 ties shall be of the same color or tint. The secretary of state shall
5 select and determine the color of the paper of the ballot of
6 each of the respective parties, and shall notify the clerk of the
7 circuit court of each county thereof; at the same time he shall
8 certify the names of the candidates of the various parties to said
9 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.

Sec. 11. The certificate of nominations, as herein provided
2 to be filed with the clerk of the circuit court, shall be filed within
3 thirty days before the day fixed by law for any general primary
4 election.

5 And at least twenty-five days before the holding of any pri-
6 mary election, the primary ballot commissioners of each county
7 shall prepare from the list and certificate or certificates of an-
8 nouncements furnished by the secretary of state, and the certifi-
9 cates of announcements filed with the circuit clerk as herein pro-
10 vided, a sample official primary ballot for each party, placing there-
11 on the names of all candidates of such party to be voted for at said
12 primary election, and publish the same in a newspaper of general
13 circulation published in said county representing such party, if one
14 there be; if not, then in some other newspaper published in said
15 county, in at least two issues of such paper. Said ballot commis-
16 sioners shall cause the official ballots to be used at said primary
17 election to be printed and distributed as required in case of bal-
18 lots at any general election; except that the number thereof shall
19 be for each party twice the number of votes cast by such party at
20 the last preceding general election.

Sec. 20. If any vacancy occurs in the nominee of any party
2 after the holding of any primary election caused by reason of said
3 party failure to make any such nomination in said primary elec-
4 tion, or for any other cause, the same shall be filled by the execu-
5 tive committee of that party, in the municipality, county, district
6 or state, as the case may be.

7 *Provided*, if the vacancy occurs by reason of a failure to make
8 such nominations in said primary election, the same shall be made
9 by the executive committee within twenty days after said primary
10 election.

11 In case of a tie for the nomination for any office, the respect-
12 ive committees shall choose by lot which of the two tying shall be
13 the nominee.

Sec. 21. 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 paid

4 by general law; *provided*, that no compensation to any members
5 of any executive committee shall be included in said expense.

Sec. 23. Candidates for public office may be nominated otherwise than by direct primary election or by convention. Political parties having national organization, and having cast less than ten per cent of the total vote cast for governor, at the last preceding general election may nominate candidates for public office otherwise than by conventions or primary elections. In such case, a certificate shall be signed by voters resident within the state, district or political division, for which the candidate is presented, to a number equal to one per cent of the entire vote cast at the last preceding general election in the state, circuit, district, county or other division for which the nomination is made; *provided, however*, that the number of signatures so required shall not exceed one thousand, nor be less than twenty-five, and need not all be signed on one certificate. No voter signing such certificates shall be counted unless his residence and post office addresses be designated. Such certificates shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire, and are legally qualified to vote for such candidates; and may designate by not more than five words, a brief name of the party which said candidates represent. Any person, after having voted in a primary election or convention under the provision hereof, and who shall sign the certificate herein provided and any person having signed the certificate herein provided for and who shall vote at any primary election or convention hereunder, to nominate candidates to be voted for at the same election at which the candidates nominated by the certificates herein provided for, are to be voted for, shall be guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for not less than one, nor more than three years, and shall be disqualified for holding any offices within the gift of the people, for a period of ten years from the date of such convention. Such certificate shall be filed not less than thirty days before said primary election, and with the same officers, as is described by law for the making up of the said official ballot, and all candidates nominated by the signing of such certificates shall have their names placed on the official ballot as candidates, otherwise nominated under the provisions of this act; such certificates shall be in the following form or to the following effect:

40 State of West Virginia,

41 County of ss:

42 This is to certify that we, the undersigned voters, resident
43 within the county of, state of West Virginia,
44 do hereby make the following nominations for public office for
45 said county, to wit:

46 For House of Delegates.

47 A B Residence
48 (And so on to the end of the nominations so made)

49 And we further certify that each of said candidates is legally
50 qualified to hold the office for which he is nominated and that we
51 desire, and are legally qualified to vote for said candidates. The
52 name of the party which candidates represent is [Here state it].

53 Signature. Residence. Post Office Address
54 (Names of voters) (Describe it) Name of office).

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
7 large and for each congressional district. And if at the said
8 election a judge or judges of the supreme court of appeals is or
9 are to be elected, the candidates of such party for such judge shall
10 be nominated, and the name of such candidates for such offices of
11 judge and elector shall be certified by the officers of said conven-
12 tion to the secretary of state.

13 Candidates for judges of the circuit courts of the several
14 circuits shall be nominated by conventions held on the second
15 Tuesday in August in each year in which such judges are to be
16 elected, and at the county seat of the county entitled to the largest
17 number of delegates therein as herein provided. The respective
18 county executive committees of each party shall arrange for a
19 convention to be held in each magisterial district of their county
20 on the first Tuesday before said judicial convention for the ap-
21 pointment of the delegates from their respective counties to said
22 conventions, and there shall be elected or appointed from each
23 magisterial district one delegate to said convention for each one
24 hundred votes or fraction thereof more than fifty cast therein at
25 the last preceding election for president of the United States for
26 their respective party candidates; *provided*, each district shall
27 have at least one delegate to said convention.

28 The county executive committee of the respective political
 29 parties shall meet on the first Thursday before said judicial con-
 30 vention to hear and determine any contest of delegates, if any,
 31 to said convention, and the supreme court of appeals shall have
 32 concurrent jurisdiction with the circuit court to hear and deter-
 33 mine any appeal from the decision of any county executive com-
 34 mittee in such matter.

35 In the counties in which a judge of the common pleas, inter-
 36 mediate or criminal court is to be nominated the same shall be by
 37 a convention called by the county executive committee of their
 38 respective parties, composed of delegates elected or appointed
 39 in the same manner as the delegates to the conventions to nom-
 40 inate the circuit judges.

41 Any nominations so made for common pleas, intermediate,
 42 criminal or circuit judges shall be certified by the chairman and
 43 secretary of said conventions within twenty days thereafter to the
 44 clerk of the circuit court of the county or circuit as the case may
 45 be, and shall have the same force and effect as if made by a
 46 primary.

CHAPTER 79.

(Senate Bill No. 153—Mr. Montgomery.)

AN ACT authorizing the county court of Logan county, West Vir-
 ginia, to lay a special levy for the year one thousand nine hun-
 dred and nineteen, and if necessary for the purpose, for the year
 one thousand nine hundred and twenty, on the taxable property in
 said county, for the purpose of building for said county, at the
 county-seat thereof a jail, and providing for the building there-
 of and for the receipt and disbursement of all moneys raised by
 said levy.

[Passed February 6, 1919. In effect ninety days from passage. Approved by
 the Governor February 12, 1919.]

SEC. 1. Provision for building county jail in Logan county; special jail levy.	SEC. 2. Construction of jail; plans and specifications.
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Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of building a jail for the county
 2 of Logan, West Virginia, at the county seat of said county, the
 3 county court of said county is hereby authorized to lay a special
 4 levy on all the taxable property within said county for the year

5 one thousand nine hundred and nineteen, and if necessary for said
6 purpose for the year one thousand nine hundred and twenty, not
7 to exceed in either year twenty cents on the one hundred dollars
8 valuation of said property as assessed for regular state, county and
9 district taxation. Said levy shall be called a special jail levy and
10 the funds derived therefrom shall be used for said purpose and for
11 no other.

Sec. 2. Said jail shall be constructed according to such
2 plans and specifications as said court may decide, and all moneys
3 realized for said special levy, shall be kept in a separate fund and
4 a separate account kept of the receipt and disbursements of the
5 same.

CHAPTER 80.

(Senate Bill No. 150—Mr. Montgomery.)

AN ACT to amend and re-enact chapter fifty-four-c of the code of
West Virginia, one thousand nine hundred and sixteen, relating
to the incorporation and regulation of trust, fidelity, surety,
guarantee, bonding, insurance and title companies.

[Passed February 21, 1919. In effect ninety days from passage. Approved by
the Governor February 22, 1919.]

- | | |
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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Powers and rights of trust companies. 2. Court, in discretion, may investigate management and affairs of companies. 3. Oath or affirmation to be taken upon appointment of fiduciary. 4. Trust funds to constitute separate account; investments. 5. Capital of company considered as security; liability in case of default. 6. Liabilities of trust companies in particular instances; penalties. 7. Trust companies acting in fiduciary capacity may not become sureties. 8. Companies subject to examination by commissioner of banking. 9. Powers of trust companies relating to insurance, purchase and sale of real estate, bonds, etc.; particular powers enumerated. 10. Proceedings by court or clerk upon application of trust company to become surety. 11. Trust company officials required to make oath or affirmation. | <p>SEC.</p> <ol style="list-style-type: none"> 12. Certificate showing capital to be filed with secretary of state; deposit with state auditor required; other requirements. 13. Limitation of powers of trust companies. 14. Penalty provision upon failure of trust companies to meet all legal requirements. 15. Trust companies subject to examination by insurance commissioner. 16. Provisions for acceptance of service of process and notice; attorney-in-fact. 17. Approval of surety; present laws obtain. 18. Companies incorporated under laws of other states or United States; duties; privileges. 19. Contracts and agreements made by foreign corporations; when void. 20. Appointment by foreign corporation of person to accept service within state. 21. Duties and liabilities of trust companies regarding surety of employees of common carriers. |
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Be it enacted by the Legislature of West Virginia:

That chapter fifty-four-c of the code of West Virginia of one thou-

sand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. Every company which may have been hitherto or which may hereafter be incorporated under the laws of this state as a trust company shall have the power and right:

(1) To buy, hold, sell and guarantee bonds, stocks, loans and evidences of indebtedness, whether of persons, or corporations, and make, execute and perfect such and so many contracts, agreements, and other instruments as may be required therefor.

(2) To engage in a general banking business, and exercise, under the laws of this state, all such incidental powers as shall be necessary to carry on the business of banking, by discounting promissory notes, negotiating drafts, bills of exchange and other evidences of indebtedness, receiving deposits and allowing interest on same under such regulations as may be prescribed by the board of directors and not inconsistent with the provisions of this act, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. Such company and its stockholders shall, as to such business of banking, be subject to all the provisions of chapter fifty-four of the code, and all the laws which may have heretofore been and which may hereafter be, enacted relating to banks of issue and circulation and of discount and deposit as far as the sums are applicable, and not inconsistent with the powers hereby granted to such company. But nothing in said chapters shall limit the maximum amount of paid up capital which a trust company, doing a banking business, may desire.

(3) To receive upon deposit, for safe keeping, jewelry, plate, stocks, bonds, and valuable property of every description, upon terms as may be agreed upon.

(4) To act as trustee, assignee, receiver (general or special), guardian, executor, administrator, special commissioner, committee or curator and to take, accept and execute, trusts of every description not inconsistent with the constitution of this state or of the United States, and to receive deposits of money and other personal property, and issue its obligations therefor, to invest its funds in and to purchase real and personal securities and to loan money on real and personal securities.

(5) To act as agent for the purpose of issuing, registering or countersigning, purchasing or selling, the certificates of stocks, bonds or other obligations of any corporation, association,

39 county school district, magisterial district or municipality, state
40 or public authority, and to receive or manage any sinking fund
41 thereof, on such terms as may be agreed upon.

42 (6) To purchase and sell or take charge of, and receive the
43 rents, issues and profits of, any real estate for other persons, firms
44 or corporations.

45 (7) For the purpose of indemnifying and saving harmless
46 any company for making any loans, or associations, such company
47 is authorized to receive and hold on deposit and in trust, as security
48 estates, real and personal, including the notes, bonds and obliga-
49 tions of states, counties or municipal corporations, individuals,
50 firms or corporations, and the same to purchase, collect and adjust,
51 settle and dispose of, in case of default upon any note or obli-
52 gation for which such property has been received as indemnity, or
53 as collateral security, without proceedings at law or in equity,
54 and for such price and upon such terms as may be obtained, or as
55 may be agreed upon between such company and those persons mak-
56 ing such deposit or creating such trust.

Sec. 2. That whenever any court shall appoint any such com-
2 pany trustee, receiver, executor, administrator, guardian, special
3 commissioner, curator or committee, or to execute any trust autho-
4 rized by this act, the said court may, in its discretion, upon the
5 application of any person interested, investigate the affairs and
6 management of the company so appointed.

Sec. 3. That whenever any court or clerk thereof shall ap-
2 point any such company trustee or receiver, assignee, guardian, ex-
3 ecutor, administrator, special commissioner, curator or committee,
4 or to execute any trust, the president, vice-president, secretary,
5 or treasurer of such company shall, either in person before such
6 court or clerk, or before any officer authorized to administer an
7 oath or affirmation, take the oath or make the affirmation required
8 by law to be made by any such fiduciary.

Sec. 4. Every such company shall keep all trust funds and
2 investments separate and apart from the assets of the company, and
3 all investments made by the said company as fiduciary shall be so
4 designated that the trust to which such investments shall belong
5 shall be clearly shown; and such funds shall be held for the uses
6 designated and shall not be liable for any other obligation of
7 said company.

Sec. 5. That whenever any such company, having complied
2 with the requirements of section six hereof, shall become trustee,

3 assignee, receiver, guardian, executor, administrator, special com-
4 missioner, curator or committee, or shall be directed by the
5 order or decree of any court to execute any trust whatever,
6 the capital of such company shall be taken and considered as the
7 sole security required by law for the faithful performance of its
8 duties aforesaid, and shall be absolutely liable in case of any
9 default whatever; *provided*, that where the liability under such ap-
10 pointment as trustee, assignee, receiver, guardian, executor, ad-
11 ministrator, special commissioner, curator or committee, or under
12 the execution of any trust by order or decree of any court, shall be
13 equal to or exceed the capital and surplus of any such company, the
14 court making such appointment, or order or decree, shall require
15 additional security.

Sec. 6. That no company incorporated under sections one,
2 two, three, four, five, six, seven and eight of this chapter, shall exer-
3 cise any such power or right as is mentioned in the first, second,
4 third, fourth, fifth, sixth and seventh clauses of section one of this
5 chapter until there has been filed with the secretary of state a duly
6 authenticated certificate showing the capital of such company to
7 be at least one hundred thousand dollars, paid up and unimpaired,
8 and such duly authenticated certificate shall be filed with the secre-
9 tary of state in the month of January of every year thereafter. If
10 any company shall exercise or attempt to exercise any such power or
11 right as is mentioned in section one hereof, or shall endeavor to take
12 the benefit of section five hereof, without in any such case having
13 complied with the requirements of this section as to the filing of a
14 certificate, it shall be deemed guilty of a misdemeanor, and upon
15 conviction thereof shall be fined not less than five hundred dollars,
16 and in any such case, whether or not there be a prosecution for such
17 misdemeanor, the auditor, upon being satisfied of the facts, shall
17-a publish by at least two insertions in a paper of general circulation
18 in the county in which there was such attempt, an advertisement
19 of the fact that such company is not entitled to exercise the powers
20 and rights mentioned in section one, or entitled to the benefit of
21 the provisions of section five, as the case may be.

Sec. 7. That no company which may be engaged in the bank-
2 ing business, by receiving money on deposit subject to check, or
3 which may act as trustee or fiduciary, shall be accepted as surety
4 on any bond or undertaking required in any of the courts of this
5 state, or shall become surety or guarantor for any individual,
6 firm or corporation, for the faithful discharge of duty in any

7 position, or for the performance of any contract, except as pro-
8 vided in section one of this chapter.

Sec. 8. All companies operating under sections one, two,
2 three, four, five, six, seven and eight of this chapter shall be sub-
3 ject to an examination by the commissioner of banking, as pro-
4 vided for by the laws of the state of West Virginia.

Sec. 9. Every company which may have been heretofore or
2 which may hereafter be incorporated under the laws of this state
3 for the purpose of insuring owners of and other persons inter-
4 ested in real estate against loss by reason of defective titles, liens
5 and encumbrances or for the purpose of guaranteeing the fidelity
6 of any person holding a position of public or private trust, or
7 for guaranteeing the performance of any contract, or for in-
8 surance of any kind, other than upon the life of any person, or
9 against loss by fire, shall have the power and right:

10 (1) To make insurance of every kind pertaining to, or
11 connected with, titles to real estate, and notwithstanding the pro-
12 visions of section three of chapter fifty-two of the code of this
13 state, as amended by section one of chapter thirty-five of the acts
14 of one thousand nine hundred and one, or any other provisions of
15 such code, to buy, sell and guarantee bonds, stocks, loans, and
16 evidences of indebtedness, whether of persons or corporations,
17 and make, execute and perfect such and so many contracts,
18 agreements, and other instruments as may be required therefor.

19 (2) To examine titles to real property and chattels real,
20 to procure and furnish information in relation thereto, and to
21 make and guarantee the correctness of searches for all instru-
22 ments, liens or charges affecting real or personal property.

23 (3) To act as agent for the purpose of issuing, registering
24 or countersigning, purchasing or selling, the certificates of stock,
25 bonds, or other obligations of any corporation, association, county,
26 school district, magisterial district or municipality, state or pub-
27 lic authority, and to receive or manage any sinking fund thereof,
28 on such terms as may be agreed upon.

29 (4) To make insurance for the fidelity of persons holding
30 positions of responsibility and trust.

31 (5) To become sole surety in any case where by law one
32 or more sureties may be required for the faithful performance of
33 any trust, office, duty, action or engagement.

34 (6) To take by purchase or otherwise and receive and hold

35 money and all such pieces of real property as may have been or
36 may hereafter be the subject of any insurance or security for any
37 loan made by said company under the powers conferred by its
38 certificate of incorporation and to convey and dispose of the same
39 in any manner which it may deem proper.

40 (7) To act as surety for the faithful performance of any
41 contract entered into with any person, firm or municipality, or
42 other corporation, or with any state or government or public
43 authority, by any person or persons, corporation or corporations.

44 (8) To become sole surety for the faithful performance of
45 the duties of any national, state, county or municipal officer, or
46 employee, and to execute such bonds or recognizances as may be
47 required by law in such cases.

48 (9) To become surety upon any writ of error, supersedeas
49 or appeal, or in any proceedings instituted in any court of this
50 state or of the United States held within this state, in which se-
51 curity may be required.

52 (10) To become surety for the faithful performance of the
53 duties of any clerk, officer or employee of any corporation, firm
54 or individual.

55 (11) To issue policies of insurance against loss from any
56 cause, other than by the death of any person or by fire.

57 (12) For the purpose of indemnifying and saving harm-
58 less any company executing any bond or policy under the pro-
59 visions of this act, such company is authorized to receive and
60 hold on deposit and in trust as security, estates, real and per-
61 sonal, including the notes, bonds and obligations of states, coun-
62 ties or municipal corporations, individuals, firms, or corpora-
63 tions, and the same to purchase, collect and adjust, settle and
64 dispose of, in case of default upon, or loss under, such bond or
65 policy for which such property has been received as indemnity,
66 or as collateral security, without proceedings at law or in equity,
67 and for such price and upon such terms as may be agreed upon
68 between such company and those persons making such deposits
69 or creating such trusts.

70 (13) To become surety for the payment of all damages
71 that may be assessed and directed to be paid for lands or prop-
72 erty taken in the building of any railway, or for the purpose of
73 any railway, or for the opening of streets or roads, or for any

74 purpose whatever where land or other property is authorized by
75 law to be taken.

76 (14) To stipulate, provide for and take indemnity from
77 persons, firms or corporations for whom such company shall so
78 become surety, and enforce any bond, contract agreement, pledge,
79 or other security, made or given for that purpose.

Sec. 10. That whenever any company, wherever incorpo-
2 rated, is offered as surety to any court, or the clerk thereof, or to
3 any board upon which is devolved by law the duty of approving
4 such bond, the said court, or board, may, at its discretion, upon
5 the application of any person interested, appoint a suitable per-
6 son to investigate the affairs and management of the company
7 so offered, who shall report to such court or board the manner
8 in which the investments of such company are made and the
9 security offered to those by or for whom its engagements are
10 held; and the expenses of such investigation shall be defrayed by
11 the applicant, unless the investigation shall show the last semi-
12 annual statement of the company, as provided for in section
13 twelve of this chapter, to be false and misleading, in which case
14 the expenses of such investigation shall be borne by the com-
15 pany. If at any time it shall be made to appear to such court
16 or board by any person interested that the insurance commissioner
17 of this state has revoked the authority of such company to act as
18 such surety on bonds in this state, or that such company has law-
19 fully withdrawn from the business of becoming surety on bonds
20 in the state, or is in process of liquidating its surety business in
20-a this state, or is in the hands of a receiver, then it shall be the
21 duty of such court or board, upon the application of the princi-
22 pal, said surety, or any person in interest, to require any person
23 who has given such bond to execute a new bond within a reason-
24 able time, not exceeding sixty days from the date of service of
25 such order as hereinafter provided, as such court or board may
26 fix by order entered of record, the penalty of which bond shall
27 be fixed by said court or board, and a copy of such order shall
28 be served upon the principal in such bond, if such principal be
29 a resident of this state, but if he be a non-resident, or if the re-
30 turn of an officer of the county in which such principal last re-
31 sided in this state shows that he is not found, then a copy of such
32 order shall be published once a week for two successive weeks in
33 some newspaper of general circulation in the county in which such

34 bond was given and such order shall also be posted at the front
35 door of the court house of said county. It shall then be the duty
36 of such principal, within the period of time fixed by such order,
37 to give such new bond with surety or sureties as required by law.
38 If such bond be not given within sixty days, or other period fixed
39 in said order, from the date of service, or from the date of the
40 last publication, as the case may be, of such order, then such
41 court or board shall, in the case of all bonds, except bonds given
42 by some state, county, district or municipal officer, and may in
43 its discretion in the case of bonds given by any state, county,
44 district or municipal officer, enter an order terminating the
45 authority of such principal to perform any duties or exercise any
46 powers in connection with which such bond was given and from
47 and after the entry of said order terminating authority, no new
48 liability shall accrue under said bonds. Any unearned premium
49 shall be refunded by such company upon the entry of said order.
50 The costs of any proceedings under this section shall be paid by
51 any person or persons in interest as such court or board may
52 order, except the costs of inspection herein above provided for.

Sec. 11. That whenever any company is offered as surety
2 to any court or clerk thereof, the president, vice-president, secre-
3 tary or treasurer of such company shall, either in person before
4 such court or clerk, or before any officer authorized to administer
5 an oath or affirmation, take the oath or make the affirmation re-
6 quired by law to be made by any such surety.

Sec. 12. That no company incorporated under sections nine,
2 ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seven-
3 teen of this chapter shall exercise any such power or right as is
4 mentioned in the first, second, third, fourth, fifth, sixth, seventh,
5 eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth
6 clauses of section nine of this chapter until there has been filed
7 with the secretary of state, a duly authenticated certificate show-
8 ing the capital of such company to be at least two hundred and
9 fifty thousand dollars, fully paid and unimpaired, and unless
10 there be on deposit with the auditor of the state, to secure the
11 faithful performance of its obligations, at least twenty per cen-
12 tum of its paid up capital in cash, or bonds, of the United States,
13 or bonds of some county, magisterial district, school district, in-
14 dependent school district or municipal corporation in the state of
15 West Virginia, or the bonds of some railroad corporation or

ganized under the laws of the state of West Virginia and operated in said state, to be approved by the board of public works; the interest accruing on such bonds or securities so deposited to be received by the company making such deposit. But such deposit shall not be less than fifty thousand dollars and need not exceed seventy-five thousand dollars in any case. And such duly authenticated certificate shall be filed with the secretary of state in the month of January of every year thereafter. The said board of public works shall from time to time as often as deemed necessary, investigate all such deposits and if, in the opinion of the board, any such deposit does not comply with the requirements of this act, the company making the same shall not exercise any such power or right as mentioned in section one until it shall have deposited such other or additional security of the nature above required, as in the opinion of the board will make the value of the deposit equal to the deposit required. The face value of the security to be so kept on deposit shall not be less than the deposit required by this act. Every company exercising rights or powers such as are mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth clauses of section nine of this chapter shall, before commencing business, and thereafter within the first ten days of each of the months of January and July of each year, file with the clerk of the county court, of each county in this state, a statement certified by the secretary, treasurer or other officer of such corporation, under oath or affirmation, showing the financial condition of the company on the first day of the month in which such statement is filed; which statement shall show all the resources and liabilities of the company and the nature of its investments, and such statement shall be made a part of the public records of each county, and be recorded in a well bound book to be kept for such purpose, and to be called "Title and Surety Company Statements;" for which filing and recording the clerk of the county court shall be allowed a fee of fifty cents, to be paid by the company making such statement. Any officer or employee of any such company who shall knowingly make any fraudulent, false or misleading statement, under the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than five hundred dollars and not more than twenty-five hundred dollars.

Sec. 13. That no company which may be hereafter engaged
2 in this state in the business of title insurance, fidelity insurance,
3 or suretyship for the faithful performance of any office, shall
4 accept money on deposit, or act in any fiduciary or other capacity
5 not specifically permitted by the provisions of this act.

Sec. 14. That any company exercising or attempting to ex-
2 ercise any of the rights or powers mentioned in the first, second,
3 third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh,
4 twelfth, thirteenth, and fourteenth clauses of section nine of this
5 chapter, without having fully complied with the provisions of sec-
6 tion four hereof, by filing the certificate required with the sec-
7 retary of state or by making the deposit required with the auditor,
8 or by making and filing the statements required to be made and
9 filed with the clerks of the county courts, or any company violat-
10 ting the provisions of section thirteen hereof, by accepting money
11 on deposit, or acting in a fiduciary capacity, shall be guilty of a
12 misdemeanor and, upon conviction thereof, shall be fined not less
13 than five hundred dollars; and in such cases, whether or not there
14 be a prosecution for the misdemeanor, the auditor, upon being
15 satisfied of the facts, shall publish by at least two insertions,
16 at the expense of such company, in a paper of general circulation
17 in each of the cities of Wheeling, Parkersburg, Huntington,
18 Charleston, Bluefield, Sistersville and Martinsburg, West Vir-
19 ginia, an advertisement of the fact that such company is not en-
20 titled to exercise the powers and rights mentioned in section nine,
21 or is transacting, or attempting to transact, a banking or other
22 business in violation of the provisions of section thirteen, as the
23 case may be.

Sec. 15. That all companies which may be hereafter en-
2 gaged in this state in the exercise of any of the rights or powers
3 mentioned in the first, second, third, fourth, fifth, sixth, seventh,
4 eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth
5 clauses of section nine of this chapter and all other companies
6 of similar character shall be subject to the same examination and
7 supervision by the insurance commissioner as is now provided
8 for fire insurance companies incorporated under the laws of the
9 state of West Virginia.

Sec. 16. That every such company exercising the powers and
2 rights mentioned in the first, second, third, fourth, fifth, sixth,
3 seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and four-
4 teenth clauses of section nine of this chapter shall by a power of

5 attorney duly acknowledged and authenticated, and filed by it in
6 the office of the secretary of state, appoints some person residing
7 in the state to accept service of process and notice, for the said
8 company; and by the same instrument shall decree its consent that
9 service of any process or notice in this state on said attorney, or
10 his acceptance of service endorsed thereon, shall have the same ef-
11 fect as if served on him in the county where the surety is given or
12 where the suit is instituted, and shall, in all respects, have the
13 same effect as service thereof upon the company. And thereafter
14 such acceptance by the said attorney, or service upon him, anywhere
15 in this state, shall be equivalent to the service in the county where
16 the suit was brought. And, notwithstanding the provision of sec-
17 tion two of chapter one hundred and twenty-four of the code, any
18 suit may be instituted and process directed against any such com-
19 pany in the county in which the cause of action arises. And the
20 process may be directed to the sheriff of the county where such
21 company has its principal office, or where its attorney in fact re-
22 sides.

Sec. 17. In any case where the approval of any security by any
2 corporation, court, officer, or body, is now required by law, nothing
3 in this act shall be so construed as to dispense with such approval.

Sec. 18: That any fidelity, guaranty, surety or other com-
2 pany duly incorporated under the laws of any other state or
3 territory, of the United States or District of Columbia, having
4 under its charter the power to become surety be, and the same is
5 hereby authorized and empowered, upon complying fully with all
6 the laws of West Virginia made in relation to domestic corpora-
7 tions incorporated for the same purpose, to exercise all the rights,
8 powers and privileges that are conferred by law upon corpora-
9 tions duly incorporated under the laws of this state, and not
10 otherwise; *provided*, that such companies incorporated under the
11 laws of any other state, or of the United States, shall be subject
12 to examination, supervision and regulation, by the auditor of the
13 state under all the provisions of law applicable to fire insurance
14 companies of other states doing business in this state.

Sec. 19. All contracts and agreements made by any foreign
2 corporation in this state, before such corporation shall have fully
3 complied with the requirements of this act, and all acts made in
4 relation to such corporations, shall be absolutely void and in-
5 capable of being enforced by either party.

Sec. 20. Said company shall, by power of attorney duly

2 acknowledged and authenticated, and filed by it in the office of
3 the auditor, appoint some person residing in the state to accept
4 service of process and notice, in this state, for the said company;
5 and by the same instrument shall declare its consent that ser-
6 vice of any process or notice in this state on said attorney, or his
7 acceptance of service endorsed thereon, shall have the same effect
8 as if served on him in the county where the surety is given or
9 where the suit is instituted, and shall, in all respects, have the
10 same effect as service thereof upon the company. And there-
11 after such acceptance by the said attorney, or service upon him,
12 anywhere in this state, shall be equivalent to service in the county
13 where the suit was brought, and for all purposes, to service upon
14 its principal.

Sec. 21. That if any common carrier authorized to do busi-
2 ness in this state shall employ any person in any position of trust
3 in this state, and shall apply to any surety company for surety
4 for the faithful performance of duty by such employee, or for
5 any form of fidelity insurance, and such surety company shall
6 refuse to become responsible for such employee or, having be-
7 come responsible for such employee, shall thereafter cancel such
8 responsibility, such surety company shall furnish to such em-
9 ployee a statement in writing of the reasons therefor, which state-
10 ment shall be sent by registered mail to such place as he shall
11 designate, addressed to such employee, promptly on his demand
12 therefor, in writing sent by registered mail to the head office of
13 such surety company addressed to such surety company or offi-
14 cer thereof; and, unless such common carrier shall have other
15 reasons for refusing to employ such employee than the facts of
16 said refusal of such surety company to so become or continue
17 responsible for such employee, such common carrier shall, on
18 request of such employee, accept as security for the fidelity of
19 such employee, a bond or obligation in the same form or sub-
20 stantially in the same form as that under which such surety re-
21 fused to become or continue responsible for such employee, when
22 duly executed and acknowledged by any other solvent surety com-
23 pany authorized to execute such bond or obligation in this state,
24 or a personal bond with satisfactory surety and furnish to such
25 common carrier by such employee without cost or expense to
26 such common carrier; *provided, however,* that such surety com-
27 pany shall not be required to disclose the sources of its infor-
28 mation regarding such employee, and that all communications,

29 written or verbal, between such surety company or any officer or
 30 representative thereof and such common carrier or any officer
 31 or representative thereof or such employee or any person, firm or
 32 corporation mentioned in any statement made by such employee
 33 to such surety company shall be deemed privileged communica-
 34 tions; and *provided, further*, that no action or legal proceeding
 35 for libel or slander shall lie against such surety company or such
 36 common carrier by reason thereof. Any surety company or any
 37 common carrier which shall, by its officers or representatives,
 38 violate any of the provisions of this act, shall be deemed guilty
 39 of a misdemeanor and be punished by a fine of not less than fifty
 40 dollars nor more than two hundred dollars.

CHAPTER 81.

(Senate Bill Na. 95—Mr. Fox.)

AN ACT to amend and re-enact section thirty-three of chapter forty-six of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec. Care of poor persons or paupers; | SEC. authority of county courts.

Be it enacted by the Legislature of West Virginia:

That section thirty-three of chapter forty-six of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 33. The county court in each of the counties of this
 2 state shall designate some proper person or authority, other than
 3 that designated for the care of poor persons or paupers, or the
 4 custody of criminals, who shall cause to be interred, in a decent
 5 and respectable manner, the body of any soldier, sailor or marine
 6 who has served in the military or naval service of the United
 7 States during the rebellion, the war with Spain or the Philippines,
 8 or in the war with the imperial government of Germany, or the
 9 imperial government of Austria-Hungary, or any ex-confederate
 10 soldier, who shall hereafter die without leaving sufficient means
 11 to defray his funeral expenses, but such expenses shall in no
 12 case exceed seventy-five dollars. If the deceased has any relatives
 13 or friends who desire to conduct the burial, but are unable or

14 unwilling to pay the charges therefor, such sum shall be allowed
 15 by the court and paid out of the county treasury upon due proof
 16 of claim and of the death and burial of the soldier, sailor or
 17 marine, and the filing of vouchers showing such payments, said
 18 allowances to be paid to the person so conducting said burial.
 19 Such interment shall not be made in a cemetery or cemetery plot
 20 used exclusively for the burial of deceased paupers.

CHAPTER 82.

(Senate Bill No. 147—Mr. Morton.)

AN ACT to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 1. Provision for maintaining normal training or class one high school.	SEC. 9. Pupils of elementary grade; privileges.
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Be it enacted by the Legislature of West Virginia:

In any district in which a normal training, or class one, high school is maintained in connection with a graded elementary school, the board of education shall have authority to lay upon all of the taxable property in the district, levies sufficient for the teachers' fund and the building fund for maintenance purposes, to continue the elementary grades of such school for the same length of term that the normal training, or class one, high school of such district is in session.

It is *provided, however*, that any and all pupils of elementary grade in such district shall be permitted to attend the elementary grades of such school after the close of the elementary schools of their sub-districts or in any school term in which the elementary schools of their sub-districts are not in session.

CHAPTER 83.

(Senate Bill No. 93—Mr. Montgomery.)

AN ACT fixing the annual allowance to the clerks of the county and circuit courts of Boone county.

[Passed February 3, 1919. In effect ninety days from passage. Approved by the Governor February 10, 1919.]

SEC. 1. Additional salary allowance for the county and circuit clerks of		SEC. Boone county.
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Boone county shall annually
 2 allow to the clerk of the county court and to the clerk of the cir-
 3 cuit court of said county, the sum of not less than two hundred
 4 dollars nor more than six hundred dollars each, for his public
 5 services, for which no other fee or reward is allowed by law.
 6 Said salaries to begin on the first day of January, one thousand
 7 nine hundred and nineteen, and end on the thirty-first day of
 8 December, one thousand nine hundred and twenty, and that this
 9 act shall in no wise conflict with the provisions of chapter eighty-
 10 three of the acts of one thousand nine hundred and fifteen, known
 11 as the "salaries act."

12 All acts or parts of acts in conflict herewith are hereby re-
 13 pealed.

CHAPTER 84.

(Senate Bill No. 32—Mr. Poling.)

AN ACT to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterward bring a second cause of action against them.

[Passed January 27, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

SEC. 52. Action against two or more de-		SEC. fendants; process; judgment.
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Be it enacted by the Legislature of West Virginia:

That section fifty-two of chapter one hundred and twenty-five of the code be amended and re-enacted so as to read as follows:

Section 52. Where, in any action against two or more de-
 2 fendants, the process is served on part of them, the plaintiff may
 3 proceed to judgment as to any so served, and either discontinue
 4 it as to the others or from time to time as the process is served
 5 as to such others, proceed to judgment as to them until judg-
 6 ment be obtained against all. Such discontinuance of the action
 7 as to any defendant not served with process shall not operate as a

8 bar of any subsequent action which may be brought against him
9 for the same cause.

CHAPTER 85.

(Senate Bill No. 25—Mr. Hough.)

AN ACT to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia, of one thousand eight hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia.

Passed January 25, 1919. In effect from passage. Approved by the Governor February 6, 1919.]

SEC.

4. School enumeration; when increase of members of board warranted; terms of members.

SEC.

7. Organization of board; election of clerk; clerk's compensation.

Be it enacted by the Legislature of West Virginia:

That sections four and seven of chapter fifty-seven of the acts of one thousand eight hundred and ninety-five, be amended and re-enacted so as to read as follows:

Section 4. Whenever the school enumeration of the district reaches eighteen hundred the board of education shall be increased to five members, elected by the voters of the whole district. At the first election after the school enumeration has reached eighteen hundred there shall be elected three members, one for five years, one for four years, and one for three years; and thereafter one member shall be elected each year for a five-year term. The terms of all members so elected shall begin on the first day of July following their election. Should a vacancy occur in said board by death, resignation or otherwise, the board shall fill such vacancy by appointment, said appointment to be until the next general election, at which time a member shall be elected for the unexpired term of the member whose place shall have become vacant.

Sec. 7. At the first meeting of the board in July of each year the board shall organize by electing a president, who shall be one of their number; and shall also elect a clerk, who may or may not be a member of the board, and fix his compensation.

All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 86.

(Senate Bill No. 224—Mr. Chapman.)

AN ACT to amend and re-enact sections fourteen, twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, relating to the independent school district of Huntington, and the conduct of the schools within said district.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec.	SEC.
14. Board of education, Huntington independent school district; scope of authority; appointment of medical inspector; school books.	25. Appointment of teachers and fixing of salaries; certificate requirements.
22. Superintendent of schools; how	

Be it enacted by the Legislature of West Virginia:

That sections fourteen, twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Sec. 14. The board of education shall have power to make
 2 all necessary rules and regulations for the government of the
 3 schools of the district, for the admission of pupils therein, for
 4 the exclusion of pupils whose attendance would be dangerous to
 5 the health or detrimental to the morals or discipline of the
 6 schools. They may prescribe a uniform list of text-books for
 7 the use of the schools in the district, and may furnish books and
 8 stationery for the use of the schools in the district, and may
 9 furnish books and stationery for the use of indigent children in
 10 attendance at the schools. They may provide such evening
 11 schools, continuation schools, or part-time schools, as in their
 12 judgment may be best for the educational interests of said dis-
 13 trict. They shall appoint a chief medical inspector for the
 14 schools of the district the first of July, or as soon thereafter as
 15 may be practicable in each year, and fix the salary of such
 16 medical inspector, and they may appoint and fix the salaries of
 17 such assistant medical and dental inspectors and school nurses
 18 as may be necessary to render efficient the protection of the health
 19 of the children of the school district. They may establish such
 20 rules and regulations for said medical inspection as they deem
 21 proper, and may provide for necessary stationery and supplies.
 22 They may establish, and make regulations for, clinics for the

23 treatment of such physical conditions as may in the judgment
24 of the medical examiners require treatment; *provided*, that no
25 child shall be compelled without the written consent of parent
26 or guardian to accept such medical treatment. The board shall
27 have power to appoint an attendance officer and such assistants
28 as may be necessary and fix their salaries in order to provide
29 for the proper execution of the laws compelling the attendance
30 of children upon the public schools, and may provide rules and
31 regulations to make this work effective. They may furnish all
32 necessary apparatus and books for the use of the schools, and
33 incur all other expenses necessary to make the system efficient
34 for the purpose for which it was established, and pay the same
35 from the building fund of the district. They shall also fix the
36 number of days in the school month within the district.

Sec. 22. A superintendent of schools for the said district
2 shall be appointed by the said board of education for a term of
3 not more than four years, and his salary fixed by the said board
4 at the first regular meeting of the board in April, or soon there-
5 after; but no person shall be employed as superintendent who
6 shall not have had an experience of at least five years as super-
7 intendent or principal of public schools. Said superintendent in
8 addition to the duties specified in this act, shall perform such
9 other appropriate duties with relation to the schools of the city
10 as the board may prescribe. He shall be liable to removal by
11 the board of education for any palpable violation of the law
12 or omissions of duty, but he shall not be removed unless charges
13 be preferred to the board and notice of a hearing, with a copy
14 of the charges, delivered to him and an opportunity given him
15 to be heard in his defense. When the office shall have become
16 vacant from any cause, before the expiration of the term for
17 which the superintendent shall have been elected, the board of
18 of education shall fill the same by appointment for the unex-
19 pired term. It shall be the duty of the city superintendent to
20 make such report to the board of education of the character and
21 condition of the schools of the city of Huntington, as shall en-
22 able the secretary to make his required report to the county su-
23 perintendent or state superintendent. The city superintendent
24 shall not directly or indirectly receive any gift, emolument or
25 reward, for his influence in recommending the use of any book,

26 apparatus or furniture of any kind whatever, in the schools of
27 the district.

Sec. 25. On or after the first day of April of each year,
2 and subsequent to the election of the superintendent of schools,
3 the board of education shall appoint all teachers for the schools
4 within the district and fix their salaries; but no person shall be
5 employed to teach in any public school of the district who shall
6 not first have obtained from the board of examiners a certificate,
7 in duplicate, of qualification to teach a school of the grade for
8 which the appointment is made, except that the superintendent
9 and members of the board of examiners shall not be required to
10 obtain any certificate.

CHAPTER 87.

(Senate Bill No. 62—Mr. Bloch.)

AN ACT to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-*a* by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character, to obtain a permit from the commissioner of banking, and providing penalties.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

<p>Sec. 28-a. Contingent fund authorized; permit for doing business issued by commissioner of banking; pen-</p>		<p>Sec. alty for failure to procure permit.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen be and is hereby amended by adding thereto section twenty-eight-*a* as follows:

Section 28-a. It shall be lawful for a building and loan association to set aside in its treasury out of the dues, fines, interest and premiums paid by its stockholders, a contingent fund which shall be used only for the purpose of paying losses and necessary expenses incurred in the maturing of any of its series of stock,

6 and for the purpose of stabilizing and making equal, as near as
7 may be, the time of maturity of all of said series; but said con-
8 tingent fund shall at no time exceed eight per centum of the out-
9 standing loans.

10 All building and loan associations, incorporated or unincor-
11 porated, and all persons, firms, partnerships, associations, trus-
12 tees, or combinations of persons whatsoever, which or who trans-
13 act a building and loan business, or a business of like kind or
14 character, or where by its, or their, charter, constitution, by-
15 laws, or by a declaration of trust, or other device, or by a con-
16 tract or agreement, the members or customers are required to pay
17 weekly, monthly or regular installments to a common fund or
18 series, from which fund or series loans are made to said members,
19 customers or to others, for the purpose of building homes or
20 buildings, purchasing building sites, paying off liens or debts
21 against real estate, or for other purposes, shall obtain from the
22 commissioner of banking a permit or certificate of authority, be-
23 fore doing any business in this state directly or indirectly which
23-a permit or certificate of authority shall be given only and in
23-b the same manner and under like conditions, regulations and
23-c discretion, and upon the filing of like papers, documents and
23-d statements as set out in section 78-a (8) of this chapter, re-
23-e quiring foreign building and loan associations to obtain cer-
23-f tificate of authority before beginning business. A fail-
24 ure to procure such permit or certificate of authority before
25 beginning or continuing business (if already begun when this
26 act goes into effect) shall be a misdemeanor and subject the of-
27 fender, its or their officers, agents and representatives, to a fine of
28 not more than one thousand dollars nor less than five hundred
29 dollars for each month such failure shall continue. And all such
30 persons, firms, partnerships, associations, trustees or combina-
31 tions of persons, shall be subject to the same examination, visita-
32 tion and control, and pay the same fees and charges therefor as
33 now required of building and loan associations incorporated under
34 the laws of this state.

CHAPTER 88.

(Senate Bill No. 24—Mr. Cobun.)

AN ACT to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to the care and preservation of state and county archives.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

<p>SEC. 2. Quarters of bureau; character of records preserved; report to</p>	<p>SEC. Governor; under management of board of public works.</p>
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Be it enacted by the Legislature of West Virginia:

That section two of chapter sixty-four of the acts of one thousand nine hundred and five (being serial section three hundred and ninety-five of the code of one thousand nine hundred and thirteen), be amended and re-enacted so as to read as follows:

Section 2. The said bureau shall be a department of the state government and it shall occupy rooms in the state capitol or in the annex thereto, or in such building as may be provided by the state. It shall be under the management of the board of public works, which body shall have full power and authority to adopt and establish such by-laws and regulations for its government, as it may seem necessary and proper to effect the objects of the bureau; and it shall cause to be enforced such library rules and regulations as will aid students, readers, investigators and research workers in the use of the material of the bureau. It shall keep and care for the battle flags and regimental flags borne by West Virginians in war, together with all other property of whatever character, which has been purchased by the state's money and held in trust for the state by the West Virginia historical and antiquarian society.

Any official of the state or of any county, or any other official, may turn over to the state historian and archivist, with his consent, for permanent preservation and record in the state department of archives and history any official books, records, documents, original papers or files, not in current use in his office, taking a receipt therefor, *provided*, said official shall first make and keep on record in his official files, a certified copy of such book, record, document, original paper on file, and said official may in like manner turn over to the state historian and archivist, with his consent, for use of the state, any printed books, records, documents

24 or reports not in current use in his office. Nothing herein, how-
 25 ever, shall be construed to allow the removal of any books or rec-
 26 ords affecting the title to any estate, within the jurisdiction of the
 27 official having custody of such records. The state historian and
 28 archivist shall embody in his report to the governor a general list
 29 of all such books; records, documents or papers so received; and
 30 upon the request of any person entitled thereto, shall furnish a cer-
 31 tified copy of any such record, document, paper, or extract there-
 32 from, and said certified copy shall be entitled to the same weight
 33 as evidence as though certified by the authority by whom said rec-
 34 ord, document or paper was deposited with said state historian
 35 and archivist.

CHAPTER 89.

(Senate Bill No. 206--Mr. Harmer.) •

AN ACT to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session, one thousand nine hundred and seventeen, and add section forty-two-*a* to said chapter.

[Passed February 20, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC. 42. City of Clarksburg; removal of elective officers; manner of pro- cedure; official ballot.	SEC. 42-a. Mayor divested of authority to act as justice of the peace.
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Be it enacted by the Legislature of West Virginia:

That section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session, one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows; and that section forty-two-*a* be added to said chapter as follows:

Section 42. The holder of any elective office may be re-
 2 moved at any time by the electors qualified to vote for a successor
 3 of such incumbent. The procedure to effect the removal of an
 4 incumbent of an elective office shall be as follows:

5 A petition signed by at least nine hundred electors entitled
 6 to vote for a successor to the incumbent sought to be removed,
 7 demanding an election of a successor of the person sought to be
 8 removed shall be filed with the city clerk. The signatures to
 9 the petition need not all be appended to one paper, but each
 10 signer shall add to his signature his place of residence, giving
 11 the street and number. One of the signers of each such paper

12 shall make oath before an officer competent to administer oaths,
 13 that each signature to the paper appended is the genuine signa-
 14 ture of the person whose name it purports to be.

15 The city clerk shall forthwith examine said petition and
 16 ascertain whether or not the same is signed by the requisite num-
 17 ber of qualified electors and within three days after he receives
 18 said petition he shall attach thereto his certificate showing
 19 whether or not said petition is signed by the requisite number of
 20 qualified voters, and if so signed by the requisite number of quali-
 21 fied voters, he shall file the same with the council and if not so
 22 signed he shall return it to the person filing the same with him.
 23 Within two days after said petition is so filed with the council
 24 it shall order and fix a date for the holding of said election not
 25 less than twenty nor more than thirty days from the date of
 26 the filing of said petition with the council.

27 The council shall then provide for publication of notice and
 28 make all arrangements for holding such election, and the same
 29 shall be conducted and returned and the result thereof declared
 30 in all respects as are other city elections. So far as applicable,
 31 except as otherwise herein provided, nominations hereunder
 32 shall be made without the intervention of a primary election by
 33 filing with the clerk at least ten days prior to said special elec-
 34 tion, a statement of candidacy accompanied by a petition of
 35 electors entitled to vote at said special election equal in number
 36 to at least ten per centum of the entire vote for all candidates
 37 for the office of mayor at the last preceding general municipal
 38 election, which said statement of candidacy and petition shall
 39 be substantially in the form set out in section six of this act, so
 40 far as the same is applicable, substituting the word "special" for
 41 the word "primary" in such statement and petition and stating
 42 therein that such person is a candidate for election instead of
 43 nomination. The ballot for such special election shall be in sub-
 44 stantially the following form:

45

OFFICIAL BALLOT.

46

Special election for the balance of the unexpired term of

47

----- as -----

48

For -----

49

Vote for Only One.

50 NAME OF CANDIDATES.
 51 -----
 52 -----
 53 NAME OF PRESENT INCUMBENT.
 54 Official Ballot, Attest:
 55 -----
 56 *City Clerk.*

57 The successor of any officer so removed shall hold office
 58 during the unexpired term of his predecessor. Any person sought
 59 to be removed may be a candidate to succeed himself, and unless
 60 he requests otherwise in writing, the clerk shall place his name
 61 on the official ballot without nomination. In any such removal
 62 election the candidate receiving the highest number of votes shall
 63 be declared elected. At such election, if some person other than
 64 the incumbent receives the highest number of votes, the incum-
 65 bent shall thereupon be deemed removed from the office upon the
 66 qualification of his successor. In case the party who received the
 67 highest number of votes shall fail to qualify within ten days
 68 after receiving notification of election, the office shall be deemed
 69 vacant. If the incumbent receives the highest number of votes,
 70 he shall continue in office. The said method of removal shall
 71 be cumulative and additional to the methods heretofore provided
 72 by law. But there shall be no election under this section within
 73 ninety days before any general election.

Sec. 42-a. The mayor of the city of Clarksburg shall not
 2 hereafter possess or exercise any of the powers of a justice of the
 3 peace.

CHAPTER 90.

(Senate Bill No. 233—Mr. Luther.)

AN ACT to authorize and empower the public health council to grant
 and issue license for the practice of medicine and surgery to
 certain qualified applicants.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the
 Governor February 22, 1919.]

<p>SEC. 1. Authority of the public health council relating to the practice of</p>		<p>SEC. medicine and surgery; special provisions.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the public health council of this state is

2 authorized so to do and shall, during the period of one year from
 3 the date this act becomes effective, upon the production of satisfac-
 4 tory evidence that the person applying is of good moral character,
 5 is proficient in the science of medicine and surgery, has had at least
 6 ten years previous experience in the practice in the state of West
 7 Virginia, and is otherwise qualified and is a *bona fide* resident of
 8 this state and after a practical examination, grant and issue to
 9 such persons license or certificate of authority to practice the pro-
 10 fession of medicine and surgery.

CHAPTER 91.

(Senate Bill No. 94—Mr. Fox.)

AN ACT to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians.

[Passed February 17, 1919. In effect from passage. Approved by the Governor February 20, 1919.]

SEC. 12. Investment of funds coming into hands of guardian; character of	SEC.	investment authorized; interest charges.
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Be it enacted by the Legislature of West Virginia:

That section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 12. Whenever a guardian shall collect any principal
 2 or interest belonging to his ward, he shall have thirty days to in-
 3 vest or loan the same, and shall not be charged with interest there-
 4 on until the expiration of said time, unless he shall have made the
 5 investment previous thereto, in which case he shall be charged with
 6 interest from the time the investment or loan was made. And,
 7 *provided, however,* that the investment of any funds which may
 8 come into the hands of any such guardian in the bonds of the gov-
 9 ernment of the United States of America, bearing interest at the
 10 rate of not less than four per centum per annum, shall be a compli-
 11 ance with all of the requirements of this section, and such invest-
 12 ment is hereby authorized; *provided, further,* that if by due dili-
 13 gence, any guardian is unable to loan any principal or interest be-
 14 longing to his ward within the time aforesaid, he may file his
 15 petition in the circuit court of the county in which he qualifies as

16 such guardian, setting out fully the facts, which petition shall be
 17 verified as provided by section forty-two of chapter one hundred
 18 and twenty-five of the code, and of the filing of which petition ten
 19 days notice shall be served on the ward, and the circuit court or the
 20 judge thereof in vacation shall appoint a guardian *ad litem* for the
 21 defendant to said petition who shall answer such petition under
 22 oath, and thereupon the court or judge thereof in vacation shall
 23 hear the matters arising upon said petition, upon affidavits or
 24 depositions duly taken and returned, but such guardian *ad litem*
 25 shall in all cases be personally present at the hearing; and such
 26 court or judge thereof in vacation, if it be made to appear that
 27 such guardian has been unable to loan the funds of his ward as
 28 hereinbefore required, may make such order in relation to the loan
 29 and investment of the funds in the hands of such guardian, as may
 30 be to the best interests of the ward. But pending a hearing upon
 31 said petition, such guardian shall not be chargeable with interest
 32 on the funds in his hands uninvested, unless the court or judge
 33 otherwise order.

CHAPTER 92.

(Senate Bill No. 223—Mr. Sanders.)

AN ACT fixing an annual allowance to the clerk of the circuit court
 of Mercer county.

[Passed February 17, 1919. In effect from passage. Became a law without the
 Governor's Approval.]

SEC.

1. Additional allowance for circuit
 court clerk, Mercer county; time

SEC.

allowed.
 2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Mercer county shall annually
 2 allow to the clerk of the circuit court of said county the sum of not
 3 less than fifteen hundred dollars nor more than three thousand
 4 dollars, payable monthly, for his public services, for which no
 5 other fee or award is allowed by law. Said salary to begin on the
 6 first day of January, one thousand nine hundred and nineteen
 7 and to end on the thirty-first day of December one thousand nine
 8 hundred and twenty, and that this act shall in no wise conflict
 9 with the salary act of said clerk now on the statute books to begin
 10 January first, one thousand nine hundred and twenty-one.

Sec. 2. All acts, or parts of acts, in conflict herewith are
 2 hereby repealed.

CHAPTER 93.

(Senate Bill No. 200—Mr. Arnold.)

AN ACT to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections six, thirteen and fourteen.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC.

6. Board to appoint secretary; duties of secretary; compensation.

12-a. Board of examiners; how constituted; granting of certificates.

SEC.

13. Appointment of teachers; qualifications required.

14. Superintendent and teachers subject to regulations adopted by board; cause for removal; city institute.

Be it enacted by the Legislature of West Virginia:

That chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight be amended by adding section twelve-a thereto, and amending and re-enacting sections six, thirteen and fourteen so as to read as follows:

Section 6. The said board shall, at their first meeting in July 2 of each year appoint a secretary who shall perform such duties 3 for said board as are required of secretaries of other boards of 4 education, who shall hold his office at the will of said board and 5 whose compensation shall be fixed by the board and shall not 6 be less than fifty nor more than one hundred dollars per year, and 7 shall have, in addition thereto, the usual fee for making the 8 annual report required by law.

Sec. 12-a. The board of education shall appoint two competent persons to act with the superintendent as a board of 3 examiners. It shall be the duty of said board of examiners to 4 examine all applicants for positions as teachers in the schools 5 of the district, and each person so examined shall pay a fee of 6 one dollar, but no applicant shall be entitled to examination who 7 shall not furnish evidence satisfactory to the board of good moral 8 character.

9 Two classes of certificates shall be granted, namely, high school 10 certificates and elementary school certificates; and the board of 11 education shall have power to make special regulations as to the 12 branches to be given in examination in each class.

13 First grade certificates shall be issued to all applicants who 14 attain a general average of ninety per cent. and not lower than

15 seventy-five per cent. in any one branch. Certificates of both classes
16 shall be valid for a period of one year, and shall be renewable at
17 the discretion of the board of examiners.

18 The board of examiners may, without examination, issue a
19 high school certificate based on a diploma from a standard col-
20 lege; and may in like manner issue an elementary certificate based
21 on a diploma from a standard normal school or other school of
22 equal rank.

Sec. 13. The board of education shall appoint all teachers for
2 public schools of any grade within the said district and fix their
3 salaries at a meeting held on the first Monday in July, or as soon
4 thereafter as possible. But no person shall be employed to teach
5 a school of the grade for which the appointment is made, without
6 having a satisfactory certificate obtained and issued as required by
7 law in the examination of teachers for the public schools of the
8 state, or in compliance with section twelve-a of this act.

Sec. 14. The superintendent and teachers shall be subject in
2 all respects to the rules and regulations adopted by the board of
3 education, and may be removed by the board of education for
4 incompetency or grossly immoral conduct, in the manner and
5 form prescribed for the removal of teachers in section thirteen
6 of chapter forty-five of the code as amended. The board of
7 education shall have power to establish a city institute for city
8 teachers, or course of educational lectures, to be held at such time
9 and place as they may designate. Attendance upon these insti-
10 tutes shall be obligatory upon all teachers employed in the district,
11 and is required in lieu of attendance upon the county teachers'
12 institute.

CHAPTER 94.

(Senate Bill No. 197—Mr. Morton.)

AN ACT to amend and re-enact section seven of chapter seven of the
code of West Virginia (Barnes' code of one thousand nine hun-
dred and sixteen), relating to the removal of county and district
officers and the filling of vacancies created thereby.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.]

Sec. 7. Removal from office of county and district officers; manner of re-		Sec. removal; proceedings to be speedily heard.
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Be it enacted by the Legislature of West Virginia:

That section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hundred and sixteen), be amended and re-enacted so as to read as follows:

Section 7. Any county or district officer including any member of a board of education may be removed from office for official misconduct, incompetency, habitual drunkenness, adultery, neglect of duty, or gross immorality. The willful waste of public funds, or the appointment to any office or position of an incompetent or disqualified person and the retention of such person in office, or in the position to which he was appointed, when such incompetency or disqualification is made to appear, when in the power of such officer or officers to remove such incompetent or disqualified person, shall be deemed neglect of duty and official misconduct in office. Any appointee or employee of any officer, or officers, including county courts and boards of education, who willfully wastes or misappropriates public funds, or who is guilty of habitual drunkenness, adultery, neglect of duty, or gross immorality, shall be deemed incompetent within the meaning of this section.

Such removal shall be made by the circuit court of the county wherein such officer resides. The charges against any such officer shall be reduced to writing and entered of record by the court, and a summons shall thereupon be issued by the clerk of such court containing a copy of the charges, and requiring the officer named therein to appear and answer the same on a day to be named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service must be made at least five days before the return day thereof. And the court itself shall, without a jury, hear the charges and upon satisfactory proof thereof remove any such officer from the discharge of the duties of his office, and place the records, papers, and property of his office in possession of some other officer or person for safe keeping until the vacancy is filled. Any vacancies created under this section in the office of the commissioner, clerk of the county court, constable, and justice of the peace shall be filled by the county court of the county until the next general election, and any vacancy so created in the office of prosecuting attorney, clerk of the circuit court, and all other county and district officers not herein enumerated or otherwise provided for

37 by law, shall be filled by the circuit court of the county, or the
38 judge thereon in vacation until the next general election.

39 Proceeding under this section shall be speedily heard and
40 determined, and an appeal shall lie to the supreme court of ap-
41 peals of this state from any order removing or refusing to remove,
42 any officer proceeded against hereunder.

43 All acts, and parts of acts coming within purview hereof and
44 inconsistent herewith are hereby repealed.

CHAPTER 95.

(Senate Bill No. 237—Mr. Sinsel.)

AN ACT to authorize the county court of Taylor county to appropri-
ate and expend annually, public moneys in connection with the
observance of public Memorial services on the thirtieth day of
May, each year, at the United States national cemetery at the
city of Grafton.

[Passed February 15, 1919. In effect from passage. Approved by the Governor
February 20, 1919.]

SEC.

1. Memorial services at the city of
Grafton; expenditures relative
thereto.

Be it enacted by the Legislature of West Virginia:

That the county court of Taylor county be, and it is, hereby
authorized to appropriate and expend, annually, public moneys, not
to exceed the sum of five hundred dollars annually, in connection with
the observance of public Memorial services on the thirtieth day of
May, each year, at the United States national cemetery, at the city
of Grafton.

CHAPTER 96.

(Senate Bill No. 134—Mr. York.)

AN ACT to amend and re-enact sub-section two of section one; sub-
section five of section one, section two, section six; all of chapter
one hundred and fifty of Barnes' code of one thousand nine hun-
dred and sixteen, and to add to said chapter section three-a and
section six-a, all relating to the public health.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.]

SUB-SEC.

2. Commissioner of health; appointment; duties; compensation.

SUB-SEC.

5. Divisions of department; directors; appointment.

2. Functions of department; detailed requirements; local health authorities.

SEC.

ploy same, expenses.

6. County health officers and board; city boards; salaries.

3-a. Health officers; authority of counties and municipalities to em-

6-a. Systems of water supply; sewerage; pollution; penalties.

Be it enacted by the Legislature of West Virginia:

That sub-section two of section one, sub-section five of section one, section two and section six of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen be amended and re-enacted; and that the section three-a and section six-a be added to said chapter one hundred and fifty, all to read as follows:

Commissioner of Health.

Sub-section (2). The commissioner shall be appointed 2 by the governor, 3 and with the consent of the senate, and 4 shall be a physician skilled in sanitary science, and ex- 5 perienced in public health administration. The term of 6 office of the commissioner of health shall be four years; he shall 7 5-a after the first day of July one thousand nine hundred and nine- 8 teen receive an annual salary of 'forty-eight hundred dollars' and 9 actual expenses incurred in the performance of official business; 10 8 'which salary shall be in full for all services. The commissioner 11 of health shall be the administrative head of the state department 12 of health and he shall be *ex-officio* a member of its public health 13 council. His duties shall be to administer the laws and regula- 14 tions of the department; to prepare rules and regulations for the 15 consideration of the public health council; and with the approval 16 of said council to appoint, remove and fix the compensation of 17 the directors of divisions and all other employees; but said com- 18 pensation shall be within the limitations of appropriation there- 19 for; to advise with the public health council, keep himself informed 20 as to the worth of each local health officer within the state; aid each 21 health officer in the performance of his duties; assist each local 22 health officer in making an annual sanitary survey of the terri- 23 tory within his jurisdiction, and in maintaining therein a con- 24 tinuous sanitary supervision; adjust questions of jurisdiction 25 arising between local health officers within the state; study the 26 cause of excessive mortality or morbidity from any disease in any 27 portion of the state; promote efficient registration of births, 28 deaths and notifiable diseases; inspect and report from time to

27 time the sanitary condition of institutions, schools and school-
28 houses, public conveyances, dairies, creameries, slaughter houses,
29 workshops, factories, labor camps, hotels and places where offen-
30 sive trades or industries are conducted; inspect and report the
31 sanitary condition of streams, sources of water supply and sewer-
32 age facilities; endeavor to enlist the co-operation of all physicians,
33 and volunteer health organizations in the improvement of public
34 health; promulgate information to the general public in all matters
35 pertaining to the public health. He shall perform all executive
36 duties now required by law of the state board of health and other
37 customary duties incident to his position as chief executive officer,
38 and shall provide for offices and equipment necessary for the
39 transaction of the business of the state department of health, out
40 of funds appropriated for the state department of health. He
41 shall submit annually to the governor on or before the first day
42 of November, or as soon thereafter as practicable, a report of the
43 operations of the department, with any recommendations he may
44 have to make, which report shall be printed and distributed as
45 soon as practicable thereafter in the same manner as other public
46 documents of the state. The commissioner whenever required by
47 the governor shall report to him as to any designated subject or
48 matter, and furnish such information as may be required. The
49 commissioner of health may direct any official or employee of the
50 state department of health to assist in the study, control, suppres-
51 sion and prevention of diseases in any part of the state, and nec-
52 essary expenses shall be paid while in the performance of such
53 duty.

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Divisions of Department; Directors.

Sub-sec. (5). There shall be in the state department of
2 health the following divisions:
3 Division of preventable diseases;
4 Division of sanitary engineering;
5 Division of vital statistics;
6 Division of public health, education and child welfare.
7 The commissioner of health shall appoint, with the advice of
8 the public health council, a director to take charge of each division
9 and shall prescribe, with the advice of the public health council,
10 the duties pertaining to each division and arrangement of the sub-
11 divisions, if any, thereof.

Functions of Department.

Sec. 2. The state department of health shall have the authority to enforce all the laws of the state concerning the public health, and shall take care to protect the life and health of the inhabitants of the state, and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of diseases, especially of epidemics, endemics and the means of prevention, suppression or control, the source of mortality and the effects of localities, employments, habits and circumstances of life on the public health, and shall gather information in respect to these matters and kindred subjects for diffusion among the people. It shall inspect and examine food, drink and drugs offered for sale or public consumption in such manner as shall be deemed necessary, and shall report all violations of all laws of this state relating to pure food, drink and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its knowledge of such violations. The commissioner of health or any member of the public health council, may make complaint and cause proceedings to be instituted against any person or persons or corporation for a violation of any of the health laws of this state, without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuses to discharge his duty, and in no such cases shall they be required to give security for costs.

Whenever the character and location of plumbing, drainage, water supply, sewers and disposal of sewage, garbage, or other waste materials of cities, towns and villages, offensive trades, hotels and labor camps; and the ventilation, warming, natural lighting and excreta disposal in public utilities, in public halls, churches, school houses, workshops, prisons and all other public institutions, are such as to endanger the public health, the public health council shall have power to make and enforce rules regulating the same. Whenever in the opinion of the state department of health or the state health commissioner the location or outfall of a sewer constitutes a nuisance or is a menace to public health, the state health commissioner shall have the power to order such changes as may be necessary to secure public comfort or safety. The public health council shall promulgate and recommend regulation, not inconsistent with law, covering the dis-

40 posal of excreta in coal mines, examine into and advise with the
41 chief of department of mines as to the ventilation of coal mines,
42 and how to treat promptly accidents resulting from poisonous
43 gases. Nothing herein contained shall be construed to give the
44 state department of health the power to regulate or interfere with
45 the drainage from any mine or manufacturing plant unless the
46 drainage from said mine or manufacturing plant shall contain
47 disease-producing bacteria in sufficient numbers to endanger health.
48 The state department of health is empowered to establish and
49 strictly maintain quarantine at such places as it may deem proper,
50 and forbid and prevent the assembling of the people in any place
51 when the public health council or the state commissioner of health or
51-a any county or municipal health officer deems that the public health
52 and safety so demand, and may adopt rules and regulations to ob-
53 struct and prevent the introduction or spread of smallpox or
54 other contagious or infectious diseases into or within the state,
55 and shall have the power to enforce these regulations by detention
56 and arrest, if necessary. It shall have power to enter into any
57 town, city, factory, railroad train, steamboat, or other place what-
58 soever, and enter upon and inspect private property for the pur-
59 pose of investigating the sanitary and hygienic conditions and the
60 presence of cases of contagious and infectious diseases, and may,
61 at its discretion, take charge of any epidemic or endemic condi-
62 tions, and enforce such regulations as it may prescribe. All ex-
63 penses incurred in controlling any endemic or epidemic conditions
64 shall be paid by the county or municipality in which such epidemic
65 occurs. The state department of health shall provide, at its dis-
66 cretion, vaccine lymph, diphtheria anti-toxin, tetanus anti-toxin
67 and other forms of serum or vaccine preventives of disease that
68 it may deem necessary, and distribute same free of charge to county
69 and municipal health officers, to be used for the benefit of the
70 poor and indigent, and in other cases where it may be urgently
71 necessary to check contagious and control epidemics. The com-
72 missioner of health or any county or municipal health officer shall
73 inquire into and investigate all nuisances affecting the public
74 health in any county, city or village in the state, and is authorized
75 and empowered to apply to the judges or to any judge of the
76 circuit court for the county in which such nuisance shall exist,
77 in term or vacation, for an injunction forthwith to restrain, pre-
78 vent or abate such nuisances. The public health council shall
79 make regulations to provide clean and safe milk and fresh milk

80 products, and when promulgated these regulations shall be the
81 minimum requirements to be enforced by local health authorities
82 throughout the state.

Sec. 3-(a). Any county court or municipal council shall
2 have the power and authority to provide for a full-time health
3 officer and the expenses of his administration, who shall give his
4 entire time to the duties of his employment, and the general
5 health and sanitation of his county or municipality, medical at-
6 tendance upon the indigent of the county in the infirmary and per-
7 form such duties in relation thereto as may be prescribed by order
8 of the court or ordinance of the municipality duly entered; and
9 may levy a county or municipal tax as the case may be for that
10 purpose of not exceeding three cents on a hundred dollars valua-
11 tion as shown by the last assessment for county or municipal taxes.

County Health Officer and Board; City Boards.

Sec. 6. It shall be the duty of the public health
2 council, upon the recommendation of the county court
3 of the county, to appoint in each county of this state
4 one legally qualified physician who shall be known as
5 the county health officer. His first term of office shall
6 begin July first, one thousand nine hundred and thirteen, and
7 continue for a period of four years, unless removed by said state
8 board of health for good cause. It shall also be the duty of the
9 public health council upon the recommendation of the proper
10 authority of any municipality to appoint in such municipality one
11 health officer whose term of office shall begin July first, one thou-
12 sand nine hundred and nineteen, and continue for a period of
13 two years, unless sooner removed by the said municipality or by
14 the public health council. Should the public health council fail
15 to confirm the nomination of the person recommended as county
16 or municipal health officer, or should the public health council or
17 other municipal or county authority remove any such, officer
18 another nomination shall be at once made to the public health
19 council. The county health officer shall receive an official salary
20 of not less than one hundred dollars, and such other amount as
21 the county court may add for additional services, and actual ex-
22 penses necessary for traveling expenses, unless for work especially
23 done under orders of the state board of health. The salary of the
24 county health officer shall be paid out of the treasury of the county,
24-a and he together with the president of the county court and the

24-b prosecuting attorney shall constitute the county board of health,
24-c of which the county health officer shall be the executive officer.
24-d The county board of health shall exercise all the powers, rules and
24-e regulations of the state board so far as applicable to such county.
25 It shall be the duty of every practicing physician to report to the
26 municipal health officer, where there is such official, immediately
27 on diagnosis, every case of contagious or infectious disease that
28 may arise or come under his treatment within the municipality,
29 and to the county health officer cases occurring outside of the
30 municipality. The health officer receiving such reports shall make
31 to the state health department a weekly report of all such cases,
32 stating the number of each kind of disease reported, the action
33 taken to arrest the infection, and the result. The jurisdiction of
34 the county boards of health shall not extend to any town or city
35 in this state having a health board of its own, but they may be and
36 are auxiliary to each other, and all city, town and village boards
37 of health, or health officers are secondary to, and subject to all
38 orders of the state council, which may, if deemed expedient, act
39 through the county or municipal board. Any failure to comply
40 with any of the provisions of this section shall be considered a
41 misdemeanor, and upon conviction thereof the offender be fined
42 not more than one hundred dollars. (Acts one thousand eight
43 hundred and eighty-two, c-ninety-three; one thousand eight hun-
44 dred and eighty-seven, c-sixty-four; one thousand nine hundred
45 and seven, regular session, c-sixty-six; one thousand nine hundred
46 and thirteen, c-twenty-four.)

*State Health Department to Inspect Plans for Water and Sewerage
Plants.*

Sec. 6-(a) Said public health council shall consult with
2 and advise the authorities of cities and towns, and persons
3-4 having, or about to have, systems of water supply, drainage
5 or sewerage as to the most appropriate source of water supply, and
6 the best method of assuring its purity or as to the best method
7 of disposing of their drainage or sewage with reference to the
8 existing and future needs of other cities, towns or persons which
9 may be affected thereby. It shall also consult with and advise per-
10 sons engaged or intending to engage in any manufacturing or
11 other business whose drainage or sewage may tend to pollute any
12 inland water as to the best method of preventing such pollution,
13 and it may conduct experiments to determine the best methods

14 of the purification or disposal of drainage or sewages. No person
 15 shall be required to bear the expense of such consultation, advice
 16 or experiments. Cities, towns and persons shall submit to said
 17 public health council for its advice their proposed system of water
 18 supply or of the disposal of drainage or sewage. In this section
 19 the term "drainage" means rainfall, surface and subsoil water
 20 only, and "sewage" means domestic and manufacturing filth and
 21 refuse. No city, town or village, and no person, firm, or cor-
 22 poration shall establish any system of drainage, sewerage, or water
 23 supply system until the same shall have been approved in writing
 24 by the state health commissioner; and any municipality, person,
 25 firm or corporation which shall violate the requirements of this sec-
 26 tion shall be deemed guilty of a misdemeanor and upon conviction
 27 thereof fined not less than one hundred dollars, nor more than
 28 five hundred dollars.

CHAPTER 97.

(Senate Bill No. 149—Mr. Scherr.)

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 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 50.	Depositories of public moneys; elig- ibility of institutions to become		SEC. 50.	depositories; limit on deposit; duties of county courts.
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Be it enacted by the Legislature of West Virginia:

That section fifty, chapter thirty-nine of Barnes' code of West Virginia, edition of one thousand nine hundred and sixteen, 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 to deposit the same therein, and making general provision in respect thereto, be amended and re-enacted so as to read as follows:

Section 50. The county court of each county, by order of
 2 record, shall designate, in the manner hereinafter provided, a
 3 bank, or banks, or trust companies situated in the county and duly
 4 incorporated under the laws of this state, or organized under the
 5 laws of the United States, as a depository, or depositories of public

6 moneys; *provided*, that in any county where no such bank or
7 trust company exists, or where such bank or banks fail, refuse
8 or neglect to comply with all of the provisions and conditions of
9 this act, the county court shall designate any other convenient
10 bank, or banks, or trust companies incorporated under the laws of
11 this state, or organized under the laws of the United States, located
12 and doing business in the state; and, *provided, further*, that no
13 such depository shall have on deposit at any time more than one
14 hundred thousand dollars of public moneys. A depository to be
15 eligible for designation hereunder must be such bank or trust
16 company as is described in this section.

17 Not later than July first, one thousand nine hundred and
18 nineteen, and annually thereafter, the sheriff of every county shall
19 file with the county court, or tribunal in lieu thereof, a statement
20 in writing naming one or more banks or trust companies within
21 his county in which he desires to deposit public funds, and there-
22 upon, and within twenty days thereafter, the county court shall
23 designate the same county depository or depositories; *provided*,
24 said bank, banks or trust companies comply with all of the pro-
25 visions and requirements of this act. If the banks or trust com-
26 panies named in said statement filed by the sheriff do not comply
27 with all of the provisions and requirements of this act, then the
28 county court shall designate any other bank, banks or trust com-
29 panies within the county as county depository or depositories,
30 when they comply with the requirements and provisions of this
31 act.

32 If there are no banks or trust companies within the county
33 eligible for county depository or depositories, or, if eligible to be
34 designated as such, either decline to be designated, or if desig-
35 nated, fail, refuse or neglect to comply with the requirements and
36 provisions hereof, then the sheriff shall file with the county court
37 a statement naming one or more banks or trust companies con-
38 venient to his county, within the state, in which he desires to
39 deposit the public funds. Thereupon, the county court shall
40 designate the same county depository or depositories; *provided*,
41 said bank, banks or trust companies comply with all of the require-
42 ments and provisions of this act. If the banks or trust companies
43 named in said statement filed by the sheriff do not comply with
44 the requirements and provisions of this act, then the county court
45 shall designate any other bank, banks or trust companies con-
46 venient to the county, and within the state, as county depository

47 or depositories, when they comply with all of the requirements and
48 provisions of this act.

49 Risk and expense of making deposits in county depositories
50 located outside of the county seat shall be borne by the bank or
51 banks or trust companies in which the deposits are made.

52 If the sheriff shall fail or neglect to file the statement pro-
53 vided for by the second section hereof, by the time provided in said
54 section, naming eligible county depository or depositories, then
55 the county court shall name some bank, banks or trust companies,
56 within the state, as county depository or depositories. The de-
57 positaries named by the county court shall be located in the county
58 if any therein are eligible and willing to comply with the require-
59 ments and provisions of this act. When any bank or trust com-
60 pany has been named by the county court as provided for by this
61 section, and has complied with all of the requirements and pro-
62 visions of this act, the court shall designate it a county depository.

63 The county court of any county may be required by man-
64 damus to comply with the provisions of this act, upon the petition
65 of any citizen and taxpayer of the county, or any officer charged
66 with the duty of enforcing compliance with the laws relating to
67 the collection and disbursement of public moneys.

CHAPTER 98.

(Senate Bill No. 198—Mr. Burgess.)

AN ACT to create the independent school district of Church in the
county of Wetzel.

Section 1. Church independent school district, Wetzel
2 county; boundaries.

Sec. 2. Board of education; qualification.

Sec. 3. President and commissioners now in to serve.

Sec. 4. Elect president and commissioners, when.

Sec. 5. Oath, form, secretary to administer.

Sec. 6. Salary.

Sec. 7. Vacancies.

Sec. 8. Shall be a body corporate, et cetera.

Sec. 9. Elect secretary; term; bond.

Sec. 10. Time to hold meetings.

Sec. 11. Duty of president.

Sec. 12. Duty of secretary.

Sec. 13. Admission of various schools.

- Sec. 14. Enumeration; boards shall examine, et cetera.
- Sec. 15. State superintendent shall report to auditor, et
2 cetera.
- Sec. 16. Boards shall provide houses, furniture, fixtures, et
2 cetera.
- 2 Contracts.
- Sec. 17. Levy.
- Sec. 18. Upon failure* of board to lay levy, et cetera, how
2 taxes collected, deposit.
- Sec. 19. Board shall prescribe rules.
- Sec. 20. Power to abandon schools.
- Sec. 21. How money disbursed.
- Sec. 22. District supervisor to be appointed, duty of super-
2 visor.
- Sec. 23. Examining committee, how appointed; issue cer-
2 tificates; fee.
- Sec. 24. Teachers subject to board; salaries.
- Sec. 25. Duty of persons having control of child or children;
2 penalty for failure; bonds; incorrigible children.
- Sec. 26. Truant officers; compensation; duty.
- Sec. 27. Penalty for inducing child to absent himself from
2 school; truant officer; penalty for failure; prosecution; court,
3 jurisdiction.
- Sec. 28. How general school law shall apply.
- Sec. 29. Inconsistent laws repealed.

[Passed February 18, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.]

Be it enacted by the Legislature of West Virginia:

Section 1. The magisterial district of Church in the county
2 of Wetzel, as now bounded and designated in the records in the
3 office of the clerk of the county court of said county, shall be and
4 is hereby created an independent school district to be known as
5 "Church independent school district" hereinafter mentioned as
6 Church district.

Sec. 2. There shall be a board of education for said dis-
2 trict composed of a president and four commissioners who shall
3 constitute a board of education for said district named "Board
4 of education of Church district." Each member of said board
5 shall be a qualified voter and a *bona fide* resident of said district
6 and shall have been such for at least two years prior to his elec-
7 tion, and shall be the owner of real estate which shall have been

8 charged with taxes in his name on the tax records of Wetzel
9 county for at least two years prior to his election.

Sec. 3. The president and commissioners now in office shall
2 serve to the end of the term to which they have respectively been
3 elected. One of the members of said board shall reside at each
4 voting precinct and one shall be elected by the voters at large.

Sec. 4. The county superintendent of schools shall imme-
2 diately after the first day of May, one thousand nine hundred and
3 nineteen, appoint two additional members who shall hold office
4 one for two years and one for four years. Thereafter two members
5 to be elected at the general election in one thousand nine hundred
6 twenty and the president and two commissioners in one thousand
7 nine hundred twenty-two and two commissioners every two years
8 thereafter and the president every four years thereafter.

Sec. 5. Before entering upon their duties as officers, the said
2 president and each of said commissioners shall be required to
3 qualify by taking and subscribing the following oath of office: "I
4 ——— do solemnly swear (or affirm) that I will faithfully per-
5 form the duties of president of the board of education (or school
6 commissioner) of Church district during the term for which I
7 was elected, to the best of my ability; so help me God."

8 The secretary of the board of education is authorized to ad-
9 minister said oath, a copy of which shall be kept and preserved
10 by him in the files of his office.

Sec. 6. The salaries of the members of the board shall be
2 fixed by the board; *provided*, that the salary of the president
3 shall not exceed the sum of fifty dollars per annum and the
4 salary of each member shall not exceed the sum of forty dollars
5 per annum.

Sec. 7. Vacancies in the office of president or commission-
2 ers shall be filled by the county superintendent of schools at the
3 first regular meeting after which said vacancy shall be declared,
4 by the appointment of a duly qualified person, who shall hold
5 office until the next general election, at which time a qualified
6 person shall be elected to fill the unexpired term caused by said
7 vacancy.

Sec. 8. The board of education of Church district shall be a
2 body corporate in law by the name of "board of education of
3 Church district" and as such, may sue and be sued, plead and be
4 impleaded, contract and be contracted with, purchase, hold, sell
5 and convey real or personal property for the purpose of educa-

6 tion within the district, receive any gift, donation or devise for
7 the benefit of education; employ attorneys, become parties to
8 suits and contracts, and do and perform any and all other cor-
9 porate acts as necessary and proper to the advancement of free
10 school education in said district. It shall succeed and be sub-
11 stituted to all of the rights of the former board of education of
12 the district of Church in the county of Wetzel, and may prose-
13 cute any and all suits and proceedings now pending, or which
14 may have been brought and prosecuted in the name of the former
15 board of education for the recovery of any money or property,
16 or damage to any property due to or vested in said board of edu-
17 cation, and said board of education shall be liable in its corporate
18 capacity for all claims legally existing against said board of edu-
19 cation; the title to all real estate and personal property now
20 vested in the board of education of Church district in the county
21 of Wetzel shall be and is hereby vested in the board of education
22 of the independent district hereby created, and all legal contracts
23 of the former board now shall be and are hereby declared to be
24 binding on the new board and on all parties to said contracts.

Sec. 9. At the first meeting in July, one thousand nine
2 hundred and nineteen, the board shall elect a secretary whose
3 term of office shall begin at the time of his election and shall con-
4 tinue not to exceed a period of four years, as determined by the
5 board. The board shall determine the time for which the secre-
6 tary shall serve, and shall elect a new secretary upon the ex-
7 piration of his term. The secretary shall serve during the term
8 for which he is elected and until his successor is elected and
9 qualified, but he may be removed by the board of education of
10 Church independent school district at any regular meeting for
11 immorality, misconduct, neglect of duty, or lack of proficiency.
12 Any vacancy in the office shall be filled for the unexpired term
13 by the board.

14 The secretary shall qualify by executing his bond with good
15 security in such penalty as the board may prescribe, to be ap-
16 proved by the board, which bond shall be committed to the
17 custody of the president, who shall keep and preserve the same.

Sec. 10. The board shall hold meetings on the first and
2 second Mondays in July of each year, and thereafter at least one
3 each month during the months which schools are in session, at
4 such time and place and on such dates as the board may fix; the
5 time and place for the holding of said meeting shall be fixed and

6 determined by resolution of the board passed at the first meeting
7 held in July, and shall be entered on the records of the proceed-
8 ings of such meetings; such meetings are designated as regular
9 meetings. A majority of the board shall be necessary to consti-
10 tute a quorum.

Sec. 11. The president shall perform such duties as ordi-
2 narily devolve upon the presiding officer of a deliberative body;
3 by virtue of his election he shall be a member of the board, and
4 entitled to vote on all questions submitted. In his absence the
5 board may choose a president *pro tempore*.

Sec. 12. The secretary shall record in a well-bound book to
2 be provided for the purpose, all official acts and proceedings of
3 the board, which shall be a public record open to the inspection
4 of all persons interested therein; he shall also keep and preserve
5 books of account which shall show the resources of the board for
6 each current year and the funds from which the same is derived;
7 all credits to be charged against said resources by way of de-
8 linquents, commissions and otherwise; all disbursements made by
9 the board and on account of what fund, and the balance to the
10 credit of each fund, together with a descriptive entry, showing
11 for what purpose each item of disbursement is made, which books
12 of account shall always show the financial resources of the dis-
13 trict and shall always be open to the inspection of any taxpayer
14 of the said district; he shall also preserve in his office all papers
15 containing evidences of title, contract and obligation; and
16 in general, shall record and keep in his office all records, papers
17 and documents as shall be required by this act, and perform
18 such duties, not inconsistent herewith, as may be prescribed by
19 the board; he shall make such reports as are required to be made
20 by secretaries of the board of education by the general school
21 laws of the state; for his services he shall receive a salary to be
22 fixed by the board not to exceed seventy-five dollars per annum.

Sec. 13. Admission to the various schools in the district
2 shall be gratuitous to all children, wards and apprentices of actual
3 residents within the district between the ages of six and twenty-
4 one years; *provided*, that pupils, who are non-residents of the dis-
5 trict shall be allowed to attend the schools of the independent
6 school district hereby created upon the payment of such tuition
7 as the board of education may prescribe, which tuition, however,
8 shall not be less than the sum of two dollars and fifty cents per
9 month for students in the high school of said district, and not

10 less than one dollar and fifty cents per month for students in the
11 grade classes of said district.

Sec. 14. Not later than the first regular meeting in March
2 in each year the board shall employ a competent person or per-
3 sons, residents of the district, to make an enumeration of all the
4 youths resident in the said district who shall be over six and
5 under twenty-one years of age on the first day of July following,
6 in the manner prescribed by the general school law of the state,
7 which enumeration shall be verified in the manner and returned
8 to the secretary of the board within the time prescribed by said
9 general school law. The board shall examine said report of
10 enumeration at its next regular meeting after its return, and
11 shall take such steps as it may deem necessary to verify the same,
12 and the secretary shall certify the said enumeration to the county
13 superintendent of schools within the time and in the manner
14 prescribed by law, or said board may, in its discretion, require
15 the teachers of said district to take such enumeration in the
16 manner and form provided for in the general school law.

Sec. 15. The state superintendent of schools, in his report
2 to the auditor, shall specify separately the enumeration of youths
3 in said district, and in the apportionment of the school funds,
4 the amount due said district shall be certified to the secretary of
5 said board separately and requisition therefor shall be drawn in
6 favor of the board of education of said district, and shall be
7 deposited with the sheriff of Wetzel county.

Sec. 16. The board of education shall provide by con-
2 demnation, purchase, lease, construction or otherwise, such school
3 houses and grounds, furniture, fixtures and appliances as may be
4 necessary for school purposes, and keep and maintain the same
5 in good order and repair; shall supply said school buildings with
6 fuel and other things necessary for comfort and convenience;
7 and shall pay all charges incurred by virtue of any of the pro-
8 visions of this act which are not chargeable to the teachers' fund.
9 In order to provide the funds which are necessary for the pur-
10 pose of this section, the board of education shall annually, at its
11 first regular meeting in July, make an estimate of the amount of
12 money needed in the district for the purpose of maintaining the
13 school for the term fixed, and the secretary shall record such
14 estimate in his record for public inspection. At the second regu-
15 lar meeting in July, or as soon thereafter as practicable, the
16 board of education shall proceed to lay such levy on the property

17 taxable in said district, in the manner, within the limits and not
18 to exceed the amounts prescribed by the general school laws of the
19 state relating to levy by the board of education for that purpose.

20 All contracts made by the board, to the extent that they shall
21 involve the levy of any future year, shall be void, and no debts
22 shall be contracted or incurred by the board in any one year
23 which shall exceed the funds available for that purpose, unless
24 the object, nature and extent thereof shall have been submitted
25 to the voters of the district, at a special election to be called by
26 the board for that purpose, and shall have received a majority of
27 all the votes cast for and against the same; *provided*, that in
28 case a bond issue is voted upon, a three-fifths vote of all votes
29 cast shall be necessary for such bond issue; the president of said
30 board shall issue a proclamation of said election, in which he
31 shall recite the object, nature and extent of the indebtedness pro-
32 posed to be incurred, and for what purpose; which proclamation
33 shall be published once in each week for four weeks, previous to
34 the day of election, in at least two newspapers published in said
35 county of Wetzel. Every special election held pursuant to the
36 provisions of this section, except as herein otherwise specially
37 provided, shall be held and conducted and the results certified in
38 the manner prescribed by the general elections. The proceeds of
39 taxes so levied, or property sold, of all donations and devises ap-
40 plicable to any of the purposes mentioned in this section shall
41 constitute a fund, to be called the "building fund," to be appro-
42 priated exclusively to the purpose mentioned in this section.

Sec. 17. In addition to the levy mentioned in the preceding
2 section, the board of education shall for the support of the schools
3 in the district annually levy such tax on the taxable property in
4 the district, as will with the money received from the state for
5 the support of free schools, be sufficient to keep the schools in
6 operation for not less than seven months in the year for the
7 grades; and the board may, if in its opinion the same is deemed
8 advisable, continue any of said grade schools in said district for a
9 period not to exceed nine months in the year. Such levy shall not
10 exceed the limits prescribed for such purpose by the general school
11 laws of the state. The proceeds of this levy, together with the
12 money received from the state aforesaid, shall constitute a special
13 fund, to be called the "teachers' fund," and no part thereof shall
14 be used for any purpose than the payment of teachers' salaries
15 and the salary of the supervisor.

Sec. 18. Upon the failure of the board of education to lay
2 the levies required by this act, or any of them, they may, upon
3 the petition of any taxpayer of the district, be compelled to do so
4 by the circuit court of Wetzel county by writ of mandamus.

5 The taxes so levied by the board of education shall be col-
6 lected in the same manner and at the same time as the state and
7 county taxes by the sheriff of Wetzel county; and he shall credit
8 the same to the proper fund or funds. The sheriff shall report in
9 writing to the board of education monthly, and as otherwise re-
10 quired by said board as to the condition of the several funds.
11 The sheriff shall receive for his services the salary or emolument
12 provided for by the statute laws of the state of West Virginia
13 and none other.

Sec. 19. The board of education upon the recommendation
2 of the supervisor shall prescribe all necessary rules and regula-
3 tions for the government of the schools of the district; for the
4 admission of pupils therein and for the exclusion of pupils dan-
5 gerous to the health or detrimental to the morals and discipline
6 of the schools; it shall hire all teachers, establish and maintain
7 high schools and evening schools as may be necessary and with
8 the approval of the supervisor designate such branches of learn-
9 ing as shall be taught therein; upon the recommendation of the
10 said supervisor it may prescribe the textbooks other than those
11 adopted by the state textbook commission to be used in the
12 schools of the district and establish a system of grades by which
13 admission to the high school shall be regulated.

Sec. 20. The board of education is hereby given the power
2 to abandon any schools within the district which in its opinion
3 are not necessary, and shall have the power to consolidate any of
4 the schools in the district. It shall, however, be the duty of the
5 board to provide for the transfer of pupils from any schools so
6 abandoned, and if in the opinion of the board the same should be
7 rendered necessary by the abandonment or consolidation of any of
8 said schools, the board shall have the power and authority to
9 provide for the transportation of any pupils to said schools to
10 which they are transferred.

Sec. 21. No money shall be disbursed except by order of
2 the board, duly entered of record, and every order on the treas-
3 urer for payment of money shall be signed by the president and
4 secretary, and shall specify upon its face the particular account
5 to which the same is chargeable.

Sec. 22. At the first meeting in June after this act takes effect, the county superintendent of schools shall recommend a district supervisor who shall be appointed by the board to act as district supervisor of schools and fix his salary, whose term of office shall begin on the first day of July next succeeding his appointment and continue not to exceed a period of three years as determined by the board; but he may be removed at any time for immorality, misconduct, or lack of efficiency; any vacancy in the office shall be filled by the board for the unexpired term. The supervisor shall have general supervision of the conduct of the schools, make all necessary reports and perform such other duties as the board may prescribe. Such supervisor may act as agricultural club agent.

Sec. 23. The board of education shall appoint two competent persons to act with the district supervisor as an examining committee to examine all applicants for teachers of schools in the district; each applicant for examination shall pay a fee of one dollar. Certificates of qualification shall be issued by said committee according to proficiency as follows: Number one, very good; number two, good; number three, medium; no certificate shall be issued for longer than one year, but the number one certificate may be renewed from year to year by the examining committee, at its option, under such regulations as the board may prescribe; and, said examining committee may, if it deems the same advisable, accept in lieu of said examination, the diploma of graduates from reputable colleges and universities for high school teachers, and shall be and is hereby authorized to accept the diploma of graduates from state normal schools in lieu of the examination herein provided for teachers of grade schools. The committee shall hold meetings for such examinations at such times and places as the district supervisor may appoint; the examining committee shall receive such fees for their services as the board may allow, to be paid out of the examination fees, the excess of any such fees, if any, to be paid into the building fund.

Sec. 24. Teachers shall be subject in all respects to the rules and regulations adopted by the board, and they may be removed by the board for incompetency, immorality or misconduct after due hearing upon complaint of the supervisor or any member of the board.

All teachers and substitute teachers shall be appointed and their salaries fixed by the board; but no person shall be appointed

8 unless he shall have first obtained a certificate from the examining
9 committee. The supervisor and the members of the examining
10 committee shall be required to hold or have held a first-grade
11 certificate, or to be a graduate of a standard normal school or
12 school of equal or higher rank.

Sec. 25. Every person having under his control a child or
2 children between the ages of seven and fifteen years, residing in
3 Church independent school district, 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 be continued through
6 the school year thereof, and for every neglect of such duty the
7 person offending shall be guilty of a misdemeanor and shall,
8 upon conviction thereof, be fined two dollars for the first offense
9 and five dollars for each subsequent offense, together with the
10 cost of prosecution, and in the discretion of the court or justice,
11 be required to enter into a bond in the penal sum of fifty dollars
12 conditioned that the person so convicted will cause such child or
13 or children to attend public school in accordance with the pro-
14 visions of this act. Such bond shall be made payable to the
15 board of education of Church district and any amount which
16 may be recovered thereon shall be placed to the credit of the
17 building fund of said district. Any failure to give bond in the
18 manner and within the time prescribed shall be a misdemeanor
19 and punished by a fine of not less than five dollars nor more
20 than ten dollars and the cost of prosecution.

21 An offense as intended and provided by this act, shall con-
22 sist in the failure of such person to send to school any such child
23 or children for more than one day in any one week in which the
24 schools are in session unless the attendance of such child or
25 children be prevented by personal sickness; *provided*, that if such
26 child or children have been otherwise instructed for a like period
27 of time in the branches of learning required by law to be taught
28 in public schools, or have already acquired such branches or if,
29 in the opinion of the supervisor of the school district the mental
30 or physical condition of such child or children is such as to render
31 such attendance inexpedient or impracticable, such penalty shall
32 not be incurred.

33 Any fine so collected shall be paid to the secretary of the
34 board of education, who shall pay the same to the sheriff and take
35 his receipt therefor, and the sheriff shall deposit the same in the
36 proper account, to the credit of the building fund of the district.

37 If any person against whom such proceedings shall be in-
38 stituted shall satisfactorily prove in the course of such proceed-
39 ings that he has made all proper effort to compel such child or
40 children to attend a school as hereinbefore provided, and that
41 because of the disobedience of such child he has been unable to
42 to do so, such fact shall constitute a defense to such proceedings.
43 Thereupon the truant officer shall take such proper proceedings
44 before the proper court to have such child judged incorrigible
45 and committed to the boys' industrial school at Pruntytown or
46 the girls' industrial home at Salem.

Sec. 26. To aid in the enforcement of this act the board
2 of education shall appoint and employ one or more truant officers
3 whose compensation shall not exceed three dollars per day and
4-5 whose term of office shall be fixed by the board. The truant
6 officer shall be vested with police powers and authority to serve
7 warrants, and shall have authority to enter workshops, factories,
8 stores and all other places where children shall be employed and
9 do whatever may be necessary in the way of investigation or
10 otherwise, to enforce this act. The truant officer shall have full
11 authority without warrant to apprehend any child between the
12 ages of seven and fifteen years who shall have been reported to
13 him in writing by the supervisor or principal and to place such
14 child in a public school which he should have attended or in
15 which he should have been, or has been enrolled, or to place such
16 child, at the expense of the parent, guardian or other person
17 having such child under his control in such private school as the
18 parents, guardian or other person having such child under his
19 control shall select. In case such parent, guardian or other per-
20 son having such child under his control shall refuse or fail, im-
21 mediately upon being notified to select such private school, then
22 the said truant officer shall at once place such child in the public
23 school of the district in which such child resides.

Sec. 27. Any person who induces or attempts to induce any
2 such child unlawfully to absent himself from school, or harbors
3 or employs such child unlawfully absent from school while the
4 school in the district in which the child lives is in session, shall
5 be guilty of a misdemeanor and shall be punished by a fine of
6 twenty-five dollars, and may be imprisoned not to exceed ten
7 days in jail.

8 The truant officer shall institute proceedings against any
9 person or persons violating this act, and perform such other

10 offices as the supervisor or the board of education may deem
11 necessary to preserve the morals and secure the good conduct of
12 any school child or children, and to enforce this act.

13 Such officer shall keep a record of his transactions for the
14 inspection and information of the supervisor or the board of
15 education, and shall make such reports to the supervisor or the
16 board throughout the year, as he or it may require. The princi-
17 pals, teachers of all schools, public and private or otherwise, in
18 such school district, shall report to the supervisor the names,
19 ages and residences of all pupils of compulsory age in attendance
20 at their respective schools, together with such other facts as the
21 supervisor may require to facilitate the carrying out of the pro-
22 visions of this act, and said supervisor shall furnish blanks for
23 such purposes and such reports shall be made at such time or
24 times as the said supervisor shall prescribe by rules to be adopted
25 by him. Such principals and teachers shall report to the proper
26 truant officer or to the supervisor of schools of the said school
27 district all cases of truancy and unlawful absence in their re-
28 spective schools as soon as practicable after such truancy or
29 absence.

30 If any person shall fail to comply with the provisions of
31 this section requiring reports to be made as aforesaid, he shall
32 be guilty of a misdemeanor and punished by a fine of five dollars
33 and the cost of prosecution. Any fine so collected shall be paid
33-a the secretary of the board of education and by him paid
34 to the sheriff, who shall receipt him therefor, deposit the same in
35 the proper account and place it to the credit of the building fund
36 of the district. If to any prosecution instituted under the pro-
37 visions of this act, a satisfactory defense shall be made, so that
38 the proceedings shall be dismissed or the defendant shall be
39 judged not guilty, the costs of any such prosecution shall then
40 be paid by the board of education of Church district out of the
41 funds under its control.

42 When so directed by the supervisor or the board of education
43 or when it otherwise comes to the notice of any truant officer of
44 said school district, such officer shall examine into any case of
45 truancy or unexplained absence of the school children of com-
46 pulsory age in said school district. When any children are not
47 attending school without lawful excuse and in violation of the
48 provisions of this act, the truant officer shall notify in writing
49 the person having control of such child or children to send the

50 same to school. But the serving of such notice shall not be
51 essential preliminary to prosecution under the provisions of this
52 act. Any court or justice of the peace of Wetzel county shall
53 have jurisdiction over and take cognizance of all offenses provided
54 by this act.

Sec. 28. All provisions of the general school law of this
2 state which are inconsistent or in conflict with any of the pro-
3 visions of this act shall be void within said district of Church;
4 otherwise to have full force and effect.

Sec. 29. All other acts and parts of acts inconsistent here-
2 with are hereby repealed.

Sec. 30. This act shall not be effective unless the same shall
2 first be submitted to the voters of the magisterial district of
3 Church, of Wetzel county, at a special election called for that
4 purpose, and adopted by a majority of the votes cast for and
5 against the same at said election. The board of education shall
6 call such election within four months after this act takes effect.
7 and such election shall be held at all precincts in such district
8 upon notice published once a week for two weeks in some news-
9 paper published in the county of Wetzel and by notice posted at
10 each precinct in said district for ten days preceding such election.
11 Said election shall be conducted, officers appointed, returns can-
12 vassed and result declared as any school election in said district
13 is now authorized by law.

CHAPTER 99.

(Senate Bill No. 196—Mr. Sanders.)

AN ACT providing for the prompt furnishing to the judiciary of
the state of copies of laws taking effect from their passage.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the
Governor February 13, 1919.]

<p>SEC. 1. Enrolled bills to be furnished the state judiciary; local acts to be furnished locally. 2. Attestation of enrolled bills; date</p>		<p>SEC. 3. Expenses incurred in carrying out provisions of act; how provided for.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the clerk of the Senate and the clerk of the
2 House of Delegates, acting jointly, shall mail to the judges of
3 the supreme court of appeals and judges of the circuit, common
4 pleas, intermediate and criminal courts of this state, copies of

5 enrolled bills of a general nature, taking effect from their passage;
6 and that enrolled copies of municipal charters and acts of a local
7 nature, shall be furnished only to courts of local jurisdiction.

Sec. 2. Copies of enrolled bills furnished in accordance
2 with section one of this act shall bear the stamp of the clerks of
3 the two houses, showing the date that each act becomes effective,
4 and the enrolled bills so furnished and attested shall be regarded
5 by the courts of this state as having the same force and effect as
6 any and all other laws.

Sec. 3. The expenses incurred in carrying out the provisions
2 of this act shall be provided for in the legislative appropriation
3 bill, or out of the contingent fund of the two houses by proper
4 resolution.

CHAPTER 100.

(Senate Bill No. 165—Mr. Cobun.)

AN ACT to amend and re-enact chapter thirteen of the second extra-
ordinary session of the legislature of one thousand nine hundred
and seventeen, providing for legal voters, required by military
duty to this state, or to the United States, to be absent from their
voting precincts on the day of election, to vote by registered mail.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the
Governor February 22, 1919.]

- | | |
|---|---|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Absent voters in military service; voting by registered mail; conditions precedent; penalty for making false affidavits. 2. Voter to give notice of intention; application for ballot. 3. Duty of ballot commissioner; forwarding of ballot; letter of instruction. 4. Form of voucher; acknowledging receipt of ballot. 5. Marking of ballot; registered return of same. 6. Preparation of blank ballots; special markings; destruction of unused ballots. 7. Commissioner's duty upon receipt of ballot; counting of votes. 8. Posting of list of voters; names to remain posted during election day. | <p>SEC.</p> <ol style="list-style-type: none"> 9. Ascertaining result of soldier vote; certificates of return; compensation for commissioners. 10. Accounting for ballots "voted" or "rejected"; clerk of county court custodian. 11. Vacancy in nominees of party; not to affect soldiers' ballot; posting of candidate's name. 12. Fees for posting notice; county court clerk to provide supplies. 13. Number of soldiers' ballots to be printed; apportionment among magisterial districts. 14. Penalty for fraudulent actions or attempts as relating to the casting of ballot; specific disqualifications. 15. Provisions of act liberally construed; conflicting acts repealed. |
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Be it enacted by the Legislature of West Virginia:

That chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state, or to the United

States, to be absent from their voting precincts on the day of election, to vote by registered mail, be amended and re-enacted so as to read as follows:

Section 1. Any legal voter whose participation in the military service of the state, or of the United States, requires him to be absent from the precinct in which he is a legal voter, on the day of holding any primary or general election, may vote by registered mail upon compliance with the provisions of this act.

If at the time of mailing said ballot to such absent voter by a ballot commissioner, as hereinafter provided, he does not appear to be registered as provided by law in the precinct in which he proposes to vote, then it shall be the duty of said ballot commissioner when he mails said ballot to such absent voter, to notify him that he is not registered in the precinct at which he proposes to vote, and in that event such voter shall make an affidavit before some person authorized to administer oaths, that he has been a resident of the state for one year, and of the county sixty days, and that he is a *bona fide* resident of the precinct at which he proposes to vote, and a legal and qualified voter at such precinct. The forms of such affidavits shall be prepared by the ballot commissioners and furnished to the non-registered voter at the time the ballot is furnished to him, and said affidavit shall be enclosed in the envelope with the ballot before being registered to the ballot commissioner. Any one making or procuring any one to make a false affidavit under this section, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years.

Sec. 2. Such voter shall give notice in writing to the ballot commissioner of his intention to vote by registered mail, or upon the application in writing of any relative or friend of such soldier, and if in a primary election of the party ballot which such soldier desires to vote. Said notice with an application for a ballot shall be delivered personally to such ballot commissioner, or forwarded to him by registered mail. Said application shall give the post office address of such voter.

Sec. 3. Upon receipt of such application for a ballot, the commissioner shall enroll the name and address precinct No. _____, District of _____, of the applicant in a book to be provided for the purpose; and the day and date on which the ballot was registered to applicant; and as soon as said ballots

6 are prepared, he shall forward said ballot to the applicant by registered mail, and shall also enclose in said letter:

8 (a) An envelope containing the folded ballot, sealed and
9 marked "ballot within."

10 (b) An envelope for re-sealing the marked ballot, form of
11 which is hereinafter provided, and therein called "voucher."

12 (c) If the applicant is not registered in his precinct as a
13 voter, a blank form of an affidavit, to be made by said voter that
14 he is a legal voter in the precinct at which he proposes to vote.

15 (d) A properly addressed envelope for the return of said
16 ballot and affidavit, if made to the ballot commissioner.

17 (e) A printed slip giving full instructions regarding the
18 manner of marking the ballot, in order that the same may be
19 counted, how prepared and how returned; which printed slip, together with the printed envelopes herein required to be used, shall
20 be provided by the board of ballot commissioners.
21

Sec. 4. The voucher shall be on the back of the return envelope containing the marked ballot, and shall be in form or effect as follows:

4 This is to certify that the enclosed ballot was received by
5 me as per my application to the ballot commissioner of -----
6 county, West Virginia.

7

8 Date

9 -----

Sec. 5. Upon receipt of such registered letter forwarded by the ballot commissioner, the applicant shall open the sealed envelope marked "ballot within," and shall thereupon mark and refold the ballot, and shall then and there place the ballot within the voucher envelope provided for the purpose, shall seal the same and sign the voucher printed upon the envelope, and such envelope shall thereupon be enclosed within the envelope directed to said ballot commissioner, and it shall then and there be sealed and registered to the said ballot commissioner.

Sec. 6. It shall be the duty of the board of ballot commissioners to have prepared a sufficient number of blank ballots, prior to each primary or general election, each properly sealed in an envelope marked "ballot within," as provided in this act. Each of such ballots shall have printed at the top, in display type, the words, "absent soldiers' ballot," and in the case of a general elec-

7 tion such ballot shall be printed on paper of a different color
8 from the official ballot to be used on the day of election. On the
9 day of election the board of ballot commissioners shall destroy all
10 unused absent soldier ballots.

Sec. 7. Upon the receipt of the ballot from the voter, as
2 herein provided, the ballot commissioner shall opposite the name
3 of the voter in the book heretofore mentioned, write in ink the
4 words "deposited in sealed box by me on -----,"
5 and add thereto his own signature; and shall thereupon deposit
6 the envelope containing the ballot unopened, in a sealed box to
7 be provided for this purpose by the clerk of the county court, and
8 there it shall remain until the polls close on election day, at which
9 time said board of ballot commissioners shall count the votes in
10 said boxes as hereinafter provided.

Sec. 8. Seven days prior to the election said ballot commis-
2 sioner shall post at the front door of the court house, a list of all
3 the voters who have applied for ballots in accordance with the
4 provisions of this act, giving the magisterial district and the
5 precinct in which said applicant proposes to vote, which said list
6 shall remain so posted up to and during the day of election.

Sec. 9. As soon as the polls close on the day of election, the
2 boxes containing such ballots shall be opened by said board of
3 ballot commissioners, and as each envelope is removed from the
4 boxes the name of the voter shall be called and checked as if the
5 voter was voting in person, and tallied by said ballot commis-
6 sioners in the precinct in which he voted, in the same manner as
7 if they had been cast in person on the day of election at the pre-
8 cinct at which said voter was entitled to vote, and shall be tallied
9 and counted in the same manner as tallied and counted by the
10 commissioners and clerks of election. In ascertaining the result
11 of said soldier votes, each ballot commissioner, except the clerk of
12 the circuit court and *ex-officio* chairman of said board, shall ap-
13 point a poll clerk, who shall perform the same duties and sub-
14 scribe to the same oath as poll clerks at voting precincts. Said
15 board of ballot commissioners and poll clerks shall ascertain the
16 result of said vote, make the same certificates and return the ballot
17 boxes, affidavits, tally sheets, poll books, ballots and applications
18 to the clerk of the county court in the same manner, and under
19 the same regulations and provisions of law, as are required by
20 commissioners and poll clerks of an election precinct. Either

21 ballot commissioner is authorized to administer the oath to the
22 poll clerks required herein. For ascertaining the result of said
23 vote, the ballot commissioners and poll clerks shall receive the
24 same compensation as commissioners and poll clerks of election.

Sec. 10. When all the ballots shall have been accounted for
2 and either voted or rejected, the empty envelopes that previously
3 contained the said ballots shall be returned to the original box,
4 together with the sealed package of letters of application, and
5 the rejected envelopes, if any, on which, or on a sheet of paper
6 thereto attached, shall be plainly written the cause of rejection,
7 signed by said ballot commissioners. The box shall thereupon be
8 re-sealed and returned with the other returns of election to the
9 clerk of the county court, who shall keep the same unopened for
10 one year, unless sooner ordered to be opened by a court having
11 jurisdiction.

Sec. 11. If any vacancy occurs in the nominees of any party
2 after the soldier ballots have been printed, and such vacancy filled
3 by the executive committee of that party, in the municipality,
4 county, district or state as the case may be, the same shall not
5 affect the soldiers' ballot, but the balance of the ticket shall be
6 counted as cast, but if any vacancy occurs on any party ticket
7 after said ballots have been printed, and said vacancy filled as
8 provided by law, it shall be the duty of the ballot commissioner
9 from that time to paste the candidate's name thus nominated over
10 the name of the place thus becoming vacant, before sending any
11 ballots to said absent soldier voters.

Sec. 12. Each ballot commissioner shall receive for each
2 voter availing himself of the provisions of this act, a fee of twenty-
3 five cents, and for posting the notice required by section nine,
4 he shall receive ten cents for each voter listed therein, but shall
5 in no case be paid less than one dollar for listing and posting
6 said notice. The clerk of the county court shall provide the
7 ballot commissioners with the necessary supplies and postage
8 provided for in this act.

Sec. 13. It shall be the duty of the ballot commissioners of
2 each county to have prepared and printed immediately as soon
3 as all party nominations are made as provided by law, at least
4 three times as many soldiers' ballots properly proportioned among
5 the several magisterial districts of that county, as there are sol-
6 diers and sailors absent in military service from that county.

Sec. 14. Any person attempting to aid or abet fraud in connection with any vote cast, or to be cast, or attempted to be cast, under the provisions of this act, shall, upon conviction, be sentenced to the penitentiary for not less than one nor more than five years and said offense, if committed, shall be construed to be within the jurisdiction in the county in which the ballot is presented to be counted is located. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter, shall be guilty of forgery. Any public official who knowingly violates any of the provisions of this act, and thereby aids or attempts to aid in any way the illegal casting or attempting to cast a vote, or who shall connive to nullify any provision of this act in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state, and shall moreover be forever disqualified from exercising the right of franchise.

Sec. 15. The provisions of this act shall be liberally construed so that full force and effect may be given them; and all acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 101.

(Senate Bill No. 43—Mr. Stewart.)

AN ACT to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion.

[Passed January 25, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

<p>SEC. 1. Abolition of intermediate court of Marion county. 2. Providing for the transfer of intermediate court business to cir-</p>		<p>SEC. cult court; duties of clerks relating to transfer. 3. Conflicting acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the intermediate court of the county of Marion created by chapter five of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three entitled "An act to establish a court of limited jurisdiction for the county of Marion" be and the same is hereby abolished.

Sec. 2. All indictments, suits, actions and proceedings of every kind pending in said intermediate court together with all records, process and papers pertaining thereto, as well as all records, process and papers pertaining to all trials, indictments,

5 actions, suits and proceedings heretofore had or pending in said
6 court, and all bonds and recognizances taken in said court shall
7 be certified and transmitted by the clerk of said court to, and filed
8 and deposited in, the office of the clerk of the circuit court of
9 said county of Marion; and all subpoenas, summonses, notices,
10 executions, writs and process of every kind, and recognizances
11 outstanding shall be returned to the office of the clerk of said cir-
12 cuit court, if returnable to the office of the clerk of said inter-
13 mediate court, or to the first day of the next ensuing regular
14 term of said circuit court, if returnable to said intermediate
15 court in term time, the same as if originally made returnable
16 to the said circuit clerk's office on the first day of the said term
17 of said circuit court; and said circuit court and the clerk thereof
18 shall have the same powers and perform the same duties in re-
19 lation to the records, suits, actions, proceedings, indictments,
20 notices, writs, process and papers, including the issuing of exe-
21 cutions and other writs upon judgments, decrees or orders of said
22 intermediate court as were vested in the said intermediate court
23 or the clerk thereof, and all funds in the custody of said inter-
24 mediate court or any of its officers shall be accounted for as the
25 said circuit court, in a proper proceeding, may order. All indict-
26 ments, actions, suits and proceedings pending in said intermediate
27 court and all indictments, actions, suits and proceedings which
28 heretofore have been in said intermediate court and shall be pend-
29 ing in the circuit court of said county or the supreme court of
30 appeals of West Virginia upon appeal or writ of error, shall, when
31 decided upon such appeal or writ of error, be docketed and pro-
32 ceeded in and tried and determined, and such further proceed-
33 ings as may be proper, had therein by the said circuit court in all
34 respects as if the same had been found or originated in said cir-
35 cuit court or had been thence taken on such appeal or writ of error.

Sec. 3. All acts and parts of acts in conflict herewith are
2 hereby repealed.

CHAPTER 102.

(Senate Bill No. 99—Mr. Chapman.)

AN ACT to amend and re-enact sections one, three, four, ten, thirty-
four, thirty-five, thirty-seven, thirty-nine, one hundred and five,
one hundred and nine, one hundred and twenty, one hundred and
twenty-one, and one hundred and thirty, of chapter thirty-two,

and section sixty-four of chapter thirty-nine, acts of one thousand nine hundred and seventeen, and adding sections forty and one hundred and twenty-a; and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of the code of one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>SEC. 1. State licenses; what necessary for; license does not legalize any act otherwise in violation of law.</p> <p>3. Convictions of violations of act; penalties.</p> <p>4. Exemptions from license requirements.</p> <p>10. Issuance of license by clerk of county court.</p> <p>34. Revocation of license for good cause; notice of revocation.</p> <p>35. Specification of house in which business is conducted; other license co-extensive.</p> <p>37. Assignment of license.</p>	<p>SEC. .39. Tax for annual license; when beginning and ending.</p> <p>40. Certain licenses for one year, three months or six months from beginning.</p> <p>64.)</p> <p>105.)</p> <p>109.)</p> <p>120.)</p> <p>120-a.)</p> <p>121.)</p> <p>130.)</p>	<p>Fees for licenses.</p> <p>Operating without licenses; penalty.</p> <p>License tax on foreign corporations; report to the auditor, duty of auditor in assessing and fixing license tax; repealing inconsistent act.</p>
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Be it enacted by the Legislature of West Virginia:

That sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one and one hundred and thirty, of chapter thirty-two of the code of one thousand nine hundred and sixteen, be amended and re-enacted and that section forty be added thereto to read as follows:

Section 1. No person without a state license therefor, shall

2 (a) keep an eating house, or restaurant; or

3 (b) keep for public use or resort, bowling alley, pool table,

4 billiard table, bagatelle table, or any table, of like kind; or

5 (c) carry on the business of a druggist; or

6 (d) exhibit any circus, menagerie, circus and menagerie

7-8 combined, theatrical performance, street or other carnival, or

9 public show, to which admission is obtained for money or reward,

10 except for the benefit or under the auspices of a volunteer fire de-

11 partment; or

12 (e) run or operate, for profit, a merry-go-round, or roller

13 coaster, or scenic railway, or like device, or keep for public use or

14 resort, a shooting gallery, or skating rink; or run or operate a

15 cane rack, doll baby rack, knife rack, striking machine or like de-

17 vice, or human laundry device, or dip device; or

- 18 (f) act as a hawker or peddler; or
19 (g) act as an auctioneer; or
20 (h) practice the business of real estate agent, stock broker,
21 merchandise broker, or other broker, by buying or selling for
22 others, stocks, securities, or any other property for a commis-
23 sion or reward; or
24 (i) practice the business of money broker, buying or sell-
25 ing uncurrent or depreciated money or funds; or exchanging one
26 kind of money or funds for another, for benefit or reward; or
27 (j) practice the business of pawn broker by lending money
28 or other thing for profit, for or on account of personal property
29 deposited with the lender in pledge; or
30 (k) sell, or barter, or offer, or expose, for sale or barter,
31 any patent right; or
32 (l) sell, offer, or expose, for sale to merchants trading
33 stamps, premium stamps, or certificates of like nature or char-
34 acter, or undertake with merchants to redeem such stamps or cer-
35 tificates in money or goods; or
36 (m) being a traveling agent, canvasser, or salesman, sell or
37 contract to sell any lightning rods, sewing machines, stove or
38 range, or organ, or other musical instrument, or books, maps,
39 prints, pamphlets, and periodicals, except such books, pamphlets
40 and periodicals that be of a religious or ethical nature, whether
41 manufactured within or without this state; or
42 (n) sell, offer, or expose for sale, or solicit, or receive
43 orders for manufactured tobacco, snuff, cigars, cigarettes, or other
44 preparation of tobacco, or cigarette paper or wrappers, at re-
45 tail; or
46 (o) carry on business of junk dealer, or act as agent, so-
47 licitor, canvasser, or salesman, for any junk dealer; or
48 (p) sell pistols, revolvers, dirks, slung-shots, billies, bowie
49 knives, metallic, or other false knuckles, or weapons of like kind;
50 or
51 (q) maintain or occupy any house-boat, or like structure or
52 vessel, upon or along the bed, banks or shores of any navigable
53 stream; or
54 (r) maintain any slot machine, or other automatic device,
55 which, for the same profit or reward, in each case, and without
56 any violation of law, furnishes music, or exhibits pic-
57 tures, or provides facilities for weighing, or supplies any mer-
58 chandise or other thing, or renders any service, except that no

59 license in any case be required to maintain any machine actually
60 delivering merchandise therefrom, automatically, where such ma-
61 chine is kept within the merchant's place of business; but no slot
62 machine or other automatic device with respect to which, or its
63 operation, service, or supplies, there is any element of chance (be-
64 ing a gaming table, within the meaning of section one, of chapter
65 one hundred and fifty-one of the code), shall be licensed or pro-
66 tected by any license; or

67 (s) being a corporation, heretofore or hereafter chartered
68 under the laws of this state, whether its principal place of busi-
69 ness or chief works be within or without the state, do, or attempt
70 to do, any business by virtue of its charter or certificate of in-
71 corporation; or

72 (t) being a corporation chartered or organized under the
73 laws of any other state or country, hold property or transact busi-
74 ness in this state; or being a corporation, hold more than ten
75 thousand acres of land in this state: or

76 (u) solicit, carry on or practice the business of a collection
77 agency, or association, whether it be a person, firm, or corpora-
78 tion; or

79 (v) keep, or maintain, a public park, admission to which
80 is obtained for money or reward; or

81 (w) practice the business of telling or pretending to tell
82 fortunes; or

83 (x) carry on business of a labor agency; or

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

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

Sec. 3. Any person convicted of violating any of the pro-
2 visions of the preceding section, shall be fined not less than
3 twenty nor more than one hundred dollars, and may, within the

4 discretion of the court, be imprisoned in the county jail not more
5 than three months.

Sec. 4. This chapter shall not be construed (a) to require
2 a license to keep a boarding house, or boarding school, where
3 boarders are not received for less than three days; or

4 (b) to require any incorporated bank, savings bank, or
5 savings institution, or trust company, to obtain a license as broker
6 or private banker; or

7 (c) to require any resident of this state to obtain a license
8 to exhibit any work of production of his own invention or skill;
9 or

10 (d) to require license for any school exhibition, literary or
11 scientific lecture, or musical concert; or

12 (e) to require license for furnishing refreshments at any
13 public dinner, fair, festival, or celebration; or

14 (f) to require any trustee, selling trust property, or any
15 personal representative or committee selling property belonging
16 to the estate under his charge, or any officer or commissioner
17 selling property under the order, decree, execution or process of
18 any court of justice of this state, or of the United States, to
19 obtain license to make such sale; or

20 (g) to require any colporteur, or person selling religious
21 books, to obtain a license therefor; or

22 (h) to require farmers who furnish meals to travelers and
23 others passing, to obtain license therefor.

Sec. 10. The state licenses mentioned in section one, shall
2 be issued by the clerk of the county court upon proper applica-
3 tion filed with him, as provided in the next succeeding section.

Sec. 34. The county court is hereby authorized to revoke
2 any license mentioned in the first section for a good cause shown
3 upon petition, in writing, of any inhabitant of the county; but
4 the person holding the license must be given reasonable notice of
5 the proposed revocation and privilege of being heard in person
6 or by counsel. After such revocation, the license shall be of no
7 effect to protect him from any penalty imposed by law.

Sec. 35. Every certificate issued as aforesaid, if it be to
2 authorize the keeping of a hotel or tavern, eating house, or res-
3 taurant, or bowling alley, billiard table or bagatelle, or any table
4 of like kind or turf, or base-ball exchange, shall specify the house
5 in which it is to be kept or carried on; and to keep or carry on
6 the same at a different place shall be deemed a violation of this

7 chapter. Other licenses shall be deemed co-extensive with the
8 county subject to such regulations as may be prescribed by the
9 state tax commissioner, but of no effect beyond the limits of the
10 county unless otherwise herein provided.

Sec. 37. Any person holding a license for any purpose men-
2 tioned in the first section, may, except as otherwise provided,
3 assign the unexpired term thereof to another. There shall be a
4 memorandum of such assignment endorsed by the person men-
5 tioned in the license and the endorsement thereon shall be at-
6 tested by the clerk of the county court or other person authorized
7 by law to issue the license.

Sec. 39. The license tax for all annual licenses named in
2 section one, shall begin with the first day of July, of each year,
3 and end with the thirtieth day of the following June. Every
4 state license for any other purpose named in section one (ex-
5 cept as herein otherwise provided), shall expire on the thirtieth
6 day of June. If granted for a less period than a year, the state
7 tax thereon shall be computed from the annual tax in propor-
8 tion to such time as the license has to run, unless specifically
9 otherwise provided.

Sec. 40. The state license to sell patent rights, or act as
2 hawker or peddler; or run or operate for profit, a merry-go-
3 round, a cane rack, doll baby rack, knife rack, striking machine,
4 or like device, or human laundry device, or dip device, or roller
5 coaster, or scenic railway, or like device, or conduct a shooting
6 gallery, or keep for public use or resort, a bowling alley, pool or
7 billiard table, or any other table of like nature at a public water-
8 ing place or public park in this state; or to keep or maintain a
9 public park to which admission is obtained for money or re-
10 ward, or conduct a theatrical performance on a showboat playing
11 the navigable streams of this state, shall be either for one year,
12 three months, or six months from the commencement thereof.
13 If for three months, the state tax thereon shall be one-third, and
14 if for six months, three-fifths of the annual tax.

Sec. 64. On every license to keep an eating-house, or res-
2 taurant not owned, or operated in connection with a hotel, the
3 annual license tax shall be two-dollars and fifty cents.

Sec. 105. On every license to operate a roller coaster, a
2 merry-go-round, scenic railway, or like device, for one week, ten
3 dollars; for four months, thirty dollars; for six months, fifty
4 dollars; and for one year, one hundred dollars. On every license

5 to run or operate doll baby rack, or cane rack, or knife rack,
6 striking machine, or like device, or human laundry device, or dip
7 device, the tax shall be five dollars for one week; twenty dollars
7-a for four months; thirty dollars for six months, and fifty dollars
8 for one year; *provided, however*, that licenses under this section
9 may be issued for the periods provided in section forty of this
10 chapter and the license tax charged as provided therein.

Sec. 109. On every license to keep roller skating rink for
2 public use or resort, in a city or town of population of ten thou-
3 sand or more, one hundred dollars; in a city or town of popula-
4 tion of more than five thousand but less than ten thousand, fifty
5 dollars; in a city or town with population not exceeding five
6 thousand or outside of a city or town, twenty-five dollars. On
7 every license to keep and maintain a public park, to which ad-
8 mission is obtained for money or reward, in counties of over
9 thirty thousand inhabitants, fifty dollars; in counties of less than
10 thirty thousand inhabitants and more than twenty thousand in-
11 habitants, thirty-five dollars; in counties less than twenty thou-
12 sand inhabitants, twenty-five dollars; but such license for such
13 public park shall not be construed to be in lieu, or to include any
14 other license now required by law on any subject of taxation
15 located at or in said park or elsewhere, and every park to which
16 admission is obtained for money or other reward, shall be con-
17 strued and held to be subject to the provisions of this chapter.
18 On every license to act as a palmist, clairvoyant, or fortune-
19 teller, twenty dollars; on every license to conduct the business of
20 a labor agency, one hundred dollars; any person or corporation who
21 hires or contracts with laborers, male or female, to be employed
22 by persons other than himself, and to be transported out of the
23 state for employment in another state, shall be deemed a labor
24 agency within the meaning of this clause.

Sec. 120. The state tax on every license:

2 (a) To exhibit a circus, or menagerie, or circus and menagerie
3 combined, wild-west show, trained animal show, or dog and
4 pony show, shall be fifty cents for each railroad car used in
5 transporting said show into or through this state, for each ex-
6 hibition or performance. Where the transportation of such show
7 is by wagon, motor truck, or other vehicle, the tax upon such
8 show shall be ten dollars per day;

9 (b) The state tax on every license to exhibit a side show
10 in the vicinity of any other show, shall be ten dollars per day;

11 (c) The state tax on every license to exhibit a street or
12 other carnival, or any show connected with county or other fair,
13 five dollars a week for each separate entertainment or exhibition
14 for which a fee is charged:

15 (d) The state tax on every license to exhibit any other
16 show in cities or towns with a population of ten thousand or
17 more, ten dollars, and in cities or towns of less than ten thousand,
18 five dollars.

19 Every show, exhibition, or performance, such as is described
20 in clause (a) of this section whether under the same canvass or not
21 being concluded, so that an additional fee for admission be charged
22 in lieu of a check authorizing the holder to re-enter without
23 charge, shall be construed to require an additional license for
24 any further or other show, exhibition, or performance.

Sec. 120-a. The state tax on every retailer, wholesaler, dis-
2 tributor or manufacturer engaging in the manufacturing, pre-
3 paring, mixing, compounding, selling or distributing any and
4 all preparations of every kind, character and nature, commonly
5 called and known as soft drinks, such as are prepared, mixed
6 and sold at what is commonly called a soda fountain, and all
7 such preparations as bevo, pablo, milo, moxie, ginger ale, near
8 beer, coca cola, pop and all other preparations, mixtures, com-
9 pounds of every kind and character, commonly called and known
10 as soft drinks, shall be, on each manufacturer, wholesaler or
11 distributor, the sum of one hundred dollars annually, and on each
12 retailer the sum of two dollars annually.

Sec. 121. If any person shall conduct any business or oc-
2 cupation, or exercise any right or privilege without the license
3 required by law therefor, he shall, in addition to paying the tax,
4 be required to pay a penalty of ten per centum of the annual
5 tax for each month, or fractional part thereof, for such time as
6 he was in default. Such penalty shall be deemed license tax,
7 and shall be assessed and collected in the manner prescribed in
8 this chapter as to other license taxes, except that the license cer-
9 tificate issued therefor and the report thereof made to the auditor
10 shall state separately the amount of the license tax proper and
11 the penalty. It shall be the duty of the officer who issues the
12 certificate of license to state therein the full amount of the
13 tax thereof and of the penalty separately; and it shall be the
14 duty of the officer charged with the collection of the tax on
15 such license to collect the full amount thereof and of the penalty.

16 It shall be the duty of the auditor to charge the officer with the
17 full amount of such tax and penalty. If any such officer shall
18 violate this section he shall be subject to a fine not exceeding one
19 hundred dollars; and, in addition thereto, the officer whose duty
20 it was to collect such tax and penalty shall be liable for the
21 amount thereof he failed to collect that might have been col-
22 lected by due diligence.

Sec. 130. Every foreign corporation holding property or
2 doing business in this state shall make report to the auditor an-
3 nually in the third month preceding the beginning of the license
4 tax year, in which report shall be set out;

5 (1) the name of such corporation, the name of the state or
6 county by which incorporated, the date of incorporation, the date
7 of the certificate of the secretary of state authorizing it do busi-
8 ness in this state, the place of its principal office, the names
9 and postoffice addresses of its president, secretary, and of its
10 officers, if any, charged with the duty of making returns of its
11 property for taxation and the name and postoffice address of
12 its attorney of record in this state;

13 (2) the number of shares of its authorized capital stock, and
14 the par value of each share;

15 (3) the value of the property owned and used by such
16 corporation within this state, where situate, of what it consists,
17 and the number of acres of land it holds in this state; and the
18 value of its property owned and used within this state; and

19 (4) the proportion of its capital stock which is represented
20 by property owned and used in the state of West Virginia. Such
21 report shall be verified by the affidavit of the president, secretary
22 or other executive officer of such corporation.

23 It shall be the duty of the auditor to assess and fix the license
24 tax of such corporation according to the proportion of its capi-
25 tal stock which is represented by its property owned and used
26 in this state, which license tax shall be at the rate prescribed in
27 section three of this act (section 126 of this chapter), and for the
28 privilege of doing business in this state, shall pay an additional
29 tax of fifty per centum of the license tax as hereinbefore provided.
30 Such tax shall be assessed and paid at the same time and in the
31 same manner as provided for the assessment and payment of the
32 annual license tax; *provided* that no such corporation shall pay
33 an annual license and privilege tax of less than one hundred and

34 fifty dollars. The auditor may in any case, require such additional
 35 information as he may deem necessary to enable him to assess
 36 and fix the just amount of license tax of such corporation; and it
 37 shall be his duty to notify every such corporation of the amount
 37-a so assessed by him; and it shall be the duty of the corporation
 38 to pay the same into the treasury of the state within thirty days
 39 thereafter, and if it fail to do so, shall be liable to the penalties
 40 prescribed in sections one hundred and thirty-six and one hundred
 41 and thirty-seven of this chapter.

42 Sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen,
 43 nineteen, thirty-six, forty-four, fifty-eight and one hundred four
 44 and all acts and parts of acts coming within the purview of this
 45 act and inconsistent herewith are hereby repealed.

CHAPTER 103.

(Senate Bill No. 48—Mr. Poling.)

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

[Passed February 15, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

SEC.

1. Defining the term "agricultural seed."
2. Printed tags as label on package; analysis.
3. Label requirements of mixtures.
4. Label requirements of special mixtures.
5. Exemptions.
6. Inconsistent label statements.
7. Shipping requirements.
8. Seed prohibited for sale.
9. Violations defined.
10. Enforcement of act placed with de-

SEC.

11. Department of agriculture.
12. Inspecting, sampling and testing.
13. Publication of results.
14. Violations and prosecutions.
15. Liable for damages in violations.
16. Commissioner of agriculture attorney in fact.
17. Measure of damages.
18. Seeds not properly tagged or labeled.
19. Sample seeds for testing.
20. Salaries and expenses; how paid; repealing inconsistent acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That the term "agricultural seed," or "agricultural seeds," as used in this act, shall be defined as the seeds of
 2 Canada blue grass, Kentucky blue grass, Brome grass, fescues,
 3 kaffir corn, millets, tall meadow oat grass, sorghum, sudan grass,
 4 timothy, alfalfa, soy beans, alsike clover, crimson clover, red
 5 clover, white sweet clover, yellow sweet clover, Canada field peas,
 6 cow peas, vetches and other grasses and forage plants, buck-
 7 wheat, flax, rape, barley, corn, oats, rye, wheat and other seeds

9 which may be defined by the commissioner of agriculture as agri-
10 cultural seeds, which are sold, stored, offered, or exposed for
11 sale or distribution or had in possession with intent to sell within
12 this state for seeding purposes.

Sec. 2. Every lot of agricultural seeds, as defined in section
2 one of this act, except as herein otherwise provided, when in
3 bulk, packages or other container of one pound or more, shall
4 have affixed thereto, in a conspicuous place, on the exterior of
5 the container of such agricultural seeds, a plainly written, or
6 printed tag, or label, in the English language; *provided, how-*
7 *ever,* that no tag or label, shall be required unless requested on
8 seed when sold directly to and in the presence of the consumer
9 and taken from container properly labeled in accordance with
10 the provisions of this act; and, *further provided,* that this shall,
11 in no way, exempt the vendor from the analysis given on the back
12 or label attached to any container stating:

13 (a) Commonly accepted name of the kind and variety of
14 such agricultural seeds.

15 (b) The approximate percentage by weight of purity, mean-
16 ing the freedom of such agricultural seeds from inert matter,
17 and from other seeds distinguishable, or not distinguishable, by
18 their appearance.

19 (c) The approximate total percentage by weight of weed
20 and foreign seeds, *provided* that plants which are to be considered
21 weeds under this act shall be designated by the commissioner of
22 agriculture and the names printed for distribution to the citizens
23 of this state.

24 (d) The name and approximate ratio of each kind of seeds,
25 or bulblets of the following named noxious seeds, which are pres-
26 ent in such agricultural seeds: wild onion, (*allium vineale*),
27 Bermuda grass (*capriola dactylon*), Johnson grass (*holycus hol-*
28 *openis*), quack grass (*agropyron repens*), dodder (*cuscuta spp.*),
29 Canada thistle (*carduus arvensis*), hawk weed (*hicracium spp.*),
30 sow thistle (*souchus spp.*) Buckhorn (*piantago lanceolata*), Rus-
31 sian thistle (*salsola tragus. L.*), English charlock or wild mustard
32 (*brassica arvensis. L.*), wild oats (*avena fatua. L.*), corn cockle
33 (*lychnis githago*), ox-eye daisy (*chrysanthemum leucanthemum*),
34 Indian mustard (*brassica juncea*), butter and eggs (*linaria lina-*
35 *ria*), velvet weed (*abutilon abutilon. L.*), star thistle (*centaura*
36 *repens. L.*) wild carrot (*daucus carota. L.*).

37 (e) The approximate percentage of germination, together
38 with the month and year said seed was tested, *provided, however,*
39 no seller shall be held responsible for the germination for a longer
40 period than sixty days from the date of delivery. If such ship-
41 ment of seed is found to be more than a reasonable tolerance be-
42 low the marks on the tags, such seed may be returned within the
43 period as stated above and the seller will be required to refund the
44 purchase price of such seed together with freight charges to and
45 from the point of purchase.

46 (f) The full name and address of the seedsman, importer,
47 dealer or agent, or other person or persons, firms or corporations,
48 selling, offering or exposing for sale, or distribution, such agricul-
49 tural seeds in this state for seeding purposes.

Label Requirements of Mixtures.

Sec. 3. Mixtures, when in bulk, packages or other containers
2 of one pound or more, containing one or more kinds of agricul-
3 tural seeds in excess of five per centum by weight of the total
4 mixture, shall have affixed thereto, in a conspicuous place on the
5 exterior of the container of such mixture, a plainly written, or
6 printed tag, or label, in the English language stating:

7 (a) That such seed is a mixture.

8 (b) The approximate total percentage by weight of weed
9 seeds.

10 (c) The name and the approximate ratio to the seeds compos-
11 ing the mixture of noxious weeds, as defined in section two.

12 (d) The name of such agricultural seeds that compose said
13 mixture.

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

Label Requirements of Special Mixtures.

Sec. 4. Mixtures, as defined in section three of this act, of
2 alsike clover and timothy, red top and timothy, alsike clover and
3 clover, in addition to the label requirements designated in sec-
4 tion three, shall have written, or printed on the label, the name
5 and approximate percentage by weight, of each kind of these seeds
6 present.

Exemptions.

Sec. 5. Agricultural seeds, or mixtures of same, shall be exempt from the provisions of this act when plainly marked on the outside of the container, "not clean seed", or "not tested seed", provided such seeds, or mixtures, are sold to, or held by merchants to be re-cleaned before being offered or exposed for sale, or distribution upon the general market. Cereals or other agricultural seeds shall be exempt from the provision of this act when sold exclusively for manufacturing purposes, for food, or for feeding purposes; provided, however, that said cereals or seed, shall be subject to requirements of this act if sold, offered or exposed for sale under variety names. The sections of this act shall not apply to the sale of seed that is grown, sold and delivered, by any farmer on his own premises for seeding purposes by the purchaser himself, unless the purchaser of seeds obtain from the seller at the time of the sale thereof, a certificate that the seed is supplied to him subject to the provisions of this act.

Inconsistent Label Statements.

Sec. 6. No statements regarding the quality of such agricultural seeds or mixtures, if inconsistent with the requirements of this act, shall be written, or printed on the tag, or label, or placed inside, or affixed to any container, or bulk, of agricultural seeds, or mixtures sold, offered or exposed for sale as distribution or held in possession with intent to sell within the state for seeding purposes.

Shipping Requirements.

Sec. 7. Agricultural seeds, shipped to any point in this state for seeding purposes, shall be subject to the provisions and requirements of this act and transportation companies shall be required to see that all such agricultural seeds carried by them are tagged, or labelled, as provided herein.

Seeds Prohibited for Sale.

Sec. 8. Agricultural seeds, as defined in section one of this act, or mixtures of same, shall be considered unfit for seeding purposes within the meaning of this act, and are hereby prohibited

4 from being sold, offered, or exposed for sale, or distribution, within
5 this state, for seeding purposes when :

6 (a) Any kind of noxious weed seeds, defined in section two
7 of this act, occurs in excess of one to three thousand of the seed
8 under examination.

9 (b) Such agricultural seeds except Canada blue grass, Ken-
9-a tucky blue grass, Brome grass, buckwheat, white clover, kaffir
9-b corn, fescues, meadow fox tail, fall meadow oat grass, orchard
9-c grass, red top, rye grasses and velvet grasses; con-
9-d taining more than three per centum by weight of
10 foreign seeds and inert matter. Any agricultural seed
11 shall be deemed to contain foreign seed, within the
12 meaning of this act, when it contains any other agricultural seed,
13 or noxious, or other weeds. Inert matter, within the meaning of
14 this act, shall include sand, sticks, stones, chaff, broken seeds, and
15 all other matter not included under "Foreign Seeds".

Violations Defined.

Sec. 9. It shall be unlawful for any person, firm or corpo-
2 ration, to sell, offer or expose for sale, or distribution, or have in
3 possession with intent to sell, within this state, any agricultural
4 seeds, or mixture, as defined in this act, for seeding purposes, with-
5 out complying with the requirements of this act, or to falsely mark
6 or label any agricultural seeds, or to interfere in any way with the
7 inspectors or assistants, in the distribution of the duties herein
8 named.

Sec. 10. The enforcement of this act is hereby placed in the
2 department of agriculture under the supervision of the commis-
3 sioner of agriculture who shall maintain a laboratory with neces-
4 sary equipment; appoint such analysts, inspectors and assistants,
5 and make such rules and regulations as may be necessary to carry
6 out the provisions of this act.

Inspection, Sampling and Testing.

Sec. 11. It shall be the duty of said commissioner of agricul-
2 ture, either by himself or his analysts, inspectors or assistants,
3 to inspect, examine and make analysis of, and test any agricultural
4 seed stored, sold or offered for sale, or distribution in this state
5 for seeding purposes, at such time and place and to such extent
6 as he may determine. The commissioner, analysts, inspectors, or

7 assistants, shall have free access, at all reasonable hours, upon and
8 into any premises, or structures, to make examination of any ag-
9 ricultural seeds, whether such seeds are upon the premises of the
10 owner or consignee of such seeds, or on the premises or in the pos-
11 session of any warehouse, elevator, railway or steamship company,
12 and he is hereby given authority in person, or by his analysts, in-
13 spectors or assistants, upon notice to the dealer, his agent or the
14 representatives of any warehouse, elevator, railway or steamship
15-25 company, if present, to take for analysis, a sample of such agri-
26 cultural seed from a parcel, package, lot, or other container, or
27 number of parcels, packages, lots or other containers. Said sample
28 shall be thoroughly mixed and divided into two samples of at
29 least two ounces each and securely sealed. One of said samples
30 shall be left with, or on the premises of the vendor, or party in
31 interest, and the other retained by said commissioner, analysts, in-
32 spectors or assistants, for analysis. The method of examination
33 and testing shall be those in force at the time by the United States
34 department of agriculture.

Publication of Results.

Sec. 12. In case the sample drawn as herein provided, upon
2 test and analysis, is found to fall more than a reasonable tolerance
3 below the statement of the tag or label attached to the lot from
4 which said sample was secured, or to violate any of the provisions of
5 this act, the vendor or consignee of said lot of seed shall be notified
6 and a copy of said notice mailed to the person, or persons, firm or
7 corporation whose tag or label was found affixed thereto, and it
8 shall be the duty of the commissioner of agriculture to publish, or
9 cause to be published, at least once a year, the results of the ex-
10 amination, analysis and test of any sample of agricultural seeds,
11 or mixtures of such seeds, drawn as provided for in section eleven.
12 together with any other information he may deem advisable.

Violations and Prosecutions.

Sec. 13. Every violation of the provisions of this act shall be
2 deemed a misdemeanor punishable by a fine not exceeding one hun-
3 dred dollars, and if the commissioner of agriculture shall find
4 upon examination, analysis or test, that any person, or persons,
5 firm or corporation, has violated any of the provisions of this act,
6 he or his duly authorized agent, or agents, may institute proceed-

7 ings in a court of competent jurisdiction, to have such person, or
8 persons, firms or corporations convicted thereof, or the commis-
9 sioner of agriculture, in his discretion, may report the results of
10 such examination to the attorney general of this state, together with
11 the sworn statement of the analyst, duly acknowledged, and such
12 evidence of said violation as he shall deem necessary. Said sworn
13 statement shall be admitted as evidence in any court of this state
14 in any proceedings instituted under this act, but upon motion of
15 the accused, such analyst shall be required to appear as a witness,
16 and be subject to cross examination. It shall be the duty of the
17 attorney general, or, in his discretion, he may act through the
18 prosecuting attorney of the county in which said violation has
19 occurred, to institute proceedings at once against the person or
20 persons, firms or corporations charged with such violation.

Sec. 14. Any person, or persons, firm or corporation, shall
2 in addition to the penalties named in section thirteen of this act, be
3 liable to any one for any damage sustained for the failure of said
4 agricultural seeds, as defined in section one of this act, to measure
5 up to the standard required herein, or for the false labeling of any
6 seeds, or for the violation of any of the provisions of this act.

Sec. 15. The commissioner of agriculture is hereby made
2 an attorney in fact for any person, or persons, firm or corporation,
3 who is in the business of selling agricultural seeds within this state,
4 and who reside out of the state, or in another county of this state
5 from the buyer, to accept service for said person, or persons, firm
6 or corporation, of any action or proceeding instituted in any court
7 of this state. Suit may be instituted in any court of competent
8 jurisdiction of this state in the county where the buyer resides,
9 or where the sale was made. The clerk of the circuit court shall
10 issue an original summons, and a copy to be served on the commis-
11 sioner of agriculture, and he shall in addition to such original and
12 copy, issue as many copies of said summons as there are defend-
13 ants, and it shall be the duty of the commissioner of agriculture
14 to mail a copy of same to each defendant, to the last known address
15 of said defendant.

Sec. 16. The measure of damages in every such action shall
2 be confined to the actual damage sustained for the amount of the
3 purchase price of the seeds used, the amount for labor expended
4 in sowing, planting or cultivating the same, and a reasonable
5 amount as rentals for the use of the lands used, and every person,
6 or persons, firm or corporation, shall be liable for said damages,

7 notwithstanding any statement disclaiming liability, such person
8 or persons, firm or corporation may make; *provided, however,* that
9 action shall always be instituted against the person, or persons,
10 firm or corporation whose name appears on the label as described
11 in division "F" of section two of this act, and not against the job-
12 ber, or retailer.

Sec. 17. It shall be unlawful for any person or persons, firm
2 or corporation to sell, offer or expose for sale, or have on hand for
3 distribution any lot of agricultural seeds, as defined in this act, not
4 properly tagged or labeled as provided herein. The commissioner
5 of agriculture may cause to be seized and held any lot of agri-
6 cultural seeds found to violate any of the provisions of this act until
7 the law has been complied with or said violation otherwise dis-
8 posed of.

Sec. 18. Any citizen of this state shall have the privilege of
2 submitting to the commissioner of agriculture samples of agricul-
3 tural seeds for test and analysis, subject to such rules and regula-
4 tions as may be adopted by said commissioner as herein provided.

Sec. 19. Such salaries and expenses as may be necessary for
2 the proper enforcement of the provisions of this act shall be paid
3 from such sum as shall hereafter be appropriated, by warrant upon
4 the auditor of this state, and countersigned by the commissioner
5 of agriculture, out of the appropriation to defray the expenses of
6 the department of agriculture. Said commissioner of agriculture
7 shall keep an accurate account of the expenses necessary to a
8 proper enforcement of this act, and shall make full report of the
9 working of said act, together with the necessary costs for the en-
10 forcement of the same, in his report to the governor.

11 All acts or parts of acts inconsistent with this act are hereby
12 repealed.

CHAPTER 104.

(Senate Bill No. 166—Mr. Cobun.)

AN ACT to amend and re-enact sections three, seventeen and eighteen
of the live stock sanitation law of chapter thirteen of the acts
of one thousand nine hundred and fifteen.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
Governor February 17, 1919.]

SEC.
3. Employment of veterinarians; qualifications; enforcement of provisions of act, and duties.
17. Authority to test for tuberculosis; certificates of pure-bred animals;

SEC.
tuberculin tests; how made; tuberculin animals; rules for slaughter of infected; indemnity.
18. Disinfection of premises; appraisal of diseased animals.

Be it enacted by the Legislature of West Virginia:

That sections three, seventeen and eighteen of chapter thirteen of the acts of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 3. The commissioner may employ such competent 2 and experienced veterinarians as may be necessary from time to 3 time to assist him in discharging the duties imposed upon him 4 by this act; such veterinarians shall be graduates of veterinary 5 colleges recognized by the American veterinary medical associa- 6 tion, and to be hereafter known as consulting veterinarians. The 7 commissioner shall have general charge of the enforcement of the 8 provisions of this act, and shall collect and disseminate informa- 9 tion and statistics in relation to the diseases of domestic animals, 10 the proper care and sanitation of stables and other buildings used 11 for stabling of farm animals for the purpose of preventing the 12 existence and spread of infectious and contagious diseases. For 13 any services rendered under the provisions of this act, the con- 14 sulting veterinarians shall receive a per diem, not exceeding 15 ten dollars and actual expenses, to be determined by the 16 commissioner while engaged in carrying out the directions of 16-a the commissioner, which expenses shall be paid out of the current 17 appropriation made for the enforcement of this act.

Sec. 17. The commissioner or his agent or the inspectors 2 of the United States bureau of animal industry, shall possess 3 authority to test with tuberculin any bovine animal kept within 4 the state, subject to such rules and regulations as the commis- 5 sioner may prescribe. And the commissioner of agriculture, 5-a whenever in his judgment the dairy or pure bred live stock 5-b interests of the state will be promoted and advanced thereby, 5-c may refuse to accept certificates of pure bred animals for ad- 5-d mission into the state for breeding or dairy purposes, except 5-e such animals as are certified from pure bred herds in other 5-f states which are certified and accredited herds as free from 5-g tuberculosis under the rules and regulations of United States 5-h bureau of animal industry. The tuberculin test shall be applied 6 to bovine animals at such times as may be designated by the com- 7 missioner as may be necessary in the control and eradication of

8 bovine tuberculosis in this state, and all cows whose milk is sold
9 for human consumption or manufacture and all uncastrated beef
10 animals, shall be tested with tuberculin in so far as may be pos-
11 sible. When such bovine animal is found by the officer making
12 the test to give what the commissioner shall have prescribed by
13 his rules and regulations to be a clearly defined reaction to such
14 test, the said animal shall be considered to be affected with
15 bovine tuberculosis, and shall be marked or branded upon the
16 right side of the neck from six to ten inches back from the jaw-
17 bone with a capital "T," not less than two inches high, one and
18 one-half inches wide with mark one-fourth of an inch wide un-
19 less the owner elects as hereinafter provided to keep the animal in
20 quarantine for eight weeks, when the animal shall again be
21 tested by the commissioner or his agent at the expense of the
22 owner, and if the animal again gives a clearly defined reaction
23 it shall be branded. Any bovine animal affected with advanced
24 or generalized tuberculosis or tuberculosis of the udder may be
25 similarly branded, and such branding shall not be construed as
26 cruelty to animals within the meaning of the penal laws of the
27 state. If such a reacting animal be pure bred and registered or
28 eligible to registry, and the owner of such reacting animal shall
29 desire to keep it, such option is allowed, providing the animal
30 does not, in the judgment of the officer making the examination
31 and test, show evidence of physical breakdown, then or any time
32 thereafter, probably due to the disease, and it shall then be the
33 duty of the commissioner or his agent to place such animal in
34 quarantine, and the owner or owners thereof, their agents or em-
35 ployees shall maintain the said animal in quarantine as pre-
36 scribed by the commissioner or his agents and the product or
37 products of such reacting animal shall be disposed of under such
38 restrictions as the commissioner shall designate.

39 Except as hereinbefore provided all bovine animals within
40 the state which are deemed tuberculous, either as a result of
41 physical examination or the tuberculin test, shall be slaughtered
42 within a time and at a place designated by the commissioner or
43 his agent, and if the owner of any such tuberculous animal shall
44 desire to receive indemnity therefor, he shall be required by the
45 commissioner before the appraisal and slaughter of the animal
46 to execute an agreement that he will thoroughly clean and disin-
47 fect all premises that may have been infected by such tuberculous
48 animal in such a manner as the commissioner may prescribe;

49 will have his entire herd of bovine animals tested with tuberculin
50 by the commissioner or his agent at such times as the commis-
51 sioner may designate, and will not admit to his herd any bovine
52 animal that has not given a negative reaction to the tuberculin
53 test. Such an agreement shall be in duplicate, one copy to be
54 retained by the signer, and in such form as the commissioner
55 shall designate, and shall be signed by the owner or owners or
55-a their agents, and shall be in effect for a period of two years
56 from the date thereof. All such tuberculous animals shall be
57 appraised before being slaughtered, the owners to be indemnified,
58 as hereinafter provided.

59 The commissioner or his agents shall act as appraisers and
60 shall appraise each tuberculous animal within five days prior to
61 the date of slaughter, basing the amount upon the class and
62 market value of the animal at the time of the appraisal, whether
63 for breeding purposes or whether for milk or meat production.
64 Animals reacting to the tuberculin test but not exhibiting any
65 physical evidence of tuberculosis shall be appraised without con-
66 sidering the presence of a diseased condition, but animals ex-
67 hibiting any physical evidence of tuberculosis shall be appraised
68 as diseased animals. The amount of appraisal shall not exceed
69 the amount of two hundred dollars for pure bred registered ani-
70 mals or the sum of one hundred dollars for a grade of non-regis-
71 tered animal. If the amount of appraisal of any animal, as de-
72 termined by the appraiser designated, is not satisfactory to the
73 owner of such animal, a written notice of such fact, setting forth
74 the reason for complaint, shall be made to the appraiser at once.
75 The amount of the appraisal shall then be determined by arbi-
76 trators, one to be appointed by the appraiser and one by the
77 owner of the animal. If said arbitrators are not able to agree
78 as to the amount of appraisal, a third arbitrator shall be ap-
79 pointed by them, whose decision shall be final. Arbitrators shall
80 be paid one dollar for each appraisal of five or less than five
81 animals and two dollars, if more than five animals are appraised.
82 Compensation for the arbitrators appointed by the owner and
83 the third arbitrator, if appointed, shall be paid by the commis-
84 sioner if the decision made is against the arbitrator appointed by
85 the veterinarian, but if the decision is in favor of such arbitrator
86 the owner shall pay the compensation of the arbitrator appointed
87 by him and the third arbitrator, if appointed.

88 After such agreement has been executed and appraisal has

89 been made, it shall be the duty of the commissioner or his agent
90 to see that the animal is slaughtered and the carcass disposed
91 of in accordance with the meat inspection regulations of the
92 United States bureau of animal industry, or in such manner as
93 the commissioner shall prescribe. When the animal is to be
94 slaughtered, as herein provided, the commissioner or his agent
95 shall make and deliver to the owner a certificate which may cover
96 any number of animals belonging to the same owner, showing
97 the age and description of each animal found to be tuberculous,
98 the name and place of test, the mark or brand as tuberculous and
99 any other mark or brand which the animal may bear, the date
100 when and the place to which the animal was sent for slaughter
101 by the veterinarian, the designation of the officer who is to super-
102 vise the slaughter, the appraised value of said animal or animals,
103 the name and address of the owner of the animal and the fact
104 that he has executed the agreement hereinbefore provided for.
105 The officer supervising the slaughter shall, immediately after the
106 same, endorse upon or add to the foregoing certificate that he
107 has witnessed the slaughter of each of said animals, the place and
108 date thereof, that the number, age, description and brand or
109 mark corresponding to those given in the certificate of the
109-a officer who made the former certificate and shall state the result
110 of his post-mortem examination, the disposition made of the car-
111 cass, and the price received for the same by the veterinarian.

112 The slaughter may be supervised and certificate thereof may
113 be made by the commissioner or any of his agents or any person
114 possessing the authority of an agent, or an officer of the United
115 States bureau of animal industry. The commissioner may re-
116 quire such other particulars to be added to either of said cer-
117 tificates or the affidavit hereinafter required, and may make and
118 enforce such rules and regulations governing the handling, ship-
119 ping and slaughter of such animals as may be deemed necessary.

120 The owners of such animals shall be indemnified in such
121 amount as shall be determined by the results of post-mortem in-
122 spection by the officer supervising the slaughter according to
123 the following rules:

124 Rule 1. If an animal is found, upon post-mortem inspec-
125 tion, not to be affected with tuberculosis, the carcass and other
126 edible portions shall be passed as food, and the veterinarian shall
127 sell the same, including all accompanying parts, for the best
128 price obtainable, which price shall be paid to the owner and

129 deducted from the amount of appraisal, and the balance, if any,
130 thus remaining, shall be paid the owner.

130-a Rule 2. If any animal is found, upon post-mortem in-
130-b spection, to be affected with tuberculosis, and the lesions are
130-c such that the carcass and parts of the carcass are passed for
130-d food, the veterinarian shall sell the same, including all accom-
130-e panying parts, for the best price obtainable, which price shall
130-f be paid to the owner and deducted from eighty per centum of
130-g the amount of the appraisal, and the balance, if any thus re-
130-h maining shall be paid the owner.

131 Rule 3. If any animal, upon post-mortem inspection, is
132 condemned for offal, the veterinarian shall sell the hide and
133 offal for the best price obtainable, which price shall be paid to
134 the owner and deducted from forty per centum of the appraisal,
135 and the balance, if any, thus remaining shall be paid the owner.

136. After such tuberculous animal shall have been slaughtered,
137 as herein provided for, the veterinarian shall, as soon as possible
138 forward to the commissioner, who shall, if found to be correct,
139 approve the same and within thirty days, file with the county
140 court of the county in which said animals are owned at the time
141 they were condemned as tuberculous, as herein provided, the
142 foregoing certificates, together with the owner's claim for in-
143 demnity, and his affidavit that he has thoroughly cleaned and
144 disinfected his premises and complied with the regulations of
145 the commissioner in respect thereto and in respect to the re-
146 mainder of his herd. If the said county court, upon examina-
147 tion of the certificates filed as aforesaid and of the affidavit of
148 the claimant and any evidence that may be presented, shall find
149 the claim is regular and the facts therein set up are true, and
150 that the claimant is entitled to indemnity as herein provided, the
151 county court shall make an order allowing the claimant one-
152 half of the indemnity hereinbefore provided for, which shall be
153 paid upon the order of the county court out of the general funds
154 of the county. The commissioner shall at the end of the fiscal
155 year issue his warrant upon the state auditor in favor of the
156 claimant, for the remaining one-half of the indemnity allowed,
157 which shall be paid out of any moneys appropriated for carrying
158 out the provisions of this act; *provided*, that at the end of each
159 fiscal year the claimants for such certificates of value shall be
160 paid the same from the current appropriation made for that
161 purpose; *provided, further*, that the amount to be paid on such

162 certificates in any one year shall not exceed the amount appro-
163 priated for such purpose, which amount shall be paid pro rata
164 at the end of each fiscal year; *provided, further, however,* that
165 the right to indemnity shall not exist nor shall payment be made
166 in either of the following cases:

167 1. For animals owned by the United States, this state or
168 county, city, town or village in this state.

169 2. For animals brought into this state contrary to the
170 provisions of this act, or where the owner of the animals or
171 person claiming compensation has failed to comply with the
172 provisions of the same.

173 3. When the owner or claimant at the time of coming into
174 possession of the animal knew or had reason to believe it to be
175 afflicted with a dangerous or contagious disease.

176 4. When the owner shall have been guilty of negligence or
177 had carelessly exposed such animals to the influence of conta-
178 gious 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
3 by 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 ex-
6 cute an agreement with the commissioner or his agent that he
7 will thoroughly clean and disinfect all premises that may have
8 been infected by such diseased animals in such manner as the
9 commissioner or his agent may prescribe. Such an agreement
10 shall be in duplicate, one copy to be retained by the signer and in
11 such form as the commissioner may designate, and shall be signed
12 by 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 or
14 any agent so authorized shall act as appraiser and shall appraise
15 each such diseased animal within five days prior to its slaughter,
16 basing the amount upon the market value of the animal at the
17 time of appraisal. Animals reacting to any approved test for a
18 disease but otherwise apparently healthy shall be appraised without
19 considering the presence of a diseased condition, but animals ex-
20 hibiting any physical evidence of disease shall be appraised as
21 diseased animals, taking into consideration the condition of the
22 animal as to disease, and the nature and extent of the disease, and
23 its present and probable effect on the animal, and having regard
24 to the probable sums to be derived from the sale of the carcass,

25 hide and offal. The amount of appraisal shall in no case exceed
26 for a non-registered equine animal the sum of seventy-five dollars,
27 for a registered equine animal the sum of one hundred dollars,
28 for a non-registered bovine animal one hundred dollars, for a reg-
29 istered bovine animal two hundred dollars, for a sheep or pig the
30 sum of ten dollars; *provided, however*, that in case of an outbreak
31 of foot and mouth disease, or any other dangerously contagious
32 or infectious disease among bovine animals and on account of
33 such disease, bovine animals are being destroyed by order of
34 federal authority and for which said bovine animals so destroyed,
35 the federal government pays one-half the true and actual value
36 according to the appraisal, that the state of West Virginia
37 pays one-half and only one-half the true and actual value as above
38 stated. If the amount of appraisal of any animal as determined
39 by the appraiser designated is not satisfactory to the owner of
40 such animal, the appraisal may be made by arbitrators as provided
41 in section seventeen of this act. After such agreement has been
42 executed and appraisal has been made, it shall be the duty of the
43 commissioner or his agent to see that the animal is killed and the
44 carcass disposed of in accordance with the provisions of this act
45 and the rules of the commissioner. When the animal is to be
46 killed the commissioner or his agent shall make and deliver to the
47 owner a certificate which may cover any number of animals be-
48 longing to the same owner, showing the age and description of
49 each animal, the appraised value of said animal or animals, the
50 name and address of the owner of the animal and the fact that
51 he has executed the agreement hereinbefore provided for. At the
52 end of each fiscal year the holders of such certificates of value
53 shall be paid two-thirds of the value of the same from the current
54 appropriations made for carrying out the purpose of this act;
55 *provided*, that the amount paid on such certificates and those sim-
56 ilarly provided for in section seventeen of this act in any one
57 year shall not exceed the appropriation made therefor, which
58 amount shall be paid *pro rata* at the end of each fiscal year on an
59 order signed by the commissioner. When any animal is so killed
60 the owner subject to the regulations of the commissioner may dis-
61 pose of the whole or any part of the carcass and of the hides and
62 offal in such manner as may not tend to spread disease or affect
63 the health of the public.

CHAPTER 105.

(Senate Bill No. 11—Mr. Sanders.)

AN ACT to amend and re-enact section four of chapter one hundred fourteen-*b* of the code of West Virginia, of one thousand nine hundred thirteen.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

Sec.
4. Duties of short hand reporter and stenographer; costs of transcript.

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred fourteen-*b* of the code be amended and re-enacted to read as follows:

Section 4. It shall be the duty of said short-hand reporter to furnish a copy of the notes of testimony, written out in long hand, upon the request of the judge without extra charge, and in case either party to the cause shall request or require a transcript of the said notes, the stenographer shall furnish the same in long hand, and shall be entitled to be paid therefor the sum of twenty cents per each hundred words so transcribed. And if upon appeal or writ of error the judgment or order entered in the cause be reversed, the cost of such transcript shall be taxed as other costs, and if said transcript be requested or required for the purpose of demurring to the evidence, the cost thereof shall be taxed in favor of the party prevailing on the demurrer.

CHAPTER 106.

(Senate Bill No. 168—Mr. Bloch.)

AN ACT to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as section sixty-five-*a*.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

Sec.
65-a. Construction and completion of railroads; computation of time.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the code of West Virginia be amended by adding thereto an additional section to be known as section sixty-five-*a*, which section shall read as follows:

Section 65-a. That, notwithstanding the provisions of any of 2 the sections of the code of West Virginia prescribing the time 3 for the construction or completion of railroads within this state, 4 in computing any such periods of time, there shall not be com- 5 puted the time from April sixth, one thousand nine hundred and 6 seventeen, to twenty-one months from and after the date of the 7 termination of the federal control of railroads under section 8 fourteen of the acts of the congress of the United States of 9 March twenty-one, one thousand nine hundred and eighteen, or 10 under any subsequent act or acts the effect of which is to prolong 11 or extend such federal control.

CHAPTER 107.

(Senate Bill No. 7—Mr. Sanders.)

AN ACT to amend and re-enact section thirty-six, of chapter ninety of the code of West Virginia.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC.
36. Judgment rendered against infant or insane person.

Be it enacted by the Legislature of West Virginia:

That section thirty-six, of chapter ninety, of the code of West Virginia, be amended and re-enacted to read as follows:

Sec. 36. If any person against whom such judgment is 2 rendered shall be at the time of the judgment an infant, or in- 3 sane, the judgment shall be no bar to an action commenced within 4 three years after the removal of such disability.

CHAPTER 108.

(Senate Bill No. 129—Mr. Harmer.)

AN ACT to amend and re-enact sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter

thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b, and thirty-seven, as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state; and the ownership and operation of "moonshine stills."

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC.	SEC.
3. Manufacture, sale, storage, soliciting or receiving orders for intoxicating liquors; misdemeanors; penalty for first and succeeding violations.	of procedure; sale by sheriff; notice of sale.
4. Wine for domestic consumptions; pure grain alcohol for medicinal, pharmaceutical scientific and mechanical purposes; wine for sacramental purposes, duty of druggists; violations of act and penalties.	31. Limiting amount of intoxicating liquors that may be carried into the state; violations and penalties.
14. Maintenance of public nuisances; penalties; carriers that may be confiscated by the state; method	31-a. Transportation of liquor into the state, or within state boundaries; violations; penalties.
	31-b. Non-resident vendors prohibited from selling liquor to be carried or transported into this state; violations; penalties.
	37. Manufacture of "moonshine"; violations and penalties.

Be it enacted by the Legislature of West Virginia:

That sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used in the unlawful transportation of such liquors; and that chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, be further amended by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts thereof, and said sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of "moonshine stills," be amended, re-enacted and added to so as to read as follows:

Section 3. Except as hereinafter provided, if any person
2 acting for himself, or by, for or through another shall manu-
3 facture (other than by "moonshine still") or sell, or keep, store,

4 offer or expose for sale; or solicit or receive orders for any liquors,
 5 or absinthe or any drink compounded with absinthe, he shall be
 6 deemed guilty of a misdemeanor for the first offense hereunder, and
 7 upon conviction thereof shall be fined not less than one hundred
 8 dollars nor more than five hundred dollars, and imprisoned in the
 9 county jail not less than two nor more than six months; and upon
 10 conviction of the same person for the second offense under this
 11 act, he shall be guilty of a felony and be confined in the penitenti-
 12 ary not less than one nor more than five years; and it shall be the
 13 duty of the prosecuting attorney in all cases to ascertain whether
 14 or not the charge made by the grand jury is the first or second of-
 15 fense; and if it be a second offense, it shall be so stated in the in-
 16 dictment returned, and the prosecuting attorney shall introduce
 17 the record evidence before the trial court of said second offense,
 18 and shall not be permitted to use his discretion in charging said
 19 second offense, or in introducing evidence and proving the same on
 20 the trial; and any person, except a common carrier, who shall act as
 21 the agent or employee of such manufacturer (other than a "moon-
 22 shiner") or such seller, or person so keeping, storing, offering or
 23 exposing for sale said liquors, or act as the agent or employee of
 24 the purchaser of such liquors, shall be deemed guilty of such man-
 25 ufacturing or selling, keeping, storing, offering or exposing for
 26-30 sale, as the case may be.

31 An indictment for any first offense under this section shall be
 32 sufficient if in the form or effect following:

33 State of West Virginia,

34 County of.....to-wit:

35 In the Circuit Court of.....County:

36 The grand jurors in and for the body of the said county of
 37....., upon their oaths do present that A. B., within one
 38 year next prior to the finding of this indictment, in the said coun-
 39 ty of....., did unlawfully manufacture, (other than by
 40 "moonshine still") sell, offer, keep, store and expose for sale and
 41 solicit and receive orders for liquors, and absinthe and drink com-
 42 pounded with absinthe, against the peace and dignity of the state.

Sec. 4. The provisions of this act shall not be con-
 2 strued to prevent any one from manufacturing (other than
 3 by "moonshine still"), from fruit grown exclusively within
 4 this state wine, for his own domestic consumption; or to prevent
 5-21 the manufacture from fruit grown exclusively within this
 22 state of vinegar and non-intoxicating cider for use or sale; or to

23 prevent the manufacture and sale at wholesale to druggists only of
24 pure grain alcohol for medicinal, pharmaceutical, scientific and
25 mechanical purposes, or wine for sacramental purposes by religi-
26 ous bodies; or to prevent the sale and keeping and storing for sale
27 by druggists of pure grain alcohol for mechanical, pharmaceut-
28 ical, medicinal and scientific purposes, or of wine for sacramental
29 purposes, by religious bodies, or any United States pharmacopocia
30 or national formulary preparation in conformity with the West
31 Virginia pharmacy law, or any preparation which is exempted by
32 the provisions of the national pure food law, and the sale of which
33 does not require the payment of a United States liquor dealer's
34 tax. But no druggist shall sell any such grain alcohol except for
35 medicinal, scientific, pharmaceutical and mechanical purposes, or
36 for sacramental purposes, except as hereinafter provided, and the
37 same shall not be sold by such druggist for medicinal purposes,
38 except upon a written prescription of a physician of good standing
39 in his profession and not of intemperate habits, or addicted to the
40 use of any narcotic drug, prescribing the amount of alcohol the
41 disease or malady for which it is prescribed, and how it is to be
42 used, the name of the person for whom prescribed, the number of
43 previous prescriptions given by such physician to such person
44 within the year next preceding the date of such prescription, and
45 stating that the same is absolutely necessary for medicine, and not
46 to be used as a beverage, and that such physician, at the time such
47 prescription was given, made a personal examination of such per-
48 son, and that such person is known to such physician to be of
49 temperate habits and not addicted to the use of any narcotic
50 drug, and only one sale shall be made upon such prescription,
51 and such prescription shall be at all times kept on file by such
52 druggist and open to the inspection of all state, county and muni-
53 cipal officers. It shall be the duty of such druggist to register in
54 a book kept for that purpose all prescriptions from physicians
55 mentioned in this section, stating the name of the party for whom
56 prescribed, the date of the prescription, the name of the physician
57 by whom the prescription is issued, the quantity of such alcohol
58 and the use for which prescribed, and such record shall be at all
59 times open to the same inspection as such prescriptions.

60 It shall be lawful for a druggist to sell grain alcohol for
61 pharmaceutical, scientific and mechanical purposes, or wine for
62 sacramental purposes by religious bodies, only to any person, not
63 a minor, and who is not of intemperate habits, or addicted to the

64 use of narcotic drugs, who shall, at the time and place of such
65 sale, make an affidavit in writing signed by himself before such
66 druggist, or a registered pharmacist at the time and place in the
67 employ of such druggist, stating the quantity and the time and
68 place and fully for what purpose and by whom such alcohol or
69 wine is to be used; that affiant is not of intemperate habits or ad-
70 dicted to the use of any narcotic drug; and that such alcohol or
71 wine is not to be used as a beverage, or for any purpose other than
72 that stated in such affidavit. Such affidavit shall be filed and pre-
73 served by such druggist and be subject to inspection at all times
74 by any state, county or municipal officer, and a record thereof
75 made by such druggist in the record book mentioned in this sec-
76 tion, showing the date of the affidavit, by whom made, the quanti-
77 ty of such alcohol, or wine, and when, where, for what purpose
78 and by whom to be used. Only one sale shall be made upon such
79 affidavit, and only in the county where the same is made, and no
80 greater quantity than is therein specified. For the purpose of
81 this act, any druggist or registered pharmacist making such sale
82 shall have authority to administer such oath.

83 If any druggist, owner of a drug store, registered pharmacist,
84 clerk or employe shall upon such prescription or affidavit, or
85 otherwise, knowingly sell or give any such alcohol or wine to any
86 person who is of intemperate habits or addicted to the use of any
87 narcotic drug, or knowingly sell or give the same to any one to be
88 used for any purpose other than that named in said affidavit or
89 prescription, or who shall sell or give away any liquors without
90 such affidavit or prescription, he shall be deemed guilty of a mis-
91 demeanor and punished by fine of not less than one hundred nor
92 more than five hundred dollars and confined in the county jail not
93 less than thirty days nor more than six months. In any prosecu-
94 tion against a druggist, owner of a drug store, registered pharm-
95 acist, clerk or employe, for selling or giving liquor contrary to
96 law, if a sale or gift be proven, it shall be presumed that the same
97 was unlawful in the absence of satisfactory proof to the contrary
98 and the presentation of such prescription or affidavit by the de-
99 fendant at the time of the trial for such sale or gift, shall be suf-
100 ficient to rebut the presumption arising from the proof of such
101 sale or gift. *Provided*, the jury shall believe, from all the evidence
102 in the case, that such sale or gift was made in good faith under the
103 belief that such prescription or affidavit and statements therein
104 were true; and, *provided, further*, that such druggist, owner of a

105 drug store, registered pharmacist, clerk or employe shall have
106 complied with all other provisions of this act relating to the sale
107 or gift.

108 An indictment against, any druggist, registered pharmacist,
109 clerk or employe, for any offense committed under the provisions
110 of this section, shall be sufficient, if in the form and effect follow-
111 ing:

112 State of West Virginia,

113 County of.....to-wit:

114 In the Circuit Court of said County:

115 The grand jurors in and for the body of the said county of
116, upon their oaths do present that A. B., within one
117 year next prior to the finding of this indictment, in the said coun-
118 ty of.....did unlawfully sell, give, offer, expose, keep and
119 store for sale and gift, liquors, against the peace and dignity of
120 the state.

Sec. 14. All houses, boat-houses, buildings, club rooms, and
2 places of every description, including drug stores, where intoxi-
3 cating liquors are manufactured, stored, sold or vended, given
4 away, or furnished in any way contrary to law (including
5 houses in which clubs, orders, or associations, shall barter, give
6 away, distribute, or dispense, intoxicating liquors to their mem-
7 bers by any means or device whatever, as provided in section six
8 of this act), shall be held, taken and deemed, common and pub-
9 lic nuisances. All boats, cars, automobiles, wagons, aircraft,
10 beasts of burden, or vehicles of any kind, where intoxicating
11 liquors are had, kept or possessed for the purpose of transport-
12 ing, or carrying, in any way, contrary to law, shall be held,
13 taken and deemed common and public nuisances. Boats, cars
14 (including railroad and traction passenger cars operating in this
15 state), automobiles, wagons, aircrafts, beasts of burden, or
16 vehicles of any kind, shall be held, taken and deemed as places
17 within the meaning of this act, and may be proceeded against
18 by suit in equity under the provisions of section seventeen.
19 And any person who shall maintain, or shall aid or abet, or
20 knowingly be associated with others in maintaining such com-
21 mon and public nuisance, shall be guilty of a misdemeanor, and
22 upon conviction thereof, shall be punished by a fine of not less
23 than one hundred nor more than five hundred dollars, and by
24 imprisonment in the county jail not less than sixty days nor
25 more than six months for each offense, and judgment shall be

26 given that such house, building, or any room therein, or other-
27 place, be abated or closed up as a place for the sale or keeping
28 for sale of such liquors contrary to law, as the court may de-
29 termine.

30 All automobiles, cars, boats (other than railway cars, street
31 cars and steamboats), wagons, aircraft, beasts of burden, or
32 vehicles of any kind, that are used to bring or carry excessive
33 quantities of intoxicating liquors into the state, or from one
34 place to another within the state, or that are known or found
35 to contain excessive quantities of intoxicating liquors while in,
36 on, or operating upon any street, alley, road, highway, or water
37 course, or stored in any garage or other storage place, or in any
38 other place, whether such liquors are in the possession of pas-
39 sengers or occupants of any such vehicle or otherwise, shall be
40 subject to seizure, forfeiture, and confiscation by the state. Any
41 state, county, district, or municipal officer whose duty it is to en-
42 force the provisions of chapter thirty-two-a of Barnes' code of
43 West Virginia, shall seize and take into his custody any automo-
44 bile, car, boat (other than railway cars, street cars and steam-
45 boats), wagon, aircraft, beast of burden, or other vehicle, that is
46 being used as a container or conveyance of excessive quantities of
47-48 liquor, whether said liquors are upon the persons and in the
49 actual custody of the passengers or occupants of any such
50 vehicle of conveyance, or otherwise. Upon the seizure of any
51 property under the provisions of this section by any officer, the
51-a owner or other person entitled to the possession of such property
51-b so seized, may give bond with good security before the clerk
51-c of the circuit court, in a sum equal to double the value of
51-d said property, with condition that said property will be forth-
51-e coming to answer any judgment or order of the court relating
51-f to the same, and to cover any damages to said property while
51-g the same is in his possession pending an investigation or pro-
51-h ceeding in equity hereinafter provided for. And that upon the
51-i execution of such bond, the possession of such property shall
51-j be delivered to the said owner or claimant. Upon failure to
51-k give such bond, the said officer shall preserve the same
52 and keep it safely in custody, and shall immediately re-
53 port the seizure to the prosecuting attorney of the county,
54 and to the state tax commissioner, whereupon the state
55 tax commissioner and the prosecuting attorney, or either
56 of them, may institute a suit in equity in the cir-
57 cuit court in the manner provided by section seventeen

58 of chapter thirty-two-a of the code, making all proper per-
59 sons parties thereto. If the circuit court upon the hearing, shall
60 find that any vehicle of conveyance mentioned in this section
61 (other than railway cars, street cars and steamboats), is being
62 used, or has been used as a container or storage place for ex-
63 cessive quantities of intoxicating liquors, or is or has been used
64 to bring or carry excessive quantities of intoxicating liquors into
65 the state, or from one place to another within the state, in vio-
66 lation of the provisions hereof, said court shall adjudge such
67 property to be a common and public nuisance, and shall enter
68 an order directing that the same be sold by the sheriff of the
69 county, at public auction, to the highest bidder, for cash;
69-a *provided*, however, that if the court shall find that the *bona*
69-b *fide* owner of any vehicle of conveyance or other property seized
69-c and proceeded against under the provisions of this section did
69-d not know of, consent to or acquiesce in such unlawful use of
69-e said property, and that said owner had no cause to believe that
69-f said property was being, or intended to be, so unlawfully used,
69-g as aforesaid, then said court shall enter an order releasing said
69-h property to the true owner thereof; *provided*, that any persons
69-i sustaining the relationship of husband or wife to an offender
69-j hereunder, shall not be deemed *bona fide* owners within the
69-k meaning of this act; and *provided, further*, that any *bona fide*
70 lienor of any such property shall be entitled to file his petition
70-a and become a party to any proceeding in equity under this
70-b section, and shall be permitted to share in the proceeds of the
70-c sale of any such property, as his interest may appear. The
71 proceeds arising from the sale of any such property, after de-
71-a ducting any proper costs, allowances or commissions, and
71-b after satisfying all liens thereon, shall be paid over
72 to the auditor of the state by the sheriff for the use
73 and benefit of the general school fund. When the value of the
74 property confiscated hereunder is one hundred dollars or more,
75 either the state or the defendant shall have the right of appeal
76 from the judgment of the circuit court.

77 Notice of any such sale shall be published in some newspaper
78 published in said county for four weeks and posted at the front
79 door of the court house of the county in which such property
80 was seized.

81-83 If any person shall hire, or secure the use of, or obtain
84 passage upon any automobile, car, boat (other than rail-

85 way cars, street cars and steamboats), wagon, aircraft, beast of
86 burden, or other vehicle of any kind, from any *bona fide* owner
87 thereof, or the agent of any such owner, for the purpose of bring-
88 ing or carrying into the state, or from one place to another within
89 the state, excessive quantities of intoxicating liquors, whether car-
90 ried upon his person or otherwise while in any vehicle of convey-
91 ance mentioned in this section, without first informing any such
92 owner or his agent, of his intention and purpose to carry excessive
93 quantities of intoxicating liquors, and the owner of any such
94 vehicle of conveyance as is mentioned herein, suffers or sustains
95 any loss or damage by reason of his property being seized, de-
95-a tained and proceeded against by the state under the pro-
96 visions hereof, such person so securing the use of any vehicle of
97 conveyance mentioned herein, or obtaining passage thereon,
98 shall be guilty of a misdemeanor, and upon conviction shall be
99 fined not less than two hundred dollars nor more than five hun-
100 dred dollars, and confined in the county jail not less than three
101 months nor more than six months; and the owner of any such
102 property may recover all damages sustained by him from any
103 person so hiring or obtaining passage upon any such vehicle of
104 conveyance for use in the unlawful transportation of intoxi-
105 cating liquors, without first informing the owner or his agent of
106 such purpose, in an action at law in any of the civil courts hav-
107 ing jurisdiction thereof; *provided*, that the refusal or neglect
108 of the owner of any such property to sue for damages, or his
109 failure to recover in a civil action hereunder, shall not in any
110 way affect or bar the right of the state to prosecute the offender
111 for a misdemeanor. Justices of the peace shall have concurrent
112 jurisdiction with the circuit, criminal and intermediate courts
113 of criminal offenses arising hereunder.

Sec. 31. It shall be unlawful for any person to bring or
2 carry into the state, during any period of thirty consecutive days,
3 or carry from one place to another within the state, or to have or
4 carry in or on any passenger train or other vehicle of conveyance,
5 within said period, in any manner whatsoever, whether in his
6 personal baggage or otherwise, more than one quart of intoxi-
7 cating liquors, whether such liquors are intended for personal use
8 or for any other purpose, and whether or not any such person
9 shall be an intra-state or interstate passenger. If any person
10 shall bring, or carry into the state, during any period of thirty

11 consecutive days, or from one place to another within the state,
12 or shall have or carry in or on any passenger train or other
13 vehicle of conveyance, within said period, in any manner what-
14 soever, whether in his personal baggage or otherwise, more than
15 one quart of intoxicating liquors, whether the same is intended
16 for personal use or for any other purpose, and whether any such
17 person shall be an intra-state or interstate passenger or not, he
18 shall be deemed guilty of a misdemeanor, and upon conviction
19 thereof, shall be fined not less than one hundred dollars nor more
20 than five hundred dollars, and imprisoned in the county jail not
21 less than two nor more than six months. And upon conviction
22 of the same person for the second offense under this act, he shall
23 be guilty of a felony, and be confined in the penitentiary not less
24 than one nor more than five years; and it shall be the duty of the
25 prosecuting attorney in all cases, to ascertain whether or not the
26 charge made by the grand jury is the first or second offense; and
27 if it be a second offense, it shall be so stated in the indictment
28 returned, and the prosecuting attorney shall introduce the record
29 of the first conviction as evidence before the trial court of said
30 second offense, and shall not be permitted to use his discretion in
31 charging said second offense, or in introducing evidence and
32 proving the same on the trial.

33 It shall be unlawful for any carrier operating in this state
34 knowingly to carry for a passenger, or for any of its employees, or
35 knowingly to permit any person or employee to carry into this
36 state, or from one place to another within the state,
36-a or knowingly to permit any passenger or employee to have
37 or carry in or on any of its trains, more than one quart of in-
38 toxicating liquors as baggage. If any carrier shall knowingly
39 carry for a passenger, or knowingly permit a passenger to carry
40 into the state, or from one place to another within the state, or
41 knowingly to permit any passenger or any person in its employ to
42 have or carry in or on any of its trains, more than one quart of
43 intoxicating liquors as personal baggage, the carrier shall be
44 deemed guilty of a misdemeanor, and upon conviction thereof
45 shall be fined not less than two hundred dollars nor more than
46 one thousand dollars. And a court of equity, upon showing that a
47 carrier has knowingly carried for a passenger or an employee, or
48 knowingly permitted a passenger to carry into the state, or from
49 one place to another within the state, more than one quart of in-
50 toxicating liquors as personal baggage, or through the want of

51 due caution and care, has carried for a passenger or employee,
52 or permitted a passenger or employee to carry into the state, or
53 from one place to another within the state, more than one quart
54 of intoxicating liquors as personal baggage, shall have jurisdic-
55 tion to entertain such suit and to enter such decree and take such
56 proceedings as are provided for in section seventeen.

Sec. 31-a. It shall be unlawful for any person to order, pur-
2 chase, sell, or cause intoxicating liquors, except as provided in
3 section thirty-one, to be transported into the state, or from one
4 place to another within the state, in any manner, except pure
5 grain alcohol for medicinal, pharmaceutical, scientific and
6 mechanical purposes, and wine for sacramental purposes to be
7 used by religious bodies, as now provided by law. If any such
8 person shall order, purchase, sell or cause intoxicating liquors, in
9 any quantity, except as provided in section thirty-one, to be trans-
10 ported into the state, or from one place to another within the
11 state, in any manner, except for the purposes herein specified, he
12 shall be deemed guilty of a misdemeanor for the first offense; and
13 upon conviction of the same person for the second offense here-
14 under, he shall be guilty of a felony, and the punishment of each
15 offense hereunder shall be the same as that prescribed for offenses
16 arising under section thirty-one of this act.

Sec. 31-b. It shall be unlawful for any non-resident vendor,
2 dealer, or other person, to sell or furnish intoxicating liquors,
3 with the exception of persons coming within the purview of sec-
4 tion thirty-one, to any person who intends to, and does, transport
5 or carry such liquors into this state contrary to the laws thereof,
6 when such non-resident vendor, dealer or other person knows, or
7 has cause to believe, that such liquors are intended to be so un-
8 lawfully transported and carried into this state. Any non-resi-
9 dent vendor, dealer or other person, so offending, shall be deemed
10 an aider and abettor to any person so purchasing or receiving and
11 unlawfully carrying or transporting such liquors into this state,
12 and such non-resident vendor, dealer or other person, shall be
13 held equally guilty with the person carrying such liquors, who
14 shall be deemed the principal in the offense, and the principal and
15 abettor may be charged in the complaint or indictment, either
16 jointly or separately. The first offense hereunder shall be a mis-
17 demeanor, and the second offense shall be a felony, and each of-
18 fense shall be punished as provided in section thirty-one of this
19 act.

Sec. 37. It shall be unlawful for any person to own, operate, 2 maintain or have in his possession, or any interest in, any 3 apparatus for the manufacture of intoxicating liquors, commonly 4 known as a "moonshine still," or any device of like kind or char- 5 acter. For the purposes of this act, any mechanism, apparatus 6 or device that is kept or maintained in any desert, secluded, hid- 7 den, secret or solitary place, away from the observation of the 8 general public, for the purpose of distilling, making or manu- 9 facturing intoxicating liquors, or which by any process of evapora- 10 tion, separates alcoholic liquor from grain, molasses, fruit or any 11 other fermented substance, or that is capable of any such use, 12 shall be taken and deemed to be a "moonshine still;" and the owner 13 or operator of any such "moonshine still" shall be deemed a 14 "moonshiner." Any person owning, operating, or having any 15 interest in any moonshine still, shall be guilty of a felony, and 16 upon conviction thereof shall be fined not less than three hundred 17 dollars nor more than one thousand dollars, and be confined in 18 the penitentiary not less than two nor more than five years. Any 19 person who aids or abets in the operation or maintenance of any 20 moonshine still shall be guilty of a felony, and upon conviction 21 thereof shall be fined not less than two hundred dollars nor more 22 than five hundred dollars, and confined in the penitentiary not less 23 than one nor more than three years.

24 Any person who has in his possession any quantity of moon- 25 shine liquor shall be guilty of a misdemeanor, and upon convic- 26 tion thereof shall be fined not less than one hundred dollars nor 27 more than three hundred dollars, and confined in the county jail 28 not less than thirty nor more than ninety days; *provided*, that if 29 any such person shall fully and freely disclose the name or names 30 of any person or persons from whom he received said moonshine 31 liquor, and give any other information that he may have relative 32 to the manufacture and distribution of the same, and shall truth- 33 fully testify as to any such matters of information, he shall be 34 immune from further prosecution or punishment. Sections nine, 35 ten, eleven, twelve and thirteen of chapter thirty-two-a of Barnes' 36 code, one thousand nine hundred and sixteen, relating to searches 37 and seizures and procedure, shall apply to and govern the offenses 38 arising under this section, so far as they are applicable; *provided*, 39 that any person held by a justice under this section to answer for 40 a felony, shall give a bond in the penalty of not less than one 41 thousand dollars to appear at the next term of the circuit, crim-

42 inal or intermediate court of the county having jurisdiction, to
 43 answer an indictment if one be preferred against him; and *pro-*
 44 *vided, further*, that it shall be the duty of the officers to seize and
 45 forthwith destroy all moonshine stills, and liquors and parapher-
 46 nalia found in connection therewith.

CHAPTER 109.

(Senate Bill No. 127—Mr. Gribble.)

AN ACT to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

SEC. 53. Privilege granted of extending railroad lines to points in and out of the state; merging and		SEC. consolidation; purchase and sale of railroad lines.
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Be it enacted by the Legislature of West Virginia:

That section fifty-three of chapter fifty-four of the code of West Virginia be amended to read as follows:

Section 53. Any railroad corporation which has been, or shall
 2 be organized under the general laws of this state, or deriving its
 3 franchise therefrom, or organized under special charter, may
 4 extend, with the consent of the stockholders owning a majority
 5 of the stock present at any general or special meeting thereof, its
 6 line beyond either or both termini named in the articles of in-
 7 corporation or special charter under which its line is located; and
 8 such extension may be located by the most practical route, and
 9 may pass out of this state into any other state, with the assent
 10 of such state, and back again into this state, as often as may be
 11 found necessary in locating such extension, and such corpora-
 12 tion may construct, own or operate such extension or extensions
 13 in the same manner and to the same extent as if such extension
 14 or extensions had been included in the original articles of asso-
 15 ciation or special charter; *provided, however*, that any railroad
 16 company organized under special charter by extending its line,
 17 shall not carry with it any special privileges guaranteed it under
 18 its charter, as to such extension, but only such rights and privi-
 19 leges as are conferred under the general law; *provided*, that such
 20 corporation before commencing any such extension, in this state,

21 shall file in the office of the secretary of state, a certificate stating
22 the point at or near which such extension in this state shall com-
23 mence and terminate. No railroad corporation owning or oper-
24 ating a railroad wholly or in part within this state, shall con-
25 solidate its capital stock with any other railroad running a
26 parallel or competing line, without the consent of the legislature,
27 but any such railroad corporation whose line of railroad is made,
28 or is in process of construction, may merge or consolidate with,
29 or lease its railroad or any part thereof for a term of years to
30 any other corporation of this or an adjoining state owning or
31 operating a line of railroad completed or in process of construc-
32 tion, wholly or partly within this or an adjoining state, and con-
33 nected directly or by means of an intervening railroad or rail-
34 roads, in order to make a continuous line of railroad to be run
35 and operated with or without changes of cars, or break of bulk,
36 or exchange or transfer of passengers or freight; and may sell
37 to or purchase such connecting line of railroad; and may adopt
38 another name for their said road. thus merged, consolidated or
39 connected, by filing in the office of the secretary of state a declara-
40 tion of the adoption of such other name; and shall publish such
41 declaration for sixty days in all newspapers published along the
42 line of such railroad; but such merger, consolidation or sale, shall
43 be made only upon such terms and conditions as shall be agreed
44 to by the stockholders owning a majority of the stock in each of
45 the companies so merging, consolidating, purchasing or selling;
46 *provided*, that where two or more railroad companies have been
47 heretofore incorporated under and by virtue of the laws of this
48 state, for the construction of two or more lines of railroad which
49 have been located or surveyed along the same line between any
50 points or places, and each of said corporations has acquired
51 separate and distinct rights and interest under their respective
52 charters, or made or performed any work toward the construc-
53 tion of the improvements contemplated by their respective char-
54 ters, or where two or more such railroad corporations have here-
55 tofore constructed or shall hereafter construct lines of city or
56 interurban railroad operated by electricity or other motive power
57 than steam, lying wholly or partly within this state, the said lines
58 being not parallel or competing, and regardless of any direct
59 physical connection between the said lines of railroad, respectively,
60 it shall be lawful for the boards of directors of said corporations,
61 with the consent of the stockholders owning a majority of the

62 stock of each of the corporations interested, to merge or con-
63 solidate the capital stock of their respective companies, or to
64 consolidate different interests in the same road, upon such terms as
65 they may agree upon; or for one or more of such corporations to
66 make sale of all their right, title and interest, including the fran-
67 chises of such corporations to such other corporations, in such
68 manner as may be deemed advisable; *provided, however*, that such
69 merger or consolidation or purchase shall not invalidate any
70 action, suit, claim or demand against any or either of the com-
71 panies who are parties thereto, and any such action, suit, claim
72 or demand shall be held to be in full force against the company
73 owning such consolidated or merged line of railroad; and in no
74 case shall any consolidation or merger or sale take place, except
75 after sixty days' notice, which notice shall be given in the manner
76 prescribed in section forty-five of this chapter; *provided*, that
77 every railroad corporation doing business in this state under
78 charters granted or laws passed by the state of Virginia, is hereby
79 declared to be as to its works, property, operations, transactions
80 and business in this state, a domestic corporation, and shall be
81 so held and treated in all suits and legal proceedings which may
82 be commenced or carried on by or against any such railroad cor-
83 poration, as well as in all other matters relating to such corpo-
84 ration; but such corporation shall not be required to file a copy
85 of its charter or any writing with the secretary of state, as pro-
86 vided in section thirty of chapter fifty-four of the code of West
87 Virginia; and all leases of railroads heretofore made between
88 railroad companies, as provided in this section, shall be deemed
89 valid. And it shall be lawful for any railroad company, created
90 under the laws of this state, or of this state and any other state
91 or states, to consolidate with any other railroad or railroads in
92 this state or other states; or such railroad company of this state,
93 or of this state and other states, may purchase the railroad, cor-
94 porate rights and franchises of any railroad company created
95 under the laws of this state or of this state and any other state
96 or states; *provided*, the railroad or railroads so proposed to be
97 consolidated or purchased, are not parallel or competing railroads
98 to the company consolidating or purchasing the same; and, *pro-*
99 *vided, further*, that the railroad or railroads so proposed to be
100 consolidated or purchased, form with the railroad of the com-
101 pany consolidating or purchasing the same, either directly or by
102 means of other intervening railroad or railroads, a through line

103 for the transportation of persons and property, unless such rail-
 104 roads are operated by electricity or other motive power than
 105 steam; and, *provided, further*, that the agreement for such con-
 106 solidation, or purchase, shall be first made between the directors
 107 of the different companies so proposing to consolidate or pur-
 108 chase and sell, and before the same shall be effective the same
 109 shall be ratified by the votes of two-thirds in amount of all the
 110 stockholders of each of the companies, parties to such agree-
 111 ment. Such agreement may be ratified by such stockholders at
 112 any annual or special meeting of such stockholders. Due notice
 113 of such meeting showing the time, place and object of such meet-
 114 ing, shall be published once a week for four weeks in the news-
 115 papers in which the notice of the annual meetings of such com-
 116 panies is published, and a printed copy of such notice shall also
 117 be mailed, postpaid, to the address of each stockholder of record,
 118 of each of the companies parties to said agreement, at least thirty
 119 days prior to the time of such meeting; and, *provided, further*,
 120 that the portion of railroad or railroads in this state so proposed
 121 to be consolidated, or purchased, shall continue, in all respects,
 122 subject to the jurisdiction of the laws of this state and especially
 123 in respect to the laws relating to taxation.

CHAPTER 110.

(Senate Bill No. 114—Mr. Scherr.)

AN ACT to amend and re-enact chapter fifteen-j, Barnes' code one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a State Board of Children's Guardians, and to define its duties.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

SEC.

1. Creating state board of children's guardians; how constituted; appointment by the governor; terms of office; compensation.
2. Duties of the board.
3. Biennial report to the governor; defining terms used in act.
4. Custody of dependent, neglected or abandoned children; how secured; costs; how paid.
5. Powers of the board in reference to neglected children remaining in their own home.
6. Commitment of children to private home, institution or association.
7. Enticement of children from custody of board; penalty.

SEC.

8. Placing of children in orphan asylum or children's home.
9. Children placed in private homes.
10. Investigation of and report on paroled children from state homes for boys and girls.
11. Powers and duties of board in visitation of institutions and associations, with whom children have been placed.
12. Board to pass upon articles of incorporation for proposed new homes for dependent or neglected children.
13. Appointment of guardian for adopted child.
14. Requirements of the board with associations and institutions of

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| <p>Sec. other states placing children in this state.</p> <p>15. Religious belief of parents of child.</p> <p>16. Liability of parents or person to pay for care of child; court order relative thereto.</p> <p>17. Failure of parent or person to pay as so ordered.</p> <p>18. Guardianship of estate of child.</p> <p>19. Misdemeanor to contribute to dependency of a child.</p> | <p>Sec.</p> <p>20. Powers of the court in relation to person found guilty of contributing to dependency.</p> <p>21. Proof of actual dependency.</p> <p>22. Gathering of statistics and study of problems connected with dependent, delinquent and defective children.</p> <p>23. Act effective July 1, 1919.</p> <p>24. Repealing acts and parts of acts inconsistent.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a state board of children's guardians, which shall be a corporation, and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. It shall consist of three members chosen from the two largest political parties, who shall be citizens of the state, and not more than two of them shall belong to the same party. They shall be appointed by the governor, by and with the consent of the senate. The members first appointed shall hold office as designated by the governor for the two, four and six years, respectively, beginning the first day of July, one thousand nine hundred and nineteen. Subsequent appointments shall be made as above provided, and, except to fill vacancies, each appointment shall be for a term of six years. The board shall biennially choose one of its members to be president thereof. The governor may remove any member for incompetency, neglect of duty, gross immorality, malfeasance in office or for other good cause; and in case of a vacancy occurring by death, resignation, removal or otherwise, may declare the office vacant and fill the same by appointment for the unexpired term. The board shall be provided with an office in the state capitol.

The financial transactions of the board shall be supervised by the state board of control as at the present time. The members of the board shall be paid a per diem of five dollars for time actually employed or assigned and necessary traveling and hotel expenses.

The board shall hold its annual meeting as soon as practicable after the close of each fiscal year. There shall be four regular meetings per year. No member can be assigned more than five days in any one month.

Sec. 2. The board shall make such by-laws, ordinances, rules and regulations, relative to its management and government not contrary to law as it may deem proper; and, shall appoint such officers and agents as it may deem necessary to carry on the operations of said board, designating their duties and fixing their com-

6 pensionation. *Provided*, that said paid agents shall not exceed ten in
7 number; and *provided, further*, that at least four of such agents
8 shall be women.

Sec. 3. The board shall make a biennial report to the gov-
2 ernor of their transactions generally, and all such facts and matters
3 tending to exhibit the effects either beneficial or otherwise, of the
4 work, investigations, *et cetera*, of the said board.

Sec. 4. It shall be lawful for the board, its officers or agents,
2 to take or receive into its custody or control, children as herein-
3 after provided.

4 (a) The words "dependent children" as used herein or in
5 any statute concerning care, custody or control of children, shall
6 mean any boy under the age of sixteen years or any girl under the
7 age of eighteen years, who is dependent upon public charity or
8 who is destitute, homeless or abandoned.

9 (b) The words "neglected children" as used herein shall
10 mean any boy sixteen years or under or any girl eighteen years or
11 under who has not proper paternal care or guardianship; or who
12 habitually begs or receives alms, or who is found living in any
13 house of ill fame, or with any vicious or disreputable person; or
14 whose home by reason of neglect, cruelty or disrepute on the part of
15 its parents, guardians or other person or persons in whose care it
16 may be, is an improper place for a child to live, or whose environ-
17 ment is such as to warrant the state in the interest of the child in
18 assuming its guardianship.

19 (c) Whenever the board, any members thereof, officers or
20 agents, or any reputable person shall have probable cause to be-
21 lieve that a child is dependent, neglected, abandoned or cruelly
22 treated, said board, member, officer, agent or person may pre-
23 sent a petition setting forth such facts, or any of them, verified
24-25 by the oath of some creditable person having a personal knowl-
26 edge thereof to the judge of a circuit, common pleas, criminal, in-
27 termediate or juvenile court of the county in which said child re-
28 sides, who may require such child to be delivered into the custody
29 of said board, its officers or agents, or such other custody as the
30 judge or court may deem proper to care for such child until a
31 hearing can be had, and sufficient notice of the time and place of
32 such hearing shall be served upon the person from whose custody
33 said child was taken, or who is sought to be deprived of the custody
34 of said child, and any parent or other person legally entitled to
35 stand in *loco parentis* or other relative of such child may appear

36 at such hearing; and notice shall also be given to the agent of the
37 board of children's guardians in the county where said hearing is
38 to be held.

38-*a* If the facts set forth in said petition shall on the hearing be
39 maintained, and it shall appear to the judge of court that the in-
40 terest and welfare of such child require the custody thereof to be
41 changed, the judge or court shall order the custody to be changed,
42 and, may order that the child be committed to the care of said
43 board, its officers or agents. No child may be committed to the
44 board of children's guardians who is not mentally normal and all
45 such children committed to the board shall first receive a physical
46 and medical examination based upon blank forms to be provided
47 by said board. All information possible regarding the history of
48 the child, its parent and forebears shall be supplied by the court
49 to the board at the time of its commitment, on blank forms to be
50 provided by the said board to enable the board to deal intelli-
51 gently with the child and eventually provide said child with
52 such information, as is deemed advisable by the said board. All
53 such information shall be kept by the board in permanent form
54 and shall be in the custody of the secretary of said board. Such
54-*a* record shall be open to inspection only by permission granted
54-*b* by said board.

55 (*b*) All costs necessary in a hearing or commitment under
56 this section shall be a proper charge against the county in which
57 the hearing is held, and shall be paid by the county court thereof
58 upon order of the court in which such hearing is held. The fees
59 allowed for such hearings shall be the same as are allowed in pro-
60 ceedings for the commitment of boys to the West Virginia indus-
61 trial school for boys.

61-*a* (*e*) Whenever application is made to the board of children's
62 guardians, its officers or agents to accept the care and custody of
63 children as hereinbefore provided, said board, its officers or agents
64 shall make a careful and thorough investigation, and, if it is found,
65 that it is a case of a poor, but otherwise worthy parent or guardian,
66 the board may upon application to the judge of the circuit court,
67 secure an order requiring the county court to provide maintenance
68 for said parent and children, which maintenance shall be fur-
69 nished under the mother's pension act or otherwise.

70 (*f*) This act shall be liberally construed to the end that
71-72 proper guardianship may be provided for such children as are
73 hereinbefore described, and that said children may be educated,

74 and cared for, as far as practicable, in such a manner as best sub-
75 serves their moral, intellectual and physical welfare, and as far as
76 practicable in proper cases that the parent or person having such
77 children in their care, custody or control may be enabled and com-
78 pelled to perform their moral and legal duty in the interests of
79 such children.

80 (g) All children declared public wards under the provisions
81 of this act shall remain public wards until they reach the age of
82 twenty-one years, unless they shall upon a proper showing made be
83 returned by order of the board to their parents, or other guardian,
84 or shall be adopted in the manner prescribed by law.

Sec. 5. If the court shall find any male or female child under
2 the age of eighteen years to be dependent or neglected within the
3 meaning of this act, the court may allow such child to remain at
4 its own home subject to the friendly visitation of a probation offi-
5 cer or to report to the court or probation officer from its home or
6 school at such times as the court may require. And if the parent,
7 guardian or custodian consent thereto, or if the court shall fur-
8 ther find that the parents, parent, guardian or custodian of such
9 child are unfit or improper guardians or are unable or unwilling to
10 care for, protect, train, educate in accordance with the general
11 school law of the state, correct or discipline such child and that it
12 is for the interest of such child and of the people of this state that
13 such child be taken from the custody of its parents, parent, custo-
14 dian or guardian, the court may make an order appointing as
15 guardian of the person of such child some reputable citizen of
16 good moral character and order such guardian, to place such child
17 in some suitable family home or other suitable place, which such
18 guardian may provide for such child, or the court may enter an
19 order committing such child to some suitable state institution, or-
20 ganized for the care of dependent or neglected children, or to some
21 training school or industrial or children's home-finding society or
22 to some association embracing in its object the purpose of caring
23 for or obtaining homes for neglected or dependent children, which
24 association shall have been accredited as hereinafter provided.

Sec. 6. In every case where such child is committed to an
2 institution, or association, the court shall appoint the president,
3 secretary or superintendent of such institution or association,
4 guardian over the person of such child and shall order such guard-
5 ian to place such child in such institution or with such association,
6 whereof he is such officer, and to hold such child, care for, train

7 and educate it subject to the rules and laws that may be in force
8 from time to time governing such institution or association.

Sec. 7. All children surrendered to the care or committed
2 to the custody of such board shall be under its supervision and
3 control in the manner herein provided, until they are received into
4 an orphan asylum or children's home, or other suitable home as
5 hereinafter provided, or until otherwise ordered by the said cir-
6 cuit, criminal, intermediate, common pleas or juvenile court in
7 session or judge thereof sitting in vacation. Any person who shall
8 either personally or by agent entice or attempt to entice away a
9 child from the custody of such trustees or directors, or who shall
10 by threats, menace or force, deprive or attempt to deprive the
11 board, its officers or agents, of the custody of a child, shall be
12 guilty of a misdemeanor, and shall be fined not less than ten nor
13 more than one hundred dollars and may at the direction of the
14 court be imprisoned in the county jail not less than one nor more
15 than six months, and justices of the peace shall have concurrent
16 jurisdiction with the circuit, criminal and intermediate courts,
17 in the trial of such offenses.

Sec. 8. Said board may place any of said children in any or-
2phan asylum or children's home, incorporated under the laws of
3 the state of West Virginia and approved by said board, and it shall
4 be lawful for any orphan asylum or children's home to receive
5 from said board, its officers or agents, any such children. As to
6 any child or children so received, such orphan asylum or children's
7 home shall have the same rights, powers, privileges and authority,
8 and be subject to the same duties, requirements and responsibili-
9 ties as in the case of children placed under its care and manage-
10 ment in any of the modes now allowed by law.

Sec. 9. Said board may, when in its discretion it shall ap-
2pear proper, place any of said children in suitable homes, and, in
3 such case, the said board and the person or persons with whom said
4 child or children are placed, shall observe and be governed by all
5 the provisions of the laws of this state in the case of children placed
6 in homes by the directors or trustees of any orphan asylum or chil-
7 dren's home.

Sec. 10. The said board shall upon the request of the su-
2perintendent of the West Virginia industrial home for girls, or
3 the West Virginia industrial school for boys, make investigations
4 and reports to such superintendents on youths paroled from either
5 of those schools or on the homes to which youths from either of

6 them are about to be paroled. It shall also provide for visitation,
7 inspection and reports on homes in which wards of the said West
8 Virginia colored orphan's home are placed.

Sec. 11. All institutions or associations receiving children
2 under this act shall be subject to visitation, inspection and super-
3 vision by the state board of children's guardians, and it shall be the
4 duty of said state board of children's guardians to pass annually
5 upon the fitness of every such association as may receive, or desire
6 to receive, children under the supervision of this act, and every
7 such association shall make report thereto, showing its condition,
8 management and competency to adequately care for such children
9 as are or may be committed to it, and such other facts as said board
10 may require, annually at such time as the said state board of chil-
11 dren's guardians may direct; and upon said board being satisfied
12 that such association or institution is competent, and has adequate
13 facilities to care for such children, the board shall issue to the
14 same a certificate to that effect, which certificate shall continue in
15 force for one year, unless sooner revoked by said board, and no
16 child shall be committed to any such institution or association
17 which shall not have received such certificate within eighteen months
18 next preceding the commitment. The court may, at any time,
19 require from any association receiving or desiring to receive chil-
20 dren under the provisions of this act, such reports, information
21 and statements as the judge shall deem proper or necessary for his
22-27 action, and the court shall in no case be required to commit a
28 child to any institution or association whose standing, conduct,
29 care of children, or ability to care for the same is not satisfactory
30 to the court.

31 On the basis of its investigations and of the reports submit-
32 ted to it, the board may offer to the officials in charge or to those
33 in control of eleemosynary, charitable and correctional institu-
34 tions included in this act and to those dispensing relief funds, such
35 suggestions as in its judgment it shall deem expedient; and is au-
36 thorized to institute proceedings for the revocation of charters of
37 such institutions, organizations or societies as willfully fail to en-
38 force within a reasonable length of time such standards of work as
39 are suggested by said board. All proceedings under this section
40 shall be included by the board in its biennial report to the governor.

Sec. 12. No association whose objects embrace the caring for
2 dependent, neglected or delinquent children shall hereafter be in-
3 corporated unless the proposed articles of incorporation shall first

4 have been submitted to the examination of the state board of chil-
5 dren's guardians and the secretary of state shall not issue a cer-
6 tificate of incorporation unless there shall first be filed in his office
7 the certificate of said board that the said board has examined the
8 said articles of incorporation, and that, in their judgment, the in-
9 corporators are reputable, reliable and responsible persons, that
10 the proposed work is needed and that the incorporation of such
10-a association is desirable for the public good and the welfare of
11 dependent or neglected children. Any amendment proposed to
12 the articles of incorporation of any such association now existing
13 or hereafter created shall be submitted in like manner to the
14 state board of control and the secretary of state shall not re-
15 cord such amendment or issue his certificate therefor unless there
15-a shall be filed in his office the certificate of said board of chil-
16 dren's guardians that the said board has examined the said
17 amendment and that the association in question is, in the
18 judgment of said board, performing in good faith the work under-
19 taken by it, and that the said amendment is, in the judgment of
20 the executive officer, a proper one and for the public good, and in
21 the interest of neglected, dependent children. Nothing in this act
22 contained shall apply to corporations or organizations now or here-
23 after existing under and by virtue of chapter fifty-seven, Barnes'
24 code of West Virginia, one thousand nine hundred and eighteen.

Sec. 13. Whenever a petition filed as provided in section four
2 hereof, or a supplenemtal petition filed at any time after the ap-
3 pointment of the guardian, shall pray that the guardian appointed
4 or to be appointed shall be authorized to consent to the legal adop-
5 tion of the child, and the court upon the hearing shall find that it
6 is to the best interests of such child that the guardian be given such
7 authority, the court may, in its order appointing such guardian,
8 empower him to appear in court where any proceedings for the
9 adoption of such child may be pending, and to consent to such
10 adoption. Such consent shall be sufficient to authorize the court
11 where adoption proceedings are pending to enter a proper order
12 or decree of adoption without further notice to, or consent by, the
13 parents or relatives of such child; *provided, however*, that before
14 entering such order the court shall find from the evidence that (1)
15 the parents or surviving parent of a legitimate child or the mother
16 of an illegitimate child, or if the child has no parents living, the
17 guardian of the child, if any, or if there is no parent living, and the

18 child has no guardian or the guardian is not known to petitioner,
19 then a known near relative of the child, if any there be, consents
20 to such order ; or (2) that one parent consents and the other is unfit
21 for any of the reasons hereinafter specified to have the child, or
22 that both parents are, or that the surviving parent is so unfit, or
23 that the mother of an illegitimate child is so unfit for any such
24 reasons—the grounds of unfitness being (a) depravity, (b) open
25 and notorious adultery or fornication, (c) habitual drunkenness
26 for the space of one year prior to the filing of petition, (d) ex-
27 treme and repeated cruelty to the child, (e) abandonment of child
28 or (f) desertion of the child for more than six months next preced-
29 ing the filing of the petition and (g) that such child, if of the age
30 of fourteen years or over, consents to such order.

Sec. 14. No association which is incorporated under the laws
2 of any other state than the state of West Virginia shall place any
3 child in any family home within the boundaries of the state of
4 West Virginia either with or without indenture or for adoption,
5 unless the said association shall have furnished the state board of
6 children's guardians with such guaranty as they may require that
7 no child shall be brought into the state of West Virginia by such
8 society or its agents, having any contagious or incurable disease, or
9 having any deformity, or being of feeble mind, or of vicious charac-
10 ter, and that said association shall promptly receive and remove
11 from the state any child brought into the state of West Virginia by
12 its agent, which shall become a public charge within the period of
13 five years after being brought into this state. Any person who shall
14 receive to be placed in a home, or shall place in a home, any child
15 in behalf of any association incorporated in any other state than
16 the state of West Virginia, which shall not have complied with the
17 requirements of this act, shall be imprisoned in the county jail not
18 more than thirty days, or fined not less than five dollars nor more
19 than one hundred dollars, or both, in the discretion of the court.

Sec. 15. The court in committing children shall place them
2 as far as practicable in the care and custody of some individual
3 holding the same religious belief as the parents of said child,
4 or with some association which is controlled by persons of like re-
5 ligious faith with that of the parents of the said child.

Sec. 16. If it shall appear upon the hearing of the case that the
2 parents, parent, or any person or persons named in such petition
3 who are in law liable for the support of such child, are able to con-
4 tribute to the support of such child, the court or judge shall enter

5 an order requiring such parents, parent or other person to pay to
6 the guardian so appointed or to the institutions, association, so-
7 ciety or persons to whom 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 or judge may order such parents,
10 parent or other person to pay to the guardian so appointed or to
10-a the institution, association, society or person, to which such child
10-b may be committed, a reasonable sum from time to time for the
10-c support, maintenance or education of such child, and the court
10-d or judge may order such parents, parent or other persons to
11 give reasonable security for the payment of such sum or sums,
12 and upon failure to pay, the court or judge may enforce obedi-
13 ence to such order by proceeding as for contempt of court. The
14 court or judge may, on application and on such notice as the
15 court or judge may direct from time to time, make such altera-
16 tions in the allowance as shall appear reasonable and proper.

Sec. 17. If the person so ordered to pay for the support, main-
2 tenance or education of a dependent or neglected child shall be em-
3 ployed for wages, salary or commission, the court or judge may
4 also order that the sum to be paid to him shall be paid to the guard-
5 ian or institution, society, association, or person having custody of
6 such child, out of his wages, salary or commission and that he shall
7 execute an assignment thereof *pro tanto*. The court or judge may
8 also order the parent or the person so ordered to pay the sum of
9 money for the support, maintenance or education of a child, from
10 time to time to make discovery to the court or judge as to his place
11 of employment and amount earned by him. Upon his failure to
12 obey the order of court or judge he may be punished as for con-
13 tempt of court.

Sec. 18. Nothing in this act shall be construed to give the
2 guardian appointed under this act the guardianship of the estate
3 of the child or to change the age of minority for any other purpose
4 except the custody of the child.

Sec. 19. Any person who shall by any act cause, encourage
2 or contribute to the dependency of a child, as these terms with
3 reference to children are defined by the statutes of this state, or
4 who shall for any cause be responsible therefor, shall be guilty of
5 a misdemeanor, and upon trial and conviction thereof, shall be
6 fined in a sum not to exceed five hundred dollars or imprisoned in
7 the county jail for a period not exceeding one year, or by both such
8 fine and imprisonment.

Sec. 20. The court may permit any child to remain in the
 2 custody of the person found guilty by this act of contributing to its
 3 dependency, under such suspended sentences, upon such conditions
 4 for the treatment and care of such child as may seem to the court
 5 to be for its welfare, or as may be calculated to secure obedience
 6 to the law or to remove the cause of such dependency or neglect,
 7 and while such conditions are accepted and complied with by any
 8 such person, such sentence may remain suspended subject to be en-
 9 forced upon the violation of any of the conditions imposed by the
 10 court; and such bond may be forfeited upon a failure to comply
 11 with any such conditions, as well as upon the failure to pay any
 12 amount required for the maintenance of such child.

Sec. 21. In order to find any person guilty of violating this
 2 act it shall not be necessary to prove that the child has actually be-
 3 come dependent; *provided*, it appears from the evidence that
 4 through any act of neglect or omission of duty or by the improper
 5 conduct on the part of any such person the dependency of any child
 6 may have been caused or merely encouraged.

Sec. 22. The said board shall gather statistics and study the
 2 problems connected with the dependent, delinquent and defective
 3 children and publish them from time to time, stating such infor-
 4 mation and results of such study. It shall also make available, as
 5 far as practicable, to officials dealing with these problems and
 6 with the said classes, such literature as shall tend to increase their
 7 efficiency.

Sec. 23. This act shall become effective July first, one thou-
 2 sand nine hundred and nineteen.

Sec. 24. All acts or parts of acts inconsistent with this act,
 2 or any part thereof are hereby repealed.

CHAPTER 111.

(Senate Bill No. 56—Mr. Scherr.)

AN ACT to amend and re-enact chapter forty-six-a of the code of West
 Virginia (Barnes' one thousand nine hundred and sixteen), re-
 lating to the care and disposition of delinquent children.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the
 Governor February 22, 1919.]

<p>SEC. 1. Delinquent children; definitions of words and terms used in this act. 2. Jurisdiction of courts; trial by</p>	<p>SEC. jury. 3. Juvenile record; juvenile court. 4. Petitions to the court. 5. Summons; publication; answer;</p>
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Sec.	warrant; hearing.	Sec.	Contributory delinquency; penalty.
6.	Probation officers; duties; compensation.	26.	Suspension of sentence.
7.	Disposition of delinquent children; guardianship.	27.	Bond for contributory delinquency.
8.	Return to home on probation.	28.	Custody of child; forfeit of bond.
9.	Criminal prosecutions.	29.	Proceedings on bond.
10.	Placing of delinquent child in hospital.	30.	Violation of conditions of sentence.
11.	Authority of guardian; duration of guardianship.	31.	Period of suspension; discharge.
12.	Report of guardian or institution; removal.	32.	Complaints by officers.
13.	Transfer from justice or police magistrate.	33.	What constitutes contributory delinquency.
14.	Confinement, bail; counsel.	34.	Liberal construction of act.
15.	Agents of juvenile reformatories.	35.	Act not to repeal other criminal statutes.
16.	Religious preference.	36.	Detention home for children; establishment; maintenance.
17.	Fees of officers.	37.	Equipment and management of detention home.
18.	Reports of juvenile courts.	38.	Employees; how appointed; salaries; supplies and repairs.
19.	Construction and purpose of act.	39.	Admission to home; records; reports.
20.	Support of children.	40.	Tax for establishment and maintenance.
21.	Requiring payment from wages.	41.	Adoption of act by election.
22.	Guardianship of estate of child; age of minority.	42.	Discontinuance of home by election.
23.	Appeals from inferior courts.	43.	Jurisdiction to commit to home.
24.	Population of counties.	44.	Partial invalidity of act.
25.	Contempt of court.	45.	

Be it enacted by the Legislature of West Virginia:

That chapter forty-six-a of the code of West Virginia, Barnes' one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. Definitions; children as wards of state; use of evidence against child.—That all persons under the age of twenty-one years, shall for the purpose of this act only, be considered wards of this state and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided.

The words "delinquent child" shall mean any male or female child who, while under the age of eighteen years, violates any law of this state; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents or visits a house of ill-repute; or knowingly frequents or visits any policy shop or place where any gaming device is operated; or patronizes or visits any public pool-room where the game of pool or billiards is being carried on for pay or hire; or who wanders about the streets in the night time without being on any lawful business or lawful occupation; or who habitually wanders about any railroad yards or tracks or who jumps, or attempts to jump, on any moving train; or who enters any car or engine without lawful authority; or who writes or uses vile, obscene, vulgar, profane or indecent language; or who is guilty of indecent, immoral or lascivious conduct. Any

23 child committing any of these acts shall be deemed a delinquent
24 child and when proceeded against such proceedings shall be on
25 behalf of the state, in the interest of the child and the state,
26 with due regard to the rights and duties of parents and others,
27 by petition to be filed by any reputable person and to that end
28 the child shall be dealt with, protected and cared for in any cir-
29 cuit court having chancery jurisdiction, as a ward of the state
30 in the manner hereinafter provided.

31 A deposition of any child under this act of any evidence given
32 in such cause, shall not, in any civil, criminal or other cause or
33 proceeding whatever in any court, be lawful or proper evidence
34 against such child for any purpose whatever, except in subsequent
35 cases against the same child under this act; nor shall the name
36 of any child in connection with any proceedings under this act,
37 be published in any newspaper, without a written order of the
38 court. The word "child" or "children" may be held to mean one
39 or more children, and the word "parent" or "parents" may be
40 held to mean one or both parents, when consistent with the in-
41 tent of this act. The word "association" shall include any asso-
42 ciation, institution or corporation which includes in its purpose
43 the care or disposition of children, coming within the meaning
44 of this act.

Jurisdiction of Courts; Trial by Jury.

Sec. 2. The circuit courts of this state shall have original
2 jurisdiction in all cases coming within the terms of this act.
3 except that in counties where a court of common pleas or inter-
4 mediate court having chancery jurisdiction has been or may be
5 created, such court shall have exclusive original jurisdiction in all
6 such cases, subject to appeal to the circuit court of such county;
7 *provided*, that in any county where there is a criminal court and
8 no court of chancery jurisdiction other than the circuit court,
9 such criminal court, on the law side thereof, shall have concurrent
10 jurisdiction with such circuit court as to all cases arising under
11 this act. In all trials under this act any person interested there-
12 in may demand a jury of twelve persons, or the judge, of his
13 own motion, may order a jury of the same number to try the case.
14 The powers conferred by this act upon any court may be exercised
15 by the judge thereof at chambers in vacation.

Juvenile Record; Juvenile Court.

Sec. 3. The findings of the court shall be entered in a book
2 to be kept by the clerk for that purpose, and known as the "Juve-
3 nile Record" and the court may for convenience be called the
4 "Juvenile Court."

Petition to the Court.

Sec. 4. Any reputable person, being a resident of the county,
2 may file with the clerk of the court having jurisdiction of the
3 matter, a petition in writing setting forth that a certain child,
4 naming it, within his county, is delinquent as defined in section
5 one hereof; and that it is for the interest of the child and this
6 state that the child be taken from its parents, parent, custodian
7 or guardian and placed under the guardianship of some suitable
8 person to be appointed by the court; and that the parents, par-
9 ent, custodian or guardian of such child are unfit or improper
10 guardians, or are unable or unwilling to care for, protect, train,
11 educate, correct, control or discipline such child, or that the par-
12 ents, parent, guardian or custodian consent that such child shall
13 be taken from them. The petition shall also set forth either the
14 name, or that the name is unknown to the petitioner (a) of the
15 person having the custody of such child; and (b) of each of the
16 parents or the surviving parent of a legitimate child; or of the
17 mother of an illegitimate child; or (c) if it allege that both such
18 parents are or that such mother is dead and that no guardian
19 of such child is known to petitioner, the petition shall set forth
20 such facts. All persons so named in such petition shall be
21 made defendants by name and shall be notified of such proceed-
22 ings by summons, if residents of this state, in the same manner
23 as is now or may hereafter be required in chancery proceedings
24 by the laws of this state, except only as herein otherwise provided.
25 All persons, if any, who or whose names are stated in the petition
26 to be unknown to the petitioner, shall be deemed and taken as
27 defendants by the name and designation of "all whom it may
28 concern." The petition shall be verified by affidavit, which affi-
29 davit shall be sufficient upon information and belief. Process
30 shall be issued against all persons made parties by the designation
31 of "all whom it may concern," by such description, and notice
32 given by publication as is required in this act shall be sufficient

33 to authorize the court to hear and determine the suit as though
34 the parties had been sued by their proper names.

Summons; Publication; Answer; Warrant; Hearing.

Sec. 5. The summons shall require the person alleged to have
2 the custody of such child to appear with the child at the time and
3 place stated in the summons; and shall also require all defend-
4 ants to appear and answer the petition on the return day of the
5 summons. The summons shall be made returnable at any time
6 within twenty days after the date thereof to the court or the
7 judge in vacation, and may be served by the sheriff, or by any
8 duly appointed probation officer, even though such officer be
9 the petitioner. The return of such summons, with indorse-
10 ment of services by the sheriff or by such probation officer in
11 accordance herewith, shall be sufficient 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 on due inquiry cannot be found, or is con-
15 cealed within this state or that his place of residence is unknown
16 so that process cannot be served on him, or whenever any person
17 is made defendant under the name or designation of "all whom
18 it may concern," the clerk shall cause publication to be made
19 twice in some newspaper of general circulation published in his
20 county, and if there be none published in his county, then in a
21 newspaper published in the nearest place to his county in this
22 state, which shall be substantially as follows:

23 A, B, C, D, et cetera (here giving the names of such defend-
24 ant, if any), and to "all whom it may concern" (if there be any
25 defendant under such designation).

26 Take notice that on the day of, 191. . . . , a
27 petition was filed by in the court
28 of county to have a certain child, named
29 declared a delinquent and to take from you the custody and guar-
30 dianship of said child (and if the petition prays for the appoint-
31 ment of a guardian with power to consent to adoption, and add,)
32 "and to give said child out for adoption."

33 Now, unless you appear within twenty days after the date
34 of this notice and show cause against such application, the petition
35 shall be taken for confessed and a decree granted.

36 Dated (the date of publication) E. F., Clerk.

37 And he shall also, within ten days after the publication of

38 such notice, send a copy thereof by mail, addressed to such defend-
39 ants whose place of residence is stated in the petition and who
40 shall not have been served with summons. Notice given by pub-
41 lication as is required by this act shall be the only publication no-
42 tice required either in the case of residents, non-residents or
43 otherwise. The certificate of the clerk that he has sent such
44 notice in pursuance of this section shall be evidence thereof. Every
45 defendant who shall be duly summoned shall be held to appear and
46 answer either in writing, orally in open court, or to the judge in
47 vacation on the return day of the summons or if such summons
48 shall be served less than one day prior to the return day, then
49 on the following day. Every defendant, who shall be notified by
50 publication as herein provided, shall be held to appear and answer
51 either in writing or orally in open court or to the judge in vaca-
52 tion within twenty days after the date of the publication notice.
53 The answer shall have no greater weight as evidence than the
54 petition.

55 In default of an answer at the time or times herein speci-
56 fied or at such further times as by order of court or the judge in
57 vacation may be granted to a defendant, the petition may be
58 taken as confessed.

59 If the person having the custody or control of the child
60 shall fail without reasonable cause to bring the child into court
61 or before the judge in vacation, he may be proceeded against as
62 in the case of contempt of court. In case the summons shall be
63 returned and not served upon the person having the custody or
64 control of such child, or such person fails to obey the same, and
65 in any case when it shall be made to appear to the court or judge
66 by affidavit, which may be on information and belief, that such
67 summons will be ineffectual to secure the presence of the child,
68 a warrant may be issued on the order of the court or judge
69 either against the parents or either of them, or the guardian or
70 the person having the custody or control of the child, or with
71 whom the child may be, or against the child itself to bring such
72 person into court or before said judge. On default of the cus-
73 todian of the child or on his appearance or answer, or on the
74 appearance in person of the child in court or before said judge
75 with or without the summons or other process and on the answer,
76 default or appearance or written consent to the proceedings of
77 the other defendants thereto or as soon thereafter as may be,
78 the court or judge shall proceed to hear evidence. The court or

79 judge may, in any case when the child is not represented by any
80 person, appoint some suitable person to act on behalf of the
81 child. At any time after the filing of the petition and pending
82 the final disposition of the case, the court or judge may con-
83 tinue the hearing from time to time and may allow such child
84 to remain in the possession of its custodian or in its own home
85 subject to the friendly visitation of a probation officer, or it
86 may order such child to be placed in the custody of a probation
87 officer of the court, or of any suitable person appointed by the
88 court or judge to be kept in some suitable place provided by
89 the city or county authorities, but in no event, except under
90 order of the court or judge, to be held in the county jail or city
91 lockup.

Probation Officers.

Sec. 6. The circuit courts and other inferior courts of the
2 several counties in this state which have chancery jurisdiction
3 shall have authority to appoint any number of discreet persons
4 of good moral character to serve as probation officers during
5 the pleasure of the court; said probation officers to receive no
6 compensation from the county treasury except as herein pro-
7 vided. It shall be the duty of the clerk of the court, if prac-
8 ticable, to notify the said probation officer when any child is
9 to be brought before the court, or judge, and it shall be the
10 duty of such probation officer to make investigation of such
11 case, to be present in court or before said judge to represent
12 the interests of the child when the case is heard, to furnish
13 such information and assistance as the court or judge may
14 require, and to take charge of any child before and after the
15 trial as may be directed by the court or judge. The number
16 of probation officers who may receive compensation from the
17 county, named and designated by the court, shall be as fol-
18 lows: In counties having a population of over forty thousand,
19 two probation officers shall be appointed, who shall each re-
20 ceive a salary of not exceeding twelve hundred dollars per year,
21 and expenses shall be allowed each probation officer in a sum
22 not exceeding one hundred dollars per year; in counties hav-
23 ing a population of over fifteen thousand and less than forty
24 thousand, one probation officer shall be appointed at a salary
25 not to exceed twelve hundred dollars per year, and expenses
26 of probation work shall be allowed by the county in a sum not

27 to exceed one hundred dollars per year. In all counties of over
28 fifteen thousand population probation officers receiving com-
29 pensation from the county shall be appointed by the judge of
30 the circuit court, or other court having jurisdiction, and the
31 said salary or expenses shall be paid in monthly installments
32 from the county treasury. In any county of less than fifteen
33 thousand population one probation officer, at a salary of not
34 to exceed six hundred dollars per year, to be paid as provided
35 for probation officers in other counties, shall be appointed by
36 the circuit judge or judge of inferior courts having jurisdic-
37 tion whenever in the opinion of the judge, the county super-
38 intendent of schools and a majority of the board of county
39 commissioners of such county it shall be necessary so to care
40 for the delinquent children of the county. The county super-
41 intendent of schools and the county commissioners in their
42 respective counties shall constitute a board to investigate the
43 competency of any person appointed to act as a probation
44 officer whenever such probation officer is to receive from the
45 county a salary or other compensation provided for under this
46 act. Any judge appointing such probation officer shall trans-
47 mit such appointment to such board of the county in which
48 such appointment is made, and it shall be the duty of a ma-
49 jority of said board to approve or disapprove of such appointee,
50 within thirty days after submission thereof by the said judge,
51 and a failure to act thereon within such time shall constitute
52 an approval of such appointment; if a majority of such board
53 are of the opinion that such appointee does not possess the
54 qualifications for a probation officer, they shall notify the judge
55 of their conclusions within thirty days from the submission of
56 such appointments to the respective members thereof, where-
57 upon it shall be the duty of the judge to withdraw such ap-
58 pointment and appoint someone who shall receive the approval
59 of said board. The court or judge having jurisdiction may
60 apportion the allowance to probation officers between any two
61 or more of them, but not exceeding the total amount fixed
62 herein as may be deemed best.

63 Probation officers receiving a salary or other compensa-
64 tion from the county, provided for by this act, are hereby vested
65 with all the power and authority of police or sheriffs to make
66 arrests and perform any other duties ordinarily required by
67 policemen and sheriffs which may be incident to their of-

68 vice or necessary or convenient to the performance of the duties;
69 *provided*, that other probation officers may be vested with like
70 power and authority upon a written certificate from the judge
71 that they are persons of discretion and good character, and
72 that it is the desire of the court to vest them with all the
73 power and authority conferred by law upon probation officers
74 receiving compensation from the county.

75 In counties of over forty thousand population, whenever
76 in the opinion of the judge, the board of county commission-
77 ers, and the superintendent of schools, additional probation
78 officers to those allowed by law are necessary for the care of
79 the delinquent children, not to exceed two assistant proba-
80 tion officers, in addition to the ones provided for herein, may
81 be appointed in the manner provided by this act, at a salary
82 not to exceed twelve hundred dollars per year.

83 Salaries or compensation of paid probation officers per-
84 mitted by this act shall be fixed by the judge, not to exceed
85 the sums herein provided for, shall be certified to by the
86 judge as being necessary in and about the performance of the
87 duties of probation officer or officers. The appointment of
88 probation officers and the approval thereof as to the quali-
89 fication of such officers by the board herein designated, shall
90 be filed in the office of the clerk of the court. Probation
91 officers shall take oath such as may be required of other
92 county officers to perform their duties and file it in the
93 office of the clerk of the court, by which they have been ap-
94 pointed.

95 Nothing herein contained, however, shall be held
96 to limit or abridge the power of the judge to ap-
97 point any number of persons as probation officers, whom
98 said judge may see fit to appoint and who may be willing to
99 serve without pay from the county for such services as proba-
100 tion officers.

Disposition of Delinquent Children; Guardianship.

Sec. 7. If the court shall find any male or female child
2 under the age of eighteen years to be delinquent within the mean-
3 ing of this act, the court may allow such child to remain at its
4 own home subject to the friendly visitation of a probation offi-
5 cer, such child to report to the court or probation officer with
6 such record of its conduct in its home or school as the court

7 may require, as often as may be required, and if the parents, par-
8 ent, guardian or custodian consent thereto, or if the court shall
9 further find either that the parents, parent, guardian or custodian
10 are unfit or improper guardians or are unable or unwilling to care
11 for, protect, educate or discipline such child, and shall further
12 find that it is for the interest of such child and of the people
13 of this state that such child be taken from the custody of its
14 parents, parent, guardian or custodian, the court may appoint
15 some proper person or probation officer, guardian over the per-
16 son of such child and permit it to remain at its home, or order
17 such guardian to cause such child to be placed in a suitable fam-
18 ily home, or cause it to be boarded out in some suitable family
19 home, in case provision is made by voluntary contribution or other-
20 wise for the payment of the board; or the court may commit such
21 child to any institution incorporated under the laws of this state
22 to care for delinquent children, or to any institution that has been
23 or may be provided by the state, county, city, town or village
24 suitable for the care of delinquent children, including a de-
25 tention home or school, or to some association that will receive it,
26 embracing in its objects the care of delinquent children and
27 which has been duly accredited as hereinafter provided. In every
28 case where such child is committed to an institution or asso-
29 ciation, the court shall appoint the president, secretary or super-
30 intendent of such institution or association, guardian over the per-
31 son of such child and shall order such guardian to place such child
32 in such institution or with such association, whereof he is such
33 officer, and to hold such child, care for, train and educate it sub-
34 ject to the rules and laws that may be in force from time to time
35 governing such institution or association.

Return to Home on Probation.

Sec. 8. Whenever it shall appear to the court, before or
2 after the appointment of a guardian under this act, or after com-
3 mitment to any institution or association, that the home of a
4 child or of its parents, former guardian or custodian is a suitable
5 place for such child, or that such child could be permitted to
6 remain or ordered to be returned to said home consistent with
7 the public good and the good of such child, the court may enter
8 an order to that effect returning such child to its home on proba-
9 tion, parole or otherwise; it being the intention of this act that

10 no child shall be taken away or kept from its home or away from
11 its parents and guardian any longer than is necessary to preserve
12 the welfare of such child and the interest of this state; *provided,*
13 *however,* that no such order shall be entered without first giving
14 ten days' notice to the guardian, institution or association to
15 whose care such child has been committed, unless such guardian,
16 institution or association consents to such order.

Criminal Prosecutions.

Sec. 9. The court may in its discretion in any case of a
2 delinquent child permit such child to be proceeded against in
3 accordance with the laws that may be in force in this state gov-
4 erning the commission of crimes or violation of city, village, or
5 town ordinances; in such case the petition filed under this act
6 shall be dismissed.

Placing Child in Hospital.

Sec. 10. The court may, when the health or condition of
2 any child found to be delinquent, requires it, order the guardian
3 to cause such child to be placed in a public hospital or institution
4 for treatment or special care, or in a private hospital or institution,
5 which will receive it for like purposes, without charge to the public
6 authorities.

Authority of Guardian or Custodian; Duration of Guardianship.

Sec. 11. Any child found to be delinquent as defined in
2 this act, and awarded by the court to a guardian, institution or
3 association, shall be held by such guardian, institution or as-
4 sociation, as the case may be, by virtue of the order entered of
5 record in such case, and the clerk of the circuit court shall issue
6 and cause to be delivered to such guardian, institution or associa-
7 tion a certified copy of such order of the court, which certified
8 copy of such order shall be proof of the authority of such guardian,
9 institution or association in behalf of such child, and no other
10 process need issue to warrant the keeping of such child. The
11 guardianship under this act shall continue until the court shall
12 by further order otherwise direct but not after such child shall
13 have reached the age of twenty-one years.

Report of Guardian or Institution; Removal.

Sec. 12. The court may, from time to time, cite into court
2 the guardian, institution or association to whose care a delinquent
3 child has been awarded, and require him or it to make a full,
4 true and perfect report as to his or its doings in behalf of such
5 child; and it shall be the duty of such guardian, institution or
6 association within ten days after such citation, to make such re-
7 port either verified by affidavit, or verbally under oath in open
8 court, or otherwise as the court shall direct; and upon the hearing
9 of such report, with or without further evidence, the court may,
10 if it sees fit, remove such guardian and appoint another in his
11 stead, or take such child away from such institution or associa-
12 tion and place it in another, or restore such child to the custody
13 of its parents or former guardian or custodian.

Transfer From Justice or Police Magistrate.

Sec. 13. When in any county where a court is held as pro-
2 vided in section two of this act, a male or female child under
3 the age of eighteen years is arrested with or without warrant such
4 child may, instead of being taken before a justice of the peace or
5 police magistrate, be taken directly before such court or the judge
6 in vacation, or if the child is taken before a justice of the peace
7 or police magistrate, such justice or magistrate shall inquire into
8 such case, and unless he be of the opinion that no sufficient founda-
9 tion exists for the charge of delinquency, it shall be the duty of
10 such justice of the peace or police magistrate to transfer the
11 child to the circuit or other court, having jurisdiction, and it shall
12 be the duty of the officer having the child in charge to take the
13 child before such court or the judge in vacation, and in any case
14 the court or judge may proceed to hear and dispose of the case in
15 the same manner as if the child had been brought before the court
16 or judge upon petition as herein provided. In any case, the court
17 or judge shall require notice to be given and investigation to
18 be made as in other cases under this act, and may adjourn the
19 hearing from time to time for that purpose.

Confinement; Bail; Counsel.

Sec. 14. No court or magistrate shall commit a child under
2 fourteen years of age to a jail or police station; but if such child
3 is unable to give bail it may be committed to the care of the

4 sheriff, police officer or probation officer, who shall keep such
5 child in some suitable place provided by the city or county out-
6 side of the enclosure of any jail or police station. When any
7 child shall be confined in any institution in which adult prisoners
8 or convicts are confined, it shall be unlawful to confine such
9 child in the same building with such adult prisoners or con-
10 victs or to confine such child in the same yard or enclosure with
11 such adult prisoners or convicts or to bring such child into any
12 yard or building in which adult prisoners or convicts may be
13 present. In counties of over forty thousand population it shall
14 be the duty of the proper authorities to provide and maintain at
15 public expense a house separated and removed from any jail or
16 lock-up to be in charge of a matron or other person of good
17 moral character wherein all children within the provisions of
18 this act shall, when necessary, before or after trial, be detained
19 either for securing the attendance of such child at any hearing or
20 trial of any cause or for such disciplinary purposes as may seem
21 necessary to the court for the best interest of said child and of
22 the state. Any child within the provisions of this act, informed
23 against or regarding which a petition has been filed, or for any
24 purpose taken into custody, shall, at any time before it is tried
25 and adjudged to be delinquent, be entitled, by any friend or parent
26 offering sufficient surety, to give bond or other security for its ap-
27 pearance at any hearing or trial of such case, as such right given
28 to persons informed against for crime; and the court may in
29 such case, upon the request of said child or its parent or person
30 representing it, appoint counsel to appear and defend on behalf
31 of any such child, such counsel to receive no pay from the county.

Agents of Juvenile Reformatories.

Sec. 15. It shall be the duty of the board of managers,
2 trustees or such authorities as may be vested by law with the
3 control or management of any state institution in which juvenile
4 delinquents may be committed by the courts of this state to
5 maintain an agent of such institution, whose duty it shall be to
6 examine the homes of children paroled from such institution for
7 the purpose of ascertaining and reporting to said institution
8 whether they have suitable homes; to assist children paroled or
9 discharged from such institution in finding employment and to
10 maintain a friendly supervision over paroled inmates during the
11 continuance of their parole. Such agent shall hold office sub-

12 ject to the pleasure of the board or other authority having charge
13 of said institution and making the appointment, and shall re-
14 ceive such compensation as such board or authorities controlling
15 such institution may determine out of any funds appropriated for
16 such institution which may be applicable thereto.

Religious Preference.

Sec. 16. The court in committing children shall place
2 them as far as practicable in the care and custody of some indi-
3 vidual holding the same religious belief as the parents of said
4 child, or with some association which is enrolled by persons of
5 like religious faith with that of the parents of the said child.

Fees of Officers.

Sec. 17. It shall be unlawful for any court clerk or other
2 person to tax or collect, or for any county to pay, any fees what-
3 ever which may be permitted by any law to be taxed or collected
4 for the benefit of any court officer or person for any case con-
5 cerning any child coming within the provisions of this act for
6 violating any law of this state, unless such child shall be pro-
7 ceeded against under the provisions and in accordance with the
8 purpose of this act, except in capital cases or where the courts
9 shall direct a proceeding under the criminal code, as provided
10 in section eight of this act, or where a case has been instituted
11 before a justice of the peace or police magistrate, who shall duly
12 comply with the terms of section twelve of this act.

Reports of Juvenile Courts.

Sec. 18. Between the first and fifteenth days of January
2 of each year, the clerks of the courts having jurisdiction shall
3 submit to the county commissioners of their respective counties
4 a report in writing, upon blanks to be furnished by said com-
5 missioners, showing the number and disposition of delinquent
6 children brought before such court or judge, together with such
7 useful information regarding such cases and the parentage of
8 such children and the character of their delinquency as may be
9 reasonably obtained at trials thereof, and which may be required
10 by the said commissioners; *provided*, that the name or identity
11 of any such child or parent shall not be disclosed in such report.

Construction and Purpose of Act.

Sec. 19. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: that the care, custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents in cases of delinquency, that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided and needing aid, encouragement and assistance, and if such child cannot be properly cared for and corrected in its own home, or with the assistance and help of the probation officers, then, that it may be placed in a suitable institution where it may be helped and educated and equipped for industrial efficiency and useful citizenship.

Support of Children.

Sec. 20. If it shall appear, upon the hearing of the case, that the parents, parent, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court or judge shall enter an order requiring such parents, parent or other person to pay to the guardian so appointed or to the institution, association, society or person to whom such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and the court or judge may order such parents, parent or other person to pay to the guardian so appointed or to the institution, association, society or person, to which such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and the court or judge may order such parents, parent or other persons to give reasonable security for the payment of such sum or sums, and upon failure to pay, the court or judge may enforce obedience to such order by proceeding as for contempt of court. The court or judge may, on application and on such notice as the court or judge may direct from time to time, make such alterations in the allowance as shall appear reasonable and proper.

Same; Requiring Payment From Wages.

Sec. 21. If the person so ordered to pay for the support, maintenance or education of a delinquent child shall be employed

3 for wages, salary or commission, the court or judge may also
4 order that the sum to be paid to him shall be paid to the guardian
5 or institution, society, association, or person having custody of
6 such child, out of his wages, salary or commission and that he
7 shall execute an assignment thereof *pro tanto*. The court or judge
8 may also order the parent or the person so ordered to pay the
9 sum of money for the support, maintenance or education of a
10 child, from time to time to make discovery to the court or judge
11 as to his place of employment and amount earned by him. Upon
12 his failure to obey the order of court or judge he may be pun-
13 ished as for contempt of court.

Guardianship of Estate of Child; Age of Minority.

Sec. 22. Nothing in this act shall be construed to give the
2 guardian appointed under this act the guardianship of the estate
3 of the child or to change the age of minority for any other pur-
4 pose except the custody of the child.

Appeals.

Sec. 23. Cases under this act tried in any inferior court may
2 be reviewed by writ of error or appeal to the circuit court and
3 if tried in a circuit court by writ of error or appeal to the su-
4 preme court of appeals.

Population of Counties.

Sec. 24. In construing the provisions of this act, all coun-
2 ties shall be deemed to have the population as shown by the last
3 official census taken prior to the interpretation of any question
4 arising under this act.

Contempt of Court.

Sec. 25. Any person who shall interfere with the direction
2 or disposition of any child under any order of the court con-
3 cerning the child, made in pursuance of the provisions of this act,
4 or with any probation or other officer of the court in carrying
5 out the directions of the court under any such order, shall be
6 held to be in contempt of court and subject to punishment as for
7 contempt of court.

Contributory Delinquency; Penalty.

Sec. 26. Any person who shall by any act cause, encourage
2 or contribute to the delinquency of a child, as this term with
3 reference to children is defined by the statutes of this state, or
4 who shall for any cause be responsible therefor, shall be guilty
5 of a misdemeanor, and upon trial and conviction thereof, shall
6 be fined in a sum not to exceed five hundred dollars or impris-
7 oned in the county jail for a period not exceeding one year, or
8 by both such fine and imprisonment.

Suspension of Sentence.

Sec. 27. The court may suspend any sentence, stay or
2 postpone the enforcement of execution, or release from custody any
3 person found guilty in any case under this act upon such condi-
4 tions as shall be imposed by the court in accordance with the
5 provisions of this act.

Same: Bond.

Sec. 28. Such conditions may include the following: any
2 person found guilty under this act of contributory delinquency
3 may be required to furnish a good and sufficient bond to the
4 state of West Virginia in such penal sum as the court shall de-
5 termine, not exceeding one thousand dollars, conditioned for the
6 payment of such amount as the court may order not exceeding
7 twenty dollars per month for the support, care and maintenance
8 of the child to whose delinquency such person has contributed;
9 such sum to be expended under the directions and orders of the
10 court for the purpose mentioned.

Same: Custody of Child; Forfeiture of Bond.

Sec. 29. The court may permit any child to remain in the
2 custody of the person found guilty by this act of contributing to
3 its delinquency under such suspended sentence, upon such con-
4 ditions for the treatment and care of such child as may seem to
5 the court to be for its welfare, or as may be calculated to secure
6 obedience to the law or to remove the cause of such delinquency,
7 and while such conditions are accepted and complied with by
8 any such person, such sentence may remain suspended subject to
9 be enforced upon the violation of any of the conditions imposed

10 by the court; and such bond may be forfeited upon a failure to
11 comply with any such conditions, as well as upon the failure to
12 pay any amount required for the maintenance of such child.

Same: Proceedings on Bond.

Sec. 30. As a part of the conditions of any such bond men-
2 tioned in section thirty-four hereof it shall be understood that it
3 shall not be necessary to bring a separate suit to recover the
4 penalty of any such bond which has become forfeited, but the
5 court may cause a citation or summons to issue to the surety or
6 sureties thereon, requiring that he or they appear at a time named
7 by the court, which time shall be not less than ten nor more than
8 twenty days from the issuance thereof, and show cause, if any
9 there be, why a judgment should not be entered for the penalty
10 of such bond and execution issued for the amount thereof against
11 the property of the surety or sureties thereon, as in civil cases,
12 and upon failure to appear or failure to show any such sufficient
13 cause, the court shall enter such judgment in behalf of the state
14 of West Virginia against the principal and such surety or sure-
15 ties on such bond not to exceed the sum of one thousand dollars
16 including the costs. Any moneys collected or paid upon any
17 such execution, or in any case upon moneys collected or paid
18 upon any such execution, or in any case upon such bond, shall
19 be turned over to the clerk of the circuit court (juvenile court)
20 of the county in which such bond is given, to be applied first
21 to the payment of all court costs and then to the care or main-
22 tenance of the child or children for whose delinquency such con-
23 viction was had, in such manner and upon such terms as the
24 court may direct. If any such moneys so collected be unneces-
25 sary for the purposes last mentioned, it shall be turned over
26 within one year to the treasurer of the county.

Same: Violation of Conditions of Sentence.

Sec. 31. If, in the case of any person found guilty of con-
2 tributory delinquency where the court has suspended the execu-
3 tion of the sentence during the good behavior and satisfactory
4 conduct of the defendant or upon any other terms and conditions
5 which may have been imposed by the court, it shall be made to
6 appear to the satisfaction of the court at any time during such
7 suspended sentence or stay of execution, that it ought to be en-

8 forced, the court may thereupon enforce the same, and any jail
9 sentence thereunder shall commence from the date upon which
10 such sentence is ordered to be enforced.

Same: Period of Suspension; Discharge.

Sec. 32. No sentence shall be suspended or final judgment
2 or execution shall be stayed in the case of any person found guilty
3 under this act, to exceed a period of two years. If at any time
4 prior thereto it shall appear to the satisfaction of the court that
5 such person has complied faithfully with the conditions of any
6 suspended sentence, judgment or execution, or that he is for any
7 cause in the opinion of the court, entitled to be released there-
8 from, the court may suspend such sentence indefinitely, in which
9 case such person shall be finally released and discharged as he
10 shall be in any event at the end of two years from imposition
11 of any sentence; *provided*, that if any defendant be actually serv-
12 ing a jail sentence imposed by this act and enforced before the
13 expiration of said two years in accordance with the provisions
14 of this act, then in such case the defendant shall not be finally
15 discharged until the expiration of any such sentence.

Complaints.

Sec. 33. Probation officers having the powers of sheriffs or
2 police officers, as well as county prosecuting attorneys shall have
3 the right and be vested with all the power necessary to file com-
4 plaints against any person under this act and to prosecute any
5 such case. In all such cases it shall be the duty of the county
6 prosecuting officer representing the people to prepare any such
7 complaints and prosecute any such cases for such probation of-
8 ficer when so requested by such officer or the judge of the juvenile
9 court; but nothing herein shall be so construed to interfere with
10 any county prosecutor representing the people prosecuting such
11 cases under this or any other act as in other criminal cases.

What Constitutes Contributory Delinquency.

Sec. 34. In order to find any person guilty of violating this
2 act it shall not be necessary to prove that the child has actually
3 become delinquent; *provided*, it appears from the evidence that
4 through any act of neglect or omission of duty or by the improper

5 conduct on the part of any such person the delinquency of any
6 child may have been caused or merely encouraged.

Liberal Construction of Act.

Sec. 35. This act shall always be liberally construed in favor
2 of the state for the purpose of the protection of the child from
3 neglect or omission of parental duty toward the child by the
4 parents, as well also to protect the children of the state from the
5 effects of the improper conduct or acts, or the bad example of
6 any person or persons whomsoever, which may be calculated to
7 cause, encourage or contribute to the delinquency of children,
8 although such persons are in no way related to the child.

Act Not to Repeal Other Criminal Statutes.

Sec. 36. Nothing in this act shall be construed to be in
2 conflict with or to repeal or prevent proceedings under any act
3 or statute of this state which may have otherwise defined any
4 specific act of any person as a crime of any character which act
5 might also constitute contributory delinquency, or to prevent or
6 interfere with proceedings under any such acts, nor shall it be
7 construed to be inconsistent with, nor to repeal any act pro-
8 viding for the support by the parent or parents of their minor
9 children, or any act providing for the punishment of cruelty to
10 children, or the taking of indecent liberties with or for selling
11 liquor, tobacco or firearms to children, or for permitting them in
12 evil or disreputable places, and nothing in any such acts or similar
13 acts shall be construed to be inconsistent with or to repeal this
14 act or prevent proceedings hereunder, but in all cases where there
15 shall be more than one prosecution for the same offense under
16 whatever acts of the character herein described, the facts may be
17 given in evidence to the judge of the court, and may be in the
18 discretion of the court considered in mitigation of any sentence
19 in any such cases.

• *Detention Home for Children; Establishment; Maintenance.*

Sec. 37. In counties of forty thousand population or over
2 the county court shall locate, purchase, erect, lease, or otherwise
3 provide and establish and also support and maintain a detention
4 home for the temporary care and custody of delinquent, truant
5 children, and shall levy and collect a tax to pay the cost of its

6 establishment and maintenance in accordance with the terms and
7 provisions of this act. The county court in any county in the
8 state, shall have the power and authority to locate, purchase,
9 erect, lease, or otherwise provide and establish and also to sup-
10 port and maintain a detention home for the temporary care and
11 custody of dependent, delinquent, or truant children, and to levy
12 and collect a tax to pay the cost of its establishment and main-
13 tenance, in accordance with the terms and provisions of this act;
14 *provided*, that in counties of less than forty thousand population
15 that the sections of this act relating to the establishment and
16 maintenance of such a detention home be adopted by the legal
17 voters of such county as hereinafter provided.

Same; Equipment; Management.

Sec. 38. Such detention home shall be so arranged, fur-
2 nished and conducted, that, as nearly as practicable, for their
3 safe custody, the inmates thereof shall be cared for as in a family
4 home and public school. To this end the employees provided
5 and selected to control and manage such home shall consist of a
6 discreet woman of good moral character, or of a man and woman
7 of good moral character, who shall be designated respectively as
8 "superintendent" and "matron" of the detention home, and of
9 such help or assistance as in opinion of the county commis-
10 sioners shall be necessary to the proper care and maintenance of
11 such home. The superintendent and matron shall reside in the
12 home and at least one of them shall be competent to teach and
13 instruct children in all branches of education similar to those
14 embraced in the curriculum of the public schools of the county
15 up to and including the eighth grade. The home shall be sup-
16 plied with all necessary and convenient facilities for the care of
17 the inmates as herein provided.

Same: Employees; Supplies.

Sec. 39. The superintendent and matron shall be designated
2 and appointed by the county court to serve during the pleasure of
3 said court, and shall receive such salary, payable in monthly in-
4 stallments, as the said county court may provide and fix. All
5 other necessary employees for the conduct, care and maintenance
6 of said home shall be elected, named and appointed in like manner
7 upon such salaries as shall be fixed and provided by said county

8 court. The supplies or repairs necessary to maintain, operate
9 and conduct said home, shall be furnished upon the requisition
10 of its superintendent to the president of the county court and
11 the bills therefor shall be audited, passed upon, and paid as other
12 bills for supplies furnished for county institutions.

Same: Admission; Records; Reports.

Sec. 40. It shall be the duty of the superintendent or
2 matron, until further order of the court, to receive or detain
3 temporarily, all children who are committed to the home by the
4 circuit or other court of the county; and to keep a complete
5 record of all children committed to said home. Such record shall
6 contain the name, age and residence of each child and the cause
7 of its detention, the length of time detained, the offense alleged
8 to have been committed by such child, if any, and other useful
9 data or information that may be directed to be kept by the court
10 of such county having jurisdiction. A record shall also be kept
11 by such superintendent or matron of all expenditures made by
12 the county for the care and maintenance of such home. An
13 annual report shall be made to the county court by the superin-
14 tendent or matron on the first day of June in each year and he
15 shall file a copy thereof with the county clerk of the county,
16 which shall contain an itemized statement of all such expenses
17 necessary to maintain said home, together with the number of
18 inmates therein during each month. The circuit or other court
19 having jurisdiction or the president of the county court, may
20 at any time demand, in which case it shall be the duty of the
21 superintendent or matron to furnish such information as said
22 circuit or other court or the president of said county court may
23 require, concerning the conduct, maintenance, or inmates of said
24 home.

Same: Tax for Establishment and Maintenance.

Sec. 41. The county court of any county shall have the
2 power and authority, in addition to taxes levied and collected
3 for other county purposes in each county, to levy and collect
4 annually a tax not exceeding one mill on the dollar valuation
5 upon all property within the county for the purpose of pur-
6 chasing, erecting, leasing or otherwise providing, establishing,
7 supporting and maintaining such detention home; *provided*, the

8 sections of this act relating to the establishment and maintenance
 9 of county detention home, shall be adopted and the levy and
 10 collection of such tax authorized by the legal voters of the county
 11 in the manner provided by section forty-two of this act.

Same: Adoption of Act By Election.

Sec. 42. The electors of any county with a population of
 2 less than forty thousand may adopt and make mandatory upon
 3 the county court of such county the provisions of sections thirty-
 4 seven and forty-one of this act in the following manner: Upon
 5 the petition of three hundred legal voters, who are freeholders of
 6 such county, the county court shall submit the proposition for
 7 the establishment and maintenance of a county detention home
 8 as provided in sections thirty-seven and forty-one hereof, to the
 9 legal voters of said county and shall cause a vote to be taken upon
 10 the question at the several places of voting in said county at the
 11 succeeding general election which is first held in the county after
 12 such vote is ordered taken, or, if the petition so specifies, the
 13 court shall order a special election for the purpose not later than
 14 ninety days from the filing of such petitions; but the order for
 15 and notice of such special election shall be published by such
 16 county court once each week for four successive weeks prior to
 17 such election in two newspapers of opposite politics, if such there
 18 be, published in said county. A vote shall thereupon be taken
 19 upon said question, and the result ascertained under the regu-
 20 lations prescribed for a general election of county officers; or, if
 21 the said vote is taken at a special election, the same shall be held
 22 by commissioners appointed for the purpose by the county court
 23 at the time said election is ordered and the result shall be ascer-
 24 tained and certified according to the regulations prescribed by
 25 law for ascertaining and certifying the election of county officers.
 26 The proposition so to be voted for shall be printed on a separate
 27 ballot to be prepared and provided in the same manner as other
 28 ballots, and such ballots shall be in form as follows:

29 Proposition to authorize county authori-
 30 ties to establish and maintain a detention
 31 home for delinquent children, and to levy a
 32 tax not to exceed one mill on the dollar

For
 Adoption

33 valuation, to pay the cost of its establish-
 34 ment and maintenance.

Against
 Adoption

35 If the majority of the votes cast for and against such propo-
 36 sition shall be for such proposition, the act shall be adopted, and
 37 the county court shall enter of record an order declaring this
 38 act in force in such county, and the tax provided for in the act
 39 shall thereafter be annually levied and collected in such county
 40 for the purposes specified in this act, until such time as the legal
 41 voters of the county shall abandon this act in the manner pro-
 42 vided in section forty-three hereof.

Same: Discontinuance of Home By Election.

Sec. 43. The electors of any county which shall have estab-
 2 lished a detention home may discontinue the maintenance of
 3 same by submitting the question of discontinuance to the voters
 4 of the county at any general or special election, on petition of
 5 one hundred legal voters, who are freeholders of the county, in
 6 the same manner as provided for submitting the question of
 7 establishment in section forty-two. The proposition to be voted
 8 for in such general or special election shall be printed on a sepa-
 9 rate ballot to be prepared and provided in the same manner as
 10 other ballots, and such ballot shall be in form as follows:

11	Proposition to discontinue maintenance	For
12	of a detention home for delinquent children	Discontinuance
13	and to discontinue levying and collecting	_____
		Against
14	tax for such maintenance.	Discontinuance

15 If a majority of the votes cast for and against the propo-
 16 sition shall be for discontinuance, the county court shall enter
 17 of record an order for such discontinuance, and shall no longer
 18 levy and collect the tax herein provided for.

Same: Jurisdiction to Commit to Home.

Sec. 44. Any court acting under and in pursuance of this
 2 act or any amendments thereto, may commit any child coming
 3 within the terms of said act to said home, temporarily.

Partial Invalidity of Act.

Sec. 45. The invalidity of any portion of this act shall not
 2 affect the validity of any other portion thereof which can be given
 3 effect without such invalid part.

CHAPTER 112.

(Senate Bill No. 208—Mr. Kump.)

AN ACT to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC. 11. Failure of court to sit on day appointed no reason for discon-	SEC.	tinuance of notice; recognizance or process.
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Be it enacted by the Legislature of West Virginia:

That section eleven of chapter one hundred and fourteen of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 11. When the place of holding any court, or the day 2 for commencing any term, is changed, or when a court fails to 3 sit on any day appointed for it, or to which it may have ad- 4 journed, or when, for any reason, no court shall be held on any 5 day within a term thereof, there shall be no discontinuance, but 6 every notice, recognizance or process, taken or returnable to 7 any such day, or to any day between that day and the next that 8 the court may sit, or to the day and place as it was before such 9 change, and all matters ready for the court to act upon if it had 10 been held on any such day, shall be in the same condition and 11 have the same effect as if given, taken or returnable, or continued, 12 to the substituted term or place, or to the next day of the same 13 term that the court may sit, or to the next court in course as the 14 case may be.

CHAPTER 113.

(Senate Bill No. 213—Mr. Lewis.)

AN ACT fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 1. Salaries of county and circuit court clerks of Nicholas county.
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Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Nicholas county shall annu- 2 ally allow to the clerk of the county court and to the clerk of the 3 circuit court of said county, a sum not less than six hundred

4 dollars nor more than one thousand dollars each, for his public
5 services, for which no other fee or reward is allowed by law. Said
6 salaries to begin on the first day of January, one thousand nine
7 hundred and nineteen, and end on the thirty-first day of December,
8 one thousand nine hundred and twenty, and that this act shall in
9 no wise conflict with the salary act of said clerks now on the statute
10 books to begin January, one thousand nine hundred and
11 twenty-one.

12 All acts or parts of acts in conflict herewith are hereby re-
13 pealed.

CHAPTER 114.

(Senate Bill No. 239—Mr. Harmer.)

AN ACT authorizing the board of education of Coal district, Har-
rison county, West Virginia, to lay a special levy for the years
one thousand nine hundred and nineteen and one thousand nine
hundred and twenty, for the purpose of securing sufficient funds
to finish the construction of a high school building in what is
known as Adamston, in said Coal district.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.]

Sec.

1. Board of education; special levy
authorized to complete high
school building in Coal district,

Sec.

Harrison county.
2. Levies; how assessed and collected.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Coal district, Harri-
son county, West Virginia, is hereby authorized, in the years
one thousand nine hundred and nineteen and one thousand nine
hundred and twenty, to lay a special levy not to exceed forty
cents on the one hundred dollars valuation of all property situate
in said district, to pay for the completion of a high school
building in the town of Adamston, Harrison county, West Vir-
ginia, now in the course of construction.

Sec. 2. Such levies shall be assessed and collected as other-
wise provided by law and the proceeds of same shall be used for
the purpose set forth in section one of this act, and for none
other.

CHAPTER 115.

(Senate Bill No. 211—Mr. Scherr.)

AN ACT authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district, of Charleston.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

Sec.

1. School teachers' retirement pension fund; Charleston independent school district authorized to establish.

Sec.

2. Teachers' pension fund; how made up.
3. Teachers' pension fund; how maintained.
4. "Public schools" defined.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the Charleston independent school district is hereby authorized to establish a school teachers' retirement pension fund for the Charleston independent school district, and to adopt and enforce rules and regulations not inconsistent herewith, for the creation, maintenance, government, investment and distribution of said fund.

Sec. 2. Said fund if so established, shall be made up of (a) deduction from the salaries of teachers in the employ of said board of education; (b) such sums as said board of education shall from time to time appropriate for the benefit of said fund from the school fund of the Charleston independent school district; (c) such donations, legacies and gifts as shall at any time be made for the benefit of said fund.

Sec. 3. Said fund, if so established, shall be maintained solely for the benefit of retiring school teachers who shall have rendered long service in the employ of said board of education, and who retire from service after such length of time as shall, by uniform rules, be fixed by said board.

Sec. 4. The words "public schools," as used in this act shall be taken to include both the primary or sub-district schools and the high schools of the Charleston independent school district, of Charleston, and the word "teachers" as used in this act shall be taken to include all teachers, superintendents of instruction, principals and special teachers regularly employed by said board of education in said public schools in any manner.

CHAPTER 116.

(Senate Bill No. 177—Mr. Arnold.)

AN ACT fixing the annual allowance to the clerks of the county and circuit courts of Upshur and Monroe counties.

[Passed February 14, 1919. In effect from passage. Became a law without the Governor's approval.]

Sec.

1. Salaries of county and circuit clerks of Upshur and Monroe counties.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Upshur and Monroe counties shall
2 annually allow to the clerk of the county court and to the clerk
3 of the circuit court of said counties the sum of not less than five
4 hundred dollars nor more than eight hundred dollars each, for
5 his public services, for which no other fee or reward is allowed by
6 law. Said salaries to begin on the first day of January, one thou-
7 sand nine hundred and nineteen, and end on the thirty-first day
8 of December, one thousand nine hundred and twenty, and that
9 this act shall in no wise conflict with the salary act of said clerks
10 now on the statute books to begin January one, one thousand nine
11 hundred and twenty-one.

12 All acts or parts of acts in conflict herewith are hereby re-
13 pealed.

CHAPTER 117.

(Senate Bill No. 176—Mr. Luther.)

AN ACT relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC.

1. Certain pictures or theatrical act; unlawful to advertise, exhibit or	SEC. show; fine and imprisonment for violation.
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Be it enacted by the Legislature of West Virginia:

Section 1. That it shall be unlawful for any person, cor-
2 poration or company to advertise, exhibit, display or show any
3 picture or theatrical act in any theater or other place of public
4 amusement or entertainment within this state which shall in
5 any manner injuriously reflect upon the proper and rightful

6 progress, status, attainment or endeavor of any race or class of
7 citizens calculated to result in arousing the prejudice, ire or
8 feelings of one race or class of citizens against any other race or
9 class of citizens.

10 Any person, corporation or company violating any of the
11 provisions of this act shall be fined not less than one hundred
12 nor more than one thousand dollars and may, at the discretion
13 of the court, be confined in jail not more than thirty days.

CHAPTER 118.

(Senate Bill No. 169—Mr. Scherr.)

AN ACT to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of chapter fifteen-j, relative to the prevention of cruelty to animals, to become sections fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f and fourteen-g of chapter one hundred and forty-nine, of Barnes' code of one thousand nine hundred and eighteen.

{Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.}

SEC.	SEC.
14-a. Deputy sheriff to act as humane officer; cause for removal.	14-c. Destruction of animal by humane officer; when warranted.
14-b. Duty of humane officer; resisting officer; penalty.	14-f. Food, shelter and care; lien upon animal.
14-c. Expense incurred; owner's obligation.	14-g. Sale of animal and other personal property; notice to owner; posting of notice.
14-d. Neglected and abandoned animals; charge against owner.	

Be it enacted by the Legislature of West Virginia:

Section 14-a. The sheriff of each county of this state shall
2 annually designate one of his deputy sheriffs to act as humane
3 officer for said county, and it shall be the duty of the deputy
4 sheriff so designated to act as humane officer and to personally
5 see that the law relating to the prevention of cruelty to animals
6 shall be enforced; and failure to perform his duty in this respect
7 shall constitute good cause for removal from office.

Sec. 14-b. It shall be the duty of such humane officer to
2 interfere to prevent the perpetration or continuance of any act
3 of cruelty upon any animal in his presence, and every person
4 who shall interfere with, or obstruct or resist, any such officer in
5 the discharge of his duty, shall, upon conviction, be fined not
6 less than five nor more than fifty dollars or imprisoned in the
7 county jail not more than thirty days.

Sec. 14-c. When any person arrested is, at the time of such
2 arrest, in charge of any vehicle drawn by or containing any ani-
3 mal cruelly treated, such officer shall take charge of such animal
4 and of such vehicle and its contents, and of the animal or animals
5 drawing the same, and shall give notice thereof to the owner, if
6 known, and shall care and provide for them until their owner
7 shall take charge of the same; and such humane officer shall have
8 a lien on said animals and on said vehicle, and its contents, for the
9 expenses of such care and provision, or such expenses or any part
10 thereof remaining unpaid may be recovered by such humane offi-
11 cer in a civil action.

Sec. 14-d. Any such humane officer shall lawfully take charge
2 of any animal found abandoned, neglected, or cruelly treated, and
3 shall thereupon give notice thereof to the owner, if known, and
4 shall care and provide for such animal until the owner shall take
5 charge of the same, and the expense of such care and provisions
6 shall be a charge against the owner of such animal, collectible from
7 such owner by the said humane officer, in an action therefor.

Sec. 14-e. Any such humane officer may lawfully destroy or
2 cause to be destroyed any animal in his charge, when in the
3 judgment of such humane officer and by the written certificate
4 of two reputable citizens called to view the same in his presence,
5 one of whom may be selected by the owner of said animal, if he
6 shall so request, and who shall give their written certificate, that
7 such animal appears to be injured, disabled, diseased past recovery
8 or unfit for any useful purpose.

Sec. 14-f. When said humane officer shall provide any neg-
2 lected or abandoned animal with proper food, shelter and care,
3 he shall have a lien upon such animal for the expense thereof,
4 and such expense shall be charged against the owner of said ani-
5 mal and collectible from said owner in an action therefor.

Sec. 14-g. The said humane officer or any person or corpora-
2 tion entitled to a lien under any of the provisions of this act
3 may enforce the same by selling the animal or animals and other
4 personal property upon which said lien is given, at public auction,
5 upon giving written notice to the owner, if he be known, of the
6 time and place of such sale, at least five days previous thereto,
7 and by posting three notices of the time and place of such sale
8 in three public places within the county, at least five days previous
9 thereto; and if the owner be not known, then such notice shall be
10 posted at least ten days previous to such sale.

CHAPTER 119.

(Senate Bill No. 151—Mr. Lewis.)

AN ACT to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, *et cetera*, in coal mines.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 17. Competent and sober engineers must be employed; safety requisites; penalty for violating	}	SEC. provisions; inconsistent acts repealed.
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Be it enacted by the Legislature of West Virginia:

That section seventeen of chapter fifteen-h of the code of West Virginia be amended and re-enacted so that the same may read as follows:

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

12 And in every mine where ten men are employed under ground, 13 it shall be the duty of the operator thereof to keep always on hand 14 at the mine a properly constructed stretcher, a woolen and water- 15 proof blanket, and all necessary requisites which may be advised 16 by the medical practitioner employed by the company; and if as 17 many as one hundred and fifty men be employed two stretchers 17-a with the necessary equipment as above advised.

18 For violation of the foregoing provisions of this section, the 19 operator or agent or miner shall, upon conviction, be fined not 20 less than fifty, nor more than three hundred dollars, or be im- 21 prisoned in the county jail not less than ten, nor more than ninety 22 days, in the discretion of the court.

23 All acts or parts of acts inconsistent with this act are hereby 24 repealed.

CHAPTER 120.

(Senate Bill No. 201—Mr. Stewart.)

AN ACT to authorize the state board of control to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business.

[Passed February 12, 1910. In effect from passage. Approved by the Governor February 17, 1910.]

<p>SEC. 1. Board of control authorized to purchase lands for industrial school</p>	SEC.	<p>for boys; may carry on a general live stock business.</p>
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Be it enacted by the Legislature of West Virginia:

The state board of control is hereby authorized to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the said lands, which shall be situate convenient to the said school, and on which the said board may carry on a general live stock business.

CHAPTER 121.

(Senate Bill No. 59—Mr. Scherr.)

AN ACT prescribing penalties against the unauthorized taking and use of automobiles and motor vehicles.

[Passed February 14, 1910. In effect ninety days from passage. Approved by the Governor February 18, 1910.]

SEC.
1. Automobiles and motor vehicles, unauthorized taking and use of; penalty prescribed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person who shall, without the consent of the
 2 owner, take, use, operate or remove, or cause to be taken, used,
 3 operated or removed, from any garage, stable or other building,
 4 or from any public road, street, alley or park, or any public place
 5 or private property, without intent to steal, any automobile or
 6 motor vehicle shall be guilty of a misdemeanor, and upon con-
 7 viction thereof shall be fined not exceeding five hundred dollars,
 8 or confined in the county jail not exceeding six months, or both,
 9 in the discretion of the court.

CHAPTER 122.

(Senate Bill No. 35—Mr. Morton.)

AN ACT to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC.

28. Special receiver; court of equity may appoint; when; notice to owner or tenant of real estate required; judge in vacation may

SEC.

appoint in certain cases; refusal of circuit judge to appoint; procedure.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers, be amended and re-enacted so as to read as follows:

Section 28. A court of equity may, in any proper case pending therein, in which the property of a corporation, firm or person is involved, and there is danger of the loss or misappropriation of the same or a material part thereof, appoint a special receiver of such property, or of the rents, issues and profits thereof, or both, who shall give bond with good security to be approved by the court, or by the clerk thereof, for the faithful performance of his trust, and for paying over and accounting for, according to law, all such moneys, that may come into his hands by virtue of his appointment. But no such receiver shall be appointed of any real estate, or of the rents, issues and profits thereof, until reasonable notice of the application therefor has been given to the owner or tenant thereof. A judge of such court in vacation, may appoint such receiver of any such property, except real estate, and the rents, issues and profits thereof.

When a circuit court, or judge thereof, shall refuse the appointment of a receiver as aforesaid, a copy of the proceedings in court, and the original papers presented to it, or the judge in vacation, with the order of refusal, may be presented to the supreme court of appeals, or a judge in the vacation thereof, who may thereupon order the appointment to be made, and cause such order to be certified to the clerk of said circuit court, who shall record the same in his chancery order book, whereupon it shall be

24 the duty of such circuit court or judge to appoint such receiver,
25 and require the bond as hereinbefore provided.

26 All acts or parts of acts coming within the purview hereof
27 or inconsistent herewith, are hereby repealed.

CHAPTER 123.

(Senate Bill No. 69—Mr. Morton.)

AN ACT to amend and re-enact section three of chapter one hundred and twenty-nine of the code of West Virginia of one thousand nine hundred and thirteen, concerning commissioners in chancery.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC.

3. Commissioners in chancery; jurisdiction and authority extends throughout the state; acts and

SEC.

parts of acts conflicting repealed.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and twenty-nine 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 3. Accounts to be taken in any case shall be referred to a commissioner so appointed to be named in the decree or order unless the parties interested agree, or the court shall deem it proper, that they be referred to some other person. Every commissioner shall examine and report upon such accounts and matters as may be referred to him by the court and such report may be recommitted to such commissioner, or to some other commissioner or person, for other and final report.

The court in any decree or order of reference may authorize and empower the commissioner, or other person to whom such cause or action is referred, to take proof and hear testimony touching the matters referred to him in any county within this state; and for such purpose when so authorized, the jurisdiction and authority of such commissioner or person shall extend throughout the state.

Whenever said commissioner, or the person to whom any such cause or action was referred, has made up and filed his report, and there appears therefrom or the evidence filed therewith, or from the pleadings and evidence of the whole case, sufficient facts upon which the court can decree or enter judgment, the same shall not be recommitted for further report, but a decree

23 or judgment shall be entered therein, according to the law, and
24 the very right of the case as disclosed from the whole record.

25 All acts and parts of acts, coming within the purview here-
26 of and inconsistent herewith, are hereby repealed.

CHAPTER 124.

(Senate Bill No. 6—Mr. Harmer.)

AN ACT to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

Sec.

3. Jury commissioners; by whom appointed; qualification; term of office; pay for services.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature for the year one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 3. There shall be two jury commissioners of the 2 circuit court of each county. They shall be of opposite poli- 3 tics, citizens of good standing, residents in the county for which 4 they are appointed and well known members of the principal 5 political parties thereof. They shall be appointed by the cir- 6 cuit court, or the judge thereof in vacation, of their respective 7 counties. Their term of office shall be for four years, and shall 8 commence on the first day of June next after their appoint- 9 ment, but the two shall be appointed, one for two years and the 10-13 other for four years. They may be removed from 14 office by the court or judge having the power of appoint- 15 ment, for official misconduct, incompetency, habitual drunken- 16 ness, neglect of duty or gross immorality. Vacancies caused by 17 death, resignation or otherwise, shall be filled for the unexpired 18 term in the same manner as the original appointments. The 19 jury commissioners shall keep in a well bound book a record of 20 the proceedings to be preserved by the clerk of the circuit court

21 in his office. They shall receive four dollars per day for each
 22 day necessarily employed as such jury commisssioners, payable
 23 out of the county treasury, upon the order of the circuit court.
 24 The first appointment of said commissioners shall be made with-
 25 in thirty days after this act takes effect. The jury commissioners
 26 of each county shall, at the levy term of the county court thereof
 27 annually, and at any other time when required by the circuit
 28 court of such county, without reference to party affiliations, pre-
 29 pare a list of such inhabitants of the county, not exempted as
 30 aforesaid, as they shall think well qualified to serve as jurors, be-
 31 ing persons of sound judgment and free from legal exception,
 32 which list shall include not less than two hundred nor more than
 33 six hundred persons. But the name of no person shall be put
 34 on such list who shall have been drawn and actually served
 35 as a petit juror within a period of two years, or who may have
 36 requested the jury commissioners or either of them, by himself
 37 or another person, to have his name placed on such list; *provided*,
 38 that in any county wherein there is a criminal or intermediate
 39 court or court of common pleas, service on a petit jury in any
 40 such court shall not exempt a juror from jury service in the
 41 circuit court, nor *vice versa*. Before entering upon the discharge
 42 of their duties the jury commissioners shall take and subscribe an
 43 oath to the following effect:

44 State of West Virginia,

45 County of, to-wit:

46 I, A, B....., do solemnly
 47 swear that I will support the constitution of the United States
 48 and the constitution of this state and will faithfully discharge
 49 the duties of jury commissioner to the best of my skill and
 50 judgment, and that I will not place any person upon the jury
 51 list in violation of law, or out of fear, favor or affection.

52 The said oath shall be taken before the clerk of the circuit
 52a court, who is hereby authorized to administer the same, and filed
 53 and preserved by him in his office. There shall be two jury
 54 commissioners for every court of limited jurisdiction, who shall
 55 be appointed by said courts, or the judges thereof in vacation,
 56 respectively, and whose terms of office and compensation shall be
 57 the same as jury commissioners for the circuit courts. The same
 58 powers conferred and duties imposed by this chapter upon the
 59 circuit courts, or the judges thereof in vacation, and upon the
 60 clerks and jury commissioners of the circuit courts, are hereby

61 conferred and imposed upon every court of limited jurisdiction
62 and the judges thereof respectively, and upon the clerks and jury
63 commissioners of said courts of limited jurisdiction.

CHAPTER 125.

(Senate Bill No. 88—Mr. Johnson.)

AN ACT for the prevention of blindness from ophthalmia neonatorum.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

SEC.

1. Affliction designated; "inflammation of the eyes of the new-born."
2. Condition of child to be reported; duty of health officer on receipt of report; warning of danger.
3. Neglect of physician or midwife; medical treatment indicated.
4. Report to be made by midwife or physician; what report must

SEC.

5. contain.
6. Detailed duties of local health officer; regulations of public health council to be regarded.
7. Public health council, duties, general and specific.
8. Requirements of clerk of county court; reports to be certified by prosecuting attorney.
9. Penalty for violating provisions of act.

It is enacted by the Legislature of West Virginia:

Section 1. That any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two weeks after the birth of such infant, shall be known as "inflammation of the eyes of the new-born" (ophthalmia neonatorum).

Sec. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth, or any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, immediately to report such fact in writing, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside. In the event of there being no health officer in the county, city, or town in which the infant resides, midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions. On receipt of such report, the health officer, or

15 the physician notified by a midwife where no health officer exists,
16 shall immediately give to the parents or persons having charge of
17 such infant a warning of the dangers to the eye, or eyes, of said
18 infant, and shall for indigent cases provide the necessary treatment
19 at the expense of said county, city, or town.

Sec. 3. It shall be unlawful for any physician, or midwife
2 practicing midwifery to neglect, or otherwise fail to instill or have
3 instilled immediately upon its birth, in the eyes of the new-born
4 babe, one or two drops of a one per cent solution of silver nitrate,
5 furnished by the public health council.

Sec. 4. Every physician or midwife shall, in making a report
2 of a birth, state whether or not the above solution was instilled into
3 the eyes of said infant.

Sec. 5. It shall be the duty of the local health officer :

2 (1) To investigate, or have investigated, each case as filed
3 with him in pursuance of the law, and any other cases as may come
4 to his attention.

5 (2) To report all cases of inflammation of the eyes of the
6 new-born, and the result of all such investigations as the public
7 health council shall direct.

8 (3) To conform to such other rules and regulations as the
9 public health council shall promulgate for his further guidance.

Sec. 6. It shall be the duty of the public health council :

2 (1) To enforce the provisions of this act.

3 (2) To promulgate such rules and regulations as shall, under
4 this act, be necessary for the purpose of this act, and such as the
5 public health council may deem necessary for the further and prop-
6 er guidance of local health officers.

7 (3) To provide for the gratuitous distribution of one per
8 cent solution of silver nitrate outfits together with proper direc-
9 tions for the use and administration thereof, to all physicians and
10 midwives as may be engaged in the practice of obstetrics, or assist-
11 ing at childbirth.

12 (4) To publish and promulgate such further advice and
13 information concerning the dangers of inflammation of the eyes of
14 the new-born as is necessary for prompt and effective treatment.

15 (5) To furnish copies of this law to all physicians, and mid-
16 wives as may be engaged in the practice of obstetrics, or assisting
17 at childbirth.

18 (6) To keep a proper record of any and all cases of inflam-
19 mation of the eyes of the new-born as shall be filed in the office

20 of the public health council in pursuance of this law, and as may
21 come to their attention in any way, and to constitute such records
22 a part of the annual report to the governor.

23 (7) To report any and all violations of this act as may
24 come to their attention to the prosecuting attorney of the county
25 wherein said misdemeanor may have been committed, and to assist
26 said official in any way possible as by securing necessary evidence,
27 et cetua.

28 (8) To furnish birth certificates which shall include the
29 question—"Did you instill in each eye of the infant a one per cent
30 solution of nitrate of silver immediately after birth?"

Sec. 7. It shall be the duty of the clerk of the county court of
2 each county on or before the fifteenth day of each month to certify
3 to the prosecuting attorney of his county all reports of births filed
4 during the preceding calendar month which fail to show that the
5 solution herein before provided for was instilled.

Sec. 8. Whoever being a physician, surgeon, midwife, obste-
2 trician, nurse, manager or person in charge of a maternity home or
3 hospital, parent, relative, or person attending upon or assisting at
4 the birth of an infant, violates any of the provisions of this act,
5 shall be deemed guilty of a misdemeanor, and upon conviction
6 thereof shall be fined a sum of not less than ten or more than fifty
7 dollars.

CHAPTER 126.

(Senate Bill No. 12—Mr. Sanders.)

AN ACT to amend and re-enact chapter twenty-eight-a of the code
of West Virginia of one thousand nine hundred and sixteen codi-
fying and embracing in one act all the general laws relating
to the rate and manner of laying levies for taxation
in counties, magisterial districts, school districts, independent
school districts, and municipal corporations, to provide penal-
ties for the illegal expenditures of public moneys, incurring of
illegal obligations and the laying of illegal levies by any tax-
levying body, and for the creation and distribution of the general
school fund.

[Passed February 13, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.]

<p>SEC.</p> <p>1. County courts and boards of education; delinquent taxes; exonerations.</p> <p>2. Statement and levies made by county courts; expenditures.</p> <p>3. Order for levy; assessor to extend taxes to proper books; delinquent lists.</p> <p>4. Writ of supersedeas; money collected under rescinded order; disposition of same.</p> <p>5. Statement and levies by boards of education; debts and demands; expenditures.</p> <p>6. Report required after laying of levies; sheriff to collect taxes.</p> <p>7. The general school fund; capita-</p>	<p>SEC.</p> <p>tion tax; school fund distribution.</p> <p>8. Statement and levies by municipal councils; order laying levies to be reported to state tax commissioner.</p> <p>9. Additional fund; purposes specified; outstanding bonded indebtedness.</p> <p>10. Elections; time and manner of holding; laws applicable.</p> <p>11. Restricted use of funds.</p> <p>12. Certain acts prohibited; penalties prescribed; personal liability of members of fiscal body.</p> <p>13. Preparation of forms; duty of state tax commissioner; attorney general to prepare forms.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen be amended and re-enacted so as to read as follows:

Section 1. The county court of every county, the board of education of every school and independent school district and the common council or other fiscal body in lieu thereof of every municipal corporation, shall hold a session on the second Tuesday in August in each year for the transaction of business generally, and especially for the transaction of business as herein required.

Statement and Levies Made by County Courts.

Sec. 2. At such session the county court shall ascertain the condition of the fiscal affairs of the county, and make up an itemized statement thereof, which shall set forth in detail:

First. The amount due and the amount that will become due and collectable from every source during the current fiscal year except from the levy of taxes to be made for the year to the county as a whole and to the road fund and any other fund of any district of the county;

Second. The debts and demands owed by the county as a whole and the debts and demands payable out of the road or other fund of any district thereof, including debts and demands that will become due and payable during the year by the county as a whole or out of the funds of any district thereof, including interest on any indebtedness, funded or bonded, or otherwise;

Third. All other expenditures under the several heads of expenditures to be made and payable out of the levy of the current fiscal year whether by the county as a whole or out of the road fund or other fund of any district thereof, with proper allowances for delinquent taxes, exonerations and contingencies.

20 The said statement shall set forth the total amount necessary
21 to be raised by the levy of taxes for the current year, the rate of
22 such levy in cents on each one hundred dollars assessed valuation
23 proposed on the property as a whole, and on the property in each
24 district for district funds, and on the property in each municipal
25 corporation. A copy of such statement duly certified by the clerk of
26 the court shall be forwarded to the state tax commissioner, and said
27 statement shall also be published twice, at least one week interven-
28 ing between publication, in two newspapers of general circulation
29 published in the county, and of opposite politics. If there be but
30 one newspaper published in the county, the publication shall be
31 made therein. The session shall then stand adjourned until the
32 fourth Tuesday in August, at which time it shall reconvene, and
33 it shall then be the duty of said court to hear and consider any ob-
34 jections made orally or in writing, by the prosecuting attorney, by
35 the state tax commissioner or his representative, or by any tax-
36 payer of the county, to said estimate and proposed levy, or any item
37 thereof. It shall be the duty of the court to enter an order of-rec-
38 ord showing the objections so made, setting forth the reasons and
39 grounds for such objections. But the failure of any officer or
40 taxpayer to offer objections as herein provided shall not preclude
41 him from pursuing any legal remedy necessary to correct any
42 levy made by any fiscal body named in this act. After said objec-
43 tions have been made and heard, the court shall thereupon re-
44 consider the proposed original estimate and proposed rate of
45 levy, and if the objection thereto or any part thereof appear
46 to be well taken, the court shall correct the same accordingly,
47 and it shall thereupon be approved, and when approved shall,
48 with the order approving it, be entered by the clerk in the proper
49 record book. The county court shall thereupon levy as many
50 cents on each one hundred dollars assessed valuation of the tax-
51 able property in the county or district, according to the last
52 assessment thereof, as will produce the amounts shown by the
53 statement approved to be necessary, as follows:

54 (a) For county purposes, other than roads and bridges, a
55 levy not to exceed thirty cents, such levy to be uniform throughout
56 the county.

57 (b) For county road purposes, a levy not to exceed twenty-
58 five cents for the construction, improvement and maintenance of
59 the "main county roads," as defined in chapter sixty-six of the acts
60 of the legislature of one thousand nine hundred and seventeen, and

61 for the construction and maintenance of bridges thereon when such
62 roads have been established and properly located. The fund de-
63 rived from such levy shall be expended as provided by chapter
64 sixty-six of the acts of the legislature regular session of one thous-
65-68 and nine hundred and seventeen.

69 In case of calamity, such as floods and the like, resulting in
70 unusual damages, or the washing away of bridges or roads, the
71 county court, with the written approval of the state tax commis-
72 sioner and the state road commission may lay a special emergency
73 levy not to exceed ten cents on each one hundred dollars assessed
74 valuation of the taxable property in the county.

75 (c) For district road purposes, not to exceed fifteen cents on
76 each one hundred dollars assessed valuation of the taxable prop-
77 erty in each of the several districts of the county for the con-
78 struction, improvement and maintenance of the district roads
79 therein, and for the construction and maintenance of bridges there-
80 on. The fund derived from such levy shall be expended under
81 the authority and direction of the county court, as provided by
81-a chapter sixty-six, acts of the legislature of one thousand nine
81-b hundred and seventeen.

82 In case of calamity, such as floods and the like, resulting in
83 unusual damage, or the washing away of bridges or roads, the
84 county court, with the written approval of the state tax commis-
85 sioner, may lay a special emergency district road levy not to ex-
86 ceed ten cents on each one hundred dollars valuation of the taxable
87 property in the district or districts affected thereby, for such
88 year or years as may be named in such approval. *Provided*, that
89 nothing herein contained shall prevent the county court of any
90 county from including in its estimates and providing a levy to
91 take care of any bonded indebtedness for road purposes or any
92 levy authorized by a vote of the people of any county or any dis-
93 trict therein as provided by chapter sixty-six of the acts of the
94 legislature of one thousand nine hundred and seventeen.

Sec. 3. When an order is made for a levy the clerk of such
2 court shall, within five days thereafter, make out and certify as
3 many copies thereof as may be necessary and forward one of the
4 said copies to the state tax commissioner and deliver one to the of-
5 ficer who according to law is required to collect such levy, and
6 charge the said officer with the amount thereof in the proper ac-
7 count book of the county, and shall, also, deliver one of the said
8 copies to the assessor. The assessor shall immediately extend the

9-12 taxes in the land and personal property books. The officer who is
13 required to collect the levy shall make out proper tax bills as pre-
14 scribed in section twenty of chapter thirty of the code of West Vir-
15 ginia of one thousand nine hundred and sixteen. County levies
16 shall be collected by the sheriff at the same time, in the same man-
17 ner, and under the same regulations as other taxes are collected.
18 Delinquent lists for county levies shall be returned and delinquent
19 lands sold for county levies in the same manner and at the same
20 place and under the same regulations that lands returned delin-
21 quent for state taxes are returned and sold.

Sec. 4. To an order for a levy, a writ of supersedeas may be
2 allowed by the circuit court of the county, or by the judge thereof in
3 vacation, within forty days thereafter, on the petition of not fewer
4 than twenty-four persons interested in reversing the said order.
5 Without waiting the final decision on such writ, the county court
6 may rescind such order, and order a levy according to law; or if the
7 court shall, on the hearing, be of opinion that the order is contrary
8 to law and reverse the same, the county court may, in like manner,
9 order a levy according to law. If money be collected under any
10 such order which is afterward rescinded or reversed, the collecting
11 officer shall, upon demand, repay the same to the person from whom
12 it was collected. If he fail to do so, the amount, with cost, may be
13 recovered of him and his sureties, or any one or more of them, by
14 summons before a justice or motion in the circuit court on ten
15 days' notice.

Statement and Levies by Boards of Education.

Sec. 5. At its session held on the second Tuesday in August as
2 aforesaid, the board of education of every district and independent
3 district, except the independent school district of Wheel-
3-a ing, shall, if a majority of the ballots cast upon the question of
4 laying a levy in the district or independent district as provided in
5 chapter forty-five of the code have printed or written thereon "For
6 school levy," ascertain the condition of the fiscal affairs of the
7 district and make up an itemized statement thereof, distinguish-
8 ing between elementary and high schools and the various funds
9 hereinafter provided for each, which statement shall set forth in
10 detail: First. The separate amounts due the various funds of the
11-13 district, and the amounts that will come due and collectible
14 during the current fiscal year except from the levy of taxes to be
15 made for the year;

16 Second. The debts and demands owed by the district, and the
17 debts and demands that will become due and payable during the
18 current fiscal year, including interest on any indebtedness, funded,
19 bonded or otherwise;

20 Third. All other expenditures under the several heads of ex-
21 penditures, to be made and payable out of the levy of the district
22 for the current fiscal year, with proper allowances for delinquent
23 taxes, exonerations and contingencies. Said statement shall also
24 set forth the separate amount necessary to be raised for each fund
25 by the levy of taxes for the current fiscal year, the proposed rate of
26 such levy in cents on each one hundred dollars assessed valuation
27 of the taxable property in the district for each of such funds, and
28 the separate and aggregate amounts of the assessed valuation of
29 real estate, personal property, and public utility property assessed
30 by the board of public works. A copy of such statement duly cer-
31 tified by the secretary of the board shall immediately be forwarded
32 to the state tax commissioner, and said statement shall, before the
33 next meeting of the board, be published once in two newspapers of
34 opposite politics in the county, if there be two such newspapers of
35 general circulation in the county. If there be but one newspaper
36 published in the county, the publication shall be made therein.
37 The session shall then stand adjourned until the fourth Tuesday
38 in August, at which time it shall reconvene and proceed in all re-
39 spects as provided in section two. After having entered the state-
40 ment as finally approved, in its book of record or proceedings, the
41 board shall thereupon levy as many cents on each one hundred dol-
42 lars assessed valuation of the taxable property in the district, ac-
43 cording to the last assessment thereof, as will produce the amounts
44 shown by the statement approved to be necessary as follows:

For Elementary Schools.

45 (a) For maintenance building fund purposes, a levy not
46 to exceed ten cents, which fund shall be used for the purposes for
47 which the building fund as now provided by law is used, except
48 that no part of such fund shall be used for purchasing lands or
49 erecting new buildings, or additions, or for equipping and furnish-
50 ing same; but if the rate of levy as herein provided for mainten-
51 ance building fund purposes will not produce a sufficient fund
52 for such purposes, the deficiency shall be made up from the general
53 school fund as provided for in section seven of this act.

54 (b) For new building fund purposes, a levy not to exceed

55 twenty cents, which fund shall be used for the purpose of purchas-
56 ing lands and the erection of buildings thereon, for the purchase
57 and remodeling of buildings, and for building additions to
58 school houses, and for furnishing and equipping the same. Where,
59 however, an exigency exists for additional housing and the levy
60 herein provided is not sufficient to provide for same, an additional
61 levy hereunder may be laid, not to exceed twenty cents, but such
62 levy shall not be made until the same shall have been first sub-
63 mitted to and approved in writing by the state superintendent of
64 free schools and the state tax commissioner. Such buildings shall
65 be constructed according to and under the conditions now provided
66 by law.

67 (c) For teachers' fund purposes, a levy not to exceed forty
68 cents, for the purpose of maintaining the schools of the district
69 for a minimum term of six months, or for a longer term where the
70 same has been extended by or according to law. (In case, however,
71 the levy hereunder, including the supplemental apportionment of
72 the general school fund hereinafter provided, will not produce a
73 sufficient fund to pay minimum salaries to a sufficient number
74 of teachers for all the schools of the district for the minimum
75 term it shall be the duty of the board of education to lay an ad-
76 ditional levy to make up the deficiency in the teachers' fund.)

77 (d) In any district or independent district where the term
78 of school has been, or shall hereafter be, extended for a longer
79 period than the minimum term by a majority of the votes cast at
80 an election therein as provided in section twenty-seven of chapter
81 forty-five of the code of West Virginia of one thousand nine
82 hundred and sixteen, and the maximum rate of levy hereinbefore
83 provided for maintenance building fund purposes and teachers'
84 fund purposes will not provide sufficient funds to defray the ex-
85 penses of the term provided by such election, the board of educa-
86 tion shall lay a levy sufficiently high to provide the funds neces-
87 sary to conduct the schools in such district for the term provided
88 by such election, and such levy shall be separated into, and desig-
89 nated as, maintenance building fund levy, and teachers' fund
90 levy. The term of school fixed by such election shall continue
90-a from year to year so long as a majority of the votes cast at the
90-b election at which the question of "school levy" is submitted, be
90-c in favor of such "school levy," or until the term so fixed shall be
90-d changed by a majority vote of the people in such district.

91 (e) If the majority of the taxpayers of a sub-district with-

92 in an incorporated municipality, the boundaries of which sub-dis-
93 trict are, or shall be made, co-extensive with the boundaries of
94 such municipality, file with the board of education of the district
95 in which such sub-district is a part, at their meeting on the second
96 Tuesday in August, a petition praying for an extension of the
97 school term therein for a given number of months, the board shall
98 extend the term of such school for the number of months prayed
99 for in such petition, and shall lay levies sufficiently high on each
100 one hundred dollars' assessed valuation of the taxable property in
101 such sub-district according to the last assessment thereof, for such
102 extension, which levies shall be separated into and designated as
103 maintenance building fund levy and a sub-district teachers' fund
103-a levy.

For High Schools.

104 For high schools for current purposes under such regula-
105 tions as are prescribed by law, a levy of not to exceed twenty
106 cents, and in making up the estimate and proposing levies there-
107 for as provided in section five, the board of education shall
108 separate the same into two funds as follows: Maintenance build-
109 ing fund purposes and teachers' fund purposes.

110 In case the levy herein provided for high school purposes
111 will not produce sufficient funds to continue any high school for
112 the term fixed by law, the board of education may lay a levy
113 sufficiently high to maintain such high school for the said term.

Sec. 6. Within three days after the board of education has
2 laid the levies for the various funds hereinbefore provided, it shall
3 be the duty of the secretary of the board to forward a certified
4 copy of the orders laying levies to the state tax commissioner
5 and to report the rate of levy for each fund to the county super-
6 intendent and the assessor, and within three days thereafter
7 it shall be the duty of the county superintendent to report the
8 rate of levy for each of the various funds to the clerk of the
9 county court and the assessor, and the rate of levy for all funds,
10 and the total value of real and personal property in each district
11 and independent district to the state superintendent of free-
12 schools and the auditor; and it shall thereupon be the duty of
13 the proper county officers to extend on the land and personal
14 property books the amount of taxes levied aforesaid, which taxes
15 the sheriff shall collect and account for as required by law.

The General School Fund.

Sec. 7. The proceeds of the capitation tax, the income of 2 the school fund, the net proceeds of all forfeitures and fines which 3 accrued to the state during the previous year and all moneys 4 arising from the sources named in section four of article twelve 5 of the constitution heretofore going to the "school fund," but as 6 now amended going to the "general school fund," all interest on 7 public moneys received from state depositories, state license tax 8 on marriages, state tax on forfeitures, state tax on state licenses 8-a except state licenses paid direct to the state auditor and secretary 8-b of state (the income, however, from the last three named sources 8-c shall be paid into the "general school fund" beginning July first, 8-d one thousand nine hundred and nineteen), and all funds from 9 any source paid into the treasury for school purposes and not oth- 10 erwise appropriated, shall be set apart for the support of free 11 schools, as a separate fund to be called "the general school fund." 12 Such fund shall be used to supplement the maintenance building 13 fund of elementary schools, and the teachers' fund of elementary 14 schools in districts where the maximum levy for teachers' 15 purposes will not provide sufficient funds to pay minimum salaries 16 to a sufficient number of teachers for all the elementary schools 17 of the district for the minimum term, and for the purposes 18-19 enumerated in the following paragraph:

20 It shall be the duty of the auditor, on or before the twentieth 21 day of July in each year, to ascertain the amount of the general 22 school fund for distribution, after first deducting the aggregate 23 salary of the state superintendent of free schools, his necessary 24 traveling expenses not to exceed five hundred dollars, the con- 25 tingent and other expenses of his office, and the salaries of county 26 superintendents, and to notify the state superintendent of free 27 schools thereof. The state superintendent shall thereupon ascer- 28 tain the deficiency in the maintenance building fund and the 29 teachers' funds mentioned in the preceding paragraph whose duty 30 it shall be to deposit with the treasurer of the board of education 31 to the credit of such fund the amount necessary to make up such 32 deficiency, to be apportioned, however, to the various districts 33 requiring supplemental aid as herein provided so as to make the 34 term of elementary schools therein as nearly equal as possible 35 being guided, however, in such apportionment by the relative

36 assessed valuation of property therein as indicated by the records
37 of the state tax commissioner's office.

38 But before making requisition on the auditor for the supple-
39 mental aid herein provided, the state superintendent shall inform
40 himself of the conditions existing in such districts as seek aid and
41 shall require from all boards of education asking such aid, on
42 forms to be prescribed and furnished by him, a financial state-
43 ment thereof supported by affidavits showing the deficiency exist-
44 ing in such districts and the necessity for such aid.

45 The state superintendent shall, also, notify the county super-
46 intendent of each county to which supplemental aid is furnished
47 the amount thereof, who in turn shall notify the boards of educa-
48 tion of such districts as receive such supplemental aid of the
49 amount thereof apportioned to such district and that the same
50 can not be drawn by them until they have laid the maximum
51 levies required by sections five (a) and (c) of this chapter.

Statement and Levies by Municipal Councils.

Sec. 8. At its session held on the second Tuesday in August,
2 as aforesaid, the common council of every municipal corporation
3 shall ascertain the condition of the fiscal affairs thereof and make
4 up an itemized statement of the same, which shall set forth in
5 detail:

6 First. The amount due the municipality, and the amount that
7 will become due thereto and collectable during the current fiscal
8 year from every source, except the amount that will be produced
9 by the levy of taxes to be made for the year.

10 Second. The debts and demands owed by the municipality and
11 the debts and demands that will become due and payable during
12 the current fiscal year, including interest on any indebtedness,
13 funded, bonded or otherwise.

14 Third. All other expenditures, under the several heads of ex-
15 penditures, to be made and payable out of the funds of the
16 municipality for the current fiscal year, including the cost of
17 collection of taxes and other claims, with proper allowances for
18 delinquent taxes and contingencies.

19 The said statement shall, also, set forth the total amount
20 necessary to be raised by the levy of taxes for the current fiscal
21 year, the rate of such levy in cents on each one hundred dollars
22 assessed valuation of the taxable property in the municipality,

23 and the separate and aggregate amounts of the assessed valuation
24 of real estate, personal property, and public utility property
25 assessed by the board of public works. A copy of such statement
26 duly certified by the clerk, recorder, or other recording officer of
27 such municipality, shall immediately be forwarded to the state
28 tax commissioner, and said statement shall, also, be published as
29 provided in section two. The session shall then stand adjourned
30 until the fourth Tuesday in August, at which time it shall recon-
31 vene and proceed in all respects as provided in section two. After
32 having entered the said statement, as finally approved in its book
33 of record of proceedings, the council shall thereupon levy as many
34 cents, not to exceed fifty, on each one hundred dollars assessed
35 valuation of the taxable property in the municipality, according
36 to the last assessment thereof, as will produce the amount shown
37 by the said statement to be necessary for municipal purposes; a
38 copy of the order laying levies, duly certified by the clerk, recorder
39 or other recording officer, shall be immediately forwarded to the
40 state tax commissioner.

Additional Fund Purposes.

Sec. 9. (a) If any county court, board of education, or
2 common council of a municipal corporation be of opinion that
3 the maximum rate of levy of taxes hereinbefore named in section
4 two (a) as to counties, or in section five as to elementary and
5 high schools, in school districts, or in section eight as to munici-
6 palities, will not produce sufficient funds for the current fiscal year
7 to cover the expenditures for the year in the county or school dis-
8 trict, or municipality, as the case may be, it may enter an order on
9 its record book of proceedings setting forth the purposes for which
10 additional funds will be needed, the amount thereof for each pur-
11 pose, and the total thereof, the separate and aggregate amount of
12 the taxable property on which it is authorized to levy taxes and the
13 rate of levy in cents on each one hundred dollars assessed valuation
14 of such property necessary to produce the additional amount esti-
15 mated to be needed; and in the same order submit to the voters of
16 the county, the school district or the municipality, as the case may
17 be, at an election therefor, the question of such additional levy. If
18-19 a majority of the votes cast on the question at such election be
20 in favor of such additional levy, the court, board of council, as
21 the case may be, shall have authority to make such additional

22 levy, but the same shall not exceed twenty cents on each one hun-
23 dred dollars assessed valuation of the taxable property in the
24 county, school district, or municipality, according to the last
25 assessment thereof.

26 (b) If any county, school or independent school district, or
27 municipal corporation has, at the time this act goes into effect, an
28 outstanding bonded indebtedness where no provision has hereto-
29 fore been made to pay the interest on such bonds and provide a
30 sinking fund for the discharge of the principal of the same at
31 maturity, the county court, the board of education, or the munici-
32 pal council, as the case may be, shall lay a levy sufficiently high
33 to pay the interest and provide a sinking fund for the discharge of
34 the principal of such bonds at maturity and shall continue to lay
35 the same from year to year until such bonded indebtedness is
36 liquidated. The funds arising from such levy shall be used for the
37 purposes for which levied and no other.

38 (c) If any county or school or independent school district,
39 or municipal corporation, creates in the future a bonded indebted-
40 ness according to law, the county court, board of education, or
41 municipal council, as the case may be, shall enter an order on its
42 record book of proceedings setting forth the maximum rate of
43 levy necessary in each year to pay the interest and provide a
44 sinking fund for the discharge of the principal of the bonds at
45 maturity; and in the same order submit to the voters of the
46 county, district or municipality, as the case may be, at the election
47 held for the purpose of authorizing the bond issue, the question
48 of such levy. At such election there shall be printed on the ticket
49 a brief statement of the levy herein provided for, such as "To
50 authorize a maximum special bond levy of cents to pay
51 the interest on, and cents to provide a sinking fund for
52 the discharge of the principal of the bonds now being voted for
53 according to the order of entered on the
54 day of" And directly underneath,
55 in two separate lines, shall be printed the words "For the levy"
56 and "Against the levy." In all respects the provisions of the laws
57 concerning general elections and elections under the provisions of
58 this act shall apply to such election as far as they are practicable.
59 If a majority of the votes cast at such election be in favor of such
60 levy, the county court, board or council, as the case may be, shall
61 have authority to lay such maximum levy, and it may continue
62 to lay the same, or such portion thereof as is necessary, from year

63 to year, without an additional vote, until such bonded indebted-
64 ness is liquidated; but the funds arising from such levy shall be
65 used for the purposes for which levied and no other.

Elections.

Sec. 10. The election authorized in section nine may be held
2 at any general election, or at a special election held for the
3 purposes herein stated. Notice thereof, however, shall be given
4 by publication of the order of the court, board of education, or
5 council, calling the same, in two newspapers of general circulation
6 in the territory in which the election is held, and of opposite
7 politics, at least once in each week for two successive weeks before
8 the election, and printed copies of said order shall be posted at
9 each place of voting at least ten days before the election. If there
10 be only one newspaper published in the county, the publication
11 shall be made therein. All the provisions of the laws concerning
12 general elections shall apply to such election as far as they are
13 practicable, except as follows: A separate ticket shall be used at
14 such election held in connection with any other election. On such
15 ticket shall be printed a brief statement of the question submitted
16 such as "Special election to authorize levy of
17 cents, according to the order of the,
18 entered on the day of"; and directly
19 underneath in two separate lines, shall be printed the words "For
20 the levy" and "Against the levy." Those favoring the levy shall
21 erase the words "Against the levy" and those opposed thereto
22 shall erase the words "For the levy." If a majority of those
23 voting on the question be in favor of the levy, the said fiscal body
24 submitting the question shall be authorized to lay the same; but
25 if a majority of the votes cast on the question be not in favor of
26 such levy, it shall not be laid. If the question be submitted by
27 the county court, the clerk thereof shall prepare, procure and
28 furnish to the election commissioners at each place of voting, the
29 tickets, poll books, tally sheets and other things needed; if the
30 question be submitted by a board of education, the secretary
31 thereof shall perform such duty; and if the question be submitted
32 by a council of a municipal corporation, such duty shall be per-
33 formed by the clerk, recorder or other recording officer of the
34 municipal council.

35 A levy under (a) section nine may be submitted for any two
36 successive years that may be named in the order submitting the

37 question to the voters, the rate of levy for each year being stated
38 in such order, and if the levy be authorized as aforesaid, the
39 proper fiscal body may lay such levy, or so much thereof as may
40 be necessary for each of said two years.

Restricted Use of Funds.

Sec. 11. Any funds derived from levying of taxes under and
2 pursuant to the provisions of this act shall be expended for the pur-
3 poses for which levied and no other.

Certain Acts Prohibited and Penalties Prescribed.

Sec. 12. It shall be unlawful for any county court, board of
2 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 school district, or municipality to ex-
5 pend any money or to incur any obligation or indebtedness which
6 such fiscal body is not expressly authorized by law to expend or in-
7 cur. Nor shall any such fiscal body make any contract, express or
8 implied the performance of which, in whole or part, would involve
9 the expenditure of money in excess of funds legally at the disposal
10 of such fiscal body, nor issue or authorize to be issued any certifi-
11 cate, order or other evidence of indebtedness which cannot be paid
12 out of the levy for the current fiscal year or out of the fund against
13 which it is issued. Nor shall any such tribunal attempt to lay any
14 levy the rate whereof shall exceed the rate specified by law. Any
15 indebtedness created, contract made or order or draft issued in vio-
16 lation hereof, shall be void and of no effect, and any money received
17 thereon may be recovered from the person receiving the same by the
18 fiscal body which created, made or issued the indebtedness, contract.
19 order or draft.

20 Any member of such fiscal body, or any officer or person who
21 willfully violates any of the provisions of this act, shall expend
22 any money, or incur any debt or obligation, or make or participate
23 in the making of any such contract, or be a party thereto in any
24 official capacity, or issue or cause to be issued any such certificate,
25 order or other evidence of indebtedness, shall be personally liable
26 therefor, both jointly and severally, and an action may be main-
27 tained therefor by the state, or by any county, municipal corpora-
28 tion, district, or person prejudiced thereby, in any court of com-
29 petent jurisdiction. Any such member, officer or person who shall

30 wilfully violate the provisions of this act shall be
31 guilty of a misdemeanor, and upon conviction thereof shall be fined
32 not more than five hundred dollars, or be confined in jail not more
33 than one year, or be both fined and imprisoned, and in addition
34 thereto shall forfeit his office. Whenever any court of competent
35 jurisdiction by mandamus, injunction, or trial of any action of
36 law, or judicial proceeding, shall ascertain or determine that
37 any member of any fiscal body hereinbefore referred to has negli-
38 gently or willfully violated any of the provisions of this section, it
39 shall enter an order declaring the office of such member forfeited.

40 Any taxpayer of the county, school district or independent
41 school district or municipality, as the case may be, or the state tax
42 commissioner, for the use and benefit of the county, school district
43 or independent school district, or municipality, as the case may be,
44 may, in his name, institute and prosecute to final judgment includ-
45 ing the right of appeal to the supreme court of appeals of the state
46 in any court having jurisdiction, proper action, suit, or proceeding,
47 against the individual members of a county court, board of educa-
48 tion, municipal council, or other body in lieu thereof, to recover
49 from them any moneys expended in violation, or without authority
50 of law. All moneys recovered in any such action, suit or proceed-
51 ing shall be paid into the treasury of the proper fiscal body to the
52 credit of the proper fund. The plaintiff, in case he prevails, shall
53 recover his costs against the defendants, including a reasonable at-
54 torney's fee to be fixed by the trial court, and included in the taxa-
55 tion of costs. Any such taxpayer, or the state tax commissioner,
56 shall have the right to institute and prosecute to final judgment any
57 proceeding for the removal of any member of any county court,
58 board of education, municipal council, or other body in lieu there-
59 of, for expending public money in violation, or without authority of
60 law. Upon the filing of a petition by such taxpayer, or the state
61 tax commissioner, either in term or vacation, the court, or judge,
62 shall set a time for hearing such petition. An attested copy of the
63 petition and specifications of charges therein contained, shall be
64 served for a period of at least twenty days upon the defendants
65 named therein, and no other pleading or notice of such proceeding
66 shall be necessary.

Preparation of Forms.

Sec. 13. The state tax commissioner shall prepare and furnish
2 forms and instructions for making up the statement required in

3 sections two, five and eight relating to fiscal affairs; the state su-
 4 perintendent of free schools shall prepare and furnish forms and in-
 5 structions as provided in section seven; and the attorney general
 6 shall prepare and furnish forms and instructions for the holding of
 7 any election provided by this act.

Construction of This Act.

Sec. 14. This act shall not be construed as affecting any
 2 fund heretofore raised by levy or from being used for the purposes
 3 for which levied, and any balance remaining in any fund affected
 4 by this act shall be transferred to the proper and logical fund
 5 hereunder.

Be it further enacted by the Legislature of West Virginia:

That sections twenty-nine, thirty and thirty-one of chapter thirty-
 nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-
 five, twenty-six, twenty-nine, forty, forty-one and forty-nine of
 chapter forty-five, and sections thirty, thirty-one and thirty-one-a of
 chapter forty-seven of the code of West Virginia of one thousand
 nine hundred and sixteen be repealed.

CHAPTER 127.

(Senate Bill No. 238—Mr. Duty.)

AN ACT to provide for the submission to the voters of the state of
 an amendment to the constitution of the state, as follows:
 Amending sections twenty-two and thirty-three of article six.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the
 Governor February 20, 1919.]

SEC.

1. Ratification or rejection of amend-
 ment to constitution; to be sub-
 mitted to the voters; when; pro-
 posed amendment of sections
 twenty-two and twenty-three of
 article six of the constitution,
 relating to the state legislature.
2. Designating proposed amendment
 as "legislative amendment."

SEC.

3. Separate ballots to be voted in gen-
 eral election of nineteen twenty;
 style of ballots.
4. Declaring the result of election;
 procedure.
5. Proclamation by the governor of
 result of election.
6. Publication in newspapers of pro-
 posed amendment.

Be it enacted by the Legislature of West Virginia:

Section 1. That the question of the ratification or rejection
 2 of an amendment to the constitution of West Virginia, proposed
 3 in accordance with the provision of section two of article four-
 4 teen of said constitution, shall be submitted to the voters of the

5 state at the next general election to be held in the year one thou-
6 sand nine hundred and twenty, which proposed amendment is
7 as follows:

8

Proposed Amendment.

9 That sections twenty-two and thirty-three of article six of
10 said constitution as it now is be stricken out and the following
11 inserted in lieu thereof:

Sec. 22. All sessions of the legislature, other than extra-
2 ordinary sessions, shall continue in session for a period not ex-
3 ceeding fifteen days from date of convening, during which time
4 no bills shall be passed or rejected, unless the same shall be neces-
5 sary to provide for a public emergency, shall be specially recom-
6 mended by the governor and passed by a vote of four-fifths of the
7 members elected to each house; whereupon a recess of both houses
8 must be taken until the Wednesday after the second day of March
9 following. On reassembling of the legislature, no bill shall be
10 introduced in either house without a vote of three-fifths of all
11 the members elected to each house taken by yeas and nays. The
12 regular sessions shall not continue longer than forty-five days
13 after reconvening, without the concurrence of two-thirds of the
14 members elected to each house.

Sec. 33. The members of the legislature shall each receive
2 for his services the sum of five hundred dollars per annum and
3 ten cents for each mile traveled in going to and returning from
4 the seat of government by the most direct route. The speaker
5 of the house of delegates and the president of the senate shall
6 each receive an additional compensation of two dollars per day
7 for each day they shall act as presiding officers. No other allow-
8 ance or emolument than that by this section shall directly or in-
9 directly be made or paid to the members of either house for post-
10 age, stationery, newspapers, or any other purpose whatever.

Sec. 2. For convenience in referring to the said proposed
2 amendment and in the preparation of the form of the ballot
3 hereinafter provided for, said proposed amendment is hereby
4 designated as follows: To be known as "legislative 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 twenty, the board of ballot commissioners
5 of each county are hereby required to prepare separate ballots

6 from that of the official ballot to be voted at said election, and
7 print thereon the following:

8 **BALLOT ON CONSTITUTIONAL LEGISLATIVE AMENDMENT.**

9 Amending sections twenty-two and thirty-three of article
10 six.

11 [] For ratification of legislative amendment.

12 [] Against ratification of legislative amendment.

13 The said election on the proposed amendment at each place
14 of voting, shall be superintended, conducted and returned, and
15 the result thereof ascertained, by the same officers and in the same
16 manner as the election of officers to be voted for at said elec-
17 tion; and all of the provisions of the law relating to general elec-
18 tions, including all duties to be performed by any officer or board,
19 as far as applicable and not inconsistent with anything herein
20 contained, shall apply to the election held under the provisions
21 of this act, except when it is herein otherwise provided. The
22 ballots cast on the question of said proposed amendment shall be
23 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 to
5 the following effect:

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

14 Amending sections twenty-two and thirty-three of article
15 six:

16 For ratification of legislative amendmentvotes.

17 Against ratification of legislative amendment.....votes.

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

20 The said two certificates shall correspond with each other
21 in all respects, and contain the full and true returns of said
22 election at each place of voting on said question. The said com-
23 missioners, or any one of them, (or said canvassers or one of

24 them, as the case may be), shall within four days, excluding
 25 Sundays, after that on which said election was held, deliver one
 26 of said certificates to the clerk of the county court of his county,
 27 together with the ballots, and the other to the clerk of the cir-
 28 cuit court of the county.

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

38 "We, the board of canvassers of the county of.....,
 39 having carefully and impartially examined the returns of the
 40 election held in said county, in each district thereof, on the....
 41 day of November, one thousand nine hundred and twenty, do
 42 certify that the results of the election in said county, on the ques-
 43 tion of the ratification or rejection of the proposed amendment to
 44 sections twenty-two and thirty-three of article six is as follows:
 45 For ratification of legislative amendmentvotes.
 46 Against ratification of legislative amendment.....votes.
 47 Given under our hands this.....day of....., one
 48 thousand nine hundred and twenty."

49 One of the certificates shall be filed in the office of the clerk
 50 of the county court, and the other forwarded by mail to the sec-
 51 retary of state who shall file and preserve the same until the day
 52 on which the result of said election in the state is to be ascer-
 53 tained, 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
 6 at the seat of government. If a majority of the votes cast at
 7 said election upon said question be for the ratification of said
 8 amendment, the proposed amendment so ratified shall be of force
 9 and effect from and after the time of such ratification, as part of
 10 the constitution of the state.

Sec. 6. The governor shall cause the said proposed amend-

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

CHAPTER 128.

(Senate Bill No. 212—Mr. Chapman.)

AN ACT to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

Sec.

3. Board of education of Huntington school district; election of members; time of election; term of office; political division of board; duty of ballot commissioners as to placing names on ticket; concerning members elected in one thousand nine hundred and

Sec.

eighteen; nomination of candidates; members of board; qualifications required; board to be non-partisan; contested elections; how determined.

5. Pay of members of board; filing affidavit.

Be it enacted by the Legislature of West Virginia:

That sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, be amended and re-enacted so as to read as follows:

Section 3. The board of education of the said district
 2 shall be composed of eight members. Four members of said
 3 board shall be elected by the qualified voters of said district
 4 at the regular election held in said district on the fourth Mon-
 5 day in May, one thousand nine hundred and twenty-two, for
 6 the election of municipal officers, under the provisions of an
 7 act of the legislature of West Virginia, session of one thousand
 8 nine hundred and nineteen, amending the charter of the city of
 9 Huntington; and thereafter in each third year at the election
 10 for municipal officers of said city four members of said board
 11 shall be elected by the qualified voters of said district. The

12 members of said board elected under the provisions of this
13 act shall hold office for the term of six years and until their
14 successors are elected and qualified. The members of said
15 board heretofore elected, at the regular election held in the city
16 of Huntington for the election of municipal officers in the year
17 one thousand nine hundred and fifteen, under the provisions
18 of this section as heretofore existing, shall continue in office
19 until their successors are elected at the election to be held for
20 members of said board in said year of one thousand nine hun-
21 dred and twenty-two, and until such successors are qualified.
22 The members of said board heretofore elected, at the regular
23 election held in the city of Huntington for the election of munic-
24 ipal officers in the year one thousand nine hundred and eighteen,
25 under the provisions of this section as heretofore existing, shall
26 continue in office until their successors are elected at the elec-
27 tion to be held for members of said board in the year of one
28 thousand nine hundred and twenty-five, and until such suc-
29 cessors are qualified.

30 Candidates to be voted for at any election for members
31 of said board may be nominated under any provision now or
32 hereafter prescribed by state laws relating thereto. *Provided,*
33 *however,* that no political party shall nominate more than three
34 persons for the office of members of said board, no two of whom
35 shall be from the same ward. If any certificate of nomination,
36 or any petition for nomination of candidates for said board,
37 shall contain more names than prescribed in this section for
38 such office, then the ballot commissioner shall take the first
39 three names for candidates for said board. And, *provided,*
40 *further,* that there shall not be printed on any ticket on any
41 ballot to be voted in any election for members of said board
42 more than three names for such office. Every person so nomin-
43 ated for the office of member of said board shall, within five
44 days after his nomination has been certified by the political
45 party making the nomination, or within five days after a peti-
46 tion therefor shall have been filed, make under oath, and file
47 with the city clerk, a statement of the political party to which
48 he claims allegiance; and if nominated by two or more political
49 parties, he shall state to which of them he belongs. If such
50 person fail to make the oath and file the same as herein pre-
51 scribed, the ballot commissioner shall not place his name upon
52 the ballot to be voted at the approaching election. No person

53 shall be eligible to the office of member of said board except
54 he be a citizen entitled to vote at the election at which mem-
55 bers of the board are elected. Not more than two persons whose
56 names appear on any ticket of the ballot being voted at an
57 election for members of such board shall be elected to such of-
58 fice. The four candidates receiving the greatest number of
59 votes shall be declared elected; *provided*, that not more than two
60 of the four candidates receiving the greatest number of votes
61 shall be of the same political party, and if more than two can-
62 didates of the same political party receive the greatest num-
63 ber of votes, then the two of such party receiving the greatest
64 number of votes shall be declared elected, and the votes for
65 the other candidates of said party for said office shall be dis-
66 regarded and the two candidates of another political party
67 voted for at said election who received the next greatest vote
68 shall be declared elected; *provided, further*, that if the name
69 of any such candidate be printed on more than one ticket or
70 ballot, he shall be considered the candidate of the party on
71 which ticket he received the greatest number of votes at said
72 election; and in order to ascertain that fact the election offi-
73 cers and the board of canvassers shall make and keep a sepa-
74 rate tally of the votes cast for such candidate on each ticket
75 on which his name appears. If two or more candidates re-
76 ceive an equal number of votes for such offices the canvassing
77 board, before whom said election returns shall have been can-
78 vassed, shall decide between them, according to the provisions
79 and intent of this act as to eligibility of candidates, their politi-
80 cal party and tickets to which they belong.

81 It is the intention of this act to make and keep said
82 board of education non-partisan and that no political party at
83 any time shall have on said board more than one-half of the
84 members to be elected thereto.

85 The election for members of said board of education shall
86 be at the same time, shall be held, returned and the result
87 thereof ascertained and declared, in the same manner and under
88 the supervision of the same authorities as is provided for the
89 election of a mayor and board of commissioners of said city of
90 Huntington by said act of the legislature of West Virginia, ses-
91 sion of one thousand nine hundred and nineteen, amending the
92 charter of the city of Huntington.

93 The term of office of the members of the board of education

94 shall commence on the first Monday in June following their
95 election and if any member fail to qualify by making and filing
96 the oath required by section five of this act within thirty days
97 after he shall have been declared elected, the said office shall
98 *ipso facto* become vacant.

99 All contested elections of members of the board shall be
100 had and conducted in the same manner as provided by the said
101 act of the legislature of one thousand nine hundred and nine-
102 teen, amending the charter of the city of Huntington.

Sec. 5. Each member of the board of education shall re-
2 ceive for his services as such member the sum of twenty dollars
3 per month; but before entering upon the discharge of his duties
4 each member shall make and file with the clerk of said board an
5 affidavit that he will faithfully and impartially perform the duties
6 of a member of said board during his term of office, to the best
7 of his ability and judgment; that he will not discharge his duties
8 as such member for the purpose of benefiting any political party,
9 or with that aim in view; that he will not be or become pecuniarily
10 interested in any contract which may be awarded at any time by
11 said board, and that he will not directly or indirectly receive any
12 gift, emolument or reward for his influence, in the purchase of
13 books or supplies for the schools of said district or for awarding
14 any contract by said board.

15 No person shall be eligible to hold the office of a member of
16 said board of education who was not at the time of his election,
17 or appointment, a qualified voter in said city.

CHAPTER 129.

(Senate Bill No. 161—Mr. Stewart.)

AN ACT to authorize the county court of the county of Marion to
establish and maintain a county law library.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the
Governor February 17, 1919.]

Sec.

1. Marion county law library; where located; purchase of books, periodicals, stationery, supplies, furniture and equipment.
2. Appointment of librarian; qualifications, salary; how paid.
3. Authority to exchange, sell or

Sec.

- trade law books now in library.
4. Providing for reports of supreme court of appeals and acts of the legislature for said library.
5. Repealing inconsistent acts and parts of acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Marion
2 be and the said county court of the county of Marion is hereby
3 authorized to establish and maintain a law library for the use of
4 the judges of the courts of said county, all attorneys at law prac-
5 ticing in said courts, and all public officers of said county, or any
6 sub-division thereof, or municipality therein. Said library shall
7 be known and designated as "the Marion county law library,"
8 and shall be located in the court house in the city of Fairmont.
9 The said county court of the county of Marion shall purchase
10 law books, law periodicals, stationery, supplies, furniture and
11 equipment for said library, and for said purposes shall have au-
12 thority to expend money; *provided, however,* that no law books
13 shall be purchased for said library, except upon the order of the
14 judge of the circuit court of the fourteenth judicial district, or
15 the judge thereof in vacation, and said court or judge shall have
16 power to make and enforce all rules and regulations as may be
17 deemed necessary for the government of said library and use
18 thereof.

Sec. 2. For the purpose of caring for and maintaining the
2 said library, a librarian shall be appointed by the county court of
3 the county of Marion, and such librarian shall be a resident of
4 Marion county, who shall hold his office at the will of the county
5 court and shall be allowed and paid such salary out of the treasury
6 of Marion county as the county court may advise, and be required
7 to give bond in such an amount as shall be indicated by the court
8 and with such surety or sureties as the said court may require.

Sec. 3. Upon the recommendation or approval of the judge
2 of the said circuit court the county court shall have authority to
3 exchange, sell or trade any law books now in said library.

Sec. 4. As soon as practicable after any new volume of the
2 reports of the supreme court of appeals of West Virginia, as
3 well as the bound volumes of the acts of the legislature have been
4 printed, the officers charged with the distribution of the said re-
5 ports and said acts shall deliver one copy of each to said library.
6 And the said county court shall have authority to receive for said
7 library any books or other property by loan, gift or bequest.

Sec. 5. All acts and parts of acts inconsistent or in conflict
2 herewith, in so far as the same may be applicable to said county
3 of Marion or said county court, are hereby repealed.

CHAPTER 130.

(Senate Bill No. 27—Mr. Hough.)

AN ACT amending and re-enacting sub-section five of section twenty-nine-*e* of chapter one hundred and fifty of the code of West Virginia by adding thereto section five-*a*.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC.

5-*a*. Optometrist's registration fee; revocation of certificate upon failure to pay; notice of revocation.

Be it enacted by the Legislature of West Virginia:

Section 5-*a*. Every registered optometrist who desires to continue the practice of optometry in this state after the year one thousand nine hundred and nineteen shall annually on or before the first day of April of each year pay to the secretary of said board of examiners a registration fee to be fixed by the board, and which shall be not less than five dollars nor more than ten dollars per annum, for which he shall receive a renewal of such registration, and in case of default of said payment by any person, his certificate shall be revoked by the board of examiners on twenty days' notice in writing by the secretary, which notice shall state the time and place at which such revocation shall be considered, and the deposit of such notice in the mails, addressed to the person at his last known place of residence or business, with the proper postage prepaid thereon, shall be due and legal service of such notice, but no certificate shall be revoked for such non-payment if the person so notified shall pay on or before the time of consideration of said revocation, his fee and such penalties as may be imposed by said board; *provided*, said penalty shall not exceed ten dollars.

CHAPTER 131.

(Senate Bill No. 61—Mr. Scherr.)

AN ACT to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and

re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen.

[Passed February 13, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

<p>Sec.</p> <p>2. Expenses of officers and employees; payable out of workmen's compensation fund.</p> <p>9. Persons, firms, etc., subject to provisions of act; premiums and expenses; independent contractor.</p> <p>18. Schedule of industries; re-classification of industries; uniform premium rate with reference schedule or class.</p> <p>19. Workmen's compensation fund; commissioner required to establish; rules and regulations with respect to collection, maintenance and disbursement; employers electing to compensate injured employees; procedure.</p> <p>20. State treasurer is custodian of compensation funds; separate and distinct fund, and must be so kept on the books of the auditor and treasurer; surplus to be invested; bonds purchased by the board of public works, deposited with the auditor.</p> <p>21. Custodian of compensation fund bonded in the sum of two hundred thousand dollars.</p> <p>22. Workmen's compensation fund; employer electing to pay premiums not liable to respond in damage at common law or by statute; waiver by employee.</p> <p>24. Creation of compensation fund; employer shall pay premiums based on percentage of payroll; failure to pay premiums deprives the employer of the benefits and protection of the law; how employer reinstated; withdrawal of employer and notification to his employees.</p> <p>25. Disbursement of compensation fund to employees; payment in case of death; time loss paid in non-fatal cases; when employee refuses to undergo an operation; what then.</p> <p>26. Parties in default in payment of premiums; not entitled to com-</p>	<p>Sec.</p> <p>mon law defense of fellow servant rule, assumption of risk or contributory negligence.</p> <p>27. Disbursement from fund by commissioner; personal injuries; medical or surgical treatment.</p> <p>28. No compensation allowed for self-inflicted injury, willful misconduct, or intoxication; employer may be requested to adopt safety appliance for the protection of employees; actions for excess damages may be had in certain cases.</p> <p>31. Schedule for payment of amounts due employee for various injuries; aggregate award for disability, temporary or permanent.</p> <p>33. Death of injured employee within one year; benefits payable; dependents.</p> <p>36. Husband and wife living separate and apart; compensation not allowed.</p> <p>37. Benefits; basis of computation is the average weekly wage or earnings.</p> <p>39. Specific forms of application blanks; time of filing; non-resident aliens may be officially represented by consular officers of such foreign country.</p> <p>42. Compensation; to whom paid; exempt from claims of creditors; attachment, execution or assignment.</p> <p>43. Jurisdiction of commissioner; authority to hear and determine all questions and to review the action of any employer; decision final.</p> <p>44. Rules of practice and procedure to govern the commissioner in making investigations.</p> <p>51. Investment of compensation funds; how much and by whom.</p> <p>52. Employers engaged in interstate or foreign commerce; provision concurring.</p> <p>56. Act in effect; all laws in conflict repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen be and is hereby repealed; and that sections two, nine, eighteen, nineteen, twen-

ty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary 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 2 act, including the premiums to be paid for the bonds of the state 3 treasurer, the state auditor, and the compensation commissioner 4 required under this act, and when on official business, the travel- 5 ing and incidental expenses of the commissioner, and salaries or 6 other compensation, traveling and other expenses of all officers 7 or employees of the commissioner, and all expenses for furniture, 8 books, maps, stationery, appliances and property of all kinds, shall 9 be paid out of the workmen's compensation fund, hereinafter 10 created, and the sum of one hundred forty thousand dollars per 11 annum, or so much thereof as may be necessary, is hereby fixed as 12 the amount to be appropriated out of the said fund for the purpose 13 of paying the salaries and expenses necessary in the administration 14 of this act.

Sec. 9. All persons, firms, associations and corporations 2 regularly employing other persons for the purpose of carrying on 3 any form of industry or business in this state, county and munic- 4 ipal corporations, the state of West Virginia, and all govern- 5 mental agencies or departments created by it, are employers with- 6 in the meaning of this act, and subject to its provisions. All 7 persons in the service of employers as herein defined and employed 8 by them for the purpose of carrying on the industry, business or 9 work in which they are engaged, and check weighmen as provided 10 for in chapter twenty acts of one thousand nine hundred and 11 eleven, are employees within the meaning of this act and subject to 12 its provisions, provided that the act shall not apply to employers 13 of employees in domestic or agricultural service, persons pro- 14 hibited by law from being employed, traveling salesmen, to em- 15 ployees of any employer while employed without the state; nor 16 shall a member of a firm of employers, or any officer of an asso- 17 ciation, or of a corporation employer, including managers, super- 18 intendants, assistant managers and assistant superintendents, any

19 elective official of the state, county or municipal corporation be
20 deemed an employee within the meaning of this act.

21 The premiums and all expenses in connection with the elec-
22 tion of the governmental agencies and departments of the state of
23 West Virginia shall be paid out of the state treasury out of the
24 appropriations made for such agencies and departments, in the
25 same manner as other disbursements are made by such agencies
26 and departments.

27 Municipal corporations shall provide for the funds to pay
28 their prescribed premiums into the fund and said premiums
29 and premiums of state agencies and departments shall be paid
30 into the fund in the same manner as herein provided for other
31 employers subject to this act.

32 Any employer whose employment in this state is to be for a
33 definite or limited period, which could not be considered "regu-
34 larly employing" within the meaning of this act, may elect to
35 pay into the workmen's compensation fund the premiums herein
36 provided for, and at the time of making application to the com-
37 missioner, such employer shall furnish statement under oath
38 showing the probable length of time the employment will con-
39 tinue in this state, the character of the work, an estimate of the
40 monthly payroll, and any other information which may be re-
41 quired by the commissioner. At the time of making application
42 such employer shall deposit with the state compensation com-
43 missioner to the credit of the workmen's compensation fund the
44 amount required by section twenty-four of this act, which amount
45 shall be returned to such employer if his application be rejected
46 by the commissioner. Upon notice to such employer of the ac-
47 ceptance of his application by the commissioner, he shall be an
48 employer within the meaning of this act, and subject to all of its
49 provisions.

50 Any foreign corporation employer electing to comply with the
51 provisions of this act and to receive the benefits hereunder, shall
52 at the time of making application to the commissioner, in addi-
53 tion to the other requirements of this act, furnish such commis-
54 sioner with a certificate from the secretary of state showing that
55 it has complied with all the requirements necessary to enable it to
56 legally do business in this state, and no application of such foreign
57 corporation employer shall be accepted by the commissioner until
58 such certificate is filed.

59 For the purpose of this act a mine shall be adjudicated within
60 this state when the main opening, drift, shaft or slope is located
61 wholly within this state.

62 Any employee within the meaning of this act whose em-
63 ployment necessitates his temporary absence from this state in
64 connection with such employment and such absence is directly
65 incidental to carrying on an industry in this state who shall have
66 received injury during such absence in the course of and result-
67 ing from his employment, shall not be denied the right to par-
68 ticipate in the workmen's compensation fund.

69 An independent contractor who sub-lets any portion of his
70 contract shall be considered the employer of the employees of any
71 sub-contractor and shall carry on his payroll the names of such
72 sub-contractor's employees and pay the prescribed premium on
73 their wages during the period such employees are working under
74 his contract.

Sec. 18. For the purpose of this act the industries that now
2 are or hereafter may be subject thereto, are divided into schedules
3 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-
7 products.

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

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

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

20 (e) Foundries, machine shops, fire arms factories, tool fac-
21 tories, car building and repairing, structural iron works, and
22 working in or with iron or steel, not otherwise specified, where
23 power-driven machinery is used, together with their accessory
24 and auxiliary plants working in or with by-products, or gener-

25 ating power, light or heat, or operating tramways, private tracks
26 and sidings.

27 (f) Stamped metal works, can factories, enamel iron works,
28 and working in or with sheet iron or tin plate, not otherwise
29 specified, where power-driven machinery is used, together with
30 their accessory and auxiliary plants working in or with by-
31 products, or generating power, light or heat, or operating tram-
32 ways, private tracks and sidings.

33 (g) Logging, logging railroads and tramways, saw mills, in-
34 cluding their accessory and auxiliary plants working in or with
35 by-products, or generating power, light, or heat, or operating
36 tramways, private tracks and sidings.

37 (h) Planing mills, wood pulp, cordage and paper mills,
38 box factories, cooperage plants, furniture factories, woodenware
39 or wood fiber ware manufactories, vehicle works of every kind,
40 including their accessory and auxiliary plants working in or
41 with by-products, or generating power, light or heat, or oper-
42 ating tramways, private tracks and sidings.

43 (i) Glasshouses of all kinds, including manufactories of
44 tableware, bar goods, bottles, tumblers, lamps, glass light fix-
45 ture parts, window and plate glass; potteries of all kinds, in-
46 cluding tile, bricks, terra-cotta, fire clay, earthenware, porcelain,
47 china and crockery ware using automatic machinery, together
48 with accessory and auxiliary plants working in or with by-
49 products, or generating light or heat, or operating tramways,
50 private tracks and sidings.

51 (k) Printing plants of all kinds, electrotyping, photo en-
52 graving, engraving, lithographing, embossing, bookbinding, and
53 accessory and auxiliary lines of work and manufacture.

54 (l) Woolen mills, knitting mills, cotton mills, carpet and
55 rug mills, clothing manufactories of every kind and working in
56 or with textiles not otherwise specified.

57 (m) Bottling works, canneries of fruits, vegetables, oils,
58 fish, milk or meat, manufactories of preserves, jellies, ketchup,
59 sauces, relishes, pickles, flour and feed mills, bakeries, confec-
60 tioneries, drug and extract manufactories, tobacco, cigar, stogie
61 and cigarette manufactories, in which power-driven machinery
62 is used.

63 (n) Slaughter and packing houses, stock yards, soap, tallow,
64 lard and grease manufactories, tanneries, artificial ice and re-

65. refrigerating and cold storage plants, creameries and carbon black
66 factories, in which power-driven machinery is used.
- 67 (o) Steam laundries, dyeing and cleaning plants, stamping,
68 embossing and working with leather, shoe and harness manu-
69 factories, mattress and bedding factories, upholstering factories,
70 manufacturers of rubber goods, and auxiliary and accessory
71 lines of work and manufacture not otherwise specified.
- 72 (p) Steam and other railroads and transportation systems
73 not otherwise specified.
- 74 (q) Street and interurban railways, whether propelled by
75 electricity or other power.
- 76 (r) Telegraph and telephone plants and systems, electric
77 light and power plants and systems, steam heat and power
78 plants and systems, water works systems, gas works and systems,
79 grain elevators, and all lighting, heating and power systems not
80 otherwise specified.
- 81 (s) Quarries, stone crushers, gravel pits, mines other than
82 coal mines and working with asphalt, cement, stone or other
83 building material not otherwise specified, power-propelled
84 ferries, sand diggers and other water craft.
- 85 (t) Such works, occupations and manufactories specified in
86 the foregoing schedules as are operated without power-driven
87 machinery.
- 88 (u) Match factories, powder mills, fireworks factories, and
89 works in which articles of any explosive nature are mixed or
90 manufactured.
- 91 (v) Construction of tunnels, shafts, bridges, trestles, steeples,
92 towers, grain elevators, tanks, water towers, wind mills, suba-
93 queous works, iron and steel frame structures or parts of struc-
94 tures, blast furnaces, smoke stacks, cupolas or chimneys, water
95 works and systems, electric lights and power plants and systems,
96 gas works and systems, installation of steam boilers, engines and
97 dynamos, steam railroads, logging railroads, street railways and
98 systems, boat building with scaffolds, floating docks, engineer-
99 ing works, structural work on buildings over three stories in
100 height not otherwise specified, and drilling of wells.
- 101 (w) Construction and installation of sewers, fire escapes,
102 freight or passenger elevators, advertising signs, ornamental
103 metal works on or in buildings, metal ceilings, plate or window
104 glass, electric wiring, stairways, buildings which require gal-
105 vanized iron or tin work, marble, stone or brick work, roof

106 work, slate work, plumbing work, carpenter work, electric work,
107 installing automatic sprinklers, electric or fire alarm systems,
108 heating or ventilating systems, or machinery not otherwise
109 specified, covering steam pipes and boilers, road and street
110 making, street or other grading, and structural work not other-
111 wise specified.

112 (x) Any industry or business not specified in the fore-
113 going schedules, for which any employer shall voluntarily apply
114 to the commissioner to be brought under the provisions of this
115 act; and the commissioner shall have the authority to classify
116 and place in one of the schedules aforesaid, or any schedule
117 created by him as hereinafter mentioned, any industry or busi-
118 ness subject to this act not hereinbefore specifically mentioned.

119 The commissioner shall have the power to re-classify into
120 schedules, at any time, the industries subject to this act, to
121 create additional schedules, and to divide any schedule into
122 classes based upon the nature of employment and the risk of
123 of same.

124 (y) The commissioner shall keep an accurate account of all
125 money or moneys paid or credited to the compensation fund,
126 and of the liability incurred and disbursements made against
127 same; and an accurate account of all money or moneys received
128 from each individual subscriber, and of the liability incurred
129 and disbursements made on account of injuries and death of the
130 employees of each subscriber; and of the receipts and incurred
131 liability of each schedule and class.

132 In fatal cases and permanent disability cases exceeding
133 eighty-five per centum disability, the amount charged against
134 the employer's account shall be such sum as is estimated to be
135 the average cost of such cases to the fund, providing the com-
136 missioner decides that the injury or injuries causing death or
137 permanent disability was received in the course of and resulting
138 from the employee's employment.

139 (z) It shall be the duty of the commissioner to fix and
140 maintain the lowest possible rates of premiums consistent with
141 the maintenance of a solvent workmen's compensation fund and
142 and the creation and maintenance of a reasonable surplus in
143 each schedule after providing for the payment to maturity of
144 all liability incurred by reason of injury or death to employees
145 entitled to benefits under the provisions of this act. A re-

146 adjustment of rates shall be made yearly on the first day of
147 October, or at any time same may become necessary.

148 The commissioner may fix a rate of premium applicable
149 alike to all subscribers forming a schedule or class and such
150 rate shall be determined from the record of such schedule or
151 class as shown upon the books of the commissioner; *provided*,
152 that if any schedule has a sufficient number of employers with
153 considerable difference in their degrees of hazard, the commis-
154 sioner may fix a rate for each subscriber of such schedule, such
155 rate to be based upon the subscriber's record on the books of
156 the commissioner for the twelve months last ending June
157 thirtieth of the year in which the rate is to become effective;
158 and the liability part of such record shall include such cases as
159 have been acted upon by the commissioner during said twelve
160 months' period, irrespective of the date the injury was received;
161 and any subscriber, in a schedule so rated, whose record for said
162 twelve months' period cannot be obtained, shall be given a rate
163 based upon his record for any part of said period or such rate
164 as may be deemed just and equitable by the commissioner; and
165 the commissioner shall have authority to fix a reasonable
166 minimum and maximum for any schedule to which this in-
167 dividual method of rating is applied, and to add to the rate
168 determined from the subscriber's record such amount as may be
169 necessary to liquidate any deficit in the schedule or to create a
170 reasonable surplus.

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

Sec. 19. The commissioner shall establish a workmen's com-
2 pension fund from the premiums and other funds paid thereto
3 by employers as herein provided, for the benefit of employees
4 of employers that have paid the premium applicable to such
5 employers and have otherwise complied fully with the provisions
6 of section twenty-four of this act, and for the benefit of the
7 dependents of such employees, and for the payment of the ad-
8 ministration expenses of this act, and shall adopt rules and
9 regulations with respect to the collection, maintenance and dis-

10 bursement of said funds, not in conflict with the provisions of
11 this act.

12 Employers electing as herein provided to individually and
13 directly compensate their injured employees and their fatally in-
14 jured employees' dependents, shall do so in the manner prescribed
15 by the compensation commissioner and shall make all reports,
16 execute all blanks, forms and papers as directed by said commis-
17 sioner and as herein provided in this act.

Sec. 20. The state treasurer shall be the custodian of the
2 workmen's compensation fund and all premiums, deposits or other
3 moneys paid thereto shall be deposited in the state treasury to
4 the credit of the workmen's compensation fund in the manner
5 prescribed in section twenty-four of this act. The workmen's
6 compensation fund shall consist of the premiums and deposits
7 provided by this act and all interest accruing thereto upon invest-
8 ments and deposits in the state depositories, and any other moneys
9 or funds which may be given, appropriated or otherwise desig-
10 nated or accruing thereto. Said fund shall be a separate and
11 distinct fund and shall be so kept upon the books and records of
12 the auditor and treasurer and the state depositories in which any
13 part is deposited. Disbursements from said fund shall be made
14 upon requisition signed by the secretary and approved by the com-
15 pensation commissioner. The board of public works shall have
16 authority to invest the surplus, reserve or other moneys belonging
17 to the fund in the bonds of the United States, of this state, of
18 any county, city, town, village, or school district of the state.
19 No such investment shall be made, nor any investment sold or
20 otherwise disposed of without the concurrence of a majority of
21 all members of the board of public works. It shall be the duty
22 of every county, school district, or municipality issuing any bonds,
23 to offer the same in writing to the board of public works, prior
24 advertising the same for sale, except such thereof as may have
25 been taken by the trustees of the sinking fund of the county, dis-
26 trict or municipality, and the board of public works shall, within
27 fifteen days after receipt of such offer, accept the same and pur-
28 chase such bonds or any portion thereof at par and accrued in-
29 terest, or make an offer to purchase the same at such price as the
30 board named in such offer, or reject such offer. All bonds pur-
31 chased by the board of public works for investment for the work-
32 men's compensation fund shall be placed in the hands of the
33 auditor as the custodian thereof, and it shall be his duty to keep

34 and account for the same as he keeps and accounts for other secu-
35 rities of the state, and to collect the interest thereon as the same
36 becomes due and payable, and the principal when the same is due.
37 No bonds or other securities shall be purchased by the board of
38 public works until and unless the attorney general shall investi-
39 gate the issuance of such bonds or securities and shall give a writ-
40 ten opinion to the board that the same have been regularly issued
41 according to the constitution and the laws of this state, which
42 opinion if such bonds or securities be purchased shall be filed with
43 the auditor with such bonds or securities. The auditor of the state
44 shall give a separate and additional bond in the sum of five hun-
45 dred thousand dollars with sureties to be approved by the governor,
46 conditioned for the faithful performance of his duties as custo-
47 dian of the investment bonds as herein provided.

Sec. 21. The treasurer of the state shall give a separate and
2 additional bond in the sum of two hundred thousand dollars with
3 sureties to be approved by the governor, conditioned for the faith-
4 ful performance of his duties as custodian of the workmen's com-
5 pensation fund herein provided for.

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

Sec. 24. For the purpose of creating such workmen's com-
2 pensation fund each employer subject to this act shall pay the
3 premiums of liability based upon and being such a percentage of
4 the payroll of such employer as may have been determined by the
5 commissioner and be then in effect. The premiums shall be paid
6 monthly on or before the twenty-fifth of each month, for the pre-
7 ceding month, and shall be the prescribed percentage of the total

8 earnings of all employees within the meaning of this act, whose
9 work is within this state, for such preceding month. The min-
10 imum premium to be paid by any employer for any month shall
11 be fifty cents. The premiums and deposits provided for in this
12 act shall be paid by the employers to the state compensation com-
13 missioner, who shall issue receipts for all sums so received, mailing
14 the original to the person, firm or corporation paying the same,
15 transmitting a copy thereof to the state treasurer and state auditor,
16 retaining a copy for his own records. All sums received by the
17 state compensation commissioner as herein provided shall be de-
18 posited in the state treasury to the credit of the workmen's com-
18-a pensation fund in the manner now prescribed by law for de-
19 positing money in the state treasury.

20 Each employer shall make a payroll report to the commis-
21 sioner on or before the twenty-fifth of each month for the pre-
22 ceding month, and such report shall be on the form or forms pre-
23 scribed by the commissioner, and furnish all information required
24 by him.

25 Failure to pay premiums as herein provided or to make the
26 monthly payroll reports required by the commissioner shall de-
27 prive the employer so delinquent of the benefits and protection
28 afforded by this act, and shall automatically terminate the elec-
29 tion of such employer to pay into the workmen's compensation
30 fund as herein provided, and such employer shall be liable to his
31 employees as provided in section twenty-six of this act; and the
32 commissioner shall not be required to notify the delinquent em-
33 ployer of such termination, but he shall notify the employees of
34 such employer thereof in such manner as he may deem best and
35 sufficient. The termination of election of such delinquent em-
36 ployer shall date from twelve o'clock p. m. of the last day of the
37 month in which he fails to pay the premiums or make payroll
38 reports, as above provided, for the preceding month.

39 The employer so delinquent may be re-instated upon applica-
40 tion under such terms as are prescribed by this act, and by the
41 commissioner hereunder, after the payment into the workmen's
42 compensation fund of all unpaid premiums, penalties and charges.
43 Such re-instatement shall be in effect from and after the date that
44 the new application is accepted by the commissioner; *provided,*
45 *however,* that such delinquent employer shall be entitled to the
46 benefits and protection of this act until twelve o'clock p. m. of
47 the last day of the month immediately succeeding the month in

47-a which his election is terminated, and his employees shall be
47-b entitled to compensation for injuries received during said period,
47-c but not thereafter unless such delinquent employer becomes re-
47-d instated as herein provided.

48 To insure the payment of the monthly premiums herein pro-
49 vided, all employers who have heretofore elected to accept the
50 provisions of the workmen's compensation act shall pay into the
51 workmen's compensation fund, in addition to the premiums pro-
52 vided for, an amount at least equal to the amount of premiums
53 paid for the last two months. Any employer hereafter electing to
54 avail himself of the benefits of this act shall at the time of making
55 application to the commissioner deposit in the workmen's com-
56 pensation fund an amount estimated to be equal to the amount
57 of the premiums which shall be paid by him for the next succeed-
58 ing two months. Any employer whose deposit is less than the
59 amount of his premiums for the last two months, shall, upon
60 written request from the commissioner mailed to his address as
61 carried upon the books of the commissioner, by twelve o'clock
62 P. M. of the twenty-fifth of the month in which request is mailed,
63 pay to the commissioner a sum sufficient to make his deposit at
64 least equal to the amount of his premiums for the last two pre-
65 ceding months; and failure of any employer to comply with such
66 written request within the time specified shall deprive him of the
67 benefits and protection afforded by this act, and shall automatic-
68 ally terminate his election to pay into the workmen's compensa-
69 tion fund as herein provided, and such employer shall be liable to
70 his employees as provided in section twenty-six of this act; and
71 the commissioner shall not be required to notify the delinquent
72 employer of such termination, but he shall notify the employees
73 of such employer thereof in such manner as he may deem best
73-a and sufficient. The termination of election of such employer
74 shall date from twelve o'clock P. M. of the last day of the month
75 in which he is notified by the commissioner that his deposit is
76 not equal to the sum of his premium for the last two preceding
77 months. Such employer may be reinstated upon application
78 under such terms as are prescribed by this act and the rules of
79 the commissioner. The deposit hereinbefore described shall be
80 credited to the employer's account on the books of the commis-
81 sioner and used to pay premiums and any other sums due the
82 fund when said employer becomes delinquent in the payment of
83 same.

84 Upon withdrawal from the fund or termination of election
85 of any employer, he shall be refunded the balance due him of his
86 deposit, after deducting all amounts owed by him to the workmen's
87 compensation fund, and the commissioner shall notify the em-
88 ployees of such employer of said termination in such manner as
89 he may deem best and sufficient.

Sec. 25. The commissioner shall disburse the workmen's
2 compensation fund to the employees of such employers as are not
3 delinquent in the payment of premiums for the month in which
4 the injury occurs, and who have otherwise complied fully with
5 the provisions of this act, and which employees shall have re-
6 ceived personal injuries in this state in the course of and resulting
7 from their employment, or to the dependents, if any, of such
8 employees in case death has ensued according to the provisions
9 hereinafter made; and also for the expenses of the administra-
10 tion of this act, as provided in section two hereof.

11 In all claims for compensation for hernia resulting from
12 personal injury received in the course of and resulting from the
13 employee's employment, it must be definitely proven to the satis-
14 faction of the commissioner:

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

16 Second, That the hernia appeared suddenly;

17 Third, That it was accompanied by pain;

18 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 from
23 the employment, shall be treated in a surgical manner by radical
24 operation. If death results from such operation, the death shall
25 be considered as a result of the injury, and compensation paid in
26 accordance with the provisions of section thirty-three. In non-
27 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
34 allowed during the time such refusal continues. If, however, it
35 is shown that the employee has some chronic disease or is other-

36 wise in such physical condition that it is considered unsafe for
37 him to undergo said operation, he shall be paid as provided in
38 section thirty-one.

Sec. 26. All employers subject to this act, the state of West
2 Virginia excepted, who shall not have elected to pay into the
3 workmen's compensation fund the premiums provided by this act,
4 or having so elected, shall be in default in the payment of same, or
5 not having otherwise complied fully with the provisions of section
6 twenty-four of this act, shall be liable to their employees (within
7 the meaning of this act) for damages suffered by reason of acci-
8 dental personal injuries sustained in the course of employment
9 caused by the wrongful act, neglect or default of the employer, or
10 any of the employer's officers, agents or employees, and also to the
11 personal representatives of such employees where death results
12 from such accidental personal injuries, and in any action by any
13 such employee or personal representative thereof such defendant
14 shall not avail himself of the following common law defenses:

15 The defense of the fellow-servant rule; the defense of the
16 assumption of risk; or the defense of contributory negligence; and
17 further shall not avail himself of any defense that the negligence
18 in question was that of some one whose duties are prescribed by
19 statute.

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

4 (a) Such sums for medical, surgical and hospital treatment
5 as in the opinion of the commissioner may reasonably be required,
6 not, however, in any case to exceed the sum of one hundred and
7 fifty dollars; *provided*, that in case an injured employee has sus-
8 tained such extensive injury or injuries that in the opinion of the
9 commissioner an expenditure in excess of the above stated amount
10 is just, reasonable and necessary, the amount expended for medical,
11 surgical and hospital treatment may be, but shall not exceed the
12 sum of three hundred dollars in any case.

13 (b) In case of an injured employee having sustained a per-
14 manent disability, and such fact having been so determined by
15 the commissioner, the said commissioner may, if in his opinion
16 the per centum of said disability can be materially reduced or
17 made negligible by medical or surgical treatment, expend an
18 amount not to exceed the sum of three hundred dollars in addi-
19 tion to such sum or sums as may have been expended for medical,

20 surgical and hospital treatment under paragraph (a) of this sec-
21 tion. No payment shall be made for such medical or surgical
22 treatment as provided in this paragraph unless such treatment be
23 duly authorized by the commissioner prior to the rendering of
24 such treatment.

25 (c) Payment for such medical, surgical or hospital treatment
26 authorized under paragraph (a) hereof may be made to the in-
27 jured employee, or to the person or persons who have furnished
28 such service, or who have advanced payment for same, as the com-
29 missioner may deem proper.

30 (d) Notwithstanding anything hereinbefore contained, no
31 payment shall be made out of the workmen's compensation fund
32 for medical, surgical or hospital treatment for an injured em-
33 ployee, if said employee be entitled under contract connected with
34 his employment, or by reason of a subscription list to medical,
35 surgical or hospital treatment without further charge to him.

Sec. 28. Notwithstanding anything hereinbefore or herein-
2 after contained, no employee or dependent of any employee shall
3 be entitled to receive any sum from the workmen's compensation
4 fund, or to direct compensation from any employer making the
5 election and receiving the permission mentioned in section fifty-
6 four hereof, or otherwise under the provisions of this act, on
7 account of any personal injury to or death of any employee caused
8 by a self-inflicted injury, the willful misconduct, or disobedience
9 to such rules and regulations as may be adopted by the employer
10 and approved by the commissioner, and which rules and regula-
11 tions have been and are kept posted in conspicuous places in and
12 about the work, or the intoxication of such employee, or the failure
13 of such employee to use or make use of any protective or safety
14 appliance or appliances prescribed by the commissioner and fur-
15 nished by the employer for the use of or applicable to such em-
16 ployee.

17 For the purpose of this act, and to prevent accidents to
18 employees, the commissioner may require all employers to adopt
19 rules, which have been approved by him, for the protection and
20 safety of their employees and keep the same posted in conspicuous
21 places in and about the work; and the commissioner may require
22 employers to install, use or adopt such protective or safety ap-
23 pliance or appliances as in the commissioner's opinion are neces-
24 sary for the protection of the employees.

25 If injury or death result to any employee from the deliberate

26 intention of his employer to produce such injury or death, the
27 employee, the widow, widower, child or dependent of the employe
28 shall have the privilege to take under this act, and also have cause
29 of action against the employer as if this act had not been enacted,
30 for any excess of damages over the amount received or receivable
31 under this act.

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

Sec. 31. Where compensation is due an employee under the
2 provisions of this act, such compensation shall be as provided in
3 the 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 twelve dollars per week nor to be less than a minimum of
8 five dollars per week.

9 (b) Paragraph (a) of this subdivision shall be limited as
10 follows:

11 Aggregate award for a single injury causing temporary dis-
12 ability shall be for a period not exceeding fifty-two weeks; *pro-*
13 *vided*, that in case an injured employee, by reason of having an
14 ununited fracture, or having undergone a surgical operation to
15 correct a vicious union following a fracture, or for the repair of
16 an ununited fracture, or having suffered an injury to the spine
17 or pelvic bones which is of a temporary nature, or for an anky-
18 lose joint, is disabled for a longer period than fifty-two weeks,
19 the period which compensation shall be paid may be, but shall
20 not exceed, seventy-eight weeks.

21 (c) If the injury causes permanent disability, the per-
22 centage of disability to total disability shall be determined and
23 the award computed and allowed as follows:

24 For a five per centum disability, fifty per centum of the
25 average weekly earnings for a period of twenty weeks;

26 For a ten per centum disability, fifty per centum of the
27 average weekly earnings for a period of forty weeks;

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

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

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

35 For a forty per centum disability, fifty per centum of the
36 average weekly earnings for a period of one hundred and sixty
37 weeks;

38 For a fifty per centum disability, fifty per centum of the
39 average weekly earnings for a period of two hundred weeks;

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

43 For a seventy per centum disability, fifty per centum of the
44 average weekly earnings for a period of two hundred and eighty
45 weeks;

46 For an eighty per centum disability, fifty per centum of the
47 average weekly earnings for a period of three hundred and twenty
48 weeks;

49 For an eighty-five per centum disability, fifty per centum of
50 the average weekly earnings for a period of three hundred and
51 forty weeks;

52 For a disability from eighty-five to one hundred per cen-
53 tum, fifty per centum of the average weekly earnings during the
54 remainder of life.

55 Awards for permanent disability of from two per centum
56 to eighty-five per centum shall be computed on the basis of four
57 weeks compensation for each per centum of disability determined.

58 (d) If the injury results in the total loss by severance of any
59 of the members named in this paragraph, the percentage of dis-
60 ability shall be determined in accordance with the following
61 table, and award made as provided in paragraph (c) of this
62 section:

63 The loss of a great toe shall be considered a ten per centum
64 disability.

65 The loss of a great toe (one phalange) shall be considered
66 a five per centum disability.

67 The loss of other toes shall be considered a four per centum
68 disability.

- 69 The loss of other toes, (one phalange) shall be considered a
70 two per centum disability.
- 71 The loss of all toes shall be considered a twenty-five per
72 centum disability.
- 73 The loss of forepart of foot shall be considered a thirty per
74 centum disability.
- 75 The loss of foot shall be considered a thirty-five per centum
76 disability.
- 77 The loss of leg shall be considered a forty-five per centum
78 disability.
- 79 The loss of thigh shall be considered a fifty per centum dis-
80 ability.
- 81 The loss of thigh at hip joint shall be considered a sixty per
82 centum disability.
- 83 The loss of little or fourth finger (one phalange) shall be
84 considered a three per centum disability.
- 85 The loss of little or fourth finger shall be considered a five
86 per centum disability.
- 86a The loss of ring or third finger (one phalange) shall be con-
86b sidered a three per centum disability.
87. The loss of ring or third finger shall be considered a five
88 per centum disability.
- 89 The loss of middle or second finger (one phalange) shall
90 be considered a three per centum disability.
- 91 The loss of middle or second finger shall be considered a
92 seven per centum disability.
- 93 The loss of index or first finger (one phalange) shall be
94 considered a six per centum disability..
- 95 The loss of index or first finger shall be considered a ten
96 per centum disability.
- 97 The loss of thumb (one phalange) shall be considered a
98 twelve per centum disability.
- 99 The loss of thumb shall be considered a twenty per centum
100 disability.
- 101 The loss of thumb and index finger shall be considered a
102 thirty-two per centum disability.
- 103 The loss of index and middle finger shall be considered a
104 twenty per centum disability.
- 105 The loss of middle and ring finger shall be considered a
106 fifteen per centum disability.

107 The loss of ring and little finger shall be considered a ten
108 per centum disability.

109 The loss of thumb, index and middle finger shall be con-
110 sidered a forty per centum disability.

111 The loss of index, middle and ring finger shall be consid-
112 ered a thirty per centum disability.

113 The loss of middle, ring and little finger shall be consid-
114 ered a twenty per centum disability.

115 The loss of four fingers shall be considered a thirty-two
116 per centum disability.

117 The loss of hand shall be considered a fifty per centum dis-
118 ability.

119 The loss of fore arm shall be considered a fifty-five per cen-
120 tum disability.

121 The loss of arm shall be considered a sixty per centum dis-
122 ability.

123 (e) The total loss of one eye, or the total and irrecoverable
124 loss of the sight thereof shall be considered a thirty-three per
125 centum disability, and the injured employee shall be entitled to
126 compensation for a period of one hundred and thirty-two weeks.

127 For the partial loss of vision in one, or both eyes, the per-
128 centage of disability shall be determined by the commissioner,
129 using as a basis the total loss of one eye.

130 (f) The award for permanent disabilities intermediate to
131 those fixed by the foregoing schedule and permanent disability of
132 from five per centum to eighty-five per centum shall be in the
133 same proportion and shall be computed and allowed by the com-
134 missioner.

135 (g) The percentage of all permanent disabilities other than
136 those enumerated in paragraphs *c*, *d*, *e*, and *f* of this section
137 shall be determined by the commissioner, using as a basis the
138 loss of an arm at or above the elbow, and award made in ac-
139 cordance with the schedule in paragraph *c*.

140 (h) Compensation payable under any paragraph of this
141 section shall be limited as follows: Not to exceed a maximum
142 of twelve dollars per week, nor to be less than a minimum of
143 five dollars per week.

144 (i) An injury resulting in temporary total disability for
145 which compensation is awarded under paragraph (a) of this
146 section, and such injury is later determined a permanent partial
147 disability under paragraph (c), the amount of compensation so

147-a paid shall be considered as payment of the compensation pay-
148 able for such injury in accordance with the schedule in para-
149 graph (c). Compensation under this section shall be payable
150 only to the injured employee, and the right thereto shall not
151 vest in his estate, except such compensation as may have accrued
152 to the date of his or her death.

153 (j) The following permanent disabilities shall be con-
154 clusively presumed to be total in character:

155 Loss of both eyes or the sight thereof;

156 Loss of both hands or the use thereof;

157 An injury resulting in practically total paralysis.

158 In all other cases permanent disability shall be determined
159 by the commissioner in accordance with the facts in the case, and
160 award made in accordance with the schedule in paragraph (c).

Sec. 33. In case the personal injury causes death within the
2 period of one year from the date of original injury and disability
3 is continuous from date of such injury until date of death the
3-a benefits shall be in 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 sections twenty-seven and
6 twenty-nine of this act.

7 (b) If the deceased employee be under the age of twenty-one
8 years and unmarried and leave a wholly dependent father or
9 mother, the father, or if there be no father, the mother shall be
10 entitled to a payment of fifty per centum of the average weekly
11 wages of the deceased employee not to exceed a maximum of six
12 dollars per week, to continue for such portion of the period of six
13 years after the date of death as the commissioner in the case may
14 determine; *provided, however*, that in case the deceased employee
15 be under the age of fifteen years at the time of death, payment
16 shall continue until such employee would have been twenty-one
16-a years of age.

16-b Compensation in either case to cease upon the death of the
16-c dependent.

17 (c) If the deceased employee be under the age of twenty-one
18 and unmarried and leave a partially dependent father or mother,
19 the father, or if there be no father, the mother shall be entitled
20 to a payment of fifty per centum of the average weekly wages,
21 not to exceed a maximum of six dollars per week, to continue
22 until the employee would have been twenty-one years of age.

23 (d) If the deceased employee leaves a dependent widow or

24 invalid widower, the payment shall be twenty dollars per month
25 until death or remarriage of such widow or widower, and in addi-
26 tion five dollars per month for each child under fifteen years of
27 age, to be paid until such child reaches such age; *provided*, if
28 such widow or invalid widower shall remarry within two years
29 from date of the death of such employee, such widow or widower
30 shall be paid at the time of remarriage twenty per centum of the
31 amount that would be due for the period remaining between the
32 date of such remarriage and the end of ten years from the date
33 of death of said employee; *provided, further*, that if upon in-
34 vestigation it shall be ascertained that said widow or widower is
35 living with a man or woman, as the case may be, as man and wife
36 and not married, or the widow living a life of prostitution, the
37 commissioner shall stop the payment of the benefits herein pro-
38 vided to said widow or widower.

39 (e) If the deceased employee be an adult and there be no
40 dependent widow or widower, or child under fifteen years of age,
41 but there are wholly dependent persons at the time of death, the
42 payment shall be fifty per centum of the average monthly support
43 actually received from the employee during the preceding twelve
44 months, to continue for the remainder of the period between the
45 date of death and six years after the date of injury, and shall not
46 amount to more than a maximum of twenty dollars per month.

47 (f) If the deceased employee be an adult and there be no
48 dependent widow, widower or child under fifteen years of age, or
49 wholly dependent persons, but there are partly dependent persons
50 at the time of death, the payment shall be fifty per centum of the
51 average monthly support actually received from employee during
52 the preceding twelve months, and to continue for such portion of
53 the period of six years after the date of death as the commissioner
54 in the case may determine, and not to amount to more than a maxi-
55 mum of twenty dollars per month.

56 Compensation under sub-sections (e) and (f) hereof shall cease
57 upon the death of the dependent, and the right thereto shall not
58 vest in his or her estate.

59 (g) Dependent, as used in this act, means a widow, invalid
60 widower, child under fifteen years of age, invalid child over such
61 age, or a posthumous child, who, at the time of the injury causing
62 death, is dependent in whole or in part for his or her support upon
63 the earnings of the employee; also, the following persons who are
64 and continue to be residents of the United States or its territorial

65 possessions; step-child under fifteen years of age, child under
66 fifteen years of age legally adopted prior to the injury causing
67 death; father, mother, grandfather or grandmother, who, at the
68 time of the injury causing death, is dependent in whole or in part
69 for his or her support upon the earnings of the employee; an in-
70 valid brother or sister wholly dependent for his or her support
71 upon the earnings of the employee at the time of the injury causing
72 death.

Sec. 36. Notwithstanding anything herein contained no sum
2 shall be paid a widow or widower who shall have been living sepa-
3 rate and apart from, or has been abandoned by the employee, and
4 who shall not have been supported by him or her at the time of the
5 injury causing death.

Sec. 37. The average weekly wage or earnings of the injured
2 person at the time of the injury shall be taken as the basis upon
3 which to compute the benefits. The time of injury within the mean-
4 ing of this section shall be such reasonable length of time imme-
5 diately preceding the date of injury as shall enable the commissioner
6 to make a fair and just award.

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 on form or forms prescribed by the commissioner
4 and filed in the office of the commissioner within six months from
5 and after the date of injury or death, as the case may be, and all
6 proofs of dependency in fatal cases must be filed with the commis-
7 sioner within nine months from and after the date of death;
8 *provided*, that in case the employer fails to report an injury within
9 six months from and after the date such injury is received, the
10 commissioner may in his discretion accept an application for com-
11 pensation filed after the expiration of six months as above pro-
12 vided and award compensation to an employee who would have
13 been so entitled had the injury been reported and application filed
14 within the prescribed period of six months. Non-resident aliens
15 may be officially represented by the consular officers of the country
16 of which such aliens may be citizens or subjects; *provided*, that
17 nothing herein contained shall be construed as giving such con-
18 sular officer the right to make application for compensation in
19 behalf of non-resident aliens.

Sec. 42. Compensation shall be paid only to or for the use
2 of such employees or their dependents as hereinbefore provided and
3 shall be exempt from all claims of creditors and from any attach-

4 ment, execution or assignment. Payments may be made in such
5 periodical installment as may seem best to the commissioner in
6 each case.

Sec. 43. The commissioner shall have full power and au-
2 thority 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*, in case the final action of said commis-
6 sioner denies the right of the claimant to receive compensation
7 from the fund or directly from the employer, as the case may be,
8 on the ground that the injury was self inflicted, or on the
8-a ground that the injury was not received in the course of
9 and resulting from his employment, or upon any other ground
10 going to the basis of the claimant's rights, then the claimant may,
11 within ninety days after notice of the final action of such commis-
12-16 sioner, apply for an appeal to the supreme court of appeals.
17 The appellant shall file a petition before said supreme court of
18 appeals against such commissioner as defendant, within said period
19 of ninety days, and the commissioner shall be notified by the clerk
20 of said court, forthwith, of the filing of such petition for appeal.
21 And the commissioner shall within ten days after the receipt of
22 such notice file with the clerk of said court the record of such pro-
23 ceedings before the commissioner, including a transcript of the
24 evidence. The court, or any judge thereof, may thereupon decide
25 whether an appeal shall be granted or not, and if a non-resident
25-a of the state be granted such appeal he shall execute and file be-
25-b fore the clerk of said court, before such appeal becomes effective
25-c an appeal bond with surety to be approved by said clerk condi-
25-d tioned to pay all costs which may be awarded against him on
25-e such appeal. If granted, the commissioner and the claimant
26 or the claimant's attorney shall be notified of the fact
27 by mail. If an appeal is granted the case shall be tried
28 by said court in the same manner as other cases before it,
29 save and except that neither the record nor briefs need be printed,
30 and that every such appeal granted prior to thirty days before the
31 beginning of any term shall be on the docket for such term, and
32 such appeals shall have precedence over other cases on such docket.
33 The attorney general, without extra compensation, or other counsel,
34 if the commissioner sees fit to employ the same, shall represent the
35 commissioner on such appeal. The supreme court on such appeal
36 shall determine the right of the claimant and certify its decision

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

Sec. 44. The commissioner shall not be bound by the usual
2 common law or statutory rules of evidence, but shall adopt formal
3 rules of practice and procedure as herein provided, and may
4 make investigations in such manner as in his judgment is best
5 calculated to ascertain the substantial rights of the parties and
6 to carry out the provisions of this act.

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 to in-
5 vest the same as prescribed in section twenty hereof. Whenever
6 it may become necessary or expedient to use any of the funds so
7 invested, the board of public works at the direction of the com-
8 pensation commissioner shall collect, sell or otherwise realize
9 upon any investment to the amount deemed necessary or expe-
10 dient to use.

Sec. 52. In case any employer within the meaning of this
2 act is also engaged in interstate or foreign commerce, and for
3 whom a rule of liability or method of compensation has been or
4 may be established by the congress of the United States, this act
5 shall apply to him, only to the extent that his mutual connection
6 with work in this state is clearly separable and distinguishable
7 from his interstate work, and in such case such employer and any
8 of his employees thus engaged in both intrastate and interstate
9 work, may, with the approval of the commissioner, elect to pay
10 into the fund the premiums provided by this act on account of
11 work done in this state only, by filing written acceptances, or a
12 joint election with the commissioner, and such election when filed
13 and approved by the commissioner shall subject the acceptor
14 irrevocably to the provisions of the act to all intents and pur-
15 poses as if they had been originally included in its terms. Pay-
16 ments of premiums shall be on the basis of the payroll of the
17 employees who accept as aforesaid, for work done in this state
18 only.

Sec. 56. This act shall be in effect from and after the first 2 day of July, one thousand nine hundred and nineteen, and all 3 other acts and parts of acts in conflict with this act are hereby 4 repealed.

CHAPTER 132.

(Senate Bill No. 214—Mr. Johnson.)

AN ACT to amend and re-enact section one, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two,, one-e-one, one-c-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one, and one hundred and two of the acts of West Virginia, regular session of the legislature, one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec.
1. Re-arranging and establishing judicial circuits of the state; counties constituting districts.
1-a. First Circuit.
1-b. Second Circuit.
1-c. Third Circuit.
1-d. Fourth Circuit.
1-e. Fifth Circuit.
1-f. Sixth Circuit.
1-g. Seventh Circuit.
1-h. Eighth Circuit.
1-i. Ninth Circuit.
1-j. Tenth Circuit.
1-k. Eleventh Circuit.

Sec.
1-l. Twelfth Circuit.
1-m. Thirteenth Circuit.
1-n. Fourteenth Circuit.
1-o. Fifteenth Circuit.
1-p. Sixteenth Circuit.
1-q. Seventeenth Circuit.
1-r. Eighteenth Circuit.
1-s. Nineteenth Circuit.
1-t. Twentieth Circuit.
1-u. Twenty-first Circuit.
1-v. Twenty-second Circuit.
1-w. Twenty-third Circuit.
2. Repealing acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. That on and after the first day of January in 2 the year one thousand nine hundred and twenty-one the several 3 judicial circuits of this state shall be composed as follows: The 4 courties of Brooke, Hancock and Ohio shall constitute the first

5 circuit; the counties of Marshall, Tyler and Wetzel shall consti-
6 tute the second circuit; the counties of Doddridge, Pleasants and
7 Ritchie shall constitute the third circuit; the counties of Wood
8 and Wirt shall constitute the fourth circuit; the counties of Cal-
9 houn, Jackson, Mason and Roane shall constitute the fifth circuit;
10 the counties of Cabell, Lincoln and Putnam shall constitute the
11 sixth circuit; the counties of Logan and Wayne shall constitute
12 the seventh circuit; the counties of Mingo and Wyoming shall con-
13 stitute the eighth circuit; the counties of McDowell, Mercer and
14 Monroe shall constitute the ninth circuit; the counties of Boone,
15 Raleigh and Summers shall constitute the tenth circuit; the coun-
16 ties of Greenbrier and Pocahontas shall constitute the eleventh
17 circuit; the counties of Fayette and Nicholas shall constitute the
18 twelfth circuit; the counties of Clay and Kanawha shall constitute
19 the thirteenth circuit; the counties of Braxton, Gilmer and
20 Webster shall constitute the fourteenth circuit; the counties
21 of Harrison and Lewis shall constitute the fifteenth circuit;
22 the county of Marion shall constitute the sixteenth circuit;
23 the county of Monongalia shall constitute the seventeenth cir-
24 cuit; the county of Preston shall constitute the eighteenth cir-
25 cuit; the counties of Barbour and Taylor shall constitute the
26 nineteenth circuit; the counties of Randolph and Upshur shall
27 constitute the twentieth circuit; the counties of Grant, Mineral
28 and Tucker shall constitute the twenty-first circuit; the coun-
29 ies of Hampshire, Hardy and Pendleton shall constitute the
30 twenty-second circuit; and the counties of Berkeley, Jefferson
31-32 and Morgan shall constitute the twenty-third circuit.

33 There shall be elected at the general election to be held on the
34 Tuesday next after the first Monday in November, one thousand
35 nine hundred and twenty, one judge in each of the circuits herein
36 constituted, except for the first circuit there shall be two judges
37 elected.

38 On and after the first day of January in the year one thou-
39 sand nine hundred and twenty-one, the terms of the several cir-
40 cuit courts of the counties aforesaid shall commence and be held
41 as follows:

First Circuit.

Sec. 1-a. For the county of Hancock on the second Monday
2 in March, the third Monday in June, and the first Monday in
3 November.

4 For the county of Brooke on the third Monday in February,
5 the first Monday in June and the second Monday in October.
6 For the county of Ohio on the last Monday in March, the first
7 Monday in September, and the fourth Monday in November.

Second Circuit.

Sec. 1-b. For the county of Marshall on the third Tuesday
2 in March, the second Tuesday in July, and the fourth Tuesday in
3 November.

4 For the county of Tyler on the fourth Tuesday in Feb-
4-a ruary, the third Tuesday in June, and the first Tuesday in
5 November.

6 For the county of Wetzel on the second Tuesday in Janu-
7 ary on the first Tuesday in May, and on the third Tuesday in
8 September.

Third Circuit.

Sec. 1-c. For the county of Doddridge on the first Tuesday
2 in April, the first Tuesday in August, and on the fourth Tuesday in
3 November.

4 For the county of Pleasants on the second Tuesday in Janu-
5 ary, the fourth Tuesday in April, and the second Tuesday in Sep-
6 tember.

7 For the county of Ritchie on the second Tuesday in February,
8 the second Tuesday in June, and on the second Tuesday in October.

Fourth Circuit.

Sec. 1-d. For the county of Wood on the fourth Monday in
2 January, the fourth Monday in April, and on the second Monday
3 in October.

4 For the county of Wirt on the first Monday in January, the
5 first Monday in June, and the second Monday in September.

Fifth Circuit.

Sec. 1-e. For the county of Roane on the third Tuesday in
2 January, the third Tuesday in May, and the third Tuesday in
3 September.

4 For the county of Jackson on the first Tuesday in April, the
5 first Tuesday in August, and the first Tuesday in November.

6 For the county of Calhoun on the third Tuesday in April, the
7 third Tuesday in August and the third Tuesday in November.

8 For the county of Mason on the first Tuesday in February,
9 the first Tuesday in June, and the first Tuesday in October.

Sixth Circuit.

Sec. 1-f. For the county of Cabell the first Monday in Jan-
2 uary, the first Monday in May, the third Monday in September of
3 each year.

4 For the county of Putnam the third Monday in March, the
5 third Monday in July and the third Monday in November of each
6 year.

7 For the county of Lincoln the first Monday in March, the
8 third Monday in June, the first Monday in September and first
9 Monday in December of each year.

Seventh Circuit.

Sec. 1-g. For the county of Logan on the second Monday in
2 January, the second Monday in April, the second Monday in July,
3 and the second Monday in October.

4 For the county of Wayne on the second Monday in Febru-
5 ary, the second Monday in May, the second Monday in August, and
6 the second Monday in November.

Eighth Circuit.

Sec. 1-h. For the county of Mingo on the second Monday in
2 January, the second Monday in April, the second Monday in
3 July, and the first Monday in September.

4 For the county of Wyoming on the second Monday in Feb-
5 ruary, the second Monday in May, the second Monday in August,
6 and the second Monday in November.

Ninth Circuit.

Sec. 1-i. For the county of McDowell on the second Tuesday
2 in February, the second Tuesday in June, and the second Tuesday
3 in September.

4 For the county of Mercer on the second Tuesday in May, the
5 second Tuesday in August and the fourth Tuesday in November.

6 For the county of Monroe on the second Tuesday in March,

7 the second Tuesday in June and the third Tuesday in September.

Tenth Circuit.

2 Sec. 1-j. For the county of Boone on the first Monday in
3 March, the fourth Monday in May, the third Monday in Septem-
4 ber, and the third Monday in November.

5 For the county of Raleigh on the third Monday in February,
6 the first Monday in May, the fourth Monday in August, and the
7 first Monday in December.

8 For the county of Summers on the first Monday in January,
9 the second Monday in March, the second Monday in June, and the
0 first Monday in October.

Eleventh Circuit.

1 Sec. 1-k. For the county of Greenbrier on the third Tuesday
2 in January, second Tuesday in May and the second Tuesday in
3 September.

4 For the county of Pocahontas on the first Tuesday in April,
5 the first Tuesday in June and the first Tuesday in October.

Twelfth Circuit.

6 Sec. 1-l. For the county of Fayette on the first Tuesday in
7 January, April and July, and the third Tuesday in September.

8 For the county of Nicholas on the third Tuesday in February,
9 May, August and November.

Thirteenth Circuit.

0 Sec. 1-m. For the county of Clay on the first Monday in
1 January, the third Monday in March, the first Monday in August
2 and the third Monday in November.

3 For the county of Kanawha on the second Monday in Feb-
4 ruary, the second Monday in May, the second Monday in Septem-
5 ber, and the second Monday in November.

Fourteenth Circuit.

6 Sec. 1-n. For the county of Braxton on the second Tuesday
7 in January, the second Tuesday in May, and the second Tuesday
8 in September.

9 For the county of Gilmer on the second Tuesday in February,

- 5 the second Tuesday in June, and the second Tuesday in October.
6 For the county of Webster on the second Tuesday in April, the
7 second Tuesday in August, and the second Tuesday in December.

Fifteenth Circuit.

Sec. 1-o. For the county of Lewis on the first Monday in
2 March, the first Monday in July, and the first Monday in Novem-
3 ber.

4 For the county of Harrison on the first Monday in January,
5 the first Monday in May, and the first Monday in September.

Sixteenth Circuit.

Sec. 1-p. For the county of Marion on the second Monday in
2 March, the second Monday in June, and the second Monday in
3 November.

Seventeenth Circuit.

Sec. 1-q. For the county of Monongalia on Thursday after
2 the first Monday in January, April, July, and October.

Eighteenth Circuit.

Sec. 1-r. For the county of Preston on the second Tuesday
2 in March, the second Tuesday in June, and the third Tuesday in
3 November.

Nineteenth Circuit.

Sec. 1-s. For the county of Barbour on the second Monday
2 in January, the second Monday in April, and the second Monday
3 in September.

4 For the county of Taylor on the third Tuesday in February,
5 the third Tuesday in May, and the third Tuesday in October.

Twentieth Circuit.

Sec. 1-t. For the county of Randolph on the third Tuesday
2 in February, the third Tuesday in May, and the first Tuesday in
3 October.

4 For the county of Upshur on the second Monday in January,
5 the second Monday in April, and the first Monday in September.

Twenty-First Circuit.

Sec. 1-*u*. For the county of Grant on the first Tuesday in
2 April, the second Tuesday in July, and the third Tuesday in No-
3 vember.

4 For the county of Mineral on the third Tuesday in January,
5 the third Tuesday in April, the fourth Tuesday in July, and the
6 third Tuesday in October.

7 For the county of Tucker on the second Tuesday in March,
8 the first Tuesday in June, the first Tuesday in September, and the
9 first Tuesday in December.

Twenty-Second Circuit.

Sec. 1-*v*. For the county of Hampshire on the first Tuesday
2 in January, the first Tuesday in March, the first Tuesday in July,
3 and the third Tuesday in September.

4 For the county of Hardy on the third Tuesday in February,
5 the third Tuesday in June, and the third Tuesday in October

6 For the county of Pendleton on the third Monday in March,
7 the fourth Monday in July, and the first Monday in December.

Twenty-Third Circuit.

Sec. 1-*w*. For the county of Morgan on the first Tuesday in
2 January, the first Tuesday in April, and the first Tuesday in Sep-
3 tember.

4 For the county of Berkeley on the third Tuesday in January,
5 the third Tuesday in April, and the third Tuesday in September.

6 For the county of Jefferson on the second Tuesday in Febru-
7 ary, the third Tuesday in May, and the third Tuesday in October.

Sec. 2. That on and after the first day of January in the
2 year one thousand nine hundred and twenty-one, sections one-*a*
3 (one), one-*a* (two), one-*b* (one), one-*b* (two), one-*c* (one), one-*c*
4 (two), one-*d* (one), one-*d* (two), one-*e* (one), one-*e* (two), of
5 chapter one hundred and twelve of Barnes' code of one thousand
6 nine hundred and sixteen, chapter one hundred twelve-*a* of Barnes'
7 code of one thousand nine hundred and sixteen relating to time
8 for holding circuit courts; chapters eighty-seven, ninety-two,
9 ninety-four, ninety-six, ninety-seven, one hundred one, and one
10 hundred two of the acts of West Virginia, regular session of the
11 legislature, one thousand nine hundred and seventeen; and all
12 acts and parts of acts coming within the purview of this act and
13 inconsistent with this act are hereby repealed.

SENATE JOINT RESOLUTION NO. 1.

(Adopted January 9, 1919.)

Ratifying the proposed amendment to the constitution of the United States prohibiting the manufacture, sale or transportation of intoxicating liquor within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

WHEREAS, the sixty-fifth congress of the United States of America, at its second session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the constitution of the United States of America, in the following words, to-wit:

“Joint resolution proposing an amendment to the Constitution of the United States.

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following amendment to the constitution be and hereby is proposed to the states, to become valid as a part of the constitution when ratified by the legislatures of the several states, as provided by the constitution:

“Article —

“Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

“Section 2. The congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

“Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of the several states, as provided in the constitution within seven years from date of the submission to the states by the congress;” therefore, be it

Resolved, by the Legislature of West Virginia:

That the said proposed amendment to the constitution of the United States of America be and the same is hereby ratified.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the governor of the state of West Virginia to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States.

SENATE JOINT RESOLUTION NO. 2.

(Adopted January 31, 1919.)

Authorizing the state board of health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery.

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick or injured persons; and

WHEREAS, the said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay, and

WHEREAS, the said U. G. Morton is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, the said U. G. Morton 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, and it is hereby authorized and requested to issue to the said U. G. Morton 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. 3.

(Adopted February 12, 1919.)

Proposing an amendment to sections twenty-two and thirty-three of article six of the constitution of this state.

Resolved, by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendments to sections twenty-two and thirty-

three of article six of the constitution of this state be, and the same are hereby agreed to, to-wit:

That sections twenty-two and thirty-three of article six of the constitution of the state of West Virginia be amended so as to read as follows:

Section 22. All sessions of the legislature, other than extraordinary sessions, shall continue in session for a period not exceeding fifteen days from date of convening, during which time no bills shall be passed or rejected, unless the same shall be necessary to provide for a public emergency, shall be specially recommended by the governor and passed by a vote of four-fifths of the members elected to each house; whereupon, a recess of both houses must be taken until the Wednesday after the second Monday of March following. On reassembling of the legislature, no bill shall be introduced in either house without a vote of three-fourths of all the members elected to each house taken by yeas and nays. The regular sessions shall not continue longer than forty-five days after reconvening, without the concurrence of two-thirds of the members elected to each house.

Sec. 33. The members of the legislature shall each receive for his services the sum of five hundred dollars per annum and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided, shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

SENATE JOINT RESOLUTION NO. 6.

(Adopted January 24, 1919.)

Relating to the Virginia debt.

WHEREAS, the governor of this state in his biennial message to the West Virginia legislature of January 8, 1919, stated: "In a few days I will transmit to you a report of the Virginia debt commission, setting out the result of its correspondence and negotiations with the

Virginia commission since the last session of the legislature, together with certain recommendations for your consideration; and,

WHEREAS, on the 17th day of January, 1919, the governor, together with his special message to the legislature of West Virginia, transmitted the report of the new Virginia debt commission; and,

WHEREAS, the said report of the new Virginia debt commission merely sets forth the correspondence it has had, and the opinion of the United States supreme court, together with a few other documents which had come into its possession; but does not submit any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, the governor in his said special message so transmitting the said report of said commission does not make any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, the legislature, before taking any further action concerning the Virginia debt, feels that it should have full and complete recommendations from the governor in regard thereto; now, therefore, be it

Resolved, that it is the sense of the legislature of West Virginia that the governor recommend and report to the legislature as follows:

1. Whether or not there were any other negotiations with the Virginia commission except those set forth and embraced in the report of the new Virginia debt commission so transmitted to the legislature on the 17th day of January, 1917, together with the special message of the governor.

2. If there were any other or further negotiations with the Virginia commission, besides those set forth in said report, what were they?

3. Whether or not the Virginia debt should be paid.

4. If the Virginia debt should be paid, how and in what manner should payment thereof be made?

5. If payment of the Virginia debt should not be made, why not and how can the payment thereof be avoided?

SENATE JOINT RESOLUTION NO. 7.

(Adopted January 22, 1919.)

Providing for the adoption of the joint rules of the two houses.

Resolved by the Legislature of West Virginia:

That the joint rules of the senate and house of delegates adopted January thirty-one, one thousand nine hundred and seventeen, be adopted as the joint rules of the two bodies during the present session, except that rule 2 shall provide that two hundred instead of twenty copies of enrolled bills shall be printed under the provisions contained in said rule; except that in the printing of municipal charters only twenty-five copies thereof shall be printed.

SENATE JOINT RESOLUTION NO. 13.

(Adopted February 12, 1919.)

Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the preeminent location for such sanitarium.

WHEREAS, the close of the world's war finds many soldiers of the armies of the United States of America incapacitated on account of rheumatism, diabetes and kindred diseases contracted in the discharge of their patriotic duty; and

WHEREAS, the cure of such soldiers would relieve the government from the payment of hundred of millions in compensations, would release thousands of men for the fields of peaceful industry and be a blessing to those, and their generation, who have suffered the horrors of warfare for their country's sake; and

WHEREAS, the water of the Berkeley Springs, in the state of West Virginia, is preeminently fitted for the cure of aforesaid diseases and admirably located for access from the Atlantic seaboard and the national capital; and

WHEREAS, the congress of the United States of America has recently appropriated the sum of fourteen millions, five hundred thousand dollars for the purpose of constructing and equipping buildings suitable for the treatment of the physical disabilities of soldiers; therefore be it

Resolved by the Legislature of West Virginia:

That a committee of five be appointed from the senate and house, two by the president of the senate and three by the speaker of the house, and that the governor of this state appoint a like number at

large from the citizens of this state, the governor to be *ex-officio* chairman thereof, to represent to the secretary of war the advantages to accrue to the nation at large and its disabled defenders by the construction and maintenance of a suitable building at Berkeley Springs, in the state of West Virginia, for the treatment of invalid soldiers-for such diseases as the water of said springs is a curative agent.

SENATE JOINT RESOLUTION NO. 15.

(Adopted February 15, 1919.)

Proposing an amendment to the constitution of this state.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following amendment to the constitution of this state be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars.

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

SENATE JOINT RESOLUTION NO. 21.

(Adopted February 21, 1919.)

Providing for the appointment of a committee from the members of the next legislature.

WHEREAS, Senate Joint Resolution No. 15, proposing an amendment to the constitution providing for a bond issue for a system

of state roads and highways has been adopted by the legislature and submitted to the voters of the state for ratification or rejection at the next general election; and,

WHEREAS, it is the sense of the legislature that the laws to be enacted to carry the provisions of said resolution into effect in case of its ratification are of the utmost importance to the whole people of the state and should be given careful thought and consideration; therefore be it,

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

That in case said proposed amendment is ratified at said general election, the governor of this state is requested, as soon as such ratification is ascertained, to appoint a committee of five from the members who will compose the next legislature of this state, three from the house of delegates and two from the senate, who together with the state road commission, and such representative of the federal government as might be designated by it shall prepare such bill or bills and make such investigations and recommendations as such committee may deem proper and submit the same, together with its report, to the legislature, at its next session thereafter.

SENATE JOINT RESOLUTION NO. 23.

(Adopted February 21, 1919.)

Approving and endorsing the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers.

WHEREAS, the President of the United States by his proclamation of November 29, 1918, has called upon the people of the United States to make generous contributions to sustain the peoples of the near east who through no fault of their own have been left in a starving, shelterless condition, without the benefit of the usual war agencies, and

WHEREAS, the American Committee for Relief of Armenians, Syrians, Greeks and other such sufferers in the near east, has appealed for \$30,000,000 for such purpose, of which sum West Virginia is asked to raise \$218,000, and

WHEREAS, many states have already raised their respective appropriations, but owing to the influenza epidemic the campaign for such fund in this state has been postponed until March 23rd to 30th next, and

WHEREAS, the said campaign is duly authorized and, because of the fact that thousands are literally starving, is eminently worthy and imperative, therefore, be it

Resolved by the Legislature of West Virginia:

That the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers in the near east hereby is approved and endorsed as worthy the support of all patriotic and humanitarian citizens.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 8, 1919.)

Raising a joint committee to wait upon the governor.

Resolved, by the Senate, the House of Delegates concurring therein:

That a joint committee be appointed, two by the president of the senate and three by the speaker of the house of delegates, to wait upon the governor and inform him that the legislature is organized with a quorum present and is ready to receive any communication he may be pleased to make.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 21, 1919.)

Providing for the preservation of a list of names of West Virginia soldiers and sailors who served during the late war with Germany.

WHEREAS, in the successful prosecution of the recent war against Germany, for the maintenance of civilization, more than sixty thousand brave and courageous men of West Virginia—the flower of our manhood—entered the military service of the nation, prepared to give their lives, if necessary, on land and sea that freedom might live and the national honor of our government upheld; and,

WHEREAS, it is the duty of the state of West Virginia to forever

preserve the names of those loyal and patriotic sons who were in the service, and those who made the supreme sacrifice in the camps and cantonments, on the sea and on the soils of our allies; and,

WHEREAS, it has been shown by past experience that unless these records are compiled without delay they are never made available, as has been demonstrated in previous wars in which our state and nation have engaged; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

First: That a complete compilation of the records, by counties, be made, showing the names and addresses of all West Virginia soldiers and sailors who participated in the war with Germany, or who were in the military service during that period.

Second: That a complete compilation be made of the names of all West Virginia soldiers and sailors who died or were killed or injured in that war; and be it further

Resolved, That the compilation thus prepared be published in an edition of the "West Virginia Legislative Hand Book and Manual and Official Register," and that the expense of such compilation be paid from an appropriation to be hereafter made.

SENATE CONCURRENT RESOLUTION NO. 5.

(Adopted February 6, 1919.)

Calling on the "New Virginia Debt Commission" of West Virginia, to make further report to the senate and house of delegates, relating to its negotiations with the debt commission of Virginia, relative to the adjustment of all matters in difference involved in the suit between the two states, out of court, and recommend to the legislature what action should be taken in said matter.

WHEREAS, by an act of the legislature of West Virginia, passed February twenty, one thousand nine hundred and fifteen, effective from passage, and approved by the governor, February twenty-six, one thousand nine hundred and fifteen, a "New Virginia Debt Commission" was authorized and constituted, and its powers therein distinctly defined; and,

WHEREAS, section two of the aforesaid act, reads as follows: "Said commission in conjunction with the attorney general is authorized and directed to defend the case of the commonwealth of Virginia against the state of West Virginia, now pending in the supreme court of the United States, as well as any other litigation that may spring out of said controversy, and is now fully authorized and empowered to do any and everything which in its judgment or discretion may be deemed necessary or best to that end; and it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the legislature of the state of West Virginia;" and,

WHEREAS, it appears from the argument of the attorneys and advocates of each state that some agreement was made, or some proposition at least proposed, by the commissions of the two states, relative to the adjustment of said difference, out of court; and,

WHEREAS, the legislature of West Virginia desires the official opinion and recommendation of the new Virginia debt commission of West Virginia, instead of the private opinion of its members; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

That the New Virginia Debt Commission, as soon as convenient, make further report to the legislature of this state, answering the following:

1. Was there an agreement between the commissions of the two states as to the amount West Virginia should pay to the state of Virginia, and how the same was to be paid?

2. If any such agreement was made, does the commission recommend the ratification and execution of said agreement by the legislature of this state? And be it

Resolved, That the legislature of this state withhold all action relating to the Virginia debt in abeyance until the incoming of the further report of the commission; and be it further

Resolved, That upon the adoption of this resolution, the sergeant-at-arms of the senate, forthwith, serve each member of the new Virginia debt commission of this state with a copy of the same.

SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 6.

(Adopted February 20, 1919.)

Relating to the judgment of Virginia against West Virginia.

WHEREAS, after protracted litigation, the supreme court of the United States by its decree entered in the suit of the commonwealth of Virginia against the state of West Virginia on the 14th of June, 1915, adjudged, ordered and decreed that:

“The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,-929.50, with interest thereon from July 1, 1915, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs;” which debt, interest and costs, under the terms of said decree as of January 1, A. D. 1919, are as follows:

1915, July 1, principal	\$12,393,929.50
Interest thereon from July 1, 1915, to Jan. 1, 1919.	2,168,937.66

Total, principal and interest, as of said January 1, 1919	\$14,562,867.16
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to which is to be added one-half of the costs of said suit; and,

WHEREAS, the supreme court of the United States, did on the 22nd day of April, 1918, upon a petition for a writ of mandamus, render an opinion, in said cause, a part of which is as follows:

“Giving effect to this view, accepting the things which are irrevocably foreclosed—briefly stated, the judgment against the state, operating upon it in all of its governmental powers, and the duty to enforce it, viewed in that aspect—our conclusion is that the case should be restored to the docket for further argument at the next term after the February recess. Such argument will embrace the three questions left open. First—The right, under the conditions previously stated, to award the mandamus prayed for. Second—If not, the power and duty to direct the levy of a tax, as stated; and, Third—If means for doing so be found to exist, the right, if necessary, to apply such other and appropriate equitable remedy by dealing with the funds, or taxable property of West Virginia, or the rights of that state, as may secure an execution of the judgment. In saying this, however, to the end that if, on such future hearing

provided for, the conclusion should be that any of the processes stated are susceptible of being lawfully applied (repeating that we do not now decide such question), occasion for a further delay may not exist, we reserve the right, if deemed advisable, at a day hereafter, before the end of the term or at the next term before the period fixed for the hearing, appoint a master for the purpose of examining and reporting concerning the amount and method of taxation essential to be put into effect, whether by way of order to the state legislature, or direct action to secure the full execution of the judgment, as well as concerning the means otherwise existing in the state of West Virginia, if any, which, by the exercise of the equitable powers in the discharge of the duty to enforce payment, may be available for that purpose, and,

WHEREAS, the only thing preventing the West Virginia debt commission and the Virginia debt commission from reaching an agreement for the settlement or adjustment of the debt as decreed by the supreme court of the United States was the matter of allowing West Virginia to hold in escrow sufficient of the proposed issue of bonds in payment of the debt to cover the value of the lost or unrepresented so called West Virginia certificates estimated to amount to one million one hundred thousand dollars until said certificates are discovered and presented to West Virginia for payment, if at all; and

WHEREAS, the Honorable Randolph Harrison, attorney for the Virginia debt commission, and representing the state of Virginia, appeared before a joint session of the legislature and, on behalf of the said state of Virginia, proposed if the legislature of West Virginia would elect to settle the said judgment, to accept in full settlement thereof a cash payment of \$1,062,867.16, with interest thereon at five per cent from the 1st day of January, 1919, until paid, and bonds of the state of West Virginia for the residue of \$13,500,000.00 to be dated January the 1st, 1919, and to bear interest at the rate of three and one-half per cent per annum payable semi-annually spread over a period of twenty years, and payable in gold coin and free from taxes in the state of West Virginia, and further agreed that the state of West Virginia may retain or hold in escrow in its treasury of said bonds a sufficient amount to cover the value of unrepresented so-called West Virginia certificates, and which such certificates shall be redeemed as they may be presented during the term of the bonds, and which certificates are now estimated to amount to about \$1,100,000, said bonds to be held and retained by the state of

West Virginia unless and until said certificates are discovered and deposited with the state of Virginia and presented by it to the state of West Virginia to be exchanged for bonds so retained in escrow as aforesaid, ratably; and,

WHEREAS, the state of West Virginia desires to accept the proposition of the debt commission of the commonwealth of Virginia and thereby comply with the decrees of said court and to satisfy the same as soon as practicable; therefore, be it

Resolved by the Senate, the House of Delegates concurring:

That the offer of settlement of the judgment of the commonwealth of Virginia against the state of West Virginia, made by the Virginia debt commission, through the said Honorable Randolph Harrison to the joint session of the legislature, be, and the same is hereby accepted, and the committees on the subject of the Virginia debt of the respective houses are hereby directed to prepare and submit to the house and senate a suitable bill or suitable bills, as soon as practicable for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, and provide the revenue to pay the principal and interest as the same may become due and payable, necessary to carry out the terms of such offer as hereinbefore set out.

SENATE CONCURRENT RESOLUTION NO. 7.

(Adopted February 21, 1919.)

Resolved, by the Senate of West Virginia, the House of Delegates concurring:

That Hon. John J. Cornwell, governor of West Virginia, be and he is hereby requested to include the question of the amendment of the primary law in his call for the extra session of the legislature shortly to be issued by him and

Resolved, further, That the president of the senate and the speaker of the house of delegates be and each of them is hereby authorized, empowered and directed to appoint a committee of three members from each of the Houses and

Resolved, further, That such committee shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of a primary law and such committees shall report by bill or otherwise to the legislature when it meets in extra session.

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

SENATE CONCURRENT RESOLUTION NO. 8.

(Adopted February 21, 1919.)

Relating to the Virginia debt.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein, that

WHEREAS, Hon. John J. Cornwell, governor of West Virginia, has by letter to the legislature under date of February 20, 1919, requested the legislature to create a special committee to formulate tentative bills for submission to the legislature when it re-convenes.

Resolved, That the president of the senate and the speaker of the house be and each of them is hereby authorized, empowered and directed to appoint a committee of six members from each house; and

Resolved, further, That such committees shall meet as soon as possible and act as a joint committee for the purpose of formulating tentative bills for submission to the legislature, and shall report by bill or otherwise to the legislature when it meets in extraordinary session.

Resolved, further, That the members of such committees shall be entitled to receive the same pay as members of the legislature actually employed in such work and also receive such mileage as members of the legislature receive.

SENATE CONCURRENT RESOLUTION NO. 10.)

(Adopted February 21, 1919.)

Raising a joint committee to wait upon the governor.

Resolved, by the Senate, the House of Delegates concurring therein:

That a joint committee of five, consisting of two on the part of the senate, to be appointed by the president thereof, and three on the part of the house of delegates, to be appointed by the speaker thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.

HOUSE JOINT RESOLUTION NO. 5.

(Adopted February 6, 1919.)

Providing for a joint committee by the senate and house of delegates to confer with a like committee appointed by the legislature of the state of Maryland, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states.

WHEREAS, the general assembly of the state of Maryland by joint resolution adopted on the tenth day of April, one thousand nine hundred and eighteen, provided for the appointment of a joint committee, to be composed of three on the part of the senate and five on the part of the house of delegates, to be appointed by the president of the senate and the speaker of the house of delegates, to confer with a like committee of the general assembly of West Virginia for the purpose of investigating and reporting to the next session of their respective general assemblies the feasibility, proposed method and cost of taking over any, or all, of the bridges connecting the state of Maryland and the state of West Virginia by either, or both, of said states; and

WHEREAS, a copy of said joint resolution has been transmitted by the governor of Maryland to the governor of West Virginia, and by him to the house of delegates of West Virginia, therefore be it

Resolved, That a joint committee of eight, three to be named by the president of the senate and five to be named by the speaker of the house of delegates, be appointed to confer with said like committee on the part of the general assembly of the state of Maryland, and to report as to the feasibility, advisability, proposed method and cost of taking over any, or all, of the said bridges connecting the state of West Virginia and the state of Maryland by either, or both of said states; and

Resolved, further, That said committee hereby provided for be, and is hereby authorized to employ a clerk or stenographer, the members of said clerical assistance to receive the same pay as the members of the committee hereinafter provided for; and

Resolved, further, That the members of said committee shall each receive for their services the same per diem and mileage as members of the legislature for time actually consumed in the consideration of the matters herein provided for, and, in addition, their actual expenses; and

Resolved, further, That the governor of the state of West Virginia is hereby requested to transmit a copy of these resolutions to the governor of Maryland.

HOUSE JOINT RESOLUTION NO. 6.

(Adopted February 20, 1919.)

Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, licenses to practice law in the courts of this state.

WHEREAS, Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, are shown to be gentlemen of good moral character, over twenty-one years of age, and citizens of said state, having resided therein all their lives; and

WHEREAS, it is well recognized that the said Boyd Adkins and W. R. Meservie have the qualifications of able lawyers, though they do not have the educational requirements to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, it is shown that that the said Boyd Adkins and W. R. Meservie have arrived at the age making it impracticable for them to enter school and acquire the educational qualifications aforesaid; therefore be it

Resolved by the Legislature of West Virginia, the Senate and House of delegates both concurring therein:

That the supreme court of appeals of West Virginia be and is hereby authorized and required to issue to the said Boyd Adkins and W. R. Meservie licenses to practice the law in the courts of this state.

HOUSE JOINT RESOLUTION NO. 10.

(Adopted February 19, 1919.)

Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state.

WHEREAS, M. W. Hefner, of Burnsville, West Virginia, is known and recognized to be a gentleman of good moral character and over twenty-one years of age, and a citizen of said state, having resided at Burnsville, in said state all of his life, and

WHEREAS, the said M. W. Hefner has practiced law before justices of the peace for a period of thirty years in his own county and the counties of Gilmer and Lewis as well as to have been sponsor of cases that have gone through all the courts of the state, and is recognized as being a lawyer of at least average ability, though he does not have the educational requirements that would permit him to pass the bar examination as prescribed by the faculty of the West Virginia law school of the university of said state, and having arrived at an age and being at the head of a family that demands his attention and care, it would be unwise for him at this time to spend a long term in school compiling the phrases and text-book definitions necessary to pass the examination, and

WHEREAS, the said M. W. Hefner is recognized as having sufficient general knowledge of the law as well as splendid ability to practically apply the law in the trial of cases, and is known and recognized as a good trial lawyer. therefore, be it

Resolved by the Legislature of West Virginia, the Senate and House of Delegates both concurring therein:

That the Supreme Court of Appeals of West Virginia be requested to issue to the said M. W. Hefner a license to practice law in the courts of this state.

HOUSE JOINT RESOLUTION NO. 15.

(Adopted February 21, 1919.)

To aid soldiers, sailors and marines in acquiring homes and farms.

WHEREAS, There is a bill now pending in the congress of the United

States, known as House of Representatives Bill 13651, designed to aid soldiers, sailors and marines in acquiring homes and farms, the provisions of which bill, in full, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available and to remain available until expended, the sum of \$100,000.00, to be expended under the direction of the secretary of the interior, for the investigation, irrigation, drainage, and development of swamp, arid, waste, and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors, and marines of the United States, including necessary expenditures for personal services in the District of Columbia and elsewhere and the purchase, maintenance, hire, and operation of motor-propelled or horse-drawn vehicles. The lands reclaimed hereunder shall be disposed of, under general regulations approved by the secretary of the interior, in such manner and under such terms and conditions as shall insure the reimbursement of the investment of the United States or others therein, during a term not exceeding forty years from date of entrance upon the land by the settler, together with interest from such date at four *per centum per annum*. The money herein appropriated shall be expended in the development of one or more projects in each of the several states, if feasible projects be found therein.

The secretary of the interior is authorized to make any contracts or arrangements and to do any or all acts necessary in his opinion, including the disposition of public lands, the acquisition of lands or property needed for rights of way or other purposes in connection with the development of any project by purchase or condemnation, for carrying out the purposes hereof; and

WHEREAS, This legislature is of the opinion that it is desirable that the federal government as well as the states, counties, municipalities, corporations and individual citizens do everything possible to provide employment for returning soldiers, sailors and marines and to aid them in establishing homes, and

WHEREAS, There are large areas of lands in West Virginia which might be utilized in carrying out the work the aforementioned bill entrusts to the secretary of the interior, therefore, be it

Resolved, That the senators and representatives from this state in the congress of the United States be requested to support said bill, with or without amendments as they shall deem advisable, and

Resolved, further, That a copy of this resolution be sent by the Clerks of this legislature to each of our senators and representatives in congress.

HOUSE CONCURRENT RESOLUTION NO. 2.

(Adopted January 16, 1919.)

Providing for the purchase of codes of West Virginia by the secretary of state.

Resolved, by the House of Delegates, the Senate concurring therein:

That the secretary of state be, and he is hereby, authorized and empowered to immediately purchase 140 copies of the code known as the "West Virginia Code" or "Hogg's Code of 1913" and the supplement thereto.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted January 16, 1919.)

Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches of the legislature.

Resolved, by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, 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 and mileage, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house, respectively.

HOUSE CONCURRENT RESOLUTION NO. 4.

(Adopted January 22, 1919.)

Relative to dockets of the circuit and other courts.

Resolved, by the House of Delegates, the Senate concurring therein:

That the auditor be, and he is hereby, requested to furnish a statement to the senate and house of delegates showing the number of cases upon the dockets of the various circuit and other courts of the state of West Virginia as reported to his office as required by law. Such statement should show the chancery causes, the law causes, civil and criminal, and, if the information is in the auditor's office, it should also show the number of jury trials in each such court during the last available two years, and the number of days that the court was in session in each year.

HOUSE CONCURRENT RESOLUTION NO. 6.

(Adopted January 27, 1919.)

Relating to the Virginia debt.

Resolved, by the House of Delegates, the Senate concurring:

That the house of delegates and senate meet in joint executive session in the hall of house of delegates on Tuesday, January 28th, 1919, at eight o'clock p. m. and that Governor J. J. Cornwell, Attorney General E. T. England and John H. Holt be invited to be present and state their respective opinions relative to the present Virginia debt situation.

HOUSE CONCURRENT RESOLUTION NO. 7.

(Adopted January 29, 1919.)

Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the legislature.

Resolved, by the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the house, upon proper warrants drawn by the sergeant-at-arms of the house upon the auditor, and five to be paid out of the contingent fund of the senate upon proper warrants drawn upon the auditor by the clerk of the senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the house and the other half out of the contingent fund of the senate upon warrants drawn by the proper officers upon the auditor.

Resolved, further, that the janitor also appoint two char women, who shall receive the same compensation as the assistant legislative janitors, one of said char women to be paid out of the contingent fund of the house and the other out of the contingent fund of the senate upon warrants drawn upon the auditor by the sergeant-at-arms of the house and the clerk of the senate, respectively.

HOUSE CONCURRENT RESOLUTION NO. 8.

(Adopted February 3, 1919.)

Providing for a joint session of the two houses to hear an address of Honorable Randolph Harrison, on the question of the Virginia debt.

Resolved by the House of Delegates, the Senate concurring therein:

That the house of delegates and senate meet in joint session in the hall of the house of delegates at 11 o'clock A. M., on Tuesday, the 4th day of February, 1919, for the purpose of hearing the address of Mr. Randolph Harrison, of Virginia, on the Virginia debt question.

HOUSE CONCURRENT RESOLUTION NO. 10.

(Adopted February 15, 1919.)

Inviting ex-United States Senator William E. Chilton to address the senate and house jointly on the matter of the Northwest Territory.

WHEREAS, a resolution has been adopted by the house of delegates referring the matter of the drafting an appropriate legislation for the settlement of the Virginia debt to the standing committees on the Virginia debt of the two houses of the legislature, and

WHEREAS, it has been suggested on the floor of the house that there is a possibility of recovery of the state of West Virginia against the United States of America in the matter of the Northwest Territory; and

WHEREAS, ex-United States Senator William E. Chilton was instrumental in, and introduced in the congress of the United States a measure looking to the institution of a suit by the state of West Virginia against the United States of America in the matter of the Northwest Territory; therefore, be it

Resolved, by the House, the Senate concurring therein:

That ex-United States Senator William E. Chilton be, and he is hereby invited to address a joint assembly of the house and senate on this matter at eight o'clock P. M. in the chamber of the house of delegates on Saturday, February 15, 1919; and

Resolved, further, That a committee of three, two to be named by the speaker of the house and one by the president of the senate, be appointed to immediately extend an invitation to Senator Chilton to address the house and senate jointly at eight o'clock this evening.

HOUSE CONCURRENT RESOLUTION NO. 11.

(Adopted February 20, 1919.)

Relating to the Kenyon bill.

Resolved, That the legislature of West Virginia hereby approves and requests the enactment of the bill now pending in the United States Senate, known as the Kenyon bill, and listed on the calendar of said body as Senate Bill 5397, the caption of which bill reads as follows:

“A bill to provide for the commencement or prosecution of public works in order to provide increased opportunities for employment during the period of demobilization and industrial adjustment, and for other purposes.”

Resolved, That the Clerks of the senate and house do send certified copies of this resolution to the senate and house of representatives of the United States.

HOUSE CONCURRENT RESOLUTION NO. 12.

(Adopted February 20, 1919.)

Requesting the war department of the federal government to allot to the state of West Virginia certain captured German ordnance to be placed on the state house grounds.

WHEREAS, it is probable that german ordnance captured by the American expeditionary forces will be brought to this country for distribution among such of the commonwealths of the United States as may expressly desire same, and

WHEREAS, such captured ordnance would be an appropriate testimonial of the valor of the soldiers of West Virginia who participated in the world war and a fitting ornament to the state house grounds; therefore, be it

Resolved by the House of Delegates of West Virginia, the Senate concurring therein:

That application is hereby made to the war department for an allotment of such captured German ordnance as may be deemed desirable and appropriate; and be it further

Resolved, That the governor of West Virginia hereby is requested to present to the secretary of war a certified copy of this concurrent resolution.

HOUSE CONCURRENT RESOLUTION NO. 13.

(Adopted February 21, 1919.)

Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and nineteen.

Resolved by the House of Delegates, the Senate concurring therein:

That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly 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 circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two houses as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the senate and house of delegates at least ten of said advance copies, and one copy to each of the officials hereinbefore enumerated, and ten copies to each of the state officials. The said clerks are also authorized and directed to have printed in signature form or advance sheets, any general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of two hundred dollars out of the contingent fund of the house and one hundred dollars out of the contingent fund of the senate is hereby directed to be paid by the auditor upon proper warrants drawn by the clerk of the senate and sergeant-at-arms of the house, respectively, to pay the postage or expressage on said advance copies.

For the extra work provided for in this resolution, the time of said clerks and one assistant clerk from each house is extended for sixty days each at the same rate paid during the session, 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. 15.

(Adopted February 21, 1919.)

Relating to the question of state police.

Resolved, by the House of Delegates, the Senate concurring:

That Hon. John J. Cornwell, governor of West Virginia, be and is hereby requested to include the question of state police protection in

his call for the extra session of the legislature shortly to be issued by him; and,

Resolved, further, That the president of the senate and the speaker of the house of delegates be, and each of them is hereby authorized, empowered and directed to appoint a committee of five members from each of the houses, and

Resolved, further, That such committees shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of state police protection, and such committees shall report by bill or otherwise to the legislature when it meets in extra session; and

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

EXTRAORDINARY SESSION 1919

ACTS OF 1919

EXTRAORDINARY SESSION

CHAPTER 1.

(Senate Bill No. 20—Mr. Arnold.)

AN ACT making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and for salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

Sec.

1. Appropriations for per diem and mileage of members of the legislature, first extraordinary session, 1919 and per diem and mileage of attaches thereof; House of Delegates; speaker's

Sec.

appointees; clerk's appointees.
2. Senate; per diem of president and members of other elective officers; president's appointees; clerk's appointees.
3. Miscellaneous appropriations.

Be it enacted by the Legislature of West Virginia:

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

House of Delegates.

7	Mileage of members of the house.....	\$ 3,407.00
8	To pay the per diem of the speaker of the house, at	
9	\$6.00 per day.....	126.00
10	To pay the per diem of 92 members of house at \$4.00	
11	per day	7,728.00
12	To pay the per diem of the clerk of the house at	
13	\$15.00 per day.....	3,150.00

14	To pay the per diem of the sergeant-at-arms of the	
15	house at \$7.00 per day.....	147.00
16	To pay the per diem of the doorkeeper of the house	
17	at \$6.00 per day.....	126.00

Speaker's Appointees.

18	To pay the per diem of six floor stenographers at	
19	\$6.00 per day	\$ 756.00
20	To pay the per diem of stenographer to the speaker	
21	at \$8.00 per day.....	168.00
22	To pay the per diem of the assistant sergeant-at-arms	
23	at \$7.00 per day.....	147.00
24	To pay the per diem of the clerk to the sergeant-at-	
25	arms at \$6.00 per day.....	126.00
26	To pay the per diem of four floor pages at \$4.00 per	
27	day	336.00
28	To pay the per diem of one mailing and banking page	
29	at \$4.00 per day.....	84.00
30	To pay the per diem of five journal pages at \$6.00	
31	per day	630.00
32	To pay the per diem of one night watchman at \$5.00	
33	per day	105.00
34	To pay the per diem of two day watchmen at \$5.00	
35	per day	210.00
36	To pay the per diem of one assistant doorkeeper at	
37	\$5.00 per day.....	105.00
38	To pay the per diem of five cloak and toilet room	
39	keepers at \$5.00 per day.....	525.00
40	To pay the per diem of one gallery doorkeeper at	
41	\$5.00 per day	105.00

Clerk's Appointees.

42	To pay the per diem of eighteen clerks in which is	
43	included assistant clerks provided for by section	
44	eighteen, chapter twelve of the code, including	
45	desk clerks, printing clerks, bill editors, as-	
46	stant printing clerks, bill receipt clerks, cal-	
47	endar clerks, copyholders, stenographers, and	
48	assistant clerk to the committee on enrolled bills,	
49	at \$8.00 per day each.....	\$ 3,024.00

50	To pay the per diem of two minute clerks at \$10.00	
51	per day each.....	210.00
52	To pay the per diem of one supervisor of printing at	
53	\$10.00 per day	210.00
54	To pay the per diem of one page to the clerk at \$4.00	
55	per day	84.00
56	To pay M. C. Staats for forty-five days at \$2.00 extra	
57	allowance for last regular session and not in-	
58	cluded in appropriation bill.....	90.00
59	Contingent fund of the house of delegates.....	15,000.00
60	Printing, binding and stationery for first extraordi-	
61	nary session	3,000.00

SENATE

Sec. 2—

2	Mileage of members of the senate	\$ 1,161.50
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Per Diem of President and Members.

3	President of the senate at six dollars per day....	126.00
4	Twenty-nine members of the senate, at four dollars	
5	per day each.....	2,436.00

Per Diem of Other Elective Officers.

6	Clerk of the senate, at fifteen dollars per day.....	315.00
7	Sergeant-at-arms of senate, at seven dollars per day	147.00
8	Doorkeeper of the senate, at six dollars per day....	127.00

Presidential Appointees.

9	Stenographer to the president, at eight dollars per day	168.00
10	Clerk to the committee on finance, at eight dollars per	
11	day.....	168.00
12	Stenographer to the committee on finance at eight dol-	
13	lars per day and for services prior to and follow-	
14	ing session.....	232.00
15	Clerk to the committee on judiciary, at eight dollars	
16	per day for services during and following session	232.00
17	Stenographer to the committee on judiciary, at eight	
18	dollars per day for services during and following	
19	session.....	232.00

20	Mail and banking page and two journal pages, at four	
21	dollars per day each.....	252.00
22	Six floor pages, at three dollars per day each.....	378.00
23	Librarian, at six dollars per day.....	126.00
24	Assistant sergeant-at-arms, at seven dollars per day..	147.00
25	Day watchman and night watchman at five dollars per	
26	day each.....	210.00
27	Two assistant doorkeepers and one gallery door keeper	
28	at five dollars per day each.....	315.00
29	Two cloak room keepers and one toilet room attendant	
30	at five dollars per day each.....	315.00
31	Two general committee clerks at six dollars per day	
32	each.....	252.00
33	Five floor stenographers at eight dollars per day each	840.00

Clerk's Appointees.

34	Chief assistant clerk and minute clerk, at ten dollars	
35	per day each.....	420.00
36	Supervisor of printing, at ten dollars per day, includ-	
37	ing eight days' services prior to session, with	
38	joint special committee to draft Virginia debt	
39	bills.....	290.00
40	Assistant supervisor of printing, bill editor, assistant	
41	bill editor, stenographer to the clerk, printing	
42	clerk in charge of senate journal and one assist-	
43	ant printing clerk in charge of senate bills and	
44	one assistant, four copyholders, abstract clerk,	
45	bookkeeper, senate bill record clerk, clerk to com-	
46	mittee on engrossed bills, clerk to committee on	
47	enrolled bills, assistant clerk to committee on en-	
48	rolled bills, two general assistants, and one sten-	
49	ographer for general assignment, all at \$8.00	
50	per day each.....	3,528.00
51	Messenger to the clerk and page to the clerk, at four	
52	dollars per day each.....	168.00
53	Contingent expense of senate.....	12,000.00

Miscellaneous

Sec. 3—

1	To pay Armstrong and Lance for cleaning house and	
2	senate windows.....	\$ 70.00

3	To pay Bradford Noyes, supplies furnished house	
4	and senate.....	8.95
5	To pay Elmer M. Freudenberger for expenses incur-	
6	red while attached to Virginia debt committee..	31.14
7	To pay Chesapeake and Potomac Telephone Company	
8	for telephone service prior to, during and follow-	
9	ing the first extraordinary session of the legis-	
10	lature.....	156.03
11	To pay Mrs. Wm. Brown, extra wash of towels during	
12	the first extraordinary session.....	6.00
13	To pay S. Spencer Moore Co., for maps and frames	
14	and supplies.....	37.13
15	To pay W. H. Curtis for messages.....	2.72
16	To pay Mrs. L. E. Richardson, typewriter rental....	5.00
17	To pay Underwood Typewriter Company, rental of	
18	typewriters, for house and senate.....	79.00
19	J. Charles Ernst, repairing clock.....	3.50
20	Arter Paint & Glass Company, glazing.....	3.00
21	Remington Typewriter Company, rentals.....	18.00
22	To pay Pine Rock Water Company, water furnished	
23	house and senate first extraordinary session....	126.05
24	For cost of mailing journals and bills by the secretary	
25	of state	1,000.00
26	To pay J. S. Richardson for services to special com-	
27	mittee on police bill.....	100.00
28	To pay John T. Harris, clerk, for postage advanced	
29	on enrolled bills to judiciary, members of legis-	
30	lature and others.....	49.60

CHAPTER 2.

(Senate Bill No. 18—Mr. Arnold.)

AN ACT making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

Sec.

1. Appropriating funds from the treasury.
2. To pay additional salaries of judges

Sec.

3. To pay expenses of department of public safety; amounts.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out
2 of the treasury for the fiscal year ending June thirtieth, one
3 thousand nine hundred and twenty, and for the fiscal year ending
4 June thirtieth, one thousand nine hundred and twenty-one, the
5 following sums of money for the following named purposes:

Sec. 2. To pay additional salaries of the judges of the cir-
2 cuit courts in accordance with an act of the one thousand nine
3 hundred and nineteen legislature, first extraordinary session:

4 For the year ending June 30, 1920..... \$44,800.00
5 For the year ending June 30, 1921..... 44,800.00

Sec. 3. To pay the expenses of the Department of
2 public safety, including the compensation of the officers, em-
3 ployees and members, and all other expenses thereof according
4 to the provisions of an act of the legislature of one thousand
5 nine hundred and nineteen, first extraordinary session, creating
6 such department:

7 For the year ending June 30, 1920..... \$225,000.00
8 For the year ending June 30, 1921..... \$225,000.00

CHAPTER 3.

(Senate Bill No. 5—Mr. Sanders.)

AN ACT to fix the salary of the judges of the circuit courts and to
repeal the several acts, heretofore passed, authorizing special
allowances by county courts to be paid to such judges.

[Passed March 26, 1919. In effect ninety days from passage. Approved by the
Governor April 1, 1919.]

<p>Sec. 1. Salary of circuit judges after July 1, 1919; how payable; excep- tion of circuits having population of more than 60,000; salary of judges of such circuits.</p>	<p>Sec. 2. No additional compensation or special allowance out of county treasury; repealing conflicting acts or parts of acts.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That from and after the first day of July, one
2 thousand nine hundred and nineteen, each of the judges of
3 the circuit courts shall receive an annual salary of five thou-
4 sand dollars, payable monthly out of the state treasury, except
5 in those circuits having an aggregate population of more than
6 sixty thousand, according to the United States census last pre-

7 ceding the beginning of the year in which said salary is payable,
8 in which circuits the judges thereof shall receive an annual salary
9 of five thousand five hundred dollars.

Sec. 2. That after the first day of July, one thousand nine
2 hundred and nineteen, no judge of any circuit shall be paid or
3 allowed any additional compensation or special allowance out of
4 any county treasury.

5 All acts or parts of acts coming within the purview of this
6 act and inconsistent herewith are hereby repealed.

CHAPTER 4.

(House Bill No. 2—Mr. Lantz.)

AN ACT authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district.

[Passed March 14, 1919. In effect from passage. Approved by the Governor March 29, 1919.]

<p>SEC. 1. Special levy authorized; years for and amount so levied; purpose of levy.</p>		<p>SEC. 2. Method of assessment and collection.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Grant district, Wetzel county, West Virginia, is hereby authorized in the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, to lay a special levy not to exceed thirty cents on the one hundred dollars valuation of all property situate in said district, to pay for the completion of public school buildings in Grant district, Wetzel county, West Virginia, now in the course of construction.

Sec. 2. Such levies shall be assessed and collected as otherwise provided by law and the proceeds of the same shall be used for the purpose set forth in section one of this act, and for no other.

CHAPTER 5.

(House Bill No. 3—Mr. John.)

AN ACT to levy a privilege tax on any person, firm or corporation engaged in the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder.

[Passed March 31, 1919. In effect ninety days from passage. Approved by the Governor April 1, 1919.]

- | | |
|---|--|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Annual privilege tax; companies to pay such tax; provision for exceptions. 2. Amount of tax per barrel on oil; amount per 1,000 cubic feet on gas; only one tax annually. 3. Return in writing to tax commissioner showing quantities taxable; method of making return; tax commissioner to prescribe forms for returns, and to put in force rules and regulations for ascertaining and assessing tax. 4. Further duty of tax commissioner in assessing tax; procedure in case of failure of company to make return; act final as to any company failing to make return. | <p>SEC.</p> <ol style="list-style-type: none"> 5. Aggrieved company may obtain relief, how; duty of board of public works in hearing and considering complaints. 6. Courts and judges prohibited from awarding injunctions to restrain collection of taxes; exceptions thereto. 7. Time of payment of taxes after assessment and notification; taxes constitute a debt to the state, collectable by action of assumpsit. 8. Fraudulent statements in return for assessment a misdemeanor; penalty therefor. 9. Penalty upon company continuing business without license. 10. Repealing inconsistent acts and parts of acts. |
|---|--|

Be it enacted by the Legislature of West Virginia:

Section 1. No person, firm or corporation, hereinafter called 2 company, after the first day of July, one thousand nine hundred 3 and nineteen, shall engage in or continue in the business of the 4 transportation of crude oil or petroleum, or the distillates thereof, 5 or of natural gas, by means of pipe lines, without the payment of 6 an annual privilege tax hereby imposed for engaging in such busi- 7 ness; *provided, however*, that nothing contained in this act shall 8 apply to any person, firm or corporation engaged in the business 9 aforesaid where the crude oil, petroleum or distillates thereof, or 10 natural gas, is by the entire system of such person, firm or cor- 11 poration, transported a distance of less than ten miles.

Sec. 2. Every person, firm and corporation engaged in this 2 state in the transportation of either crude oil or petroleum, or the 3 products and distillates thereof, or of natural gas, or both, by 4 means of pipe lines for sale to consumers within or without the 5 state, or use within or without the state in the making of any 6 products derived therefrom, shall pay to the state, as an annual 7 privilege tax for engaging in such business in the state, two cents

8 for each barrel of crude oil or petroleum, or the distillates thereof,
9 and one-third of one cent for each thousand cubic feet of such
10 natural gas as is so transported or conveyed within this state. *Pro-*
11 *vided*, that only one such tax, annually, shall be required to be so
12 paid.

Sec. 3. Every person, firm or corporation liable to tax im-
2 posed by this act, shall, within sixty days after the first day of
3 July, one thousand nine hundred and nineteen, and within sixty
4 days after the first day of July in each year thereafter, deliver to
5 the state tax commissioner a return in writing showing the quan-
6 tity of crude oil or petroleum, or the distillates thereof, or of natu-
7 ral gas transported or conveyed within this state during the fiscal
8 year ending on the first day of July next preceding. Such return
9 shall be signed and sworn to by the person making the same for
10 himself or a partnership, and by the president, vice-president or
11 other principal accounting officer making the same for a corpora-
12 tion, which return shall be in the form prescribed by the state tax
13 commissioner. The state tax commissioner is hereby invested with
14 full power and authority and it is hereby made his duty to pre-
15 scribe forms for returns and assessments and to make, issue and
16 put in force all necessary and needful rules and regulations for
17 ascertaining and assessing the tax hereby imposed upon every
18 company.

Sec. 4. 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 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 return, the state tax commissioner shall proceed, in
9 such manner as may be proper, to obtain the facts and information
10 required to be furnished by such return; and to this end he may,
11 by himself or his duly appointed agent, make examination of the
12 books, records and papers of any such company, and may take the
13 evidence, on oath, of any person who he may believe shall be in
14 possession of facts or information pertinent to the subject of in-
15 quiry, which oath he or the agent so appointed by him may admin-
16 ister. As soon as possible after procuring such information as he
17 may be able to do with respect to any company failing or refusing
18 to make a return, the state tax commissioner shall proceed to as-

19 certain and assess the tax upon such company, and shall notify it
20 of the amount thereof as hereinbefore provided. And his act shall
21 be final as to any company which refused to make a return.

Sec. 5. 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 board
4 of public works by petition in writing, within thirty days after
5 the notice is deposited as provided in the preceding section, for
6 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 the
9 amount such tax should be reduced. The board shall promptly
10 consider such petition, and may grant such hearing or deny the
11 same. If denied, the petitioner shall be forthwith notified thereof;
12 if granted, the board shall notify the petitioner of the time and
13 place fixed for such hearing. After such hearing the board may
14 make such order in the matter as may appear to them just and
15 lawful, and shall furnish a copy of such order to the petitioner.

Sec. 6. No injunction shall be awarded by any court or judge
2 to restrain the collection of all or any part of the taxes imposed
3 and assessed under this act, except upon the ground that the as-
4 sessment thereof was in violation of the constitution of the United
5 States, or of this state; or, that the same were fraudulently as-
6 sessed; or that there was a mistake made in the amount of taxes
7 assessed; and in case of mistake no such injunction shall be
8 awarded, unless application shall be first made to the board of
9 public works to correct the alleged mistake, and the board shall
10 refuse to do so, which fact shall be stated in the bill, or unless the
11 complainant pay into the treasury of the state all taxes appearing
12 by the bill of complaint to be owing.

Sec. 7. Every company so assessed with taxes shall pay the
2 same into the state treasury within sixty days after the date of
3 the mailing of the notice of the amount thereof, or within thirty
4 days after notification of the amount thereof, when ascertained
5 and assessed by the board of public works on appeal. All taxes
6 assessed under provisions of this act against any such company
7 shall constitute a debt to the state, and may be collected by action
8 of assumpsit or appropriate judicial proceeding, which remedy
9 shall be in addition to all other existing remedies for the collec-
10 tion of taxes. It shall be the duty of the state tax commissioner
11 to proceed to collect such taxes with a penalty of ten per centum

12 added thereto, if not paid when due. At the time of paying the
13 taxes the state tax commissioner shall issue to the company paying
14 the same a certificate of payment for the proper fiscal year.

Sec. 8. 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 dollars,
7 nor more than five thousand dollars, to which fine shall be added
8 the costs of prosecution.

Sec. 9. Any company engaging or continuing in the business
2 aforesaid without having first secured a license, as hereinbefore
3 provided, shall be liable to a fine of not less than one thousand
4 dollars nor more than ten thousand dollars.

Sec. 10. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 6.

(Senate Bill No. 1—Mr. Gribble.)

AN ACT to amend and re-enact section two, of chapter one hundred
and twenty-six of the acts of the regular session of the legislature
of one thousand nine hundred and nineteen, relating to rate and
manner of laying levies for taxation.

[Passed March 27, 1919. In effect ninety days from passage. Approved by the
Governor March 31, 1919.]

Sec.

2. County court to ascertain condi-
tion of fiscal affairs of the coun-
ty and make up itemized state-
ment thereof; amount due and
that will become due and collect-
ible; debts and demands owed by
county as a whole; other ex-
penditures; what statement shall
set forth; publication of same;

Sec.

hearing of objections and method
of procedure; laying of levy and
for what purpose; for county
purposes other than roads and
bridges; for county road pur-
poses, for county road and bridge
purposes; for district road pur-
poses.

Be it enacted by the Legislature of West Virginia:

That section two, of chapter one hundred and twenty-six of the
acts of the regular session of the legislature of one thousand nine
hundred and nineteen be amended and re-enacted so as to read as
follows:

STATEMENT AND LEVIES MADE BY COUNTY COURTS.

Section 2. At such session the county court shall ascertain

2 the condition of the fiscal affairs of the county, and make up an
3 itemized statement thereof, which shall set forth in detail:

4 *First.* The amount due and the amount that will become
5 due and collectible from every source during the current fiscal
6 year except from the levy of taxes to be made for the year to the
7 county as a whole and to the road fund and any other fund of
8 any district of the county.

9 *Second.* The debts and demands owed by the county as a
10 whole and the debts and demands payable out of the road or
11 other fund of any district thereof, including debts and demands
12 that will become due and payable during the year by the county
13 as a whole or out of the funds of any district thereof, including
14 interest on any indebtedness, funded or bonded, or otherwise.

15 *Third.* All other expenditures under the several heads of
16 expenditures to be made and payable out of the levy of the cur-
17 rent fiscal year whether by the county as a whole or out of the
18 road fund or other fund of any district thereof, with proper
19 allowances for delinquent taxes, exonerations and contingencies.

20 The said statement shall set forth the total amount neces-
21 sary to be raised by the levy of taxes for the current year, the
22 rate of such levy in cents on each one hundred dollars assessed
23 valuation proposed on the property as a whole, and on the
24 property in each district for district funds, and on the property
25 in each municipal corporation. A copy of such statement duly
26 certified by the clerk of the court shall be forwarded to the state
27 tax commissioner, and said statement shall also be published
28 twice, at least one week intervening between publication, in two
29 newspapers of general circulation published in the county, and
30 of opposite politics. If there be but one newspaper published
31 in the county, the publication shall be made therein. The ses-
32 sion shall then stand adjourned until the fourth Tuesday in
33 August, at which time it shall reconvene, and it shall then be
34 the duty of said court to hear and consider any objections made
35 orally or in writing by the prosecuting attorney, by the state tax
36 commissioner or his representative, or by any taxpayer of the
37 county, to said estimate and proposed levy, or any item thereof.
38 It shall be the duty of the court to enter any order of record
39 showing the objections so made, setting forth the reasons and
40 grounds for such objections. But the failure of any officer or
41 taxpayer to offer objections as herein provided shall not pre-

42 clude him from pursuing any legal remedy necessary to correct
43 any levy made by any fiscal body named in this act. After said
44 objections have been made and heard, the court shall thereupon
45 reconsider the proposed original estimate and proposed rate of
46 levy, and if the objection thereto or any part thereof appear to
47 be well taken, the court shall correct the same accordingly, and
48 it shall thereupon be approved, and when approved shall, with
49 the order approving it, be entered by the clerk in the proper
50 record book. The county court shall thereupon levy as many
51 cents on each one hundred dollars' assessed valuation of the
52 taxable property in the county or district, according to the last
53 assessment thereof, as will produce the amounts shown by the
54 statement approved to be necessary, as follows:

55 (a) For county purposes, other than roads and bridges,
56 a levy not to exceed thirty cents, such levy to be uniform through-
57 out the county.

58 (b) For county road purposes, a levy not to exceed
59 twenty-five cents on all taxable property throughout the county,
59-a for the construction, improvement and maintenance of the
60 "main county roads," as defined in chapter sixty-six of the
61 acts of the legislature of one thousand nine hundred and
62 seventeen, and for the construction and maintenance of bridges
63 thereon, when such roads have been established and properly
64 located. The fund derived from such levy shall be expended as
65 provided by chapter sixty-six of the acts of the legislature, regu-
66 lar session, of one thousand nine hundred and seventeen.

67 (b)-1 For county road and bridge purposes, a levy not to
68 exceed ten cents on each one hundred dollars' assessed valuation
69 of all taxable property in the county, both within and
70 without incorporated cities and towns, for the construction, im-
71 provement and maintenance of district or "Class B" roads, and
72 for the construction and maintenance of bridges thereon, as such
73 roads are defined in chapter sixty-six of the acts of the legisla-
74 ture of one thousand nine hundred and seventeen. The fund
75 derived from such levy shall be expended under the authority
76 and direction of the county court.

77 (c) For district road purposes, a levy not to exceed fifteen
78 cents on each one hundred dollars' assessed valuation of the tax-
79 able property in each of the several districts of the county for the
80 construction, improvement and maintenance of the district roads

81 therein, and for the construction and maintenance of the bridges
 82 thereon. The county court may, however, with the written ap-
 83 proval of the state tax commissioner, lay an additional district
 84 road levy not to exceed fifteen cents on each one hundred dollars'
 85 assessed valuation of the taxable property in each or any of the
 86 several districts of the county for the construction, improvement
 87 and maintenance of the district roads, and for the construction
 88 and maintenance of bridges thereon, for such year or years as
 89 may be named in such approval, but in no case shall the com-
 90 bined district road levy and the additional district road levy
 91 exceed thirty cents on each one hundred dollars' assessed valu-
 92 ation of the taxable property of the district. The funds de-
 93 rived from such levy or levies shall be expended under the author-
 94 ity and direction of the county court.

CHAPTER 7.

(House Bill No. 18—Mr. McClintic.)

AN ACT to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

SEC.	SEC.
1. Annual special excise tax; by whom payable; amount of tax; certain organizations, companies, societies and associations exempt.	cal year 1919, and succeeding years; how computed, levied, assessed and collected.
2. Tax imposed to be levied for fis-	3. Repealing sections 3 and 4 of chapter 6, acts of 1917.

Be it enacted by the Legislature of West Virginia:

Section 1. In addition to the tax imposed by section five-
 2 of chapter three of the acts of the legislature of one thousand
 3 nine hundred and fifteen, second extraordinary session, every
 4 corporation, joint stock company, or association organized for
 5 profit, and having a capital stock represented by shares, and
 6 every insurance company, respectively, now or hereafter organ-
 6-a ized under the laws of this state or under the laws of any
 7 other state or government and engaged in any business what-
 8 soever in the state of West Virginia, shall pay an annual
 9 special excise tax for the privilege of carrying on or doing busi-
 10 ness in the state of West Virginia equivalent to one-fourth

11 of one per centum upon the entire net income of such com-
12 pany, received by it from all sources during the year, on
13 business transacted and capital invested in this state, as herein-
14 after set forth; *provided, however*, that nothing in this section
15 contained shall apply to labor, agricultural or horticultural or-
16 ganizations; nor to mutual savings banks not having a capital
17 stock represented by shares and which are operated exclusively for
18 the benefit of their depositors; nor to cemetery companies, which
19 are organized and operated exclusively for the benefit of their
20 members; nor to fraternal beneficiary societies, orders or associa-
21 tions operating under the lodge system, or for the exclusive benefit
22 of the members of a fraternity itself operating under the lodge
23 system, and providing for the payment of life, sick, accident, and
24 other benefits to the members of such societies, orders or associa-
25 tions, and dependents of such members; nor to domestic building
26 and loan associations organized and operated exclusively for the
27 benefit of their members; nor to any corporation or association or-
28 ganized and operated exclusively for religious, charitable, scientific
29 or educational purposes; nor to business leagues, chambers of com-
30 merce, or boards of trade, or to any civic league or organization
31 organized and operated exclusively for the promotion of social
32 welfare, none of which said organizations, savings banks, cemetery
33 companies, fraternal beneficiary societies or fraternities, building
34 and loan associations, charitable, religious, scientific or educa-
35 tional associations, business leagues, chambers of commerce, boards
36 of trade or civic leagues named in this proviso, are organized for
37 profit, and no part of the net income of which inures to any private
38 stockholder or individual.

Sec. 2. The tax imposed by section one of this act shall be
2 levied for the state fiscal year one thousand nine hundred and
3 nineteen, and succeeding years, and shall be computed, levied,
4 assessed, collected and paid upon the same basis and in the same
5 manner as the tax imposed by section five of chapter three of the
6 acts of the legislature of one thousand nine hundred and fifteen,
7 second extraordinary session.

Sec. 3. That sections three and four of chapter six of the
2 acts of the legislature of one thousand nine hundred and seven-
3 teen, second extraordinary session, be, and the same are hereby
4 repealed.

CHAPTER 8.

(House Bill No. 19—Mr. McPherson.)

AN ACT to provide for the renewal of professional teachers' certificates, and fixing the fees and condition of payment therefor.

[Passed March 24, 1919. In effect from passage. Approved by the Governor March 29, 1919.]

Sec.

1. Fee for renewal of certificates; payable upon proof of term of

Sec.

service; army and navy service same as teaching.

Be it enacted by the Legislature of West Virginia:

Section 1. The fee for the renewal of a professional teachers' certificate shall be five dollars. The fee for the renewal of a short course certificate shall be one dollar, said certificate to be renewable for one three-year period and said fee payable upon proof that the holder of such certificate has taught or been otherwise actively engaged in school work for two years of the preceding three-year period; and, *provided, further*, that service in the United States army or navy in the war with Germany shall be counted the same as teaching on any renewable certificate, or shall extend the date of expiration of any non-renewable certificate one year; and, that attendance for six weeks at an approved school may be submitted in lieu of examinations for the renewal of all first grade certificates.

CHAPTER 9.

(Senate Bill No. 13—Mr. Arnold.)

AN ACT to authorize the purchase of the bonds of this state, issued in settlement of West Virginia's part of the Virginia debt.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

Sec.

1. Authorizing board of public works to purchase bonds of the state issued in settlement of West Virginia's part of the Virginia debt; bonds so purchased may be held as temporary investment for

Sec.

state, or may be retired; no purchase or retirement of bonds shall be made except upon affirmative vote of majority of members board of public works.

Be it enacted by the Legislature of West Virginia:

That the board of public works be, and it hereby is authorized and empowered to purchase at the market price, but not at a price above the par value of the same, any of the bonds of this state issued in settlement of West Virginia's part of

5 the Virginia debt, with any available surplus that may be either
6 in the sinking fund, created for the payment of said bonds, or in
7 the general fund of this state.

8 Bonds so purchased by the board of public works out of the
9 general state fund may be held as a temporary investment for
10 the state fund or may be retired out of any funds of the state
11 not otherwise appropriated.

12 No purchase or retirement of any of said bonds shall be made
13 except upon the affirmative vote of at least four members of the
14 board of public works.

CHAPTER 10.

(Senate Bill No. 9—Joint Committee.)

AN ACT providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

Preamble relating judgment of supreme court of the United States in cause of Virginia vs. West Virginia; decree; amount of judgment, with interest.

Sec.

1. Directing auditor to draw warrant upon treasurer of West Virginia in favor of Virginia, for initial payment on judgment.
2. Payment of residue of judgment; creating issue of listable bonds; denomination of same; duty of auditor in listing such bonds; exchange into registered bonds; exchange for coupon bonds; exchange fee; cancellation of exchanged bonds.
3. Date of bonds; where and when payable; right reserved to the state to redeem any of said bonds at par at any time before maturity; rate of interest and when and where payable.
4. Form of bonds.
5. Form of coupons.
6. Auditor and treasurer directed to issue and deliver coupon bonds; procedure in delivery; provision for filing, on the part of Virginia, a complete itemized statement or list of Virginia deferred certificates; reserve bonds to be held

Sec.

- in escrow; conditions and trusts under which held.
7. Payment of bonds to be equally distributed over a period of twenty years; provisions for payment each year.
8. Board of public works to lay an annual tax for payment of interest and principal of all bonds to be purchased or redeemed during year; provision for use of other available funds in payment of debt.
9. Treasurer directed to pay interest for first six months on bonds; payment of interest thereafter.
10. Plates from which bonds are printed property of state of West Virginia.
11. Expenses incurred in execution of this act; how payable.
12. Auditor directed to ascertain certified statement of all costs in debt case, resulting in the judgment, and to issue warrant for one-half thereof; duty of treasurer relative thereto.

WHEREAS, the supreme court of the United States, by its decree entered in the cause of the commonwealth of Virginia against the state of West Virginia on the fourteenth day of June, one thousand nine hundred and fifteen, adjudged, ordered and decreed that:

"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of twelve million three hundred ninety-three thousand nine hundred twenty-nine dollars fifty cents (\$12,393,929.50), with interest thereon from July one, one thousand nine hundred and fifteen, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs."

Which debt, principal and interest, under the terms of said decree as of January one, A. D., one thousand nine hundred and nineteen, is as follows:

July 1, 1915, principal.....	\$12,393,929.50.
Interest thereon from July 1, 1915, to January 1, 1919.	2,168,937.66

Total principal and interest as of January 1, 1919. \$14,562,867.16
to which is to be added one-half of the costs of said suit, when taxed and certified; and,

WHEREAS, the state of West Virginia desires to comply with the decree of said court, and to satisfy the same as soon as practicable; and,

WHEREAS, this legislature has been informed by the report of the West Virginia debt commission, as well as by the representatives of the commonwealth of Virginia, that the bonds of the state of West Virginia, dated January one, one thousand nine hundred and nineteen, bearing interest at three and one-half per centum per annum, payable semi-annually on the first days of July and January of each year, hereinafter described, and to the face amount of thirteen million five hundred thousand dollars, together with a cash payment of one million sixty-two thousand eight hundred sixty-seven dollars sixteen cents, with interest thereon at the rate of five per centum per annum from the first day of January, one thousand nine hundred and nineteen, until the date of payment thereof, (West Virginia to pay one-half of the costs of said suit as taxed and certified by the clerk of the supreme court of the United States), will be accepted at par in full satisfaction of said judgment.

Now, therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. That the auditor of the state of West Virginia be
2 and he is hereby authorized and directed to draw his warrant upon
3 the treasurer of said state in favor of the commonwealth of Vir-
4 ginia, acting by and through its commission, constituted under and
5 by virtue of the joint resolution of the general assembly of Virginia,
6 approved March six, one thousand eight hundred and ninety-four,
7 and the act of the general assembly of Virginia, approved March
8 six, one thousand nine hundred, "in respect to the settlement with
9 West Virginia of the proportion of the public debt of the original
10 state of Virginia to be borne by West Virginia," or upon the order
11 of said Virginia commission, for the sum of one million sixty-
12 two thousand eight hundred sixty-seven dollars sixteen cents, with
13 interest thereon at the rate of five per centum per annum from
14 January one, one thousand nine hundred and nineteen, until paid;
15 and said treasurer, upon the presentation of said warrant, is
16 authorized and directed to draw his check upon the treasury of
17 the state of West Virginia, payable to the commonwealth of Vir-
18 ginia, acting by and through the said Virginia commission, or upon
19 the order of said commission, out of any funds available for such
20 purpose, for the sum so authorized by the auditor's warrant, and
21 shall deliver the said check to the commonwealth of Virginia,
22 acting by and through the said Virginia commission or upon the
23 order of said commission on or before the first day of September,
24 one thousand nine hundred and nineteen, and take a proper receipt
25 therefor; and the said check, when so drawn and delivered, shall
26 constitute a credit for the full amount thereof upon the judgment
27 rendered on the fourteenth day of June, one thousand nine hun-
28 dred and fifteen, by the supreme court of the United States in
29 favor of the commonwealth of Virginia against the state of West
30 Virginia.

Sec. 2. For the payment of the residue of said judgment,
2 both principal and interest, an issue of "listable" engraved bonds
3 of the state of West Virginia, coupon and registered, is hereby
4 created, to the face value of thirteen million five hundred thou-
5 sand dollars, and the treasurer and auditor of this state shall cause
6 said bonds and coupons to be engraved as soon as may be after this
7 act takes effect.

8 The bonds hereinabove referred to may be issued as follows,
9 to-wit:
10 Coupon bonds in denominations of one hundred dollars, five

11 hundred dollars and one thousand dollars; registered bonds in
12 denominations of one hundred dollars, five hundred dollars, one
13 thousand dollars, five thousand dollars and ten thousand dollars.

14 All coupon and registered bonds issued under this act shall
15 be separately listed by the auditor in books provided for the
16 specific purpose, in each case giving the date, number, character,
17 amount of obligations issued, and in case of registered bonds, the
18 name of the person or corporation to whom issued.

19 The auditor and treasurer are authorized to exchange the
20 coupon bonds issued under this act into registered bonds in the
21 denominations hereinbefore provided, and to arrange for the
22 transfer of registered bonds, and to exchange registered bonds
23 for coupon bonds in the denominations of said coupon bonds here-
24 inbefore provided. For every such bond so issued by the state
25 in exchange, a fee of fifty cents shall be charged by and paid to
26 the state of West Virginia, and covered into the treasury to the
27 credit of the "sinking fund" hereinafter described, and bonds so
28 taken in exchange shall be cancelled by the treasurer and auditor,
29 and be carefully preserved by the treasurer.

Sec. 3. The said bonds shall be dated January one, one thou-
2 sand nine hundred and nineteen, and be payable at the office of
3 the treasurer of this state, or at such agency in the city of New
4 York as may be designated by the state of West Virginia, at the
5 option of the holder, on the first day of January, one thousand nine
6 hundred and thirty-nine, with the right reserved to the state of
7 West Virginia to redeem any of said bonds at any time before
8 maturity at par, with accrued interest as provided in section seven
9 of this act, and shall bear interest at the rate of three and one-half
10 per centum per annum from the date thereof, payable semi-annu-
11 ally on the first day of July and January in each year (in the case
12 of coupon bonds upon the presentation and surrender of the
13 coupon representing interest then due), and the said interest may
14 be payable at the office of the treasurer of this state, or at the New
15 York agency above referred to, at the option of the holder, both
16 principal and interest to be payable in gold coin of the United
17 States of the present standard of weight and fineness.

Sec. 4. The bonds shall be signed by the treasurer of the
2 state of West Virginia, and countersigned by her auditor, and
3 shall be substantially in the following form, to-wit:

4 STATE OF WEST VIRGINIA,

4-a BOND NUMBER _____

5 This bond, issued under act of the legislature of West Virginia,
6 approved the day of, one thousand
7 nine hundred and nineteen, reference to which is hereby made as
8 fully and at length as if copied and set forth in this bond.

9 The state of West Virginia acknowledges herself to be in-
10 debted to_____ (in the case of a
11 coupon bond, to the bearer, and in case of a registered bond, in-
12 serting the name of a person or corporation, or assigns) in the
13 sum of_____dollars, which she promises to pay in gold
14 coin of the United States of the present standard of weight and
15 fineness at the office of the treasurer of the state of West Virginia,
16 or at such agency in the city of New York as may be designated
17 by the state of West Virginia, at the option of the holder, on the
18 first day of January, one thousand nine hundred and thirty-nine;
19 with the right to redeem at par with accrued interest before
20 maturity at any time on or after January one, one thousand nine
21 hundred and twenty, in accordance with the terms and provisions
22 of said act, to which reference is hereby made; interest payable at
23 the office of the treasurer of the state of West Virginia, or at such
24 agency in the city of New York, as may from time to time be
25 designated by the state of West Virginia, at the option of the
26 holder, in like gold coin at the rate of three and one-half per
27 centum per annum from January one, one thousand nine hundred
28 and nineteen, until paid, payable semi-annually on July first and
29 January first in each year (according to the tenor of the annexed
30 coupons bearing the engraved signature of the treasurer of the
31 state of West Virginia, in case of coupon bonds). This obliga-
32 tion is hereby made exempt from any taxation by the state of
33 West Virginia, or by any county, district or municipal corporation
34 thereof.

35 *In testimony whereof* witness the signature of,
36 treasurer of the state of West Virginia, and the counter-signature
37 of, auditor of the state of West Virginia, hereto
38 affixed according to law, dated the first day of January, one
39 thousand nine hundred and nineteen.

40 (Seal)

41

Treasurer of West Virginia.

42 Countersigned:

43 -----

44 *Auditor of West Virginia.*

Sec. 5. The form of coupons shall be substantially as follows, to-wit:

COUPON NO. FOR BOND NO.

On the first day of ----- the state of West Virginia will pay to bearer ----- dollars in gold coin of the United States of the present standard of weight and fineness at the office of the treasurer of the state, or at such agency of the state of West Virginia in New York city as may be designated by the state, at the option of the holder, the same being six months' interest on Bond No.

Treasurer of West Virginia.

The signature of the treasurer to said coupons may be engraved and each coupon shall be impressed on the back with its number in order of maturity from number one consecutively.

Sec. 6. The said auditor and treasurer are hereby empowered and directed to issue and deliver as soon as practicable coupon bonds to the aggregate amount of twelve million three hundred sixty-six thousand five hundred dollars (\$12,366,500.00) face value, to the commonwealth of Virginia, acting by and through the said Virginia commission, or upon the order of said commission, and shall take a proper receipt therefor, which shall be in full discharge of the balance of the judgment aforesaid. *Provided, however,* that no part of said bonds shall be so delivered until the commonwealth of Virginia shall make and file with the board of public works of the state of West Virginia a full and complete itemized statement or list of the "Virginia deferred certificates," which have been deposited with the commonwealth of Virginia, or subject to her control, upon the passage of this act. In order that the state of West Virginia may have the benefit of the distributive share in the proceeds of the judgment aforesaid, of such "Virginia deferred certificates" as may have been lost or destroyed, the residue, to-wit, bonds to the aggregate amount of one million one hundred and thirty-three thousand five hundred dollars (\$1,133,500.00) face value, hereinafter referred to as "reserve bonds," shall be delivered to the board of public works of the state of West Virginia, and shall be held by it in escrow upon the following conditions and trusts:

24 (1) When and as soon as it shall be ascertained by the
25 commonwealth of Virginia and certified by said state, acting by
26 and through the said Virginia commission, or its duly author-
27 ized representative, to the board of public works of this state, the
28 amount of said reserve bonds which it will be necessary for the
29 state of West Virginia to retain in escrow, in order to exchange
30 the same on the proper distributive basis, and in the manner
31 hereinafter provided, for "Virginia deferred certificates," which
32 have not been deposited with the commonwealth of Virginia, or
33 subject to her control at the time this act takes effect, then the said
34 board of public works is authorized and directed to deliver to the
35 commonwealth of Virginia, acting by and through the said Vir-
36 ginia commission, or upon the order of said commission, all of
37 said reserve bonds in excess of the amount so ascertained and
38 certified to be necessary, and shall take a proper receipt therefor.
39 The certificate aforesaid shall be accompanied by a copy of the
40 statement of account of distribution, fully and completely item-
41 ized, showing the name of the owners (if known) and amount of
42 each of the "Virginia deferred certificates" or claims legally en-
43 titled to participate in the funds of the judgment aforesaid, to-
44 gether with an itemized list showing the name of the owner and
45 the amount of all of the said "Virginia deferred certificates" de-
46 posited with the said commission or subject to its control, and
47 entitled to share in the distribution of the funds in the judgment
48 aforesaid. All of said "Virginia deferred certificates" shall be open
49 to inspection to the board of public works of West Virginia, or its
50 representative at the time the account of distribution is stated.
51 It is the purpose and intent of this section that only such amount
52 of the said bonds shall be retained in escrow, for exchange as
53 hereinafter provided, as shall represent the distributive share of
54 such "Virginia deferred certificates" in the fund arising from the
55 settlement of the judgment aforesaid as shall not have been, at the
56 time this act takes effect, deposited with the said Virginia com-
57 mission, or subject to its control.

58 (2) Said bonds, with interest coupons thereto attached,
59 shall be, from time to time, after the first day of July, one thou-
60 sand nine hundred and nineteen, delivered by the said board of
61 public works upon the order of the commonwealth of Virginia,
62 acting by and through the said Virginia commission, or the order
63 thereof, or other representatives of Virginia as may at the time be

64 authorized and empowered to act. Such order shall be accom-
65 panied by a certificate of the representatives of the commonwealth
66 of Virginia who give the order that holders of the certificates
67 heretofore issued by the commonwealth of Virginia under its re-
68 spective funding acts, and commonly known as "Virginia deferred
69 certificates," have presented "Virginia deferred certificates" to an
70 amount named, for adjustment by the commonwealth of Virginia,
71 and that the same are entitled to share in the distribution of said
72 bonds authorized to be issued under the terms of this act to the
73 amount named in said order. The "Virginia deferred certificates"
74 themselves, upon which said order and certificate are delivered,
75 shall be open to the inspection of the representatives of the state
76 of West Virginia, authorized by her board of public works.

77 Upon the receipt of such order and certificate, the said board
78 of public works shall forthwith, from the said reserved bonds so
79 held in escrow, deliver the amount of bonds so certified by the rep-
80 resentatives making the certificate, and such certificate, if found
81 correct upon examination by the board of public works, shall be
82 conclusive evidence of the amount of bonds to be delivered to such
83 representatives, and the receipt of such representatives shall be
84 a discharge *pro tanto* of the obligation to deliver said reserve
85 bonds so held in escrow.

86 In order to cover any fractional part that may be left after
87 the amount certified as aforesaid shall have been met as nearly
88 as possible by the delivery of reserve bonds, the said board of
89 public works shall issue and deliver to the representatives of Vir-
90 ginia, as hereinbefore provided, a certificate or certificates for
91 such fractional amount or amounts. Such fractional certificates
92 shall be exchangeable for the said reserve bonds when presented
93 in sums of one hundred dollars or multiples thereof, and certifi-
94 cates of like character shall be issued for any fractional amount
95 which may remain in making the exchange.

96 (3) Any and so many of said bonds constituting a part of
97 said deposit of reserve bonds issued under this act which shall
98 remain in the custody of said board of public works uncalled for
99 by the said Virginia commission, or other authorized representa-
100 tives of Virginia, on the first day of January, one thousand nine
101 hundred and thirty-nine, shall, with all the interest coupons at-
102 tached to said bonds, be conclusively presumed to have been lost
103 or destroyed and shall be immediately cancelled by said board of
104 public works, and a copy of the record of such act of cancellation,

105 with a descriptive list of the bonds so cancelled, shall be trans-
106 mitted by said board of public works to the said Virginia commis-
107 sion, or other authorized representatives of Virginia, and also to
108 the second auditor of the commonwealth of Virginia at Richmond,
109 Virginia, and said board of public works shall duly report their
110 action in the premises, accompanied by a verified copy of the
111 record of such act of cancellation and descriptive list of bonds so
112 cancelled, to the legislature of the state of West Virginia.

Sec. 7. The payment of the bonds hereinbefore provided for,
2 in order to conform to constitutional provisions of the state of
3 West Virginia, and to the adjustment made with the common-
4 wealth of Virginia, shall be equally distributed over a period of
5 twenty years, beginning with the date of said bonds and ending
6 with their maturity.

7 In the year one thousand nine hundred and nineteen, and an-
8 nually thereafter, there shall be set apart from the revenues of the
9 state each year up to the year one thousand nine hundred and thir-
10 ty-nine, a fund amounting to at least one-twentieth of said total
11 issue of bonds, which said sum shall be paid into the treasury of
12 this state to the credit of a fund hereby created, which shall be
13 designated as "The Sinking Fund;" and the board of public works
14 is hereby authorized and directed annually to apply said sinking
15 fund to the purchase at a rate not above par and accrued interest,
16 or redemption at par and accrued interest, of the bonds issued
17 under this act, and the bonds so purchased or redeemed shall be
18 cancelled by the said board of public works, and the same reg-
19 istered by the auditor in a book kept for that purpose, giving the
20 number, date of issue, character, amount and owner, if known, at
21 the time of purchase of the bonds so redeemed and cancelled; and
22 in case no such purchase of bonds shall be made then the serial
23 numbers of the bonds to be redeemed, as hereinbefore provided in
24 this section, shall be determined by lot by the auditor and treas-
25 urer, and notice of the serial numbers of the bonds so selected to
26 be redeemed, shall be given by publication, once every two weeks,
27 beginning at least sixty days prior to an interest due date, in a
28 newspaper published in Charleston, West Virginia, and in a news-
29 paper published in New York City, and interest from and after
30 the next succeeding interest due date shall cease upon the bonds
31 so designated to be paid.

Sec. 8. In order to provide the revenues for the payment of
2 the principal and interest of said bonds as hereinbefore provided,

3 the board of public works of this state is authorized, empowered
4 and directed to lay annually a tax upon all the real and personal
5 property subject to taxation within this state sufficient to pay the
6 interest on said bonds accruing during the current year and the
7 principal of all bonds to be purchased or redeemed during that
8 year, as hereinbefore provided; which taxes shall be collected in
9 the usual way and paid into the treasury of the state to the credit
10 of the "Sinking Fund" aforesaid, and shall not be liable for ap-
11 propriation for any other purpose. *Provided, however,* that if
12 there be other funds in the state treasury in any fiscal
13 year, not otherwise appropriated, or if other sources of reve-
14 nue be hereafter provided by law for the purpose, the board of
15 public works is authorized, empowered and directed to set apart
16 in any year there be such funds, or other sources of revenue
17 provided for such purpose, a sum sufficient to pay the interest
18 on said bonds accruing during the current year, and the principal
19 of all bonds to be purchased or redeemed during any such year.

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

Sec. 9. The treasurer of the state of West Virginia is em-
2 powered and directed, upon warrant of the auditor, to pay the
3 interest for the first six months on the bonds issued under this
4 act as the same shall become due and payable, out of any money
5 in the treasury of the state of West Virginia not otherwise appro-
6 priated, and all subsequent interest accruing thereafter upon said
7 bonds shall be paid by him in accordance with the terms of this
8 act, out of the sinking fund hereinbefore provided.

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

Sec. 11. All necessary expenses incurred in the execution of
2 this act shall be paid out of any money in the treasury of the state
3 of West Virginia, not otherwise appropriated, on warrants of the
4 auditor of the state drawn upon the state treasurer.

Sec. 12. The auditor is further empowered and directed to
2 procure without delay, from the clerk of the supreme court of the
3 United States a certified statement of all costs, paid or unpaid, in-
4 curred in the case of the commonwealth of Virginia against the
5 state of West Virginia, resulting in the judgment hereinbefore de-
6 scribed, together with the names of the persons to whom such costs
7 are payable, and shall draw his warrant upon the treasurer for
8 the amount of one-half thereof, and the treasurer shall issue his

9 check for said amount in accordance with the terms of said war-
 10 rant, payable to the order of the clerk of the supreme court of the
 11 United States, with authority and direction to the clerk of said
 12 court to settle in full West Virginia's one-half of all costs incurred
 13 in said litigation, with direction to said clerk to remit to the
 14 state of West Virginia the amount of any credit that said state
 15 may be entitled to by reason of advancements or partial payments
 16 heretofore made by said state on account of said costs.

CHAPTER 11.

(Senate Bill No. 17—Mr. Duty.

AN ACT authorizing co-operation between the state department of
 agriculture and the United States department of agriculture, and
 prescribing duties for assessors in relation thereto, and to secure
 a more perfect listing of agricultural land and products.

[Passed March 29, 1919. In effect ninety days from passage. Became a law
 without the Governor's approval.]

SEC.

1. Duty of commissioner of agricul-
 ture in co-operating with United
 States department of agriculture.
2. Assessors' duty in gathering sta-
 tistics as may be required.
3. Compensation to be allowed as-

SEC.

- sessors by county courts; method
 of payment.
4. Failure of assessors to perform du-
 ties a misdemeanor; penalty.
5. Repealing acts or parts of acts
 inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. The commissioner of agriculture is hereby author-
 2 ized to conduct co-operative work with the United States depart-
 3 ment of agriculture in gathering and disseminating information
 4 concerning agriculture, and it shall be the duty of the said com-
 5 missioner and the tax commissioner to prepare and supply to the
 6 several assessors of the state, printed books, forms, blanks and
 7 papers, which are hereby required to be printed by the state printer
 8 out of the printing fund of the state to be used in the gathering of
 9 such agricultural and other statistics as the said commissioner of
 10 agriculture may require, and, to secure a more perfect list of agri-
 11 cultural property and to secure statistics herein stated, the com-
 12 missioner of agriculture and the tax commissioner shall prescribe
 13 forms, books, blanks, papers and reports and issue them to the
 14 various assessors of the state.

Sec. 2. Commencing on the first day of April of each year,
 2 the assessors shall proceed to gather such statistics as the said
 3 commissioner of agriculture and the tax commissioner may re-
 4 quire, and the printed books, forms, blanks, papers and reports

5 when so completed shall be returned to the commissioner of agri-
6 culture, on or before the first day of July next ensuing.

Sec. 3. The county court of each county may allow the as-
2 sessor a reasonable compensation, not exceeding ten per centum of
3 his salary for such work as may be required of him under this act,
4 by the said commissioner of agriculture, and no county court shall
5 allow pay to assessors for performance of duties herein prescribed,
6 until such assessor has received certificate that his reports are com-
7 pleted and satisfactory to said commissioner.

Sec. 4. Failure to properly perform any of the duties herein
2 set forth, or any of the requirements of the said commissioners
3 shall be a misdemeanor, and the assessors so offending shall be
4 subject to all the penalties set forth in chapter twenty-nine of the
5 code of eighteen hundred and ninety-nine, concerning assessors,
6 and may be proceeded against in the same manner as is therein
7 prescribed.

Sec. 5. All acts or parts of acts inconsistent with this act are
2 hereby repealed.

CHAPTER 12.

(House Bill No. 4—Joint Committee.)

AN ACT creating a department of public safety, to provide protec-
tion for the lives and property of the inhabitants of the state of
West Virginia, providing for the appointment of a super-
intendent, officers and members thereof, defining their powers
and duties and fixing their compensation, and creating a board
of commissioners to hear and determine charges to be filed
against any member of the department of public safety for mis-
conduct in office.

[Passed March 29, 1919. In effect from passage Approved by the Governor
March 31, 1919.]

- | | |
|---|--|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Department of Public Safety cre-
ated; superintendent the execu-
tive and administrative head; ap-
pointment by the governor; ten-
ure of office; age requirement;
annual salary. 2. Superintendent's bond; oath of of-
fice; providing suitable offices for
the department. 3. Deputy—how appointed; salary;
clerk—how appointed and re-
quirements; salary; stenograph-
er; salary. 4. Resignation of superintendent; fill-
ing of vacancy. 5. Superintendent's duty in creating, | <p>SEC.</p> <ol style="list-style-type: none"> appointing and equipping two
companies or platoons; captains,
lieutenants, sergeants, corporals,
privates; their salaries; bonds
with security, to be approved by
board of public works. 6. Governor may at any time muster
out or discharge any company or
platoon; duty of those mustered
out. 7. Eligibility for superintendency; su-
perintendent to appoint all mem-
bers of department; two-year
tenure of office; increase in sal-
ary, with exceptions, after two
years' service. |
|---|--|

- SEC.**
8. Resignations or withdrawals from service; without consent of superintendent, and refusal to discharge duties, constitutes misdemeanor; penalty therefor.
 9. Power of superintendent to re-appoint members at end of term of service; who not eligible to re-appointment.
 10. Members of department cannot hold other office.
 11. Rules and regulations for government of department to be made by superintendent, subject to approval of the governor; members may carry weapons without license therefor.
 12. Providing of arms, weapons, horses and conveyances; uniforms; equipment property of the state; establishment of local headquarters.
 13. Jurisdiction of department.
 14. Powers and duties of superintendent and deputy, and of officers and members of the department.
 15. Prohibiting members of the department from participating in politics, or assisting at elections, or remaining near voting precincts; other prohibitory clauses.
 16. Form of oath to be subscribed to by members of the department.
 17. Duty of officers of state, county and municipality to receive prisoners taken by department of public safety; failure or refusal a misdemeanor; penalty.
 18. Molestation or interference with any member of department, or refusal to give information relating to any offense or crime, a misdemeanor; penalty therefor; provision in reference to husband or wife.
 19. Misdemeanor, with penalty for persons not members of department to represent themselves as such, or to wear or display uniform or badge of the department.
 20. Felony for any officer or member of the department to hire himself to any person, firm or corporation to guard his private property, or to accept money or

- SEC.**
- other thing of value for performance of or failure to perform duties under rules and regulations of the department.
 21. Liability of person, firm or corporation to give money or thing of value to a member of department for performance of or failure to perform duties; felony, punishable by imprisonment or fine.
 22. Superintendent may suspend or remove from service member for various reasons specified; in failure of superintendent to act, appeal may be made to board of commissioners.
 23. Appointment of board of commissioners, by the governor; members to be chosen from opposite political parties; tenure of office; hearing of charges filed against members of the department of public safety; method of procedure.
 24. Provision for third member of board of commissioners in case members cannot agree upon charges; governor the third member.
 25. Compensation of members of the board of commissioners; actual expenses in addition.
 26. Board of control to make and prescribe rules respecting payment of expenses of officers and members of the department of public safety, and for necessary equipment.
 27. Salaries to be paid monthly upon requisition and warrant.
 28. Transportation of officers and members of the department by railroads and other passenger-carrying corporations.
 29. Duty of superintendent to collect statistics, distribute information throughout the state and cooperate with educational agencies to secure Americanization of foreign-born inhabitants; to employ all available agencies to secure harmonious feeling and understanding between employer and employee; privilege relative thereto.

Be it enacted by the Legislature of West Virginia:

Section 1. A department of public safety is hereby created.

2 The executive and administrative head of which shall be a superintendent, who shall be appointed by the governor by and with
4 the advice and consent of the senate, for a term of four years.
5 The superintendent shall be on the date of his appointment at
6 least thirty years of age and shall not be more than fifty-five years
7 of age. He shall receive an annual salary of three thousand dol-
8 lars to be paid as provided by law.

Sec. 2. The superintendent shall before entering upon the
2 discharge of the duties of his office execute a bond payable to the
3 state of West Virginia and conditioned for the faithful perform-

4 ance of his duties in the penalty of ten thousand dollars, with se-
5 curity thereon; such bond both as to form and security shall be
6 approved by the board of public works. Before entering upon
7 the duties of his office the superintendent shall subscribe to the
8 oath as hereinafter provided. Such bond when approved and such
9 oath when duly subscribed and taken, shall be filed with the secre-
10 tary of state and preserved by him in his office.

11 The board of public works shall provide suitable and adequate
12 offices at the capital of the state for the use of the department of
13 public safety.

Sec. 3. The superintendent, with the advice and consent of
2 the governor, shall appoint a deputy who shall receive an annual
3 salary of two thousand dollars. The superintendent shall ap-
4 point one clerk who shall be a competent bookkeeper and who
5 shall receive an annual salary of fifteen hundred dollars and also
6 appoint a competent stenographer who shall receive an annual sal-
7 ary of twelve hundred dollars.

Sec. 4. The superintendent may tender to the governor his
2 resignation as such at any time. The governor may accept the
3 same as soon as he can secure a person who is competent
4 and qualified to be appointed to fill the office. The super-
5 intendent in office shall continue as such and perform all of the
6 duties thereof until his successor is appointed and qualified.

Sec. 5. The superintendent shall create, appoint and equip
2 a department of public safety, which shall consist of two companies
3 or platoons. Each company or platoon shall be composed of one
4 captain who shall receive an annual salary of eighteen hundred
5 dollars, one lieutenant who shall receive an annual salary of six-
6 teen hundred dollars, one first sergeant who shall receive an annual
7 salary of twelve hundred dollars, four sergeants who shall receive
8 an annual salary of eleven hundred dollars each, four corporals
9 who shall receive an annual salary of one thousand dollars each
10 and such number of privates as the superintendent may decide to
11 be best, but such number of privates shall not at any time be less
12 than thirty nor more than fifty-five in any one company or platoon.
13 Each private shall receive an annual salary of nine hundred dol-
14 lars. Each member of the department of public safety, except the
15 superintendent, bookkeeper and stenographer, shall before entering
16 upon the discharge of his duties execute a bond with security in
17 the sum of thirty-five hundred dollars payable to the state of
18 West Virginia, conditioned for the faithful performance of his

19 duties as such, and such bond shall be approved, both as to form
20 and security, by the board of public works and the same shall be
21 filed with the secretary of state and preserved in his office.

Sec. 6. The governor may at any time when he deems it ad-
2 visable muster out or discharge any company or platoon. The of-
3 ficers and members of such company or platoon so discharged shall
4 each be granted an honorable discharge signed by the superintend-
5 ent. Any company or platoon mustered out or discharged, as here-
6 in provided, shall deliver to the superintendent all of the prop-
7 erty and equipment belonging to the state which was in the pos-
8 session of such company, or any member thereof, and the method
9 and manner of such delivery and receipt therefor shall be pro-
10 vided for by regulations prescribed by the superintendent.

Sec. 7. No person shall be appointed by the superintendent
2 as a member of the department of public safety unless he be a
3 citizen of the United States and of the state of West Virginia,
4 and a *bona fide* resident of this state for the period of two years
5 next immediately preceding his appointment. He shall also be a
6 person not less than twenty-one nor more than forty-five years of
7 age, able to ride horseback, of sound constitution, of good moral
8 character, and he shall be required to pass such mental and physical
9 examinations as may be provided for by the rules and regulations
10 promulgated by the superintendent. No person shall be barred
11 from becoming a member of such department of public safety be-
12 cause of his religious or political convictions. All members of the
13 department of public safety, including the deputy, clerk and sten-
14 ographer, shall be appointed by the superintendent for the period
15 of two years and all the members of the department of public
16 safety, except the superintendent, deputy, captain, lieutenants,
17 bookkeeper and stenographer, shall receive an increase of sixty
18 dollars per annum during continuous service after two years and
19 an additional increase of sixty dollars per annum during con-
20 tinuous service after four years. *Provided*, that not more than
21 two such increases shall be made.

Sec. 8. No member of the department of public safety may
2 withdraw or resign from the department of public safety force
3 without the consent of the superintendent. And in the event any
4 member should withdraw, resign or refuse to discharge the duties
5 imposed upon him by this act, after having been duly appointed
6 and qualified, without the consent in writing of the superintendent,
7 he shall be deemed guilty of a misdemeanor and upon conviction

8 thereof shall be fined not less than the sum of fifty dollars nor
9 more than the sum of one thousand dollars, or imprisoned in the
10 county jail for a period of not more than six months, or both.

Sec. 9. The superintendent shall re-appoint any member
2 of the department of public safety at the expiration of his term
3 of service if in the opinion of the superintendent it is proper so
4 to do; but no member of the department of public safety who has
5 been removed, suspended or discharged under the provisions of
6 this act shall be eligible to be again appointed to the department
7 of public safety unless the consent of the governor thereto in
8 writing is first had and obtained.

Sec. 10. No officer or member of the department of public
2 safety shall be eligible during his term of service, or within one
3 year thereafter, to hold any other office under the constitution and
4 laws of the state of West Virginia, whether such office be elective
5 or appointive.

Sec. 11. Subject to the written approval of the governor, the
2 superintendent may make and promulgate proper rules and reg-
3 ulations for the government, discipline and control of the depart-
4 ment of public safety and also proper rules and regulations for the
5 examination of all applicants for appointment thereto.

6 The members of the department of public safety shall be per-
7 mitted and allowed to carry such arms and weapons as may be
8 prescribed by the superintendent and no license shall be required
9 for such privilege.

Sec. 12. The superintendent shall provide the members
2 of the department of public safety with suitable arms and weapons,
3 and when and where he shall deem it necessary with suitably
4 equipped horses and other means of conveyance. He shall also
5 provide proper uniforms for all members of the department of
6-7 public safety.

8 The superintendent shall prescribe the kind, materials and
9 style of all uniforms both for the officers and privates. All uni-
10 forms and all arms, weapons and other property furnished to mem-
11 bers of the department of public safety by the state of West Vir-
12 ginia shall be and remain the property of the state.

13 The superintendent shall establish and maintain local head-
14 quarters at such places in West Virginia which are in his judgment
15 suitable and proper to render the department of public safety most
16 efficient for the purpose of preserving the peace, protecting property,
17 preventing crime, apprehending criminals and carrying into effect

18 all other provisions of this act. The superintendent shall provide
19 by lease or otherwise for housing and quarters for the accommo-
20 dation of the members of the department of public safety and shall
21 provide all equipment and supplies necessary for them in the per-
22 formance of the duties of their office.

Sec. 13. The jurisdiction of the department of public safety
2 shall extend anywhere in the state of West Virginia.

Sec. 14. The superintendent and deputy, respectively, and
2 each of the officers and members of the department of public safety,
3 are hereby authorized and empowered as follows:

4 *First.* To make arrests anywhere within the confines of
5 the state of any and all persons charged with the violation of
6 any law of this state, or of the United States, and when a wit-
7 ness to the perpetration of any offense or crime, or to the viola-
8 tion of any law of this state, or of the United States, may arrest
9 without warrant; to arrest and detain any and all persons sus-
10 pected of the commission of any felony or misdemeanor when-
11 ever complaint is made and a warrant is issued thereon for such
12 arrest, and any and all persons so arrested shall be forthwith
13 brought before the proper tribunal for examination and trial
14 in the county where the offense for which any such arrest has
15 been made, was committed.

16 *Second.* To serve criminal process issued by any court or
17 justice of the peace anywhere within this state; *provided, how-*
18 *ever,* that they shall not serve civil process.

19 *Third.* To co-operate with local authorities in detecting
20 crime and in apprehending any person or persons engaged in or
21 suspected of the commission of any crime, misdemeanor or of-
22 fense against the law of this state, or of the United States, or of
23 any ordinance of any municipality in this state.

24 *Fourth.* Members of the department of public safety shall be
25 and are hereby created forest patrolmen, game and fish wardens and
26 deputy prohibition officers throughout the state to do and perform
27 any and all duties and exercise any and all powers of such officers,
28 and may apprehend and bring, before any court or justice of the
29 peace having jurisdiction of such matters, any one violating any
30 of the provisions of chapters thirty-two-a, sixty-two and one hun-
31 dred and fifty-three of Barnes' code of one thousand nine hundred
32 and sixteen, and any and all amendments thereto; and the depart-
33 ment of public safety shall at any time be subject to the call of the
34 commissioner of prohibition to aid the prohibition department in

35 apprehending any person violating any of the provisions of chap-
36 ter thirty-two-a; they shall serve and execute warrants for the
37 arrest of any person and warrants for the search of any premises
38 issued by any properly constituted authority, and shall exercise
39 all of the powers conferred by law upon a sheriff, constable or
40 any other peace officer of this state, except that they shall
41 not serve any civil process or exercise any of the powers of such
42 officers in matters of a civil nature.

43 *Fifth.* Any member of the department of public safety know-
44 ing or having reason to believe that any one has violated the law
45 may make complaint in writing before any court or officer having
46 jurisdiction and procure a warrant for such offender, execute the
47 same and bring such person before the proper tribunal having
48 jurisdiction. Members of the department of public safety shall
49 make return on all such warrants to said tribunals and his official
50 title shall be "member of department of public safety." Members
51 of the department of public safety may execute any summons or
52 process issued by any tribunal having jurisdiction requiring the
53 attendance of any person as a witness before such tribunal and
54 make return thereon as provided by law and any return by a
55 member of the department of public safety showing the manner
56 of executing such warrant or process shall have the same force and
56-a effect as if made by a sheriff.

57 *Sixth.* The members of the department of public safety and
58 each of them when called by the sheriff of any county, or when the
59 governor by proclamation so directs, shall have full power and au-
60 thority within said county, or within the territory defined by the
61 governor, to direct and command absolutely the assistance of any
62 sheriff, deputy sheriff, constable, chief of police, policeman, town
63 marshal, game and fish warden, deputy prohibition officer and
64 any and every peace officer of the state, or of any county or mu-
65 nicipality therein, or of any able-bodied citizen of the United
66 States to assist and aid in accomplishing the purposes expressed
67 in this act. When so called any officer or person shall, during the
68 time his assistance is required, be, and be considered to be, for
69 all purposes a member of the department of public safety force
70 and subject to all the provisions of this act.

Sec. 15. No member of the department of public safety
2 shall in any way interfere with the rights or property of any per-
3 son except for the prevention of crime.

4 No member of the department of public safety shall in any

5 way become active or take part in any political contest or at any
6 time participate in any political party caucus, committee, primary,
7 assembly or convention or in any general or special election what-
8 soever except to cast his ballot.

9 No member of the department of public safety shall be de-
10 tailed or ordered to duty at or near any voting precinct where
11 any election or convention is held on the day of such election or
12 convention ; nor shall any member thereof remain in, about or near
13 such voting precinct or place of convention, except to cast his
14 vote. After voting he shall forthwith retire from such voting
15 precinct. No member of the department of public safety shall act
16 as an election official. If any member of the department of public
17 safety be found guilty of violating any of the provisions of this
18 section he shall be dismissed from the force by the superintendent
19 as hereinafter provided.

20 No officer or member of the department of public safety shall,
21 while on duty, be quartered in any property in the possession or
22 control of any person, firm or corporation which is an employer
23 of labor and employs more than twenty-five persons at one time
24 unless no other quarters are reasonably available for their housing.

25 No officer or member of the department of public safety shall,
26 in any labor trouble or dispute, between employer and employee
27 aid or assist either party thereto, but shall in such cases see that
28 the statutes and laws of the state of West Virginia are enforced
29 in a legal way and manner.

30 Sec. 16. The superintendent and each of the other members
31 of the department of public safety before entering upon the dis-
32 charge of his duties shall take and subscribe to an oath which
33 shall be of the form and effect as follows, to wit:

34 "State of West Virginia,
35 County of....., to-wit:
36 I,, do solemnly
37 swear that I will support the constitution of the United States;
38 the constitution of the state of West Virginia; and I will hon-
39 estly and faithfully perform the duties imposed upon me under
40 the provisions of this act as a member of the department of public
41 safety to the best of my skill and judgment.

42,
43 Taken, subscribed and sworn to before me, this the.....
44 day of.....
45,
46"

17 All such oaths, except that of the superintendent, shall be
18 filed and preserved in the office of the department of public safety.

Sec. 17. It shall be the duty of all officers of the state. or
2 of any county or municipality thereof, or jailors having the
3 charge and custody of any jail or place of detention to receive
4 any and all prisoners arrested by any officer or member of the
5 department of public safety and to detain them in custody until
6 ordered released by a tribunal of competent jurisdiction, and any
7 such officer, jailor or person having custody of any jail or place of
8 detention who shall fail or refuse to so receive and detain such
9 prisoner or prisoners shall be deemed guilty of a misdemeanor and
10 upon conviction thereof shall be punished by a fine of not less than
11 twenty-five dollars nor more than two hundred dollars, or by
12 imprisonment in the county jail for a period not exceeding sixty
13 days, or by both such fine and imprisonment.

Sec. 18. Any person who shall at any time intercept, molest
2 or interfere with any officer or members of the department of
3 public safety while on duty, or any state, county or municipal
4 officer or person then under the charge and direction of some
5 officer or member of the department of public safety while on
6 duty, or who shall refuse upon request to give any such officer or
7 member any information possessed by him, relating to any offense
8 or crime committed, or about to be committed, or of any riot, up-
9 rising or disturbance existing or threatened shall be guilty of a
10 misdemeanor and upon conviction thereof shall be fined not less
11 than twenty-five dollars nor more than two hundred dollars or
12 imprisoned in the county jail for a period not exceeding sixty
13 days, or by both such fine and imprisonment; *provided*, nothing
14 in this section contained shall be construed to require any person
15 to give information tending to incriminate himself or the hus-
16 band or wife of such person.

Sec. 19. Any person who shall falsely represent himself
2 to be an officer or member of the department of public safety, or
3 to be under the order or direction of any officer or member of the
4 department of public safety, or who shall, unless an officer or
5 member thereof, wear or display the uniform, badge or other in-
6 signia adopted or used by the public safety department, shall be
7 deemed guilty of a misdemeanor and upon conviction thereof shall
8 be punished by a fine of not less than twenty-five dollars nor more
9 than two hundred dollars, or by imprisonment in the county jail

10 for a period not exceeding six months, or by both such fine and
11 imprisonment.

Sec. 20. If any officer or member of the department of public safety shall hire himself to any person, firm or corporation to guard his private property, or shall demand or receive from any person, firm or corporation any money or other thing of value as a consideration for the performance of, or the failure to perform his duties under the rules and regulations made by said superintendent and the provisions of this act, he shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not less than one year nor more than five years, and any such officer or member of the department of public safety who shall violate any other of the provisions of this act, unless herein otherwise expressly provided for, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment in the county jail for a period not exceeding four months, or by both such fine and imprisonment.

Sec. 21. If any person, firm or corporation shall give or offer to give any money or other thing of value to any officer or member of the department of public safety as a consideration for the performance of, or the failure to perform, any duty of such officer or member of the department of public safety under the rules and regulations of the superintendent and the provisions of this act, he or it shall be deemed guilty of a felony, and if a person, upon conviction thereof, shall be confined for a term in the penitentiary of not less than one nor more than five years, and if a firm or corporation shall be fined not less than three thousand dollars nor more than ten thousand dollars.

Sec. 22. The superintendent may suspend or remove from the service any member of the department of public safety for any of the following causes, to wit: Refusing to obey the orders of his superior officer, neglect of duty, drunkenness, immorality, inefficiency, abuse of his authority, interference with the lawful right of any person, participation in political primaries, conventions or elections or any other cause that may in the opinion of the superintendent be necessary for the good of the service. The superintendent shall act when notice of such causes shall be brought to his attention or upon charges in writing filed by any one and sup-

11 ported by proper affidavit. In the event the superintendent shall
12 fail to suspend or dismiss any such officer or member after such
13 matters have come to his knowledge, or such charges and proof
14 thereof has been made and filed with him, by any person or per-
15 sons, an appeal may be had to the board of commissioners to be
16 hereinafter created for such purpose, and all of the original papers
17 in such cases shall be delivered by the superintendent to the board
18 of commissioners who shall decide such cases in the manner here-
19 inafter provided.

Sec. 23. The governor, by and with the consent of the sen-
2 ate shall appoint two persons who shall be residents of this state
3 as members of the board of commissioners. The governor shall
4 appoint one member from each of the two political parties which at
5 the last preceding general election cast the most votes for the
6 office of governor. The term of office of each of such commission-
7 ers shall be for the period of two years beginning on the first day
8 of July, 1919, and none of said commissioners shall hold any other
9 office either elective or appointive in this state, and their succes-
10 sors shall be appointed by the governor at the end of said period of
11 two years. The two persons so appointed shall constitute the
12 board of commissioners whose duty it shall be to review all cases
13 of appeal from the findings of the superintendent on charges filed
14 against any such member of the department of public safety or
15 in all cases of dismissal or suspension of any member of the de-
16 partment of public safety by the superintendent as hereinbefore
17 provided. Charges may be preferred and filed in writing before
18 the board of commissioners against any officer or member of the
19 department of public safety, including the superintendent and
20 his deputy, for any neglect of duty, inefficiency, immorality,
21 pernicious activity in political campaigns, contests, conventions,
22 primaries or elections, abuse of authority, or for any other mis-
23 conduct in office without first filing such charges before the su-
24 perintendent as hereinbefore provided. When such charges are
25 so filed the board of commissioners shall hear, try and determine
26 the same according to the rules and regulations governing such
27 hearing as may be adopted by the board and according to law.

28 When charges are filed against any member of the depart-
29 ment of public safety before the board of commissioners a copy of
30 such charges shall be served upon the accused who shall within a
31 reasonable time, to be fixed by the board, be required to answer
32 the same, and the board shall give notice in writing to the accused

33 of the time and place when the said charges will be heard and
34 considered by it. It shall be the duty of the board to adopt proper
35 rules and regulations prescribing the manner of procedure of such
36 hearings and so far as possible the board shall be governed by the
37 rules of legal procedure relating to the admissibility of evidence.

38 When such charges are filed before the board, either originally
39 or on appeal, and are supported by reasonable proof by affidavit
40 against any officer or member of the department of public safety,
41 the board shall as soon as possible consider the same, and if one or
42 more members of the board shall be of the opinion that said
43 charges and proof supporting the same constitute proper grounds
44 for suspension, the accused shall be suspended from the depart-
45 ment of public safety until a fair trial may be had upon such
46 charges.

Sec. 24. In all cases before a trial shall be had the accused
2 shall be served with a copy of the charges and given a reasonable
3 opportunity to defend himself against such charges, and if on the
4 hearing of such charges the members of the board shall be equally
5-7 divided then the accused shall be suspended until a further trial
8 is had with a third member presiding as hereinafter provided for.
9 If upon any trial two members of the board shall be of opinion
10 that the accused is guilty of the charges preferred then he shall be
11 discharged from the service without further trial.

12 If at any trial the board should be equally divided as here-
13 inbefore stated and the accused suspended, the board at such time
14 shall fix a day for the final hearing and on said final hearing the
15 governor of this state shall be, and is hereby created, the third
16 member of the board and shall preside at the hearing of such
17 charges against the accused and if in case the board should again
18 be equally divided in their finding, the governor shall cast the de-
19 ciding vote on all hearings on charges preferred against any officer
20 or member of the department of public safety where the board
21 has been equally divided. It shall require the votes of at least
22 two of the members of the board to suspend any member on charges
23 preferred and the votes of three of the members of the board to
24 dismiss the accused.

Sec. 25. Each member of the board of commissioners ex-
2 cept the governor, shall be allowed the sum of ten dollars per
3 day for each and every day necessarily employed in the discharge
4 of his duties as a member thereof, and in addition thereto he

5 shall be paid his necessary actual expenses in attending any
6 meetings thereof.

Sec. 26. The board of control shall make and prescribe
2 rules and regulations respecting the payment of the expenses
3 of the officers and members of the department of public safety,
4 as well as for the necessary equipment and all of the other ex-
5 penditures provided for in connection therewith and the board
6 of control shall approve the expenditures of the department of
7 public safety as they are authorized by law to do for other state
8 institutions and all expenditures of such department shall be
9 audited in the same way and manner as the expenditures of other
10 state departments.

Sec. 27. All salaries authorized herein to be paid to the
2 officers and members of the department of public safety shall be
3 paid monthly upon proper requisitions and warrants.

Sec. 28. Whenever any officer or member of the department
2 of public safety shall present evidence of his official character to
3 any railroad conductor, manager or officer of any corporation
4 engaged in the business of transporting passengers, such con-
5 ductor, manager or officer shall upon demand transport such
6 officer or member of the department of public safety anywhere
7 in the state of West Virginia without making any charge therefor,
8 and such conductor, manager or officer shall also transport any and
9 all prisoners in the charge or custody of members of the depart-
10 ment of public safety, and all claims for such transportation of
11 any prisoners shall be presented to, examined, audited and allowed
12 by the superintendent and shall be paid as other claims against the
13 state are paid.

Sec. 29. The superintendent of the department of public
2 safety is authorized from time to time to collect statistics and dis-
3 tribute information throughout the state, and in this co-operate
4 with the state superintendent of public schools and other educa-
5 tional agencies of the state, to secure the naturalization and
6 Americanization of all foreign-born inhabitants; to employ all
7 agencies in his power to secure a harmonious feeling and under-
8 standing between the employers of labor and their employees;
9 and to secure this end he may call upon the educational and
10 other state institutions for public speakers and is authorized to
11 hold public meetings at any point in the state where, in his
12 judgment, such meetings will be of advantage to carry out the
13 spirit of this law.

SENATE JOINT RESOLUTION NO. 1.

(Adopted March 19, 1919.)

Requesting the president of the United States and congress to consider the advisability of enacting laws permitting the use of the army of the United States, when necessary, for the preservation of order and the suppression of riots and insurrections in the several states.

WHEREAS, The creation or organization of an army to carry on the war between the United States of America and the central empires of Europe resulted in absorbing into the military establishment of the United States the various military organizations heretofore known as the national guard of the states; and

WHEREAS, It is necessary for the preservation of order and tranquility to have at the command of the executives of the respective states a military force, and the national guards as they existed prior to the declaration of the war above mentioned must be reorganized, or some other military force be submitted in the place and stead of such national guards; and

WHEREAS, it is the opinion of the legislature of the state of West Virginia that the maintenance of forty-eight separate military establishments within the forty-eight several states of the union constitutes an unnecessary burden upon the taxpayers of the different states, which burden is not justified by any effective service which such military establishments can render to the general government in time of war; and

WHEREAS, it is the opinion and belief of the members of the legislature of West Virginia that the regular military establishment maintained by the United States of America in times of peace is ample for the preservation of order throughout the entire United States, and that the use of such military force or power for such purpose will be beneficial to the men and officers enlisted and employed in the United States army; and

WHEREAS, we believe that any reasonable objection to the centralizing tendencies which might be emphasized by such use of the military establishment of the United States can be answered and met by the enactment of a law directing the president of the United States to place at the command of the governor of any state, under their own officer, such number of soldiers in the national service as may

from time to time be required by the governor of any state for the preservation of order and tranquility within the borders of the state; and

WHEREAS, this course commends itself to our judgment not only for the saving in taxation which will result therefrom, but we believe it will result in maintaining the bonds of sympathy and good feeling between the people generally and the soldiers in the army of the United States by keeping them in contact with each other and by arousing in the minds of the citizens generally a sense of gratitude for the security and tranquility which the soldiers by their services assure unto them. At the same time the healthful exercises afforded to the soldiers in the army of the United States in rendering the services contemplated, will break the tedium of monotony of army life in stations and barracks in time of general peace; therefore, be it

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That the president of the United States and the congress of the United States be respectfully requested to consider the advisability of enacting laws which shall permit the use of the army of the United States in and throughout the several states of the Union for the preservation of order, as well as suppression of riots and insurrections.

Resolved, further, That a copy of these resolutions be transmitted to the president of the United States, to each member of the senate and house of representatives of the congress of the United States, and to the governor of each state.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted March 11, 1919.)

Providing for the appointment of a joint committee to wait upon the governor and notify him that the legislature is organized.

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 special session pursuant to his proclamation, dated February 28, 1919, 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 the speaker of the house of delegates.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted March 19, 1919.)

Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session, to draft tentative bills for the payment of the Virginia debt judgment.

Resolved by the Senate, the House of Delegates concurring therein:

WHEREAS, the legislature on the twenty-first day of February, one thousand nine hundred and nineteen, regular session, adopted Senate Concurrent Resolution No. 8, providing for the appointment of a joint committee to draft tentative bills for the payment of the Virginia debt judgment, for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the members of such committee were "entitled to receive the same pay as members of the legislature actually employed in such work and also receive such mileage as members of the legislature receive"; and

WHEREAS, the said joint committee on the Virginia debt was in session eight days and it further appears that the members of the aforesaid committee traveled the number of miles herein set forth:

Gchen C. Arnold.....	600 miles
Fred L. Fox.....	196 miles
Wallace B. Gribble.....	378 miles
A. R. Montgomery.....	120 miles
Joseph M. Sanders.....	474 miles
L. C. Anderson.....	388 miles
Septimus Hall	408 miles
Albert Kern	570 miles
E. F. Moore	518 miles
S. I. Parsons.....	112 miles
J. J. Swisher.....	282 miles

J. V. Sullivan eight days at the same rate allowed in the regular session.

Be it Resolved, That the clerk of the senate and the sergeant-at-

arms of the house of delegates be, and they are hereby directed, to draw their warrants upon the auditor, payable respectively to the members of the senate and the members of the house of delegates comprising said joint committee for mileage at the rate of ten cents per mile as set forth in the foregoing list and for per diem at the rate of four dollars for eight days, said warrants to be drawn on the contingent funds of the senate and the house of delegates.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted March 18, 1919.)

Providing for the payment of per diem and mileage of members of the joint special committee appointed under House Concurrent Resolution No. 15, regular session, to investigate and report on state police protection, and for the payment of sundry contingent expenses incurred by said committee.

WHEREAS, the legislature on the twenty-first day of February, one thousand nine hundred and nineteen, regular session, adopted House Concurrent Resolution No. 15, providing for the appointment of a joint committee to investigate and report on state police protection for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the members of such committee were "entitled to receive the same pay as members of the legislature actually employed in such work, and also receive such mileage as members of the legislature receive"; and

WHEREAS, the said joint committee on state police protection was in session eight days, and it further appears that the members of the aforesaid committee traveled the number of miles herein set forth:

Elmer Hough	502 miles
Cost of stenographic work on report for use of committee	\$16.50
Telegraph messages and phone tolls.....	8.75
Expenses paid to Captain L. S. Pitcher, of Pennsylvania State Police Force, incurred in appearing before committee	75.00
Edgar B. Stewart.....	602 miles
A. E. Scherr	
Carl H. Hunter	454 miles
G. K. Kump	1,018 miles
Geo. W. McClintic (for stenographic work)	5.00

J. M. McVey	120 miles
H. K. Stover	680 miles
J. S. Thurmond	238 miles
B. R. Twyman	332 miles
M. J. Malamphy, Jr.	602 miles

Per diem for eight days as in regular session.

Therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the clerk of the senate and the sergeant-at-arms of the house of delegates be, and they are hereby directed, to issue their warrants upon the auditor, payable, respectively, to the members of the senate and the members of the house of delegates comprising said joint committee, for mileage at the rate of ten cents per mile as set forth in the foregoing list, and for per diem at the rate of four dollars for eight days and for the necessary contingent items listed, said warrants to be drawn on the contingent funds of the senate and the house of delegates, respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted March 13, 1919.)

Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches of the Legislature.

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the senate and house of delegates, for the per diem and mileage of the members, and per diem of attaches upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house, respectively.

HOUSE CONCURRENT RESOLUTION NO. 2

(Adopted March 21, 1919.)

Resolved, That it is the sense of the legislature of West Virginia that the adoption by the United States of America of the proposed

constitution for a league of nations would be unwise. That while we believe that an agreement should, if possible, be entered into limiting armament and otherwise tending toward the prevention of war, that we regard the proposed league of nations as an abandonment of the Monroe Doctrine and of our traditional policy of avoiding entangling alliances with European nations. That most of the provisions of the proposed constitution for a league are so vague and indefinite as to be occasions for future disputes and wars rather than aids to the preservation of peace; and that in general where the provisions of the said proposed constitution are clear they commit us to the performance of duties throughout the world the assumption of which, on the part of this country, would be most unwise. Be it further

Resolved, That we approve the course of those United States senators who have expressed their unwillingness to ratify a treaty binding us to the provisions of the proposed constitution for a league of nations; and that a copy of these resolutions be furnished to each of the United States senators from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted March 31, 1919.)

Authorizing the janitor of the capitol to employ, under the statute, additional help during the present extra session of the legislature."

Resolved by the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present extra session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the house, upon proper warrants drawn by the sergeant-at-arms of the house upon the auditor, and five to be paid out of the contingent fund of the senate upon proper warrants drawn upon the auditor by the clerk of the senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the house and the other half out of the contingent fund of the senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, That the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwomen to be paid out of the contingent fund

of the house and the other out of the contingent fund of the senate upon warrants drawn upon the auditor by the sergeant-at-arms of the house and the clerk of the senate, respectively.

HOUSE CONCURRENT RESOLUTION NO. 4

(Adopted March 26, 1919.)

Providing for the appointment, by the governor, of a committee to co-operate with the federal government relative to securing the location of a project or projects, in this state, in the event of the passage by congress of soldier settlement legislation.

WHEREAS, the department of the interior has under consideration and will present to congress at its next session, regular or special, certain soldier settlement legislation, which, if acted upon favorably, will provide for creating projects in the several states where former soldiers and sailors may obtain and develop land suitable for the establishment of homes; and,

WHEREAS, it is desirable that the state of West Virginia cooperate with the federal government, in the event of such federal legislation, to the end that one or more of such projects be established within the state; therefore, be it

Resolved, That the governor be and is hereby authorized, in the event of the passage by congress of soldier settlement legislation, to appoint a committee of five public-spirited citizens of the state to co-operate with the federal government in securing information relative to possible locations for projects and to aid in obtaining such project or projects for the state of West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 7.

(Adopted March 25, 1919.)

Relating to the next United States loan.

Resolved by the House of Delegates, the Senate concurring:

That Hon. W. A. MacCorkle, be and he is hereby invited to address the legislature in joint session at eleven o'clock A. M. on Wednesday, the 26th day of March, 1919, in the hall of the house of delegates upon the subject of the next United States loan.

HOUSE CONCURRENT RESOLUTION NO. 8.

(Adopted March 31, 1919.)

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 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, *sine die*, having completed its labors, and ask him if he has any further communication to make.

SENATE CONCURRENT RESOLUTION NO. 4.

“Modifying, in certain respects, the distribution of the 1918 edition of the ‘West Virginia Legislative Hand Book and Manual and Official Register’.”

WHEREAS, On the night of March 7th, 1919, in a fire that occurred in the bindery of the Union Printing Company, leased by the public printer, in the city of Charleston, more than one-half of the 1918 edition of the West Virginia Legislative Hand Book and Manual and Official Register was destroyed either by fire or water; and

WHEREAS, While the unfinished books in the bindery were fully covered by insurance, and the state sustained no loss, it is impracticable at this late day to re-print the edition; therefore, be it
Resolved by the Senate, the House of Delegates concurring therein:

That the plan of distribution of the Hand Book adopted in 1917 be modified as to the 1918 edition, as follows:

Ten copies to each member of the legislature.

One hundred and sixty copies to the department of free schools for supplying county superintendents and principals of high schools.

Fifty copies to the department of archives and history for exchange with other states and for public libraries outside the state.

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