

ACTS
of the
LEGISLATURE
of
WEST VIRGINIA

Second Extraordinary Session, 1933

November 21, 1933 to March 24, 1934



FORTY-FIRST LEGISLATURE



NOTE BY THE CLERK OF THE HOUSE OF DELEGATES

This volume contains all the acts of the second extraordinary session of the Legislature, 1933, including municipal charters. It also contains all Senate and House Joint and Concurrent resolutions adopted, as well as all the Senate and House resolutions adopted by the respective bodies.

List of Members and Officers of the Legislature of West Virginia Second Extraordinary Session, 1933

SENATE

OFFICERS

President—A. G. MATHEWS, Grantsville
Clerk—CHARLES LIVERY, Weston
Sergeant-at-Arms—C. D. ELLIOTT, Sutton
Doorkeeper—C. W. BELL, Zela

DISTRICT	MEMBERS	POSTOFFICE
First.....	Geo. C. Hencke (R).....	Wheeling
	*James Paull, Jr. (D).....	Wellsburg
Second.....	*John C. Myers (D).....	Moundsville
	D. W. Null (D).....	Hundred
Third.....	*Dan B. Fleming (D).....	St. Marys
	Howard F. Neale (R).....	Parkersburg
Fourth.....	†Kenna K. Hyre (D).....	Ripley
	‡Mrs. Hazel E. Hyre (D).....	Ripley
	Chas. O. Welschenburger (R).....	Pt. Pleasant
Fifth.....	*J. T. Garrett (D).....	Hurricane
	Harvey C. Taylor (D).....	Huntington
Sixth.....	*C. Frank Millender (D).....	Wayne
	M. Z. White (R).....	Williamson
Seventh.....	*Grover C. Mitchell (D).....	Union
	Albert W. Reynolds, Jr. (D).....	Princeton
Eighth.....	Clyde B. Johnson (D).....	Charleston
	*Luther R. Jones (D).....	Madison
Ninth.....	A. B. Abbot (D).....	Fayetteville
	*Perry N. Wiseman (D).....	Summersville
Tenth.....	A. C. Herold (D).....	Sutton
	*A. G. Mathews (D).....	Grantsville
Eleventh.....	Chas. E. Hodges (D).....	Morgantown
	*Earl H. Smith (D).....	Fairmont
Twelfth.....	Ray W. Garvin (D).....	Clarksburg
	*Louis A. Henderson (D).....	West Union
Thirteenth.....	J. Sildell Brown (D).....	Elkins
	*Lee J. Sandridge (D).....	Philippi
Fourteenth.....	*A. L. Helmick (R).....	Thomas
	E. Bunker Reynolds (R).....	Keyser
Fifteenth.....	*J. E. Helsley (D).....	Berkeley Springs
	Robert White (D).....	Romney

†Died March 7, 1934, during session.

‡Appointed by Governor, March 12, 1934, to fill vacancy caused by death of her husband, Senator Kenna K. Hyre.

*Holdover Senators, who will serve in the 1935 session.

24—Democrats
6—Republicans

30—Total

Standing Committees of the Senate

NOTE: On March 14, 1934, the President of the Senate appointed Mrs. Hazel E. Hyre to fill all vacancies on committees caused by the death of her husband, Senator Kenna K. Hyre.

ON PRIVILEGES AND ELECTIONS

Messrs. Wiseman (*Chairman*), Hyre, Johnson, Abbot, Garvin, Sandridge, White (of Hampshire), Neale and White (of Mingo).

ON THE JUDICIARY

Messrs. White (of Hampshire), (*Chairman*), Paull, Null, Hyre, Garrett, Reynolds (of Mercer), Jones, Johnson, Wiseman, Herold, Hodges, Henderson, Sandridge, Helsley, Beneke, Reynolds (of Mineral), Neale and Helmick.

ON FINANCE

Messrs. Abbot (*Chairman*), Paull, Null, Fleming, Hyre, Taylor, Reynolds (of Mercer), Mitchell, Wiseman, Herold, Garvin, Brown, White (of Hampshire), Helsley, Hodges, White (of Mingo), Reynolds (of Mineral) and Helmick.

ON EDUCATION

Messrs. Hodges (*Chairman*), Paull, Fleming, Abbot, Garvin, Sandridge, White (of Hampshire), White (of Mingo) and Reynolds (of Mineral).

ON COUNTIES AND MUNICIPAL CORPORATIONS

Messrs. Garvin (*Chairman*), Myers, Garrett, Reynolds (of Mercer), Wiseman, Henderson, White (of Hampshire), White (of Mingo) and Helmick.

ON ROADS AND NAVIGATION

Messrs. Johnson (*Chairman*), Paull, Null, Hyre, Taylor, Reynolds (of Mercer), Wiseman, Herold, Hodges, Henderson, Sandridge, White (of Hampshire), Fleming, Neale, White (of Mingo), Helmick and Weissenburger.

ON BANKS AND CORPORATIONS

Messrs. Wiseman (*Chairman*), Myers, Fleming, Garrett, Jones, Herold, Brown, Beneke and Weissenburger.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS

Messrs. Myers (*Chairman*), Fleming, Taylor, Garrett, Mitchell, Jones, Abbot, Herold, Hodges, Smith, Brown, Helsley, Beneke and Weissenburger.

ON PENITENTIARY

Messrs. Henderson (*Chairman*), Null, Fleming, Hyre, Mitchell, Garvin, Sandridge, White (of Mingo) and Helmick.

ON RAILROADS

Messrs. Reynolds (of Mercer) (*Chairman*), Null, Garrett, Johnson, Abbot, Garvin, White (of Hampshire), Neale, White (of Mingo) and Helmick.

ON MILITIA

Messrs. Smith (*Chairman*), Myers, Taylor, Mitchell, Jones, Garvin, Brown, Beneke and Weissenburger.

ON FEDERAL RELATIONS

Messrs. Mitchell (*Chairman*), Myers, Taylor, Hodges, Smith, Garvin, Helsley, Beneke and Weissenburger.

ON INSURANCE

Messrs. Herold (*Chairman*), Null, Hyre, Reynolds (of Mercer), Johnson, Garvin, Garrett, Millender and Reynolds (of Mineral).

ON IMMIGRATION AND AGRICULTURE

Messrs. Helsley (*Chairman*), Fleming, Hyre, Jones, Wiseman, Henderson, Brown, Weissenburger and Reynolds (of Mineral).

ON MINES AND MINING

Messrs. Sandridge (*Chairman*), Null, Reynolds (of Mercer), Mitchell, Jones, Abbot, Garvin, White (of Mingo) and Helmick.

ON MEDICINE AND SANITATION

Messrs. Hyre (*Chairman*), Johnson, Wiseman, Smith, Garvin, Brown, White of (Hampshire), Millender and Helmick.

ON LABOR

Messrs. Taylor (*Chairman*), Paull, Fleming, Abbot, Herold, Hodges, Sandridge, Neale and Millender.

ON CLAIMS AND GRIEVANCES

Messrs. Paull (*Chairman*), Myers, Taylor, Garrett, Mitchell, Herold, Smith, Beneke and Millender.

ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS

Messrs. Mitchell (*Chairman*), Hyre, Taylor, Reynolds (of Mercer), Johnson, Abbot, Garvin, Beneke and Reynolds (of Mineral).

ON PUBLIC PRINTING

Messrs. Brown (*Chairman*), Fleming, Wiseman, Herold, Smith, Garvin, Helsley, Beneke and Weissenburger.

ON RULES

Messrs. Mr. President (Mr. Mathews) (*Chairman ex officio*); Henderson, White (of Hampshire), Johnson and White (of Mingo).

ON PUBLIC LIBRARY

Messrs. Fleming (*Chairman*), Paull, Myers, Mitchell, Jones, Smith, Helsley, Helmick and Millender.

TO EXAMINE THE CLERK'S OFFICE

Messrs. Jones (*Chairman*), Myers and Hodges.

ON TEMPERANCE

Messrs. Jones (*Chairman*), Paull, Fleming, Hyre, Mitchell, Hodges, Helsley and Helmick.

ON FORESTRY AND CONSERVATION

Messrs. Garrett (*Chairman*), Mitchell, Jones, Herold, Hodges, Garvin, Brown, Helsley, Reynolds (of Mineral), Helmick and Neale.

ON REDISTRICTING

Messrs. Henderson (*Chairman*), Fleming, Hyre, Reynolds (of Mercer), Wiseman, Sandridge, White (of Hampshire), White (of Mingo) and Reynolds (of Mineral).

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE SENATE

Messrs. Hyre (*Chairman*), Abbot, Garvin, White (of Hampshire) and White (of Mingo).

House of Delegates

OFFICERS

Speaker—RALPH M. HINER, Franklin
 Clerk—JOHN S. HALL, Williamson
 Sergeant-at-Arms—W. W. MARTIN, East Rainelle
 Doorkeeper—JAMES B. KINCAID, Charleston

COUNTY	MEMBERS	POSTOFFICE
Barbour.....	Herman J. Poling (D).....	Phillippi
Berkeley.....	W. H. Peery (D).....	Martinsburg
	Thomas S. Strong (D).....	Inwood
Boone.....	E. E. White (D).....	Madison
Braxton.....	G. C. Belknap (D).....	Gassaway
	Jas. Mc. Dunn (D).....	Canfield
Brooke.....	B. O. Cresap (D).....	Wellsburg
Cabell.....	John P. Beacom (D).....	Huntington
	G. A. Davis (D).....	Huntington
	Wilbert H. Norton (D).....	Huntington
	Robt. S. Starcher (D).....	Huntington
Calhoun.....	C. A. Jarvis (D).....	Grantsville
Clay.....	E. R. Reed (R.).....	Clay
Doddridge.....	B. H. Maulsby (R).....	West Union
Fayette.....	C. N. Proctor (D).....	Clifftop
	R. L. Matthews (D).....	Montgomery
	Mrs. Sam'l W. Price (D).....	Scarbro
	C. R. Summerfield (D).....	Fayetteville
Gilmer.....	E. E. Cottrill (D).....	Sand Fork
Grant.....	Arch J. Welton (R).....	Petersburg
Greenbrier.....	Raymond E. Bright (D).....	Frankfort
	H. L. Van Sickler (D).....	Lewisburg
Hampshire.....	George Sloan Arnold (D).....	Romney
Hancock.....	J. N. Finley (D).....	Chester
Hardy.....	J. D. Chipley (D).....	Moorefield
Harrison.....	E. Wayne Coffindaffer (D).....	West Milford
	Byron B. Randolph (D).....	Clarksburg
	Edgar E. Righter (D).....	Shinnston Rt. 2
	Ernest D. Lewis (D).....	Clarksburg
Jackson.....	Robert B. Goodwin (D).....	Ripley
	John H. Noll (D).....	Ravenawood
Jefferson.....	U. S. Martin (D).....	Shepherdstown
Kanawha.....	Carl C. Calvert (D).....	Chelyan
	Julius A. de Gruyter, Jr., (D).....	Charleston
	D. H. Gates (D).....	Charleston
	George D. Moore (D).....	Charleston
	J. Shirley Ross (D).....	Charleston
	James Kay Thomas (D).....	Charleston
Lewis.....	Rush D. Holt (D).....	Weston
Lincoln.....	Watson Adkins (D).....	Hart
Logan.....	John J. Pelter (D).....	De Hue
Marion.....	Fred L. Dorlinger (D).....	Fairmont
	R. L. McCoy (D).....	Fairmont
	W. H. Schimmel (D).....	Fairmont

HOUSE OF DELEGATES

COUNTY	MEMBERS	POSTOFFICE
Marshall.....	Charles A. Newman (D).....	Moundaville
	G. W. Kelley (D).....	Glen Easton
Mason.....	George A. Ralrden (R).....	Leon
	Charles C. Tallman (D).....	Beech Hill
Mercer.....	O. H. Ballard (D).....	Princeton
	A. J. Lubliner (D).....	Bluefield
	F. M. Peters (D).....	Bluefield
Mineral.....	George G. Dixon (D).....	Piedmont
Mingo.....	William B. Hogg (R).....	Williamson
Monongalla.....	P. D. Arbogast (D).....	Morgantown
	Junlus M. Strouss (D).....	Morgantown
Monroe.....	William M. LaFon (D).....	Union
Morgan.....	H. D. Beeler (R).....	Berkeley Spgs.
McDowell.....	Albert A. Barley (R).....	Welch
	Stewart A. Calhoun (R).....	Keystone
	Mrs. Perle T. Harman (R).....	Yukon
	M. H. Tabor (R).....	Crumpler
Nicholas.....	J. A. Neal (D).....	Fenwick
Ohio.....	Jack N. Haberstick (D).....	Wheeling
	John Louden Marsh (D).....	Wheeling
	Joseph R. Curl (D).....	Wheeling
	F. J. Morrow (D).....	Wheeling
Pendleton.....	R. M. Hiner (D).....	Franklin
Pleasants.....	T. J. Hickel (D).....	Belmont
Pocahontas.....	Frank R. Hill (D).....	Marlinton
Preston.....	Merrell D. Carrico (R).....	Terra Alta
	E. E. Watson (R).....	Albright
Putnam.....	J. A. Harmon (D).....	Nitro
Raleigh.....	T. E. Bibb (D).....	Beckley
	W. Londa Lilly (D).....	Beckley
Randolph.....	Joseph M. Woodford (D).....	Elkins
	J. Buhl Shahan (D).....	Elkins
Ritchie.....	J. R. Marsh (R).....	Mole Hill
Roane.....	F. C. Foster (D).....	Spencer
	H. D. Wells (D).....	Spencer
Summers.....	R. C. Haynes (D).....	Hinton
Taylor.....	Mrs. F. S. Suddarth (D).....	Grafton
Tucker.....	C. W. Minear (D).....	Parsons
Tyler.....	Arthur T. Nichols (R).....	Meeker
Upshur.....	Lycurgus Hyre (R).....	Buckhannon
Wayne.....	Rufus Lester (D).....	Fort Gay
	Milton J. Ferguson (D).....	Wayne
Webster.....	John R. Dyer (D).....	Webster Springs
Wetzel.....	R. C. Leap (D).....	New Martinsville.
	L. E. Lantz (D).....	Jacksonburg
Wirt.....	J. L. Smith (D).....	Elizabeth
Wood.....	Ben H. Butcher (D).....	Parkersburg
	Walter E. Stout (D).....	Parkersburg
	J. M. Melrose (D).....	Mineral Wells
Wyoming.....	Ottie Carden (D).....	Mullens

79—Democrats

15—Republicans

94—Total

Standing Committees of the House of Delegates

ELECTIONS AND PRIVILEGES

Messrs. Lubliner (*Chairman*), Arnold, Carden, Cottrill, Doring, Dunn, Finley, Foster, Hill, Kelley, Moore, Neal, Ross, Maulsby, Nichols, Reed and Welton.

JUDICIARY

Messrs. Norton (*Chairman*), Arnold, Belknap, Butcher, Curl, Dyer, Ferguson, Haberstick, Hill, LaFon, Lilly, Lubliner, Moore, Newman, Poling, Randolph, Schimmel, Smith, Starcher, Summerfield, Thomas, Van Sickler, Barley, Calhoun, Hogg, Hyre and Welton.

FEDERAL RELATIONS

Messrs. Butcher (*Chairman*), Cresap, Curl, Davis, Ferguson, Foster, Haynes, Jarvis, LaFon, Lilly, McCoy, Newman, Noll, Peery, Strouss, Mrs. Suddarth, Mr. White, Mrs. Harman, Messrs. Rairden and Reed.

TAXATION AND FINANCE

Messrs. Lubliner (*Chairman*), Beacom, Carden, Dixon, Gates, Jarvis, Lantz, Marsh (of Ohio), Matthews, McCoy, Peery, Pelter, Peters, Righter, Ross, Stout, Strouss, Tallman, White, Beeler, Rairden, Tabor and Welton.

MILITARY AFFAIRS

Messrs. Doring (*Chairman*), Adkins, Bright, Coffindaffer, Hickel, Kelley, Leap, Lester, Lewis, Marsh (of Ohio), Noll, Summerfield, Wells, Carrico, Nichols, Reed and Watson.

PROHIBITION AND TEMPERANCE

Messrs. Hickel (*Chairman*), Arbogast, Arnold, Chipley, Dixon, Dunn, Gates, Haynes, McCoy, Melrose, Mrs. Price, Mrs. Suddarth, Mrs. Harman, Messrs. Hyre and Marsh (of Ritchie).

EDUCATION

Messrs. Holt (*Chairman*), Adkins, Arnold, Bibb, Coffindaffer, Cresap, Finley, Foster, Goodwin, Haynes, Hill, Lester, Pelter, Mrs. Price, Messrs. Ross, Shahan, Strouss, Mrs. Suddarth, Mrs. Harman, Messrs. Calhoun, Marsh (of Ritchie) and Rairden.

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS

Messrs. White (*Chairman*), Adkins, Ballard, Beacom, Carden, Calvert, Haynes, Hill, Jarvis, LaFon, Marsh (of Ohio), McCoy, Newman, Peters, Proctor, Ross, Schimmel, Strouss, Tallman, Barley, Hogg and Hyre.

BANKS AND CORPORATIONS

Messrs. Thomas (*Chairman*), Belknap, Bibb, Cottrill, Doring, Dyer, Dunn, Jarvis, Lantz, Marsh (of Ohio), McCoy, Moore, Peters, Randolph, Starcher, Summerfield, White, Woodford, Carrico, Mrs. Harman, Messrs. Hogg and Watson.

ROADS

Messrs. Poling (*Chairman*), Arnold, Bibb, Bright, Cottrill, Cre-sap, Davis, Dunn, Finley, Harmon, Haynes, Hickel, Kelley, Lantz, Lewis, Martin, Minear, Noll, Schimmel, Strong, Carrico, Maulsby, Reed and Watson.

FORFEITED AND UNAPPROPRIATED LANDS

Messrs. Dyer (*Chairman*), Adkins, Arnold, Ballard, Belknap, Curl, Foster, Gates, Hill, Holt, Lester, Marsh (of Ohio), Martin, Pelter, Ross, Stout, Calhoun and Reed.

CLAIMS AND GRIEVANCES

Messrs. Ross (*Chairman*), Arnold, Curl, Doring, Dyer, Ferguson, Finley, Holt, Kelley, LaFon, Leap, Matthews, Noll, Pelter, Poling, Righter, Schimmel, Strong, Wells, Barley, Beeler and Marsh (of Ritchie).

HUMANE INSTITUTIONS AND PUBLIC BUILDINGS

Mrs. Price (*Chairman*), Messrs. Arbogast, Arnold, Beacom, Bibb, Coffindaffer, de Gruyter, Doring, Goodwin, Hill, Holt, LaFon, Marsh (of Ohio), Newman, Noll, Mrs. Suddarth, Messrs. Wells, Calhoun, Carrico, Mrs. Harman and Mr. Hyre.

FORESTRY AND CONSERVATION

Messrs. Ballard (*Chairman*), Arnold, Belknap, Bright, Carden, Chipley, Dixon, de Gruyter, Hickel, Hill, Leap, Marsh (of Ohio), Minear, Neal, Righter, Strong, Woodford, Rairden, Watson and Welton.

ARTS, SCIENCE AND GENERAL IMPROVEMENT

Messrs. Cottrill (*Chairman*), Adkins, Belknap, Carden, Curl, Foster, Haberstick, Harmon, Lester, Neal, Mrs. Price, Messrs. Ross, Shahan, Starcher, Stout, Strong, Mrs. Suddarth, Messrs. Thomas, Barley, Reed and Welton.

PENITENTIARY

Messrs. Haberstick (*Chairman*), Bright, Chipley Cottrill, de Gruyter, Haynes, Hill, Jarvis, Kelley, Lewis, Lilly, Martin, McCoy, Minear, Morrow, Smith, White, Woodford, Hyre, Nichols and Watson.

MINES AND MINING

Messrs. Bibb (*Chairman*), Beacom, Calvert, Carden, Curl, Holt, Lewis, McCoy, Moore, Pelter, Peters, Poling, Proctor, Strouss, Van Sickler, White, Woodford, Carrico, Mrs. Harman, Messrs. Hogg and Welton.

AGRICULTURE

Messrs. Chipley (*Chairman*), Arnold, Bright, Coffindaffer, Cottrill, Dunn, Goodwin, Hickel, Kelley, Lester, Martin, Melrose, Minear, Neal, Righter, Smith, Strong, Tallman, Woodford, Beeler, Maulsby and Nichols.

STATE BOUNDARIES

Messrs. Righter (*Chairman*), Ballard, Cresap, Harmon, Haynes, Martin, Melrose, Morrow, Shahan, Strong, Wells, Nichols and Watson.

RAILROADS

Messrs. Hill (*Chairman*), Bibb, Butcher, Dixon, Dyer, Ferguson, Kelley, LaFon, Lantz, Marsh (of Ohio), Peters, Proctor, Ross, Schimmel, Van Sickler, Woodford, Calhoun, Hogg and Welton.

LABOR

Messrs. Ballard (*Chairman*), Arbogast, Beacom, Calvert, Davis, Harmon, Lester, Melrose, Minear, Moore, Morrow, Mrs. Price, Messrs. Randolph, Shahan, Mrs. Suddarth, Messrs. Van Sickler, Calhoun, Mrs. Harman, Messrs. Hogg and Rairden.

MEDICINE AND SANITATION

Messrs. Tallman (*Chairman*), Arbogast, Belknap, Bright, Chipley, Cottrill, Dunn, Haynes, LaFon, Lewis, Lubliner, Marsh (of

Ohio), Mrs. Price, Mrs. Suddarth, Messrs. Thomas, Wells, Barley, Beeler, Tabor and Watson.

GAME AND FISH

Messrs. Marsh (of Ohio), (*Chairman*), Bright, Calvert, Chipley, Cottrill, de Gruyter, Dyer, Finley, Hill, Lantz, Leap, Minear, Newman, Peery, Righter, Woodford, Beeler, Maulsby, Watson and Welton.

INSURANCE

Messrs. Moore (*Chairman*), Ballard, de Gruyter, Ferguson, Jarvis, Lantz, Lilly, Marsh (of Ohio), McCoy, Martin, Newman, Pelter, Peery, Randolph, Smith, Van Sickler, Carrico, Nichols and Welton.

REDISTRICTING

Messrs. Randolph (*Chairman*), Chipley, Cresap, Dixon, Dyer, Foster, Goodwin, Hill, LaFon, Leap, Lilly, McCoy, Newman, Noll, Peters, Pelter, Smith, Woodford, Beeler, Hogg and Marsh (of Ritchie).

EXECUTIVE OFFICES AND LIBRARY

Messrs. Davis (*Chairman*), Adkins, Belknap, Carden, Cresap, Finley, Foster, Goodwin, Haynes, Hickel, Jarvis, Kelley, Lester, Melrose, Noll, Schimmel, Strong, Van Sickler, Barley, Maulsby and Reed.

PRINTING AND CONTINGENT EXPENSES

Messrs. Dunn (*Chairman*), Arnold, Carden, Cottrill, Finley, Goodwin, Haberstick, Martin, Melrose, Morrow, Neal, Newman, Mrs. Price, Messrs. Shahan, Strong, Wells, Van Sickler, Maulsby, Rairden and Reed.

RULES

Mr. Speaker (*Chairman ex officio*), Messrs. Lubliner, Matthews, Norton, Thomas, Tabor and Welton.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE HOUSE OF DELEGATES

Messrs. Smith (*Chairman*), Ballard, Haynes, LaFon and Hyre.

TABLE OF CONTENTS

ACTS AND RESOLUTIONS

Second Extraordinary Session, 1933

GENERAL LAWS (APPROPRIATIONS)

Chapter	Page
1. Legislative appropriation bill.....	1
2. Additional appropriation of ninety thousand dollars for current expenses of Public Service Commission for each of the fiscal years ending June 30, 1934 and June 30, 1935.....	5
3. Use of state road fund for relief of the destitute.....	6
4. Amending 1933 "Budget Bill" appropriation for State Road Commission, to provide for relief of the destitute.....	8
5. Appropriating two hundred and fifty thousand dollars for relief of the destitute	11
6. Additional appropriation of five million dollars for an eight months school term for each of the fiscal years ending June 30, 1934 and June 30, 1935	13
7. Appropriation of one million dollars for the fiscal year ending June 30, 1934 and two million dollars for the fiscal year ending June 30, 1935, for the relief of the destitute.....	14
8. Additional appropriation of five thousand dollars for each of the fiscal years ending June 30, 1934 and June 30, 1935 for the Department of Labor for public employment offices.....	15
9. Additional appropriation of ten thousand dollars to the penitentiary to meet demands against the parole and warden's trustee funds, held in closed or restricted banks.....	16
10. Appropriation for relief of Harry E. Brown.....	16
11. Additional appropriation of thirty thousand dollars for the fiscal year ending June 30, 1934 and one hundred thousand dollars for the fiscal year ending June 30, 1935 for tax commissioner's office for expenses of tax collections.....	17
12. Additional appropriation of eight thousand six hundred dollars for auditor's office.....	18
13. Additional appropriation of twenty-five thousand dollars for each of the fiscal years ending June 30, 1934 and June 30, 1935 for printing, binding, stationery and storage.....	18
14. Additional appropriation of five thousand dollars for the fiscal year ending June 30, 1935 for the attorney general's office.....	19
15. Appropriation of seventy thousand dollars for the fiscal year ending June 30, 1934 to purchase land for state parks.....	19
16. Appropriation of sixty thousand dollars for the fiscal year ending June 30, 1935 for salaries and expenses of county agricultural agents.....	20
17. Providing for payment, from funds appropriated to West Virginia University, of appropriation of sixty-one thousand, nine hundred thirty-one dollars and thirty-two cents to stadium corporation and athletic committee	21
18. Appropriation to Ohio County Farmers Cooperative for taxes, if any, erroneously collected.....	22
19. Additional appropriation from collections for Pine Crest Sanitarium.....	23
20. Appropriation from collections, Marshall College, to pay for stadium.....	25
21. Additional appropriations for West Virginia Penitentiary.....	26

**GENERAL LAWS (AUTOMOTIVE VEHICLES, TOLL BRIDGES
AND ROAD BONDS)**

Chapter	Page
22. Manufacture at penttentlary of motor vehiele license plates and road signs	27
23. Motor vehicle registration and registration plates.....	29
24. Maximum loads on motor vehicles; exceptions.....	31
25. Motor vehicle markings and equipment; list of vehicles registered to be sent by state road commissioner to county assessor.....	32
26. Construction of toll bridges by state road commission.....	35
27. Construction of toll bridges by county courts and municipalities.....	36
28. Transfer, interest on, and form of state road bonds.....	40

GENERAL LAWS (BANKS AND BANKING)

29. Depository banks and depository bonds for state funds.....	44
30. Depository banks and depository bonds for county funds.....	46
31. Creating Savings and Loan Association of West Virginia.....	48
32. State board of finance authorized to participate in reorganization agreements of state and national banks holding state funds.....	54
33. Building and loan and other designated associations may subscribe to shares of federal saving and loan associations and become stockholders in federal home loan bank.....	55

GENERAL LAWS (EDUCATION AND EDUCATIONAL INSTITUTIONS)

34. Transfer of funds by magisterial and independent school districts to county boards of education.....	59
35. Transfer of funds by maglsterial and independent school districts to county boards of education (amending chapter 34).....	60
36. Temporary transfer of three hundred fifty thousand dollars from supplemental aid fund to maintenance fund for payment of employees, except teachers, by county boards of education.....	61
37. Renewal, reinstatement, cancellation and approval of teachers' certificates	62
38. Erection of dormitories, gymnasiums, etc., at state educational institutions	65
39. Sources and uses of state general school fund, including payment of teachers' designated salaries for an eight months term; determining number of teachers	70
40. Advanced salaries for teachers; restoring former basic salaries.....	74
41. Board of governors of West Virginia University to fix salary of president and others	75

GENERAL LAWS (COUNTY COURTS)

42. Transfer by county courts of county and distrlct road and bridge funds to general county fund.....	76
43. Duties and salaries of county commisslouers.....	77
44. County courts authorized to borrow funds to construct and equip court-houses, jails and other public buildings.....	79

GENERAL LAWS (FORFEITED AND DELINQUENT LANDS)

45. Redemption before June 30, 1934 of forfeited and delinquent lands, without interest or costs.....	84
46. Extension of time for redemption of forfeited and delinquent lands purchased by individuals and for sults by the commissioner of school lands	87
47. Time for redemption of forfeited and delinquent lands purchased by state extended to June 3, 1935.....	88

GENERAL LAWS (MUNICIPALITIES)

(See General Laws—Taxes and Taxation)

Chapter	Page
48. Bonds and service rates of municipal sewage works.....	80
49. Bonds and service rates of municipal water works systems.....	92
50. Municipal registration of voters and use of county registration.....	95
51. Use of municipal debt levies for current expense purposes.....	97

GENERAL LAWS (REDISTRICTING)

52. Apportionment of state's representation in the house of representatives in the congress.....	98
53. Apportionment of membership in house of delegates.....	99

GENERAL LAWS (TAXES AND TAXATION)

54. Ownership of property for taxation purposes, with exceptions as to designated reserve funds.....	100
55. Repeals law providing lien for money borrowed to pay taxes.....	101
56. Semi-annual collection of taxes, including municipal taxes, by sheriff...	101
57. Semi-annual collection of taxes, including bond for collection of taxes, by sheriff (amending chapter 50).....	103
58. Collection by assessor of head taxes on dogs in county and municipalities	104
59. Collection by assessor of capitation taxes, including municipalities.....	106
60. Privilege tax on railroad car corporations and express companies.....	110
61. Licenses and license taxes, nonintoxicating beer.....	110
62. Classification of property for taxation purposes and estimates for and allocation of levies.....	114
63. Appropriation from state treasury for road and school bonded indebtedness of political subdivisions, except municipalities.....	125
64. Adjudication of validity of, and funding and payment of indebtedness, not bonded, of political subdivisions.....	128
65. Discount for prompt payment of taxes.....	142
66. Surtax on sales, privileges, productions, business and incomes and general consumers sales tax.....	143
67. Classification of property for taxation purposes and estimates for and allocation of levies.....	153
68. Estimates for and allocation of levies for indebtedness (amending chapter 67)	170
69. Estimates for and allocation of levies in counties having less than six million dollars total assessed valuation (amending chapter 67).....	182

GENERAL LAWS (NOT CLASSIFIED)

70. Defining and punishing the crime of abduction or kidnapping.....	188
71. Creating a judicial council and constituting law faculty of West Virginia University a bureau of research.....	191
72. Submits to voters amendment to section six, article thirteen of the constitution, assessment of lands and undivided interests therein.....	193
73. Qualification of election officials.....	197
74. Liens on crops for advances for cultivation or cropping of land.....	198
75. Farm bureaus and county agricultural agents.....	200
76. Report to tax commissioner by payor of payment of six hundred dollars or more to another during a calendar year, as salary, etc.....	201
77. State to cooperate with federal government in establishment of public employment offices	203
78. County assessors, deputies and salaries.....	204
79. Civil service commission for municipal paid fire departments.....	206
80. Repealing law prohibiting advertisement of liquors.....	207
81. Collection, deposit and account of sinking funds of political subdivisions	207

GENERAL LAWS (NOT CLASSIFIED)—(Continued)

Chapter	Page
82. Creating state committee of barbers and beauticians and defining its powers and duties.....	208
83. Changing name of Rutherford Sanitarium to Pine Crest Sanitarium.....	217
84. Breaking tie vote in elections by board of canvassers or governor.....	218
85. Establishes central mailing office in the capitol building.....	219
86. State industrial recovery act.....	221
87. Licensing and regulating the business of buying and selling junk.....	224
88. What certain instruments admitted to record to show.....	230
89. Pleadings and proof in action on bonds, notes or other evidence of debt subject to taxation.....	231
90. Appointment of special commissioners of accounts and completion of matters referred to a commissioner later resigned or removed.....	233
91. Penalty of official bonds of county officers.....	234
92. Preservation, at West Virginia University, of historical and other documents	235
93. Creation of housing authorities for slum clearance and low-cost housing projects	236
94. Levy laid, after mandamus to do so, may be distributed equally over not to exceed ten years.....	246
95. What county or school orders are receivable for taxes and fees.....	247
96. Certified copies of birth and death records to be provided to veterans' division of department of public welfare without charge.....	248

SPECIAL LAWS (COUNTY COURTS AUTHORIZED TO BORROW MONEY)

97. Barbour county court authorized to borrow money to construct a jail and sheriff's residence	249
98. Clay county court and board of education authorized to borrow money to construct a central heating plant.....	250
99. Clay county court authorized to borrow money to construct a jail.....	251
100. Fayette county court authorized to borrow money to construct a courthouse and/or jail	252
101. Greenbrier county court authorized to borrow money to construct a courthouse and/or jail.....	254
102. Kanawha county court authorized to borrow money to construct a county infirmary	255
103. Lewis county court authorized to borrow money to construct a jail.....	256
104. Lewis county court authorized to borrow money to construct a heating plant	257
105. Mason county court authorized to borrow money to construct a courthouse and/or jail	258
106. Mingo county court authorized to borrow money to construct a jail and/or remodel courthouse.....	260
107. Putnam county court authorized to borrow money to purchase county infirmary	262
108. Raleigh county court authorized to borrow money to construct a courthouse and/or jail.....	263
109. Summers county court authorized to convey land for erection of memorial building	264
110. Wetzel county court authorized to borrow money to construct a hospital	265
111. Wetzel county court authorized to borrow money to construct a hospital (repealing chapter 110).....	267

SPECIAL LAWS (COUNTY COURTS AUTHORIZED TO TRANSFER FUNDS)

Chapter	Page
112. Barbour county court authorized to transfer funds from road fund to general county fund.....	274
113. Berkeley county court authorized to transfer district road funds to general county fund.....	274
114. Calhoun county court authorized to transfer dog tax fund to general county fund	275
115. Gilmer county court authorized to transfer Troy district road bond fund to general county fund.....	275
116. Repealing chapter one hundred fifteen, authorizing transfer by Gilmer county court of Troy district road bond fund.....	276
117. Harrison and Wirt county courts authorized to transfer dog tax fund to general county fund.....	277
118. Jefferson county court authorized to transfer road funds to general county fund	277
119. Kanawha county court authorized to transfer seven thousand, four hundred dollars from dog tax fund to general county fund.....	278
120. Logan county court authorized to transfer dog tax fund to general county fund	278
121. Marion county court authorized to transfer dog tax fund to general county fund	279
122. Ohio county court authorized to transfer dog tax fund to general county fund	279
123. Ritchie county court authorized to transfer dog tax fund to general county fund	280
124. Roane county court authorized to transfer eight hundred dollars from dog tax fund to general county fund.....	280
125. Wirt county court authorized to transfer three hundred dollars from collection of prohibition enforcement fees to general county fund.....	281

SPECIAL LAWS (COUNTY COURTS MODIFIED)

126. Pendleton county court to consist of three members.....	281
127. Tucker county court to consist of three members.....	283
128. Tyler county court to consist of three members.....	284

SPECIAL LAWS (BOARDS OF EDUCATION AUTHORIZED TO BORROW MONEY OR TRANSFER FUNDS)

129. Berkeley county board of education authorized to borrow money to erect school buildings	286
130. Calhoun county board of education authorized to borrow money to erect school buildings.....	287
131. Doddridge county board of education authorized to borrow not to exceed two hundred thousand dollars to erect a high school building.....	289
132. Hancock county board of education authorized to borrow money to erect school buildings	293
133. Jackson county board of education authorized to borrow not to exceed two hundred thousand dollars to erect a high school building at Ripley...	295
134. Kanawha county board of education authorized to convey land for erection of school buildings.....	299
135. Mercer county board of education authorized to borrow not to exceed one hundred twenty-five thousand dollars to erect a high school building at Athens	301
136. Mercer county board of education authorized to borrow not to exceed one hundred thousand dollars to erect a high school building for colored pupils in Bluefield.....	305
137. Mercer county board of education authorized to convey land for erection	

SPECIAL LAWS (BOARDS OF EDUCATION AUTHORIZED TO BORROW MONEY OR TRANSFER FUNDS)—(Continued)

Chapter	Page
of school building for negroes in Bramwell.....	309
138. Mercer county board of education authorized to transfer East River district school funds to state sinking fund commission.....	311
139. Monongalia county board of education authorized to convey land for erection of school buildings.....	312
140. Monroe county board of education authorized to borrow money to remodel Greenville high school building.....	314
141. Morgan county board of education authorized to convey land for erection of school buildings.....	315
142. Pocahontas county board of education authorized to convey land for erection of school buildings.....	317
143. Preston county board of education authorized to convey land for erection of school buildings.....	318
144. Putnam county board of education authorized to convey land for erection of school buildings.....	320
145. Raleigh county board of education authorized to convey land for erection of school buildings.....	322
146. Raleigh county board of education authorized to convey land for the erection of a high school building for colored pupils.....	323
147. Ritchie county board of education authorized to convey land for erection of school buildings.....	324
148. Taylor county board of education authorized to purchase fractional interests in a building and lease other fractional interests in same.....	326
149. Tucker county board of education authorized to issue bonds for construction of high school gymnasiums and/or auditoriums at Parsons and Thomas	327
150. Wood county board of education authorized to convey land for the erection of school buildings.....	329
151. Wyoming county board of education authorized to convey land for the erection of school buildings.....	330

SPECIAL LAWS (MUNICIPALITIES, INCLUDING CHARTERS)

152. Town of Alderson authorized to borrow money for water and sewer lines	332
153. Town of Alderson authorized to borrow money to erect a municipal building	333
154. City of Bluefield authorized to borrow money to erect a stadium.....	334
155. City of Bluefield authorized to borrow money to erect a city market.....	336
156. Charleston charter (new).....	337
157. Charles Town charter (amendment, city officials).....	337
158. Town of Charles Town authorized to borrow money to remodel municipal building	439
159. City of Clarksburg authorized to transfer four special funds to general fund	439
160. City of Grafton authorized to set aside five thousand dollars annually to repay money borrowed for municipal hospital.....	439
161. Huntington charter (new).....	441
162. Huntington board of park commissioners charter (amendment, levies)....	539
163. Huntington board of park commissioners charter (amendment, levies)....	532
164. Town of Hundred authorized to impose franchise and privilege taxes...	533
165. City of Moundsville authorized to borrow money to erect community and municipal buildings.....	534
166. City of Moundsville authorized to transfer street paving fund to general fund	535
167. City of Mount Hope authorized to borrow money to erect a municipal stadium	536
168. Parkersburg charter (amendment, Camden-Clark Memorial hospital)....	537
169. Wheeling charter (amendment, Center Wheeling Market).....	544

SPECIAL LAWS (NOT CLASSIFIED)		Page
Chapter		
170.	Financial relief for Harry E. Brown.....	554
171.	Relieving Earl L. Davis, Clerk Doddridge county circuit court, of payment of certain sums paid him as costs.....	552
172.	Relieving S. S. Plymale, Clerk Wayne county circuit court, of payment of certain sums paid him as costs.....	553

HOUSE CONCURRENT RESOLUTIONS		Page
Number		
2.	Adopting joint rules for the Senate and House of Delegates.....	554
3.	Providing for a joint assembly to hear message of the Governor.....	554
5.	Raising special joint Committee on Home Relief.....	554
6.	Relating to providing revenue for support of schools.....	555
7.	Memorializing Congress to pass old age pension law.....	556
8.	Raising joint special committee to draft legislation to carry out Tax Limitation Amendment	556
9.	Providing for a recess of the Legislature.....	557
10.	Providing for a joint assembly to hear address by the Honorable John J. Cornwell	557
11.	Concerning the death of the Honorable J. Luther Wolfe.....	558
13.	Raising a joint assembly to hear address of the Honorable Howard O. Hunter	559
14.	Opposing Prince Plan for consolidation of railroads.....	560
15.	Relating to paying third month's basic salary of teachers.....	561
17.	Pledging Legislature to provide relief for unemployed.....	562
18.	Endorsing state North-South high school football game.....	562
19.	Requesting the Governor to use moneys from emergency appropriation for Attorney General's office.....	563
20.	Directing Auditor to pay claim of Nancy Reedy.....	564
24.	Providing for a recess of the Legislature.....	564
26.	Designating state route No. 7, as Lewis Wetzel Trall.....	565
27.	Relating to maintaining an adequate term of school.....	565
28.	Requesting Attorney General to petition Supreme Court of Appeals for rehearing on H. B. No. 64.....	566
30.	Concerning the "Hawes-Cooper act".....	567
31.	Approving federal loan to State Conservation Commission.....	568
32.	Requesting Congress to continue the C. W. A.....	569
34.	Providing for a joint assembly to hear address by the Governor.....	570
37.	Providing for a recess of the Legislature.....	570
38.	Endorsing state's Presidential birthday ball.....	571
40.	Requesting Public Service Commission to reduce Huntington water rates..	571
42.	Commending officials and employees of state agency of Home Owners' Loan Corporation	572
44.	Requesting the President to approve report of Wild Life Restoration Committee	573
45.	Directing Insurance Commissioner to make survey of insurance laws and companies	573
46.	Inviting the Governor to address a joint assembly on fiscal affairs of the state	574
47.	Raising a joint committee to wait upon the Governor.....	575
49.	Providing for a joint assembly to hear an address by the Governor.....	575
50.	Concerning relief for unemployment and destitution.....	576
53.	Relating to the death of the Honorable James H. Strickling.....	577
54.	Relating to achievements of certain students at state university and commending Board of Governors and faculty.....	578
55.	Requesting Board of Public Works to borrow money to pay teachers' salaries	579
57.	Relating to a survey and report upon riverways and water resources of the state	580
58.	Relating to adjournment sine die.....	581

HOUSE JOINT RESOLUTIONS

Number	Page
1. Ratifying child labor amendment to constitution of the United States..	581
4. Proposing an amendment to section six, article thirteen of state constitution, relative to assessment and redemption of undivided interests in land	583

HOUSE RESOLUTIONS

Number	Page
1. Adopting rules of the House of Delegates.....	584
2. Concerning death of the Honorable Thomas J. Robson.....	585
3. Raising a committee to inform the Senate that the House of Delegates had assembled with a quorum present.....	585
4. Concerning eligibility of attaches.....	586
5. Authorizing appointment of attaches.....	586
7. Inviting the Honorable John J. Cornwell to address House.....	588
9. Authorizing payment of janitors.....	589
10. Relative to permission to examine records of Internal Revenue Department	590
13. Pertaining to legislation for maintenance of public schools.....	591
14. Relating to enabling legislation under Tax Limitation Amendment.....	592
15. Authorizing postage for use of Clerk.....	592
17. Continuing the committee to investigate utilities.....	592
18. Concerning study of expenses of state and local governments.....	593
19. Extending thanks to A. M. Gilbert, retiring doorkeeper.....	595
20. Expressing sympathy to Delegate Hill in illness.....	595
21. Concerning death of Honorable G. T. Epling.....	595
22. Relating to death of Honorable Joseph H. Cooper.....	596
23. Directing committees on Taxation and Finance and Education to make certain investigations and reports.....	597
24. Raising committee to study sources of revenue in various states.....	598
25. Relative to persons entitled to privilege of the floor.....	598
28. Requesting Auditor to furnish information relative to School Land Commissioners	599
29. Authorizing payment of salaries of members appointed by the Governor...	599
30. Wishing all citizens of state a merry Christmas.....	601
33. Relating to illness of Delegate Norton's father.....	601
34. Authorizing payment of mileage of members.....	601
36. Authorizing payment of expenses of committee to investigate state university	602
37. Concerning illness of Delegate Arbogast.....	602
38. Requesting state departments to give loyal support to N. R. A.....	603
39. Authorizing payment of expense of committee to attend Inter-state Truck and Bus Conference.....	603
40. Expressing confidence in Speaker and Clerk.....	604
41. Relating to introduction of charter bills.....	604
43. Extending sympathy to Delegate and Mrs. Harvey D. Beeler on injury of son	605
44. Granting permission to introduce Charleston charter bill.....	605
45. Raising committee to investigate penitentiary wall.....	606
46. Raising committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties.....	607
47. Requesting state athletic commission to make report to Legislature.....	608
48. Authorizing payment of expenses of committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties.....	609
49. Requesting the Auditor to make investigation of fire insurance companies	609
50. Inviting Congressmen to present views on congressional redistricting.....	611
54. Authorizing payment of expenses of committee to investigate penitentiary wall	611

HOUSE RESOLUTIONS—(Continued)	
Number	Page
57. Extending congratulations to Delegate and Mrs. Robert S. Starcher on birth of daughter.....	612
60. Concerning appointment of Delegate Tallman as head coach at state university	612
62. Suspending rules of the House	613
63. Relating to examinations for second grade teachers' certificates.....	613
64. Authorizing Rules Committee to arrange special calendar.....	614
65. Authorizing payment of members for expenses during session.....	614
68. Raising committee to investigate loan to the Ferguson Hotel Corporation	614
69. Authorizing payment of expenses of committee to investigate loan to Ferguson Hotel Corporation.....	615
70. Authorizing payment of expenses of committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties.....	616
72. Authorizing appointment of lobby committee to appear before Senate committees in interest of certain House bills.....	616
73. Concerning illness of Senator John C. Myers.....	617
74. Raising committee to appear before Senate Judiciary committee on "municipal home rule bill".....	617
75. Concerning death of Honorable Joseph S. Thurmond.....	618
76. Relating to use of House offices and furniture.....	619
77. Expressing appreciation to Dr. John F. Sly and staff for services.....	620
78. Raising a committee to investigate tax legislation.....	620
80. Extending sympathy to Delegate LaFon in illness.....	621
81. Directing Clerk to mail Journals, Bills and Acts to members.....	621
83. Authorizing printing of Journals and Bills.....	622
84. Authorizing printing and distribution of Acts.....	623
85. Requesting the Governor to convene the Legislature in extraordinary session	624
86. Raising a committee to notify Senate that House was ready to adjourn sine die	625

SENATE CONCURRENT RESOLUTIONS

Number	Page
1. Raising a committee to notify Governor Legislature was in session.....	625
3. Providing for payment of legislative expenses in advance of appropriation	625
4. Relative to death of Honorable C. P. Craig.....	626
5. Relating to payment of salaries of school teachers.....	627
6. Raising a joint special committee to investigate C. W. A. administration in state	627
8. Concerning investigation of Huntington water rates.....	628
9. Requesting Budget Commission to submit supplemental budget.....	629
12. Concerning death of Honorable James S. Lakin.....	630
13. Concerning death of Honorable Kenna K. Hyre.....	631
14. Approving organization of George Washington Foundation Association...	632
16. Raising a joint committee to wait upon the Governor.....	634

SENATE RESOLUTIONS

Number	Page
1. Raising committee to inform House that Senate was in session.....	634
2. Adopting rules of the Senate.....	635
3. Authorizing Clerk to mail Journals and Bills.....	635
4. Authorizing printing of old age pension law.....	636
5. Inviting Honorable John J. Cornwell to address Senate.....	636
6. Expressing sympathy to Senator Neale on illness of son.....	637
7. Authorizing appointment of attaches.....	637

SENATE RESOLUTIONS—(Continued)	
Number	Page
8. Extending thanks to Honorable C. D. Dotson, retiring Sergeant-at-Arms	008
9. Relating to legislation for support of schools.....	038
10. Fixing per diem of assistant janitors.....	039
11. Fixing per diems of officers and attaches.....	040
12. Authorizing payment of persons for services preliminary to session.....	040
13. Raising committee to consider and prepare revenue measures.....	041
14. Charging C. C. Morris with an assault on Senator Henderson.....	041
15. Expunging a Senate resolution from the Journal.....	042
16. Dispensing with services of certain attaches.....	042
17. Opposing ratification of Great Lakes-St. Lawrence waterways treaty.....	043
19. Concerning payment of state income tax.....	044
20. Dispensing with services of attaches during recess.....	045
21. Extending sympathy to Senator Hyre on death of father.....	045
23. Extending sympathy to Senator Myers in illness.....	046
25. Extending per diem of officers and attaches to complete work of session..	047
26. Providing for janitor service after adjournment.....	048
27. Raising a committee to notify House that Senate was ready to adjourn sine die.....	049

PROCLAMATION

OF

HIS EXCELLENCY, THE GOVERNOR,

CALLING THE LEGISLATURE OF WEST VIRGINIA TO CONVENE IN EXTRAORDINARY SESSION ON NOVEMBER 21, 1933, AND ALSO STATEMENT SENT MEMBERS OF THE LEGISLATURE AND GIVEN TO THE PRESS BY HIS EXCELLENCY AT THE TIME HE ISSUED SAID PROCLAMATION.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

CHARLESTON
A PROCLAMATION
BY THE GOVERNOR

I, H. G. Kump, Governor of the State of West Virginia, by virtue of the authority conferred on me by section seven of article seven of the Constitution of this State, do hereby call the Legislature of West Virginia to convene in extraordinary session at two o'clock on the afternoon of the twenty-first day of November, one thousand nine hundred thirty-three, for the following purposes:

First: To enact enabling legislation under the "Tax Limitation Amendment" in order that taxes may be levied, collected and disbursed, and that regulations may be provided therefor.

Second: To enact legislation providing and appropriating additional revenue to effect:

1. The continuation of orderly government in counties and municipalities, and
2. The support of free schools.

Third: To provide and appropriate additional revenue for temporary supplemental aid and unemployment relief for the duration of the present emergency.

Fourth: To enact legislation for the relief of municipalities by:

1. Simplifying municipal government,
2. Authorizing the transfer of funds levied for special purposes to general purposes,
3. Providing additional sources of revenue, including business licenses and registration fees for motor vehicles owned in municipalities, and
4. Authorizing the promotion of self-liquidating projects and the borrowing of funds for this purpose from federal, state and private agencies.

Fifth: To enact general legislation to meet the unprecedented problems of local subdivisions and to create agencies for raising and distributing revenue in order to aid local services and to relieve local debt.

Sixth: To enact legislation to protect our citizens against the unnecessary loss of their property through the foreclosure of liens, and to enact measures co-ordinating and co-relating state statutes with federal statutes of like import.

Seventh: To enact legislation authorizing governing boards of state educational institutions and county boards of education to promote educational projects through the construction of buildings and the provision of other facilities; and to borrow funds for these purposes from any federal, state or private agency.

Eighth: To authorize the more efficient utilization of state property and to supply deficiencies in appropriations for state boards and institutions.

Ninth: To provide and appropriate funds to match federal grants in aid.

Tenth: To enact legislation redistricting the state, providing for the apportionment of representation in the House of Representatives in the Congress of the United States and for the apportionment of representation in the House of Delegates and the Senate of the State of West Virginia.

Eleventh: To enact legislation defining the offense and fixing the penalty for the crime of kidnapping.

Twelfth: To propose constitutional amendments to harmonize the provisions of the Constitution and the amendments thereto.

Thirteenth: To consider and act upon the revocation and withdrawal of the constitutional amendment and enabling act thereunder proposed at the regular session of the Legislature, one thousand nine hundred thirty-three, for the repeal of the "State Prohibition Amendment," and to propose another constitutional amendment in lieu thereof.

Fourteenth: To make the necessary appropriations of public moneys to pay the expenses of this extraordinary session and to provide funds for the administration of laws enacted.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(GREAT SEAL) Done at the Capitol in the City of Charleston, this second day of November, in the year of our Lord, one thousand nine hundred thirty-three and of the State the Seventy-First.

By the Governor:

H. G. KUMP,

WM. S. O'BRIEN,

Secretary of State.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
CHARLESTON

November 2, 1933

To the Members of the Senate and House of Delegates:

The Legislature has been called to convene in extraordinary session on the afternoon of November 21. It has been but a few months since you were called to a similar duty, and only an emergency that threatens our very statehood prompts me to reconvene you again at this time. Your legislative record is historical. In a short one hundred days you balanced the budget, provided for the appalling state deficit, absorbed several million dollars of old expenditures in new economies, established an assured revenue and enacted progressive measures unequalled in local records. Your action was prompted by patriotic impulse, directed with intelligent integrity and resulted

in splendid achievement. No doubt you will return to the problems that perplexed you last spring with something of languishing hopes. I approach them with fatigue, but your confidence is unshaken and, therefore, I do not despair.

The situation is now more technical and difficult than before but we must not yield the ground that has been gained, nor will we willingly permit the change of our state from a sound governmental unit to a humiliated receivership.

Therefore, I call you together at this time to counsel with me as to what can be done to restore and sustain orderly government, preserve the security of our people and maintain our free institutions.

Apparently we have deprived ourselves of all constitutional guarantees of local government, or, at best, so beclouded their status as to make them meaningless as legal guides. Indeed, it is suggested that there is "no prejudice to the people, if some governmental units do fail," and that the "Tax Limitation Amendment" authorizes the "alteration or even termination of any constitutional unit or scheme which cannot survive under the reduced levies." It is believed that these suggestions were not intended to mean what the language imports, but they accentuate the dangers that impend. Life, liberty, property and the pursuit of happiness, depend upon efficient government and effective administration.

Let it be observed now and here, that the limited levies provided in the "Tax Limitation Amendment," are sufficient for current governmental needs but they are not sufficient for such needs and also to pay for the extravagance, waste and folly of recent years.

In a general way the situation seems to be this: In 1931 the total levy on general property for state and local purposes other than debt services was some \$42,000,000.00. Under H. B. 314 the maximum property tax which could possibly be levied for the same purposes was \$25,000,000.00. This was the maximum available. Actual governmental needs would not have required the full amount. This represented a reduction of some 40 per cent throughout the state at large and preserved the spirit and purpose of the "Tax Limitation Amendment."

In 1931 the public utilities of the state paid \$12,500,000.00 of the general property tax for state and local purposes other than debt

services—some 34 per cent of the total. Under your legislation of last spring they were to contribute \$9,300,000.00 of the \$25,000,000.00 available—some 38 per cent of the total. To make up the saving that the "Tax Limitation Amendment" gave to them, the public utilities were made liable for an additional \$3,500,000.00—one-third of all indirect taxes under the general revenue bill.

It is impossible to approximate the decrement in the revenue under the Court's interpretation of the Amendment until the effect, or incidence, thereof can be ascertained, but it is believed that such decrement will amount to approximately one-third of the total direct property tax. According to the figures provided by the Tax Commissioner's office, it appears that public utility property tax for the year 1933, will be reduced \$2,994,731.00 by such interpretation, from the amount such utilities would have paid under the approved levies in accordance with H. B. 314. This assumes that the state tax amounting to \$1,143,795.00 is outside the limited levies. If the state tax is within the limited levies, then such savings to public utilities is \$4,138,526.00. This is only one item of the amount that must be replaced or absorbed in reduced services. It illustrates our problem.

The Federal Emergency Relief Administration calls upon West Virginia to provide approximately \$500,000.00 a month for human relief to supplement federal allocations therefor.

The extent of indirect taxation necessary to balance such a loss and to provide this relief, staggers the imagination. Furthermore, such indirect taxation is confused in a maze of legal uncertainties, making accurate estimate impossible.

The first item of the call has to do with the enabling legislation under the "Tax Limitation Amendment" and to authorize the levy, collection and disbursement of taxes. This involves the amendment of H. B. 314, passed at the last regular session of the Legislature, making it conform to the "Tax Limitation Amendment" as interpreted by the Supreme Court of Appeals.

When H. B. 314 was drafted it was believed to embody not only the best, but, the only practicable, solution of the problems presented by the "Tax Limitation Amendment." Every painstaking care was exercised to preserve the intent of the amendment. Home-

owner, farmer, laborer and small business man, loomed large in this legislation and savings of from 40 to 60 per cent in property taxes were secured to farm and home. That is but simple justice. Now, this legislation must be completely altered and myriads of legal questions involved in a strange tax system to be set up will require your most patient attention. The second and third items of the call, namely; providing additional revenue for the continuation of orderly government in counties and municipalities; the support of free schools, and supplemental aid for unemployment relief, merge, largely, into the first item. The amendment of H. B. 314 to conform to the ruling of the Court is simple enough but the effect thereof, if the constitutional guarantee of uniform and equal treatment is respected, deprives many counties and municipalities of any revenue for current governmental expenses and reduces such revenue in other counties and municipalities to such an extent that they cannot function. "There's the rub." If the debt requirements of such counties and municipalities are otherwise provided for, then, all is well. How this may be done is one of our problems. Providing revenue for human relief is another.

It is believed that the relief of stricken counties and municipalities must be effected by finding a way to release the levies impounded by kindred subdivisions burdened with debt services. We have heretofore believed that section 6, article X of the Constitution precludes the state from coming to the relief of a debt-ridden "county, city or township," but, in the extremity, when the state has permitted the governmental units within her confines to become so involved in their fiscal affairs that essential governmental functions are failing for want of revenue, I am impelled to request you to consider whether or not it is the duty of the state to extricate the local governmental units from their difficulties by providing revenue in aid of their maintenance, or debt requirements, in whole or in part. This would involve certain inequities as between localities that have wisely administered their fiscal affairs and those that have been profligate, but necessary governmental adjustments cannot always avoid some injustices.

The purposes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh items of the call require no comment. The twelfth item of the call is purposed to enable us to bring the "Tax

Limitation Amendment" into harmony with other provisions of the Constitution and to make that instrument as a "seamless garment." The purposes of the "Tax Limitation Amendment" must and will be preserved, but government must go on, and, we are honorable people and will pay our debts. It was the purpose of the "Tax Limitation Amendment" to relieve the home-owner, farmer, laborer and small business man, from the excessive burden of taxation under which they have languished to prostration. That relief has been carefully safeguarded by you, but, in order that it may remain secure, there must run along beside it a strong and effective government.

The thirteenth item of the call is intended to open the way toward modernizing the "Prohibition Amendment" to the Constitution and clarify its provisions.

The purpose of the fourteenth item of the call is manifest.

Many worthy suggestions and requests have been made for the inclusion in the call of other subjects for consideration, but it has seemed to me that, so far as it was possible to do so, this extraordinary session should be confined to providing the means to restore local self-government and for human relief.

The enormity of your task is apparent. The pressing problems are of the utmost difficulty—some believe them beyond adequate solution at this time. They are not of our making. We found them upon our doorstep. They are strange to the history of American legislation, jurisprudence and finance. Our responsibility is clear—it is to work them out.

The executive branch of the state government is at your command.

H. G. KUMP,
Governor.

LEGISLATURE OF WEST VIRGINIA

ACTS OF 1933

SECOND EXTRAORDINARY SESSION

CHAPTER 1

(Senate Bill No. 149—By Mr. Abbot)

AN ACT making appropriations of public moneys out of the treasury for the expenses of this extraordinary session of the Legislature.

[Passed March 24 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.		Sec.	
1.	Appropriations for legislative printing, expenses joint investigating committee and governor's civil contingent fund.	2.	Appropriations for legislative expenses of Senate.
		3.	Appropriations for legislative expenses of House of Delegates.

Be it enacted by the Legislature of West Virginia:

That there is hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred thirty-four, the following sums of money for the following named purposes:

2	Section 1. Legislative printing, binding and stationery	\$50,000.00
3	Expense joint CWA investigating committee, one-	
4	half to be paid by each house	727.40
5	To reimburse Governor's civil contingent fund,	
6	amount paid for expenses Bureau for Govern-	
7	ment Research of West Virginia University, as	
8	shown by itemized statement filed with Chairman	
9	Senate Finance Committee, one-half to be paid by	
10	each house	1,891.03

SENATE

2	Sec. 2. Salary of members	\$ 500.00
3	2 Mileage of members and officers for the second extra-	
4	3 ordinary session, one thousand nine hundred thir-	
5	4 ty-three	984.30
6	5 President of the Senate, two dollars per day as pre-	
7	6 siding officer for one hundred twenty-four days	248.00
8	7 <i>Compensation and Per Diem of Other Elective Officers</i>	
9	8 Compensation of the Clerk of the Senate	2,232.00
10	9 Compensation of the Sergeant-at-Arms	1,116.00
11	10 Compensation of the Doorkeeper	1,116.00
12	11 Compensation of attaches, superintendent capitol	
13	12 building and grounds and assistant janitors	30,348.00
14	13 Contingent fund of the Senate	15,000.00
15	14 The Clerk of the Senate, with the approval of the	
16	15 President of the Senate, is authorized to draw his	
17	16 warrants upon the Auditor, payable out of the con-	
18	17 tingent fund, for any bills for supplies and services	
19	18 that may have been incurred by the Senate and not	
20	19 included in this appropriation bill, and for bills for	
21	20 supplies and services incurred after adjournment,	
22	21 the requisition for same to be accompanied by a bill	
23	22 to be filed with the Auditor.	
24	23 <i>Miscellaneous Appropriations</i>	
25	24 Laird Office Equipment Company	\$ 1,145.82
26	25 Julius Singleton, P. M., stamps	1,517.50
27	26 Chesapeake and Potomac Telephone Co.	2,049.35
28	27 Tripure Water Company	28.80
29	28 Diamond Ice and Coal Co.	29.68
30	29 Evatype Rubber Stamp Co.	16.35
31	30 E. S. Welton services	582.00
32	31 Winter Floral Co.	12.50
33	32 Frances Owens, typewriter rental	29.00
34	33 Charleston Cut Flower Company, flowers	56.70
35	34 Clutter Typewriter Company, rentals and supplies	294.90
36	35 Ruth Copenhagen, services	246.00
37	36 Smith and Brooks, supplies	16.38
38	37 Expenses preliminary to organization	426.00
39	38 Ada H. Ford, services	486.00
40	39 Central Ohio Paper Co.	9.61
41	40 Western Union Telegraph Co.	25.67
42	41 J. E. and F. L. Thomas, supplies	19.08

42	H. R. Judy, keys	1.75
43	C. D. Elliott, Sergeant-at-Arms, expenses incurred	
44	for assistant Sergeants-at-Arms and automobile	
45	hire, under the order of the Senate on December	
46	18, 1933, to bring in absent members	82.50
47	Coyle and Richardson, wool crepe	7.80
48	Commercial Envelope Company, envelopes	84.50
49	S. Spencer Moore and Co., rentals and supplies	477.00

HOUSE OF DELEGATES

Sec. 3. Mileage of members and officers of the

2	House of Delegates	\$ 3,051.90
3	Per diem of Speaker, as presiding officer, one hun-	
4	dred and twenty-four days at two dollars per day	248.00
5	Contingent fund House of Delegates	27,500.00
6	<i>Compensation of Other Elective Officers</i>	
7	Compensation of Clerk, one hundred twenty-four	
8	days at fifteen dollars per day	1,860.00
9	Compensation of the Sergeant-at-Arms, one hundred	
10	twenty-four days at nine dollars per day	1,116.00
11	Compensation of Doorkeeper, one hundred twenty-	
12	four days at seven dollars and fifty cents per day	930.00
13	<i>Compensation of Attaches</i>	
14	Per diems of attaches, appointed by the Speaker	41,827.00
15	The Sergeant-at-Arms of the House of Delegates,	
16	with the approval of the Speaker of the House, is	
17	authorized to draw his warrants upon the Auditor,	
18	payable out of the contingent fund, for any bills for	
19	supplies and services that may have been incurred	
20	by the House of Delegates and not included in this	
21	appropriation bill, for bills for supplies and services	
22	incurred after adjournment, the requisition for	
23	same to be accompanied by a bill to be filed with the	
24	auditor, but no payment shall be made to attaches	
25	under this paragraph.	
26	<i>Miscellaneous Appropriations</i>	
27	Expense of Utility Investigating Committee raised	
28	under H. R. No. 17	2,140.50
29	Expenses of Committee to Investigate Walls of the	
30	State Penitentiary raised under H. R. No. 54	90.00
31	Expenses of Committee to Investigate CWA and Wel-	
32	fare Departments in Braxton and Jackson coun-	

33	ties, raised under H. R. No. 48	648.48
34	Expenses authorized under H. R. No. 10	50.00
35	Expenses of Committee to attend Inter-State Truck	
36	and Bus Conference, authorized by H. R. No. 39	137.00
37	Expenses of Committee raised under H. R. No. 36 to	
38	investigate affairs of the West Virginia Univer-	
39	sity	176.89
40	Postage	1,591.00
41	W. W. Martin, Sergeant-at-Arms, expenses incurred	
42	attending funeral of Joseph S. Thurmond	3.70
43	S. Spencer Moore and Co., furniture, office supplies,	
44	rentals	1,048.46
45	Brawley Hardware Co., supplies	4.41
46	Evatype Rubber Stamp Co., rubber stamps	1.90
47	H. R. Judy, keys and repairs	11.00
48	Lowenstein and Co., hardware supplies	2.45
49	Laird Office Equipment Co., furniture and office sup-	
50	plies	366.39
51	Smith and Brooks, supplies	80.16
52	The Shorthand Reporter	6.86
53	J. E. and F. L. Thomas, office supplies	45.38
54	Underwood Elliott Fisher Co., typewriter rentals and	
55	supplies	331.78
56	C. W. Wendall, stapling machines, etc.	14.40
57	Winter Floral Co., flowers	70.20
58	Diamond Ice and Coal Co., ice	38.50
59	Kanawha Novelty Works, keys	7.10
60	Southern Hardware Co., office supplies	171.00
61	C. and P. Telephone Co., telephone service	1,048.23
62	Clutter Typewriter Co., typewriter rentals and sup-	
63	plies	93.00
64	Western Union	1.53
65	Bond-Rider-Jackson Co., supplies	1.32
66	Rockne Taxi Service, taxi service	15.50
67	Timberlake's Drug Co., supplies	13.90
68	O. C. Parsons, typewriter rental	18.00
69	Julia Lewis Roseberry, services	49.00
70	Charleston Towel Supply Co., towel services	5.00
71	W. W. Martin, services preliminary to opening of	
72	session	150.00
73	T. B. Davis, Supt. of Capitol Bldg., and Grounds	248.00
74	Sam White, janitor service	84.00

75 John Campbell, services	16.00
76 Charleston Cut Flower Co., flowers	15.75
77 Janitor service, preliminary to session	172.00
78 Boisy Green, janitor service	20.00

CHAPTER 2

(Senate Bill No. 111—By Mr. Abbot)

AN ACT to make a supplementary appropriation for current general expenses of the public service commission and providing the revenue therefor.

[Passed March 7, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriation for current general expenses of the public service commission.
2. Special license fees for public utilities; how fixed and amount;

SEC.

3. fees kept in treasury as special fund; purposes for which used. Appropriations, if not used before, carry over to July 1, 1936.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby appropriated out of the treasury 2 for the fiscal year ending June thirtieth, one thousand nine 3 hundred thirty-four, and for the fiscal year ending June 4 thirtieth, one thousand nine hundred thirty-five, to pay current 5 general expenses of the public service commission for addi- 6 tional investigations, reports and valuations of utilities subject 7 to the regulations of the public service commission under the 8 provisions of chapter twenty-four, code of West Virginia, one 9 thousand nine hundred thirty-one, in addition to the appro- 10 priation made by sub-section "G", section ninety-four, chapter 11 one, acts of the Legislature, first extraordinary session, one 12 thousand nine hundred thirty-three, the sum of ninety thou- 13 sand dollars for each of said years.

Sec. 2. There shall be paid by all public utilities subject 2 to the provisions of chapter twenty-four, code of West Vir- 3 ginia, one thousand nine hundred thirty-one, a special license 4 fee in addition to any and all those such fees now required 5 by law. The amount of such fees shall be fixed by the auditor 6 and the amount so levied upon each of such public utilities 7 shall be in the proportion which the total sum of intra-state 8 business done by each such public service corporation bears 9 to the total of all intra-state business done by public service 10 corporations subject to regulation by the public service com- 11 mission so as to produce a revenue of ninety thousand dollars

12 per annum, or so much thereof as may be necessary, in addition to such fees as may be fixed by the auditor under the provisions of section six, article three, chapter twenty-four of the code, which shall be paid on or before the first day of May, one thousand nine hundred thirty-four for the fiscal year beginning July first, one thousand nine hundred thirty-three and on or before the first day of August, one thousand nine hundred thirty-four for the fiscal year beginning July first, one thousand nine hundred thirty-four. Such sums of ninety thousand dollars, or so much thereof as may be necessary, shall be paid into the state treasury and kept as a special fund designated "Supplementary Public Service Commission Fund" and expended in the manner appropriated by section one of this bill for the purpose of paying the expenses of the commission, and the salaries, compensations, costs and expenses of its employees in making the investigations, reports and valuations therein provided for.

Sec. 3. If any part of the appropriation made by this bill shall not be expended in either of the fiscal years for which appropriated, the fund shall not be retired but may be expended at any time thereafter prior to the first day of July, one thousand nine hundred thirty-six for the purposes for which the same is hereby appropriated.

CHAPTER 3

(Senate Bill No. 123—By Mr. Hodges).

AN ACT to amend and reenact section one, article three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to the state road fund, providing for an expenditure therefrom for the relief of destitution.

[Passed March 2, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Sources of state road fund; purposes for which used, including two hundred fifty thousand dol-

SEC.

lars for human relief during fiscal year ending June 30, 1934.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended

by chapter forty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 1. There shall be a state road fund, which shall consist of the proceeds of all state license taxes imposed upon automobiles or other motor or steam driven vehicles; the registration fees imposed upon all owners, chauffeurs, operators and dealers in automobiles or other motor driven vehicles; all sums of money which may be donated to such fund; all proceeds derived from the sale of state bonds issued pursuant to any resolution or act of the legislature carrying into effect the "road amendment" to the constitution of this state, adopted in the month of November, one thousand nine hundred twenty and the "road amendment" to the constitution of this state, adopted in the month of November, one thousand nine hundred twenty-eight; all moneys and funds appropriated to it by the legislature; all moneys and funds allotted or appropriated by the federal government to this state for road construction and maintenance pursuant to any act of the congress of the United States; the proceeds of all taxes imposed upon and collected from any person, firm or corporation and of all taxes or charges imposed upon and collected from any county, district or municipality for the benefit of such fund; the proceeds of all judgments, decrees or awards recovered and collected from any person, firm or corporation for damages done to, or sustained by, any of the state roads or parts thereof; all moneys recovered or received by reason of the violation of any contract respecting the building, construction or maintenance of any state road; all penalties and forfeitures imposed, recovered or received by reason thereof; and any and all other moneys and funds appropriated to, imposed and collected for the benefit of such fund, or collected by virtue of any statute and payable to such fund.

When any money is collected from any of the sources aforesaid, it shall be paid into the state treasury by the officer whose duty it is to collect and account for the same, and credited to the state road fund, and shall be used only for the purposes named in this chapter, that is to say: (a) To pay the principal and interest due on all state bonds issued for the benefit of said fund, and set aside and appropriated for that purpose; (b) to pay the expenses of the administration of the road department;

38 (c) to pay the cost of maintenance, construction, reconstruction
 39 and improvement of all primary roads; (d) to pay the cost,
 40 maintenance, construction, reconstruction and improvement of
 41 all secondary roads:

42 *Provided, however,* That from any money credited to said
 43 state road fund and not required for the purposes of clauses
 44 (a) and (b), and not required for the performance of any con-
 45 tracts heretofore made for the purposes of said clauses (c) and
 46 (d), during the fiscal year beginning July first, one thousand
 47 nine hundred thirty-three and ending June thirtieth, one thou-
 48 sand nine hundred thirty-four, not exceeding two hundred and
 49 fifty thousand dollars, may be used for the purpose of aiding
 50 in human relief by payment to the governor, or to the depart-
 51 ment of public welfare, in the manner provided by law.

CHAPTER 4

(Senate Bill No. 124—By Mr. Hodges)

AN ACT to amend and reenact section ninety-three, chapter one,
 acts of the Legislature, first extraordinary session, one thou-
 sand nine hundred thirty-three, relating to general appropria-
 tions for the state road commission under a bill known as the
 "Budget Bill" by providing for the use of a part of the state
 road fund for human relief.

[Passed March 2, 1934; in effect from passage. Approved by the Governor.]

Sec. 93. Budget Bill appropriation for state road commission amended to provide for expenditure of	|	SEC. two hundred fifty thousand dol- lars from state road fund for human relief.
---	--	---

Be it enacted by the Legislature of West Virginia:

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

<i>General</i>	1934	1935
Section 93. To pay all expenses		
2 in connection with the assessment		
3 and collection of the tax on gaso-		
4 line; payable on requisition of		
5 State Tax Commissioner	\$13,125.00	\$13,125.00

6 For complying with and carrying
7 out the provisions of law, re-
8 lating to refunds and for refund-
9 ing moneys erroneously paid
10 through the commission into the
11 treasury, such sums are hereby
12 appropriated as may be erro-
13 neously paid.

14 Complying with and carrying out
15 the provisions of law relating to
16 subscription to the Compensation
16-a fund for protection of employees,
17 such sum as may be necessary
18 is hereby appropriated.

19 In addition to the foregoing appropriations the balance or
20 residue of the annual receipts of the state road fund are here-
21 by appropriated for the payment of interest on and principal
22 of outstanding road bonds, for maintenance and construction
23 and reconstruction of state roads, in accordance with the pro-
24 visions of chapter seventeen of the code, as amended by house
25 bill number two, passed May sixteenth, one thousand nine
26 hundred thirty-three:

27 *Provided, however,* There shall be set aside and expended to
28 pay the cost of maintenance, construction, reconstruction and
29 improvement of secondary roads the amount of the transfer
30 from the general revenues of the state for the purpose of
31 supplementing the state road fund, (plus whatever other
32 amount is paid into the state road fund designated by law for
33 secondary roads), after deducting therefrom the proportionate
34 part of administrative expenses which is properly chargeable
35 to secondary roads, as determined by the state road commission
36 of West Virginia:

37 *Provided, however,* That of such balance or residue of said
38 annual receipts not required for the payment of interest on
39 and principal of outstanding bonds and not required for the
40 payment of any contracts heretofore made for the maintenance,
41 construction and reconstruction of state roads, either primary
42 or secondary, for the fiscal year beginning July first, one thou-
43 sand nine hundred thirty-three, and ending June thirtieth,
44 one thousand nine hundred thirty-four, there is hereby ap-
45 propriated for human relief the sum of \$250,000, which may be

46 paid by the state road commission to the governor or to the
47 department of public welfare in the manner provided by law,
48 and the appropriation for the maintenance, construction, re-
49 construction and improvement of state roads, either primary
50 or secondary, or both, is reduced accordingly.

51 To pay claims against the state road commission resulting
52 from personal injury or property damages; this amount ap-
53 propriated for remainder of year ending June thirty, one
54 thousand nine hundred thirty-three, and to remain in effect
55 until claims are paid, to be paid as follows:

56 R. C. Hardman	\$406.65
57 R. F. Casdorph	14.50
58 P. L. Dysard	196.95
59 Tresa Keller	10.50
60 Mrs. G. C. Barber	35.00
61 M. C. Harper	50.00
62 United Pipe & Supply Co.	111.46
63 Atlantic Refining Co.	12.00
64 John E. Ahern	121.24
65 C. F. Cart	9.55
66 John Sandonias	28.00
67 W. R. Morris	10.95
68 Leonard Carter	10.75
69 C. H. Lyles	7.50
70 Verna Casdorph	20.00
71 E. A. Cunningham	150.00
72 Mrs. Lorena McLaughlon	13.50
73 Geo. Duty	200.00
74 J. E. Brown	569.70
75 Bert B. Ross	41.35
76 Clyde Belcher	46.25
77 G. W. Smith	5.00
78 A. F. Allen	100.00
79 C. D. Ross	320.00
80 H. A. Kesling	9.50
81 James S. Kahle	10.50
82 Vada Sears	185.70
83 Angelo Marini	172.50
84 J. W. Flowers	25.00
85 E. P. Connell	22.75
86 U. G. Arnett	138.00

87 O. D. Bubring 252.05
 88 The state road commission is hereby authorized to expend
 89 for the purpose of equipment and supplies to be used in assist-
 90 ing the federal government in its reforestation program in
 91 West Virginia an amount equal to the appropriations which
 92 will remain unexpended and cancel as set out in sections 101,
 93 102 and 103 of sub-section "F" of the "Budget Bill" as
 94 passed by the one thousand nine hundred thirty-one legisla-
 95 ture for the fiscal year ending June thirty, one thousand nine
 96 hundred thirty-three, expenditures to be made upon the order
 97 of the governor.

CHAPTER 5

(Senate Bill No. 125—By Mr. Hodges)

AN ACT to provide for human relief, by directing the state road commissioner to pay to the department of public welfare the sum of two hundred and fifty thousand dollars, and providing for the expenditure thereof by the department of public welfare.

[Passed March 2, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriation to department of public welfare of two hundred fifty thousand dollars to relieve human want.
2. Appropriation to be drawn from state road fund.

SEC.

3. Use of appropriation by department of public welfare, with approval of the Governor.
4. Act to be liberally construed.
5. Declaration of legislature that sufficient revenue is available for this appropriation.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby appropriated for expenditure by the department of public welfare for the purpose of relieving human want and distress the sum of two hundred and fifty thousand dollars.

Sec. 2. The state road commission, by the state road commissioner, is hereby authorized and directed to draw its requisition upon the auditor, payable to the department of public welfare, against the state road fund for two hundred and fifty thousand dollars, upon which the auditor shall issue his warrant for said purpose payable to the department of public welfare, which said warrant when endorsed by the department of public welfare, by the director thereof, shall be deposited with the treasurer to the credit of the department of public welfare.

Sec. 3. The money so paid to the department of public welfare by the state road commission shall be expended by the department of public welfare for the purpose of relieving human want and distress in the state of West Virginia in the manner deemed best by the director of the department of public welfare, with the approval of the governor, and shall be paid out by the treasurer upon proper warrants issued upon the requisition of the director of the department of public welfare.

Sec. 4. This act, being remedial, shall be construed liberally and all officers, departments, boards and commissions are hereby expressly empowered to do all things necessary to carry out the provisions hereof.

Sec. 5. The legislature doth find that the revenues of the state road fund as provided by section one, article three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the legislature, first extraordinary session, one thousand nine hundred thirty-three, not required for the purposes set forth in clauses (a) and (b) thereof, and not required for paying the obligations of any contracts heretofore made under clauses (c) and (d) thereof, are in excess of the amount of this appropriation, and that, therefore, under the provisions of senate bill number one hundred twenty-four, second extraordinary session, one thousand nine hundred thirty-three, amending section ninety-three, chapter forty, acts of the first extraordinary session, one thousand nine hundred thirty-three, it appears from such "Budget Bill," being said chapter one, acts of the legislature of West Virginia first extraordinary session, one thousand nine hundred thirty-three, that there is sufficient revenue available for the appropriation made by this act.

CHAPTER 6

(Senate Bill No. 135—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury for the purpose of granting additional state aid to the support of local schools.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriation of additional five million dollars from state fund general revenue for fiscal year ending June 30, 1934, for free school system for an eight months term; fund transferred on requisition of governor.

SEC.

2. Same appropriation for fiscal year ending June 30, 1935.
3. Appropriation for fiscal year ending June 30, 1934, creates a casual deficit and governor authorized to borrow to meet treasury needs for this appropriation.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been 2 supplemented generally by Title I and specifically for the 3 support of free schools by Title II of "The Supplemental 4 (Emergency) Revenue Act of one thousand nine hundred 5 thirty-four" there is hereby appropriated from the state fund 6 general revenue for the fiscal year one thousand nine hundred 7 thirty-three—one thousand nine hundred thirty-four, the 8 sum of five million dollars in addition to all other appropria- 9 tions made for the free school system in order to make effec- 10 tive the provisions of house bill number two hundred seventy- 11 eight, second extraordinary session, one thousand nine 12 hundred thirty-three, providing for an eight months school 13 term. The fund appropriated hereby shall be transferred from 14 the state fund general revenue to the general school fund on 15 the requisition of the governor at such times and in such 16 amounts as the receipts of the state fund general revenue will, 17 in the opinion of the governor, permit.

Sec. 2. There is hereby further appropriated from the state 2 fund general revenue for the fiscal year one thousand nine 3 hundred thirty-four—one thousand nine hundred thirty- 4 five, the sum of five million dollars to make effective the pro- 5 visions of house bill number two hundred seventy-eight pro- 6 viding for an eight months school term to be transferred to 7 the general school fund on the requisition of the governor in 8 the manner provided by section one hereof.

Sec. 3. The appropriation for the fiscal year one thousand 2 nine hundred thirty-three—one thousand nine hundred

3 thirty-four being in excess of the amount of the revenues that
 4 will be collected from said taxes within said fiscal year the
 5 needs of the treasury to meet said appropriation in anticipa-
 6 tion of the receipt of the revenues provided is hereby declared
 7 to constitute a casual deficit and the governor is authorized
 8 and empowered, in addition to any and all other powers now
 9 vested in him, to raise, from time to time, by temporary loans
 10 not maturing beyond June thirtieth, one thousand nine
 11 hundred thirty-five nor bearing a greater interest than six
 12 per cent per annum, so much as may be needed to supply the
 13 wants of the treasury in carrying out this appropriation.

CHAPTER 7

(Senate Bill No. 136—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury for the purpose
 of granting relief, in cooperation with the federal government,
 to the needy citizens of the state.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriation of one million dol-
 lars for fiscal year ending June
 30, 1934, for human relief; re-
 payment, by governor, of two
 hundred fifty thousand dollars,

SEC.

from appropriation to state
 road fund; appropriation of two
 million dollars for fiscal year
 ending June 30, 1935, for human
 relief.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by Title I of "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four," there
 4 is hereby appropriated to the governor, in order to afford relief
 5 to the needy citizens of the state, and to gain the advantages
 6 of federal cooperation, for the fiscal year one thousand nine
 7 hundred thirty-three—one thousand nine hundred thirty-
 8 four, the sum of one million dollars to be paid as the governor
 9 shall direct, but not to exceed the sum of two hundred fifty
 10 thousand dollars in any one month: *Provided, however,* That
 11 two hundred fifty thousand dollars having heretofore been ex-
 12 pended from the state road fund for this purpose in anticipa-
 13 tion of this appropriation for the fiscal year one thousand nine
 14 hundred thirty-three—one thousand nine hundred thirty-
 15 four, the governor may repay from this appropriation the sum

16 of two hundred fifty thousand dollars to the state road
17 fund.

18 For the fiscal year one thousand nine hundred thirty-four
19 —one thousand nine hundred thirty-five there is hereby
20 appropriated two million dollars payable in monthly install-
21 ments as the governor shall direct, but not to exceed the sum
22 of two hundred fifty thousand dollars within any one month.

* CHAPTER 8

(Senate Bill No. 137—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury for the purpose
of cooperating with the federal government in the establish-
ment of public employment offices.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of five thousand
dollars for each of the fiscal
years ending June 30, 1934, and
June 30, 1935, to the department

Sec.

of labor for cooperation with
the federal government in the
establishment of public employ-
ment offices.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
2 supplemented by Title I of "The Supplemental (Emergency)
3 Revenue Act of one thousand nine hundred thirty-four" there
4 is hereby appropriated out of the treasury from the general
5 fund to the state department of labor the sum of five thousand
6 dollars for the fiscal year one thousand nine hundred thirty-
7 three--one thousand nine hundred thirty-four, for the pur-
8 pose of complying with the provisions of house bill number
9 forty-six. If the amount or any part of the amount appro-
10 priated for the fiscal year one thousand nine hundred thirty-
11 three—one thousand nine hundred thirty-four remains un-
12 expended at the expiration of the fiscal year, such amount shall
13 not revert to the treasury but shall remain available for ex-
14 penditure by the department of labor during the fiscal year
15 one thousand nine hundred thirty-four—one thousand nine
16 hundred thirty-five.

17 For the fiscal year one thousand nine hundred thirty-four
18 —one thousand nine hundred thirty-five, there is hereby ap-
19 propriated an additional sum of five thousand dollars for said
20 purpose.

*See chapter seventy-seven, acts of this session.

CHAPTER 9

(Senate Bill No. 138—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury for the purpose of liquidating the parole fund and the warden's trustee fund of the West Virginia penitentiary, now deposited in closed banks.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriation of ten thousand dollars from general fund of state treasury to meet demands against parole and warden's

SEC.

trustee funds of West Virginia penitentiary held in closed or restricted banks; repayment to state treasury.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been 2 supplemented by Title I of "The Supplemental (Emergency) 3 Revenue Act of one thousand nine hundred thirty-four" there 4 is hereby appropriated the sum of ten thousand dollars from 5 the general fund of the treasury to the warden of the peni- 6 tentiary for the purpose of meeting the demands against the 7 parole fund and the warden's trustee fund of the West Vir- 8 ginia penitentiary occasioned by the detention of said funds 9 in closed or restricted banks. Any and all amounts received 10 from the warden's deposits in closed or restricted banks not 11 exceeding the amount of this appropriation as, and when 12 received from such banks, shall be paid into the treasury and 13 deposited to the state fund general revenue.

CHAPTER 10

(Senate Bill No. 139—By Mr. Abbot, by request)

AN ACT making an appropriation of public money out of the treasury for the purpose of granting relief to Harry E. Brown.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Appropriations for the relief of Harry E. Brown.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been 2 supplemented by Title I of "The Supplemental (Emergency) 3 Revenue Act of one thousand nine hundred thirty-four" there 4 is hereby appropriated from the general fund to Harry E.

5 Brown, the sum of five hundred dollars to be paid imme-
 6 diately, and the further sum of three hundred nine dollars,
 7 payable in monthly installments of sixty dollars to be paid
 8 during the fiscal year one thousand nine hundred thirty-three
 9 —one thousand nine hundred thirty-four, according to the
 10 provisions of house bill number one hundred. And there is
 11 further appropriated to Harry E. Brown the sum of seven
 12 hundred twenty dollars to be paid during the fiscal year one
 13 thousand nine hundred thirty-four—one thousand nine
 14 hundred thirty-five, according to the provisions of house bill
 15 number one hundred.

CHAPTER 11

(Senate Bill No. 140—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury to effect the collection of taxes levied by house bill number three hundred sixty-five, second extraordinary session, one thousand nine hundred thirty-three, and for the more effective collection of other state taxes.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of thirty thousand dollars for the fiscal year ending June 30, 1934, and one hundred thousand dollars for the

Sec.

fiscal year ending June 30, 1935, to be expended by the tax commissioner for the collection of state taxes.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by "The Supplemental (Emergency) Revenue
 3 Act of one thousand nine hundred thirty-four" there is hereby
 4 appropriated out of the state fund general revenue for the
 5 fiscal year one thousand nine hundred thirty-three—one
 6 thousand nine hundred thirty-four, the sum of thirty thousand
 7 dollars; and for the fiscal year one thousand nine hundred
 8 thirty-four—one thousand nine hundred thirty-five the sum
 9 of one hundred thousand dollars, to provide the personnel and
 10 facilities for the collection of taxes laid under the provisions
 11 of house bill number three hundred sixty-five, second extraordi-
 12 nary session, one thousand nine hundred thirty-three, and the
 13 more effective collection of other state taxes, such appropriation
 14 to be expended upon the requisition of the tax commissioner.

CHAPTER 12

(Senate Bill No. 141—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury to provide additional service in the auditor's office.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

<p>Sec.</p> <p>1. Appropriation of eight thousand six hundred dollars for the fiscal year ending June 30, 1934.</p>	|	<p>Sec.</p> <p>for additional service in the auditor's office.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by Title I of "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four" there
 4 is hereby appropriated out of the state fund general revenue
 5 the sum of eight thousand six hundred dollars for the fiscal
 6 year one thousand nine hundred thirty-three—one thousand
 7 nine hundred thirty-four to provide additional service in the
 8 state auditor's office.

CHAPTER 13

(Senate Bill No. 142—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury for printing, binding, stationery and storage.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

<p>Sec.</p> <p>1. Appropriation of twenty-five thousand dollars for each of the fiscal years ending June 30, 1934,</p>	|	<p>Sec.</p> <p>and June 30, 1935 for printing, binding, stationery and storage.</p>
---	--	--

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by Title I of "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four" there
 4 is hereby appropriated out of the state fund general revenue
 5 for printing, binding, stationery and storage for the fiscal year
 6 one thousand nine hundred thirty-three—one thousand nine
 7 hundred thirty-four the sum of twenty-five thousand dollars
 8 and for the fiscal year one thousand nine hundred thirty-four
 9 —one thousand nine hundred thirty-five the sum of twenty-

10 five thousand dollars. The West Virginia board of control is
 11 hereby authorized to determine the necessity and advisability
 12 of all expenditures for printing, binding, stationery and stor-
 13 age except where the sum is specifically required by law and
 14 the appropriations hereby made may be expended upon the
 15 requisition of the West Virginia board of control.

CHAPTER 14

(Senate Bill No. 143—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury to provide ad-
 ditional services in the attorney general's office.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of five thousand dol-
 lars for the fiscal year ending
 June 30, 1935, for additional

Sec.

employees in the attorney gen-
 eral's office.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by Title I of "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four" there
 4 is hereby appropriated out of the state fund general revenue
 5 the sum of five thousand dollars for the fiscal year one thou-
 6 sand nine hundred thirty-four—one thousand nine hundred
 7 thirty-five for the purpose of meeting unusual demands upon
 8 the office of the attorney general, to be expended for additional
 9 employees, if necessary, upon the requisition of the attorney
 10 general.

CHAPTER 15

(Senate Bill No. 144—By Mr. Abbot, by request)

AN ACT to appropriate money out of the treasury to provide for
 the purchase of lands for state parks.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of seventy thou-
 sand dollars for the fiscal year
 ending June 30, 1934, to acquire
 lands for the establishment of
 state parks.

Sec.

2. Appropriation expended by con-
 servation commission, with con-
 sent of the governor.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been

2 supplemented by Title I of "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four" there
 4 is hereby appropriated out of the state fund general revenue
 5 for the purpose of acquiring lands for the establishment of
 6 state parks for the fiscal year one thousand nine hundred thirty-
 7 three—one thousand nine hundred thirty-four, the sum of
 8 seventy thousand dollars. If said sum or any part thereof
 9 be not expended in said fiscal year, the same may not be re-
 10 tired but may be expended during the ensuing year.

Sec. 2. This appropriation may be expended upon the
 2 requisition of the conservation commission of West Virginia by
 3 and with the consent of the governor.

CHAPTER 16

(Senate Bill No. 145—By Mr. Abbot, by request)

AN ACT to appropriate public money out of the treasury for the
 payment of the salaries and expenses of county agricultural
 agents.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of sixty thousand
 dollars for the fiscal year end-
 ing June 30, 1934, from general
 fund of extension division of
 college of agriculture of West

Sec.

Virginia University for salaries
 and expenses of county agricul-
 tural agents; allocation to coun-
 ties; additional appropriation
 by county courts.

Be it enacted by the Legislature of West Virginia:

Section 1. The general revenue of the state having been
 2 supplemented by Title 1, "The Supplemental (Emergency)
 3 Revenue Act of one thousand nine hundred thirty-four," there
 4 is hereby appropriated for the fiscal year one thousand nine
 5 hundred thirty-four—one thousand nine hundred thirty-five,
 6 sixty thousand dollars out of the general fund to the extension
 7 division of the college of agriculture of West Virginia Uni-
 8 versity for the payment of the salaries and expenses of county
 9 agricultural agents as provided by house bill number six, of
 10 the second extraordinary session, one thousand nine hundred
 11 thirty-three, passed March second, one thousand nine hundred
 12 thirty-four.

13 The director of the extension division of the college of
 14 agriculture of West Virginia University shall allocate the

15 funds appropriated by this act among the counties of the state
16 in the proportion which the farm population of each county
17 bears to the total farm population of the state. The allocation
18 to a county shall not be expended for an agricultural agent
19 or agents for that county unless the county court thereof
20 provides necessary funds for the payment of office expenses
21 and provides adequate office space. If a county court does
22 not meet the requirements for the use of the allocation made
23 for that county, such allocation shall become available for
24 distribution among those counties which have complied with
25 the requirements for allocation. Wherever the allocation for a
26 single county is so small that a county agent cannot ade-
27 quately be supported, two or more counties may, by agree-
28 ment on the part of the county courts thereof, consent to the
29 use of their several allocations for the support of agents for
30 the participating counties.

31 In case this appropriation of state funds, together with the
32 funds received from the government of the United States, is
33 not sufficient to pay the salaries of county agricultural agents,
34 a county court is authorized to appropriate out of the general
35 fund of the county a sufficient amount to supplement the
36 allocation of state funds for the payment of the salary of
37 such agent or agents.

38 If any part of this act is, for any reason, held unconstitu-
39 tional, the decision of the court shall not affect the validity of
40 any of the remaining portions.

41 All existing provisions of law inconsistent with this act are
42 hereby repealed.

CHAPTER 17

(Senate Bill No. 148—By Mr. Hodges)

AN ACT to appropriate the unexpended balances of any appro-
priation made for West Virginia University by section sixty-
five, chapter one, acts of the Legislature, first extraordinary
session, one thousand nine hundred thirty-three, for the pur-
pose of paying an appropriation of sixty-one thousand, nine
hundred thirty-one dollars and thirty-two cents, made by said
section, to reimburse the West Virginia Stadium corporation

and West Virginia University Athletic committee for money advanced in construction, furnishings and equipment for the men's field house.

[Passed March 24, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Appropriation of unexpended balances of appropriations made to West Virginia University to pay the appropriation heretofore made to reimburse West Vir-

Sec.

ginia Stadium Corporation and West Virginia Athletic Committee for money advanced for mens' field house.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of paying an appropriation of 2 sixty-one thousand, nine hundred thirty-one dollars and thirty- 3 two cents, made by section sixty-five, chapter one, acts of the 4 Legislature, first extraordinary session, one thousand nine 5 hundred thirty-three, to reimburse the West Virginia Univer- 6 sity Stadium corporation and West Virginia University Athletic 7 committee for money advanced in construction, furnishings and 8 equipment for the men's field house of West Virginia Uni- 9 versity, there is hereby appropriated, and the state board of 10 control is authorized to use, the unexpended balance of any 11 other appropriation made in said section sixty-five.

CHAPTER 18

(House Bill No. 207—Originating in House Committee on the Judiciary)

AN ACT directing the state auditor to report to the Legislature concerning license taxes paid by the Ohio County Farmers cooperative, a non-profit cooperative association, and authorizing the budget commission to include in the next budget a sum sufficient to reimburse said association for the amount of such tax erroneously collected from it.

[Passed March 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Auditor to report to Legislature and budget commission, amount of license taxes, if any, erroneously collected by state from Ohio County Farmers Cooperative.

Sec.

2. Budget commission directed to include said amount, if any, in next budget to reimburse said cooperative.

WHEREAS, It appears that the Ohio County Farmers cooperative was chartered in the year one thousand nine hundred twenty-three, under the provisions of chapter fifty-three, acts of the Legislature

of West Virginia, one thousand nine hundred twenty-three, authorizing the formation of non-profit, cooperative associations; and that by the provisions of the code of West Virginia then in force, chapter thirty-two, section one hundred thirty-eight, corporations chartered for agricultural purposes and not incorporated for profit, were and ever since have been exempt from payment of corporate license tax; and

WHEREAS, It further appears that license tax was erroneously collected from and paid by said association to the state of West Virginia for the years one thousand nine hundred twenty-three to one thousand nine hundred thirty-three, inclusive, in the total amount of two hundred ninety-seven dollars; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. The state auditor is hereby directed to report to the Legislature and to the budget commission what, if any, amount of license tax, and for what years, was erroneously collected by the state of West Virginia from the Ohio County Farmers cooperative, a non-profit cooperative association.

Sec. 2. The budget commission is hereby authorized and directed to include in the next budget submitted to the Legislature an item sufficient to reimburse said Ohio County Farmers cooperative for the amount of license tax, if any, erroneously collected from it by the state of West Virginia, as shown by said report of the state auditor.

CHAPTER 19

(House Bill No. 298—By Mr. Lilly)

AN ACT to amend and reenact section forty-seven, chapter one, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, making appropriations for Pine Crest sanitarium, formerly Rutherford sanitarium.

[Passed March 1, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec. 47. Amending Budget Bill appropriations for Pine Crest Sanitarium (formerly Rutherford Sanitarium) to provide for expendi-

Sec. ture of surplus collections for raising farm products, etc., and the purchase of additional land.

Be it enacted by the Legislature of West Virginia:

That section forty-seven, chapter one, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hun-

dred thirty-three, be amended and reenacted so as to read as follows:

	1934	1935
Section 47. Current general expenses	40,000.00	40,000.00
2 Current general expenses, payable out		
3 of collections	33,000.00	33,000.00
4 Repairs and improvements	1,000.00	1,000.00
5 <i>Provided, however,</i> That in the event the amount collected		
6 from patients, from farm products, and other sources of reve-		
7 nue through said sanitarium, shall, during the fiscal years		
8 covered by this section, exceed the appropriations for current		
9 general expenses for said sanitarium, payable out of collections,		
10 namely thirty-three thousand dollars per year, the West Vir-		
11 ginia board of control is hereby authorized to expend any such		
12 surplus collections, after they have been paid into the state treas-		
13 ury as provided by law, or so much thereof as in their judgment		
14 may be necessary, for the purpose of clearing, improving, cul-		
15 tivating, fencing and otherwise preparing the vacant land around		
15-a this sanitarium for cultivation so as to raise fresh vegetables		
16 and farm products for the use of said sanitarium; for the pur-		
17 chase of necessary additional equipment, apparatus and sup-		
18 plies for said sanitarium; for the purpose of building tenement		
19 houses, barns, poultry houses and such other outbuildings as		
20 may be necessary for such farming purposes; for the purpose		
21 of purchasing such machinery, implements, stock, poultry, seed,		
22 feed and fertilizer as may be necessary for stocking and culti-		
23 vating said farm; for the purpose of building any roads which		
24 may be necessary in and around said farm and premises; and,		
25 further, for the purchase or condemnation of such additional		
26 land as may be necessary to square up the property along the		
27 front where the new highway has recently been constructed, so		
28 as to eliminate any private ownership between the sanitarium		
29 property and said highway, and for the purchase or condemna-		
30 tion of any additional land adjacent to the sanitarium which		
31 may become necessary in order to prevent the erection of un-		
32 sightly, unsanitary or undesirable buildings which might be-		
33 come a nuisance to the patients in said sanitarium, but no pur-		
34 chase of land shall be made except upon the written consent of		
35 the West Virginia board of control, approved by the governor of		
36 the state: <i>Provided, further,</i> That no increases in salaries at		
37 said sanitarium shall be made payable out of the additional		
38 funds hereby appropriated.		

CHAPTER 20

(House Bill No. 378—By Mr. Norton)

AN ACT to amend and reenact section sixty-eight, chapter one, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three.

[Passed March 24, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC. 68. Amending Budget Bill appropriations for Marshall College to provide for payment, from sur-	}	SEC. plus collections, of deferred payments on stadium.
--	---	--

Be it enacted by the Legislature of West Virginia:

That section sixty-eight, chapter one, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Marshall College

Section 68. Salaries of officers,	1934	1935
2 teachers and employees.....	150,000.00	150,000.00
3 Salaries of officers, teachers and em-		
4 ployees—PAYABLE OUT OF COL-		
5 LECTIONS	110,000.00	110,000.00
6 Current general expenses.....	25,000.00	25,000.00
7 Current general expenses—PAY-		
8 ABLE OUT OF COLLECTIONS....	35,000.00	35,000.00
9 Repairs and improvements.....	4,000.00	4,000.00
10 Equipment and books for new library	3,000.00	3,000.00
11 <i>Provided, however,</i> That notwithstanding the provisions of		
12 section thirty-five of this act the board of control is authorized		
13 to pay any deferred payments on the purchase of the stadium		
14 at Huntington, West Virginia, which may fall due in the fiscal		
15 year one thousand nine hundred thirty-three—one thousand		
16 nine hundred thirty-four or one thousand nine hundred thirty-		
17 four—one thousand nine hundred thirty-five: <i>Provided,</i> That		
18 such payments shall be made out of any surplus remaining		
19 from collections made at said college over and above the amount		
20 necessary to meet salaries of officers, teachers and employees		
21 and current general expenses: <i>Provided further,</i> That said sur-		
22 plus collections must first be paid into the state treasury, as		

23 required by section two, article two, chapter twelve of the code
24 of West Virginia, one thousand nine hundred thirty-one, and
25 then paid out only on approval of the board of control.

CHAPTER 21

(House Bill No. 391—By Mr. White)

AN ACT to amend and reenact section sixty-three, chapter one,
acts of the Legislature of West Virginia, first extraordinary
session, one thousand nine hundred thirty-three, relating to
appropriations for the West Virginia penitentiary.

[Passed March 23, 1934; in effect from passage. Became a law without the approval
of the Governor.]

Sec. 63.	Amending Budget Bill appropri- ations for the West Virginia	|	Sec. penitentiary to provide for an appropriation for Ray Estep.
-------------	--	--	--

Be it enacted by the Legislature of West Virginia:

That section sixty-three, chapter one, acts of the Legislature of
West Virginia, first extraordinary session, one thousand nine hun-
dred thirty-three, be amended and reenacted so as to read as fol-
lows:

West Virginia Penitentiary

Section 63.	Current general expenses	150,000.00	150,000.00
2	Current general expenses—PAYABLE		
3	OUT OF COLLECTIONS	125,000.00	125,000.00
4	Repairs and improvements	15,000.00	15,000.00
5	To build wall to enclose additional land		
6	to increase size of interior of peniten-		
7	tiary		25,000.00
8	Any balances remaining in former ap-		
9	propriations made for the new wall are		
10	hereby reappropriated for expendi-		
11	ture during the biennium beginning		
12	July 1, 1933		
13	To pay Ray Estep, permanently injured		
14	while employed in Penitentiary coal		
15	mine	240.00	240.00
16	In the event the amount collected and		
17	paid into the treasury to the credit of		
18	the Current General Expense Fund,		

19 payable out of collections, does not
 20 aggregate \$125,000.00, by reason of
 21 the operations of the proposed Hawes-
 22 Cooper Bill, or by reason of failure
 23 to utilize prison labor for road work
 24 at the present per diem of forty-five
 25 cents, or the inability of the state to
 26 contract its prison labor to the ex-
 27 tent now contracted, then there is
 28 hereby authorized, payable out of gen-
 29 eral revenues of the state, an amount
 30 sufficient to cover the losses caused by
 31 any of the aforesaid contingencies.

CHAPTER 22

(Senate Bill No. 20—By Mr. Myers)

AN ACT to amend and reenact sections one, two and three, chapter four, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, relating to the manufacture of license plates for motor vehicles and road signs and markers.

[Passed December 13, 1933; in effect from passage. Approved by the Governor.]

Sec.

1. State road commissioner authorized to establish plant at West Virginia penitentiary to manufacture motor vehicle license plates and road markers.
2. Board of control to furnish convicts and building, and state road commissioner to provide

Sec.

- necessary equipment and materials, for said plant.
3. Manufacture or obtaining of said license plates and markers elsewhere unlawful; penalty; continuation of present manufacturing of license plates and markers until appropriation made to carry out this act.

Be it enacted by the Legislature of West Virginia:

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

Section 1. For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the state road commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of such license plates and road signs or markers at the West Virginia penitentiary, at Moundsville, West Virginia.

Sec. 2. After this act becomes effective it shall be the duty of the state board of control to provide for said purpose a sufficient number of suitable convicts, confined in the penitentiary of this state, which it shall furnish to the state road commissioner for the purpose of manufacturing such license plates for motor vehicles and road signs or markers, and, in addition thereto, the state board of control shall provide a suitable building within the inclosure of the penitentiary in which such license plates and road signs or markers shall be manufactured and, when said convicts have been assigned to the state road commissioner and the building is ready for the manufacture of such license plates and road signs or markers, it shall be the duty of the state road commissioner to provide the equipment and materials necessary therefor.

Sec. 3. After this act shall take effect, it shall be unlawful for the state road commissioner to manufacture such license plates for motor vehicles or such road signs or markers of any description at any place other than the penitentiary of West Virginia, and it shall be unlawful for said state road commissioner to obtain such license plates and such road signs or markers otherwise than as herein provided. The provisions of general law relating to the removal and impeachment of the said road commissioner and members of the board of control shall have application to them for their failure to comply with this act: *Provided*, That until such time as the Legislature may appropriate money to pay the expense of moving the plant and the necessary equipment, as well as providing a suitable building in which to house the plant at the penitentiary, the state road commissioner may continue to manufacture such license plates and road signs or markers, as may be necessary, at the place and with the equipment now provided for such purpose.

All acts or parts of acts inconsistent or in conflict herewith, are hereby repealed.

CHAPTER 23

(Senate Bill No. 47—By Mr. Herold)

AN ACT to amend and reenact section two, article six, chapter sixty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to automobile registration and registration plates.

[Passed December 13, 1933; in effect from passage. Approved by the Governor.]

SEC.

2. Application for certificate of registration of motor vehicle; form, number and time of use of reg-

SEC.

istration plates; penalty for misuse or change of certificate or plates.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter sixty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 2. Every owner of one or more vehicles, not expressly exempted by this article, shall make a separate application, in writing, properly verified for each vehicle, on a form provided by the state road commissioner, for permission to operate the same on the public roads of this state. In the application for registration the applicant shall furnish such information as the state road commissioner may require. Upon receipt of such application, together with the fees hereafter provided for, the state road commissioner shall file the application and give to the same a distinguishing mark and number, and shall issue to the owner of the vehicle a certificate of registration, which shall contain the number or mark assigned such vehicle, the name and place of residence of the owner and his post office address, if the same shall be different from his place of residence. Such certificate shall be of convenient size and form, and shall be at all times carried upon such vehicle, and shall be subject to examination upon demand by any proper officer, as herein provided. In addition to the certificate of registration, the state road commissioner shall, without additional charge, deliver to the owner metal plates bearing the abbreviation of the name of this state, the year for which issued, and the distinguishing mark or number assigned to such vehicle. Such plates shall be known as registration plates. Each year there shall be chosen a color, or combination of colors, for such registration plates, which shall

26 be as different as practicable from the color, or colors, used
27 on the plates of the preceding year, and the colors used for
28 the current year of the bordering states, and the numerals
29 and letters on such plates shall be of such color as to be shown
30 in marked contrast to the remainder of the plate. The plates
31 shall be of such size and character as the state road commis-
32 sioner may prescribe so as to properly accommodate the
33 numerals and other marks. An automobile shall be required
34 to carry two, and any other licensed motor vehicle one, of
35 such plates.

36 No motor vehicle shall be driven upon any of the highways
37 of this state without the proper registration plates fastened
38 thereon. Registration plates issued prior to the first of the
39 licensing year for which they are to be effective may be placed
40 on the vehicle for which issued, not more than ten days prior
41 to the first day of such licensing year, and used without addi-
42 tional registration fee: *Provided*, That the state road com-
43 missioner may extend the period during which said registration
44 plates may be used as aforesaid for such time as in his judg-
45 ment may seem best.

46 Any person, firm or corporation failing to carry the certificate
47 of registration, or who drives a motor vehicle without the
48 proper registration plates affixed thereto, or who changes the
48-a name, number or other identification information on the certifi-
49 cate of registration, or registration plates, shall be deemed
50 guilty of a misdemeanor, and, upon conviction, shall be fined
51 not less than ten nor more than one hundred dollars: *Provided*,
52 That in the case of a person to whom a certificate has been
53 issued, but who at the time of arrest has not the same with him,
54 the minimum fine shall be one dollar.

55 The provisions of this section shall apply both to the oper-
56 ator, or chauffeur, and to the owner who causes or knowingly
57 permits his vehicle to be operated without a certificate of
58 registration as herein provided.

CHAPTER 24

(House Bill No. 354—By Mr. Hiner)

AN ACT to amend and reenact section twenty-(b), article six, chapter sixty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to weight of loads on motor vehicles.

[Passed March 16, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

20-(b) Maximum load for motor vehicles; exceptions; penalties for violations.

Be it enacted by the Legislature of West Virginia:

That section twenty-(b), article six, chapter sixty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Sec. 20-(b). For purpose of registration of and determining of all fees to be paid for operation of vehicles in transportation of property, the manufacturer's rated capacity of any such vehicle will be accepted: *Provided*, That if the manufacturer warrant or guarantee such vehicle for a capacity greater than such rated capacity, then such warranted capacity shall be taken and considered as the rated capacity of such vehicle.

No vehicle, except by special permit as provided in section twenty, article eight, chapter seventeen of the code, one thousand nine hundred thirty-one, shall be operated upon any public highway of this state, or upon any street or alley within any municipality within this state, with a load thereon more than one hundred per cent greater than the capacity for which such vehicle is registered if such vehicle is registered for a capacity not exceeding two tons, or fifty per cent if such vehicle is registered for a capacity in excess of two tons and not exceeding four tons; or twenty-five per cent if such vehicle is registered for a capacity exceeding four tons: *Provided*, That the foregoing provisions of this section shall not apply to trucks of two tons or less rated capacity transporting agricultural products, live stock or timber and timber products, including bark and pulp wood. Any violation of this provision shall be a misdemeanor, and upon conviction thereof any owner or operator shall be fined not

25 less than twenty-five dollars nor more than two hundred
 26 dollars for the first offense and upon any subsequent offense
 27 occurring within the same licensing year, a fine of not less
 28 than fifty dollars nor more than five hundred dollars shall be
 29 imposed and the operator's or chauffeur's license of the oper-
 30 ator may be revoked and the registration plates of such vehicle
 31 so overloaded shall be surrendered by the owner and cancelled
 32 by the commissioner.

CHAPTER 25

(House Bill No. 150—By Mr. Marsh, of Ohio)

AN ACT to amend and reenact section twenty-two, article eight, chapter sixty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to motor vehicles.

[Passed March 16, 1934; in effect from passage. Approved by the Governor.]

<p>Sec. 22. Markings and equipment of motor vehicles used for commercial purposes; lights at night on horsedrawn vehicles; list of reg-</p>	<p>Sec. Istered vehicles in each county to be furnished by state road commissioner to county assessor; penalties.</p>
---	---

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article eight, chapter sixty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 22. All vehicles used for commercial purposes shall have plainly marked on the right side thereof in some conspicuous place the actual weight of the vehicle, with equipment, and the weight of the seating or loading capacity of such vehicle.

Every motor vehicle shall be equipped with two sets of brakes operating independently, except tractors and traction engines which shall be provided with suitable brakes.

Every motor vehicle and tractor, when in use on the roads, shall be equipped with a suitable horn or signaling device for producing an abrupt sound as a signal or warning of danger. The commissioner shall have the power to make and enforce suitable regulations governing the kind and use of such horns or signaling devices.

15 Every vehicle operated on any road in this state at night
16 shall be equipped with a lamp, or lamps, as hereinafter pro-
17 vided, of sufficient power, and so adjusted and operated as
18 to enable the operator of such vehicle to proceed with safety
19 to himself and to other users of the road under all ordinary
20 conditions of road and weather.

21 Every motor vehicle and tractor shall have mounted on
22 the right and left sides of the front thereof a lamp, such
23 lamps to be of approximately equal candle power, and every
24 motorcycle shall have mounted on the front thereof one lamp.
25 If such vehicles are so mechanically constructed, governed or
26 controlled that they cannot exceed a speed of fifteen miles per
27 hour, they shall have front lamps capable of furnishing light
28 of sufficient candle power to render any substantial object
29 clearly discernible on a level road at least fifty feet directly
30 ahead, and at the same time at least seven feet to the right
31 of the axis of such vehicle for a distance of at least twenty-
32 five feet. If such vehicles can exceed a speed of fifteen miles
33 per hour, then they shall have front lamps capable of furnish-
34 ing light of sufficient candle power to render any substantial
35 object clearly discernible on a level road at least two hundred
36 feet directly ahead, and at the same time at least seven feet
37 to the right of the axis of such vehicle for a distance of at
38 least one hundred feet: *Provided*, That no front lamp capable
39 of furnishing more than four candle power light shall be
40 used if equipped with a reflector, unless so designed,
41 equipped or mounted that no portion of the beam of light,
42 when projected seventy-five feet or more ahead of the lamp,
43 shall rise above a plane forty-two inches higher than and
44 parallel with the level surface upon which the vehicle stands:
45 *Provided further*, That no electric bulb or other lighting de-
46 vice of a greater capacity than thirty-two candle power shall
47 be used, no matter how the same may be shaded, covered or
48 obscured.

49 Every trailer and semitrailer, except small two-wheel trailers
50 of one thousand pounds capacity or less, towed closely behind
51 a motor vehicle, and semitrailers when towed alone, whose
52 over-all length, in both cases, including towing vehicle and
53 load, does not exceed thirty feet, when on the roads of this
54 state at night, shall carry at the front of its left side one lamp

55 capable of throwing a white light visible from both sides of
56 such vehicle.

57 Every horsedrawn vehicle, when on any road at night, shall
58 display a light visible from every direction for at least two
59 hundred feet.

60 Every motor vehicle, tractor trailer or semitrailer, when
61 on the roads of this state, at night, shall have on the rear
62 thereof, and to the left of the axis thereof, one lamp capable
63 of displaying a red light visible for a distance of at least one
64 hundred feet behind such vehicle: *Provided*, That when a
65 vehicle is used in conjunction with another vehicle or vehicles,
66 only the last of such vehicles shall be required to carry such
67 a lamp. Every motor vehicle, tractor trailer and semitrailer
68 when on any road of this state, at night, shall carry a lamp
69 illuminating with white light the registration plate of such
70 vehicle, so that the characters thereon shall be visible for a
71 distance of at least fifty feet. The commissioner shall have
72 power to make and enforce reasonable regulations regarding
73 the kind of lighting devices that shall be used on vehicles.

74 Trailers having more than two wheels, when operated on
75 any road in this state, shall be connected to the towing ve-
76 hicle, or preceding trailers, by at least one chain, in addition
77 to the hitch bar, of sufficient strength to hold the trailer on
78 a hill if the hitch bar becomes disconnected, or shall be
79 provided with some other adequate device to prevent rolling
80 backward down hill.

81 The commissioner shall also prepare a list as of January
82 first of each year showing the vehicles registered in each
83 county of the state, the name and address of the owner, and
84 the make and year model of the vehicle. A certified list
85 for each county shall be forwarded to the assessor thereof
86 on or before the first day of February of the year one thou-
87 sand nine hundred thirty-four and on the first day of Decem-
88 ber of each year thereafter. When, on the list furnished any
89 assessor, there appears the name of any person whose post
90 office address is in the county for which the list applies but
91 whose residence is in another county, the assessor shall send to
92 the assessor of the county of such person's residence the infor-
93 mation given by the submitted list.

94 Any person violating any of the provisions of this section

95 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

98 If any section, clause, sentence, paragraph, or other part hereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the part hereof directly involved in the controversy in which such judgment shall be rendered.

CHAPTER 26

(Senate Bill No. 25—By Mr. Mathews)

AN ACT to amend and reenact section seventeen, article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the construction of toll bridges by the State Road Commission.

[Passed December 15, 1933; in effect from passage. Became a law without the approval of the Governor.]

Sec.

17. Construction of intra or inter-state toll bridges by state road commission from bridge revenue

Sec.

bonds; purchase of lands, rights-of-way, etc., by commission for such bridges.

Be it enacted by the Legislature of West Virginia:

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

Section 17. The commission may construct, whenever it shall deem such construction expedient, but solely by means of or with the proceeds of the bridge revenue bonds hereinafter authorized, any toll bridge or bridges over and across any river or stream lying wholly or partly within the state or forming a boundary of the state, of such design or designs and at such place or places as may be approved by the state road commission. The commission may purchase within this state and within any adjoining state, solely from funds provided under the authority of this article, such lands, structures, rights-of-way, franchises, easements and other interests in lands, including lands under water and riparian rights of any person, railroad or other corporation or municipality or political sub-

14 division, deemed necessary for the construction of any such
 15 bridge, upon such terms and at such prices as may be con-
 16 sidered by it to be reasonable and can be agreed upon between
 17 it and the owner thereof, title thereto to be taken in the name
 18 of the state.

CHAPTER 27

(House Bill No. 77—By Mr. Thomas)

AN ACT to provide for the construction, maintenance, establish-
 ment and operation by any incorporated city or the county
 court of any county of highway toll bridges over and across
 navigable and non-navigable streams wholly within the state
 of West Virginia, and interstate highway toll bridges over
 and across navigable and non-navigable streams from the
 state of West Virginia to other adjoining states, including the
 Ohio river between its intersection with the Pennsylvania state
 line, and the mouth of the Big Sandy river; and also for the
 purchase and/or leasing of bridges privately owned and in
 existence, and operation thereof under leases; and to author-
 ize and provide for the borrowing of money by means of
 bonds payable from revenues, or otherwise, and/or to ac-
 cept grants from any governmental agency for the construc-
 tion and/or purchase of such bridges.

[Passed December 9, 1933; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Municipalities and county courts authorized to borrow money for and to construct intra or interstate toll bridges as self-liquidating projects: when consent of federal government and state road commission required.
2. Purchase, lease and operating of existing bridges by municipalities or county courts.
3. Powers of municipalities and county courts to construct or

Sec.

- acquire said bridges, payable solely from bridge revenues; bonds, etc., for this purpose, exempt from taxation.
4. When statutory mortgage lien on said bridges and approaches created; enforcement; when receiver may be appointed.
5. Ordinances and orders to retire bridge revenue bonds; revenues remitted to sinking fund commission.

Be it enacted by the Legislature of West Virginia:

Section 1. Any incorporated city, in which or adjoining
 2 which there is a portion of a navigable or non-navigable river
 3 or stream, either wholly within the state of West Virginia,
 4 or partly within the said state, and another state or states,
 5 or between the state of West Virginia and any other state, in-
 6 cluding the Ohio river in this state, from its intersection with

7 the Pennsylvania state line, to the mouth of the Big Sandy
8 river, is hereby authorized and empowered, in its corporate
9 capacity, or through and by means of a bridge commission or
10 other agency to be created or appointed by it, to construct,
11 maintain and operate a highway toll bridge over and across
12 such river or stream, from such a point within the corporate
13 limits of such city, to such point on the opposite side of such
14 river or stream, either within or without said city, as the said
15 city, through its proper authorities, shall designate and select,
16 for public use in travel, passage and transportation, over and
17 across such river or stream: *Provided, however,* That no
18 bridge shall be constructed, established or operated, over and
19 across any navigable river, without compliance with the re-
20 quirements, conditions and provisions provided by the con-
21 gress of the United States and the laws of the United States,
22 nor without approval of the state road commission of this
23 state; and such city is authorized and empowered to borrow
24 money by means of bonds payable from revenues, or otherwise,
25 and/or to accept grants in part payment therefor from the
26 reconstruction finance corporation, public works administra-
27 tion, or any other governmental agency authorized to make
28 loans, a sum of money sufficient and necessary to pay all costs
29 of construction of such bridge, including approaches thereto,
30 the acquisition of all necessary rights-of-way and all engi-
31 neering, legal and other expenses necessary thereto or connected
32 therewith, including interest during construction, as a self-
33 liquidating enterprise or project, within the meaning of the fed-
34 eral laws authorizing loans by such reconstruction finance cor-
35 poration, or other governmental agency. And the county court
36 of any county, in which there is a portion of such river or
37 stream, or on which its county abuts or borders, is likewise
38 authorized and empowered to construct, maintain and oper-
39 ate a highway toll bridge, or bridges, over and across such
40 river or stream, and to borrow money, as aforesaid, for the
41 construction thereof, in like manner and to the same extent, as
42 such city, and to construct, maintain and operate such bridge,
43 subject to the same limitations as are hereby imposed in the
44 case of such cities.

Sec. 2. Any city or county so situated with reference to any
2 river or stream, over and across which there is now a highway

3 bridge, owned and operated by any bridge company or corpo-
4 ration, and situated partly within such city or county, is au-
5 thorized and empowered to purchase such bridge, with funds
6 obtained in the manner and from the source or sources men-
7 tioned by section one of this act, and to own and operate the
8 same, as a self-liquidating enterprise or project; and also to
9 obtain the possession, control and operation of such bridge,
10 under and by a lease or other contract, with the owner or
11 owners thereof, upon such terms and conditions, and for such
12 period of time, as may be agreed upon by such city or county
13 court, and the owner or owners of such bridge.

Sec. 3. Any city or county court authorized and empowered
2 by this act to construct or purchase and maintain and operate
3 such highway toll bridge, is further authorized and empowered
4 to do and perform any and all acts and make all contracts nec-
5 essary to effectuate the general purposes of this act, including
6 the acquisition, by original grant, purchase, condemnation or
7 other lawful means, of all necessary permits, franchises, licenses,
8 rights-of-way, easements and other rights in real estate, and title
9 to and possession thereof, and/or to make such purchase, with the
10 money borrowed as provided in section one of this act, or other-
11 wise. Such city or county court shall have authority to make
12 such contracts, agreements and covenants between it and said
13 reconstruction finance corporation, public works administra-
14 tion, or other governmental agency, for the loan of said funds
15 and securing payment thereof, as they may be able to effectuate,
16 subject only to this limitation, that the bonds or other evidences
17 of indebtedness issued or given as security therefor shall be
18 payable solely out of the revenues of such bridge; and to con-
19 struct, own, operate and maintain such bridge over and across
20 such river or stream, and to make and enter into such con-
21 tracts, and to do and perform such acts as may be necessary
22 to the construction, and/or purchase, ownership, operation and
23 maintenance of such bridge, subject to such burdens, restric-
24 tions and encumbrances as it may be necessary to incur and
25 bear, in securing such funds for construction, including the
26 creation by mortgage or deed of trust, on the said bridge, its
27 equipment, tolls and revenues and franchise, and also sub-
28 ject to the laws of this state and the United States, relating
29 to toll bridges over and across navigable streams, insofar as

30 they are applicable to such bridges. Bonds, or other evidences
31 of indebtedness, issued hereunder, shall be exempt from tax-
32 ation by the state of West Virginia or any county, district or
33 municipality thereof.

Sec. 4. In the event bonds, or other evidences of indebted-
2 ness, issued under the provisions of this act, are not secured
3 by a mortgage or deed of trust on the bridge acquired from
4 the sale of such bonds, or other evidences of indebtedness,
5 there shall be, and there is hereby, created a statutory mort-
6 gage lien upon the bridge and approaches so acquired or con-
7 structed from the proceeds of bonds, or other evidences of in-
8 debtedness, authorized to be issued, which shall exist in favor
9 of the holder of said bonds, and each of them, and to and in
10 favor of the holder of the coupons attached to said bonds, and
11 such bridge and approaches thereto shall remain subject to such
12 statutory mortgage lien until payment in full of the prin-
13 cipal and interest of said bonds, or other evidences of indebted-
14 ness. Any holder of bonds, or other evidences of indebtedness,
15 issued under the provisions of this act, or of any coupons re-
16 presenting interest accrued thereon, may, either at law or in
17 equity, enforce the statutory mortgage lien hereby conferred,
18 and may, by proper suit, compel the performance of the duties
19 of the officials of the issuing municipality or county court set
20 forth in this act. If there be default in the payment of the
21 principal of and/or interest upon any of said bonds, or other
22 evidences of indebtedness, any court having jurisdiction in any
23 proper action may appoint a receiver to administer said bridge
24 on behalf of the municipality or county court, with power to
25 charge and collect rates sufficient to provide for the payment of
26 said bonds, or other evidences of indebtedness, and interest
27 thereon, and for the payment of the operating expenses and to
28 apply the income and revenues in conformity with this act and
29 the order or ordinance providing for the issuance of said bonds,
30 or other evidences of indebtedness.

Sec. 5. Every municipality or county court issuing bonds,
2 or other evidences of indebtedness, under the provisions of this
3 act, shall thereafter, so long as any such bonds or other evi-
4 dences of indebtedness remain outstanding, operate and main-
5 tain its bridge so as to provide, charge, collect and account for
6 revenues therefrom as will be sufficient to pay all operating

7 costs, provide a depreciation fund, retire the bonds or other
 8 evidences of indebtedness, and pay the interest requirements
 9 as the same may become due. The ordinance or order pur-
 10 suant to which any such bonds or other evidences of indebted-
 11 ness are issued shall pledge the revenues derived from the
 12 bridge to the purposes aforesaid, and shall definitely fix and
 13 determine the amount of revenues which shall be necessary and
 14 set apart in a special fund for the bond requirements. The
 15 amounts, as and when so set apart into said special fund for
 16 the bond requirements, shall be remitted to the state sinking
 17 fund commission at least thirty days previous to the time in-
 18 terest or principal payments become due, to be retained and
 19 paid out by said commission consistent with the provisions of
 20 this act and the ordinance or order pursuant to which such
 21 bonds or other evidences of indebtedness have been issued.

CHAPTER 28

(House Bill No. 62—By Mr. Hiner)

AN ACT to amend and reenact sections two, three, four and seven, chapter one, acts of the Legislature of West Virginia, one thousand nine hundred thirty-one, entitled: "An act authorizing the issuance and sale of not exceeding ten million dollars of road bonds of the state of West Virginia to raise money for road construction purposes under and by virtue of the 'Good Roads Amendment' to the constitution adopted at the general election held in November, one thousand nine hundred twenty; to provide for the distribution and expenditure of the proceeds of sale thereof, and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semiannually the interest on said bonds and the principal thereof within twenty-five years."

[Passed November 24, 1933; in effect from passage. Approved by the Governor.]

SEC.	SEC.
2. Fee for, and credit to state road sinking fund for transfer of registered bonds; fee for and registration of payable to bearer bonds; place payable and interest rate on coupon bonds; interest payment on registered bonds; principal and interest of bonds payable in lawful money	3. of the United States and bonds exempt from taxation. 4. Form of bonds. 5. Form of coupons; signatures of treasurer and auditor. 7. Levy, if necessary, by board of public works on real and personal property within state to pay bonds and interest.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four and seven, chapter one, acts of the

Legislature, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 2. The auditor and treasurer are authorized to arrange for the transfer of registered bonds and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. Bonds taken in exchange will be cancelled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering payable to bearer bonds and for each bond registered a fee of fifty cents shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at some designated bank in the city of New York to be designated by the governor. Said bonds shall bear interest at a rate not exceeding four and one-half per centum per annum, payable semi-annually, on the first day of _____ and the first day of _____, of each year, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of said state, or at the bank designated by the governor, upon presentation and surrender of interest coupons then due, in the case of coupon bonds. In the case of registered bonds the treasurer of the state of West Virginia shall issue his check for the interest then due on the first day of _____ and _____ of each year. and mail the same to the registered owner at his address as shown by the record of registration. Both the principal and interest of said bonds shall be payable in lawful money of the United States and said bonds shall be exempt from taxation by the state of West Virginia, or by any county, district, or municipality thereof, which fact shall appear on the face of the bonds as part of the contract with the holder thereof.

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

47 collected an annual state tax on all property in the state, until
48 said bond is fully paid, sufficient to pay the annual interest on
49 said bond and the principal sum thereof within the time this
50 bond becomes due and payable.

51 This bond is hereby made exempt from any taxation by the
52 State of West Virginia, or by any county, district or municipal
53 corporation thereof.

54 In testimony whereof, witness the signature of _____,
55 Treasurer of the State of West Virginia, and the countersigna-
56 ture of _____, the Auditor of said State hereto affixed
57 according to law, dated the _____ day of _____, one thou-
58 sand nine hundred _____, and the seal of the State
59 of West Virginia.

60 (Seal)

61
62 Treasurer of the State of West Virginia

63 Countersigned:

64

65 Auditor of West Virginia.

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

3 STATE OF WEST VIRGINIA

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

5 On the first day of _____, 19 _____, the State of West Vir-
6 ginia will pay to the bearer, in lawful money of the United
7 States, at the office of the Treasurer of the State, or at the op-
8 tion of the holder at _____ bank in the City of
9 New York, the sum of _____ dollars, the same being semi-
10 annual interest on Road Bond No. _____, series of one thousand
11 nine hundred

12
13 Treasurer of the State of West Virginia

14 The signature of the treasurer to said coupons shall be by
15 his engraved fac simile signature and the coupons shall be num-
16 bered in the order of their maturity, from number one consecu-
17 tively. Said bonds and coupons may be signed by the present
18 treasurer and auditor, or by any of their respective successors
19 in office; and bonds signed by the persons now in office may be
20 sold by the governor or his successor in office without being

21 signed by the successor in office of the present treasurer or audi-
22 tor.

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

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

CHAPTER 29

(Senate Bill No. 63—By Mr. Neale)

AN ACT to amend and reenact section two, chapter fourteen,
acts of the Legislature, regular session, one thousand nine
hundred thirty-three, relating to depository banks for state
funds and depository bonds.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

2. Bond of state depository; form;

SEC.

corporate and personal surety;
collateral security.

Be it enacted by the Legislature of West Virginia:

That section two, chapter fourteen, acts of the Legislature.

regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 2. Before allowing any money to be deposited with
2 any depository the board of public works shall require such de-
3 pository to give bond with good security to be approved by
4 said board, in the penalty of not less than ten thousand dollars,
5 payable to the state of West Virginia, conditioned for the
6 prompt payment, whenever lawfully required, of any state
7 money, or part thereof, that may be deposited with such de-
8 pository, or of any accrued interest on deposits, which bond shall
9 expire on the thirtieth day of April next ensuing.

10 The board of public works may accept as surety on, or for
11 the faithful performance of the conditions of such bonds, the
12 following:

13 (a) A surety, fidelity or indemnity company authorized to
14 do business in this state and having a combined capital and
15 surplus of not less than one million dollars, and all bonds so
16 secured are here designated as surety bonds;

17 (b) Persons or corporations which are duly authorized to
18 become surety for another, who are owners of property situate
19 in this state of an aggregate assessed valuation as shown on
20 the current assessment books equal to the penalty of the bond
21 plus all liens or charges against such property, and all bonds
22 so secured are here designated as personal bonds. Any person
23 or any officer of any corporation becoming or offering to become
24 surety on a personal bond may be required by the board of
25 public works or the state treasurer to furnish to said board
26 under oath in writing such data and documentary evidence as
27 to the financial status of such surety as such board may request.
28 Any person who shall knowingly make a false statement in the
29 matter of supplying the information so requested as aforesaid
30 shall be guilty of a misdemeanor, and upon conviction thereof
31 shall be fined not less than twenty-five dollars nor more than
32 five hundred dollars, and may, at the discretion of the court,
33 be confined in the county jail for not exceeding one year;

34 (c) Collateral security consisting of bonds of the United
35 States, and its possessions, of the federal land banks, of the
36 home owners' loan corporation, of the state of West Virginia
37 or of any county, district or municipality of this state or other
38 bonds or securities approved by the said board of public works.
39 All bonds so secured are here designated as collaterally secured

40 bonds. Withdrawal or substitution of any collateral pledged
 41 as security for the performance of the conditions of such bond
 42 may be permitted with the approval in writing of the treasurer
 43 of the state of West Virginia and three other members of the
 44 board of public works who shall report such withdrawal or
 45 substitution at the next meeting of the board. All depository
 46 bonds shall be recorded by the secretary of state in a book
 47 kept in his office for the purpose, and a copy of such record,
 48 certified by him, shall be prima facie evidence of the execution
 49 and contents of such bond in any suit or legal proceeding.
 50 All collateral securities shall be delivered to the treasurer of
 51 the state of West Virginia, who shall receipt therefor to the
 52 owner thereof, and the said treasurer and his bondsmen shall
 53 be liable to any person for any loss by reason of the embezzle-
 54 ment or misapplication of said securities by said treasurer or
 55 any of his official employees, and for the loss thereof due to
 56 his negligence or the negligence of any of his official employees;
 57 and such securities shall be delivered to the owner thereof when
 58 liability under the bond which they are pledged to secure has
 59 terminated. The treasurer may contract with one or more
 60 banking institutions in the state of West Virginia for safe-
 61 keeping and exchange of such collateral securities, and may
 62 prescribe the rules and regulations for handling and protect-
 63 ing the same, subject to the approval of the board of public
 64 works.

CHAPTER 30

(Senate Bill No. 64—By Mr. Neale)

AN ACT to amend and reenact section two, chapter four, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to county depositories, and providing for the execution of bonds and/or the hypothecation of securities as security for deposits.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

<p>Sec. 2. Bond of county depository; personal or corporate surety; notice by clerk to county court when</p>	<p>Sec. personal surety conveys real estate; action on bond; collateral security.</p>
--	---

Be it enacted by the Legislature of West Virginia:

That section two, chapter four, acts of the Legislature, first extra-

ordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 2. No such designation shall be binding on such county, nor shall any public money be deposited thereunder, until the banking institution designated shall execute bond with good and sufficient sureties, to be accepted and approved by the county court, payable to the state of West Virginia, in such sum as the county court shall direct, and which shall not be less than the maximum sum that shall be deposited in the depository at any one time. Such bond shall be executed by at least four resident freeholders as sureties owning in the aggregate unencumbered real estate having an assessed valuation thereon equal to the penalty of the bond, or by a fidelity or indemnity company authorized to do such business within the state, satisfactory to, and acceptable by the county court, and having not less than six hundred thousand dollars capital; and such bond shall be conditioned for the receipt, safekeeping and payment over of all money which may be deposited in or come under the custody of the banking institution designated a county depository under the provisions hereof, together with the interest thereon at the rate specified by this article; and such bond shall be further conditioned for the faithful performance, by the banking institution so designated, of all the duties imposed by this article upon a depository of public moneys: *Provided, however,* That the clerk of the county court shall keep a record of each surety on all personal bonds given as hereinbefore provided for, and the clerk shall notify the county court of every recorded conveyance of real estate made by any surety on said personal bond.

An action shall lie on such bond at the instance of the county court, or the sheriff, for the recovery of any money deposited in the depository, upon failure or default of the depository to fully and faithfully account for and pay over any and all public moneys deposited by the sheriff and of all interests earned and accrued thereon as required by this article. Such bond shall not be accepted by the county court until it shall have been submitted to the prosecuting attorney, and certified by him to be in due and legal form, and conformable to the provisions of this article, which certificate shall be indorsed thereon: *Provided, however,* That the county court may, in lieu of the bond provided for hereinbefore, accept as security

40 for money deposited as aforesaid, interest-bearing securities of
 41 the United States, or of a state, county, district or municipal
 42 corporation, or of the home owners' loan corporation, or in-
 43 dorsed county and district warrants of the county in which the
 44 depository is located; the face value of which securities shall
 45 not be less than the sum hereinbefore specified as the amount
 46 to be named in the bond in lieu of which such securities are
 47 accepted; or the county court may accept such securities as
 48 partial security to the extent of their face value for the money
 49 so deposited, and require bond for the remainder of the full
 50 amount hereinbefore specified, to be named in the bond, and in
 51 the bond so required, such acceptance of securities as partial
 52 security, and the extent thereof, shall be set forth. The
 53 hypothecation of such securities shall be by proper legal transfer
 54 as collateral security to protect and indemnify by trust any
 55 and all loss in case of any default on the part of the banking
 56 institution in its capacity as depository as aforesaid, and such
 57 collateral security shall be released only by order of record of
 58 the county court when satisfied that full and faithful account-
 59 ing and payment of all the moneys has been made under the
 60 provisions hereof. The county court shall make ample provision
 61 for the safekeeping of such hypothecated securities, and the
 62 interest thereon when paid shall be turned over to the banking
 63 institution, so long as it is not in default as aforesaid.

CHAPTER 31

(Senate Bill No. 76—By Mr. Beneke)

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto the following as article ten, providing for the creation of "The Savings and Loan Association of the State of West Virginia" and defining its powers and duties.

[Passed January 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

Article X Sec.

1. Building and loan and certain other loaning institutions authorized to create a savings and loan association of West Virginia.
2. Number of institutions required to form association; what articles of association to state.

Sec.

3. Approval by commissioner of banking of application for charter before issuance by secretary of state.
4. Constitution and by-laws submitted to commissioner of banking; what to show.
5. When commissioner of banking

- | | |
|--|---|
| <p>Sec.</p> <p>6. may issue certificate of authority to do business.</p> <p>7. Qualifications of members of association; subscriptions to capital stock; continuation of membership.</p> <p>8. Payment of subscription to capital stock.</p> <p>9. Permanency of association.</p> <p>10. Board of directors not less than seven nor more than eleven in number; two appointed by Governor and nine elected by stockholders.</p> <p>11. No subscriber to have more than one representation on board of directors or cast but one vote for each director.</p> <p>12. Limit on association loans on real estate to shareholders.</p> <p>13. Limit on amount members may borrow from association on real estate.</p> <p>14. Interest rate on loans not to exceed six per cent per annum.</p> <p>15. Association may borrow and is-</p> | <p>Sec.</p> <p>15. sue notes and bonds; state not to guarantee interest or principal; collateral to be deposited with auditor before bonds are issued.</p> <p>16. Association may represent individuals and others loaning money or real estate in state and act as agent for sale of real estate.</p> <p>17. Consent of association required before members can foreclose deeds of trust held by them on real estate; notice to debtor.</p> <p>18. Sale of foreclosed real estate to former owner; terms.</p> <p>19. Reserve set aside before dividends paid.</p> <p>20. Investment by fiduciaries, banks and others in association bonds without a court order.</p> <p>21. Association may join federal agencies or associations.</p> <p>22. Association supervised by commissioner of banking.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one, code of West Virginia, one thousand nine hundred thirty-one, be amended by the addition of the following as article ten thereof:

ARTICLE X

Section 1. Building and loan associations, savings and loan 2 associations, title guaranty companies, fire insurance companies, 3 life insurance companies, mutual savings banks, and other in- 4 stitutions making loans for a period of six years or longer 5 are hereby authorized to create a savings and loan association 6 of the state of West Virginia.

Sec. 2. Any number of building and loan associations, sav- 2 ings and loan associations, title guaranty companies, fire in- 3 surance companies, life insurance companies and mutual savings 4 banks or kindred organizations of like kind and character, not 5 fewer than eleven, may associate themselves together for the 6 purpose of organizing a savings and loan association of the 7 state of West Virginia as defined in this article, and subscribe 8 for stock therein, and for that purpose they shall make, sign and 9 acknowledge before some person authorized by the laws of this 10 state to take acknowledgments of deeds, articles of association 11 in writing which shall state:

12 *First:* The Savings and Loan Association of the State of 13 West Virginia;

14 *Second:* The name of the city or town where the principal
15 office or place of business is to be located;

16 *Third:* A provision that such association is organized under
17 this article for the purpose herein expressed;

18 *Fourth:* The amount of the authorized capital stock, the num-
19 ber of shares in which the same shall be divided, the number of
20 shares subscribed for, the amount of dollars which has been
21 subscribed, the amount of dollars which has been paid;

22 *Fifth:* The names and post office addresses of all the incorpo-
23 rators and the number of shares of stock subscribed by each.

Sec. 3. No charter shall be issued for "The Savings and Loan
2 Association of the State of West Virginia" by the secretary of
3 state or amendment to such charter made, until the application
4 therefor shall have been submitted to the commissioner of bank-
5 ing and approved by him, and his approval endorsed thereon.
6 When so approved the secretary of state shall issue a charter
7 to said savings and loan association of the state of West Vir-
8 ginia.

Sec. 4. The incorporators shall make and adopt the necessary
2 constitution and by-laws consistent with law and submit two
3 copies thereof, duly certified by the secretary and chairman
4 of the organization meeting, to the commissioner of banking.

5 The constitution and by-laws, among other things, shall pro-
6 vide and determine:

7 *First:* The date of the regular annual meeting, the notice to
8 be given, the qualification of voters and the manner of voting,
9 the manner of calling special meetings, and the proportion of
10 shares which shall constitute a quorum;

11 *Second:* The number and qualification of directors and their
12 terms of office, the removal or suspension of directors, the filling
13 of vacancies and the meeting of the board of directors, its
14 powers and duties;

15 *Third:* The officers, the manner of their election, their terms
16 of office and their duties;

17 *Fourth:* The certificates which shall be issued to shareholders;

18 *Fifth:* The fees that may be charged its members;

19 *Sixth:* The sums of money or dues that shall be paid upon
20 the shares and the time of their payment; the time and manner
21 of apportioning, crediting and paying dividends;

22 *Seventh:* Loans and investments, the security to be taken for

23 loans and the condition under which loans may be made and
24 repaid;

25 *Eighth*: The fines which may be imposed upon members for
26 failure to punctually pay dues, interest, premiums, taxes or
27 insurance and for a reward for the punctual payment of the
28 same;

29 *Ninth*: The conditions upon which shares may be trans-
30 ferred, repurchased or retired. Conditions upon which the as-
31 sociation may advance money to borrowers for the payment of
32 taxes, assessments, insurance premiums, repairs or other pur-
33 poses as long as the security is sufficient;

34 *Tenth*: The manner and conditions under which the by-laws
35 may be altered or amended.

Sec. 5. When the commissioner of banking shall have
2 approved the by-laws of the association as filed with the com-
3 missioner of banking, a certified copy of the charter, also duly
4 certified copies of the minutes of the meeting of the share-
5 holders at which directors were elected, and of the first meet-
6 ing of the directors at which officers were elected, also a list
7 of the names of the directors and all officers which officers and
8 directors shall be members of the corporations or associations
9 owning the capital stock of "The Savings and Loan Association
10 of West Virginia" with their addresses, and when the commis-
11 sioner of banking is satisfied that such association has complied
12 with all the requirements of the law precedent to the exercise of
13 the powers imposed by law, and it appears that such association
14 is lawfully entitled to commence business, he shall give to such
15 association a certificate of authority under his hand and official
16 seal that such association is authorized to commence business.
17 The said savings and loan association of the state of West Vir-
18 ginia shall transact no business, except such as is incidental
19 or necessary preliminary to its organization until it has been
20 authorized by the commissioner of banking to do so.

Sec. 6. The members of "The Savings and Loan Association
2 of the State of West Virginia," shall be only those who can
3 qualify under section I of this article and to whom its shares
4 shall have been issued or transferred in accordance with the pro-
5 visions of its constitution and by-laws. Each association, com-
6 pany or corporation shall have the right to voluntarily subscribe
7 to the capital stock of the said savings and loan association of the
8 state of West Virginia in an amount of not less than one per

9 cent of the total amount which it has invested in real estate loans
10 in West Virginia. The membership shall continue until the
11 right to withdraw has been given them by the board of directors.

Sec. 7. The subscription to the capital stock by each member
2 shall be paid under the terms and conditions prescribed by the
3 board of directors.

Sec. 8. "The Savings and Loan Association of the State of
2 West Virginia" shall be permanent in character.

Sec. 9. The board of directors of "The Savings and Loan As-
2 sociation of the State of West Virginia" shall be composed of not
3 less than seven nor more than eleven members, two of whom,
4 of opposite political faith, shall be appointed by the governor,
5 and shall not be identified as a stockholder of any of the sub-
6 scribing associations, companies or corporations, and nine to be
7 elected by the stockholders.

Sec. 10. No subscriber shall have more than one representa-
2 tion on the board of directors. A subscriber shall be per-
3 mitted to cast but one vote for each director.

Sec. 11. "The Savings and Loan Association of the State of
2 West Virginia" shall be permitted to loan to its shareholders
3 on real estate which was acquired by said member through
4 foreclosure proceedings a sum not greater than sixty per cent
5 of the amount invested in such property by said member or
6 sixty per cent of the appraised value thereof, whichever is
7 lower.

Sec. 12. Members of said association may borrow from "The
2 Savings and Loan Association of the State of West Virginia" on
3 loans and mortgages owned by them in an amount not to
4 exceed sixty-five per cent of the appraised value of the note
5 or the amount loaned, whichever is lower.

Sec. 13. The rate of interest to be paid upon such loans
2 mentioned in sections eleven and twelve shall not be more
3 than six per cent per annum.

Sec. 14. "The Savings and Loan Association of the State of
2 West Virginia" shall have authority to borrow money from
3 any federal agency or others by note and by the issuance of
4 bonds, for such period and amounts of interest to be paid there-
5 on as shall be determined by the board of directors. Neither
6 the payment of principal or interest thereon shall be guaranteed
7 by the state of West Virginia. Before any bonds shall be issued
8 by the said association there shall be deposited with the auditor

9 of the state, collateral consisting of loans made upon real estate
10 within the State of West Virginia in an amount of at least one
11 hundred and twenty-five per cent of the bonds issued, and his
12 certificate issued to the effect that such collateral is sufficient.

Sec. 15. "The Savings and Loan Association of the State of
2 West Virginia" is empowered to represent individuals, com-
3 panies, associations or corporations loaning money and mak-
4 ing collections thereof upon real estate located within the
5 state of West Virginia and to act as agent for the sale of real
6 estate and the issuance of insurance for its members, and own
7 real estate taken in foreclosure in regular course of business.

Sec. 16. Members of this association shall not be permitted
2 to foreclose trust deeds on real property held by them as
3 security for loans without the permission of the board of
4 directors of the association, created by this article, first had
5 and obtained. Before applying to said board for permission
6 to foreclose, the defaulting debtor shall have had at least thirty
7 days' written notice of intention to apply for such permission.

Sec. 17. Any member borrowing money on real estate
2 owned by it through foreclosure proceedings shall agree that it
3 will sell to the former owner, his heirs or assigns, or succes-
4 sors, the property now held by it for the exact amount of
5 money due said member, including interest at six per cent,
6 taxes, costs and repairs on the property sold, provided the said
7 property has not previously been sold to a third party, and
8 terms of sale are approved by the board of directors.

Sec. 18. Said association shall not pay any dividend to
2 its members until a reserve of fifty per cent of the value of
3 the outstanding bonds that are payable in five years shall
4 have been set aside.

Sec. 19. Executors, administrators, guardians, curators,
2 committees, trustees or other fiduciaries, banks, trust com-
3 panies, building and loan associations, and insurance com-
4 panies may without any order of any court invest money in
5 the bonds issued by "The Savings and Loan Association of the
6 State of West Virginia."

Sec. 20. The association is hereby authorized to join any
2 federal agency or association created by virtue of an act
3 of congress or trade association in the pursuance of the pur-
4 poses for which said association was created.

Sec. 21. The said association shall be under the supervision
2 of the commissioner of banking.

3 If any part of this act be for any reason declared unconsti-
4 tutional, or otherwise invalid, the decision of the court shall
5 not affect the validity of any remaining portion thereof.

CHAPTER 32

(Senate Bill No. 77—By Mr. Abbot, by request)

AN ACT to amend and reenact section six, article one, chapter
twelve of the code of West Virginia, one thousand nine hun-
dred thirty-one, relating to the board of finance and its powers;
to empower said board to participate in reorganization agree-
ments for the rehabilitation of state and national banks, and
the transfer of assets of such banks to other banking in-
stitutions.

[Passed January 18, 1934; in effect from passage. Approved by the Governor.]

Sec.

6. State board of finance to deter-
mine proportion of active and
inactive state funds; when board
may enter into depositors agree-
ments for reorganization of

Sec.

state or national banks holding
state funds; monthly state-
ment of active and inactive
funds by treasurer to board.

Be it enacted by the Legislature of West Virginia:

Section 6. The board of finance, composed of the governor,
2 auditor and treasurer, of which the governor shall be chair-
3 man and the auditor shall be secretary, shall continue as here-
4 tofore by law created. Said board shall have the authority to
5 determine the proportion of all state funds that shall be treated
6 as active funds and shall have the authority to determine the
7 basis upon which the inactive funds due any county shall be
8 distributed among its inactive depositories and to establish
9 any other rules and regulations that it may deem necessary or
10 expedient to protect the interests of the state, its depositories
11 and taxpayers.

12 The board shall have the authority to enter into any depos-
13 itors' agreements for the purpose of reorganizing or rehabilitat-
14 ing any state or national bank in which state funds are de-
15 posited, and for the purpose of transferring the assets, in whole
16 or in part, of any such state or national bank to any other bank-
17 ing institution existing or to be formed, when, in the judg-
18 ment of the board, the interests of the state will be promoted

19 thereby, and upon condition that no right of the state to pre-
 20 ferred payment be waived, and that the sureties on the de-
 21 pository bond, or so many thereof as in the opinion of the board
 22 are sufficient therefor, in writing consent to such participation
 23 on behalf of the state of West Virginia and agree that their
 24 liability as sureties shall not in any way be affected thereby.
 25 The treasurer shall furnish said board of finance, not later than
 26 the tenth of each month, a statement showing the balances on
 27 the last day of the preceding month in each active and inactive
 28 depository.

CHAPTER 33

(House Bill No. 332—By Mr. Strouss, by request)

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto the following as article eleven, providing for any building and loan association or company or savings and loan association or company or savings bank or any other association or corporation to subscribe to the shares of any federal savings and loan association; to facilitate the operation in this state of any federal savings and loan association formed under and pursuant to an act of congress known as the home owners' loan act of one thousand nine hundred thirty-three; to authorize any such association or corporation to become a member and stockholder of the federal home loan bank and to borrow money therefrom; to authorize any such association or corporation to occupy the same offices and use the same facilities, officers, directors, and employes as under and in conjunction with a federal savings and loan association, and to authorize any such association or corporation to convert into a federal savings and loan association.

[Passed March 14, 1934; in effect from passage. Became a law without the approval of the Governor.]

Article XI

Sec.

1. Building and loan associations and other institutions eligible to membership in federal home loan bank may subscribe to

Sec.

shares of federal savings and loan association.
 2. Powers of federal savings and loan associations in state.

<p>SEC. 3. Powers of state building and loan associations, etc., in relation to federal home loan bank. 4. Joint offices, etc., with federal savings and loan association. 5. Conversion of state building and loan associations, etc., into fed-</p>	<p>SEC. 6. Any unconstitutional provision of article not to affect remaining provisions.</p>	<p>eral savings and loan associations; supervision by and transfer of property to, after conversion, to federal association.</p>
---	--	--

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by the addition of the following as article eleven thereof:

ARTICLE XI

Section 1. Any building and loan association or company or 2 savings and loan association or company or savings bank or any 3 other association or corporation that may now or hereafter be 4 eligible to become a member of any federal home loan bank ac- 5 cording to the terms of the federal home loan bank act, as the 6 same may be amended from time to time, is authorized and em- 7 powered to subscribe to the shares of a federal savings and loan 8 association, and may pay for such shares in cash or by the trans- 9 fer or assignment of such assets of the subscriber as are ap- 10 proved by the federal home loan bank board in writing, evi- 11 denced by the certificate of the federal home loan bank board 12 on file with the subscriber.

Sec. 2. Whenever, by the terms of any general or special 2 laws of this state, any restriction is imposed upon the conduct 3 in this state of any building and loan association or company 4 or savings and loan association or company or savings bank 5 or any other association or corporation, the same shall not apply 6 to the affairs or conduct of the business in this state of any 7 savings and loan association formed under and pursuant to the 8 act of congress known as the home owners' loan act of one 9 thousand nine hundred thirty-three, as the same may be amen- 10 ded from time to time, but such federal savings and loan asso- 11 ciation or associations may conduct business in this state accord- 12 ing to the terms of the said home owners' loan act and the 13 federal home loan bank act and the rules and regulations from 14 time to time fixed and prescribed by the federal home loan bank 15 board and the federal home loan bank, and may do all things 16 authorized or required by the said acts of congress, as amended 17 from time to time, whereby the said rules and regulations and 18 the said federal savings and loan association or associations shall

19 not be deemed foreign corporation or corporations as defined
20 by any general or special law of this state.

Sec. 3. Any building and loan association or company or
2 savings and loan association or company or savings bank or any
3 other association or corporation that may now or hereafter be
4 eligible to become a member of any federal home loan bank
5 according to the terms of the federal home loan bank act, as the
6 same may be amended from time to time, is authorized and em-
7 powered to subscribe for and own and hold stock in such federal
8 home loan bank and become a member thereof, or to borrow
9 money from any federal home loan bank pursuant to the said
10 act of congress, as the same may be amended, and also to invest
11 in the bonds of any federal home loan bank or the home owners'
12 loan corporation, and also to give and pledge securities and
13 conform to the provisions of the said federal home loan bank act
14 and to the rules and regulations from time to time fixed and
15 prescribed either by the federal home loan bank board or the fed-
16 eral home loan bank, and to perform any acts and execute any
17 instruments authorized or required by the said act of congress,
18 as amended from time to time, or by said rules and regulations.

Sec. 4. Any building and loan association or company or
2 savings and loan association or company or savings bank or any
3 other association or corporation that may now or hereafter be
4 eligible to become a member of any federal home loan bank ac-
5 cording to the terms of the federal home loan bank act, as the
6 same may be amended from time to time, is authorized and em-
7 powered to occupy the same office or offices and use the same
8 facilities, officers, directors, and employes as and in conjunction
9 with a federal savings and loan association upon such terms and
10 conditions as may be agreed upon with the said federal savings
11 and loan association.

Sec. 5. Any building and loan association or company or
2 savings and loan association or company or savings bank or
3 any other association or corporation organized under the laws
4 of this state may convert into a federal savings and loan associ-
5 ation according to the terms of the federal home loan bank
6 act and the rules and regulations of the federal home loan bank
7 board, as the same may be amended from time to time, by a reso-
8 lution to such effect adopted at a meeting of the shareholders
9 of any such association or corporation by the affirmative vote

10 of a majority of the shareholders present in person or by proxy.
11 Whenever any such association or corporation shall so convert
12 itself into a federal savings and loan association, it shall there-
13 upon come under the sole supervision of the federal home loan
14 bank or the federal home loan bank board. At the time when
15 such conversion becomes effective all the property of such as-
16 sociation or corporation, including all its right, title, and in-
17 terest in and to all property of whatsoever kind, whether real,
18 personal, or mixed, and things in action, and every right,
19 privilege, interest, and asset of any conceivable value of benefit
20 then existing, belonging, or pertaining to it, or which would
21 enure to it, shall immediately by act of law and without any
22 conveyance or transfer or assignment, and without any further
23 act or deed, be vested in and become the property of the federal
24 savings and loan association, which shall have, hold, and enjoy
25 the same in its own right as fully and to the same extent as the
26 same was possessed, held, and enjoyed by such association or
27 corporation so converting, and the federal savings and loan as-
28 sociation as of the time of the taking effect of such conversion
29 shall succeed to all the rights, obligations, and relations of such
30 association or corporation.

Sec. 6. The provisions of this article are several, but if any
2 provisions of this article be held unconstitutional, the decision
3 of the court shall not affect or impair any of the remaining pro-
4 visions of the article. It is hereby declared as a legislative intent
5 that this article would have been adopted had such unconstitu-
6 tional provisions not been included therein.

CHAPTER 34

(Senate Bill No. 89—By Mr. Hodges)

AN ACT to amend and reenact chapter thirteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, being house bill number two hundred nine of that session, relating to the transfer of funds of magisterial districts and independent school districts to the county board of education.

[Passed January 26, 1934; in effect from passage. Approved by the Governor.]

2-(b). After July 1, 1933, funds of magisterial and independent school districts, except interest and sinking funds, to be transferred	|	Sec.	to county board of education; exceptions; use of transferred funds.
--	--	------	---

Be it enacted by the Legislature of West Virginia:

That chapter thirteen, acts of the Legislature of West Virginia, first extraordinary session one thousand nine hundred thirty-three, being house bill number two hundred nine of that session, be amended and reenacted to read as follows:

Section 2-(b). On and after July first, one thousand nine hundred thirty-three, any and all moneys in the separate funds of any magisterial district or independent school district, other than interest and sinking funds, and all moneys which may thereafter be paid into such funds, from the collection of delinquent taxes or otherwise, except such portions thereof heretofore levied for interest and sinking fund purposes, are hereby transferred to the board of education for control, distribution and expenditure; and any such funds so transferred shall be used by said board in payment of any existing legal indebtedness, except bonded indebtedness, of any such district, and the residue, if any, for general school purposes in such district, without regard to the purpose for which the said moneys were originally collected, except that moneys collected for the purpose of replacement of or the erection of new buildings shall be expended in the magisterial or independent school district from which such moneys were collected.

All acts and parts of acts, both general and special, inconsistent with this act, are hereby expressly repealed.

*Repealed by chapter thirty-five, acts of this session

CHAPTER 35

(Senate Bill No. 110—By Mr. Paull)

AN ACT to amend and reenact chapter thirteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, being house bill number two hundred nine of that session, and to repeal senate bill number eighty-nine, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, relating to the transfer of funds of magisterial districts and independent school districts to the county board of education.

[Passed February 28, 1934; in effect from passage. Approved by the Governor.]

Sec.

2-(b). After July 1, 1933, funds of magisterial and independent school districts, except interest and sinking funds, to be transferred to county board of education;

Sec.

exceptions; use of transferred funds; exceptions as to money collected for replacement or erection of new buildings.

Be it enacted by the Legislature of West Virginia:

That senate bill number eighty-nine, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, be repealed and that chapter thirteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, being house bill number two hundred nine of that session, be amended and reenacted to read as follows:

Section 2-(b). On and after July first, one thousand nine hundred thirty-three, any and all moneys in the separate funds of any magisterial district or independent school district, other than interest and sinking funds, and all moneys which may thereafter be paid into such funds, from the collection of delinquent taxes or otherwise, except such portions thereof heretofore levied for interest and sinking fund purposes, are hereby transferred to the board of education for control, distribution and expenditure; and any such funds so transferred may be used by said board in payment of any existing legal indebtedness, bonded or otherwise, of any such district, or for general school purposes as the board may determine and without regard to the purpose for which the said moneys were originally collected, except that moneys collected for the purpose of replacement of or the erection of new buildings shall be expended in the magisterial or in-

17 dependent school district from which such moneys were
18 collected.

19 All acts and parts of acts, both general and special, incon-
20 sistent with this act, are hereby expressly repealed.

CHAPTER 36

(House Bill No. 149—By Mr. Norton)

AN ACT to authorize the distribution of certain moneys to the county boards of education for the purpose of furnishing temporary relief to the employees of the county boards of education.

[Passed December 21, 1933; in effect from passage. Approved by the Governor.]

Sec.

1. Temporary transfer of three hundred fifty thousand dollars from state supplemental aid school fund to maintenance fund to pay employees of county boards of education, except teachers.

Sec.

2. Distribution of transferred funds.
3. Reimbursement of general school fund by county boards of education for amount advanced for employees, except teachers.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby appropriated out of the equalization or supplemental aid fund provided in section six, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter nine of the acts of the Legislature of West Virginia, one thousand nine hundred thirty-three, first extraordinary session, the sum of three hundred fifty thousand dollars, which sum is hereby temporarily transferred from the said supplemental aid fund to the maintenance fund for the purpose of meeting an emergency and providing payment to the employees of the several county boards of education in the state, excepting payment to teachers.

Sec. 2. The amount to be distributed to each county board of education for the purpose of paying said employees, except teachers, shall be equal in amount to one-third of the amount to which a county is entitled in the distribution of state aid on the basic salary schedule, as provided in section six, article nine, chapter eighteen, as amended by chapter nine of the acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three.

Sec. 3. On or before April first, one thousand nine hundred two thirty-four, the county boards of education receiving a disbursement as provided in sections one and two hereof, shall reimburse the general school fund for the amount so advanced and in the event any county board of education shall fail to make reimbursement of said fund, on or before the first day of April, one thousand nine hundred thirty-four, then the state superintendent of schools or the auditor may withhold from such county failing to reimburse the general school fund out of any school fund or funds belonging to such county an amount equal to the amount of the advancement provided under this bill.

CHAPTER 37

(House Bill No. 165—By Mr. Pelter)

AN ACT to amend and reenact section thirty, chapter ten, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to teachers' certificates.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

30. Renewal of teachers' certificates and appeal to state superintendent; extension for one year from June 30, 1934; after second renewal five year period, life certificate; certificates for five years or longer considered first grade certificates; renewal of short course certificates and appeal to state superintendent; re-

SEC.

newal of first grade temporary certificates; extension of second grade and second grade temporary certificates; reinstatement of first class certificates and appeal to state superintendent; cancellation of certain certificates; approval of certificates by department of education.

Be it enacted by the Legislature of West Virginia:

That section thirty, chapter ten, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Sec. 30. All first grade certificates, normal school certificates, collegiate elementary certificates, superintendents' certificates, high school principals' certificates, high school certificates, supervisors' certificates and special certificates, valid for five years, shall, upon their expiration or within the year immediately following, be renewable for five-year periods: *Provided*, That the holders thereof shall have taught or otherwise been actively engaged in educational

9 work for not less than three years of each five-year period,
10 and that those who had not previously completed work for
11 a master's degree or its equivalent, shall have completed
12 since the issuance of their certificate or of its last renewal.
12-a not less than six semester hours of work in an accredited
13 school: *Provided further*, That all applications for renewal
14 shall be accompanied by a recommendation from the county
15 superintendent of the county where the applicant last taught:
16 *Provided, however*, That if the applicant seeking a renewal
17 has cause to believe that the county superintendent refuses to
18 give a recommendation without just cause, the applicant shall
19 have the right in such case to appeal to the state superinten-
20 dent of schools: *Provided, however*, That such certificates
21 now valid which expire June thirtieth, one thousand nine
22 hundred thirty-four, shall be and are hereby extended for a
23 period of one year without it being required that the holders
24 of such certificates complete the semester hours as is herein-
25 before provided.

26 At the end of the second renewal five-year period, the holder
27 of any certificate designated in the preceding paragraph shall
28 receive a similar certificate valid for life: *Provided*, That the
29 holder of such certificate has complied with the renewal re-
30 quirements as above provided for each five-year period. All
31 certificates issued for a period of five years or longer shall
32 be considered first grade certificates as to renewal and pay-
33 ment of salaries.

34 In any case where a person has held a short course certificate,
35 such certificate shall be renewable prior to October first, one
36 thousand nine hundred thirty-three, in the manner now pro-
37 vided by law. On and after October first, one thousand nine
38 hundred thirty-three, such short course certificates, as are then
39 in force, shall be renewable for three-year periods: *Provided*,
40 That the holder thereof shall have taught two years, or other-
41 wise actively engaged in educational work for a period of two
42 years, shall have completed during each three-year period not
43 less than six hours of work in an accredited school, and shall be
44 recommended for such renewal by the county superintendent of
45 schools of the county in which the applicant last taught: *Pro-*
46 *vided, however*, That if the applicant seeking a renewal has
47 cause to believe that the county superintendent refuses to give
48 a recommendation without just cause, the applicant shall have

49 the right in such case to appeal to the state superintendent of
50 schools. The short course certificate shall not be issued after
51 October first, one thousand nine hundred thirty-three: *Pro-*
52 *vided, however,* That such certificates now valid which expire
53 June thirtieth, one thousand nine hundred thirty-four, shall
54 be and are hereby extended for a period of one year without
55 it being required that the holders of such certificates complete
56 the semester hours as is hereinbefore provided.

57 In any case where a person holds a first grade temporary
58 certificate, such certificate shall be renewable: *Provided,* That
59 the holder shall have taught one year, completed eight semester
60 hours in an approved normal, college or university, and shall
61 be recommended for such renewal by the county superintendent
62 of schools of the county in which the one year was taught:
63 *Provided, however,* That such certificates now valid which
64 expire June thirtieth, one thousand nine hundred thirty-four,
65 shall be and are hereby extended for a period of one year
66 without it being required that the holders of such certificates
67 complete the semester hours as is hereinbefore provided. The
68 second grade temporary certificate shall not be renewed, but
69 shall be extended for a period of one year from June thirtieth,
70 one thousand nine hundred thirty-four under the special pro-
71 vision of this act governing the extension of renewable cer-
72 tificates for the same period without the completion of re-
73 quired school work; and such extension shall in like manner
74 apply to second grade certificates granted by uniform exami-
75 nation.

76 In any case where any person has held a first class certifi-
77 cate, in accordance with the provisions of this act, and has
78 permitted the same to lapse, such person may apply to the
79 state superintendent of free schools for reinstatement for such
80 certificate within a period of three years after the expiration
81 of said certificate. The applicant shall furnish with his appli-
82 cation a record showing the completion of not less than six
83 semester hours of work in an accredited school since the
84 issuance of the certificate, together with a statement signed
85 by the county superintendent of schools of the county in
86 which he resides, to the effect that the applicant is a person
87 of good moral character, is in good health, is a suitable
88 person to be entrusted with the care and education of children,
89 and bears the reputation of having been a successful teacher:

90 *Provided, however,* That if the applicant seeking a renewal has
91 cause to believe that the county superintendent refuses to give
92 a recommendation without just cause, the applicant shall have
93 the right in such case to appeal to the state superintendent of
94 schools. If, in the opinion of the state superintendent of free
95 schools, such applicant is a suitable person to be entrusted
96 with the care and education of children, has been successful
97 in the work of teaching, and has complied with the foregoing
98 reinstatement requirements, such certificate shall be reinstated
99 in such manner as to replace such applicant in the relative
100 position he held as to certificate rights on the thirtieth day of
101 June following the close of the last term of school taught on
102 such certificate.

103 All certificates of all grades not issued through a regularly
104 advertised examination, and all certificates not issued on grades
105 earned in high school or other schools approved by the state
106 board of education, a record of which is filed in the office of
107 the state superintendent of schools shall be cancelled after
108 due notice from the state superintendent that such records
109 are not on file and after reasonable time shall have been given
110 to show that the holder thereof held the required grades and
111 credits when certificate was issued.

112 After the first day of July, one thousand nine hundred
113 thirty-four, all teachers of this state shall hold certificates
114 approved by the state department of education.

115 All acts or parts of acts inconsistent with the provisions
116 of this act are hereby repealed.

CHAPTER 38

(House Bill No. 187—By Mr. Hiner)

AN ACT to amend and reenact sections twenty-nine and thirty-one of chapter nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, amending article one of chapter twenty-five, of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control and to dormitories, homes or refectories at the various state educational institutions; and to amend article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to

the West Virginia board of control, by adding thereto a new section to be known and numbered as section twenty-four-(a), providing for the erection of gymnasiums or stadia for athletic games, contests or exhibitions or physical training, dormitories, homes, refectories, swimming pools, and other necessary structures or buildings, for students, teachers, patients, inmates, officers and employees at the various state institutions under the control and management of the West Virginia board of control, and providing additional revenue for temporary supplemental aid and unemployment relief for the duration of the present emergency.

[Passed January 25, 1934; in effect from passage. Approved by the Governor.]

SEC.

- 24-(a). State board of control authorized to construct gymnasiums, etc., at institutions under its control; legislative finding of financial emergency.
29. Bonds for construction, etc., to be paid from fees and charges; revenues pledged to provide principal and interest of bonds; revenues to state sinking fund commission as special fund;

SEC.

- trustee, when bonds purchased by federal agency.
31. State to incur no obligation; dormitories, etc., to be self-liquidating projects; board of control authorized to make necessary contracts with federal or private agency; advertisement and sale of bonds not sold to federal agency; provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That sections twenty-nine and thirty-one, chapter nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, amending article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control, be, and the same are hereby, amended and reenacted, and that article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control, be, and the same is hereby, amended by adding thereto a new section to be known and numbered section twenty-four-(a) to read, as follows:

Section 24-(a). The state board of control, within its discretion, is hereby authorized to provide, construct, erect, improve, equip, maintain and operate gymnasiums or stadia for athletic games, contests or exhibitions or physical training, dormitories, homes, refectories, swimming pools, or such other structures or buildings, for students, teachers, patients, inmates, officers and employees at the various state institutions named in this article and under the control and management of the state board of con-

9 trol, and the provisions, and limitations thereof, of sections
10 twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,
11 twenty-nine, thirty, thirty-one, thirty-two, thirty-three and
12 thirty-four, inclusive, respectively, and any and all amendments
13 thereof, of article one, and amendments thereto, of chapter
14 twenty-five of the code of West Virginia, one thousand nine hun-
15 dred thirty-one, shall be applicable thereto. This section is
16 deemed necessary for the purpose of providing additional reve-
17 nue for temporary supplemental aid and relief of unemployed
18 persons and it is hereby declared that the present economic de-
19 pression has created a serious emergency due to widespread un-
20 employment and increasing inadequacy of state and local relief
21 funds, resulting in the existing or threatened deprivation of a
22 considerable number of families and individuals of the necessi-
23 ties of life, making it imperative that relief be furnished to
24 needy and distressed people.

Sec. 29. Whenever bonds are issued for the construction,
2 erection or equipment of dormitories, homes or refectories, or
3 for the improvement or equipment of existing dormitories,
4 homes or refectories, or for any or all of such purposes, as joint
5 or several projects, for which a single or several issues of
6 bonds may be issued within the discretion of the state board
7 of control, rents, fees and charges shall be fixed, charged and
8 collected in connection with the use or occupancy of, or serv-
9 ice to be thereby rendered and furnished by, such dormitories,
10 homes or refectories, and shall be so fixed or adjusted, in re-
11 spect of the aggregate of rents, fees and charges from the dor-
12 mitories, homes or refectories so constructed, erected, improved
13 or equipped by means of or with the proceeds of a single issue
14 of bonds, as to provide a fund sufficient to pay the principal
15 and interest of each such issue of bonds and to provide an ad-
16 ditional fund to pay the cost of maintaining, repairing, operat-
17 ing and insuring such dormitories, homes or refectories. When-
18 ever bonds are issued to finance, at any one time, the construc-
19 tion and erection of dormitories, homes or refectories together
20 with additions or extensions to an existing dormitory, home or
21 refectory for students or teachers at state educational insti-
22 tutions, as a single construction project, the revenues deriv-
23 able from both such dormitories, homes or refectories and such

24 additions or extensions to an existing dormitory, home or re-
25 factory, as constructed from the proceeds of a single issue of
26 bonds, as a single construction project, may be pledged to pro-
27 vide a fund sufficient to pay the principal and interest of such
28 single issue of bonds and to provide an additional fund to
29 pay the cost of maintaining, repairing, operating and insur-
30 ing such dormitories, homes or refectories, and such additions
31 or extensions to an existing dormitory, home or refectory. The
32 rents, fees and charges from the dormitories, homes or refec-
33 tories for which a single issue of bonds is issued, except such
34 part thereof as may be necessary to pay such cost of maintain-
35 ing, repairing, operating and insuring during any period in
36 which such cost is not otherwise provided for (during which
37 period the rents, fees and charges may be reduced accord-
38 ly), shall be transmitted each month to the state sinking fund
39 commission and by it placed in a special fund which is hereby
40 pledged to and charged with the payment of the principal of
41 such bonds and the interest thereon, and to the redemption or
42 repurchase of such bonds, such special fund to be a fund for all
43 such bonds without distinction or priority of one over another.
44 The moneys in such special fund, less a reserve for payment of
45 interest, if not used by the sinking fund commission, within a
46 reasonable time for the purchase of bonds for cancellation at a
47 price not exceeding the market price and not exceeding the
48 redemption price, shall be applied to the redemption by lot of
49 any bonds which by their terms are then redeemable, at the
50 redemption price then applicable: *Provided, however,* That
51 if said revenue bonds are sold to and purchased by the United
52 States of America or any federal or public agency or depart-
53 ment created under and by virtue of the laws of the United
54 States of America, then at the option of the United States of
55 America or such federal or public agency or department in
56 lieu of such moneys being transmitted to the sinking fund com-
57-58 mission and by it placed in a special fund, the rents, fees and
59 charges from the dormitories, homes or refectories for which
60 a single issue of bonds is issued, except such part thereof as
61 may be necessary to pay such cost of maintaining, repairing,
62 operating and insuring as provided aforesaid, may be trans-
63 mitted and paid to a trustee designated and named by the

64 United States of America or such federal or public agency or
65 department in its agreement and contract with the state board
66 of control, for the payment of the principal of such bonds and
67 the interest thereon, under such terms and conditions as may
68 be agreed upon.

Sec. 31. Nothing in these sections dealing with dormitories,
2 homes or refectories shall be so construed or interpreted as to
3 authorize or permit the incurring of state debt of any kind or
4 nature as contemplated by the constitution of this state in re-
5 lation to the state debt. The dormitories, homes or refectories
6 herein are of the character described as self-liquidating projects
7 under the laws of the United States.

8 The said board of control is authorized and empowered to
9 enter into the necessary contracts and agreements to carry out the
10 purposes hereof with the United States of America or such
11 federal or public agency or department of the United States,
12 or with any private agency, corporation or individual: *Pro-*
13 *vided, however,* That if such bonds are not sold to and pur-
14 chased by the United States of America or any such federal
15 or public agency or department, then the state board of con-
16 trol shall advertise such bonds for sale, on sealed bids, which
17 advertisement shall be published at least once a week for three
18 weeks, the first publication to be made at least twenty-one days
19 preceding the date fixed for the reception of bids, in two news-
20 papers published and of general circulation in the state and of
21 opposite political affiliation, and such advertisement shall also
22 be published in a financial paper published either in the city of
23 New York, in the state of New York, or the city of Chicago, in
24 the state of Illinois. The state board of control may reject
25 any and all bids. If the bonds be not sold pursuant to such
26 advertisement, they may, within sixty days after the date ad-
27 vertised for the reception of bids, be sold by the board at private
28 sale, but no private sale shall be made at a price less than the
29 highest bid which shall have been received pursuant to such ad-
30 vertisement. If not sold, such bonds shall be readvertised in the
31 manner herein provided.

32 The provisions and parts of this act are separable and are not
33 matters of mutual essential inducement, and it is the intention
34 to confer the whole or any part of the powers herein provided

35 for, and if any of the sections or provisions, or parts thereof,
 36 are for any reason illegal or invalid, it is the intention that the
 37 remaining sections and provisions or parts thereof shall remain
 38 in full force and effect.

CHAPTER 39

(House Bill No. 278—By Mr. Pelter)

AN ACT to amend and reenact section six, article nine, chapter nine, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, to provide for the distribution of general school funds, authorizing the state to pay for basic salaries for eight months, and changing teacher-load in densely populated territories from thirty-eight to thirty-five.

[Passed February 21, 1934; in effect from passage. Became a law without the approval of the Governor.]

Article IX.

SEC.

6. Sources of general school fund; expenditures from fund for state and county superintendents; for elementary teachers' salaries for eight months; ascertainment of number of needed elementary teachers; for high school teachers' salaries for

Sec.

eight months; ascertainment of number of needed high school teachers; for supplementary aid to elementary and high school teachers funds; when state aid withheld; duties of auditor and state superintendent as to state aid.

Be it enacted by the Legislature of West Virginia:

That section six, article nine, chapter nine, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

ARTICLE IX.

Section 6. A separate school fund, to be called the "general 2 school fund", shall be set apart for the support of the free 3 schools of the state, and the revenue from the following 4 sources and not otherwise appropriated shall be paid into it:

5 (1) The proceeds from the capitation tax;

6 (2) The income of the school funds;

7 (3) The net proceeds of all fines and forfeitures which
 8 accrued to the state during the previous year, except fines re-
 9 ferred to in section six, article eight of this chapter;

10 (4) All moneys arising from the sources named in section

11 four, article twelve of the constitution, heretofore going to the
12 "school fund" but as now amended going to the "general
13 school fund";

14 (5) All interest on public moneys received from state de-
15 positories;

16 (6) State license tax on marriages;

17 (7) State tax on forfeitures;

18 (8) State tax on state licenses, except on motor vehicles
19 and on owners, chauffeurs, operators and dealers in motor
20 vehicles, hunting and fishing licenses and state licenses paid
21 directly to the state auditor and secretary of state;

22 (9) All funds from any source paid into the treasury for
23 school purposes and not otherwise appropriated.

24 This fund shall be used for the following purposes according
25 to the order and preferences indicated below:

26 (1) To pay the salary of the state superintendent of free
27 schools, his necessary traveling expenses not to exceed five
28 hundred dollars per year, and the contingent and other ex-
29 penses of his office;

30 (2) To pay toward the salary of each county superintendent
31 on the basis of twenty cents per pupil in average daily attend-
32 ance for the preceding year, but the maximum amount sup-
33 plied by the state for the salary of any county superintendent
34 shall not exceed two thousand dollars;

35 (3) To pay to each district a sum sufficient to supplement
36 materially the elementary teachers' fund by paying for each
37 needed teacher for a period of eight months, the following
38-40 amounts:

41 (a) For each teacher holding a second-grade certificate,
42 fifty-five dollars per month;

43 (b) For each teacher holding a first-grade certificate,
44 seventy dollars per month;

45 (c) For each teacher holding a short normal certificate,
46 seventy-five dollars per month;

47 (d) For each teacher holding a standard normal certificate,
48 eighty-five dollars per month;

49 (e) For each teacher holding a certificate of higher grade,
50 ninety dollars per month.

51 The total number of needed teachers in any district shall
52 be determined by dividing the number of pupils in average
53 daily attendance during the preceding year by eighteen, in

54 districts with an average daily attendance of one to five per
55 square mile; by twenty-two, in districts having an average
56 daily attendance of six to nine per square mile; by twenty-
57 five, in districts having an average attendance of ten to nine-
58 teen per square mile; by thirty, in districts having an average
59 daily attendance of twenty to thirty-nine per square mile;
60 and by thirty-five, in districts with an average daily attendance
61 of forty or more per square mile;

62 (4) To pay to each district a sum sufficient to supplement
63 materially the junior and senior high school teachers' fund by
64 paying for each needed teacher for a period of eight months the
65 following amounts:

66 (a) For each teacher holding a standard normal certificate,
67 eighty dollars per month;

68 (b) For each teacher holding a bachelor's degree approved
69 by the state superintendent, ninety dollars per month;

70 (c) For each teacher holding a master's degree approved
71 by the state superintendent, one hundred ten dollars per
72 month.

73 The total number of teachers needed in any district shall be
74 determined by dividing the average daily attendance in junior
75 and senior high schools in the district during the preceding
76 year by twenty-three.

77 (5) To supplement the elementary and high school funds
78 in districts where the maximum levy and the aid granted in
79 subsections three and four will not maintain the school and
80 pay the minimum basic salaries to the number of needed
81 teachers for the minimum term, each district may petition the
82 state superintendent for aid and must affirmatively show by
83 sworn statement that:

84 (a) The maximum levy on lawfully assessed valuations has
85 been laid in the district;

86 (b) The maximum levy is insufficient, together with the
87 state aid granted by subsections three and four of this section,
88 to maintain the school for the minimum term;

89 (c) The proportion of teachers to pupils is proper;

90 (d) The schedule of teachers' salaries is reasonable;

91 (e) The budget of contingent expenses and building enter-
92 prise is commensurate with the actual needs of the district.

93 Thereupon the state superintendent may, in his discretion,
94 grant so much aid as he thinks reasonable, in view of the con-

95 dition of the district and the request for aid from other dis-
96 tricts.

97 (6) State aid granted by subsections three, four and five
98 of this section may be withheld from full time schools in case
99 the average daily attendance falls below twenty, or in case the
100 board fails, or refuses to consolidate when, in the judgment of
101 the state superintendent, consolidation is wise, and when the
102 board fails to meet the standards established by the state
103 board.

104 The auditor, on or before the twentieth day of July in each
105 year, after first deducting the aggregate salary of the state
106 superintendent, his necessary traveling expenses not to exceed
107 five hundred dollars, the contingent and other expenses of his
108 office, and the salaries of the county superintendents, shall
109 ascertain the amount of the general school fund available
110 for distribution and shall certify the same to the state super-
111 intendent.

112 The state superintendent on or before the first day of
113 August, shall ascertain the needs for the various purposes in
114 the order and preference enumerated, and shall have deposited
115 in the manner prescribed by law, with the sheriff or treasurer
116 of each district the amounts to which the district is entitled.

117 When the state superintendent determines that a district is
118 entitled to supplemental aid under the provisions of subsection
119 five, he shall make requisition upon the state auditor for the
120 necessary amount and the auditor shall issue warrants to the
121 district entitled to receive the supplemental aid.

CHAPTER 40

(House Bill No. 295—By Mr. Jarvis)

AN ACT to amend and reenact section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eleven, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to basic salaries of teachers.

[Passed March 15, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

2. Minimum salaries for teachers; advanced salaries after first term; salaries for principals of ele-

SEC.

mentary and high schools; basic salaries in effect June 1, 1933, restored after July 1, 1934.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eleven, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 2. A board of education shall not contract for the employment of any teacher at a monthly salary less in amount than the monthly amount which the district is entitled to receive for the employment of the teacher under section six, article nine, as amended, of this chapter: *Provided, however,* That boards of education shall provide in the contract advanced salaries as follows:

(1) For teachers who have taught one regular term of school and not more than five regular terms, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; the basic salary plus at least five dollars a month for the third term; the basic salary plus at least seven dollars fifty cents a month for the fourth term; and the basic salary plus at least ten dollars a month for the fifth term; (2) For teachers who have taught five regular terms of school and less than ten regular terms, the rate of salary shall be at least fifteen dollars more a month than the rate of the basic salary of teachers holding similar credentials; (3) For teachers who have taught ten regular terms of school or more, the rate of salary shall be at least twenty dollars a month more than the rate of

21 the basic salary for teachers holding similar credentials: *Pro-*
 22 *vided further*, That boards of education may fix higher salaries
 23 for principals of elementary and high schools consistent with
 24 the extra duties and responsibilities of said positions: *And*
 25 *Provided further*, That the basic salaries in effect June first,
 26 one thousand nine hundred thirty-three, shall again become
 27 effective on and after the first day of July, one thousand nine
 28 hundred thirty-four.

CHAPTER 41

(House Bill No. 397—By Mr. Hiner)

AN ACT authorizing the board of governors of West Virginia uni-
 versity to fix the salaries of the president of the university,
 athletic director, head football coach and all assistant football
 coaches at said university and to repeal all acts or parts of acts
 in conflict herewith.

[Passed March 24, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. Board of governors of West Vir-
 ginia University to fix salaries
 of president, athletic director

Sec.

and head and assistant football
 coaches.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of governors of the West Virginia uni-
 2 versity shall fix the salaries of the president of the university,
 3 athletic director, head football coach and all assistant football
 4 coaches at said university.
 5 All acts or parts of acts in conflict or inconsistent with this
 6 act are hereby repealed.

CHAPTER 42

(Senate Bill No. 69—By Mr. White, of Mingo)

AN ACT to amend and reenact section twenty-one, article ten, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter fifty-nine, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to bonded indebtedness for road purposes and road funds, and to provide for the transfer of county and district road and bridge funds to the general county fund.

[Passed January 22, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

21. Bonded indebtedness of counties and magisterial districts debt of property pledged as security; levies for county and district obligations; transfer by county

Sec.

courts to general county fund of county road and bridge funds and district road funds, other than interest and sinking funds for bonded indebtedness.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article ten, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter fifty-nine, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 21. The bonded indebtedness incurred by the county 2 and by its magisterial districts for road purposes shall remain 3 the debt of the property originally pledged as security for the 4 payment of the obligation. The county court shall impose 5 upon the property in the county for county obligations, and 6 in the magisterial district for district obligations, levies in the 7 manner provided in sections seven and thirteen, article eight, 8 chapter eleven, as amended, for the payment of the current 9 requirements of principal and interest of the bonded indebted- 10 ness on and after July first, one thousand nine hundred thirty- 11 three. All county courts, and other bodies acting in lieu there- 12 of, are authorized to transfer to the general county fund any 13 unexpended balances remaining in the county road and bridge 14 funds or in district road funds, other than interest and sinking 15 funds required for bonded indebtedness incurred for road 16 purposes, and to transfer to the general county fund any un- 17 expended balances of funds raised to pay the interest on and

18 create sinking funds for any such bonded indebtedness where
19 said bonded indebtedness has been fully paid off and discharged
20 or where there remains no other bonded debt within such taxing
21 district to which such unexpended balances might be applied,
22 as well as any balance remaining in any special road fund
23 created by law, and all moneys which may hereafter be paid
24 into such funds through the collection of delinquent taxes or
25 otherwise.

CHAPTER 43

(House Bill No. 5—By Mr. Van Sickler)

AN ACT to amend and reenact chapter fifty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to duties of county courts and compensation of county commissioners for services other than services in court.

[Passed March 23, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

5. Duties and salaries of county commissioners.

Be it enacted by the Legislature of West Virginia:

That chapter fifty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to duties of county courts and compensation of county commissioners for services other than services in court, be and the same is amended and reenacted to read as follows:

Section 5. It shall be the duty of the county commissioners of each county to visit each quarter and inspect institutions within their county for housing and caring for the poor, to inspect the jails, and to investigate the conditions of the poor within their county not housed within such institutions; to visit detention homes for children within their counties, if any, and to visit and inspect bridges and bridge approaches under their control.

There shall be allowed and paid out of the county treasury, as other salaries are paid, to each county commissioner of each county (except as otherwise provided by law for the county of Ohio), for services performed for such county concerning the visiting of the poor and inspection of places of housing and

14 caring for the poor, inspection of jails, bridges and bridge ap-
15 proaches and for visiting detention homes for children within
16 their counties and other county business by such commissioners
17 other than services in court, the following sums of money, to
18 wit: The county of Barbour fifteen dollars per month, the county
19 of Berkeley thirty dollars per month, the county of Boone
20 twenty-five dollars per month, the county of Braxton twenty-
21 five dollars per month, the county of Brooke twenty-five dol-
22 lars per month, the county of Cabell one hundred fifty dollars
23 per month, the county of Calhoun twenty-five dollars per month,
24 the county of Clay twenty-five dollars per month, the county of
25 Doddridge fifteen dollars per month, the county of Fayette
26 one hundred dollars per month, the county of Gilmer fifteen
27 dollars per month, the county of Grant fifteen dollars per
28 month, the county of Greenbrier twenty-five dollars per month,
29 the county of Hampshire fifteen dollars per month, the county
30 of Hancock twenty-five dollars per month, the county of Hardy
31 fifteen dollars per month, the county of Harrison one hundred
32 seventy-five dollars per month, the county of Jackson fifteen
33 dollars per month, the county of Jefferson thirty dollars per
34 month, the county of Kanawha two hundred fifty dollars per
35 month, the county of Lewis twenty-five dollars per month, the
36 county of Lincoln twenty-five dollars per month, the county of
37 Logan one hundred dollars per month, the county of Marion
38 one hundred fifty dollars per month, the county of Marshall
39 seventy-five dollars per month, the county of Mason twenty-five
40 dollars per month, the county of McDowell one hundred fifty
41 dollars per month, the county of Mercer one hundred dollars per
42 month, the county of Mineral twenty-five dollars per month, the
43 county of Mingo seventy-five dollars per month, the county of
44 Morgan fifteen dollars per month, the county of Monroe fifteen
45 dollars per month, the county of Monongalia one hundred fifty
46 dollars per month, the county of Nicholas twenty-five dollars
47 per month, the county of Pendleton fifteen dollars per month,
48 the county of Pleasants fifteen dollars per month, the county of
49 Pocahontas fifteen dollars per month, the county of Preston
50 twenty-five dollars per month, the county of Putnam twenty-five
51 dollars per month, the county of Raleigh one hundred dollars
52 per month, the county of Randolph twenty-five dollars per
53 month, the county of Ritchie fifteen dollars per month, the

54 county of Roane twenty-five dollars per month, the county
 55 of Summers twenty-five dollars per month, the county of Taylor
 56 twenty-five dollars per month, the county of Tucker fifteen dol-
 57 lars per month, the county of Tyler fifteen dollars per month,
 58 the county of Upshur fifteen dollars per month, the county of
 59 Wayne seventy-five dollars per month, the county of Webster
 60 fifteen dollars per month, the county of Wetzel twenty-five dol-
 61 lars per month, the county of Wirt fifteen dollars per month,
 62 the county of Wood one hundred dollars per month, and the
 63 county of Wyoming twenty-five dollars per month.

CHAPTER 44

(House Bill No. 342—By Mr. Van Sickler)

AN ACT to authorize the county court of any county to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease, for the erection, construction, equipment, leasing and renting of any courthouse, other public buildings, or jail, with an option to purchase same, and to provide for the payment of a yearly rental for such by said court or to authorize any such court to construct, equip, maintain and operate a courthouse, other public buildings, or jail, in and for said county, and to borrow funds from the public works administration or other governmental agency authorized to make loans for the purpose of constructing and equipping said building or buildings, together with the right to purchase additional land, and to issue bonds in payment of same and to pledge a sufficient amount of revenue, within the constitutional limitation and within the limitations as provided by general law, to pay the face amount of said bonds and interest thereon within a period not to exceed thirty years.

[Passed March 24, 1934: In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County courts authorized to convey land and make contract with federal agency for erection, etc., of courthouse, jail or other public buildings and to lease or rent same, with right of purchase.
2. Annual levy for rentals.
3. County courts authorized to borrow money from federal agency

SEC.

- to buy land and construct, etc., courthouses, jails or other public buildings and issue bonds for same; bonds exempt from taxation.
4. Statutory mortgage lien of bond holders; enforcement of lien.
 5. County court issuing bonds to provide revenue to pay operating cost, depreciation fund and bond

SEC.

requirements and remit same to state sinking fund commission; form and negotiability of bonds; use of proceeds of bond issue; interim certificates.

6. Character of debt incurred under this act.

SEC.

7. Powers of act additional and supplementary to other powers conferred by law.
8. Act to be liberally construed.
9. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county is hereby authorized and empowered to convey land and enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease, for the erection, construction, equipment, leasing and renting of a courthouse, other public buildings, or jail, with an option to purchase same, and to provide for the payment of a yearly rental for such by said court; and to contract with the United States government or any federal agency, to the end that said government or agency, its or any of its agencies or agents thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property any such building or buildings to be used for public purposes; and to contract with said government or any federal agency, for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year for a period of years not exceeding thirty, with the right to purchase said building or buildings and land on which the same is, or are, situated, and to apply towards the purchase price thereof any and all rentals paid to said government or agency, under the provisions of this act; and the said court shall pay to the said United States government or any federal agency, said yearly rental, or rentals, for the use and occupancy of said building, or buildings, if and when the same are constructed, which said yearly rental, or rentals, in the aggregate shall not exceed the total amount, and interest thereon, expended by said government or agency, on said project, or projects, and the said yearly rentals shall be paid out of levies laid within the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said court shall levy and collect annually an amount sufficient to pay said rental, or rentals, for that par-

3 ticular year for the purposes aforesaid in the manner and
4 form as is provided by law.

Sec. 3. Any county court is likewise authorized to construct,
2 equip and maintain a courthouse, other public buildings, or jail,
3 and to borrow funds from the public works administration or
4 other governmental agency authorized to make loans, for the
5 purpose of constructing and equipping said courthouse, other
6 public buildings, or jail, and shall also have the right to pur-
7 chase additional land on which to build same, within the dis-
8 cretion of the court. Such court is authorized to issue bonds
9 for the purpose of paying the cost of such land, building and
10 equipment and to pledge a sufficient amount of revenue within
11 the constitutional limitation, and within the limitations as pro-
12 vided by general law, to pay the interest on and the principal
13 of said bonds within a period not to exceed thirty years. Such
14 court is further authorized and empowered to do and perform
15 any and all acts and make all contracts necessary to effectuate
16 the general purposes of this act, including the acquisition by
17 original grant, purchase or other lawful means of all necessary
18 permits, easements and other rights in real estate, and title to and
19 possession thereof, and/or to ~~make such purchase with the money~~
20 borrowed, as provided in this section. Such court shall have au-
21 thority to make such contracts, agreements and covenants be-
22 tween it and the public works administration or other govern-
23 mental agency, for the loan of said funds and securing payment
24 thereof as they may be able to effectuate, subject only to this
25 limitation, that the bonds issued or given as security thereof shall
26 be payable solely out of the levies now provided for by general
27 law, to be levied by said county court in and for said county,
28 and to construct, equip and maintain such courthouse, other
29 public buildings, or jail, and to make and enter into such con-
30 tracts, and to do and perform such acts as may be necessary to
31 the construction, operation and maintenance of the same, sub-
32 ject to such burdens, restrictions and encumbrances as it may
33 be necessary to incur and bear in securing such funds for con-
34 struction.

35 Bonds issued hereunder shall be exempt from taxation by the
36 state of West Virginia or any county, district or municipality
37 thereof.

Sec. 4. There shall be and there is hereby created a statu-

2 tory mortgage lien upon the said property so acquired or con-
3 structed from the proceeds of bonds authorized to be issued
4 under this act, which shall exist in favor of the holder of said
5 bonds, and each of them, and to and in favor of the holder of
6 the coupons attached to said bonds, and such courthouse, other
7 public buildings, or jail, shall remain subject to such statutory
8 mortgage lien until payment in full of the principal and interest
9 of said bonds. Any holder of bonds issued under the provisions of
10 this act, or of any coupons representing interest accrued thereon,
11 may, either at law or in equity, enforce the statutory mortgage
12 lien hereby conferred, and may, by proper suit, compel the per-
13 formance of the duties of the officials of the said court set forth
14 in this act. If there be default in the payment of the principal
15 of and/or interest upon any of said bonds, any court having
16 jurisdiction in any proper action may appoint a receiver to
17 administer said property on behalf of the said court with power
18 to charge and collect rents or income sufficient to provide for
19 the payment of said bonds and interest thereon, and for the pay-
20 ment of the operating expenses, and to apply the income, rents
21 or other revenue in conformity with this act and the order pro-
22 viding for the issuance of said bonds.

23 Sec. 5. Any county court issuing bonds under the provisions
2 of this act shall thereafter, so long as any such bonds remain
3 outstanding, operate and maintain said courthouse, other public
4 buildings, or jail, so as to provide revenues as will be sufficient to
5 pay all operating costs, provide a depreciation fund, retire the
6 bonds and pay the interest requirements thereon as the same may
7 become due. The amounts, as and when so set apart by said
8 county court, shall be remitted to the state sinking fund com-
9 mission at least thirty days previous to the time interest or
10 principal payments become due, to be retained and paid out
11 by said commission consistent with the provisions of this act
12 and the order pursuant to which such bonds have been issued.
13 The state sinking fund commission is hereby authorized to act
14 as fiscal agent for the administration of such sinking fund under
15 any order passed pursuant to the provisions of this act, and
16 shall invest all sinking funds, as provided by general law.
17 Bonds issued under the provisions of this act are hereby de-
18 clared to be and to have all the qualities of negotiable instru-
19 ments. Such bonds shall bear interest at not more than six per

20 cent per annum, payable semi-annually, and shall mature in
21 not more than thirty years from their date, and may be made
22 redeemable at the option of the county court at such price and
23 under such terms and conditions as said court may fix prior to
24 the issuance of such bonds. Bonds issued hereunder shall be
25 payable at the office of the state treasurer and some bank in the
26 city of New York.

27 In case any of the officers whose signatures appear on the
28 bonds or coupons shall cease to be such officers before the de-
29 livery of such bonds, such signatures shall, nevertheless, be
30 valid and sufficient for all purposes the same as if they had re-
31 mained in office until such delivery. The county court shall fix
32 the denominations, times and places of payment of such bonds,
33 the principal of and interest on which shall be payable in law-
34 ful money of the United States of America. The proceeds of
35 such bonds shall be used solely for the payment of the cost of
36 land, buildings and equipment thereon, and shall be checked
37 out by the county court under such restrictions as are con-
38 tained in the order providing for the issuance of said bonds.
39 If the proceeds of bonds issued for any courthouse, other public
40 buildings, or jail, shall exceed the cost thereof, the surplus shall
41 be paid into the fund herein provided for the payment of princi-
42 pal and interest upon such bonds. Such fund may be used for the
43 purchase of any of the outstanding bonds payable from such
44 fund at the market price, but at not exceeding the price at which
45 any of such bonds shall in the same year be redeemable, and all
46 bonds redeemed or purchased shall forthwith be cancelled, and
47 shall not again be issued.

48 Prior to the preparation of definitive bonds, the county court
49 may, under like restrictions, issue temporary bonds, or interim
50 certificates, with or without coupons, exchangeable for definitive
51 bonds upon the issuance of the latter. Such bonds may be
52 issued without any other proceedings or the happening of any
53 other conditions or things than those proceedings, conditions
54 and things which are specified and required by this act.

Sec. 6. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit any county court to
3 incur a debt for and on behalf of said court of any kind or
4 nature as contemplated by the provisions of the constitution
5 of the state in relation to debt.

Sec. 7. This act shall be deemed to provide an additional and 2 alternative method for the doing of the things authorized here- 3 by, and shall be regarded as supplementary and additional to 4 powers conferred by other laws.

Sec. 8. This act, being necessary for the health, welfare and 2 public requirements of the public of the several counties, it 3 should be liberally construed to effectuate the purposes there- 4 of.

Sec. 9. The provisions of this act are separable and not mat- 2 ters of mutual essential inducement, and it is the intention to 3 confer the whole or any part of the powers herein provided for, 4 and if any of the sections or provisions, or parts thereof, are 5 for any reason illegal, it is the intention that the remaining 6 sections and provisions, or parts thereof, shall remain in full 7 force and effect.

CHAPTER 45

(House Bill No. 18—By Mr. Dyer)

AN ACT to amend and reenact sections one and five, chapter six- 2 teen, acts of the Legislature of West Virginia, first extraordi- 3 nary session, one thousand nine hundred thirty-three, relating 4 to forfeited and delinquent lands.

[Passed February 14, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Redemption, before June 30, 1934, 2 of lands delinquent or forfeited 3 for nonpayment of taxes, with- 4 out interest or costs; payment 5 of costs by and fees to commis- 6 sioners of school lands; pro- 7 cedure when two or more claim- 8 ants for redemption.

SEC.

5. When auditor to charge no fees, 2 costs or interest for redemption; 3 auditor's monthly reports to as- 4 sessors of redemptions; form of 5 auditor's receipt when taxes 6 paid to him.

Be it enacted by the Legislature of West Virginia:

That sections one and five, chapter sixteen, acts of the Legisla- 2 ture of West Virginia, first extraordinary session, one thousand 3 nine hundred thirty-three, be amended and reenacted so as to read 4 as follows:

Section 1. That the owner of any land and real estate in this 2 state, his heirs, devisees or assigns and any person holding a 3 lien thereon, or having the right to charge the same with a debt, 4 which land and real estate has been returned delinquent and/or 5 forfeited for the nonpayment of taxes levied and assessed against

6 the same, including forfeited land and real estate certified to
7 the commissioner of school lands of the respective counties on
8 which suits may or may not have been instituted or may still be
9 pending in which no sale and/or confirmation of sale has been
10 made, may redeem such land and real estate from such delin-
11 quency and/or forfeiture by the payment to the auditor of the
12 state of West Virginia of the taxes so levied and assessed to-
13 gether with all taxes which would have been levied and extended
14 on the land books against said real estate had there been no such
15 forfeiture, without interest or costs, if the same shall be paid
16 on or before June thirtieth, one thousand nine hundred thirty-
17-24 four. Such payment shall include all taxes assessed and in
25 arrears for any and all years prior to the year one thousand
26 nine hundred thirty-three, and prior to such redemption, and
27 any legal costs as now provided by statute that have accrued
28 by reason of the prosecution of any suit shall be paid by the
29 commissioner of school lands in the county in which the land
30 is situated, when approved and so ordered by the court by
31 order entered of record, from any funds in his hands, for
32 which said commissioner shall have credit in his settlement
33 of accounts, as such commissioner and commissioners of school
34 lands shall be allowed in their settlements such reasonable
35 sums as the court shall determine and allow for work done
36 and services rendered by them and their attorneys in relation
37 to the tracts, lots and parcels of land which have been here-
38 tofore certified to them and which have not before this act
39 becomes effective been disposed of, and such sums so allowed
40 may be, by order of the court, paid out of funds in the
41 hands of the commissioners or which shall come into their
42 hands: *Provided, however,* That where two or more claimants
43 have filed their petition as required by law asking to redeem the
44 same tract or tracts of land, said tract or tracts of land shall not
45 be certified to the auditor by the circuit clerk as provided in
46 section three of this act, nor be redeemed from the auditor as
47 provided in section one of this as amended, but the party de-
48 creed by the court to be entitled to redeem said land by paying
49 all costs accumulated as taxed by the clerk thereof, by reason of
50 the contest of title, together with the portion of the taxes as
51 above set forth unto the commissioner of school lands.

Sec. 5. It shall be the duty of the auditor of this state to re-

2: ceive payment of the taxes mentioned in the lists certified to him
 3 by virtue of sections two and three of this act, and to account
 4 for and disburse the same as other taxes received by him, and
 5 in the payment of such taxes as is mentioned in section one of
 6 this act, as amended, he shall charge no fees, costs nor interest,
 7 if redeemed on or before June thirtieth, one thousand nine hun-
 8 dred thirty-four, after which date all such redemptions shall
 9 be made as provided in section thirty, article ten, chapter
 10 eleven of the code of West Virginia, one thousand nine hundred
 11 thirty-one. The auditor shall make written reports every thirty
 12 days to the assessor of each county in this state of all forfeited
 13 lands redeemed, and upon the payment of such taxes to the
 14 auditor as aforesaid he shall execute triplicate receipts, retain
 15 and file one in his office and deliver two thereof, including the
 16 original, to the party paying the same in the following form or
 17 to the following effect:

18 19....

19 Received of.....,

20dollars in full pay-

21 ment of all taxes assessed against.....acres of land

22 situate on.....indistrict, county of

23for the year(s)

24

25 (here give the years for which delinquent and/or forfeited) in

26 the name of.....

27 which are the total taxes assessed against the same, which pay-

28 ment is made by virtue of chapter sixteen, acts of the first ex-

29 traordinary session, one thousand nine hundred thirty-three, as

30 amended by the second extraordinary session thereof.

31

32 Auditor of West Virginia.

CHAPTER 46

(House Bill No. 78—By Mr. Stout)

AN ACT to extend the time for redemption of real estate as provided in sections sixteen and thirty, respectively, article ten, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, sold or to be sold for the nonpayment of taxes and purchased by individuals or the state, for each of the years one thousand nine hundred twenty-nine, one thousand nine hundred thirty, one thousand nine hundred thirty-one and one thousand nine hundred thirty-two; and to extend the time in which the auditor may certify to the commissioner of school lands lists of lands purchased for the state at sales thereof for taxes, as provided in section five, article three, chapter thirty-seven of the code of West Virginia, and not heretofore certified; and to extend the time in which the commissioner of school lands shall start proceedings against all forfeited lands heretofore certified to him.

[Passed December 9, 1933; in effect from passage. Approved by the Governor.]

Sec.

1. Extension of time for redemption of real estate sold for nonpayment of taxes and purchased by individuals.
2. Extension of time for auditor's certificates to commissioner of

Sec.

school lands of lands purchased by state at tax sales; extension of time for suits against forfeited lands by commissioner of school lands.

Be it enacted by the Legislature of West Virginia:

Section 1. The time within which real estate sold for the non-
2 payment of taxes and purchased by individuals may be re-
3 deemed, and the time within which a deed may be procured there-
4 for, as provided in section sixteen, article ten, chapter eleven
5 of the code of West Virginia, one thousand nine hundred thirty-
6 one, for each of the years one thousand nine hundred twenty-
7 nine, one thousand nine hundred thirty, shall be extended for a
8 period of three years, from the time now fixed by statute, and,
9 for the year one thousand nine hundred thirty-one, shall be ex-
10 tended for a period of two years, and, for the year one thousand
11 nine hundred thirty-two shall be extended for a period of one
12 year, from the time now fixed by statute.

Sec. 2. The time within which the auditor shall certify to the
2 commissioner of school lands of the proper counties copies of the

3 certificates of the clerks of the county courts of such counties of
 4 lands purchased for the state at sales thereof for taxes, as pro-
 5 vided in section five, article three, chapter thirty-seven, of the
 6 code of West Virginia, one thousand nine hundred thirty-one,
 7 shall be extended for a period of three years in addition to the
 7-a time now fixed by statute. The commissioner of school lands
 8 shall cause no proceedings to be started against any forfeited
 9 lands, heretofore certified to him, by the auditor, for a period
 10 of three years, from the taking effect hereof, except at the in-
 11 stance and request of the owner or owners of any particular
 12 tract or tracts or of a redeemable interest herein to enable such
 13 owner or owners to redeem such tract or tracts, or unless the
 14 court for good reasons otherwise orders and directs.

CHAPTER 47

(House Bill No. 82—By Mr. Beacom)

AN ACT to amend and reenact section ten, chapter sixteen, acts of
 the Legislature of West Virginia, first extraordinary session,
 one thousand nine hundred thirty-three, relating to redemp-
 tion of delinquent lands.

[Passed February 7, 1934; in effect from passage. Approved by the Governor.]

SEC.

10. Time for redemption of real estate
 sold to the state for nonpay-
 ment of taxes for the years

SEC.

1929-1932 and prior years ex-
 tended to June 3, 1935.

Be it enacted by the Legislature of West Virginia:

That section ten, chapter sixteen, acts of the Legislature of West
 Virginia, first extraordinary session, one thousand nine hundred
 thirty-three, be amended and reenacted so as to read as follows:

Section 10. The time within which real estate sold for the
 2 nonpayment of taxes and purchased by the state may be re-
 3 deemed as provided in section thirty, article ten, chapter eleven
 4 of the code of West Virginia, one thousand nine hundred thirty-
 5 one, for each of the years one thousand nine hundred twenty-
 6 nine, one thousand nine hundred thirty, one thousand nine
 7 hundred thirty-one and one thousand nine hundred thirty-two,
 8 and all years prior thereto shall be extended until June third,
 9 one thousand nine hundred thirty-five.

CHAPTER 48

(House Bill No. 124—By Mr. Thomas)

AN ACT to amend and reenact sections fifteen and sixteen, chapter twenty-five, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to sewage works of municipal corporations.

[Passed December 20, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

15. Provisions of ordinance required before issuance of bonds for construction of municipal sewage works; the sinking fund established from net revenues to be remitted to and administered by state sinking fund commission; fund for extensions or betterments.
16. Governing body to establish just rates for use of sewage works;

SEC.

sufficiency and readjustment of rates; public hearing, after published notice, on, and before adoption of, ordinance fixing rates; schedule of rates kept on file; extension of rates to additional premises, without notice; procedure when rates readjusted; lien of charges on premises served; action for recovery of service charges.

Be it enacted by the Legislature of West Virginia:

That sections fifteen and sixteen, chapter twenty-five, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 15. At or before the issuance of any such bonds the governing body shall by said ordinance create a sinking fund, to be remitted to and administered by the state sinking fund commission, for the payment of the bonds and the interest thereon and the payment of the charges of banks or trust companies for making payment of such bonds or interest, and shall set aside and pledge a sufficient amount of the net revenues of the works, hereby defined to mean the revenues of the works remaining after the payment of the reasonable expense of operation, repair and maintenance, such amount to be paid by the board into said sinking fund at intervals to be determined by ordinance prior to issuance of the bonds, for: (a) The interest upon such bonds as such interest shall fall due; (b) the necessary fiscal agency charges for paying bonds and interest; (c) the payment of the bonds as they fall due, or, if all bonds mature at one time, the proper maintenance of a sinking fund in such amounts as are necessary and sufficient for the payment thereof at such time; (d) a margin for safety and for the payment of prem-

19 iums upon bonds retired by call or purchase as herein provided,
20 which margin, together with any unused surplus of such mar-
21 gin carried forward from the preceding year, shall equal ten
22 per cent of all other amounts so required to be paid into the
23 sinking fund. Such required payments shall constitute a first
24 charge upon all the net revenue of the works. Prior to the is-
25 suance of the bonds the board may by ordinance be given the
26 right to use or direct the state sinking fund commission to use
27 such sinking fund or any part thereof in the purchase of any of
28 the outstanding bonds payable therefrom at the market price
29 thereof, but not exceeding the price, if any, at which the same
30 shall in the same year be payable or redeemable, and all bonds
31 redeemed or purchased shall forthwith be cancelled and shall not
32 again be issued. After the payments into the sinking fund as
33 herein required, the board may at any time in its discretion
34 transfer all or any part of the balance of the net revenues, after
35 reserving an amount deemed by the board sufficient for operation,
36 repair and maintenance for an ensuing period of not less than
37 twelve months and for depreciation, into the sinking fund or
38 into a fund for extensions, betterments and additions to the
39 works. The amounts of the balance of the net revenue as and
40 when so set apart shall be remitted to the state sinking fund
41 commission to be retained and paid out by said commission con-
42 sistent with the provisions of this act and with the ordinance
43 pursuant to which such bonds have been issued. The state sink-
44 ing fund commission is hereby authorized to act as fiscal agent
45 for the administration of such sinking fund, under any ordi-
46 nance passed pursuant to the provisions of this act, and shall
47 invest all such sinking funds as provided by general law.

Sec. 16. The governing body shall have power, and it shall
2 be its duty, by ordinance, to establish and maintain just and
3 equitable rates or charges for the use of and the service ren-
4 dered by such works, to be paid by the owner of each and every
5 lot, parcel of real estate or building that is connected with and
6 uses such works by or through any part of the sewerage system
7 of the municipality, or that in any way uses or is served by
8 such works, and may change and readjust such rates or charges
9 from time to time. Such rates or charges shall be sufficient in
10 each year for the payment of the proper and reasonable ex-
11 pense of operation, repair, replacements and maintenance of

12 the works and for the payment of the sums herein required to be
13 paid into the sinking fund. Revenues collected pursuant to
14 this section shall be deemed the revenues of the works. No such
15 rates or charges shall be established until after a public hearing,
16 at which all the users of the works and owners of property
17 served or to be served thereby and others interested shall have
18 an opportunity to be heard concerning the proposed rates or
19 charges. After introduction of the ordinance fixing such rates
20 or charges, and before the same is finally enacted, notice of such
21 hearing, setting forth the proposed schedule of such rates or
22 charges, shall be given by one publication once each week for
23 two consecutive weeks in two newspapers of opposite political
24 faith published in such municipality, or in one newspaper, if
25 only one political faith is represented by newspapers in the
26 said municipality, at least ten days before the date fixed in such
27 notice for the hearing, which may be adjourned from time to
28 time, and if no newspaper be published in such municipality,
29 the notice shall be published as aforesaid in two newspapers of
30 opposite political faith, if there be such published in the county
31 within which such municipality is embraced, once each week
32 for two consecutive weeks. After such hearing the ordinance
33 establishing rates or charges, either as originally introduced or
34 as modified and amended, shall be passed and put into effect. A
35 copy of the schedule of such rates and charges so established
36 shall be kept on file in the office of the board having charge of
37 the operation of such works, and also in the office of the clerk
38 of the municipality, and shall be open to inspection by all par-
39 ties interested. The rates or charges so established for any
40 class of users or property served shall be extended to cover any
41 additional premises thereafter served which fall within the
42 same class, without the necessity of any hearing or notice. Any
43 change or readjustment of such rates or charges may be made in
44 the same manner as such rates or charges were originally es-
45 tablished as hereinbefore provided: *Provided, however,* That
46 if such change or readjustment be made substantially pro rata,
47 as to all classes of service, no hearing or notice shall be required.
48 The aggregate of the rates or charges shall always be sufficient
49 for such expense of operation, repair and maintenance and for
50 such sinking fund payments. All such rates or charges, if not
51 paid when due, shall constitute a lien upon the premises served

52 by such works. If any service rate or charge so established shall
 53 not be paid within thirty days after the same is due, the amount
 54 thereof, together with a penalty of ten per cent, and a reason-
 55 able attorney's fee, may be recovered by the board in a civil
 56 action in the name of the municipality, and in connection with
 57 such action said lien may be foreclosed against such lot, parcel
 58 of land or building, in accordance with the laws relating there-
 59 to.

CHAPTER 49

(House Bill No. 125—By Mr. Thomas)

AN ACT to amend and reenact sections three, five, six, seven and ten, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to waterworks systems of municipal corporations.

[Passed January 10, 1934; in effect from passage. Approved by the Governor.]

SEC.

3. Ordinance required before issuance of bonds to construct municipal waterworks system; form, negotiability, exemption from taxation, interest rate and due dates of bonds; bonds a statutory mortgage lien on system; purposes and sufficiency of service rates.
5. Amount, form and negotiability of bonds.
6. Bonds not a municipal debt but payable solely from revenues of system; additional bonds.

SEC.

7. Bonds a statutory mortgage lien on system; enforcement; receivership upon default; enforcement of lien of bonds issued to acquire existing waterworks system.
10. Procedure for bonds and rates for improvements same as for construction or acquisition; obligation of existing lien or contract not to be impaired in construction of improvements.

Be it enacted by the Legislature of West Virginia:

That sections three, five, six, seven and ten, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 3. Whenever the municipality shall determine to
 2 acquire (by purchase or otherwise), improve or construct a
 3 waterworks system under the provisions of this act, it shall
 4 cause an estimate to be made of the cost thereof, and shall, by
 5 ordinance, provide for the issuance of revenue bonds under the
 6 provisions of this act, which ordinance shall set forth a brief
 7 description of the contemplated improvement, the estimated cost
 8 thereof, the amount, rate of interest, time and place of payment,

9 and other details in connection with the issuance of the bonds.
10 Such bonds shall be in such form and shall be negotiated in such
11 manner and upon such terms as the governing body of such
12 city or town may by ordinance specify. All such bonds shall be
12-a exempt from taxation by the state of West Virginia or any
12-b county or municipality therein. Such bonds shall bear
13 interest at not more than six per cent per annum, payable semi-
14 annually, and shall be payable at such times and place not
15 exceeding thirty-four years from their date, as shall be pres-
16 cribed in the ordinance providing for their issuance. Such
17 ordinance shall also declare that a statutory mortgage lien shall
18 exist upon the property so to be acquired, improved or con-
19 structed, fix a minimum rate or rates for water to be collected
20 prior to the payment of all of said bonds and shall pledge the
21 revenues derived from the waterworks system for the purpose
22 of paying such bonds and interest thereon, which pledge shall
23 definitely fix and determine the amount of revenues which shall
24 be necessary to be set apart and applied to the payment of the
25 principal of, and interest on the bonds and the proportion of
26 the balance of such revenues and income which are to be set
27 aside as a proper and adequate depreciation account, and the
28 remainder shall be set aside for the reasonable and proper oper-
29 ation thereof. The rates to be charged for the services from such
30 waterworks shall be sufficient to provide for the payment of
31 interest upon all bonds and to create a sinking fund to pay the
32 principal thereof as and when the same become due, and to
33 provide for the operation and maintenance of the system, and
34 to provide an adequate depreciation fund.

Sec. 5. Bonds herein provided for shall be issued in such
2 amounts as may be necessary to provide sufficient funds to pay
3 all costs of construction, improvement or acquisition, including
4 engineering, legal and other expenses, together with interest to
5 a date six months subsequent to the estimated date of comple-
6 tion. Bonds issued under the provisions of this act are hereby
7 declared to be negotiable instruments, and same shall be ex-
8 cuted by the proper legally constituted authorities of the munici-
9 pality and be sealed with the corporate seal of the municipality,
10 and in case any of the officers whose signatures appear on the
11 bonds or coupons shall cease to be such officers before delivery
12 of such bonds, such signatures shall nevertheless be valid and
13 sufficient for all purposes the same as if they had remained in

14 office until such delivery. Said bonds shall not be negotiated
15 at a price lower than a price which computed to maturity upon
16 standard tables of bond values will show a net return of six per
17 cent per annum to the purchaser upon the amount paid therefor.

Sec. 6. Bonds issued under the provisions of this act shall be
2 payable solely from the revenues derived from such waterworks
3 system, and such bonds shall not in any event constitute an
4 indebtedness of such municipality within the meaning of the
5 constitutional provisions or limitations, and it shall be plainly
6 stated on the face of each bond that the same has been issued
7 under the provisions of this act, and that it does not constitute
8 an indebtedness of such municipality within any constitutional
9 or statutory limitation. The ordinance authorizing the issuance
10 of the bonds may contain such covenants and restrictions upon
11 the issuance of additional revenue bonds thereafter as may be
12 deemed necessary or advisable for the assurance of payment of
13 the bonds thereby authorized and as may thereafter be issued.

Sec. 7. There shall be and there is hereby created a statutory
2 mortgage lien upon the waterworks system so acquired, im-
3 proved or constructed from the proceeds of bonds hereby au-
4 thorized to be issued, which shall exist in favor of the holder of
5 said bonds and each of them, and to and in favor of the holder
6 of the coupons attached to said bonds, and such waterworks
7 system shall remain subject to such statutory mortgage lien
8 until payment in full of the principal and interest of said bonds.
9 Any holder of bonds issued under the provisions of this act or
10 of any coupons representing interest accrued thereon, may,
11 either at law or in equity, enforce the statutory mortgage lien
12 hereby conferred, and may, by proper suit, compel the per-
13 formance of the duties of the officials of the issuing municipality
14 set forth in this act. If there be default in the payment of the
15 principal of and/or interest upon any of said bonds, any court
16 having jurisdiction in any proper action may appoint a re-
17 ceiver to administer said waterworks system on behalf of the
18 municipality with power to charge and collect rates sufficient
19 to provide for the payment of said bonds and interest thereon,
20 and for the payment of the operating expenses and to apply the
21 income and revenues in conformity with this act and the ordi-
22 nance providing for the issuance of such bonds.

23 Any municipality in acquiring an existing waterworks sys-
24 tem may provide that payment thereof shall be made by issuing
25 revenue bonds and delivering same at such prices as may be

26 agreed upon within the limitations as prescribed in section five
 27 hereof as amended. Any revenue bonds so issued in payment
 28 for such an existing waterworks shall for all purposes be re-
 29 garded as partaking of the nature of and as being secured by
 30 purchase money mortgage upon the property so acquired; and
 31 the holders thereof shall have, in addition to any other remedies
 32 and rights prescribed by this act, such remedies and rights as
 33 may now or hereafter exist in law in the case of purchase money
 34 mortgages.

Sec. 10. Whenever any municipality now or hereafter shall
 2 own and operate a waterworks system, whether constructed
 3 under the provisions of this act or not, and shall desire to con-
 4 struct improvements and betterments thereto, it may issue reve-
 5 nue bonds under the provisions of this act to pay for same, and
 6 the procedure therefor, including the fixing of rates and the
 7 computation of the amount thereof, shall be the same as in this
 8 act provided for the issuance of bonds for acquisition or con-
 9 struction of a waterworks system in a municipality which has
 10 not heretofore owned and operated a waterworks system: *Pro-*
 11 *vided, however,* That nothing in this act shall be construed as
 12 authorizing any municipality to impair or commit a breach of
 13 the obligation of any valid lien or contract created or entered
 14 into by it, the intention being to authorize the pledging, setting
 15 aside and segregation of such revenues for the construction of
 16 such improvements and betterments only where and to the extent
 17 consistent with outstanding obligations of such municipality,
 18 and in accordance with the provisions of this act.

CHAPTER 50

(Com. Sub. for House Bill No. 131—Originating in the House Committee
 on the Judiciary)

AN ACT to amend and reenact section fourteen, article three,
 chapter eight of the code of West Virginia, one thousand nine
 hundred thirty-one, relating to the registration of voters for
 municipal elections.

[Passed March 6, 1934; in effect from passage. Approved by the Governor.]

Sec.

14. Municipal registration of voters
 not required unless provided by
 special charter or ordinance;
 municipal voting precinct
 boundaries to be same as pre-

Sec.

inct boundaries fixed by county
 court; municipal clerk to copy
 list of county registration; or-
 dinance for correction of list by
 municipal council and appoint-
 ment of challengers.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article three, chapter eight of the code of

West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 14. No municipality shall be required to register its voters, unless required to do so by its special charter, or unless by ordinance it so provides. In either of such cases the council shall provide by ordinance for making the voting precincts in the several wards of the municipality coincide as to boundaries, as nearly as may be, to the boundaries of the voting precincts fixed by the county court for all state and county elections; and in any year when a county registration of voters is made, the clerk, recorder, or other similar officer of every municipality shall make from the county registration books, after they have been returned by the registrars to the office of the clerk of the county court, a register of voters of such municipality, as part of his official duties, and without additional compensation therefor. The council shall also, in such case, by ordinance specify the times when council shall sit, which shall be not later than the third day preceding an election, for the purpose of examining such register of voters, of adding to such register the names of persons who have not been registered and who will be entitled to vote in the election; of transferring voters from one precinct to another, when proper so to do, and of striking off the name of any person who is no longer entitled to vote in said municipality or who has died. In all such matters the provisions of chapter three of this code with reference to the registration of voters shall govern so far as applicable, except as herein provided, and except, further, that the duties required by said chapter to be performed by the county court shall be performed by the council of the municipality, and those to be performed by the clerk of the county court shall be performed by the clerk, recorder, or other similar officer of the municipality. Such ordinance shall also provide that the two major political parties, through their respective municipal executive committees, acting by their chairmen, may appoint challengers to be present on the days when the council sits for the examination and correction of the register of voters, and for the making of transfers of voters from one precinct to another: *Provided, however,* That the provisions hereof shall not apply

38 to such municipalities as by their special charters are now, or
 39 may hereafter be, required to use as the municipal register of
 40 voters the county registration books as made by county regis-
 41 trars and the county court.

42 All acts or parts of acts inconsistent with the provisions of
 43 this act are hereby repealed.

CHAPTER 51

(House Bill No. 326—By Mr. Randolph)

AN ACT to amend an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, and known as house bill number two hundred thirty-four, relating to tax levies, by adding thereto a new section to be known as section nineteen-(a).

[Passed February 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

19-(a). When municipality, with consent of tax commissioner, may

SEC.

for current expenses, levy rates apportioned for debts.

Be it enacted by the Legislature of West Virginia:

That an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known as house bill number two hundred thirty-four, relating to tax levies, be amended by adding thereto a new section to be known as section nineteen-(a), to read as follows:

Section 19-(a). When the levy rates apportioned to municipalities for debt purposes are not required in whole or in part therefor, and there is no other taxing district, which in keeping with the principles of equality and uniformity as herein provided, can use such remainder of rates, or the same is not required by any other taxing district, the municipality may then utilize the balance of such debt levies, unused and not required for debt purposes, for current expense purposes, when required therefor, provided the consent of the tax commissioner be had.

CHAPTER 52

(Senate Bill No. 82—Originating in the Senate Committee
on Redistricting)

AN ACT to amend and reenact section three, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, relating to congressional districts.

[Passed March 13, 1934; in effect ninety days from passage. Approved by the Governor.]

<p>SEC. 3. State membership in the house of representatives in the congress</p>	|	<p>SEC. arranged into six congressional districts.</p>
---	--	--

Be it enacted by the Legislature of West Virginia:

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

Section 3. The number of members to which the state is entitled in the house of representatives of the congress of the United States shall be apportioned among the several counties of the state, arranged into six congressional districts, numbered as follows, that is to say:

First District: Consisting of the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion and Taylor.

Second District: Monongalia, Preston, Barbour, Webster, Pocahontas, Randolph, Tucker, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley and Jefferson.

Third District: Ritchie, Doddridge, Harrison, Calhoun, Gilmer, Lewis, Upshur, Braxton, Clay, Nicholas and Fayette.

Fourth District: Tyler, Pleasants, Wood, Wirt, Jackson, Roane, Mason, Putnam, Cabell, Wayne and Lincoln.

Fifth District: Mingo, Wyoming, McDowell, Mercer, Summers, Monroe and Greenbrier.

Sixth District: Kanawha, Boone, Logan and Raleigh.

CHAPTER 53

(House Bill No. 24—By Mr. Pelter)

AN ACT to amend and reenact section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, relating to apportionment of membership of House of Delegates.

[Passed March 14, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

2. Membership in the House of Delegates limited to ninety-four

SEC.

and apportioned among the various counties of the state.

Be it enacted by the Legislature of West Virginia:

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

- Section 2. The house of delegates shall consist of ninety-four
- 2 members, who shall be apportioned as follows:
 - 3 The counties of Barbour, Berkeley, Boone, Braxton, Brooke,
 - 4 Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock,
 - 5 Hardy, Jackson, Jefferson, Lewis, Lincoln, Mason, Mineral,
 - 6 Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas,
 - 7 Preston, Putnam, Randolph, Ritchie, Roane, Summers, Taylor,
 - 8 Tucker, Tyler, Upshur, Webster, Wetzel, Wirt and Wyoming
 - 9 shall have one delegate each.
 - 10 The counties of Greenbrier, Marshall, Mingo, Monongalia
 - 11 and Wayne shall have two delegates each.
 - 12 The counties of Logan, Marion, Mercer, Raleigh and Wood
 - 13 shall have three delegates each.
 - 14 The counties of Fayette, Harrison and Ohio shall have four
 - 15 delegates each.
 - 16 The counties of Cabell and McDowell shall have five delegates
 - 17 each.
 - 18 The county of Kanawha shall have eight delegates.

CHAPTER 54

(Com. Sub. for Senate Bill No. 14—Originating in the Senate Committee on the Judiciary)

AN ACT to amend and reenact section eight, article three, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the ownership of property for the purpose of taxation.

[Passed February 22, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

8. Ownership of real property for taxation purposes; when mortgagee or trustee deemed owner; mortgaged personal property;

Sec.

reserve funds of annuity or other designated companies not taxable property of such companies.

Be it enacted by the Legislature of West Virginia:

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

Section 8. As to real property the person who by himself or his tenants has the freehold in his possession, whether in fee or for life, shall be deemed the owner for the purpose of taxation. A person who has made a mortgage or trust deed to secure a debt or liability shall be deemed the owner until the mortgagee or trustee takes possession, after which such mortgagee or trustee shall be deemed the owner. Personal property mortgaged or pledged shall, for the purpose of taxation, be deemed the property of the party who has the possession: *Provided, however,* That the reserve funds required in compliance with the terms and conditions of policies and contracts of domestic life insurance, annuity, investment and savings contract companies, complying with the requirements of chapter thirty-three of the code, shall not be deemed taxable property of such companies.

CHAPTER 55

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

AN ACT to repeal section seven, chapter sixteen, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to liens for money borrowed to pay taxes.

[Passed December 21, 1933: In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Repealing section seven, chapter sixteen, acts of the Legislature, first extraordinary session, one

Sec.

thousand nine hundred thirty-three, providing for lien for money borrowed to pay taxes.

Be it enacted by the Legislature of West Virginia:

Section 1. Section seven, chapter sixteen, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, is hereby repealed.

*CHAPTER 56

(Senate Bill No. 49—By Mr. Hodges)

AN ACT to amend and reenact section seven, article nine, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter twelve, acts of the Legislature, extraordinary session, one thousand nine hundred thirty-two, and add thereto section seven-(a), relating to tax levies and collections, and providing for the collection of municipal taxes by the sheriff.

[Passed December 15, 1933: In effect from passage. Became a law without the approval of the Governor.]

Sec.

7. Semi-annual collection of taxes by sheriff; discount and interest; assessor to extend levies for, and sheriff to collect municipal taxes.

Sec.

7-(a). After collecting eighty-five per cent of taxes, sheriff to receive commission of one and one-half per cent on remainder collected before delinquent list approved by county court.

Be it enacted by the Legislature of West Virginia:

That section seven, article nine, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter twelve, acts of the Legislature, extra-

*Amended by chapter fifty-seven, acts of this session.

ordinary session, one thousand nine hundred thirty-two, be amended and reenacted to read as follows and add thereto section seven-(a) :

Section 7. All taxes assessed on real and personal property by the state, county court, boards of education and municipal corporations, beginning with taxes assessed for the year one thousand nine hundred thirty-three, shall be collected by the sheriff and may be paid in two equal installments; the first installment shall be payable on or before November first of the year in which the assessment is made; the second installment shall be payable on or before the first day of the following May. All taxes paid on or before the date such taxes are payable, including both first and second installments, shall be subject to a discount of two and one-half per centum. If the first installment is not paid before December first of any year, interest at the rate of nine per centum per annum shall be added from said December first until paid; if the second installment is not paid before June first, interest at the rate of nine per centum per annum shall be added from said June first until paid. The sheriff shall, on the first day of December and the first day of June following the year for which the taxes were levied, proceed immediately to collect the taxes then due.

The sheriff shall pay all money collected from the levies of any municipal corporation to the treasurer of such municipal corporation, which payment shall be made by him monthly on the first day of each month for all taxes collected during the preceding month.

It shall be the duty of the assessor to extend the levies of municipalities on the land and personal property books at the same time as other levies are extended.

Nothing contained herein shall, in any way, set aside the provisions of house bill sixty-three, relating to the time of payment and the allowance of discount for taxes assessed for the year one thousand nine hundred thirty-three.

Sec. 7-(a). After the sheriff has collected eighty-five per cent of all taxes assessed on real and personal property, he shall, in addition to the salary and compensation now authorized by law, be allowed a commission of one and one-half per cent on the remainder of the taxes actually collected, exclusive of

6 interest thereon, if the collection be made before the delinquent
7 list has been approved by the county court. The commission
8 so allowed shall be determined by the county court and charged
9 against the various funds for which the taxes are collected.
10 All acts and parts of acts, general and special, inconsistent
11 with this act, are hereby repealed.

CHAPTER 57

(Senate Bill No. 134—By Mr. Hodges)

AN ACT to amend and reenact section seven, article nine, chapter eleven of an act of the Legislature of West Virginia, known as senate bill number forty-nine, passed December fourteenth, second extraordinary session, one thousand nine hundred thirty-three, relating to tax levies and collections, and providing for the collection of municipal taxes by the sheriff.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

7. Semi-annual collection of taxes by sheriff, discount and interest; assessor to extend levies for, and sheriff to collect and ac-

Sec.

count for municipal taxes; sheriff's bond for municipal collections to be approved, and premium on, paid by council.

Be it enacted by the Legislature of West Virginia:

That section seven, article nine, chapter eleven, of an act of the legislature of West Virginia, passed December fourteenth, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 7. All taxes assessed on real and personal property by
2 the state, county court, boards of education and municipal
3 corporations, beginning with taxes assessed for the year one
4 thousand nine hundred thirty-three, shall be collected by the
5 sheriff, and may be paid in two equal installments; the first
6 installment shall be payable on or before November first of
7 the year in which the assessment is made; the second in-
8 stallment shall be payable on or before the first day
9 of the following May. All taxes paid on or before the
10 date such taxes are payable, including both first and second
11 installments, shall be subject to a discount of two and one-
12 half per centum. If the first installment is not paid before
13 December first of any year, interest at the rate of nine per
14 centum per annum shall be added from said December
15 first until paid; if the second installment is not paid before

16 June first, interest at the rate of nine per centum per annum
 17 shall be added from said June first until paid. The sheriff
 18 shall, on the first day of December and the first day of June
 19 following the year for which the taxes were levied, proceed
 20 immediately to collect the taxes then due.

21 The sheriff shall pay all money collected from the levies of
 22 any municipal corporation to the treasurer of such municipal
 23 corporation, which payment shall be made by him monthly on
 24 the first day of each month for all taxes collected during the
 25 preceding month, and for the faithful performance of his
 26 duties in this respect, the sheriff shall execute a bond, to be
 27 approved by the municipal council, in the penalty to be fixed
 28 by the council, the premiums thereon to be paid by the municipal
 29 council, not to exceed the amount of such municipal taxes
 30 estimated to be collected by the sheriff within any period of
 31 sixty days.

32 It shall be the duty of the assessor to extend the levies of
 33 municipalities on the land and personal property books at the
 34 same time as other levies are extended.

35 Nothing contained herein shall, in any way, set aside the
 36 provisions of section thirty-two of house bill number two
 37 hundred thirty-four, as amended and reenacted by house bill
 38 number three hundred fifty-nine, second extraordinary session,
 39 one thousand nine hundred thirty-three.

CHAPTER 58

(Senate Bill No. 58—By Mr. Hodges)

AN ACT to amend and reenact section two, article twenty, chapter
 nineteen of the code of West Virginia, one thousand nine hun-
 dred thirty-one, relating to the collection of a head tax on dogs,
 and providing for the collection by the assessor of such dog
 taxes as may be levied by municipalities.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

2. County assessor to assess and collect when assessing personal property, head tax of one dollar on male and two dollars on female dogs and to collect head tax on dogs levied by municipal ordinances; procedure when tax not paid to assessor or sheriff; assessment of dogs as

Sec.

personal property by owner; accounting by assessor, less ten per cent. commission, for collections; use of taxes so collected to reimburse sheep, etc., owners for damage by dogs; annual transfer of unexpended balances to teachers' fund.

Be it enacted by the Legislature of West Virginia:

That section two, article twenty, chapter nineteen of the code of

West Virginia, one thousand nine hundred thirty-one, relating to the collection of a head tax on dogs, be amended and reenacted so as to read as follows:

Section 2. It shall be the duty of the county assessor and his 2 deputies of each county within this state, at the time they are 3 making assessment of the personal property within such county, 4 to assess and collect a head tax of one dollar on each male dog 5 and two dollars on each female dog found within their jurisdic- 6 tion, and in addition to the above, the assessor and his deputies 7 shall have the further duty of collecting any such head tax on 8 dogs as may be levied by the ordinances of each and every mu- 9 nicipality within the county. In the event that the owner, 10 keeper, or person having in his possession or allowing to re- 11 main on any premises under his control any dog above the age 12 of eight months, shall refuse or fail to pay such tax, when the 13 same is assessed, or within fifteen days thereafter, to the as- 14 sessor or deputy assessor, then such assessor or deputy assessor 15 shall certify such tax to the sheriff of his county who shall take 16 charge of the dog for which the tax is delinquent and impound 17 the same for a period of fifteen days, for which service he shall 18 be allowed a fee of one dollar and fifty cents to be charged 19 against such delinquent taxpayer in addition to the taxes herein 20 provided for. In case the tax and impounding charge herein 21 provided for shall not have been paid within the period of fifteen 22 days, then the sheriff may sell the impounded dog and deduct 23 the impounding charge and the delinquent tax from the amount 24 received therefor, and return the balance, if any, to the delin- 25 quent taxpayer. Should the sheriff fail to sell the dog so im- 26 pounded within the time specified herein, he shall kill such dog 27 and dispose of its body. In addition to the head tax on dogs, the 28 owner of any dog above the age of eight months shall be per- 29 mitted to place a value upon such dog and have such dog as- 30 sessed as other personal property. The assessor collecting the 31 head tax on dogs shall be allowed a commission of ten per cent 32 upon all such taxes collected by him, and shall turn in to the 33 county treasury ninety per cent of such taxes so collected, as are 34 levied by this section, and he shall turn over to the treasurer 35 or other proper officer of each and every municipality within the 36 county ninety per cent of such taxes levied by the ordinances 37 of such municipality. All such dog taxes, except those belong-

38 ing to municipalities, shall be credited to a fund in the county
 39 treasury for the compensation of persons who have suffered loss
 40 or damage on account of the destruction, loss, or injury by
 41 dogs of any sheep, lamb, goat, or kid, and claims for such loss
 42 or damage shall be presented to and allowed, when satisfactorily
 43 proven, by the county court, and said court shall issue drafts
 44 payable out of said fund in settlement of such claims, together
 45 with the compensation allowed to the sheriff for killing and
 46 burying dogs, when such claims cannot be by law collected from
 47 the owner or keeper of such dog or dogs. Such dog taxes as
 48 are collected for and turned over to municipalities shall be de-
 49 posited by the proper officer of such municipality to such fund
 50 and shall be expended in such manner as the law of such mu-
 51 nicipality may provide.

52 Any surplus of such funds remaining unexpended in the
 53 county treasury and not needed for the payment and satisfac-
 54 tion of claims and expenses under the provisions of this article
 55 shall be annually paid into and credited to the teachers' fund
 56 of the county school district. But the funds thus used shall be
 57 in amount deemed proper and safe in the judgment and dis-
 58 cretion of the county court.

CHAPTER 59

(House Bill No. 2—By Mr. Righter, by request)

AN ACT to amend and reenact section one, article seven, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the collection of capitation taxes.

[Passed December 21, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County assessor, making personal property assessment, to collect from males over twenty-one years of age, school and state road capitation taxes of one dollar each and also municipal capitation taxes; procedure by assessor if capitation taxes not paid; accounting to auditor and municipalities for collections; civil war veterans exempt; reports by assessor to county

SEC.

courts and municipal councils, at levy terms, of collections; subsequent collections to be made by sheriff; liability of assessor and/or sheriff for non-collection; assessor's bond for collections; duty of tax commissioner and municipality as to tax tickets, etc.; when assessor, or deputies, guilty of embezzlement.

Be it enacted by the Legislature of West Virginia:

That section one, article seven, chapter eleven of the code of

West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 1. While making the assessment required in article 2 three of this chapter, it shall be the duty of the assessor and 3 deputies to see every person in his county who is liable to tax- 4 ation therein upon property or capitation, and obtain from him 5 a sworn statement in writing of his personal property, but it shall 6 likewise be the duty of every person liable to taxation to make a 7 report in writing of his property to the assessor, whether called 8 upon to do so or not; he shall at the same time collect from every 9 male person, over the age of twenty-one years, liable therefor, a 10 capitation tax of one dollar for the support of free schools; and 11 the assessor shall also collect the state road capitation tax of one 12 dollar from all persons liable therefor, as required by section 13 twenty-three, article ten, chapter forty, acts of the Legislature, 14 first extraordinary session, one thousand nine hundred thirty- 15 three, as amended, and deliver to such person a receipt therefor; 16 and the assessor shall also collect any municipal capitation taxes 17 levied for any purposes whatsoever, from all persons liable there- 18 for, and deliver to such person a receipt therefor; in case any 18-a person liable therefor shall fail or refuse to pay such capitation, 18-b the assessor shall levy upon and take into his possession prop- 18-c erty or effects of the delinquent sufficient to pay such capi- 19 tation taxes and the cost of levy and sale; the assessor shall 20 have, as to such capitation taxes, the same powers of levy and 21 sale of collection as is vested in the sheriff for the collection of 22 taxes and he shall be entitled to the same fees: the assessor 23 shall, not later than the fifteenth day of each month, turn over 24 to the auditor the full amount of all capitations for both state 25 school purposes and for the state road fund collected by him 26 during the previous month and not paid over, and the auditor 27 shall, within ten days after the receipt of said capitations, 28 pay to the assessor ten per cent of all such capitations so col- 29 lected and remitted for compensation to the assessor for his serv- 30 ices in making collection and remittance aforesaid; the assessor 31 shall, not later than the fifteenth day of each month, turn over 32 to the treasurer or other proper official of each and every munici- 33 pality within the county the full amount of all municipal capita- 34 tions collected by him during the previous month and not paid 35 over, and the said treasurer or other proper official shall, within

36 ten days after the receipt of said capitations pay to the assessor
37 five percent of all such capitations so collected and remitted for
38 compensation to the assessor for his services in making collec-
39 tions and remittance aforesaid: *Provided, however,* That the
40 assessor shall not be entitled to receive any commission on collec-
41 tions if he shall fail to account for and turn over, within the time
42 herein fixed, any money collected by him under the provisions of
43 this section: *Provided further,* That all soldiers and sailors
44 who are residents of West Virginia, and who served in either
45 the union or the confederate army during the civil war, shall
46 be exempt from paying capitation taxes of any kind in this
47 state. At the levy term of the county court the assessor shall
48 make report to such court of all capitations collected for state
49 school purposes and all capitations collected for state road
50 purposes and at the levy term of the municipal governing body
51 of each and every municipality within the county, the assessor
52 shall make report to such body of all capitations collected for
53 municipal purposes; and such report to the county court and
54 to each municipal governing body shall include the names of
55 those from whom collected, the names of all delinquents, and the
56 cause of delinquency in each case. Such reports shall be veri-
57 fied by the affidavit of the assessor. Such assessor shall not
58 thereafter for the year have authority to collect capitations, but
59 a copy of such reports shall be by the county court and each mu-
60 nicipal governing body within the county, turned over to the
61 sheriff, who shall forthwith proceed to collect all capitation, both
62 for state school purposes and for the state road fund and for
63 municipal purposes remaining unpaid whether or not they ap-
64 pear upon such report; the assessor shall be charged by the
65 county court and by each municipal governing body within the
66 county with all delinquencies appearing in such reports and like-
67 wise with all delinquencies not reported by him but afterwards
68 ascertained or reported by the sheriff, or ascertained in any
69 other way, and credited with all collections on that account made
70 and paid over to the sheriff; he shall also be credited with such
71 delinquencies as the county court and each municipal governing
72 body within the county shall be satisfied could not have been
73 collected either by the assessor or sheriff, by the exercise of due
74 diligence, and, in case the sheriff shall fail to use due diligence in
75 the ascertainment and collection of such delinquencies, he and

76 his sureties, on his official bond, shall be liable to the assessor
77 for all damages sustained by him, on that account; the assessor
78 shall, in addition to other bonds required of him, give bond in
79 a penalty to be fixed by the county court, of not less than four
80 thousand nor more than twenty thousand dollars, and to the
81 municipal governing body of each municipality within the
82 county, the assessor shall, in addition to other bonds required of
83 him, give bond in a penalty to be fixed by such municipal gov-
84 erning body of not less than five hundred dollars nor more than
85 twenty thousand dollars, and such bonds shall be conditioned for
86 the faithful performance of his duties under this chapter.

87 It shall be the duty of the tax commissioner to prepare and
88 furnish to the assessors all tickets, blanks and forms necessary
89 for the purpose of this section: *Provided, however,* That each
90 municipality shall furnish to the assessor of the county all tickets,
91 blanks, and forms necessary for municipal purposes under this
92 section; the tickets so furnished shall be numbered consecutively,
93 and the assessor shall account for each ticket furnished him, as
94 well as for the taxes collected.

95 Any assessor, assessors or deputy assessors failing to account
96 for and turn over, within the time herein fixed, any money or
97 moneys collected by them under the provisions of this section,
98 shall be guilty of embezzlement.

99 All acts or parts of acts inconsistent with the provisions of this
100 act are hereby repealed.

CHAPTER 60

(Senate Bill No. 132—By Mr. Abbot, by request)

AN ACT to amend and reenact sub-section (c), section five, article XII-A, chapter thirty-three, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, imposing a privilege tax on railroad car corporations and on express companies.

[Passed March 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

5-(sub-section c.) Tax of one and one-half per cent on net incomes of railroad car corporations and express companies earned within state; determination of

Sec.

amount: tax not to apply to railroad freight car corporations not owned by railroad corporations or subsidiaries.

Be it enacted by the Legislature of West Virginia:

(c) The tax as to railroad car corporations and as to
 2 express corporations or companies shall be one and one-half
 3 per cent of net income earned within the state, such income
 4 to be determined by ascertaining a sum bearing the proportion
 5 to the total net income of the corporation or company that its
 6 business done in West Virginia, measured in car-mile of car
 7 operation, bears to all business done, measured in like fashion:
 8 *Provided, however,* That nothing in this act shall be construed
 9 as applying to railroad freight car corporations not owned by
 10 railroad corporations or their subsidiaries.

CHAPTER 61

(House Bill No. 43—By Mr. Beacom)

AN ACT to amend and reenact sections ninety-three, ninety-three-
 (a) and ninety-five, chapter twenty of the acts of the Legisla-
 ture, first extraordinary session, one thousand nine hundred
 thirty-three, relating to the issuance of licenses to manufac-
 turers, brewers, distributors, package dealers and dispensers

of nonintoxicating beer, reports to be made to the tax commissioner and payment of license taxes and the raising of revenues therefrom.

[Passed January 24, 1934; in effect from passage. Approved by the Governor.]

Sec.

93. License tax on package dealers in dispensers, manufacturers, brewers and distributors of non-intoxicating beer; barrel tax on beer manufactured within or without the state; separate tax for each place of business; tax on social, etc., clubs; tax on dining, etc., cars.
- 93-(a). Manufacturers or wholesale distributors to have no interest in sale or dispensing of beer under package dealer's or dispenser's

Sec.

- License or in equipment used in such connection.
95. Application to tax commissioner for license; non-renewal of license; yearly sworn statement to tax commissioner by package dealer or dispenser; bond of manufacturer, brewer or distributor; sale of collateral security given in lieu of bond; monthly report and tax payment by manufacturer, brewer or distributor.

Be it enacted by the Legislature of West Virginia:

That sections ninety-three, ninety-three-(a) and ninety-five, chapter twenty of the acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 93. There is hereby levied and imposed upon package dealers, as herein defined, an annual license tax of fifty dollars, and upon dispensers, as herein defined, an annual license tax of one hundred dollars. There is hereby levied and imposed upon manufacturers or brewers, as herein defined, manufacturing nonintoxicating beer within this state, an initial license tax of five hundred dollars per year, and whether such nonintoxicating beer be kept or sold in barrels or other containers, an additional tax of one dollar on each barrel of thirty-one gallons, and in like ratio on each part thereof so manufactured in this state. There is hereby levied and imposed upon distributors, as herein defined, an initial license tax of two hundred fifty dollars per year, and an additional tax of one dollar on each barrel, and in like ratio on each part of nonintoxicating beer, whether distributed in barrels or other containers, so distributed in this state: *Provided, however,* That the barrel tax herein levied shall, as to nonintoxicating beer made in West Virginia, be paid by the manufacturer or brewer, and the barrel tax on nonintoxicating beer made outside of West Virginia shall be paid by the original consignee thereof within this state, who shall be deemed the distributor for the purposes of this act, and required to take out

23 a license as such, and the issuance of such distributor's license
24 shall operate as a forfeiture of any package dealer's or dis-
25 penser's license held by him; and no nonintoxicating beer
26 manufactured, sold or distributed in West Virginia shall be
27 subject to more than one barrel tax.

28 Each such package dealer, dispenser, manufacturer or brewer
29 and distributor being engaged in the business of selling, de-
30 livering or otherwise distributing nonintoxicating beer, and
31 having more than one place of business within the state of
32 West Virginia, shall pay the full amount of the initial tax
33 hereby imposed for each such place of business: *Provided,*
34 *further,* That any social, fraternal or business clubs not oper-
35 ating for profit, and having been in continuous operation for
36 five years or more prior to the enactment of this law, shall
37 pay an annual license tax of fifty dollars, as a dispenser
38 hereunder: *And provided further,* That railroads operating
39 in this state may dispense nonintoxicating beer upon pay-
40 ment of an annual license tax of ten dollars for each dining,
41 club or buffet car in which it is dispensed.

Sec. 93-(a). No person, firm or corporation having an
2 interest in the manufacture or wholesale distribution of non-
3 intoxicating beer shall be permitted, either directly or indi-
4 rectly, to be connected with, or have an interest in the sale or
5 dispensing of nonintoxicating beer, either under a package
6 dealer or a dispenser's license, or any interest, whatsoever, in
7 any equipment used in connection with the sale or dispensing
8 of nonintoxicating beer.

Sec. 95. All licenses under this act for manufacturers,
2 brewers, distributors, package dealers and dispensers shall be
3 issued by the tax commissioner upon the filing of the applica-
4 tion herein required except that such tax commissioner shall
5 not be required to renew the licenses of any such manufac-
6 turer, brewer, distributor, package dealer or dispenser who
7 shall have failed and refused to comply with any of the pro-
8 visions of this act, or any lawful regulation of the tax com-
9 missioner with relation to such business, during the time when
10 any such applicant shall have operated under any license
11 theretofore issued to him.

12 Every such package dealer or dispenser, on or before the
13 first day of July of any year, shall make out and deliver to the

14 state tax commissioner, on the blank to be furnished by the
15 commissioner for that purpose, a statement showing the name
16 of such package dealer or dispenser, a brief and accurate de-
17 scription of the place or places where his business as such
18 package dealer or dispenser is conducted and by whom owned.
19 Such statement shall be signed and sworn to before a notary
20 public or other officer empowered to administer oath.

21 Every manufacturer, brewer and distributor applying for
22 license under this act shall, in addition to furnishing the in-
23 formation required in the last preceding section, furnish a
24 bond in some solvent surety company to be approved by the tax
25 commissioner, payable to the state of West Virginia, in the
26 minimum amount of one thousand dollars, and, within the dis-
27 cretion of the tax commissioner, in the maximum amount of
28 ten thousand dollars, conditioned for the payment of any and
29 all additional taxes accruing during the period of such license.
30 In lieu of such bond, a manufacturer, brewer or distributor may
31 deposit securities of the United States of America, the state of
32 West Virginia, or any subdivision thereof, to be approved by
33 the tax commissioner, in such amount as he may prescribe,
34 for which security the tax commissioner shall execute a re-
35 ceipt showing the purpose for which the same were deposited,
36 and which security shall be kept in the joint custody of the
37 state treasurer and the state tax commissioner and may be
38 sold by the state tax commissioner if it becomes necessary so
39 to do, in order to recover any sums due from such manufac-
40 turer, brewer or distributor pursuant to this article; but no such
41 sale shall be had until after such manufacturer, brewer and dis-
42 tributor shall have had an opportunity to litigate the validity of
43 any tax, if he elects so to do. In any such sale, a surplus, if any,
44 above the sum due under this article, shall be returned to such
45 manufacturer, brewer or distributor. Such sale shall be made by
46 the state tax commissioner at his office in the state capitol and
47 shall not be made until at least ten days' notice thereof shall
48 have been mailed by registered letter to the manufacturer,
49 brewer or distributor at the place of business named in his
50 license. And the state tax commissioner may give such other
51 notice of such sale as he may deem necessary.

52 On or before the tenth day of each calendar month during
53 the license period, every such manufacturer, brewer or dis-
54 tributor shall make a report in writing under oath to the tax

55 commissioner, in such form as may be required by the tax com-
56 missioner, showing the number of barrels of nonintoxicating
57 beer manufactured or distributed by such manufacturer, brewer
58 or distributor for the preceding calendar month, or part thereof
59 during which such manufacturer, brewer or distributor was
60 engaged in business, and at the same time pay the tax thereon
61 levied by this act.

*CHAPTER 62

(Com. Sub. for House Bill No. 63—Originating in House Committee on the Judiciary)

AN ACT to amend and reenact chapter thirty-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, entitled: "An act to amend sections one to fifteen, inclusive, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, by substituting therefor sections one to twenty-six, inclusive, relating to tax levies", by substituting therefor sections one to twenty-five, inclusive.

[Passed December 9, 1933; in effect from passage. Approved by the Governor.]

Sec.

1. Declaration by the Legislature that this act is the only solution of the problem of orderly functions of government dealing with the operation of public schools and counties; payment of bond issues of political subdivisions, except municipalities, issued prior to November 8, 1932, from taxes on privileges, franchises, etc., levied by the Legislature; political subdivisions not relieved from payment of bonded indebtedness; state not to assume the debt of any political subdivision.
2. State levy of one cent on each one hundred dollars valuation of real and personal property subject to taxation.
3. Classification of property for local levy purposes.
4. Meetings of local levying bodies.
5. Levy estimates by county court; publication and forwarding to tax commissioner; adjourned meeting to hear objections to estimates; correction of estimate and levy; approval by tax commissioner; amount of levies by classifications.
6. Copies of levy order to tax commissioner, state auditor, etc.;

Sec.

- duties of clerk, assessor and sheriff; collections and delinquencies.
7. Levy estimates by boards of education; publication and forwarding to tax commissioner, adjourned meeting to hear objections to estimates; approval by tax commissioner; amount of levies by classifications.
8. Levy orders certified by board to county superintendent and tax commissioner; report by county superintendent.
9. Levy estimates by municipal council; publication and forwarding to tax commissioner; adjourned meeting to hear objections to estimates; approval by tax commissioner; amount of levies by classifications; additional levy for bonded indebtedness; when entire classified levies required for bonded indebtedness, no levy to be laid for current expenses; if maximum levies not required, remainder may be levied for current expenses.
10. Certified copies by municipal recorder to tax commissioner, etc.
11. What order of local levying body for election for increased levy

*See decision of Supreme Court of Appeals—Berry v. Fox, Tax Comr., et al., 172 S. E. 806.

Amended and reenacted by chapter sixty-seven, acts of this session.

SEC.		SEC.
	to show; amount of levy, when authorized by voters.	18. Indebtedness created, etc., in violation of section sixteen, void.
12.	Publication and posting of election notice; form of ballot.	10. Suits to avoid illegal expenditures or obligations.
13.	Duties of tax commissioner and attorney general as to forms and instructions.	20. Personal liability of officials for illegal expenditures.
14.	Supersedes to levy order; rescission before or after decision; recovery of money collected before rescission.	21. Suits against officials for illegal expenditures; disposition of money recovered; recovery of costs.
15.	Use of allotted levies by other taxing districts, with consent of tax commissioner.	22. Criminal liability of officials; penalties.
16.	Funds derived by taxation to be expended only for purpose for which raised.	23. Procedure for removal of member of local fiscal body violating provisions of this article.
17.	Limitations on expenditures by local fiscal bodies.	24. Discounts for prompt payment of taxes.
		25. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

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

Section 1. In order to maintain and preserve those orderly functions of government dealing with the operation and administration of public schools and counties as provided for in the constitution of the state, and it being the judgment of the Legislature that the following is the only solution of this problem consonant with the amendment to the constitution adopted November eighth, one thousand nine hundred thirty-two, and the decisions of the Supreme Court of Appeals thereon and the Legislature finding that only by this method can adequate constitutional levies be made available for the different levying bodies of the state, this act, therefore, contemplates that the payment of the interest, sinking fund and amortization charges of bond issues issued prior to the eighth day of November, one thousand nine hundred thirty-two, of counties, magisterial districts, school districts and other districts, except municipalities, issued for roads, now used as a part of the state road system, and issued for schools, now used as a part of the state free school system, shall be paid from taxes levied by the Legislature on privileges, franchises and incomes of persons and corporations, as authorized by section one, article ten, of the constitution of West Virginia as amended by a vote of the people on the eighth day of November, one thousand nine hundred thirty-

23 two: *Provided, however,* That should the legislative appropria-
24 tion for the payment of said interest, sinking fund and amorti-
25 zation charges, in whole or in part, for any reason fail, then the
26 levies hereinafter provided for shall first be applied to the
27 payment of such charges until the same are satisfied.

28 Nothing contained herein shall be so construed as to relieve
29 any county, magisterial district or school district of its liability
30 for the payment of its outstanding bonded indebtedness.

31 Nothing herein shall be so construed as to make the state
32 assume or become responsible for the debts or liabilities of any
33 county, magisterial district or school district.

Sec. 2. The board of public works shall lay a levy of one cent
2 on the one hundred dollars' valuation of all real and personal
3 property subject to taxation in the state, the proceeds of which
4 levy shall be paid into the state fund for general revenue. The
5 proper officers shall extend the levy on the property books of
6 their respective counties.

Sec. 3. For the purpose of local levies, property shall be classi-
2 fied as follows:

3 Class I. All tangible personal property employed exclusively
4 in agriculture, including horticulture and grazing;

5 All products of agriculture (including livestock) while owned
6 by the producer;

7 All money and all notes, bonds, bills and accounts receivable,
8 stocks and other intangible personal property.

9 Class II. All property owned, used and occupied by the owner
10 exclusively for residential purposes;

11 All farms, including land used for horticulture and grazing,
12 occupied and cultivated by their owners or bona fide tenants.

13 Class III. All real and personal property situated without
14 municipalities, exclusive of classes I and II.

15 Class IV. All real and personal property situated within
16 municipalities, exclusive of classes I and II.

Sec. 4. Each local levying body shall hold a session on the first
2 Tuesday in August for the transaction of business generally,
3 and particularly for the business herein required, but for the
4 fiscal year one thousand nine hundred thirty-three—one thou-
5 sand nine hundred thirty-four, such meeting shall be held on the
6 first Tuesday following the first Wednesday after this act be-
7 comes effective.

Sec. 5. The county court shall, at the session provided for in section four of this article, make an itemized statement which shall set forth:

(1) The amount due and the amount that will become due and collectible from every source during the current fiscal year except from the levy of taxes to be made for the year;

(2) Debts legally incurred, including interest on indebtedness, funded or bonded or otherwise;

(3) All expenditures to be paid out of the levy for the current fiscal year, with proper allowance for delinquent taxes, exonerations and contingencies;

(4) The total amount necessary to be raised for each fund by levy of taxes for the current year;

(5) The proposed county levy in cents on each one hundred dollars' assessed valuation of each class of property for the county;

(6) The separate and aggregate amounts of the real, personal, and public utility property in each class in the county and in each subdivision thereof;

A copy of the statement, duly certified, by the clerk of the court shall be forwarded to the tax commissioner, and shall be published twice, at least one week intervening between publications, in two newspapers published in the county, of general circulation and of opposite politics. If there is only one newspaper published in the county, the publication shall be made therein: *Provided, however,* That publication having been made for the fiscal year one thousand nine hundred thirty-three— one thousand nine hundred thirty-four, no further publication shall be required for said fiscal year, and the county court shall cause to be posted at the front door of the court house the statement herein provided for not less than ten days prior to the second meeting hereinafter provided for, which posting shall constitute full and sufficient publication for said fiscal year.

The session, except for the fiscal year one thousand nine hundred thirty-three— one thousand nine hundred thirty-four, shall then stand adjourned until the third Tuesday in August, at which time it shall reconvene. For the fiscal year one thousand nine hundred thirty-three— one thousand nine hundred thirty-four, the session shall stand adjourned until the second Tuesday after the meeting provided for in section four of this article.

41 The court shall then hear and consider any objections made
42 orally or in writing by the prosecuting attorney, by the tax
43 commissioner or his representative, or by any taxpayer of the
44 county, to the estimate and proposed levy or to any item thereof.
45 The court shall enter of record any objections so made and the
46 reasons and grounds for such objections.

47 The failure of any officer or taxpayer to offer objections shall
48 not preclude him from pursuing any legal remedy necessary to
49 correct any levy made by any fiscal body under this article.

50 The court, after hearing objections, shall reconsider the pro-
51 posed original estimate and proposed rate of levy, and if the
52 objections are well taken, shall correct the estimate and levy.
53 No such estimate and levy, however, shall be entered until the
54 same shall have first been approved, in writing, by the tax com-
55 missioner. When the same shall have been approved by the tax
56 commissioner, the clerk shall then enter the estimate and levy,
57 together with the order of the court approving them and the
58 written approval of the tax commissioner thereof, in the proper
59 record book.

60 The county court shall then levy as many cents per hundred
61 dollars' assessed valuation on each class of property in the
62 county or its subdivisions, according to the last assessment, as
63 will produce the amounts shown to be necessary by the state-
64 ment. The levy for all county purposes authorized by law, shall
65 not exceed, on class I property, nine and four-tenths cents;
66 on class II property, eighteen and seven-tenths cents; and on
67 class III and class IV property, thirty-seven and five-tenths
68 cents.

69 When less than the maximum levies are imposed, the levies
70 upon each class of property shall be in the same proportions as
71 the maximums herein authorized.

Sec. 6. When an order is made for a levy the clerk of the
2 court, within three days, shall prepare, certify and forward
3 copies to the tax commissioner, the state auditor, the assessor
4 and the officer who, according to law, is required to collect the
5 levy. He shall charge the collecting officer with the amount
6 of the levy in the proper account book. The assessor shall imme-
7 diately extend the taxes in the land and personal property
8 books. The officer who is required to collect the levy shall make

9 out proper tax bills. County levies shall be collected by the
10 sheriff at the same time, in the same manner, and under the
11 same regulations as other taxes are collected. Delinquent lists
12 for county levies shall be returned and delinquent lands sold
13 for county levies in the same manner and at the same place and
14 under the same regulations that lands returned delinquent for
15 state taxes are returned and sold.

Sec. 7. Every board of education shall, at the session provided
2 for in section four of this article, if the laying of a levy has
3 been authorized by the voters of the district under article nine,
4 chapter eighteen of the code, make a statement setting forth:

5 (1) The separate amounts due the various funds, and the
6 amounts that will become due and collectible during the current
7 fiscal year except from the levy of taxes to be made for the year;

8 (2) Debts legally incurred, including interest on indebted-
9 ness, funded or bonded or otherwise;

10 (3) All expenditures to be paid out of the levy for the current
11 fiscal year, with proper allowances for delinquent taxes, exoner-
12 ations and contingencies;

13 (4) The amount necessary to be raised by the levy of taxes
14 for the current fiscal year;

15 (5) The proposed rate of levy in cents on each one hundred
16 dollars' assessed valuation of each class of property;

17 (6) The separate and aggregate amounts of the assessed val-
18 uation of real, personal, and public utility property within each
19 class.

20 The secretary of the board shall forward immediately a certi-
21 fied copy of the statement to the tax commissioner and shall
22 publish the statement in a manner similar to that provided in
23 section five of this article. For the fiscal year one thousand
24 nine hundred thirty-three—one thousand nine hundred thirty-
25 four, the session shall stand adjourned until the second Tuesday,
26 after the meeting provided for in section four of this article.

27 The session, except for the fiscal year one thousand nine
28 hundred thirty-three—one thousand nine hundred thirty-four,
29 shall then stand adjourned until the third Tuesday in August,
30 at which time it shall reconvene and proceed in a manner similar
31 in all respects to that provided for in section five of this article.

32 The board shall not finally enter any levy until the same shall
33 have received the approval, in writing, of the tax commissioner,

34 and after receiving such approval shall enter the statement as
35 originally approved in its record of proceedings, together with
36 the written approval of the tax commissioner, and shall levy as
37 many cents on each one hundred dollars' assessed valuation of
38 each class of property as will produce the amount necessary for
39 defraying the expenses for the fiscal year. These levies shall not
40 exceed on class I property, twenty-seven and one-tenth cents;
41 on class II property, fifty-five and three-tenths cents; on class
42 III and on class IV property, one hundred eleven and five-tenths
43 cents.

44 When less than the maximum levies are imposed, the levies
45 upon each class of property shall be in the same proportions as
46 the maximums herein authorized.

Sec. 8. Within three days after the board of education has
2 laid the levies, the secretary of the board shall forward to the
3 county superintendent and to the tax commissioner certified
4 copies of the orders laying levies and the rate of levy upon
5 each class. Within three days thereafter the county superin-
6 tendent shall report the rate of levy for each of the various
7 classes and the total value of real, personal, and public utility
8 property in each class in every district to the clerk of the
9 county court, the assessor, the state superintendent and the
10 auditor. The proper county officers shall then extend on the
11 property books the amount of taxes levied. The sheriff shall
12 collect and account for the taxes as required by law.

Sec. 9. The municipal council shall, at the session provided
2 for in section four, ascertain the fiscal condition of the corpor-
3 ation, and make an itemized statement which shall set forth:

4 (1) The amount due and the amount that will become due
5 and collectible from every source during the current fiscal year
6 except from the levy of taxes to be made for the year;

7 (2) Debts legally incurred, including interest on indebted-
8 ness, funded or bonded or otherwise;

9 (3) All other expenditures to be paid out of the funds of
10 the municipality for the current fiscal year with proper allow-
11 ance for delinquent taxes, exonerations, and contingencies;

12 (4) The total amount necessary to be raised by the levy of
13 taxes for the current fiscal year;

14 (5) The proposed rate of levy in cents on each one hundred
15 dollars' assessed valuation of each class of property for interest
16-17 and sinking fund requirements;

18 (6) The proposed rate of levy in cents on each one hundred
19 dollars' assessed valuation of each class of property remaining
20 after the debt levy herein provided for;

21 (7) The separate and aggregate assessed valuation of real,
22 personal, and public utility property in each class in the muni-
23 cipality.

24 The recording officer of the municipality shall forward im-
25 mediately a certified copy of the statement to the tax commis-
26 sioner, and shall publish the statement in a manner similar to
27 that provided in section five of this article. The session, except
28 for the fiscal year one thousand nine hundred thirty-three—
29 one thousand nine hundred thirty-four, shall then stand ad-
30 journed until the third Tuesday in August, at which time it
31 shall reconvene and proceed in a manner similar in all respects
32 to that provided for in section five of this article. For the fiscal
33 year one thousand nine hundred thirty-three—one thousand
34 nine hundred thirty-four, the session shall stand adjourned
35 until the second Tuesday after the meeting provided for in
36 section four of this article.

37 The council shall not finally enter any levy until the same
38 shall have been approved in writing by the tax commissioner
39 and after receiving such approval shall enter the statement as
40 finally approved in its record of proceedings, together with the
41 written approval of the tax commissioner and shall levy as many
42 cents on each one hundred dollars' assessed valuation of each
43 class of property as will produce the amount necessary to defray
44 the interest and sinking fund charges on such indebt-
45 edness. For this purpose, the levies in the first instance shall
46 not exceed, on class I property, twelve and five-tenths cents;
47 on class II property, twenty-five cents; and on class IV prop-
48 erty, fifty cents. When such maximum levies shall not produce
49 sufficient revenue to discharge the requirements for such
50 indebtedness the council shall lay an additional levy upon all
51 property subject to taxation within the municipality, without
52 regard to classification, as will produce a sufficient amount in
53 addition to said classified levies, to meet such requirements for
54 interest and sinking fund.

55 When the entire classified levies of the municipality are re-
56 quired for the payment of such indebtedness, the council shall
57 have no power or authority to lay any such levies for the cur-
58 rent expenses of said municipality. When less than the maxi-

59 mum levies in this section provided are required for the pay-
60 ment of such interest and sinking fund requirements the
61 council may levy so much of the levies authorized herein as
62 remain after providing for such indebtedness to meet require-
63 ments for current expenses of the municipality.

64 When less than the maximum levies are imposed for any
65 and all purposes, the levies upon each class of property shall
66 be in the same proportion as the classified levies herein author-
67 ized.

Sec. 10. Within three days after the council of a municipality
2 has laid the levies, its recording officer shall forward certified
3 copies of the order laying the levies to the tax commissioner,
4 the state auditor and the officer whose duty it is to extend the
5 levies.

Sec. 11. A local levying body may provide for an election
2 to increase the levies, by entering on its record of proceedings,
3 an order setting forth:

4 (1) The purpose for which additional funds are needed;

5 (2) The amount for each purpose;

6 (3) The total amount;

7 (4) The separate and aggregate assessed valuation of each
8 class of taxable property within its jurisdiction;

9 (5) The proposed additional rate of levy in cents on each
10 class of property;

11 (6) The proposed number of years, not to exceed three, to
12 which the additional levy shall apply.

13 The local levying body shall submit to the voters within their
14 political subdivision, the question of the additional levy at either
15 a general or special election. If at least sixty per cent of the
16 voters cast their ballots in favor of the additional levy, the
17 local levying board may impose the additional levy. This levy
18 shall not exceed fifty per cent of the rates authorized in sec-
19 tion five, seven or nine of this article, as the case may be.

20 Levies authorized by this section shall not continue for more
21 than three years without resubmission to the voters.

Sec. 12. The local levying body shall publish notice, calling
2 the election, at least once each week for two successive weeks
3 before the election in two newspapers of opposite politics and
4 of general circulation in the territory in which the election is
5 held. If there is only one newspaper published in the county,
6 the publication shall be made therein. The local levying body

7 shall also post printed copies of the order at each place of voting
8 at least ten days before the election. All the provisions of the
9 laws concerning general elections shall apply as far as they are
10 practicable, except as follows: A separate ballot shall be used
11 at a levy election held in connection with any other election.
12 The ballot shall be entitled: "Special election to authorize
13 additional levies for the year(s).....and for the
14 purpose of....., according to the order of
15 the.....entered on the
16 day of....."

17 "The additional levy shall be on class I property.....
18 cents; on class II property.....cents; on class III
19 property (if any).....cents; on class IV property....
20 (if any).....cents."

Sec. 13. The tax commissioner shall prepare and furnish
2 forms and instructions for making the statement required in
3 sections five, seven and nine of this article. The attorney gen-
4 eral shall prepare and furnish forms and instructions for the
5 holding of any election authorized by this article.

Sec. 14. Within forty days after an order for a levy the
2 circuit court of the county, or the judge in vacation, may allow
3 a writ of supersedeas on the petition of at least twenty-four
4 persons interested in reversing the order. The levying body,
5 without awaiting the final decision, may rescind the order, and
6 impose a new levy. If the court, on the hearing, finds that the
7 order is contrary to law and reverses the order, the levying
8 body shall impose a levy according to law. If money is col-
9 lected under any order which is afterward rescinded or re-
10 versed, the collecting officer shall, upon demand, refund any
11 payment to the person from whom it was collected. If the
12 collecting officer fails to repay the amount, he and his sureties
13 shall be jointly and severally liable for the amount and the
14 costs of recovery. Recovery may be had by summons before a
15 justice or on motion in the circuit court.

Sec. 15. When all the levies allotted hereunder to any county
2 court, school board or municipality shall not be required by
3 such county court, school board and municipality, then any
4 other one or more of such levying bodies within the county
5 may levy so much or such part thereof as remains of said allot-
6 ment within its particular taxing district, by and with the
7 consent in writing, of the tax commissioner obtained after a

8 proper showing, in writing, to the tax commissioner of the
9 necessity therefor.

Sec. 16. County courts, boards or officers expending funds de-
2 rived from the levying of taxes shall expend the funds only for
3 the purposes for which they were raised.

Sec. 17. A local fiscal body shall not expend money or incur
2 obligations:

3 (1) In an unauthorized manner;

4 (2) For an unauthorized purpose;

5 (3) In excess of the amount allocated to the fund in the
6 levy order;

7 (4) In excess of the funds available for current expenses.

Sec. 18. Any indebtedness created, contract made, or order
2 or draft issued in violation of section sixteen of this article
3 shall be void.

Sec. 19. Whenever a fiscal body expends money or incurs
2 obligations in violation of this article, action or suit, in the name
3 of the state of West Virginia for the use of the political division
4 affected, shall be instituted by the prosecuting attorney of the
5 county, or the attorney general of the state, in a court of com-
6 petent jurisdiction to recover the money expended or to cancel
7 the obligation, or both.

Sec. 20. A person who, in his official capacity, willfully par-
2 ticipates in the violation of section sixteen of this article shall
3 be personally liable, or jointly with other participants, for the
4 amount illegally expended.

Sec. 21. A person who in his official capacity wilfully par-
2 tieipates in an illegal expenditure may be proceeded against
3 for the recovery of the amount illegally expended. The political
4 subdivision concerned, a taxpayer of the subdivision, the state
5 tax commissioner or a person prejudiced may bring the pro-
6 ceeding.

7 All moneys recovered in these proceedings shall be paid into
8 the treasury of the proper fiscal body and credited to the proper
9 fund.

10 If the plaintiff prevails, he shall recover against the defend-
11 ant, the costs of the proceedings, including a reasonable at-
12 torney's fee to be fixed by the trial court.

Sec. 22. A person who in his official capacity wilfully vio-

2 lates the provisions of this article shall be guilty of a misde-
3 meanor, and upon conviction shall be fined not more than five
4 hundred dollars, or confined in jail not more than one year,
5 or both. Upon conviction he shall also forfeit his office.

Sec. 23. The state, a taxpayer, or the tax commissioner may
2 institute and prosecute to final judgment any proceeding for
3 the removal of a member of a local fiscal body who has wil-
4 fully or negligently violated any of the provisions of this article.
5 Upon the petition of the state, a taxpayer, or the tax commis-
6 sioner, the court, or in vacation the judge, shall set a time for
7 hearing the petition. An attested copy of the petition and
8 the charges contained therein, shall be served upon the defend-
9 ants at least twenty days prior to the date of hearing. No other
10 pleading or notice of the proceedings shall be necessary.

Sec. 24. The discounts allowed for prompt payment of taxes
2 as provided by law, shall for the first half of the fiscal year one
3 thousand nine hundred thirty-three—one thousand nine hun-
4 dred thirty-four, be extended and allowed by the collecting offi-
5 cer, if payment thereof be made on or before February first, one
6 thousand nine hundred thirty-four: *Provided, however,* That
7 the tax commissioner may, in his discretion, uniformly extend
8 such discount period to not later than March first, one thousand
9 nine hundred thirty-four, by giving proper notice thereof, in
10 writing, to the collecting officers of the several counties.

Sec. 25. If any section, paragraph, sentence, clause, word
2 and/or application of any part hereof be held unconstitutional,
3 the same shall not affect the validity of the remaining portions.

4 All existing provisions of law inconsistent with this act are
5 hereby repealed.

• CHAPTER 63

(Com. Sub. for House Bill No. 64—Originating in the House Committee
on Taxation and Finance)

AN ACT to appropriate from the general revenues of the state from
taxes imposed by the Legislature on privileges, franchises and
incomes of persons and corporations as authorized by section
one, article ten of the constitution of West Virginia, as amen-
ded in the year one thousand nine hundred thirty-two, moneys
to pay the interest, sinking fund and amortization charges

of bond issues of counties, magisterial districts, school districts and other taxing districts, except municipalities, issued for roads, now used as a part of the state road system, and issued for schools, now used as a part of the state free school system, issued prior to the eighth day of November, one thousand nine hundred thirty-two.

[Passed December 9, 1933; in effect from passage. Approved by the Governor.]

Sec.

1. Appropriations from state treasury for fiscal years ending June 30, 1934, and June 30, 1935, of moneys required to meet bonded indebtedness, issued for roads and schools, of political subdivisions, except municipalities.
2. Procedure for payment of appropriations.

Sec.

3. Political subdivisions not relieved from, or state responsible for, their debts or liabilities.
4. Transfer of moneys, securities, etc., of political subdivisions to state sinking fund commission.
5. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. There are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred thirty-four and for the fiscal year ending June thirtieth, one thousand nine hundred thirty-five, from the taxes imposed by the Legislature on the privileges, franchises and incomes of persons and corporations as authorized by section one, article ten of the constitution of West Virginia, as amended in the year one thousand nine hundred thirty-two, so much moneys as may be required to meet all interest and sinking fund charges due and to become due during the said years upon bonded indebtedness of all counties, magisterial districts and school districts and other taxing districts, except municipalities, issued for roads, now used as a part of the state road system, and issued for schools, now used as a part of the state free school system, issued prior to the eighth day of November, one thousand nine hundred thirty-two.

Sec. 2. Requisition for the payment of all such items shall be drawn by the secretary of the state sinking fund commission upon the auditor and shall show specifically the bond issues for the payment of which such requisitions are drawn and the individual amounts required therefor and the auditor shall thereupon issue his warrant for said purpose, payable to the state sinking fund commission. The state sinking fund com-

*The Supreme Court of Appeals held this act unconstitutional on January 16, 1934, *Berry v. Fox, Tax Comr., et al*, 172 S. E. 896.

8 mission shall make remittances to the persons entitled thereto
9 from the money so received in like manner as is provided by
10 general law.

Sec. 3. Nothing contained herein shall be so construed as to
2 relieve any county, magisterial district or school district of its
3 liability for the payment of its outstanding bonded indebted-
4 ness.

5 Nothing herein shall be so construed as to make the state
6 assume or become responsible for the debts or liabilities of any
7 county, magisterial district or school district.

8 The appropriations contained herein are for the purpose of
9 making available for the operation of local government uni-
10 form levies authorized under the amendment to the constitu-
11 tion adopted November eighth, one thousand nine hundred
12 thirty-two.

Sec. 4. All moneys, securities, investments and properties
2 of any character including delinquent taxes levied for interest
3 and sinking fund purposes, when collected, and including taxes
4 for interest and sinking fund purposes which have not been
5 turned over to the state sinking fund commission, now owned
6 and held by any such county, magisterial district, school dis-
7 trict or other taxing district, or held by the state sinking fund
8 commission or any other person, firm or corporation, private or
9 public, for the purpose of paying interest, sinking fund and
10 amortization charges on their respective bond issues, are hereby
11 transferred to the state sinking fund commission for administra-
12 tion for the purposes for which the same are now held.

Sec. 5. If any section, paragraph, sentence, clause, word
2 and/or application of any part hereof be held unconstitution-
3 al, the same shall not affect the validity of the remaining por-
4 tions.

5 All existing provisions of law inconsistent with this act are
6 hereby repealed.

CHAPTER 64

(House Bill No. 274—By Mr. Hiner)

AN ACT to provide for the adjudication of the validity or invalidity of indebtedness, not bonded, of counties, magisterial districts, magisterial or independent school districts, municipalities and other taxing districts, and the funding and payment of such indebtedness, not bonded, of established legality.

[Passed January 26, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Preamble; legislative declaration of emergency.
2. Definitions.
3. Statements by fiscal bodies of indebtedness, etc., to tax commissioner and prosecuting attorney.
4. When tax commissioner may require prosecuting attorney to file the petition provided in section five.
5. Petition to circuit court for ascertainment of amount and legality of indebtedness not bonded; consolidation of proceedings on behalf of all taxing districts in county; form of published notice by court of filing of petition and appointment of commissioners.
6. Proceedings on petition as in a cause in equity.
7. Appointment, qualification and oath of commissioners; meeting, organization, preliminary investigation and report of commission to court.
8. Order of court for complete audits and information; duty of tax commissioner upon receipt of attested copy of order; costs of completed audits charged to taxing district.
9. When additional audits provided, or none required, court order for sitting of commissioners; form of published or posted notice of sitting.
10. Claims presented to and investigated by commission; approval by fiscal body of claim for which no order has been issued; objections to allowance of claims; extension by court of time of sitting of commission.
11. Report to court of findings of commission.
12. Examination of report by court; recommitment to commission; when completed, published or posted notice that court will act on report; procedure on hear-

Sec.

- ing on report; disputed claims; copy of decision of court to each taxing district affected.
13. Jury trial on unapproved or contested claim; if waived court to hear evidence and decide; writ of error to supreme court of appeals.
14. Court may reconstitute commission in whole or in part.
15. Compensation of commissioners, stenographers and clerks; extension of time, upon approval of tax commissioner; costs apportioned among taxing districts; costs as to contested claims.
16. Decision on adjudicated claim final; unrepresented claim may be adjudicated in any other proper proceeding.
17. When petition required by tax commissioner to be filed no indebtedness claims to be paid until adjudicated; levies to be approved by tax commissioner; levies after indebtedness adjudicated; successive annual levies for not more than ten years.
18. Fund created to pay indebtedness; payments into, including delinquent taxes collected.
19. Regulations of tax commissioner concerning adjudicated claims and judgments; principles of regulations.
20. Statement by fiscal body when successive levies necessary.
21. Approval by tax commissioner of plan of payment; refunding certificates.
22. Acceleration of payment of indebtedness.
23. Certificates of indebtedness in lieu of claims or judgments; single or coupon; cancellation of claims or orders refunded.
24. Tax commissioner to prescribe form of certificate.
25. Certificates as vouchers for sheriff.
26. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

PREAMBLE

Section 1. WHEREAS, The severe financial and economic depression existing for several years past has resulted in an un-

3 preceded increase in delinquent taxes in the state of West
4 Virginia and the several subdivisions thereof; and by reason
5 of such increase in the amount of delinquent taxes, estimated
6 revenues upon which the operation of the counties, districts and
7 municipalities of the state were predicated failed to materialize,
8 with the result that deficits have accumulated in many of the
9 taxing districts of the state and there are large amounts of out-
10 standing orders and drafts unpaid, and for the immediate pay-
11 ment of which no provision has been made; and

12 WHEREAS, The immediate provision for the payment of all
13 of such accumulated deficits would be extremely burdensome to
14 the taxpayers of the state of West Virginia, who have already
15 and are now suffering from the severe financial and economic
16 depression of recent years; and

17 WHEREAS, It is believed and the Legislature of West Virginia
18 hereby declares its belief that the conditions heretofore existing
19 have created an emergency of such nature as to justify legisla-
20 tion for the extension of time for the payment of such deficits
21 and the funding thereof in keeping with what is believed by the
22 Legislature to be a judicially enforced rule of common law ap-
23 plicable to taxation for the payment of indebtedness, not bonded.

Sec. 2. The term "indebtedness" as used in this bill shall
2 mean contractual indebtedness, not bonded, whether evidenced
3 by orders or otherwise and incurred on or prior to June thirty,
4 one thousand nine hundred thirty-three. The words "taxing
5 district" as used in this bill shall mean any county, magisterial
6 district, magisterial or independent school district, municipality
7 or any other taxing district except the state of West Virginia.
8 The words "fiscal body" as used in this bill shall mean any gov-
9 ernmental agency charged with the laying of levies for the pay-
10 ment of indebtedness of any taxing district as herein defined.
11 The word "order" when used in this bill with reference to a
12 written evidence of indebtedness shall mean a writing issued by
13 the fiscal body directed to the sheriff or other paying officer re-
14 quiring him to pay therein named a sum certain and shall in-
15 clude such writings which are commonly referred to as drafts,
16 warrants or orders. The words "certificate of indebtedness"
17 as used in this bill shall mean any evidence of indebtedness of a
18 taxing district other than orders issued prior to the enactment
19 of this bill.

Sec. 3. Each fiscal body shall make, for each taxing district

2 for which it lays levies, a statement showing: (a) the total
3 amount of indebtedness incurred prior to or on the thirtieth
4 day of June, one thousand nine hundred thirty-three, disting-
5 uishing between such indebtedness incurred prior to Novem-
6 ber eighth, one thousand nine hundred thirty-two and that in-
7 curred thereafter, by each taxing district for which such fiscal
8 body is required to lay the levies; (b) the estimated amount to
9 be received from collections of taxing districts for the fiscal year
10 beginning July first, one thousand nine hundred thirty-two, and
11 preceding years during the fiscal year beginning July first, one
12 thousand nine hundred thirty-four and for the three years fol-
13 lowing; (c) the estimated returns of the levies apportioned for
14 indebtedness purposes to such fiscal body for such taxing dis-
15 trict by the provisions of house bill number two hundred thirty-
16 four, second extraordinary session, one thousand nine hundred
17 thirty-three; (d) the amount thereof required for bonded in-
18 debtedness; (e) the remainder, if any, available for indebted-
19 ness as defined in this bill, and (f) the assessed valuation by
20 classes of all taxable property in the taxing district and shall
21 forward a copy of such statement to the tax commissioner and to
22 the prosecuting attorney of the county in which the taxing dis-
23 trict is situate.

Sec. 4. The tax commissioner shall examine the statements
2 provided by section three hereof for each taxing district and if,
3 in his opinion, the laying of levies for all of such indebtedness
4 not otherwise provided for will cause a disturbance in the admin-
5 istration of the financial affairs of the taxing district not nec-
6 essary to the protection and enforcement of the right of any
7 creditor and unnecessarily burdensome to the taxing district,
8 in view of the present emergency, he may require the prose-
9 cuting attorney of the county in which the taxing district is
10 situate to file in the circuit court of said county a petition on
11 behalf of such fiscal body as provided in section five of this
12 bill.

Sec. 5. The prosecuting attorney of any county, when so re-
2 quired by the tax commissioner as provided in section four of
3 this bill, shall file in the circuit court of the county in which
4 the taxing district is located on behalf of the county or of any
5 other taxing district thereof, a petition against all holders of in-
6 debtedness, as herein defined, owing by the taxing district or

7 districts, alleging the facts appearing from the statement pro-
 8 vided by section three hereof, and any other pertinent facts,
 9 concluding with a prayer that the amount and legality of such
 10 indebtedness be inquired into by the court in the manner pro-
 11 vided by this bill. Proceedings on behalf of any or all taxing
 12 districts within the county may be consolidated and presented by
 13 one petition, but the facts relating to each taxing district shall
 14 appear therein separately. No summons or other process shall
 15 be necessary, other than the notices herein provided for, except
 16 such process as may be necessary in the adjudication of con-
 17 tested claims as hereinafter provided for. The court shall there-
 18 upon cause notice of the filing of the petition and that it will
 19 appoint commissioners thereunder on a day certain to be given
 20 by publication for two successive weeks in two newspapers of
 21 different political affiliations, published in the county, if there
 22 be two, if not, in one newspaper published in the county, and
 23 if there be no newspaper published in the county, then by post-
 24 ing notice for at least ten days at the front door of the court-
 25 house and at a public place in each magisterial district and
 26 municipality in the county, which day shall be not more than
 27 thirty days after the filing of the petition. The form of such
 28 notice shall be sufficient if substantially as follows:

29 "NOTICE IS HEREBY GIVEN, that.....,
 30 Prosecuting Attorney of the County of....., has
 31 filed in the Circuit Court of.....County a petition
 32 on behalf of the County Court of.....County, The
 33 Board of Education of the County of....., the Town
 34 Council of the Town of.....(etc., or any, or all,
 35 as the case may be) against all persons having contractual
 36 claims, not bonded, against the.....County,
 37 district,: municipality, etc., under the pro-
 38 visions of Chapter, acts of the Legislature, second
 39 extraordinary session, one thousand nine hundred thirty-three.
 40 And the Circuit Court of.....County will, on the
 41day of....., 19...., at the courthouse
 42 of said county of....., at..... o'clock of that
 43 day, appoint three commissioners to inquire into the legality of
 44 such indebtedness in the manner required by said act.

45
 46 Clerk of the Circuit Court of.....
 47 County."

Sec. 6. The petition shall be considered as a bill in equity and the proceedings thereon shall be considered as a cause in equity in so far as the procedure thereof be applicable, except as otherwise provided by this bill.

Sec. 7. Within thirty days after the petition shall have been filed, and on the day stated in the notice under section five hereof, the court or the judge thereof in vacation, shall, by order, designate three special commissioners to constitute a commission to inquire into the indebtedness of such taxing district or taxing districts and to receive proof of contractual claims against such taxing district and to report on the validity or invalidity of such alleged indebtedness in the manner provided by this act. The commissioners shall be citizens of the state of West Virginia and residents of the county in the circuit court of which the petition is filed. Not more than two of said commissioners shall be residents of the same magisterial district or affiliated with the same political party, and at least one of said commissioners shall be a regularly qualified practicing attorney of said court. No person shall be qualified to serve on said commission if he has any financial interest, directly or indirectly, except as a taxpayer, in any matter to be passed upon by it. Before entering upon the discharge of their duties hereunder, the commissioners shall take the oath prescribed by section five, article four, of the constitution. The order appointing said commissioners shall set a day on which the commissioners shall meet at the courthouse of said county and organize by designating one of their number chairman, and one to act as secretary of the commission, and shall direct that the commission forthwith make a preliminary investigation of the financial affairs of the taxing district and of the official audits and other information available for use in connection with the discharge of their duties hereunder, and shall require that said commission report to the court in writing on a day to be specified in the order; the organization of the commission and the available audits and other information touching the inquiry to be made, and whether or not such audits and other information are sufficiently complete to enable the commission to discharge its duties hereunder.

Sec. 8. If, upon the report of the commission required by section seven of this act, the court be of opinion that the official audits and other information relating to the financial affairs

4 of the taxing district are insufficient to enable the commission
5 to properly discharge its duties, the court shall, by order, re-
6 quest the tax commissioner to complete such audit, or audits,
7 and provide such information as the tax commissioner may
8 reasonably procure incidental to such audit, and the clerk of
9 the court shall forward to the tax commissioner an attested
10 copy of such order; whereupon the tax commissioner shall, at
11 the earliest practical time, cause such audit, or audits, to be
12 completed through the thirtieth day of June, one thousand nine
13 hundred thirty-three, and shall furnish such other information
14 incident to making of such audit as may be requested by the
15 court, and when such audit, or audits, shall have been com-
16 pleted, the tax commissioner shall make a report in writing to
17 the circuit court and shall transmit therewith such completed
18 audits, together with such other information incidental thereto
19 as shall have been requested by the court. The cost of the making
20 or completion of such audit, or audits, shall be charged to the
21 taxing district or the respective taxing districts so audited,
22 as the case may be, by the tax commissioner, and the charge
23 therefor shall be on the same basis as regular audits, as pro-
24 vided by section eight, article nine, chapter six of the code, and
25 shall be paid by the fiscal body of such taxing district as a part
26 of the cost of the proceeding under this bill in like manner as
27 the payment of other costs is provided for in section fifteen of
28 this bill.

Sec. 9. When no additional audits shall be required, or when
2 such additional audits as may be required shall have been pro-
3 vided, the court shall then, by order, direct the commissioners
4 to sit at the courthouse of said county on a day fixed by said
5 order, and from day to day for such length of time within the
6 limits prescribed by section fifteen of this bill as the court may
7 deem necessary for the completion of the duties required of
8 such commission, which time of meeting shall be not less than
9 thirty days after the entry of such order, and shall cause the
10 commissioners to give notice by publication for four successive
11 weeks in two newspapers of opposite politics published in the
12 county, if there be two such, if not, then in one newspaper
13 published in the county; and if there be no newspaper pub-
14 lished in the county, then by posting a notice at the front door
15 of the courthouse and at a public place in each magisterial dis-

16 triet and each municipality within the county for thirty days
17 prior to the day of such meeting. The notice shall be sufficient
18 if substantially to the following effect:

19 "NOTICE IS HEREBY GIVEN that the undersigned,
20, and, special
21 commissioners of the circuit court of county,
22 appointed for the purpose of inquiring into and making a re-
23 port on the legality of indebtedness of county.
24 district, municipality, (any
25 or all, as the case may require) will sit at the courthouse of
26 county on the..... day of,
27 193...., and from day to day thereafter until the..... day
28 of, 19...., for the purpose of discharging their
29 duties under the order of the court entered on the..... day
30 of, 193...., pursuant to the provision of chap-
31 ter....., acts of the Legislature of West Virginia, second ex-
32 traordinary session, one thousand nine hundred thirty-three.
33 (Signed).....
34 Commissioners."

Sec. 10. On the day and at the place provided by the order
2 and notice under section nine, the commission shall meet and
3 the holder and owner, or his representative, of any contractual
4 claim, as herein defined, against the taxing district, whether
5 evidenced by order or otherwise, may present to the commis-
6 sion such claim, and if the claim be not evidenced by order the
7 same may be presented by sworn statement, showing clearly
8 the nature of the claim and the amount thereof, and the com-
9 mission shall carefully inquire into and investigate all of such
10 claims and reports to the court thereon in the manner provided
11 by section eleven of this act. The commission shall not approve
12 any claim for which no order shall have been issued, unless the
13 same be first approved by the fiscal body by an order entered
14 of record in the proper book of the fiscal body. Any taxpayer
15 or other person legally interested, may file before the commis-
16 sion, in writing, any objection or objections to the allowance
17 of any claim in whole or in part, whether evidenced by order
18 or otherwise. When the order of the court under section nine
19 has prescribed a shorter time than the time provided in section
20 fifteen hereof for the sitting of the commissioners, and the com-
21 missioners shall not, within such time, be able to discharge their
22 duties under said order, they shall, in writing, give information

23 thereof to the court, with a statement of the estimated number
24 of additional days required, and the court may, by order, ex-
25 tend, from time to time, the number of days for the sitting,
26 not, however, beyond the number specified in section fifteen
27 hereof.

Sec. 11. The commission, after having fully investigated all
2 claims presented and having received any objections filed against
3 any claim, shall make a report in writing, setting forth sepa-
4 rately for each taxing district for each fiscal body: (a) the
5 claims to the legality and amount of which no objection has
6 been made and which the commissioners unanimously agree to
7 be properly payable; (b) claims to which objections have been
8 filed but which the commission unanimously agree should be
9 paid; (c) claims to which an objection has been filed but which
10 a majority of the commissioners agree should be paid; (d)
11 claims which a majority of the commissioners agree should not
12 be paid, whether or not any objection has been filed thereto.
13 The report shall itemize separately the approved claims in-
14 curred prior to the eighth day of November, one thousand nine
15 hundred thirty-two, and the approved claims incurred there-
16 after prior to or on June thirtieth, one thousand nine hundred
17 thirty-three. When the claim is represented by an order, the
18 report shall show the date of the order, the number thereof, and
19 the name of the original payee and the name of the present
20 holder. The report shall show the original amount of each
21 claim and, separately, the interest thereon legally accrued, under
22 existing statutes, to the date of the report. The commission
23 shall return to the court, with the report, all written statements
24 of claims presented not evidenced by order and all written
25 objections made to the allowance of any claims.

Sec. 12. The report shall be filed by order of the court. The
2 court shall examine the report and if the court be of opinion
3 that it is not sufficient, it may, by order, re-commit it, in whole
4 or in part, for further inquiry, to the commission, with such
5 directions as the court may deem proper. Whereupon the re-
6 port shall be completed and again returned to the court. When,
7 in the opinion of the court, the report is complete, the court
8 shall cause notice to be given by publication for two successive
9 weeks in two newspapers of different political affiliation pub-
10 lished in the county, if there be two, and, if not, then in one
11 newspaper published in the county, and if there be no such

12 newspaper published in the county, then by posting a notice
 13 at the front door of the courthouse and at a public place in
 14 each magisterial district and each municipality within the
 15 county for not less than ten days, that on a day certain speci-
 16 fied in the notice, the court will act upon the report of the com-
 17 mission. The notice shall be sufficient if substantially in form
 18 as follows:

19 "Notice is hereby given that the circuit court of.....
 20 county will, on the... day of....., one thousand nine
 21 hundred thirty-....., at.....o'clock, at the
 22 courthouse of.....county, act upon the report of
 23, and
 24 special commissioners, heretofore appointed to report upon the
 25 validity of indebtedness of.....county,.....
 26 district, municipality (all or any, as the case
 27 may be). Any person interested in the affirmance of said re-
 28 port or in the making of any objection thereto may then be
 29 heard.

30

31

.....
 Clerk of the Circuit Court of

32

.....County."

33

The court may, on its own motion, make further inquiry into
 34 any claim and any taxpayer may, at such time, interpose objec-
 35 tion in writing to the payment of any claim, whether interposed
 36 before the commission or not, and the court may then, by order,
 37 affirm all claims unanimously approved by the commission and
 38 to which no objection has been filed. The court may then pro-
 39 ceed to hear evidence relating to any claim to the payment of
 40 which an objection has been interposed or which the court, on
 41 its own motion, desires to further investigate.

42

43

44

45

46

47

48

49

50

51

52

When objection is made to the payment of any claim the
 holder and owner thereof shall file or cause to be filed in the
 cause a concise statement of the claim, showing its nature and
 amount, duly itemized and verified, and the objector to such
 claim shall file in writing his or its objection thereto, stating
 concisely the grounds of such objection, likewise duly verified.
 Such statements shall constitute the pleadings with respect to
 such claim and the sufficiency of such statements may be tested
 by demurrer. When such statements are sufficient in law, issue
 may be joined thereon. Technical pleadings and forms shall
 not be required.

53 When the court approves the report, or any part thereof, or
54 any particular claim, the order shall show in detail the descrip-
55 tion of each separate claim as shown by the report, and the
56 clerk shall transmit a copy of such order insofar as it pertains
57 to each taxing district to the fiscal body, which shall cause the
58 same to be entered in full on its proper record book.

Sec. 13. Any claimant whose claim has not been approved
2 by the court under section eleven of this bill, or any protestant
3 against any such claim may, as to any and all matters of fact
4 involved, have the validity of such claim considered by a jury,
5 according to the rules applicable to the trial of an action at
6 law, by making application in writing for such jury trial on or
7 before the day of the hearing by the court, whereupon the con-
8 troversy relative to such claim upon the pleadings provided
9 by section twelve of this act shall be docketed on the law side
10 of the court for such trial and shall be tried as in an action at
11 law. Upon the termination of such law action the judgment
12 shall be reported to the equity side of the court for the entry
13 of a proper order in the premises. The failure of any party
14 to demand a jury trial shall constitute a waiver thereof by all
15 parties interested in the controversy relating to such claim, and
16 the court may hear evidence in support of or against such claim,
17 and shall make such findings as would be proper upon the
18 merits in an action at law upon formal waiver of trial by jury
19 by all parties. A writ of error to the judgment of the circuit
20 court on any claim may be had to the supreme court of appeals
21 of West Virginia in like manner as a writ of error in an action
22 at law.

Sec. 14. The court for any reason in its opinion deemed
2 proper, may reconstitute the commission in whole or in part.

Sec. 15. Each commissioner shall be allowed for his services
2 a per diem to be fixed by the court, not to exceed five dollars
3 for each day actually engaged in the discharge of his duties
4 hereunder, not to exceed thirty days. The court may allow
5 a per diem not to exceed three dollars for a period of not to
6 exceed forty-five days of actual employment for stenographic
7 and clerical services incident to the hearings by the commission
8 and the compilation of its report. When such period of time
9 is not sufficient for the completion of the work of the commis-
10 sion in pursuance of this act, the time may be extended by
11 order of the court upon the written request of the commission,

12 approved in writing by the tax commissioner. Where more
13 than one taxing district is involved the court shall apportion
14 the general costs equitably among the taxing districts con-
15 cerned, and no costs other than those specifically mentioned
16 herein shall be incurred by the commission without the express
17 order of the court therefor. When a claim, to the payment of
18 which objection has been made by the prosecuting attorney, any
19 fiscal body or any member thereof, is successfully prosecuted
20 by the claimant, the costs of the hearing thereon shall be charged
21 to the taxing district concerned. If such claimant fail to
22 establish the validity of such claim, the taxing district shall
23 recover its costs from the claimant. If the contest of any claim
24 arises from the objection of a taxpayer or other person legally
25 interested, the costs shall abide the final disposition of the
26 claim and shall be charged against the parties in like manner
27 as costs are charged in an action at law. The costs of the pro-
28 ceedings hereunder, except as above expressly provided, shall
29 be paid from the levies laid and collected for the payment of
30 indebtedness involved, and the proper fiscal body in laying
31 such levies shall include therein the estimated amount of such
32 costs.

Sec. 16. Any claim finally adjudicated in the proceeding
2 herein provided for shall not thereafter be litigated in any
3 other judicial proceeding, but any claimant who does not present
4 his claim in such proceeding shall not be precluded thereby and
5 may have his claim adjudicated in any other proper proceeding
6 at law or in equity.

Sec. 17. No fiscal body and no officer of any taxing district
2 for which the tax commissioner has required the filing of a pe-
3 tition under this act as provided by section four hereof, shall
4 pay any indebtedness claims or order unless the same shall
5 have been adjudicated under the provisions of this act or other-
6 wise reduced to judgment. For the purpose of this act the fiscal
7 body shall for the fiscal year beginning July first, one thousand
8 nine hundred thirty-three, lay such levies authorized under ex-
9 isting law, as may be approved or required by the tax commis-
10 sioner. As soon as reasonably practicable after the circuit
11 court shall have acted upon the report of the commissioners as
12 provided by section twelve of this act, the fiscal body shall meet
13 and shall consider such indebtedness adjudicated under the
14 provisions of this act along with any other indebtedness reduced

15 to judgment in other proceedings, and under the regulations of
16 the tax commissioner, as provided by section nineteen of this
17 act, and, subject to the approval of the tax commissioner, shall
18 determine a program of payment from estimated receipts from
19 delinquent taxes levied for the fiscal year beginning July first,
20 one thousand nine hundred thirty-two, and for prior years, and
21 by successive annual levies for not more than ten years includ-
22 ing the fiscal year beginning July first, one thousand nine hun-
23 dred thirty-three.

Sec. 18. There is hereby created in each and every taxing
2 district having indebtedness as defined by this act an "indebted-
3 ness fund other than bonded" which fund shall be used for the
4 purpose of payment of such indebtedness. Into this fund shall
5 be paid all money now in the hands of any public officer which
6 was derived from the collection of taxes for the fiscal year be-
7 ginning July first, one thousand nine hundred thirty-two and
8 taxes for prior years, which taxes were levied by the fiscal body
9 for the particular taxing district for purposes other than
10 bonded indebtedness; and all collections of like delinquent taxes
11 made hereafter shall, by the officer collecting the same, be paid
12 to such indebtedness fund. All levies collected under the pro-
13 visions of house bill number two hundred thirty-four, second
14 extraordinary session, one thousand nine hundred thirty-three,
15 for indebtedness, other than bonded, shall also be paid to said
16 indebtedness fund. No funds received from the collection of
17 delinquent taxes hereafter made shall be used for the payment
18 of the current expenses of any fiscal body or taxing district so
19 long as any such indebtedness as defined by this act or any
20 interest thereon remains unpaid; but all such delinquent taxes
21 when collected, except those levied for the payment of bonded
22 indebtedness, shall be paid into the proper indebtedness fund
23 hereby created.

Sec. 19. The tax commissioner shall promulgate regulations
2 to govern fiscal bodies in the payment of the claims approved by
3 the circuit court under the authority of this act and other
4 claims properly reduced to judgment. The regulations pro-
5 mulgated by the tax commissioner shall be with view to the pay-
6 ment of indebtedness as defined in this act at as early a date
7 as is reasonably consistent with the interests of the state of West
8 Virginia and the taxpayers thereof, and with possible levies

9 therefor under section twenty-three, of house bill number two
10 hundred thirty-four, second extraordinary session, one thou-
11 sand nine hundred thirty-three, and such regulations may be
12 promulgated for use in the alternative as the circumstances of
13 the particular taxing district may require; and such general
14 regulations shall in no event be considered to be exclusive of
15 the promulgation of a special regulation or the approval of a
16 special plan of payment for any particular taxing district. By
17 way of illustration, if such indebtedness may within a reason-
18 able time be paid from the levies under house bill number two
19 hundred thirty-four, other than those provided by section
20 twenty-three, a plan of payment based thereon may be adopted;
21 or if in any particular taxing district the laying of a reasonable
22 levy under said section twenty-three might accomplish the pay-
23 ment of such indebtedness within a lesser period of time con-
24 sistent with the interest of the state of West Virginia and the
25 taxpayers thereof, a plan utilizing such levies under said sec-
26 tion twenty-three and effecting payment at an earlier time may
27 be promulgated and adopted.

28 Any and all regulations promulgated by the tax commissioner
29 and any plan of payment adopted by the fiscal body with the
30 approval of the tax commissioner, shall embody the principles
31 that (1) payments shall be made pro rata upon all approved
32 claims from year to year, except that payment of small claims
33 not to exceed one hundred dollars may be made from the re-
34 ceipts of the first two years; (2) the annual payment of interest
35 shall not exceed the legal rate upon all deferred installments
36 including the fixing of the time for the payment of interest;
37 (3) the anticipation of all or any part of deferred payments
38 prior to the time stipulated therefor, including the selection by
39 lot of such certificates of indebtedness as shall be anticipated
40 if less than all, and the termination of interest after reasonable
41 notice of the selection of any certificate of indebtedness for pay-
42 ment.

Sec. 20. When, in the judgment of the fiscal body, subject
2 to the approval of the tax commissioner, the payment of such
3 indebtedness by one levy, together with estimated receipts from
4 delinquencies, would be unnecessarily burdensome in view of the
5 existing emergency, the fiscal body shall determine the number
6 of years, not exceeding ten, for which successive levies shall be
7 laid, and shall prepare a statement showing: (a) the total

8 amount of such indebtedness adjudicated under the provisions
9 of this act or reduced to judgment; (b) what levies, if any, re-
10 main from the apportionments of levies for debt purposes to
11 such fiscal body under the provisions of house bill number two
12 hundred thirty-four other than section twenty-three thereof,
13 after making provision for bonded indebtedness as therein re-
14 quired; (c) the levies, if any, laid under section twenty-three of
15 house bill number two hundred thirty-four for bonded indebted-
16 ness of such taxing district; (d) the estimated amount of de-
17 linquent taxes to be received applicable to the payment of such
18 indebtedness, showing the estimated amount to be received for
19 each year during the period for which the payment of such in-
20 debtedness is extended; (e) the assessed valuation of all prop-
21 erty subject to taxation within the taxing district by classifica-
22 tions; (f) the rate of levy required, if any, under section twenty-
23 three of house bill number two hundred thirty-four, if such in-
24 debtedness were to be paid by a single levy.

Sec. 21. Before any such plan shall be finally adopted, it
2 shall be submitted to the tax commissioner, who may approve or
3 disapprove it. If the tax commissioner disapproves the plan
4 submitted, he shall direct the changes therein to be made or shall
5 direct the making of another plan in keeping with the provisions
6 hereof. If the fiscal body does not agree to any plan of pay-
7 ment finally promulgated and approved by the tax commis-
8 sioner, then the order of the tax commissioner promulgating the
9 plan shall be final and the adoption of such plan by the fiscal
10 body may be enforced by the tax commissioner in any appro-
11 priate proceeding or proceedings in law or equity. When a plan
12 shall have received the approval of the tax commissioner, the
13 fiscal body shall proceed to issue refunding certificates in the
14 manner provided by section twenty-three hereof.

Sec. 22. If at any time prior to the payment of all such in-
2 debtedness and the interest on the deferred installments thereof,
3 the tax commissioner be satisfied that the financial affairs of the
4 taxing district have improved, the tax commissioner may require
5 the fiscal body to accelerate the payment of such deferred in-
6 stallments and to make full payment of all such indebtedness
7 prior to the time of final payment set out in the original plan.

Sec. 23. Promptly upon the adoption of such payment plan,
2 the fiscal body shall, at the request of the holder of any order
3 approved under this act, or of any claim otherwise reduced to

4 judgment, issue to the holder thereof in lieu of such orders or
5 claims and upon the proper release of any such judgment, a
6 certificate, or certificates, of indebtedness payable out of the
7 indebtedness fund provided by section eighteen of this act in
8 form prescribed by the tax commissioner as provided by section
9 twenty-four. Such certificates of indebtedness may be issued,
10 one certificate for each annual payment to be made, or may be
11 issued in the form of coupon certificate of indebtedness with a
12 coupon to evidence such annual payment of principal together
13 with interest accruing on the whole certificate remaining unpaid
14 at the date of the payment of such coupon.

15 Any person owning more than one claim, order or judgment
16 against the same fund may require one certificate to be issued
17 for the aggregate amount of his several claims.

18 All orders and proofs of claim received in exchange for such
19 certificates of indebtedness shall be stamped across the face
20 thereof "paid by refunding certificate no." and shall
21 be cancelled and filed with the records of the fiscal body.

Sec. 24. The tax commissioner shall prescribe the form of
2 the certificates of indebtedness hereunder, which shall contain a
3 brief description of the order, claim or claims of the indebted-
4 ness refunded by such certificate.

Sec. 25. Any certificate of indebtedness evidencing an an-
2 nual payment of any certificate of indebtedness coupon evi-
3 dencing an annual payment of principal and/or interest shall
4 constitute a voucher in the hands of the sheriff for which he
5 shall receive credit in his settlements.

Sec. 26. If any section, paragraph, sentence, clause, word
2 and/or application of any part hereof be held unconstitutional,
3 the same shall not affect the validity of the remaining portions.

4 All acts or parts of acts, both general and special, incon-
5 sistent with the provisions of this act, are hereby repealed.

CHAPTER 65

(House Bill No. 359—By Mr. Melrose)

AN ACT to amend and reenact section thirty-two of an act of the
Legislature of West Virginia, second extraordinary session,
one thousand nine hundred thirty-three, known as house bill

number two hundred thirty-four, relating to discount on taxes and providing for extending the period of discount for prompt payment of taxes.

[Passed March 8, 1934; in effect from passage. Approved by the Governor.]

SEC.

32. Discount periods for prompt payment of taxes for the fiscal year beginning July 1, 1933; exten-

SEC.

sions by tax commissioner; further extensions when levies contested.

Be it enacted by the Legislature of West Virginia:

That section thirty-two of an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known as house bill number two hundred thirty-four, be amended and reenacted so as to read as follows:

Section 32. The discounts allowed for prompt payment of the 2 first half of taxes for the fiscal year beginning July first, one 3 thousand nine hundred thirty-three, as provided by law, shall 4 be extended and allowed by the collecting officer, if the first 5 half of the tax payment be made on or before April fifteenth, 6 one thousand nine hundred thirty-four: *Provided, however,* 7 That the tax commissioner may, in his discretion, uniformly 8 extend such discount period to not later than May first, one 9 thousand nine hundred thirty-four: *Provided further,* That 10 in any county where, by reason of legal contests with respect to 11 levies, and such contests are not fully determined prior to the 12 first day of April, one thousand nine hundred thirty-four, the 13 tax commissioner may extend such discount periods, as to all 14 taxes levied for said year, for forty-five days from the time 15 when said levies are actually determined.

CHAPTER 66

(House Bill No. 365—By Mr. Norton)

AN ACT to provide revenue to meet the present fiscal emergency of the state by the imposition of surtaxes on sales, privileges, productions, business and incomes, and by the imposition of a general consumers sales tax.

[Passed March 23, 1934; in effect on April 1, 1934. Approved by the Governor.]

Title I

SEC.

1. Imposition of emergency surtaxes declared necessary.
2. How act cited.

SEC.

3. Imposition of an emergency surtax of one-half of existing tax imposed by subsections (a), (b), (c), (d) and (g) of section

- Sec. 2. chapter 33, acts first extraordinary session 1933; exceptions.
4. Imposition of emergency surtax of one-half of existing tax imposed by sections two, three, four and five, article XII-A of chapter thirty-three, acts first extraordinary session 1933; exceptions.
5. Taxes imposed by this act are for the privilege of doing business in state; to be calculated from June 30, 1933 to June 30, 1935.
6. When taxes imposed by sections three and four payable.
7. What provisions for administration, collection and enforcement to apply to taxes imposed by section three.
8. What provisions for administration, collection and enforcement to apply to taxes imposed by section four.
9. Proceeds of taxes imposed by this title to be paid into the state fund, general revenue.
10. When provisions of title terminate.

Title II

Sec.

1. Imposition of general consumers sales tax declared necessary.
2. Definitions.
3. Tax of two per cent of gross proceeds arising from selling tangible personal property at retail and from certain selected services imposed until June 30, 1935; tax paid by purchaser and kept separate and paid to state by retailer; amount of tax on individual sales; no registration license for or transfer of title of automotive vehicle to be issued in state until tax is paid; exceptions; all taxes collected from purchasers to be remitted to tax commissioner.
4. Burden of proof that sale was not at retail upon seller.
5. When returns to be made on gross proceeds of retail sales.
6. Provisions of title to apply to

Sec.

- furnishing of services; exceptions.
7. Sales exempt from tax.
8. Tax added to sale price and collected from consumer.
9. Retailer not to absorb tax; penalty for violation.
10. Adoption by competing taxpayers of uniform methods of adding average equivalent of tax to selling price; rules and regulations by tax commissioner.
11. Tax returns when business done wholly or partly on credit basis.
12. Retailer, also engaged in business not taxable, to keep separate books.
13. Tax commissioner to prescribe rules to determine gross proceeds of sales to affiliated companies.
14. Monthly report and remittance by taxpayer to tax commissioner.
15. Tax commissioner may authorize returns at other times.
16. When quarterly returns may be made.
17. Annual returns under oath and remittance; extension.
18. Consolidated returns for business done in two or more places.
19. Duties of person liable for tax; preservation of records.
20. Duty of tax commissioner as to moneys received and preservation of returns by taxpayer.
21. When information obtained in administration of act is privileged.
22. Proceeds of tax for support of free schools; expended as provided by law.
23. Provisions of title terminate June 30, 1935.

Title III

Sec.

1. Tax commissioner to promulgate and enforce rules for enforcement of provisions of act.
2. Tax commissioner responsible for acts of employees or appointees.
3. Penalty for violation of provisions of act.
4. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

TITLE I

Emergency Surtaxes

Section 1. Because the enabling legislation under the "Tax 2 Limitation Amendment" has required adjustments which have 3 greatly reduced the revenue of the state, it is necessary that 4 emergency surtaxes be imposed to provide funds essential to the 5 conduct of government.

Sec. 2. This act may be cited as "The Supplemental (Emer-

2 gency) Revenue Act of one thousand nine hundred thirty-
3 four.”

Sec. 3. Every person taxable under sub-sections (a), (b), (c),
2 (d) and (g) of section two, article thirteen, chapter eleven, code
3 of one thousand nine hundred thirty-one, as amended by chapter
4 thirty-three, acts of the first extraordinary session, one thousand
5 nine hundred thirty-three, shall pay, in addition to the taxes im-
6 posed by that act, and in addition to all other taxes, an additional
7 emergency surtax of one-half of each tax imposed by sub-sections
8 (a), (b), (c), (d), and (g), section two, article thirteen chapter
9 eleven, code of one thousand nine hundred thirty-one, as amend-
10 ed by chapter thirty-three, acts of the first extraordinary session,
11 one thousand nine hundred thirty-three, but there shall be no
12 additional tax on water companies or upon privileges taxed
13 under sub-section (c), except in case of wholesalers or jobbers.

Sec. 4. Each person taxable under sections two, three, four, or
2 five, article twelve-(a), chapter eleven, code of one thousand nine
3 hundred thirty-one, as amended by chapter thirty-three, acts of
4 the first extraordinary session one thousand nine hundred thirty-
5 three, shall pay, in addition to that tax and all other taxes, an ad-
6 ditional emergency surtax of one-half of the tax imposed by the
7 above mentioned article, except that there shall be no additional
8 tax on telephone corporations.

Sec. 5. The taxes imposed by this title are for the privilege of
2 doing business within this state during the operation of this act
3 and shall be calculated for a period beginning July first, one
4 thousand nine hundred thirty-three, and ending June thirtieth,
5 one thousand nine hundred thirty-five, in the same manner as
6 the taxes imposed by articles twelve-(a) and thirteen, chapter
7 eleven, code of one thousand nine hundred thirty-one, as amend-
8 ed by chapter thirty-three, acts of the first extraordinary ses-
9 sion one thousand nine hundred thirty-three.

Sec. 6. The taxes imposed by sections three and four, shall
2 be paid quarterly on the first of November, February, May and
3 August, except that an amount calculated upon the first two
4 quarters of the fiscal year July first, one thousand nine hun-
5 dred thirty-three, to June thirtieth, one thousand nine hun-
6 dred thirty-four, shall be due and payable on April first, the
7 third quarter May fifteenth, and the fourth quarter August
8 first, one thousand nine hundred thirty-four.

Sec. 7. Except as otherwise provided by this act, the provisions for the administration, collection, and enforcement of taxes imposed by article thirteen, chapter eleven of the code as amended by chapter thirty-three, acts of the first extraordinary session, one thousand nine hundred thirty-three shall apply, so far as applicable, to the administration, collection and enforcement of the taxes imposed by section three of this title.

Sec. 8. Except as otherwise provided by this act, the provisions for the administration, collection and enforcement of taxes imposed by article twelve-(a), chapter eleven of the code, as amended by chapter thirty-three, acts of the first extraordinary session, one thousand nine hundred thirty-three, shall apply so far as applicable to the administration, collection and enforcement of the taxes imposed by section four of this title.

Sec. 9. The proceeds of the taxes imposed by this title shall be paid into the state fund, general revenue, and be expended in such manner as may be provided by law.

Sec. 10. All provisions of this title shall terminate and cease to be of effect upon the thirtieth day of June, one thousand nine hundred thirty-five. The termination of this title shall not affect the enforcement of any right, liability, or duty arising during or out of the operation thereof.

TITLE II

General Consumers Sales Tax

Section 1. In order to meet the fiscal needs created by shifting the base of taxation from general property, it is declared essential that a general consumers sales tax be imposed for a limited period.

Sec. 2. For the purposes of this title:

First, "Persons" shall mean any person, firm, partnership, association or corporation;

Second, "Tax commissioner" shall mean the state tax commissioner;

Third, "Gross proceeds" shall mean the amount received in money, credits, property or other consideration from sales at retail within this state, without deduction on account of the cost of the property sold, amounts paid for interest or discounts, or other expenses whatsoever. Losses shall not be deducted, but

11 deductions may be made to the amount of credits or refunds
12 for returned goods and of the sale price of any article accepted
13 as part payment on any new article sold, if the full sale price
14 of the new article is included in "gross proceeds";

15 *Fourth*, "Sale at retail" shall mean any transaction by which
16 the ownership of tangible personal property is transferred for a
17 consideration, when the transfer is made in the ordinary course
18 of the transferor's business and is made to the transferee for
19 consumption or use or any other purpose save resale in the form
20 of tangible personal property. "Sale at retail" includes condi-
21 tional sales and transactions under whatever name whereby
22 title is ultimately to pass, although possession is retained for
23 security;

24 *Fifth*, "Sale at retail" shall not include an isolated transac-
25 tion in which any tangible personal property is sold, transferred,
26 offered for sale, or delivered by the owner thereof, or by his
27 representative for the owner's account, such sale, transfer, offer
28 for sale or delivery not being made in the ordinary course of
29 repeated and successive transactions of a like character by such
30 owner or on his account by such representative;

31 *Sixth*, "Retail dealer" shall mean a person engaged in the
32 business of sale at retail in this state;

33 *Seventh*, "Wholesale dealer" shall mean a person engaged in
34 this state in the business of selling to a retail dealer in this state
35 for resale only;

36 *Eighth*, "Business" shall include all activities engaged in or
37 caused to be engaged in with the object of gain or economic
38 benefit, direct or indirect;

39 *Ninth*, "Taypayer" shall mean any person liable for any tax
40 hereunder;

41 *Tenth*, "Tax" shall include all taxes, interest or penalties
42 levied hereunder.

Sec. 3. For the privilege of engaging in the business of selling
2 tangible personal property at retail, and of dispensing certain
3 selected services defined in section six of this title, every person
4 shall pay a tax of two percent of the gross proceeds of the busi-
5 ness done during the period from the date of the passage of this
6 act until the thirtieth day of June, one thousand nine hundred
7 thirty-five. The retail dealer shall keep the tax paid by the pur-
8 chaser separate and apart from the proceeds of sale and shall
9 account to the state for all the tax paid by the purchaser.

10 There shall be no tax on sales where the monetary consider-
11 ation is five cents or less. On each sale where the monetary
12 consideration is from six cents to fifty cents, both inclusive,
13 the tax payable by the purchaser shall be one cent; on each
14 sale where the monetary consideration is from fifty-one cents
15 to one dollar, both inclusive, the tax payable by the purchaser
16 shall be two cents, and on each fifty cents of such monetary
17 consideration, or fractional part thereof, in excess of one
18 dollar, the tax payable by the purchaser shall be one cent.
19 *Provided, however,* That no registration license shall be issued
20 by the state road commission for the operation of any auto-
21 motive vehicle in this state other than for those vehicles which
22 are licensed at the time of the effective date of this act, or
23 which may have hitherto been licensed and the applicant for
24 license is the same person in whose name license had previously
25 been issued, unless and until the tax upon such vehicle, as
26 provided by this section, has been paid: *And, provided further,*
27 That no transfer of title for the operation of any automotive
28 vehicle in this state shall be issued by the state road commis-
29 sioner unless and until the tax upon such vehicle, as provided
30 in this section, has been paid: *And provided further,* That
31 the provisions of the above two provisos shall not apply to
32 automotive vehicles engaged in interstate commerce under
33 classes H and I; and, the state road commissioner shall have
34 authority, and it shall be his duty to promulgate such rules
35 and regulations as may be necessary for the proper certification
36 to the state road commission that such tax has been paid.
37 No profit shall accrue to any person by virtue of the pro-
38 visions of this section, as a result of the collection of the tax
39 herein levied upon purchasers, notwithstanding that the total
40 amount of such taxes collected may be in excess of the amount
41 for which such person would be liable by the application of the
42 levy of two percent to the gross proceeds of his sales, and
43 the total of all taxes collected by any such person shall
44 be returned and remitted to the tax commissioner as herein-
45 after provided.

Sec. 4. The burden of proving that a sale was not at retail
2 shall be upon the seller, unless he takes from the purchaser a
3 certificate signed by and bearing the address of the purchaser
4 to the effect that the property was purchased for resale. To

5 prevent evasion, it shall be presumed that all proceeds are
6 subject to the tax until the contrary is clearly established.

See. 5. A person exercising the privilege of producing for
2 sale, profit or commercial use, any natural resources, product
3 or manufactured product, and engaging in the business of sell-
4 ing at retail any such product not otherwise exempted herein
5 shall make returns of the gross proceeds of such retail sales
6 and pay the tax imposed by this title.

See. 6. The provisions of this title shall apply not only to
2 selling tangible personal property, but also to the furnishing
3 of all services except professional and personal services and
4 except those services furnished by corporations subject to the
5 control of the public service commission and the state road com-
6 mission.

See. 7. The provisions of this title shall not apply to:

2 *First*, Sales of gasoline, taxable under article fourteen, chap-
3 ter eleven of the code of one thousand nine hundred thirty-
4 one;

5 *Second*, Sales of gas, steam and water delivered to consumers
6 through mains or pipes, and sales of electricity;

7 *Third*, Sales of public school books regularly adopted pur-
8 suant to section ten, article two, chapter eighteen of the code
9 of one thousand nine hundred thirty-one;

10 *Fourth*, Sales to the state, its institutions or sub-divisions,
11 and sales to the United States, including sales to agencies of
12 federal, state or local governments for distribution in public
13 welfare or relief work, or sales not taxable by this state by
14 reason of the federal constitution or otherwise.

Sec. 8. It is the intent of this title that the tax levied here-
2 under shall be passed on to the consumer. The amount of the
3 tax shall be added to the sales price, and shall constitute a part
4 of that price and be collectible as such.

See. 9. A person engaged in the business of selling tangible
2 personal property at retail shall not advertise or hold out to
3 the public, in any manner, directly or indirectly, that he will
4 absorb all or any part of the tax or that the tax imposed by this
5 title is not to be considered an element in the price to the con-
6 sumer. A person who violates this provision shall be guilty
7 of a misdemeanor and upon conviction shall be punishable by
8 a fine of not less than fifty nor more than one thousand dollars,
9 or imprisonment in the county jail for not exceeding one year,
10 or both in the discretion of the court.

Sec. 10. To provide uniform methods of adding the average

2 equivalent of the tax to the selling price in each sale or trans-
3 action subject to the tax, appropriate rules and regulations,
4 except as otherwise herein provided, may be agreed upon or
5 adopted by competing taxpayers or associations of taxpayers,
6 except that all collections shall be made on the basis of the
7 total transaction at the time of sale; without regard to the
8 value of the separate items making up the total amount of
9 the sale. Such rules and regulations, if they do not involve
10 price fixing, shall not be deemed illegal as in restraint of
11 trade or commerce. It shall be the duty of the tax commis-
12 sioner to cooperate in formulating such rules and regulations,
13 and, in the event appropriate rules and regulations are not
14 submitted to him within thirty days after this act takes effect,
15 or within a reasonable extended period fixed by the tax com-
16 missioner, he shall himself formulate and promulgate appro-
17 priate rules and regulations to effectuate the purpose of this
18 section.

Sec. 11. The tax commissioner may authorize a taxpayer
2 doing business, wholly or partly on a credit basis, to make re-
3 turns on the basis of cash actually received. Thereafter, the
4 taxpayer shall make return and pay taxes on that basis until
5 further order of the tax commissioner. This section shall not
6 operate to relieve from the tax, credit business done during the
7 operation of this title but realized upon in money or money's
8 worth thereafter.

Sec. 12. Any person engaged in the business of making sales
2 at retail who is at the same time engaged in some other kind of
3 business, occupation, or profession, not taxable under this title,
4 shall keep books to show separately the transactions used in
5 determining the tax base herein taxed. In the event of such
6 person failing to keep such separate books, there shall be levied
7 upon him a tax based upon the entire gross proceeds of both or
8 all of his businesses.

Sec. 13. In determining gross proceeds of sales from one to
2 another of affiliated companies or persons, or under other
3 circumstances where the relation between the buyer and the
4 seller is such that gross proceeds from a sale are not indicative
5 of the true value of the subject matter of the sale, the tax com-
6 missioner shall prescribe uniform and equitable rules for de-
7 termining the amount upon which the tax shall be levied, cor-
8 responding as nearly as possible to gross proceeds from the sale

9 of similar products of like quality or character where no
10 common interest exists between the parties.

Sec. 14. The taxes levied hereunder shall be a personal
2 obligation of the taxpayer and shall be due and payable in
3 monthly installments, on or before the fifteenth day of the
4 month next succeeding the month in which the tax accrued.
5 The taxpayer shall, on or before the fifteenth day of each month,
6 make out and mail to the tax commissioner a return for the
7 preceding month, in the form prescribed by the tax commis-
8 sioner, showing (a) the total gross proceeds of his business for
9 that month; (b) the gross proceeds of his business upon which
10 the tax is computed; (c) the amount of the tax for which he is
11 liable; and (d) any further information necessary in the com-
12 putation and collection of the tax which the tax commissioner
13 may require. A remittance for the amount of the tax shall
14 accompany the return. A monthly return shall be signed by the
15 taxpayer or his duly authorized agent.

Sec. 15. The tax commissioner may, upon written request,
2 authorize a taxpayer whose books and records are not kept on
3 a monthly basis to file returns at other times than those specified
4 in the preceding section, but in no event shall a taxpayer make
5 less than one return a calendar month, except as provided by
6 section sixteen.

Sec. 16. When the total tax for which a person is liable does
2 not exceed ten dollars for any month, he may make quarterly
3 return on or before the fifteenth day of the first month in the
4 next succeeding quarter in lieu of monthly returns.

Sec. 17. On or before thirty days after the end of the tax
2 year, each person liable for the payment of a tax hereunder shall
3 make an annual return in such form as may be required by the
4 tax commissioner, showing total gross proceeds of his business
5 for the preceding tax year, gross proceeds upon which the tax
6 for that year was computed, and any other information neces-
7 sary in the computation or collection of the tax that the tax com-
8 missioner may require. After deducting the amount of prior
9 payments during the tax year, the taxpayer shall transmit the
10 return with a remittance for any remaining tax, payable by him
11 during the preceding tax year, to the tax commissioner. The
12 taxpayer or his duly authorized agent, shall verify the return
13 under oath. The tax commissioner for good cause shown, may,

14 on written application of a taxpayer, extend the time for making
15 his annual return.

Sec. 18. A person engaging in two or more places in the
2 same business or businesses of like character, taxable hereunder,
3 shall file consolidated returns covering all such business activities
4 engaged in within this state.

Sec. 19. A person liable for the tax imposed hereunder shall
2 keep the records, render under oath the statements, make re-
3 turns, and comply with the rules and regulations that the tax
4 commissioner may, from time to time, require. The tax com-
5 missioner may require such records, statements or returns, upon
6 notice, from any person in order to determine whether he is
7 liable to the tax hereunder. The tax commissioner may require
8 preservation of records for not to exceed five years.

Sec. 20. The tax commissioner shall keep full and accurate
2 records of all moneys received by him. He shall preserve all re-
3 turns filed with him hereunder for five years.

Sec. 21. Unless, in compliance with a judicial order, or as
2 may be required by the proper administration hereof, the tax
3 commissioner, his agents and employees and former tax com-
4 missioners, agents and employees shall not divulge facts or
5 information obtained in the administration hereof.

Sec. 22. The proceeds of the tax imposed by this title shall
2 be devoted to the support of the free schools, and be expended
3 in such manner as may be provided by law.

Sec. 23. All provisions of this title shall terminate and cease
2 to be of effect upon the thirtieth day of June, one thousand nine
3 hundred thirty-five. The termination thereof shall not affect
4 the enforcement of any right, liability, or duty arising during
5 or out of the operation hereof.

TITLE III

General Provisions

Section 1. The tax commissioner shall have the authority to
2 promulgate and enforce reasonable rules and regulations neces-
3 sary to the administration and enforcement of the provisions
4 of this act.

Sec. 2. Except for the promulgation of rules and regulations,
2 any power or duty conferred upon the tax commissioner by this
3 act may be exercised under his direction by his employees or ap-

4 pointees; but the tax commissioner shall be responsible for their
5 acts.

Sec. 3. Except as herein otherwise provided a person who
2 wilfully violates any of the provisions of this act, or any lawful
3 rule or regulation promulgated under it, shall be guilty of a
4 misdemeanor and upon conviction, shall be fined not less than
5 fifty nor more than five thousand dollars.

Sec. 4. The provisions of this act shall be construed as
2 severable and if any part is held to be unconstitutional, or for
3 any other reason invalid, the remaining provisions shall not be
4 affected. If the application of the tax imposed by this act to
5 any particular taxpayer or to any period of time is held to be
6 invalid, its application to other taxpayers and to other periods
7 of time shall not be affected thereby.

* CHAPTER 67

(House Bill No. 234—By Mr. Hiner)

AN ACT to amend and reenact Committee Substitute for House Bill
No. 63, an act of the Legislature of West Virginia, second ex-
traordinary session, one thousand nine hundred thirty-three,
entitled: "An act to amend and reenact chapter thirty-eight,
acts of the Legislature of West Virginia, regular session, one
thousand nine hundred thirty-three, entitled: 'An act to amend
sections one to fifteen, inclusive, article eight, chapter eleven
of the code of West Virginia, one thousand nine hundred
thirty-one, by substituting therefor sections one to twenty-six,
inclusive, relating to tax levies', by substituting therefor sec-
tions one to twenty-five, inclusive," by substituting therefor
sections one to thirty-three, inclusive.

[Passed January 19, 1934; in effect from passage. Approved by the Governor.]

SEC.	SEC.
1, 2, 3. Legislative findings and decla- rations.	nue; when board of public works to determine amount of levies and certify same to tax commissioner and county as- sessors; state levy for general revenue.
4. Definition of taxing units.	9. Meetings of local levying bodies.
5. Classification of property for levy purposes.	10. Levy estimate by county court; certification to tax commis- sioner and publication or post- ing; adjourned session of court to hear objections to proposed levies; approval of estimate and levy by tax commissioner; first
6. Aggregate of taxes on the different classifications; maximum levies on each classification by the various taxing units.	
7. Levies for indebtedness to be with- in apportionments to the various taxing units.	
8. State levies for contractual in- debtedness and general reve-	

*Amended by chapters fifty-one, sixty-five, sixty-eight and sixty-nine, acts
of this session.

- | | |
|---|--|
| <p>Sec.</p> <p>levy for bonded indebtedness, second for indebtedness not bonded, then for current expenses.</p> <p>11. Certification of levy order; duties of clerk, assessor and collecting officer; delinquent lists.</p> <p>12. Levy estimate by board of education; certification and publication; adjourned session to hear objections; first levy for bonded indebtedness, second for indebtedness not bonded, then for current expenses; approval of levies by tax commissioner.</p> <p>13. Certification of levy order to tax commissioner and county superintendent; reports by superintendent of levies; extension and collection of levies.</p> <p>14. Levy estimate by municipal council; certification to tax commissioner and publication or posting; adjourned session to hear objections; first levy for bonded indebtedness, second for indebtedness not bonded, then for current expenses; approval of levies by tax commissioner.</p> <p>15. Certification of municipal levies.</p> <p>16. What order for election to increase levies to show; vote required; amount and continuation of additional levy.</p> <p>17. Publication and posting of notice of election; form of ballot.</p> <p>18. Tax commissioner to furnish forms of statements and attorney general to furnish forms for elections.</p> <p>19. Passing on levies for contractual indebtedness from larger to lesser taxing district and from lesser to larger taxing district.</p> <p>20. Levy apportioned, a taxing district for current expense but not needed may be used for its debt purposes or passed on to lesser taxing district for debt purpose.</p> | <p>Sec.</p> <p>21. Amount of levy, with consent of tax commissioner, when fiscal body required by law to levy for indebtedness, property within municipality not being subject to levy.</p> <p>22. Supersedes to levy order; rescission or reversal; return of money collected before rescission; recovery by action.</p> <p>23. Statement of fiscal body when levies not sufficient to meet requirements of existing contractual indebtedness; certification and publication of levy proposed; reductions in estimates for current expenses used for contractual indebtedness purposes; when increased levy, not exceeding limitations, may be laid for contractual indebtedness.</p> <p>24. Petition for review of findings of tax commissioner and levy order; notice of intention to file; intervention by others; hearing and findings by court; appeal to supreme court of appeals; if liens found excessive, money collected to be refunded; recovery by action.</p> <p>25. Funds expended only for purposes for which raised.</p> <p>26. Unlawful expenditures by local fiscal body.</p> <p>27. When indebtedness, contracts or drafts are void.</p> <p>28. Suit to recover unlawful expenditure or to cancel obligation.</p> <p>29. Personal liability of official participating in unlawful expenditure.</p> <p>30. Recovery of unlawful expenditure from participating official by action; costs.</p> <p>31. Criminal liability of official violating provisions of article; proceeding for renewal.</p> <p>32. Discount period for prompt payment of 1933 taxes; extension of period by tax commissioner.</p> |
|---|--|

Be it enacted by the Legislature of West Virginia:

That an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, designated Committee Substitute for House Bill No. 63, be amended and reenacted to read as follows:

ARTICLE VIII

Section 1. WHEREAS, Two former acts of the present Legislature relating to the subject matter and general object of this act have been held by the supreme court of appeals of this state to be unconstitutional for varying reasons, which holdings give rise to the question and doubt as to whether the tax limitation amendment, according to the majority interpretation of its

7 intent and meaning, and in consonance with a like, but differ-
8 ently constituted, majority interpretation of other constitutional
9 provisions, may be made workable literally and, at the same
10 time, permit provisions to be made for the necessary require-
11 ments of governmental expenses; and

12 WHEREAS, This Legislature cannot entertain the belief that
13 the voters of this state who, with such practical unanimity,
14 adopted the tax limitation amendment, had in mind that any
15 possible effect or consequence thereof would be to destroy or
16 seriously impair constitutional government in the state or any
17 political subdivision thereof, but rather that one of its objects
18 and purposes was to enjoin and compel a curtailment and re-
19 duction of governmental expenses, and to hold them within
20 reasonable bounds consistent with the economical and efficient
21 administration thereof; and

22 WHEREAS, It is the express purpose and object of the pro-
23 visions hereinafter contained to fully conform with the spirit
24 of said amendment and to provide ample safeguards to insure
25 the strictest economy in the matter of governmental expendi-
26 tures, to the end that proper agencies of government may not
27 be compelled to abdicate or cease to function, but that in so
28 functioning they shall not entail upon the public any expense
29 which is not absolutely necessary; therefore, the Legislature of
30 West Virginia doth find and declare:

31 That the provisions of this act hereinafter contained are as
32 it verily believes fully within the spirit of said amendment and
33 the several judicial interpretations thereof, and that by means
34 thereof said amendment may be found to be workable in its
35 practical application.

Sec. 2. The Legislature having carefully studied the fiscal
2 affairs of the various counties, municipalities and other taxing
3 districts of the state, and having had access to the official rec-
4 ords in the office of the state tax commissioner, and having
5 studied the various computations made by the office of the tax
6 commissioner summarizing the levies which may be made
7 under the tax limitation amendment, and having examined
8 and investigated the various estimates made by the levying
9 bodies for the maintenance and operation of constitutional
10 county government, municipal government and the public
11 school system, doth find:

12 (1) That approximately twenty per cent of the maximum
13 potential levies within the limits prescribed by section one, ar-
14 ticle ten of the constitution of West Virginia as amended con-
15 stitutes a fair average minimum requirement for the mainte-
16 nance of basic and indispensable functions of government for
17 which county courts have heretofore imposed the levies;

18 (2) That approximately twenty per cent of the maximum
19 potential levies within the municipalities constitutes a fair
20 average minimum requirement for the maintenance of munici-
20-a pal government;

21 (3) That, for the reasons hereinafter set forth, approxi-
22 mately thirty per cent of such maximum potential levies is re-
23 quired as the contribution from local taxation for the main-
24 tenance of the state free school system if a term of not less
25 than seven months is to be provided;

26 (4) That the potential yield of all taxes levied within the
27 said limitations is approximately twenty-five million dollars,
28 without deduction for delinquencies;

29 (5) That the present annual requirements for interest, sink-
30 ing fund, and amortization charges of contractual indebted-
31 ness of the state and other fiscal bodies existing on the eighth
32 day of November, one thousand nine hundred thirty-two, not
33 including state road bonds for which other provision is
34 made, but including the requirements for bonded indebted-
35 ness and reasonable partial provision for contractual indebted-
36 ness not bonded, is approximately seven million five hundred
36-a thousand dollars;

37 (6) That the maintenance of constitutional local govern-
38 ment, the maintenance of orderly municipal government, and
39 provision for a reasonably efficient free school system are es-
40 sential and indispensable to the protection of the obligations of
41 contractual indebtedness of the state and its various subdi-
42 visions, for the reason that the ultimate security for such
43 obligations is the value of the property of the citizens located
44 within the governmental units which are indebted for such
45 contractual obligations, and that if such ordinary govern-
46 mental functions, including a reasonably efficient school sys-
47 tem, be not provided, the value of such property will greatly
48 depreciate, and, without proper governmental provision for
49 peace, order, and security, and the proper exercise of the
50 police powers of the state, homes and business properties in
51 the state will be rendered uninhabitable and of little value;

52 (7) That if the proportions of the direct levies herein men-
53 tioned be not made available for current expenses of govern-
54 ment, including provision for the free school system, there
55 will be no provision from such taxes for the maintenance of
56 schools, and in, at the least, thirty-three counties of the state
57 constitutional government can not be maintained; and that
58 if taxes from sources other than the direct property taxes be
59 relied upon to provide for the current expenses of government
60 and the maintenance of schools, the amount thereof required
61 will be approximately fifteen million dollars, in addition to the
62 other so-called indirect taxes heretofore provided and other
63 requirements to be met from such other or indirect taxes;
64 and the Legislature doth find that such further and additional
65 indirect taxes in such amount can not be raised within the
66 state of West Virginia;

67 (8) Whereas, It has recently been judicially determined that
68 under the tax limitation amendment due provision must be
69 made for the payment of contractual indebtedness from the
70 levies laid thereunder, the Legislature doth further find that
71 on a state-wide basis approximately thirty per cent of said
72 levies is reasonably sufficient to make provision for such in-
73 debtedness, and doth further find that approximately seventy
74 per cent of said levies is indispensably necessary for current
75 expenses for the maintenance of indispensable functions of
75-a government within the state;

76 (9) Whereas, The Legislature doth further find that in some
77 of the subdivisions of the state the indebtedness is great and
78 cumulative from one subdivision to another, and it has been
79 judicially determined in effect that when the validity of the
80 contractual claims is not questioned, levies necessary for the
81 payment thereof, when added to the levies already made for
82 current governmental expenses, may exceed the maximums of
83 the levies authorized by the constitutional limitation; the
84 Legislature doth further find that the necessity for such levies
85 laid substantially in accordance with the tax laws in force
86 and effect at the time such indebtedness was incurred arises
87 when the requirements of such indebtedness exceed approxi-
88 mately thirty per cent of the levies within said limitations,
89 and, at the same time, approximately seventy per cent of the
90 levies within said limitations is indispensably necessary for the

91 maintenance of current governmental functions; therefore, for
92 the accomplishment of said purposes, it is enacted as follows:

Sec. 3. In order that the revenue to be derived from taxes
2 to be assessed upon real and personal and public utility property
3 throughout the state may be apportioned among the levying
4 units of the state in such manner that the said apportionment
5 shall not exceed the maximum levies that may be assessed upon
6 each respective class of property as defined by the tax limita-
7 tion amendment, and

8 In order, further, that the taxes to be assessed shall be levied
9 and collected with uniformity coextensive with the territory of
10 the taxing unit within which such taxes are to be levied and
11 collected, without interference by one taxing unit with the right
12 of another such unit to levy and collect taxes for its purposes
13 and within its territorial extent, and

14 In order, further, that the taxing units throughout the state
15 may be furnished with the means of providing (1) the sinking
16 fund and interest requirements of their now existing indebted-
17 ness, and (2) the requirements of their respective current oper-
18 ating expenses, this act is hereby enacted.

19 The purpose of this article is to provide the maximum rates
20 for the levies which may be laid by the several taxing units in
21 the state within the limitations of the tax limitation amendment
22 and to provide for the application of the taxes derived there-
23 from first to the payment of legal contractual indebtedness and
24 then to the maintenance of indispensable governmental functions
25 as herein provided.

Sec. 4. The taxing units of the state for the purposes of this
2 act are declared to be (1) the state, (2) the county, for all
3 county purposes including indebtedness other than school in-
4 debtedness, (3) present school districts for current school pur-
5 poses, (4) school districts existing prior to the twenty-second
6 day of May, one thousand nine hundred thirty-three, for school
7 debt service purposes, (5) magisterial and other road districts
8 for road and other debt service purposes other than county road
9 debts, (6) other specially created taxing districts for indebted-
10 ness existing at the time of the adoption of the tax limitation
11 amendment, (7) municipalities for municipal purposes includ-
12 ing municipal debt service purposes.

Sec. 5. For the purpose of levies, except as provided in sec-

tion twenty-three of this article, property shall be classified as follows:

Class I. All tangible personal property employed exclusively in agriculture, including horticulture and grazing;

All products of agriculture (including livestock) while owned by the producer;

All money and all notes, bonds, bills and accounts receivable, stocks and any other intangible personal property;

Class II. All property owned, used and occupied by the owner exclusively for residential purposes;

All farms, including land used for horticulture and grazing, occupied and cultivated by their owners or bona fide tenants;

Class III. All real and personal property situated outside of municipalities, exclusive of classes I and II.

Class IV. All real and personal property situated inside of municipalities, exclusive of classes I and II.

Sec. 6. The aggregate of taxes assessed in any one year by all levying bodies shall not exceed fifty cents on each one hundred dollars' assessed valuation on class I property; one dollar on class II property; one dollar fifty cents on class III property; and two dollars on class IV property, except as hereinafter provided by section twenty-three of this article.

The following fiscal bodies of the state are hereby authorized to lay the following maximum levies within the limitations provided by the tax limitation amendment for the following purposes upon each one hundred dollars of the assessed valuation of the real, personal and public utility properties within their respective districts, namely:

For state purposes the board of public works: For bonded and other contractual indebtedness purposes on class I property two cents, on class II property four cents, and on classes III and IV property eight cents, as such classes are herein defined, and for general expense purposes for the state fund general revenue one cent on each and all classes of property.

County Courts. First for the payment of interest and sinking fund requirements in respect to bonded indebtedness of the county legally incurred or created prior to the adoption of the tax limitation amendment, and if not entirely required therefor, then for the payment of other legally incurred contractual indebtedness not bonded, created prior to the adoption of the tax

25 limitation amendment, on class I property two cents, on class II
26 property four cents, and on classes III and IV property eight
27 cents, for the payment of interest and sinking fund require-
28 ments; and first in respect to the bonded indebtedness of any
29 district or special district within the county for which the
30 levies are required to be laid by the county courts, and if not
31 all required for such interest and sinking fund requirements,
32 then for the payment of other legally contracted indebtedness
33 not bonded, incurred or created prior to the adoption of the
34 tax limitation amendment on class I property four and twenty-
35 five hundredths cents, on class II property eight and five-tenths
36 cents, and on classes III and IV property seventeen cents. And
37 for general county current expense purposes on class I property
38 nine and four-tenths cents, on class II property eighteen and
39 seven-tenths cents, and on classes III and IV property thirty-
39-a seven and five-tenths cents.

40 Boards of Education. First for the payment of interest and
41 sinking fund requirements in respect to the bonded indebted-
42 ness in any magisterial, independent, or other school district of
43 the county existing prior to the twenty-second day of May, one
44 thousand nine hundred thirty-three, legally incurred or created
45 prior to the adoption of the tax limitation amendment and then
46 if not entirely required therefor, for the payment of other
47 legally incurred contractual indebtedness not bonded, created by
48 such school districts prior to the adoption of the tax limitation
49 amendment on class I property three cents, on class II property
50 six cents, and on classes III and IV property twelve cents. And
51 for general current expenses of schools on class I property
52 fifteen and eighty-five hundredths cents, on class II property
53 thirty-two and eight-tenths cents, and on classes III and IV
54 property sixty-six and five-tenths cents.

55 Municipalities. First for the payment of interest and sinking
56 fund requirements in respect to bonded indebtedness of the
57 municipalities legally incurred prior to the adoption of the tax
58 limitation amendment, and if not entirely required for such
59 purposes, then for the payment of other legally incurred con-
60 tractual debts created prior to the adoption of the tax limita-
61 tion amendment on class I property three and seventy-five hun-
62 dredths cents, on class II property seven and five-tenths cents,
63 and on class IV property fifteen cents, and for general current

64 expense purposes on class I property eight and seventy-five
65 hundredths cents, on class II property seventeen and five-tenths
66 cents, and on class IV property thirty-five cents: *Provided*
67 *further*, That of the taxes on class I property fifteen cents
68 thereof, and on class II property thirty cents thereof, and on
69 class III property forty-five cents thereof, and on class IV
70 property sixty cents thereof may be levied and collected for the
71 purpose of meeting the contractual indebtedness requirements
72 of the state and other taxing districts as hereinafter provided,
73 and for no other purpose in any event, and the levies for current
74 governmental expense of all taxing districts, including the state,
75 counties, magisterial districts, school districts, municipalities
76 and other taxing districts shall not in any event exceed on class
77 I property thirty-five cents, on class II property seventy cents,
78 on class III property one dollar five cents, on class IV property
79 one dollar forty cents.

Sec. 7. The levies for indebtedness of the state shall be within
2 the apportionments of levies for state taxes as provided in sec-
3 tion eight. The levies for county indebtedness which have here-
4 tofore been laid by the county courts other than as district
5 levies shall be within the apportionment of levies for such in-
6 debtedness provided by section ten hereof. The levies for dis-
7 trict indebtedness which have heretofore been laid by the county
8 court shall be within the apportionments for such indebtedness
9 as provided by section ten. The levies for indebtedness of
10 school districts existing prior to the twenty-second day of May,
11 one thousand nine hundred thirty-three, shall be within the
12 apportionments for indebtedness made to boards of education
13 by section twelve hereof. The levies for special taxing districts
14 for indebtedness shall be within the apportionments to the
15 county court or the board of education for indebtedness pur-
16 poses according to the fiscal body by which the taxes for such
17 special taxing districts are provided by law to be laid. The
18 levies for municipalities for indebtedness purposes shall be
19 within the apportionments made to municipalities for indebted-
20 ness purposes as provided by section fourteen herein.

Sec. 8. The state levy for contractual indebtedness existing
2 on the eighth day of November, one thousand nine hundred
3 thirty-two, shall be for the fiscal year beginning July first, one
4 thousand nine hundred thirty-three, such indebtedness being
5 Virginia debt bonds, capitol building fund notes, and when

6 necessary the refunding bonds authorized by chapter fifty-eight,
7 acts of the Legislature of West Virginia, first extraordinary
8 session, one thousand nine hundred thirty-three, on class I prop-
9 erty two cents, on class II property four cents, and on classes
10 III and IV property eight cents; and for state fund general
11 revenue the board of public works shall, if it find the same to
12 be necessary, lay a state levy other than for now existing in-
13 debtedness, not to exceed one cent on the one hundred dollars'
14 valuation on all real, personal, and public utility properties
15 subject to taxation within the state.

16 For fiscal years after the fiscal year beginning July first, one
17 thousand nine hundred thirty-three, the state levy may be the
18 same as herein provided for said fiscal year, except that no levy
19 shall be laid on account of capitol building fund notes.

20 The board of public works shall determine the debt levy to
21 be laid by it, if any, and the current expense levy, if any, for
22 the fiscal year beginning July first, one thousand nine hundred
23 thirty-three, on or before the thirtieth day of January, one
24 thousand nine hundred thirty-four, and shall forthwith advise
25 the state tax commissioner of its action and shall so certify to
26 the assessor of each county. In other years the board of public
27 works shall determine the necessity of state levies for indebted-
28 ness or current expenses on or before the fifteenth day of July
29 of the fiscal year for which the tax is to be laid.

30 When no state levy is required for indebtedness the board of
31 public works shall in any event lay a state levy for state fund
32 general revenue of one cent on the one hundred dollars' valua-
33 tion on all property taxable within the state.

Sec. 9. Each local levying body shall hold a session on the
2 first Tuesday in August for the transaction of business generally
3 and particularly for the business herein required, but for the
4 fiscal year beginning July first, one thousand nine hundred
5 thirty-three, such meeting shall be held on the first Tuesday
6 following the first Wednesday after this act becomes effective.

Sec. 10. The county court shall, at the session provided for
2 in section nine of this article, ascertain the fiscal condition of
3 the county, and make an itemized statement which shall set
4 forth:

5 (1) The amount due and the amount that will become due
6 and collectible from every source during the current fiscal year

7 except from the levy of taxes to be made for the year upon the
8 county as a whole and upon any district of the county for
9 which the levies are laid by the county court;

10 (2) The interest, sinking fund and amortization require-
11 ments of bonded indebtedness legally incurred upon a vote of
12 the people, as provided by law prior to the adoption of the
13 tax limitation amendment, required for the fiscal year owing
14 by the county as a whole and/or owing by any district;

15 (3) Other contractual indebtedness not bonded, legally in-
16 curred prior to the adoption of the tax limitation amendment,
17 owing by the county as a whole and such debts owing by any
18 district;

19 (4) All other expenditures to be paid out of the receipts
20 for the current fiscal year, whether by the county as a whole
21 or out of any fund of any district, with proper allowance for
22 delinquent taxes, exonerations and contingencies;

23 (5) The total amount necessary to be raised for each fund
24 by the levy of taxes for the current year;

25 (6) The proposed county levy in cents on each one hundred
26 dollars' assessed valuation of each class of property for the
27 county and its subdivisions;

28 (7) The proposed levy in each district for district funds,
29 if any, on each one hundred dollars' valuation of each class
30 of property;

31 (8) The separate and aggregate amounts of the real, per-
32 sonal and public utility properties in each class in the county
33 and in each subdivision thereof.

34 A copy of the statement, duly certified by the clerk of the
35 court, shall be forwarded to the tax commissioner, and shall
36 be published as soon thereafter as may be, for one publication
37 in two newspapers of general circulation and of opposite poli-
38 tics, published in the county. If there be only one newspaper
39 published in the county, the publication shall be made therein.
40 If there be no newspaper published in the county, a true copy
41 of such statement duly certified shall be posted by the clerk
42 of the court at the front door of the courthouse, and at a
43 public place in each magisterial district of the county, not
44 later than the third day after adjournment of the session
45 provided for by section nine hereof: *Provided, however,*
46 That publication having been made for the fiscal year begin-

47 ning July first, one thousand nine hundred thirty-three, no
48 publication shall be required for said fiscal year, and the
49 county court shall cause to be posted at the front door of the
50 courthouse the statement herein provided for not less than
51 ten days prior to the second meeting hereinafter provided for,
52 which posting shall constitute full and sufficient notice for
53 said fiscal year.

54 The session, except for the fiscal year beginning July first,
55 one thousand nine hundred thirty-three, shall then stand ad-
56 journed until the third Tuesday in August, at which time it
57 shall reconvene. For the fiscal year beginning July first, one
58 thousand nine hundred thirty-three, the session shall stand
59 adjourned until the second Tuesday after the meeting pro-
60 vided for in section nine of this article.

61 The court shall then hear and consider any objections made
62 orally or in writing by the prosecuting attorney, by the tax
63 commissioner or his representative, or by any taxpayer of the
64 county, to the estimate and proposed levy or to any item
65 thereof. The court shall enter of record any objections so
66 made and the reasons and grounds therefor.

67 The failure of any officer or taxpayer to offer objections
68 shall not preclude him from pursuing any legal remedy neces-
69 sary to correct any levy made by any fiscal body under this
70 article.

71 The court, after hearing objections, shall reconsider the pro-
72 posed original estimate and proposed rates of levy, and if the
73 objections are well taken, shall correct the estimate and levy.
74 No such estimate and levy, however, shall be entered until the
75 same shall have first been approved, in writing, by the tax
76 commissioner. When the same shall have been approved by
77 the tax commissioner, the clerk shall then enter the estimate
78 and levy, together with the order of the court approving them
79 and the written approval of the tax commissioner thereof,
80 in the proper record book.

81 The county court shall then levy as many cents per hundred
82 dollars' assessed valuation on each class of property in the
83 county or its subdivisions, according to the last assessment,
84 as will produce the amounts shown to be necessary by the
85 statement: *Provided, however,* That the first levy to be made
86 by the county court shall be for the bonded indebtedness of
87 the county or any district thereof for which the court imposes

88 the levy, existing at the time of the adoption of the tax limi-
89 tation amendment, for which purpose the county court shall
90 levy, if necessary, for county bonded indebtedness as such,
91 on class I property two cents, on class II property four
92 cents, and on classes III and IV property eight cents, and
93 for such bonded indebtedness of any district for which the
94 levies are laid by the county court, on class I property four
95 and twenty-five hundredths cents, on class II property eight
96 and five-tenths cents, and on classes III and IV property
97 seventeen cents; and that the second levy to be made by the
98 county court shall be for other contractual indebtedness, not
99 bonded, of the county or any district thereof, for which the
100 county imposes the levy, existing at the time of the adoption
101 of the tax limitation amendment, for such county indebtedness
102 to the extent that the apportionment of two cents on class I
103 property, four cents on class II property and eight cents on
104 classes III and IV property has not been required for bonded
105 indebtedness, and for such indebtedness of any district for
106 which the levies are laid by the county court, to the extent that
107 the apportionment of four and twenty-five hundredths cents on
108 class I property, eight and five-tenths cents on class II property,
109 and seventeen cents on classes III and IV property has not
109-a been required for the bonded indebtedness of such district.

110 After laying such indebtedness levies, the county court
111 shall then levy as many cents per hundred dollars' assessed
112 valuation on each class of property in the county or its sub-
113 divisions, according to the last assessment, as will produce
114 the amounts shown to be necessary for current expenses by
115 the statement, which said levy for current expenses, however,
116 shall not exceed on class I property nine and four-tenths
117 cents; on class II property eighteen and seven-tenths cents;
118 and on classes III and IV property thirty-seven and five-
119 tenths cents. When less than the maximum levies are im-
120 posed, the levies on each class of property shall be in the same
121 proportions as the maximum herein authorized.

Sec. 11. When an order is made for a levy the clerk of the
2 court, within three days, shall prepare, certify and forward
3 copies to the tax commissioner, the state auditor, the assessor
4 and the officer who, according to law, is required to collect the
5 levy. He shall charge the collecting officer with the amount of
6 the levy in the proper account book. The assessor shall imme-

7 diately extend the taxes in the land and personal property
8 books. The officer who is required to collect the levy shall
9 make out proper tax bills. County levies shall be collected by
10 the sheriff at the same time, in the same manner, and under the
11 same regulations as other taxes are collected. Delinquent lists
12 for county levies shall be returned and delinquent lands sold
13 for county levies in the same manner and at the same place and
14 under the same regulations that lands returned delinquent for
15 state taxes are returned and sold.

Sec. 12. Every board of education shall, at the session pro-
2 vided for in section nine of this article, if the laying of a levy
3 has been authorized by the voters of the district under article
4 nine, chapter eighteen of the code, ascertain the condition of
5 the fiscal affairs of the district, distinguishing between elemen-
6 tary and high schools and the funds provided for each, and
7 make a statement setting forth:

8 (1) The separate amounts due the various funds, and the
9 amounts that will become due and collectible during the cur-
10 rent fiscal year except from the levy of taxes to be made for the
11 year;

12 (2) The interest, sinking fund and amortization require-
13 ments for the fiscal year of bonded indebtedness legally incurred
14 upon a vote of the people as provided by law by any school dis-
15 trict existing prior to May twenty-second, one thousand nine
16 hundred thirty-three, prior to the adoption of the tax limitation
17 amendment, owing by any such district;

18 (3) Other contractual indebtedness not bonded, legally in-
19 curred by any such school district existing prior to May twenty-
20 second, one thousand nine hundred thirty-three, prior to the
21 adoption of the tax limitation amendment, owing by such dis-
22 trict;

23 (4) All other expenditures to be paid out of the receipts for
24 the current fiscal year, with proper allowance for delinquent
25 taxes, exonerations and contingencies;

26 (5) The separate amount necessary for each fund and the
27 total to be raised by the levy of taxes for the current fiscal year;

28 (6) The proposed rate of levy in cents on each one hundred
29 dollars' assessed valuation of each class of property;

30 (7) The separate and aggregate amounts of the assessed

31 valuation of real, personal, and public utility property within
32 each class.

33 The secretary of the board shall forward immediately a cer-
34 tified copy of the statement to the tax commissioner and shall
35 publish the statement in a manner similar to that provided in
36 section ten of this article.

37 The session, except for the fiscal year beginning July first,
38 one thousand nine hundred thirty-three, shall then stand ad-
39 journed until the third Tuesday in August, at which time it shall
40 reconvene and proceed in a manner similar in all respects to that
41 provided for in section ten of this article.

42 For the fiscal year beginning July first, one thousand nine
43 hundred thirty-three, the session shall stand adjourned until the
44 second Tuesday after the meeting provided for in section nine
45 of this article.

46 The board shall first lay the levy for the payment of the re-
47 quirements for the fiscal year of bonded indebtedness incurred
48 prior to the adoption of the tax limitation amendment by any
49 magisterial, independent or other school district, which levies
50 if required, shall be on class I property three cents, class II prop-
51 erty six cents, and classes III and IV property twelve cents, and
52 shall secondly lay the levy for contractual indebtedness, not
53 bonded, incurred prior to the time of the adoption of the tax
54 limitation amendment, to the extent that the apportionment
55 for such indebtedness of three cents on class I property, six
56 cents on class II property, and twelve cents on classes III and
57 IV property has not been required for such bonded indebtedness.

58 The board shall not finally enter any levy until the same shall
59 have received the approval in writing of the tax commissioner
60 and, after receiving such approval, shall enter the statement as
61 originally approved in its record of proceedings, together with
62 the written approval of the tax commissioner, and shall levy as
63 many cents on each one hundred dollars' assessed valuation of
64 each class of property as will produce the amount necessary for
65 defraying the current expenses for the fiscal year: *Provided,*
66 *however,* That these levies for current expenses shall not ex-
67 ceed on class I property fifteen and eighty-five hundredths cents,
68 on class II property thirty-two and eight-tenths cents, and on
69 classes III and IV property sixty-six and five-tenths cents. When
70 less than the maximum levies are imposed, the levies on each

71 class of property shall be in the same proportion as the maxi-
72 mums herein authorized.

Sec. 13. Within three days after the board of education has
2 laid the levies, the secretary of the board shall forward to the
3 county superintendent and to the tax commissioner certified
4 copies of the orders laying levies and the rate of levy upon each
5 class. Within three days thereafter the county superintendent
6 shall report the rate of levy for each of the various classes and
7 the total value of real, personal, and public utility property in
8 each class in every district to the clerk of the county court, the
9 assessor, the state superintendent and the auditor. The proper
10 county officers shall then extend on the property books the
11 amount of taxes levied. The sheriff shall collect and account for
12 the taxes as required by law.

Sec. 14. The municipal council shall, at the session provided
2 for in section nine, ascertain the fiscal condition of the corpora-
3 tion, and make an itemized statement which shall set forth:

4 (1) The amount due and the amount that will become due and
5 collectible from every source during the current fiscal year ex-
6 cept from the levy of taxes to be made for the year:

7 (2) The interest, sinking fund and amortization require-
8 ments for the fiscal year of bonded indebtedness, legally incurred
9 upon a vote of the people as provided by law, prior to the adop-
10 tion of the tax limitation amendment, owing by the munici-
11 pality;

12 (3) Other contractual indebtedness, not bonded, legally in-
13 curred prior to the adoption of the tax limitation amendment,
14 owing by the municipality;

15 (4) All other expenditures to be paid out of the receipts of
16 the municipality for the current fiscal year with proper allow-
17 ance for delinquent taxes, exonerations, and contingencies;

18 (5) The total amount necessary to be raised by the levy of
19 taxes for the current fiscal year;

20 (6) The proposed rate of levy in cents on each one hundred
21 dollars' assessed valuation of each class of property;

22 (7) The separate and aggregate assessed valuations of real,
23 personal, and public utility property in each class in the munici-
23-a pality.

24 The recording officer of the municipality shall forward im-
25 mediately a certified copy of the statement to the tax commis-

26 sioner, and shall publish the statement in a manner similar to
27 that provided in section ten of this article. The session, ex-
28 cept for the fiscal year beginning July first, one thousand nine
29 hundred thirty-three, shall then stand adjourned until the
30 third Tuesday in August, at which time it shall reconvene and
31 proceed in a manner similar in all respects to that provided for
32 in section ten of this article. For the fiscal year beginning
33 July first, one thousand nine hundred thirty-three, the session
34 shall stand adjourned until the second Tuesday after the meet-
35 ing provided for in section nine of this article.

36 The council shall first lay the levy required for the bonded
37 indebtedness existing at the time of the adoption of the tax limi-
38 tation amendment, which levy shall be, if so much therefor be
39 required, on class I property three and seventy-five hundredths
40 cents, on class II property seven and five-tenths cents, and on
41 class IV property fifteen cents.

42 And, secondly, it shall lay the levy required for other con-
43 tractual indebtedness, not bonded, existing at the time of the
44 adoption of the tax limitation amendment, and owing by the
45 municipality, to the extent that the said apportionment of three
46 and seventy-five hundredths cents on class I property, seven and
47 five-tenths cents on class II property, and fifteen cents on class
47-a IV property has not been required for bonded indebtedness.

48 The council shall not finally enter any levy until the same
49 shall have been approved in writing by the state tax commis-
50 sioner, and after receiving such approval shall enter the state-
51 ment as finally approved in its record of proceedings, together
52 with the written approval of the tax commissioner, and shall
53 levy as many cents on each one hundred dollars' assessed valu-
54 ation of each class of property as will produce the amount neces-
55 sary to defray the interest and sinking fund charges on such
56 bonded indebtedness. For this purpose, the levies for current
57 municipal expense shall not exceed on class I property eight and
58 seventy-five hundredths cents, on class II property seventeen
59 and five-tenths cents, and on class IV property thirty-five cents.

60 When less than the maximum levies are imposed for any and
61 all purposes, the levies on each class of property shall be in the
62 same proportion as the classified levies herein authorized.

Sec. 15. Within three days after the council of a municipi-
2 pality has laid the levies, its recording officer shall forward

3 certified copies of the order laying the levies to the tax commis-
 4 sioner, the state auditor and the officer whose duty it is to ex-
 5 tend the levies.

Sec. 16. A local levying body may provide for an election
 2 to increase the levies, by entering on its record of proceedings
 3 an order setting forth:

- 4 (1) The purpose for which additional funds are needed;
- 5 (2) The amount for each purpose;
- 6 (3) The total amount;
- 7 (4) The separate and aggregate assessed valuation of each
 8 class of taxable property within its jurisdiction;
- 9 (5) The proposed additional rate of levy in cents on each
 10 class of property;
- 11 (6) The proposed number of years, not to exceed three, to
 12 which the additional levy shall apply.

13 The local levying body shall submit to the voters within their
 14 political subdivision, the question of the additional levy at
 15 either a general or special election. If at least sixty per cent of
 16 the voters cast their ballots in favor of the additional levy, the
 17 local levying body may impose the additional levy. This levy
 18 shall not exceed fifty per cent of the rates authorized in sec-
 19 tions ten, twelve or fourteen of this article, as the case may be.

20 Levies authorized by this section shall not continue for more
 21 than three years without resubmission to the voters.

Sec. 17. The local levying body shall publish notice, calling
 2 the election, at least once each week for two successive weeks
 3 before the election in two newspapers of opposite politics and
 4 of general circulation in the territory in which the election is
 5 held. If there is only one newspaper published in the county,
 6 the publication shall be made therein. The local levying body
 7 shall also post printed copies of the order at each place of voting
 8 at least ten days before the election. All the provisions of the
 9 laws concerning general elections shall apply as far as they are
 10 practicable, except as follows: A separate ballot shall be used
 11 at a levy election held in connection with any other election.
 12 The ballot shall be entitled: "Special election to authorize ad-
 13 ditional levies for the year(s).....and for the pur-
 14 pose of.....according to the order of the.....
 15 entered on the.....day of....."

16 "The additional levy shall be on class I property....."

17 cents; on class II property.....cents; on class III prop-
 18 erty (if any).....cents; on class IV property (if any)
 19cents.”

Sec. 18. The tax commissioner shall prepare and furnish
 2 forms and instructions for making the statement required in
 3 sections ten, twelve, and fourteen of this article. The attorney
 4 general shall prepare and furnish forms and instructions for
 5 the holding of any election authorized by this article.

Sec. 19. When any taxing district, embracing a lesser tax-
 2 ing district, does not require all or any of the levies hereby set
 3 apart for the payment of contractual indebtedness alone, then
 4 so much of said levies as are apportioned hereby to such inclu-
 5 sive taxing district or so much thereof as may not be required,
 6 may be extended to the next smaller taxing district included
 7 therein, to be used by such next smaller taxing district or dis-
 8 tricts, if necessary, for said purposes only, to wit: The pay-
 9 ment of contractual indebtedness existing at the time of the
 10 adoption of the “tax limitation amendment”. If such next
 11 smaller taxing district, inclusive of any other lesser taxing dis-
 12 trict, shall not require any or all of its apportionment of such
 13 debt levies, or any of the apportionment to the next larger tax-
 14 ing district and not used by it, then all or such part as remains
 15 of such apportionment or accumulations of apportionments,
 16 may be passed on to and utilized by the next smaller taxing
 17 district, and so on, for such indebtedness purposes only. Like-
 18 wise, when all of any lesser taxing districts of the same class
 19 within a larger inclusive taxing district do not require the ap-
 20 portionments made to such lesser taxing districts for such in-
 21 debtedness, or when a part of such apportionment remains in
 22 each lesser taxing district of the same class, the maximum uni-
 23 form remainder of such apportionment for such indebtedness
 24 shall be relegated to the larger inclusive taxing district, and
 25 may be utilized by such larger inclusive taxing district for
 26 such indebtedness purposes, or if not required, may be passed
 27 on to the next lesser taxing district, as provided herein for such
 28 original apportionments for indebtedness levies: *Provided,*
 29 *however,* That no lesser taxing district shall utilize any of the
 30 apportionment to any larger taxing district until the approval
 31 thereof in writing by the tax commissioner shall first be had.
 32 Where, in any case, in passing from the larger to the smaller or

33 the smaller to the larger taxing district, two levying bodies
34 may be within the class entitled to receive the benefit of the debt
35 levies not utilized by the next larger taxing district, the tax
36 commissioner shall determine which of said levying bodies shall
37 have the benefit of said available levies or may determine the
38 manner in which such available levies may be apportioned be-
39 tween the two or more levying bodies entitled thereto.

Sec. 20. When the levies apportioned to, or in any way be-
2 coming available to any tax levying body for debt purposes
3 alone, shall be insufficient to meet the requirements for such
4 indebtedness, then if there remain any part of the amount au-
5 thorized to be levied and apportioned to such taxing body for
6 current expense purposes and not required for such current
7 expense purposes, such remaining part shall be laid by such
8 fiscal body in addition to its laying of the levies hereby ex-
9 pressly apportioned to it for said debt purposes and applied to
10 the payment of its said contractual indebtedness existing at the
11 time of the adoption of the "tax limitation amendment".
12 When any of the levies apportioned for current expenses to any
13 larger taxing district are not all required by such taxing dis-
14 trict for current expense and are not required for indebtedness
15 of such taxing district, then, with the consent and approval in
16 writing, of the tax commissioner, as provided in the next pre-
17 ceding section, such lesser taxing district may likewise utilize,
18 for debt purposes only, the unused portion thereof.

Sec. 21. In any case in which the county court, the board of
2 education, or other fiscal body is required by law to lay the
3 levies for the payment of any indebtedness of any taxing dis-
4 trict, for which indebtedness the property situated within any
5 incorporated municipality is not subject to such levy, such
6 county court, board of education, or other fiscal body may lay
7 a levy of twelve and one-half cents on class I property and
8 twenty-five cents on class II property for such indebtedness
9 purposes only: *Provided*, That the consent and approval in
10 writing of the tax commissioner be had. The estimates and
11 levies under this section shall be made at the same time, and
12 in the same manner as other levies in this article provided for
13 are required to be made, and copies of such estimates and pro-
14 posed levies shall be forwarded to the tax commissioner at the
15 same time and in the same manner as other estimates and levies.

Sec. 22. Within forty days after an order for a levy the circuit court of the county, or the judge in vacation, may allow a writ of supersedeas on the petition of at least twenty-four persons interested in reversing the order. The levying body, without awaiting the final decision, may rescind the order, and impose a new levy. If the court, on the hearing, finds that the order is contrary to law and reverses the order, the levying body shall impose a levy according to law. If money is collected under any order which is afterward rescinded or reversed, the collecting officer shall, upon demand, refund any payment to the person from whom it was collected. If the collecting officer fail to repay the amount, he and his sureties shall be jointly and severally liable for the amount and the costs of recovery. Recovery may be had by summons before a justice or on motion in the circuit court.

Sec. 23. When the entire apportionment of levies for the payment of such contractual indebtedness existing at the time of the adoption of the "tax limitation amendment", together with the application to such indebtedness of such part, if any, of the levies allocated for current expenses and not required therefor and applied to such indebtedness as hereinabove provided, are not sufficient to meet the current requirements of principal and/or interest upon legally existing contractual indebtedness, existing at the time of the adoption of the "tax limitation amendment" and remaining unpaid, then the levying body shall prepare a statement showing in detail:

(1) The items of expenditure upon which the estimate of current expense is based;

(2) A detailed itemized statement of:

(a) The bonded indebtedness, if any there be, existing prior to the adoption of the "tax limitation amendment", in whole or in part not provided for by the levies hereinbefore authorized;

(b) Other contractual indebtedness, not bonded, if any there be, legally incurred prior to the adoption of the "tax limitation amendment", in whole or in part not provided for by the levies hereinbefore authorized.

(3) The requirements of such bonded indebtedness not provided for by the levies hereinbefore authorized;

(a) The requirements of such other contractual indebtedness, not bonded, not provided for by the levies hereinbefore authorized.

27 (4) The total assessed valuation of all real, personal, and
28 public utility property subject to taxation within the taxing
29 district;

30 (5) The rate of levy in cents on each one hundred dollars'
31 assessed valuation necessary to produce the amount required
32 (a) for such bonded indebtedness, and (b) for such other con-
33 tractual indebtedness not bonded, and not provided for by the
34 levies hereinbefore authorized.

35 The recording officer of the fiscal body shall forthwith for-
36 ward a certified copy of this statement to the state tax commis-
37 sioner in the same manner and at the same time as required in
38 sections eleven, thirteen and fifteen of this article for the
39 regular levies imposed by the levying body, and notice of this
40 proposed levy shall be published at the same time and in the
41 same manner as required for other levies proposed by the fiscal
42 body. The tax commissioner upon receipt of such estimate
43 shall proceed to carefully examine and analyze the estimate for
44 current expense and determine what items, if any, may be re-
45 duced or eliminated therefrom. If the tax commissioner find
46 that any of such items, in whole or in part, may be eliminated
47 or reduced without impairing the governmental functions of
48 such fiscal body, he shall require such fiscal body to so eliminate
49 or reduce such estimate until such estimate shall constitute only
50 so much as may in the opinion of the tax commissioner be in-
51 dispensable to the orderly discharge of the governmental func-
52 tions of such fiscal body; and such proportion of the levies for
53 current expense as are represented by such reductions may be
54 applied by said fiscal body to the increase of the levies of such
55 fiscal body for contractual indebtedness. The tax commissioner
56 shall also carefully examine the itemized list of contractual
57 obligations for the payment of which the levy under this sec-
58 tion is proposed to be made, and shall ascertain whether such
59 obligations are in fact contractual; whether the same were cre-
60 ated prior to the adoption of the "tax limitation amendment",
61 and whether or not, except for the levy proposed under this
62 section, the obligation thereof will be impaired. The tax com-
63 missioner shall make a statement of his findings in writing, and
64 if such findings of the tax commissioner show that the levies for
65 current expense of such fiscal body are no more than are indis-
66 pensable to the orderly discharge of the governmental functions
67 of such fiscal body, and that except for the levies proposed to

68 be laid under this section, the obligation of valid contracts in-
69 curred prior to the adoption of the "tax limitation amend-
70 ment" will be impaired, the fiscal body may then with the ap-
71 proval of the tax commissioner lay such a levy, uniform on all
72 classes of property, which, together with the other levies pro-
73 vided for in this article, shall not exceed any constitutional
74 limitations applicable thereto in effect immediately prior to
75 the time of the adoption of the "tax limitation amendment",
76 at the same time and in the same manner as other levies in this
77 article provided for, and the proceeds thereof when collected,
78 together with the other levies for such contractual indebtedness
79 herein provided for shall be held and kept separate and apart
80 from all other funds of said fiscal body and shall be used solely
81 for the purpose of paying such indebtedness.

Sec. 24. Any taxpayer or other person legally interested in
2 the levy provided for by section twenty-three hereof, if ag-
3 grieved by the findings of the tax commissioner and his approval
4 of such levy, and by the laying of such levy by the fiscal body,
5 may have a review of the findings of the tax commissioner and
6 the laying of such levy by the circuit court of the county in
7 which the greater part of such taxpayer's or other person's
8 property affected by such levy is situated, by presenting to such
9 circuit court, either in term or to the judge thereof in vacation,
10 within ten days after the entry of the order laying such levy
11 shall have been made by such fiscal body, his petition for such
12 review. Such taxpayer or other person shall give at least five
13 days notice in writing of his intention to file such petition to the
14 tax commissioner, to the prosecuting attorney of the county of the
15 circuit court of the county in which said petition will be pre-
16 sented, and to the presiding officer of the fiscal body laying the
17 levy. Any other person legally interested in the laying or in the
18 disaffirmance of the laying of the levy provided for in the preced-
19 ing section, may, by petition in writing, intervene in said hearing
20 and be made a party thereto with any and all rights of any
21 other party therein and with any and all rights of any litigant
22 in a chancery cause, insofar as the principles thereof be ap-
23 plicable, including the right of appeal as hereinafter provided
24 for. The circuit court or the judge thereof in vacation shall,
25 insofar as applicable, consider the petition as a bill in equity,
26 and the court or judge shall forthwith, either in term or in
27 vacation, proceed to consider such petition, the estimates and

28 levies, and the findings of the tax commissioner, and may hear
29 and consider evidence on behalf of such taxpayer or other per-
30 son, the fiscal body laying the levy, and any other person in-
31 terested in the laying of such levy, relating to the necessity and
32 propriety of laying such levies under said section twenty-three,
33 which evidence on the motion of any party appearing therein
34 shall be made a part of the record. Upon such hearing the court
35 or judge may affirm or disaffirm the findings of the tax com-
36 missioner and the laying of the levy, or may make such modifi-
37 cation of such findings and such levies as to the court or judge
38 may appear proper. Whereupon, the levies shall be laid in ac-
39 cordance with the findings of the court or judge as though such
40 findings had been made by the tax commissioner, under the
41 provisions of the said section twenty-three hereof. An appeal
42 to the supreme court of appeals of West Virginia from the
43 findings of the circuit court may be had by any party in interest
44 appearing in the hearing, in like manner, so far as applicable,
45 as in an equity cause, by petition for appeal to said supreme
46 court presented to the supreme court or to any judge thereof,
47 or filed in the office of the clerk of the supreme court within
48 two weeks after the entry of the final order of the circuit court
49 therein. Pending final determination of such judicial review,
50 the levies made under section twenty-three shall be laid and the
51 taxes therefrom collected; and if the final determination be that
52 the levies under section twenty-three be in excess of the amounts
53 required for such indebtedness, such excess shall be refunded by
54 the collecting officer on demand to the person from whom it was
55 collected as hereinafter provided, or if the final finding be that
56 the levies for current expense of such fiscal body be excessive,
57 the excess thereof shall be transferred from the current expense
58 revenues to the revenues of such indebtedness, if required there-
59 for, and, if not required therefor, the collecting officer shall,
60 upon demand, refund any such excess payment to the person
61 from whom it was collected. If the collecting officer fail to re-
62 pay the amount, he and his sureties shall be jointly and severally
63 liable for the amount and the costs of recovery. Recovery may
64 be had by summons before a justice or on motion, before the
65 circuit court.

Sec. 25. Boards or officers expending funds derived from the
2 levying of taxes shall expend the funds only for the purposes
3 for which they were raised.

Sec. 26. A local fiscal body shall not expend money or incur obligations:

- 3 (1) In an unauthorized manner;
- 4 (2) For an unauthorized purpose;
- 5 (3) In excess of the amount allocated to the fund in the levy
- 6 order;
- 7 (4) In excess of the funds available for current expenses.

Sec. 27. Any indebtedness created, contract made, or order or draft issued in violation of sections twenty-five and/or twenty-six of this article shall be void.

Sec. 28. Whenever a fiscal body expends money or incurs obligations in violation of sections twenty-five and/or twenty-six of this article, suit shall be instituted by the prosecuting attorney of the county, or the attorney general of the state, in a court of competent jurisdiction to recover the money expended or to cancel the obligation, or both.

Sec. 29. A person who in his official capacity wilfully participates in the violation of sections twenty-five and/or twenty-six of this article shall be personally liable, jointly and severally, for the amount illegally expended.

Sec. 30. A person who in his official capacity wilfully participates in an illegal expenditure may be proceeded against for the recovery of the amount illegally expended. The political subdivision concerned, a taxpayer of the subdivision, the state tax commissioner or a person prejudiced may bring the proceeding.

All moneys recovered in these proceedings shall be paid into the treasury of the proper fiscal body and credited to the proper fund.

If the plaintiff prevail, he shall recover against the defendant, the costs of the proceedings, including a reasonable attorney's fee to be fixed by the trial court and included in the taxation of costs.

Sec. 31. A person who in his official capacity wilfully violates the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars, or confined in jail not more than one year, or both. Upon conviction he shall also forfeit his office: *Provided, however,* That no liability shall arise under the provisions of this section so far as obligations may have been incurred or may be incurred prior to the time tax levies may be made under the pro-

9 visions of this article by fiscal bodies having for their purpose
10 the maintenance and operation of free schools or other govern-
11 mental functions for the fiscal year one thousand nine hundred
12 thirty-three—one thousand nine hundred thirty-four.

13 The state, a taxpayer, or the tax commissioner may institute
14 and prosecute to final judgment any proceeding for the removal
15 of a member of a local fiscal body who has wilfully or negli-
16 gently violated any of the provisions of this article.

17 Upon the petition of the state, a taxpayer, or the tax commis-
18 sioner, the court, or in vacation the judge, shall set a time for
19 hearing the petition. An attested copy of the petition and the
20 charges contained therein, shall be served upon the defendants
21 at least twenty days prior to the date of hearing. No other
22 pleading or notice of the proceedings shall be necessary.

Sec. 32. The discounts allowed for prompt payment of the
2 first half of taxes for the fiscal year beginning July first, one
3 thousand nine hundred thirty-three, as provided by law, shall
4 be extended and allowed by the collecting officer, if the first
5 half of the tax payment be made on or before March fifteenth,
6 one thousand nine hundred thirty-four: *Provided, however,*
7 That the tax commissioner may, in his discretion, uniformly
8 extend such discount period to not later than April first, one
9 thousand nine hundred thirty-four, by giving proper notice
10 thereof, in writing, to the collecting officers of the several
11 counties.

Sec. 33. If any section, paragraph, sentence, clause, word
2 and/or application of any part hereof be held unconstitutional,
3 the same shall not affect the validity of the remaining portions.

4 All existing provisions of law inconsistent with this act are
5 hereby repealed.

CHAPTER 68

(House Bill No. 313—By Mr. Hiner)

AN ACT to amend and reenact section twenty-three of an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known and designated as house bill number two hundred thirty-four.

[Passed February 14, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

23. Statement of fiscal body when levies not sufficient to meet requirements of existing contractual indebtedness: certification and publication of levy proposed; reductions in estimates

SEC.

for current expenses used for contractual indebtedness purposes; amount of increased levies, not exceeding limitations, which may be laid for contractual indebtedness.

Be it enacted by the Legislature of West Virginia:

That section twenty-three of an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known and designated as house bill number two hundred thirty-four, be amended and reenacted so as to read as follows:

Section 23. When the entire apportionment of levies for the payment of such contractual indebtedness existing at the time of the adoption of the "tax limitation amendment", together with the application to such indebtedness of such part, if any, of the levies allocated for current expenses and not required therefor and applied to such indebtedness as hereinabove provided, are not sufficient to meet the current requirements of principal and/or interest upon legally existing contractual indebtedness, existing at the time of the adoption of the "tax limitation amendment" and remaining unpaid, then the levying body shall prepare a statement showing in detail:

(1) The items of expenditure upon which the estimate of current expense is based;

(2) A detailed itemized statement of:

(a) The bonded indebtedness, if any there be, existing prior to the adoption of the "tax limitation amendment", in whole or in part, not provided for by the levies hereinbefore authorized;

(b) Other contractual indebtedness, not bonded, if any there be, legally incurred prior to the adoption of the "tax limitation

21 amendment", in whole or in part, not provided for by the levies
22 hereinbefore authorized;

23 (3) The requirements of such bonded indebtedness not pro-
24 vided for by the levies hereinbefore authorized;

25 (a) The requirements of such other contractual indebtedness,
26 not bonded, not provided for by the levies hereinbefore author-
27 ized;

28 (4) The separate and aggregate amounts of the real, per-
29 sonal, and public utility properties in each class subject to tax-
30 ation within the taxing district;

31 (5) The rates of levy in cents on each one hundred dollars'
32 assessed valuation of each class of property necessary to pro-
33 duce the amount required (a) for such bonded indebtedness.
34 and (b) for such other contractual indebtedness not bonded,
35 and not provided for by the levies hereinbefore authorized, and
36 which rates of levies shall be in the proportion of one cent on
37 class I property, two cents on class II property, and four cents
38 on classes III and/or IV property.

39 The recording officer of the fiscal body shall forthwith for-
40 ward a certified copy of this statement to the state tax commis-
41 sioner in the same manner and at the same time as required in
42 sections eleven, thirteen and fifteen of this article for the regu-
43 lar levies imposed by the levying body, and notice of this pro-
44 posed levy shall be published at the same time and in the same
45 manner as required for other levies proposed by the fiscal body.
46 The tax commissioner upon receipt of such estimate shall pro-
47 ceed to carefully examine and analyze the estimate for current
48 expense and determine what items, if any, may be reduced or
49 eliminated therefrom. If the tax commissioner find that any of
50 such items, in whole or in part, may be eliminated or reduced
51 without impairing the governmental functions of such fiscal
52 body, he shall require such fiscal body to so eliminate or reduce
53 such estimate until such estimate shall constitute only so much
54 as may in the opinion of the tax commissioner be indispensable
55 to the orderly discharge of the governmental functions of such
56 fiscal body; and such proportion of the levies for current ex-
57 pense as are represented by such reductions may be applied
58 by said fiscal body to the increase of the levies of such fiscal
59 body for contractual indebtedness. The tax commissioner shall
60 also carefully examine the itemized list of contractual obliga-

61 tions for the payment of which the levy under this section is
62 proposed to be made, and shall ascertain whether such obliga-
63 tions are in fact contractual; whether the same were created
64 prior to the adoption of the "tax limitation amendment", and
65 whether or not, except for the levy proposed under this sec-
66 tion, the obligation thereof will be impaired. The tax commis-
67 sioner shall make a statement of his findings in writing, and if
68 such findings of the tax commissioner show that the levies for
69 current expense of such fiscal body are no more than are in-
70 dispensable to the orderly discharge of the governmental func-
71 tions of such fiscal body, and that except for the levies pro-
72 posed to be laid under this section, the obligation of valid con-
73 tracts incurred prior to the adoption of the "tax limitation
74 amendment" will be impaired, the fiscal body may then with
75 the approval of the tax commissioner lay such a levy on the sev-
76 eral classes of property in proportion to one cent on class I
77 property, two cents on class II property, and four cents on
78 classes III and/or IV properties, which, together with the other
79 levies provided for in this article, shall not exceed any consti-
80 tutional limitations applicable thereto in effect immediately
81 prior to the time of the adoption of the "tax limitation amend-
82 ment", at the same time and in the same manner as other levies
83 in this article provided for, and the proceeds thereof when
84 collected, together with the other levies for such contractual in-
85 debtedness herein provided for, shall be held and kept separate
86 and apart from all other funds of said fiscal body and shall be
87 used solely for the purpose of paying such indebtedness.

CHAPTER 69

(House Bill No. 374—By Mr. Chipley)

AN ACT to amend and reenact sections ten and twelve, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by an act of the Legislature, known as house bill number two hundred thirty-four, second extraordinary session, one thousand nine hundred thirty-three, relating to tax levies.

[Passed March 24, 1934; in effect from passage. Approved by the Governor.]

Sec.
10. Levy estimate by county court; certification and publication; adjourned session to hear objections; approval by tax commissioner; first levy for bonded indebtedness, second for contractual indebtedness not bonded, then for current expenses; twenty-five per cent increase of county levy and reduction of school levy in county having less than six million dollars total valuation of property.

Sec.
12. Levy estimate by board of education; certification and publication; adjourned session to hear objections; approval by tax commissioner; first levy for bonded indebtedness, second for contractual indebtedness not bonded, then for current expenses; reduction in school levy in county having less than six million dollars total valuation of property; revenues lost through reduction not to be replaced from state treasury.

Be it enacted by the Legislature of West Virginia:

That sections ten and twelve, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by an act of the Legislature, known as house bill number two hundred thirty-four, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 10. The county court shall, at the session provided for 2 in section nine of this article, ascertain the fiscal condition of 3 the county, and make an itemized statement which shall set 4 forth:

5 (1) The amount due and the amount that will become due 6 and collectible from every source during the current fiscal year 7 except from the levy of taxes to be made for the year upon the 8 county as a whole and upon any district of the county for which 9 the levies are laid by the county court;

10 (2) The interest, sinking fund and amortization require- 11 ments of bonded indebtedness legally incurred upon a vote of the 12 people, as provided by law prior to the adoption of the tax 13 limitation amendment, required for the fiscal year owing by the 14 county as a whole and/or owing by any district;

15 (3) Other contractual indebtedness not bonded, legally in-
16 curred prior to the adoption of the tax limitation amendment,
17 owing by the county as a whole and such debts owing by any
18 district;

19 (4) All other expenditures to be paid out of the receipts for
20 the current fiscal year, whether by the county as a whole or out
21 of any fund of any district, with proper allowance for delin-
22 quent taxes, exonerations and contingencies;

23 (5) The total amount necessary to be raised for each fund
24 by the levy of taxes for the current year;

25 (6) The proposed county levy in cents on each one hundred
26 dollars' assessed valuation of each class of property for the
27 county and its subdivisions;

28 (7) The proposed levy in each district for district funds, if
29 any, on each one hundred dollars' valuation of each class of
30 property;

31 (8) The separate and aggregate amounts of the real, personal
32 and public utility properties in each class in the county and in
33 each subdivision thereof.

34 A copy of the statement, duly certified by the clerk of the
35 court, shall be forwarded to the tax commissioner, and shall be
36 published as soon thereafter as may be, for one publication
37 in two newspapers of general circulation and of opposite poli-
38 ties, published in the county. If there be only one newspaper
39 published in the county, the publication shall be made there-
40 in. If there be no newspaper published in the county, a true
41 copy of such statement duly certified shall be posted by the
42 clerk of the court at the front door of the courthouse, and at a
43 public place in each magisterial district of the county, not later
44 than the third day after adjournment of the session provided
45 for by section nine hereof: *Provided, however,* That publica-
46 tion having been made for the fiscal year beginning July first,
47 one thousand nine hundred thirty-three, no publication shall
48 be required for said fiscal year, and the county court shall
49 cause to be posted at the front door of the courthouse the state-
50 ment herein provided for not less than ten days prior to the
51 second meeting hereinafter provided for, which posting shall
52 constitute full and sufficient notice for said fiscal year.

53 The session, except for the fiscal year beginning July first,
54 one thousand nine hundred thirty-three, shall then stand ad-

55 journed until the third Tuesday in August, at which time it
56 shall reconvene. For the fiscal year beginning July first, one
57 thousand nine hundred thirty-three, the session shall stand ad-
58 journed until the second Tuesday after the meeting provided
59 for in section nine of this article.

60 The court shall then hear and consider any objections made
61 orally or in writing by the prosecuting attorney, by the tax
62 commissioner or his representative, or by any taxpayer of the
63 county, to the estimate and proposed levy or to any item there-
64 of. The court shall enter of record any objections so made
65 and the reasons and grounds therefor.

66 The failure of any officer or taxpayer to offer objections shall
67 not preclude him from pursuing any legal remedy necessary
68 to correct any levy made by any fiscal body under this article.

69 The court, after hearing objections, shall reconsider the
70 proposed original estimate and proposed rates of levy, and if
71 the objections are well taken, shall correct the estimate and
72 levy. No such estimate and levy, however, shall be entered
73 until the same shall have first been approved, in writing, by
74 the tax commissioner. When the same shall have been
75 approved by the tax commissioner, the clerk shall then
76-77 enter the estimate and levy, together with the order
78 of the court approving them and the written approval of the
79 tax commissioner thereof, in the proper record book.

80 The county court shall then levy as many cents per hundred
81 dollars' assessed valuation on each class of property in the
82 county or its subdivisions, according to the last assessment, as
83 will produce the amounts shown to be necessary by the state-
84 ment: *Provided, however,* That the first levy to be made by the
85 county court shall be for the bonded indebtedness of the
86 county or any district thereof for which the court imposes the
87 levy, existing at the time of the adoption of the tax limitation
88 amendment, for which purpose the county court shall levy, if
89 necessary, for county bonded indebtedness as such, on class I
90 property two cents, on class II property four cents, and on
91 classes III and IV property eight cents, and for such bonded
92 indebtedness of any district for which the levies are laid by
93 the county court, on class I property four and twenty-five
94 hundredths cents, on class II property eight and five-tenths
95 cents, and on classes III and IV property seventeen cents; and

96 that the second levy to be made by the county court shall be
97 for other contractual indebtedness, not bonded, of the county
98 or any district thereof, for which the county imposes the levy,
99 existing at the time of the adoption of the tax limitation amend-
100 ment, for such county indebtedness to the extent that the ap-
101 portionment of two cents on class I property, four cents on
102 class II property and eight cents on classes III and IV prop-
103 erty has not been required for bonded indebtedness, and for
104 such indebtedness of any district for which the levies are laid
105 by the county court, to the extent that the apportionment of
106 four and twenty-five hundredths cents on class I property,
107 eight and five-tenths cents on class II property, and seventeen
108 cents on classes III and IV property has not been required for
109 the bonded indebtedness of such district.

110 After laying such indebtedness levies, the county court
111 shall then levy as many cents per hundred dollars' assessed
112 valuation on each class of property in the county or its sub-
113 divisions, according to the last assessment, as will produce
114 the amounts shown to be necessary for current expenses by the
115 statement, which said levy for current expenses, however,
116 shall not exceed on class I property nine and four-tenths cents;
117 on class II property eighteen and seven-tenths cents; and on
118 classes III and IV property thirty-seven and five-tenths cents:
119 *Provided, however,* That in any county where the valuation of
120 all classes of property for any year is less than six million dol-
121 lars, the county court may, after having first obtained the
122 written consent of the tax commissioner, increase the levy for
123 county purposes not to exceed twenty-five per cent of the rate
124 herein provided for, and the amount of any such increase shall
125 be deducted from the levies for school purposes authorized by
126 section twelve of this article. When less than the maximum
127 levies are imposed, the levies on each class of property shall
128 be in the same proportions as the maximum herein author-
129 ized.

Sec. 12. Every board of education shall, at the session pro-
2 vided for in section nine of this article, if the laying of a levy
3 has been authorized by the voters of the district under article
4 nine, chapter eighteen of the code, ascertain the condition of
5 the fiscal affairs of the district, distinguishing between elemen-

6 tary and high schools and the funds provided for each, and make
7 a statement setting forth:

8 (1) the separate amounts due the various funds and the
9 amounts that will become due and collectible during the cur-
10 rent fiscal year except from the levy of taxes to be made for the
11 year;

12 (2) The interest, sinking fund and amortization require-
13 ments for the fiscal year of bonded indebtedness legally in-
14 curred upon a vote of the people as provided by the law by any
15 school district existing prior to May twenty-second, one thou-
16 sand nine hundred thirty-three, prior to the adoption of the tax
17 limitation amendment, owing by any such district;

18 (3) Other contractual indebtedness not bonded, legally in-
19 curred by any such school district existing prior to May twenty-
20 second, one thousand nine hundred thirty-three, prior to the
21 adoption of the tax limitation amendment, owing by such dis-
22 trict;

23 (4) All other expenditures to be paid out of the receipts for
24 the current fiscal year, with proper allowances for delinquent
25 taxes, exonerations and contingencies;

26 (5) The separate amount necessary for each fund and the
27 total to be raised by the levy of taxes for the current fiscal
28 year;

29 (6) The proposed rate of levy in cents on each one hundred
30 dollars' assessed valuation of each class of property;

31 (7) The separate and aggregate amounts of the assessed valu-
32 ation of real, personal, and public utility property within each
33 class.

34 The secretary of the board shall forward immediately a certi-
35 fied copy of the statement to the tax commissioner and shall
36 publish the statement in a manner similar to that provided in
37 section ten of this article.

38 The session, except for the fiscal year beginning July first,
39 one thousand nine hundred thirty-three, shall then stand ad-
40 journed until the third Tuesday in August, at which time it
41 shall reconvene and proceed in a manner similar in all respects
42 to that provided for in section ten of this article.

43 For the fiscal year beginning July first, one thousand nine
44 hundred thirty-three, the session shall stand adjourned until

45 the second Tuesday after the meeting provided for in section
46 nine of this article.

47 The board shall first lay the levy for the payment of the re-
48 quirements for the fiscal year of bonded indebtedness incurred
49 prior to the adoption of the tax limitation amendment by any
50 magisterial, independent or other school district, which levies if
51 required, shall be on class I property three cents, class II prop-
52 erty six cents, and classes III and IV property twelve cents,
53 and shall secondly lay the levy for contractual indebtedness,
54 not bonded, incurred prior to the time of the adoption of the
55 tax limitation amendment, to the extent that the apportionment
56 for such indebtedness of three cents on class I property, six
57 cents on class II property, and twelve cents on classes III and
58 IV property has not been required for such bonded indebted-
59 ness.

60 The board shall not finally enter any levy until the same shall
61 have received the approval in writing of the tax commissioner
62 and, after receiving such approval, shall enter the statement
63 as originally approved in its record of proceedings, together
64 with the written approval of the tax commissioner, and shall
65 levy as many cents on each one hundred dollars' assessed valu-
66 ation of each class of property as will produce the amount nec-
67 essary for defraying the current expenses for the fiscal year:
68 *Provided, however,* That these levies for current expenses shall
69 not exceed on class I property fifteen and eighty-five hundred-
70 ths cents, on class II property thirty-two and eight-tenths cents,
71 and on classes III and IV property sixty-six and five-tenths
72 cents: *Provided further,* That in cases where the levy for
73 county purposes is increased under the provisions of section
74 ten of this article, the levies herein provided for school pur-
75 poses shall be reduced to the extent of any increase for county
76 purposes, and the revenues lost to the schools by the foregoing
77 reductions of school levies, shall not be replaced from the state
78 treasury through the equalization fund or in any other manner.
79 When less than the maximum levies are imposed, the levies on
80 each class of property shall be in the same proportion as the
81 maximums herein authorized.

CHAPTER 70

(Senate Bill No. 19—By Mr. Hodges)

AN ACT to amend and reenact section fourteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the offenses of abduction of females, of kidnapping or concealing children, and penalties; and adding thereto section fourteen-(a), section fourteen-(b), section fourteen-(c), section fourteen-(d), and section fourteen-(e), relating to the offenses of kidnapping and of threats to kidnap, accessories, venue of the offenses, and penalties, so as more effectually to punish kidnapping.

[Passed December 14, 1933; in effect from passage. Approved by the Governor.]

Sec.

14. Penalty for taking away, or detaining against her will, a female person with intent to marry or defile her; penalty for taking away a female child under sixteen years of age for purpose of prostitution.

14-(a). Penalty for enticing away, or otherwise kidnaping any person; discretion of jury as to

Sec.

penalty; when kidnaped person returned alive and uninjured after ransom paid; without ransom paid.

14-(b). Venue of offense.

14-(c). Penalty for threats to kidnap or demand ransom.

14-(d). One aiding or abetting guilty as principal; venue.

14-(e). Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the offenses of abduction of females, of kidnapping or concealing children, and penalties, is amended and reenacted; and section fourteen-(a), section fourteen-(b), section fourteen-(c), section fourteen-(d), and section fourteen-(e), relating to the offenses of kidnapping and of threats to kidnap, accessories, venue of the offenses, and penalties, are added thereto, so as more effectually to punish kidnapping.

ARTICLE II.

Section 14. If any person take away, or detain against her will, a female person, with intent to marry or defile her, or to cause her to be married or defiled by another person; or take away from any person having lawful charge of her a female child under the age of sixteen years, for the purpose of prostitution or concubinage, he shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than

8 three nor more than ten years. And if any person, other than
9 the father or mother, illegally, or for any unlawful, improper
10 or immoral purpose other than the purposes stated in section
11 fourteen-(a) of this article, seize, take or secrete a child under
12 sixteen years of age, from the person or persons having lawful
13 charge of such child, he shall be guilty of a felony, and, upon
14 conviction, shall be confined in the penitentiary not less than
15 one nor more than five years, or, in the discretion of the court,
16 be confined in jail not exceeding one year and be fined not
17 exceeding one thousand dollars.

Sec. 14-(a). If any person, by force, threat, duress, fraud
2 or enticement take, confine, conceal, or decoy, inveigle or entice
3 away, or transport into or out of this state or within this state,
4 or otherwise kidnap any other person, for the purpose or with
5 the intent of taking, receiving, demanding or extorting from
6 such person, or from any other person or persons, any ransom,
7 money or other thing, or any concession or advantage of any sort,
8 or for the purpose or with the intent of shielding or protecting
9 himself or others from bodily harm or of evading capture or
10 arrest after he or they have committed a crime, he shall be
11 guilty of a felony, and, upon conviction, shall be punished with
12 death: *Provided*, That the jury may, in their discretion, find
13 that he be punished by confinement in the penitentiary, and if
14 the jury so find, he shall be punished by confinement in the
15 penitentiary during his life: *Provided further*, That, in all
16 cases where the person against whom the offense is committed
17 is returned, or is permitted to return, alive, without serious
18 bodily harm having been inflicted upon him, but after ransom,
19 money or other thing, or any concession or advantage of any
20 sort has been paid or yielded, the punishment shall be confine-
21 ment in the penitentiary for any term of years not less than
22 twenty: *Provided further*, That in all cases where the person
23 against whom the offense is committed is returned, or is per-
24 mitted to return, alive, without serious bodily harm having been
25 inflicted upon him, but without ransom, money or other thing,
26 or any concession or advantage of any sort having been paid or
27 yielded, the punishment shall be confinement in the penitentiary
28 for any term of years not less than ten.

Sec. 14-(b). In the case of every offense committed in viola-
2 tion of the provisions of section fourteen and section fourteen-
3 (a) of this article, regardless of whether the offense originated

4 within or without this state, the venue of the offense shall lie
5 in the county where the person was taken, or induced to go
6 away or otherwise kidnapped, in the county where such person
7 was held or detained, or in the county through which such per-
8 son was conducted or transported.

Sec. 14-(c). If any person, with intent to extort from
2 any other person any ransom, money or other thing, or any
3 concession or advantage of any sort, shall, by speech, writing,
4 printing, drawing or any other method or means of communica-
5 tion, directly or indirectly threaten to take away forcibly or by
6 stealth or otherwise kidnap any person, or shall directly or
7 indirectly demand, orally or in writing, or by any other method
8 or means of communication, any ransom, money or other thing,
9 or any concession or advantage of any sort, on a threat to take
10 away forcibly or by stealth or otherwise kidnap any person, he
11 shall be guilty of a felony, and, upon conviction, shall be pun-
12 ished with confinement in the penitentiary for any term of
13 years not less than five.

Sec. 14-(d). If any person in any way knowingly aid or abet
2 any other person in the commission of any offense described
3 in section fourteen, section fourteen-(a), or section fourteen-(c)
4 of this article, either as accessory before or as accessory after
5 the fact, such person so aiding and abetting shall be guilty as
6 a principal in the commission of such offense and shall be pun-
7 ished in the same manner and to the same extent as is provided
8 in said sections for the person who committed the offense. The
9 venue of any offense committed in violation of the provisions
10 of this section shall be as provided in section seven of article
11 eleven of this chapter.

Sec. 14-(e). If any part or parts of section fourteen, section
2 fourteen-(a), section fourteen-(b), section fourteen-(c) and
3 section fourteen-(d), as herein amended or enacted, shall be
4 held unconstitutional, such holding shall not affect the validity
5 of the remaining portions of this act.

6 All existing provisions of law inconsistent with this act are
7 hereby repealed.

CHAPTER 71

(Senate Bill No. 22—By Mr. Hodges, by request)

AN ACT creating a judicial council for the continuous study of organization, rules and methods of procedure and practice, of the judicial system of the state; prescribing the duties and powers of such council; providing for the manner of appointment and terms of office of the members of such council; and constituting the faculty of the college of law of West Virginia university a bureau of research on legal problems and legal aspects of industrial problems.

[Passed March 23, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Judicial council created; duties; number, qualifications, appointment and political affiliation of members.
2. Recommendation of appointees by executive council of West Virginia bar association; terms of first members appointed; terms of subsequent appointees; time and place of first meeting.
3. Powers and duties of council.
4. Council may organize bureau of statistics relating to civil and criminal litigation; reports to bureau, when requested, by judges, sheriffs and others;

SEC.

- semi-annual statements by circuit court clerks and justices of the peace to council on forms furnished by it.
5. Recommendation of council to supreme court of appeals; annual report, recommendations and proposals for legislation to governor.
6. Faculty of college of law of West Virginia university to constitute a bureau of research on legal problems, etc; reports by.
7. Members of council to serve without compensation.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a judicial council for the continuous study of organization, rules and methods of procedure and practice of the judicial system of the state. It shall be composed of one judge of the Supreme Court of Appeals, three circuit judges, and four practicing attorneys and one member of the faculty of the college of law of West Virginia university, who shall be appointed by the governor. Not more than two judges and two attorneys shall be members of any one political party.

Sec. 2. The executive council of the West Virginia bar association may recommend to the governor at least one name for each position or vacancy to be filled from the respective class or classes of persons eligible to serve on said council, which recommendation the governor shall consider before making any appointment to said council.

Three members shall be appointed to said council for a period of two years, one of whom shall be a judge, another a practicing attorney, and the third, a member of the faculty

10 of the college of law of West Virginia university; three
11 members shall be appointed for a period of four years, one
12 of whom shall be a judge and two of whom shall be practicing
13 attorneys, and three members shall be appointed for a period
14 of six years, two of whom shall be judges and one a practicing
15 attorney. All appointments made thereafter shall be for a
16 period of six years, except that in a case of vacancy the ap-
17 pointment shall be made to fill the unexpired term. The presi-
18 dent of the Supreme Court of Appeals shall designate the time
19 and place of the first meeting.

Sec. 3. The judicial council shall from time to time:

2 *First:* Meet at the call of the chairman who shall be selected
3 by the council from its members;

4 *Second:* Survey the conditions of business in the several
5 courts of the state with a view of improving the administration of
6 justice, and submit such suggestions to the courts as it may
7 deem advisable;

8 *Third:* Report to the governor and to the legislature at the
9 convening of each regular session, such recommendations as it
10 may deem proper;

11 *Fourth:* Hold public hearings, administer oaths and require
12 the attendance of witnesses and the production of books and
13 documents. The circuit courts shall have power to enforce obedi-
14 ence to summonses issued by the council and compel the giving of
15 testimony.

Sec. 4. The council shall have the power to organize a
2 bureau of statistics for the purposes of gathering information
3 relating to civil and criminal litigation. Judges, prosecuting
4 attorneys, sheriffs, and attorney general, clerks of the circuit
5 and other courts of record, justices of the peace, superior
6 officers of penal institutions and asylums and other county and
7 municipal officers, boards and commissions, shall render such
8 council such reports as it may request on matters in the scope
9 of its powers. The clerks of the circuit courts and justices
10 of the peace of the state shall prepare statements semi-annually
11 showing the cases filed and their disposition and such other
12 information regarding litigation in their respective courts as
13 may be required under a method of arrangement and upon
14 forms to be furnished them by the said judicial council, which
15 statement shall be forwarded to the judicial council.

Sec. 5. The judicial council of West Virginia shall propose

2 to the Supreme Court of Appeals such changes in the practice
3 and procedure of the state as it shall deem expedient. It shall
4 also file with the governor an annual report of its proceedings
5 and recommendations and results thereof, together with such
6 proposals for legislation as it may deem necessary for making
7 the administration of justice more efficient.

Sec. 6. The faculty of the college of law of West Virginia
2 university shall constitute a bureau of research on legal prob-
3 lems and the legal aspects of industrial problems, insofar
4 as funds may be conveniently made available by West Virginia
5 university for work in the summer time, and for diminishing
6 the teaching load of those members engaged on said work
7 during the school year. Insofar as it may be possible, without
8 interfering with the teaching schedule of the college of law,
9 the faculty or members thereof designated by the dean, shall
10 prepare reports on matters within the scope of the powers of
11 investigation by said council.

Sec. 7. All members of the council shall serve without
2 compensation.

CHAPTER 72

(Senate Bill No. 84—By Mr. Hodges, by request)

AN ACT to provide for submission to the voters of the state of
an amendment to the constitution of the state, amending
section six, article thirteen of the constitution.

[Passed January 25, 1934; in effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec.

1. Submitting to voters at general election in 1934 the question of adoption of an amendment to section six, article thirteen of the constitution; proposed amendment.
2. Amendment known as "Land book assessment amendment".
3. Form of ballot.

Sec.

4. Form of certificates of commissioner of election; canvass of returns by county court and certificates.
5. Proclamation of result by governor.
6. Publication of proposed amendment by governor.

Be it enacted by the Legislature of West Virginia:

That section six, article thirteen of the constitution be proposed for amendment; relating to assessments on the land books.

Section 1. The question of the ratification or rejection of
2 an amendment of the constitution of West Virginia, proposed

3 in accordance with the provisions of section two, 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
6 thousand nine hundred thirty-four, which proposed amendment
7 is as follows:

That section six, article thirteen of said constitution of West
Virginia be amended to read as follows:

Sec. 6. It shall be the duty of every owner of land, or of
2 an undivided interest therein, to have such land, or such un-
3 divided interest therein, entered on the land books of the county
4 in which it, or a part of it, is situated, and to cause himself to
5 be charged with taxes legally levied thereon and pay the same.
6 When, for any five successive years, the owner of any tract of
7 land, or undivided interest therein, shall not have been charged
8 on such land books with state, county and district taxes there-
9 on, then, by operation hereof, the land, or undivided interest
10 therein, shall be forfeited, and title vested in the state. But
11 if, for any one or more of such five years, the owner of such
12 land, or of any undivided interest therein, shall have been
13 charged with state, county and district taxes on any part of
14 such land, such part thereof, or undivided interest therein,
15 shall not be forfeited for such cause. And any owner of land
16 so forfeited, or of any interest therein, at the time of the
17 forfeiture thereof, who shall then be an infant, married woman,
18 or insane person, may, until the expiration of three years after
19 the removal of such disability, have the land, or such interest,
20 charged on such land books, with all state and other taxes that
21 shall be, and but for the forfeiture would be, chargeable on the
22 land, or interest therein, for the year one thousand eight
23 hundred sixty-three, and every year thereafter, with interest
24 at the rate of ten per centum per annum, and pay all taxes
25 and interest thereon for such years, and thereby redeem the
26 land or interest therein: *Provided*, Such right to redeem shall
27 in no case extend beyond twenty years from the time such land
28 was forfeited.

Sec. 2. For convenience in referring to said proposed amend-
ment and in the preparation of the form of ballot hereinafter
3 provided for, said proposed amendment is hereby designated as
4 follows: To be known as "Land Book Assessment Amend-
5 ment".

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 said general election to be held in the year one thousand nine hundred thirty-four, the board of ballot commissioners of each county is hereby required to prepare separate ballots from that of the ballot to be voted at said election, and print thereon the following:

Ballot of Constitutional Land Book Assessment Amendment amending section six of article thirteen of the constitution.

For ratification of land book assessment amendment.

Against ratification of land book assessment amendment.

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

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following form or to the following effect: We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at
 in the district of, in the
 county of, on the day of,
 one thousand nine hundred thirty-four, upon the question of the ratification or rejection of the proposed constitutional amendment to section six, article thirteen, do hereby certify that the result of said election is as follows:

Amending section six of article thirteen:
 For ratification of land book assessment amendment
 votes.

17 Against ratification of land book assessment amendment
18 votes.

19 Given under our hands this day of,
20 one thousand nine hundred thirty-four. The said two certifi-
21 cates shall correspond with each other in all respects, and con-
22 tain the full and true returns of said election at each place
23 voting on said question. The said commissioners, or any of
24 them, (or said canvassers, or one of them, as the case may
25 be) shall within four days, excluding Sundays, after that on
26 which said election was held, deliver one of said certificates to
27 the clerk of the county court of his county, together with the
28 ballots, and the other to the clerk of the circuit court of the
29 county.

30 The said certificates, together with the ballots cast on the
31 question of said proposed amendment shall be laid before the
32 commissioners of the county court at the courthouse at the same
33 time the ballots, poll books and the certificates of the election
34 for the members of the legislature are laid before them. And
35 as soon as the result of said election in the county upon the
36 question of such ratification or rejection is ascertained, two
37 certificates of such result shall be made out and signed by said
38 commissioners, as a board of canvassers, in the form or to the
39 following effect:

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

47 For ratification of land book assessment amendment
48 votes.

49 Against ratification of land book assessment amendment
50 votes.

51 Given under our hand this day of,
52 one thousand nine hundred thirty-four.

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

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

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

CHAPTER 73

(Senate Bill No. 95—By Mr. Millender)

AN ACT to amend and reenact section ten, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to election officers.

[Passed March 17, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

10. Qualifications of election officials,
including deputy sheriffs.

SEC.

Be it enacted by the Legislature of West Virginia:

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

Section 10. No person shall be eligible for appointment as a 2 member, or clerk, of any election board who is not a qualified 3 voter in that magisterial district; or who has anything of value 4 bet or wagered on the result; or who is a candidate to be voted 5 for at the ensuing election; or who is addicted to drunkenness; 6 or who is not of good character and standing; or who has in

7 his employment, or, as agent or superintendent, has under his
8 control or management, ten or more employees who are voters
9 entitled to vote in the precinct; or anyone who has served or
10 acted in the capacity of deputy sheriff within six months prior
11 to the date of holding any such primary or general election.

CHAPTER 74

(Senate Bill No. 99—By Mr. Fleming)

AN ACT to amend article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, by amending and reenacting section eighteen and adding thereto section twenty-one, relating to liens on crops for advances for cultivation or cropping of land and their protection and providing exceptions.

[Passed February 8, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.	Sec.
18. Lien for money, etc., advanced for cultivation or cropping of land; what written agreement for advances, to be recorded, to show; lien of recorded agreement on crops; statement of lienor to	sheriff holding writ of attachment or fieri facias against crop; contest of validity of claim for advances. 21. Procedure for transfer of crop lien.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted by adding thereto section twenty-one and that section eighteen, as last amended by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 18. If any person makes advances, either in money or 2 supplies, or other thing of value, to anyone who is engaged in, 3 or is about to engage in, the cultivation or cropping of land, 4 the person so making such advances shall have a lien on the 5 crops which may be made or seeded, or fruit and/or other 6 crops maturing during the year upon the lands in or about 7 the cultivation or cropping of which the advances so made 8 have been or were intended to be expended, to the extent of 9 such advances; but the person making such advances shall not 10 have the benefit of the liens given in this section, unless there

11 is an agreement, in writing, signed by both parties, in which
12 there is specified the amount advanced, or a limit to be fixed
13 beyond which any advances, made from time to time during
14 the year, shall not go, and a description of the land cultivated
15 or cropped, or to be cultivated or cropped, sufficient to identify
16 it, and such agreement be filed in the office of the clerk of
17 the county court of the county in which such land so cultivated
18 or cropped or to be cultivated or cropped, lies, in a well-bound
19 book to be known as "crop lien book," and alphabetically in-
20 dexed therein, by such clerk, setting forth the date of the lien,
21 a brief description of the land so cultivated or cropped, or to
22 be cultivated or cropped, sufficient to identify the same as
23 stated in the writing, the name of the lienor and the lienee,
24 the amount advanced or the limit thereof, and the crops affect-
25 ed; and from the time such lien is so filed it shall have the
26 same force and effect as a duly recorded trust deed, and shall
27 be valid as to purchasers without notice from, and the credi-
28 tors of, the parties or party obtaining such advances; and in
29 the event of a sale, under a trust deed or mortgage, of the land
30 upon which any such crop has been so seeded and/or may be
31 growing, and before such crop has been severed, such sale shall
32 be made subject to such crop lien: *Provided*, That whenever
33 the crops are subject to a lien of a fieri facias or attachment,
34 whether a levy be actually made or not, it shall be the duty
35 of the person claiming a lien under this section, upon the
36 request of the sheriff, or any party in interest, to render to
37 the sheriff of the county wherein the crops are grown, a com-
38 plete and itemized statement, under oath, of the claims for ad-
39 vances, showing the nature of the claims, the dates of advance-
40 ment and the respective amounts. And in case the person
41 claiming the advances fails to render to the sheriff of such
42 county the verified itemized statement above provided for
43 within ten days after request has been made, he shall forever
44 lose the benefit of the lien on the crops for advances granted
45 him under this section: *Provided further*, That if the execu-
46 tion creditor or attachment creditor desires to contest the
47 validity of the claims for advances, he may cause the clerk of
48 the circuit court of the county in which such crops are grown
49 to summon the person claiming such lien, to appear before
50 such court and show to the satisfaction of the court that such
51 money, supplies and other things of value were advanced for
52 the purpose of, and were actually used in and about, the

53 cultivation or production of the crops upon which the lien is
54 claimed. For the services of the clerk in recording a crop lien
55 under this section, he shall receive a fee of fifty cents.

Sec. 21. Whenever any debt secured by the lien provided
2 for in section eighteen of this article has been assigned, trans-
3 ferred or endorsed to another in whole or in part by the
4 original lienee thereof, such payee, assignee, transferee, or
5 endorsee may cause a memorandum or statement of the assign-
6 ment to such assignee, transferee, or endorsee to be entered on
7 the margin of the page in the book where such encumbrance
8 securing the same is recorded, which memorandum or state-
9 ment shall be signed by the assignor, transferer or endorser,
10 his duly authorized agent or attorney, and when so signed and
11 the signature thereto attested by the clerk in whose office such
12 encumbrance is recorded, the same shall operate as a notice of
13 such assignment or transfer. And where such transfer by the
14 lienee is so entered on the margin of the crop lien book, sub-
15 sequent transfers thereof may likewise be entered in the same
16 manner and with like effect.

CHAPTER 75

(Com. Sub. for House Bill No. 6—Originating in the Senate Committee
on Immigration and Agriculture)

AN ACT to amend and reenact section one, article eight, chapter
nineteen of the code of West Virginia, one thousand nine hun-
dred thirty-one, relating to the organization of county farm
bureaus and the employment of county agricultural agents.

[Passed March 2, 1934; in effect ninety days from passage. Became a law without the
approval of the Governor.]

Sec.

1. Organization and by-laws of farm
bureaus; procedure for appoint-
ment of county agent; state, in

Sec.

conjunction with federal agen-
cies, to pay salary and ex-
pense of county agent.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Not fewer than one hundred and fifty farmers of
2 any county may unite to form, and thereafter maintain in such
3 county, a farm bureau. Every such farm bureau shall adopt
4 by-laws and annually choose an executive committee for its
5 government and control, to consist of not less than one member

6 from each magisterial district of the county. Any farm bureau in existence when this act takes effect shall continue as such, upon complying with the provisions of this paragraph.

9 Such farm bureau may, on or before the first day of July of each year, file with the county court a written memorandum of understanding or agreement with the extension division of the college of agriculture of West Virginia University, in which the said extension division agrees to provide the salary of a county agent or agents for such county for the next succeeding fiscal year.

16 If such agreement is so filed the county court of such county may, in its discretion, annually, on or before the first day of July, employ such county agent or agents as may be nominated by said extension division and approved in writing by at least two-thirds of all the members of the executive committee of such farm bureau. The salary and expense of such county agent or agents shall be paid by the state out of such appropriations as are made by the Legislature, in conjunction with such federal agencies as do now, or may hereafter, provide funds for such purpose.

26 All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 76

(Senate Bill No. 116—By Mr. Abbot)

AN ACT to amend article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter thirty-three, acts of the first extraordinary session, one thousand nine hundred thirty-three, by adding section twenty-four to provide for the reporting of all incomes in excess of six hundred dollars.

[Passed March 14, 1934; in effect from passage. Approved by the Governor.]

<p>SEC. 24. Tax commissioner may require report of payment from any person paying during calendar year six hundred dollars or more to another within state as salary, etc.; duplicate copy of</p>	}	<p>SEC.. record of payment or return under federal income tax law; reports privileged; penalties for violations of provisions of section.</p>
---	---	---

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter eleven of the code of West Vir-

ginia, one thousand nine hundred thirty-one, as amended by chapter thirty-three, acts of the first extraordinary session, one thousand nine hundred thirty-three, be amended by adding thereto section twenty-four, to read as follows:

Section 24. In order to aid in the more effective administration of sub-section (i), section two, of this article, the tax commissioner, under such reasonable rules and regulations as are necessary, may require a person who pays during the calendar year to another person within this state, six hundred dollars or more, as salary, compensation for personal services, or for fixed or determinable gain, profit, or income, to report every such payment and the name and address, if known, of the recipient.

A duplicate copy of the record of payment, or a duplicate of a return made to the federal government under the federal income tax law, shall be deemed a compliance with the requirements of this section, as to all items included in such record or return.

No officer or employee of the state shall make known in any manner not provided by law, the amounts of payment reported under the provisions of this section, or permit any such report to be seen or examined except as provided by law.

A person who fails or refuses to make a return required by the tax commissioner or a person who prints or publishes any information concerning payments reported under the provisions of this section, except as provided by law, shall be guilty of a misdemeanor.

A person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not more than ninety days, or both.

CHAPTER 77

(House Bill No. 46—By Mr. Noll, by request)

AN ACT to amend and reenact section two, article two, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to cooperation with the federal government in the establishment of public employment offices.

[Passed January 26, 1934; in effect ninety days from passage. Approved by the Governor.]

SEC.

2. State department of labor designated as agency to cooperate with federal employment service under Wagner-Peyser act; state treasurer authorized to receive federal appropriations; ap-

SEC.

proprietion of five thousand dollars for each of fiscal years ending June 30, 1934, and June 30, 1935, from state treasury to carry out provisions of act.

Be it enacted by the Legislature of West Virginia:

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

Section 2. The commissioner of labor may accept cooperation from the federal government in the establishment and maintenance within the state of such employment agency.

4 The state of West Virginia hereby accepts the provisions and requirements of federal act public number thirty, seventh third congress, known as the Wagner-Peyser act, and the state department of labor is hereby designated as the state agency to cooperate with the United States employment service, in accordance with the terms and conditions expressed in the said act. The treasurer of West Virginia is hereby authorized and empowered to receive the grants of money appropriated under said act, and for the purpose of carrying out the provisions of this act the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for each of the fiscal years ending June thirtieth, one thousand nine hundred thirty-four, and June thirtieth, one thousand nine hundred thirty-five, out of any moneys in the treasury not otherwise appropriated.

CHAPTER 78

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

AN ACT to amend and reenact sections one, two and five, article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to assessors, their deputies, assistants and employees and payment of their compensation.

[Passed February 8, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Each county to elect one assessor for a term of four years; present assessors to continue in office for term to which elected; assessor must be resident of county; properly equipped as-

SEC.

1. assessor's office, at county seat, open throughout year.
2. Selection and salaries of deputy assessors and assistants.
3. Salaries of assessors; commission on capitation taxes collected.

Be it enacted by the Legislature of West Virginia:

That sections one, two and five, article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, be and they are hereby amended and reenacted so as to read as follows:

Section 1. Each county in this state shall constitute one assessment district and shall elect one assessor, whose term of office shall be four years. The assessors now in office shall serve until the expiration of the term for which they were elected, and their successors shall be elected at the general election of one thousand nine hundred thirty-six and every four years thereafter. No person shall be eligible to the office of assessor who is not a resident of the county at the time of his election. The assessor's office, properly equipped at the county seat, shall be kept open throughout the year.

Sec. 2. The assessor in every county shall select his deputies, assistants and other employees in the same manner as is provided for the selection of deputies, assistants and employees of sheriffs and clerks of courts, and their salaries shall be fixed in the manner provided by section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one.

Sec. 5. The annual salary of the assessor in each county shall be as follows: Barbour county, one thousand eight hundred dollars; Berkeley county, one thousand eight hundred dollars; Boone county, one thousand eight hundred dollars; Braxton

5 county, one thousand six hundred twenty dollars; Brooke
6 county, one thousand six hundred twenty dollars; Cabell coun-
7 ty, two thousand eight hundred eighty dollars; Calhoun county,
8 one thousand two hundred dollars; Clay county, one thousand
9 four hundred forty dollars; Doddridge county, one thousand
10 four hundred forty dollars; Fayette county, two thousand eight
11 hundred dollars; Gilmer county, one thousand six hundred
12 twenty dollars; Grant county, one thousand dollars; Green-
13 brier county, one thousand six hundred twenty dollars; Hamp-
14 shire county, one thousand four hundred forty dollars; Hancock
15 county, one thousand eight hundred seventy dollars; Hardy
16 county, one thousand three hundred fifty dollars; Harrison
17 county, three thousand two hundred dollars; Jackson county,
18 one thousand three hundred fifty dollars; Jefferson county, one
19 thousand eight hundred dollars; Kanawha county, four thou-
20 sand dollars; Lewis county, two thousand two hundred ninety-
21 five dollars; Lincoln county, one thousand eight hundred dollars;
22 Logan county, two thousand five hundred fifty dollars; Marion
23 county, two thousand five hundred fifty dollars; Marshall coun-
24 ty, two thousand forty dollars; Mason county, one thousand
25 eight hundred dollars; Mercer county, two thousand eight hun-
26 dred eighty dollars; Mineral county, one thousand eight hun-
27 dred dollars; Mingo county, two thousand three hundred eighty
28 dollars; Monongalia county, two thousand forty dollars; Monroe
29 county, one thousand three hundred fifty dollars; McDowell
30 county, two thousand eight hundred eighty dollars; Morgan
31 county, one thousand two hundred dollars; Nicholas county, one
32 thousand six hundred twenty dollars; Ohio county, two thousand
33 eight hundred eighty dollars; Pendleton county, one thousand
34 three hundred fifty dollars; Pleasants county, one thousand two
35 hundred dollars; Pocahontas county, one thousand two hundred
36 dollars; Preston county, two thousand two hundred ten dollars;
37 Putnam county, one thousand eight hundred dollars; Raleigh
38 county, two thousand five hundred fifty dollars; Randolph
39 county, two thousand forty dollars; Ritchie county, one thou-
40 sand four hundred forty dollars; Roane county, one thousand
41 six hundred twenty dollars; Summers county, one thousand
42 three hundred fifty dollars; Taylor county, one thousand six
43 hundred twenty dollars; Tucker county, one thousand four hun-
44 dred forty dollars; Tyler county, one thousand seven hundred
45 ten dollars; Upshur county, one thousand eight hundred seventy

46 dollars; Wayne county, two thousand two hundred ten dollars;
 47 Webster county, one thousand three hundred fifty dollars; Wet-
 48 zel county, two thousand two hundred ten dollars; Wirt county,
 49 one thousand one hundred dollars; Wood county, one thousand
 50 seven hundred eighty-five dollars; Wyoming county, one thou-
 51 sand five hundred thirty dollars.

52 In addition to the above salary, each assessor shall receive a
 53 commission of ten per cent on all state school, road and municipi-
 54 pal capitation taxes collected by him.

55 The salaries of assessors and their deputies, assistants and
 56 employees shall be paid out of the county fund at the time and
 57 in the manner now provided by law for paying other county
 58 officers.

59 All acts or parts of acts in conflict or inconsistent herewith
 60 are hereby repealed.

CHAPTER 79

(House Bill No. 95—By Mr. Peters, by request)

AN ACT to amend and reenact section twenty, chapter sixty, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, entitled, "An act to provide for the appointment and promotion of members of paid fire departments in cities and municipalities, to provide for the creation and maintenance of a civil service commission for the purpose, to establish rules and procedure therefor; to regulate the manner in which demotions and discharge of employees of paid fire departments shall be made, and the rights and limitations of said employees in that respect; to provide for other matters relating to the duties and power of said civil service commission, defining its power, limiting its authority, etc., and to provide penalties for the violation of this bill", by providing that the provisions of said act shall not apply to the municipalities of Bluefield, Huntington, Parkersburg and Kenova.

[Passed January 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

20. Municipalities of Bluefield, Huntington, Parkersburg and Kenova excluded from provisions of

Sec.

act and civil service commission created for city of Bluefield abolished.

Be it enacted by the Legislature of West Virginia:

That section twenty, chapter sixty, acts of the Legislature of

West Virginia, regular session, one thousand nine hundred thirty-three, be amended and reenacted so as to read as follows:

Section 20. The provisions of this act shall not apply to the 2 municipalities of Bluefield, Huntington, Parkersburg and 3 Kenova, and the civil service commission created for the city 4 of Bluefield under an act of the Legislature, regular session, 5 one thousand nine hundred thirty-three, is hereby abolished.

CHAPTER 80

(House Bill No. 97—By Mr. Beacom, by request)

AN ACT to repeal section eighteen, article one, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, relating to advertisement of liquors.

[Passed February 20, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Repealing law prohibiting advertisement of liquors.

Sec.

Be it enacted by the Legislature of West Virginia:

Section 1. That section eighteen, article one, chapter sixty 2 of the code of West Virginia, one thousand nine hundred thirty- 3 one, relating to advertisement of liquors, be and the same is 4 hereby repealed.

CHAPTER 81

(House Bill No. 99—By Mr. Norton)

AN ACT to amend and reenact section eight, article three, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the collection, deposit and account of sinking funds.

[Passed March 6, 1934; in effect from passage. Approved by the Governor.]

Sec.

8. Interest and sinking funds of political subdivisions to be forwarded to sinking fund commission for deposit to credit of state; additional remittances to meet interest due; remittance by

Sec.

collecting officer of taxes of political subdivisions collected for sinking fund purposes; application of and receipt for remittance; state interest and sinking fund.

Be it enacted by the Legislature of West Virginia:

That section eight, article three, chapter thirteen of the code

of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 8. All interest and sinking funds on hand July 2 first of each year and belonging to the counties, districts, school 3 districts, independent school districts or municipalities of the 4 state, shall be, by the treasurer or collector thereof, not later 5 than the following December, forwarded to the state sinking 6 fund commission, to be deposited in the state treasury to the 7 credit of the state.

8 Whenever the amount deposited to the credit of the state 9 for any political division is not sufficient to meet the interest 10 falling due, it shall be the duty of the treasurer or collector 11 of such political division, upon being notified of the fact by the 12 state sinking fund commission, to remit a sufficient amount of 13 interest and sinking funds that may be in his hands to meet the 14 interest then due.

15 Any taxes to provide a sinking fund or for the payment of 16 interest on bonds issued by any political division of the state, 17 which shall be collected by any state officer, shall be paid by 18 such officer to the state sinking fund commission, to be at once 19 applied to the payment of the debt aforesaid of the county, dis- 20 trict, school district, independent school district or municipal- 21 ity, and the fact of such application of such fund shall be re- 22 ported by the auditor to the treasurer or collector of such 23 political division, which report shall be a receipt for the amount 24 therein named.

25 The state auditor and the state treasurer shall carry an ac- 26 count to be known as the state interest and sinking fund. All 27 of such deposits shall be carried as a part of said fund.

CHAPTER 82

(House Bill No. 102—By Mr. Summerfield, by request)

AN ACT to regulate the practice of barbering and beauty culture; to provide for the examination and registration of barbers, beauticians and apprentices, and the licensing of schools of barbering and beauty culture and fixing the fees thereof; to establish a state committee of barbers and beauticians and define its powers and duties, to provide for the promulgation

of sanitary regulations for barbers and beauticians, barber and beauty shops and schools of barbering and beauty culture, to provide for physical examinations and certificates of health of barbers and beauticians and apprentices, to regulate barber and beauty shops and schools of barbering and beauty culture, and to provide penalties for the violation of the provisions hereof.

[Passed February 27, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. State committee of barbers and beauticians created as division of state department of health; unlawful to practice barbering or beauty culture without certificate of registration.	certificate of registration for apprentices.
2. Definitions of barbering, manicuring and beauty culture.	5. Display of certificate of registration.
3. Number and qualifications of members; terms; commissioner of health as chairman of committee to approve and enforce rules and regulations; secretary; limitation on per diem and expenses of members; powers and duties of committee as to examinations, rules, etc.; appointment, qualifications, duties and salaries of inspectors.	9. Shops to be managed by registered barbers or beauty culturists; only one apprentice in any shop; separation of shops from remainder of building in dwelling houses, etc.
4. Filing and publication of general regulations; penalty for violation; collection, deposit and expenditures of moneys received by committee.	10. Qualifications, examination and registration of applicants to operate school of barbering or beauty culture; qualifications of instructors in school; fee for school; display of license.
5. Qualifications of applicants for registration; fee; character of examination; registration certificate and fee; when examination and fee not required.	11. Health certificates required before certificate of registration issued or renewed.
6. Application and fee for renewal or restoration of certificate of registration; blood test.	12. Issuance, display and enforcement of rules and regulations of committee.
7. Application, qualifications, fee and	13. Grounds for cancellation, or refusal to issue or renew certificate of registration.
	14. Penalty for violation of provisions of this article.
	15. Provisions of article one, chapter thirty, code, to apply to committee.
	16. Appropriation from treasury from collections for authorized expenditures; surplus to credit of department of health.
	17. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That a new article, regulating the practice of barbering and beauty culture, is hereby added to chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, to be known as article twelve to read as follows:

Section 1. There is hereby created as a division of the
 2 state department of public health, and under its jurisdiction,
 3 the state committee of barbers and beauticians. The word
 4 "committee", as used hereafter in this bill, shall refer to and
 5 shall mean the state committee of barbers and beauticians
 6 hereby created.

7 It shall be unlawful for any person to practice, or offer to

8 practice, barbering or beauty culture in this state without first
9 obtaining a certificate of registration for such purpose from
10 the committee. All applicants shall be required to submit to
11 an examination, both physical and practical, as hereinafter
12 provided.

Sec. 2. For the purpose of this article "barbering" shall
2 mean any one or any combination of the following acts, when
3 done on the human body for pay or reward, and not for the
4 treatment of disease, to-wit: shaving, shaping and trimming
5 the beard, cutting, singeing, shampooing or dyeing the hair, or
6 applying tonics thereto; applications, treatment or massages
7 of the face, neck or scalp with oils, creams, lotions, cosmetics,
8 antiseptics, powders, clays or other preparations.

9 Manicuring and beauty culture shall mean any one of, or
10 any combination of the foregoing, or of curling, permanent
11 waving, arranging, dressing, coloring, bleaching or tinting
12 the hair, except that such acts shall not be deemed barbering
13 or beauty culture when done by duly licensed physicians, sur-
14 geons, nurses or morticians in the proper discharge of their
15 professional duties.

Sec. 3. The committee shall consist of the commissioner of
2 health, ex officio, and four other members to be appointed by
3 the governor, by and with the consent of the senate, and sub-
4 ject to removal by the governor at his will and pleasure. Of
5 the four members thus appointed, one shall be an employing
6 barber, one an employee barber, one shall be an employing
7 beautician, and one shall be an employee beautician. One of
8 the four so appointed shall be a member of the colored race.
9 Each member of the committee so appointed shall have been
10 engaged within this state in the practice of barbering or beau-
11 ty culture, as the case may be, for a period of eight years
12 immediately prior to his appointment, and not more than two
13 of the four members of the committee so appointed shall be
14 long to the same political party.

15 Within sixty days after this act becomes effective, the gov-
16 ernor shall appoint one member to said committee for a term
17 of four years, one member for a term of three years, one
18 member for a term of two years, and one member for a term
19 of one year, and on or before the expiration of the terms of
20 appointment as hereinabove provided, and each year there-
21 after, the governor shall appoint one member of the commit-

22 tee to serve for four years. Any member of the committee so
23 appointed shall be eligible for reappointment.

24 The commissioner of health shall be ex officio chairman of
25 the committee, and the enforcement of all rules and regula-
26 tions promulgated by the committee pertaining to sanitary
27 conditions of barber and beauty shops and pertaining to the
28 registration and qualification of barbers and beauty culturists
29 shall be under his personal supervision and direction; but no
30 order, rule, or regulation promulgated by the committee shall
31 be in force and effect unless and until approved by the com-
32 missioner of health. The said committee shall designate one
33 of its members, or some other person, to act as secretary of the
34 committee, and it shall be the duty of said secretary to keep
35 the records of the committee and perform all other duties
36 prescribed by the committee.

37 Each member of the committee, except the chairman, shall
38 receive as compensation a per diem of ten dollars for each
39 day said member is actually in attendance upon the sessions
40 of the committee, plus an allowance for expenses which shall
41 not exceed four dollars for each day of such attendance, but
42 such compensation for each member, exclusive of the allow-
43 ance for expenses, shall not exceed the sum of three hundred
44 dollars in any calendar year.

45 The committee shall examine all applicants for certificates
46 of registration and issue said certificates to those entitled
47 thereto; collect examination and registration fees; promul-
48 gate rules and regulations governing the operation of barber
49 shops, beauty shops, and schools of barbering and beauty
50 culture, including the prescribing of curriculums and stan-
51 dards of instruction for such schools; promulgate rules and
52 regulations for the physical examination of barbers, beauti-
53 cians and apprentices, and fix the standard form of report
54 of such examination; establish and enforce sanitary regula-
55 tions in barber shops, beauty shops, and schools of barbering
56 and beauty culture; enforce all such rules and regulations as
57 are herein authorized; and to do all other things necessary to
58 effectuate the purposes of this act in the interest and pro-
59 tection of the public health.

60 The commissioner of health shall appoint not to exceed
61 six inspectors, who shall be qualified barbers and beauticians
62 of this state, as herein provided, and it shall be their duty to

63 make frequent inspections of all barber and beauty shops,
64 schools of barbering and beauty culture in this state, and
65 report all violations to the commissioner of health. The sal-
66 aries of such inspectors shall be fixed by the commissioner of
67 health, and such inspectors may, in the discretion of the com-
68 missioner of health, be employed for full time work, but the
69 salary of each full time inspector shall not exceed one hun-
70 dred dollars per month, plus such allowance for expenses as
71 may be approved by the committee.

.Sec. 4. Every general regulation adopted by the committee
2 shall state the day on which it takes effect, and a copy thereof,
3 duly signed by the commissioner of health, shall be filed in
4 the office of the secretary of state, and shall be published in
5 such manner as the committee may determine. Any violation
6 of any regulation so promulgated, when said regulation is
7 reasonable and not inconsistent with law, shall be cause or
8 grounds for canceling and revoking the certificate of regis-
9 tration issued such violator and/or for refusal to renew or
10 reissue the same.

11 The expenditures of the committee shall not in any year
12 exceed the amount of fees collected by the committee for that
13 year. All money collected and received by the committee
14 under the provision of this act shall belong to the state and
15 the committee or its secretary shall immediately turn same
16 into the state treasury of the state and record shall be made
17 thereof; and the expenditures herein provided for, when
18 authorized by the committee, shall be paid out by warrant on
19 the treasurer of the state in form and manner provided by
20 law.

Sec. 5. An applicant for registration shall present satisfac-
2 tory evidence that he or she is at least eighteen years of age.
3 of good moral character and temperate habits, has completed
4 at least the eighth grade of grammar school, or the equivalent
5 thereof, and has graduated from a school of barbering or
6 beauty culture approved by the state committee of barbers
7 and beauty culturists or has served as an apprentice for at
8 least twenty-four months, and shall transmit with his applica-
9 tion an examination fee of twenty dollars. The examination
10 shall be of such character as to determine the qualifications
11 and fitness of the applicant to practice barbering and beauty
12 culture as defined by this article, and shall cover such subjects

13 as the committee may deem proper. If the applicant success-
14 fully passes such examination and is otherwise duly qualified,
15 and presents the proper certificate of health, the committee
16 shall register the applicant as a duly qualified barber or
17 beauty culturist, and shall issue to the applicant a certificate
18 of registration authorizing the applicant to practice barbering
19 or beauty culture in this state: *Provided, however,* That an
20 applicant who has been engaged in the practice of barbering
21 or beauty culture in this state at least one year prior to the
22 passage of this bill shall not be required to pass said exami-
23 nation nor pay such examination fee. The committee shall
24 charge for every certificate of registration (or duplicate there-
25 of) issued by it a fee of five dollars.

Sec. 6. Every registered barber or beauty culturist who
2 desires to continue in active practice or service shall, annually
3 on or before the first day of January, renew his certificate of
4 registration and pay an annual renewal fee of five dollars.
5 A registered barber or beauty culturist whose certificate of
6 registration has expired may have his certificate of registra-
7 tion restored only upon payment of the required renewal fee.
8 All applicants or renewals made by barbers or beauticians
9 shall submit to the Wassermann blood test and shall submit
10 the report thereon with a certificate of health from a licensed
11 physician to the committee.

Sec. 7. No person shall in this state serve as an apprentice
2 of a barber or beauty culturist without first obtaining from
3 the committee of barbers and beauty culturists a certificate
4 of registration as apprentice. An applicant for registration
5 as apprentice shall present satisfactory evidence that he is at
6 least sixteen years of age, of good moral character and tem-
7 perate habits, and has completed at least the eighth grade
8 of grammar school or the equivalent thereof. If the applicant
9 is otherwise qualified and presents the proper certificate of
10 health, upon the payment of a fee of two dollars and fifty
11 cents the committee shall register the applicant as an appren-
12 tice barber or beauty culturist, and shall issue to the applicant
13 a certificate as such, which certificate shall be renewed annu-
14 ally by filing a certificate of health with the committee and pay-
15 ing a renewal fee of two dollars and fifty cents. An apprentice
16 may perform any or all the acts constituting barbering or

17 beauty culture under the immediate personal supervision of
18 a registered barber or beauty culturist, but not otherwise.

Sec. 8. Every person practicing barbering or beauty cul-
2 ture and every apprentice shall display his certificate of regis-
3 tration in a conspicuous place in the shop wherein he practices
4 or is employed and whenever required shall exhibit such
5 certificate to the state committee of barbers and beauty cul-
6 turists or its authorized representative.

Sec. 9. Every barber or beauty shop in this state shall be
2 operated under the supervision and management of a barber
3 or beauty culturist who has been registered in this state. Not
4 more than one apprentice shall be employed in a barber or
5 beauty shop in the state. No person shall operate a barber
6 or beauty shop in a dwelling house or in a place where food
7 stuffs are handled or sold unless the shop is separated by
8 partitions extending from floor to ceiling.

Sec. 10. No person shall operate a school of barbering or
2 beauty culture in this state without first obtaining a license
3 to do so from the committee, and no license for such a school
4 shall be issued to any person unless he or she is registered
5 within this state as a duly qualified barber or beauty culturist.
6 All applicants for license to operate a school of barbering or
7 beauty culture shall submit to an examination by the commit-
8 tee. After passing said examination a permit shall be issued
9 to such applicant to open such school. All instructors in any
10 such school of barbering or beauty culture shall first qualify
11 by passing an examination submitted by the committee.
12 Every instructor in such a school, located within this state,
13 shall be a duly registered barber or beauty culturist.

14 The license fee for each school of barbering and for each
15 school of beauty culture shall be twenty-five dollars annually,
16 to be paid in such manner as the committee may prescribe,
17 on or before January first of each year. The license shall be
18 prominently displayed in the school, and a suitable sign shall
19 be kept on the front of the school which shall plainly indicate
20 that a school of barbering and/or beauty culture is operated
21 therein.

Sec. 11. No person shall practice barbering or beauty cul-
2 ture or serve as an apprentice in this state while having an
3 infectious, contagious or communicable disease. No person
4 shall be registered as a barber, beautician or apprentice until

5 he or she shall have obtained a certificate of health from a
6 licensed physician under article three of this chapter certifi-
7 ing said person to be free of all infectious, contagious and
8 communicable diseases; which certificate shall be filed with
9 the state committee of barbers and beauticians within ten
10 days after the examination of the person is made by the phy-
11 sician, and photograph of the applicant must accompany the
12 application with such certificate. The certificate shall be in
13 such form as the committee may prescribe. A like certificate
14 must be filed with the committee before any certificate is re-
15 newed, and the examination must have been made within
16 thirty days prior to the beginning of the renewal period. The
17 committee shall be empowered to compel any registered bar-
18 ber, beautician or apprentice to submit to a physical examina-
19 tion and file a certificate of health at any time.

Sec. 12. The state committee of barbers and beauticians
2 shall prescribe such rules and regulations in regard to sani-
3 tation and cleanliness in barber and beauty shops and schools
4 of barbering and beauty culture in the state as it may deem
5 proper and necessary, and shall have power to enforce com-
6 pliance therewith. Such rules and regulations shall be kept
7 posted in a conspicuous place in every barber and beauty shop
8 and school of barbering and beauty culture in the state.

Sec. 13. The committee may refuse to issue a certificate of
2 registration to any applicant, or may refuse to renew, or may
3 suspend or revoke the same for any holder thereof, for any
4 of the following causes: (1) conviction of the commission
5 of a felony, as shown by a certified copy of the record of the
6 court of conviction; (2) obtaining or attempting to obtain a
7 certificate of registration to practice barbering and/or beauty
8 culture in this state by false pretences, fraudulent misrepre-
9 sentation, or bribery by the use of money or other considera-
10 tion; (3) gross incompetency; (4) the continued practice of
11 barbering and/or beauty culture by a person knowing himself
12 or herself to be afflicted with a contagious or infectious dis-
13 ease; (5) the use knowingly of any false or deceptive state-
14 ments in advertising; (6) habitual drunkenness, or habitual
15 addiction to the use of morphine, cocaine or other habit-
16 forming drugs.

Sec. 14. Any violation of the provisions of this article shall
2 constitute a misdemeanor punishable upon conviction, by a

3 fine of not less than ten dollars nor more than one hundred
4 dollars, and, at the discretion of the court, by imprisonment
5 in the county jail for not more than sixty days. Justices of
6 the peace shall have concurrent jurisdiction with circuit and
7 criminal courts for the enforcement of this article and the
8 rules and regulations promulgated by the state committee of
9 barbers and beauticians.

Sec. 15. Unless otherwise specially provided herein, the
2 provisions of article one, chapter thirty of the code of West
3 Virginia, shall apply to the state committee of barbers and
4 beauticians.

Sec. 16. There is hereby appropriated out of the treasury,
2 payable only out of the collections provided for by this article,
3 such moneys as are authorized by this article to be spent to
4 carry out the provisions of this article. All surplus funds from
5 the collections provided in this article accruing within any
6 fiscal year shall, at the close of the fiscal year, be, and the same
7 are hereby transferred to the credit of the funds appropriated
8 for the state department of health, and shall become available
9 in the manner provided by law for expenditure by that de-
10 partment.

Sec. 17. The various provisions of this act shall be con-
2 strued as separable and several, and should any of the pro-
3 visions or parts thereof be construed or held to be unconstitu-
4 tional, or for any other reason invalid, the remaining provi-
5 sions of this act shall not be thereby affected. All acts and
6 parts of acts in conflict with the provisions of this act, or any
7 part thereof, are hereby repealed. Any ordinances of any
8 municipalities in this state now in effect and having for their
9 purpose the regulation of the practice of barbering or beauty
10 culture, which are in conflict with the provisions of this act,
11 or any part thereof, shall be null and void and of no effect on
12 and after the date this act goes into effect.

CHAPTER 83

(House Bill No. 105—By Mr. Lilly)

AN ACT to amend and reenact section one, article five, chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, relating to Hopemont and Rutherford sanitariums.

[Passed January 6, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. The two state tuberculosis sanitariums at Hopemont and Beckley continued; known as Hopemont Sanitarium and Pine Crest

SEC.

Sanitarium, respectively; management and control; qualifications of chief executive officer of each.

Be it enacted by the Legislature of West Virginia:

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

Section 1. The two state tuberculosis sanitariums, heretofore established, one at Hopemont and the other at Beckley, for the care and treatment of persons afflicted with tuberculosis, shall be continued and shall be known as the Hopemont sanitarium and Pine Crest sanitarium, respectively, and shall be managed, directed and controlled as prescribed in article one, chapter twenty-five, and in section eight, article one, chapter sixteen of the code. The chief executive officer of each of such sanitariums shall be the superintendent, who shall be a legally qualified physician of at least six years' experience in the practice of his profession and who shall be a person of good executive ability.

All acts or parts of acts inconsistent or in conflict herewith are hereby repealed.

CHAPTER 84

(House Bill No. 108—By Mr. Peery)

AN ACT to amend and reenact section thirty-six, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to a tie vote in elections.

[Passed January 10, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Breaking tie vote in election by governor or board of canvass-

Sec.

ers; when board of canvassers fail, governor to break tie.

Be it enacted by the Legislature of West Virginia:

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

Section 36. Whenever the governor is, or the board of canvassers of a county are, to declare the result of an election, and it appears to him or them that two or more of the persons voted for have received the highest and an equal number of votes for the same office, so that the election to the office is not decided by the returns, he, or they, being required to declare the result, shall decide the tie by the election of one of such persons, but in the event the board of canvassers shall have failed to decide the tie within thirty days after such tie shall have been found by them to exist, upon application to the governor by any one of such persons so voted for, he shall break the tie by the selection of one of such persons and shall certify his choice to such board of canvassers, who shall forthwith reconvene as a board of canvassers and declare such person duly elected for the office for which such person was a candidate.

CHAPTER 85 ✓

(House Bill No. 122—By Mr. Gates)

AN ACT to provide for the establishment of a central mailing office
in the capitol building.

[Passed February 16, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Central mailing office in capitol building established, for mail of all departments, etc., except legislative.
2. Governor, with consent of senate, to appoint mail clerk and also to appoint other necessary employees and fix salaries.
3. Duties of mail clerk.
4. Use of mail office by departments, etc.; after establishment, services of clerks and messengers employed by departments to

SEC.

5. handle or distribute mail dispensed with.
5. For remainder of present biennial period, expense to be allocated from department appropriations for current general expense; mail clerk, with approval of state purchasing department, to draw warrants for expenses for salaries, etc.; after July 1, 1935, appropriation to be included in budget bill.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created and established a central mailing office, hereinafter called "mail office", in the capitol building, through which the mail of all state departments, boards, bureaus and commissions, except the legislative department, shall be metered or stamped and dispatched. The mail office shall be located as conveniently as possible to the offices of the various departments.

Sec. 2. It shall be the duty of the governor of this state, as soon as may be after this act becomes effective, to appoint, by and with the consent of the senate, a mail clerk and the governor may appoint such other employes as may be necessary to carry out the provisions of this act, and shall fix their salaries or compensations. Such mail clerk and other employes shall hold office during the will and pleasure of the governor. The mail clerk shall be a capable man, experienced in the handling of United States mail.

Sec. 3. The mail clerk shall have general charge and supervision of the mail office, and shall be responsible for its efficient administration. He shall be required to:

(a) Enter into bond for the faithful discharge of his duties, the form and sufficiency of the bond to be approved by the attorney-general.

(b) Keep proper books of accounts of the receipts and disbursements of the mail office.

9 (c) Render to the governor a report each month, showing
10 the expenses of the mail office for the preceding month, and
11 shall render such other reports as the governor may require.

12 (d) Keep the mail office open during regular business hours.

13 (e) Provide rules and regulations for the efficient and prompt
14 dispatch of the mail.

Sec. 4. After the establishment of the mail office, as provided
2 for herein, all state departments, boards, bureaus and commis-
3 sions having their offices in the capitol building shall dispatch
4 all mail through the mail office, and the heads of all such state
5 departments, boards, bureaus and commissions are specifically
6 required to dispense with the services of all clerks and mes-
7 sengers theretofore employed by them for the handling and dis-
8 tribution of the mail.

Sec. 5. For the remainder of the biennial period, all expenses
2 of the mail office, including salaries, postal supplies and equip-
3 ment, shall be allocated from the general current expense ac-
4 counts of the various departments operating through said mail
5 office, as shown by the auditor's records. The mail clerk is
6 authorized upon the approval of the state purchasing depart-
7 ment to draw his warrants upon the auditor, payable out of
8 the general current expense accounts above mentioned, for any
9 bills for salaries, stamps, postal supplies and other proper items
10 of expense.

11 For the fiscal year beginning July first, one thousand nine
12 hundred thirty-five, and thereafter, all expenses incident to the
13 administration of the mail office shall be appropriated out of
14 the treasury in accordance with the provisions of the "Budget
15 Amendment" to the state constitution.

CHAPTER 86

(Com. Sub. for House Bill No. 142—Originating in the Senate Committee on the Judiciary)

AN ACT to encourage state and national industrial recovery by cooperating with the national government in fostering fair competition and for other purposes.

[Passed February 21, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Legislative findings and declinations.
2. Governor may consent to utilization of state and local officers and employees by the President of the United States to effectuate policies of the national industrial recovery act.
3. Those not engaged in interstate or foreign commerce must also comply with provisions of codes of fair competition, etc., issued under national act.
4. Federal codes of fair competition considered as state standards and violation deemed use of unfair methods.
5. Penalty for violation of provisions of federal code of fair competition approved or prescribed by

SEC.

- the President in any transaction in state not affecting interstate or foreign commerce.
6. Suits in circuit courts to restrain or prevent violation of provisions of codes of fair competition.
7. Exemptions from anti-trust laws of state, or court order or decree issued under such laws.
8. Provisions concerning contracts let by state or political subdivisions.
9. When act ceases to be in effect.
10. Provisions of act separable.
11. Act declared to be an urgent emergency act.
12. Act may be cited as "State industrial recovery act"; no existing statute of state modified or repealed by this act.

Be it enacted by the Legislature of West Virginia:

Section 1. A state-wide emergency productive of widespread unemployment and disorganization of industry, which burdens commerce, affects the public welfare, and undermines the standards of living of the people of this state is hereby declared to exist, and it is hereby recognized that such an emergency exists throughout the nation. It is hereby declared to be the policy of this state to provide for the general welfare by cooperating with and assisting the national government in promoting the organization of industry for the purpose of cooperative action among trade groups; to induce and maintain united action of labor and management under adequate governmental sanctions and supervision; to eliminate unfair competitive practices; to promote the fullest possible utilization of the present productive capacity of industry; to avoid undue restriction of production (except as may be temporarily required); to increase the consumption of industrial and agricultural products by increasing purchasing power; to reduce and relieve unemployment; to improve standards of labor, and otherwise to rehabilitate industry and conserve natural resources and otherwise as an

20 nounced in the act of Congress entitled: "An Act to encourage
21 national industrial recovery, to foster fair competition, and to
22 provide for the construction of certain useful public works, and
23 for other purposes" approved June sixteen, one thousand nine
24 hundred thirty-three, and commonly known as the "National
25 Industrial Recovery Act".

Sec. 2. To effectuate the policy of this act, the Governor is
2 hereby authorized to consent to the President of the United
3 States utilizing state and local officers and employees in effectu-
4 ating the policies of the national industrial recovery act in ac-
5 cordance with the provisions of section two-(a) of that act.

Sec. 3. No person, natural or artificial, shall refrain from
2 complying with the provisions of any code of fair competition,
3 agreement or license, approved, prescribed, or issued under the
4 terms of the national industrial recovery act on the ground that
5 he is not engaged in transactions in, or affecting "interstate or
6 foreign commerce" as defined in paragraph (d), section seven,
7 title I of the national industrial recovery act.

Sec. 4. The terms and conditions of any code of fair competi-
2 tion, agreement, or license approved, prescribed, or issued under
3 the terms of the national industrial recovery act for any trade
4 or industry or subdivision thereof, shall be considered as the
5 standards of fair competition for such trade or industry or sub-
6 division thereof in all its transactions within this state. The
7 violation of such standards by any person engaged in such trade
8 or industry or subdivision thereof within this state shall be
9 deemed the use of unfair methods of competition.

Sec. 5. When a code of fair competition has been approved
2 or prescribed by the President under the national industrial
3 recovery act, any violation of any provision thereof in any
4 transaction within this state not in or affecting "interstate or
5 foreign commerce" within the definition of paragraph (d),
6 section seven, title I of the national industrial recovery act,
7 shall be a misdemeanor and upon conviction thereof an offender
8 shall be fined not more than five hundred dollars for each offense,
9 and each day such violation continues shall be deemed a sepa-
10 rate offense.

Sec. 6. Any person subject to and complying with the terms
2 and conditions of any code of fair competition, agreement, or
3 license, approved, prescribed, or issued under the terms of the
4 national industrial recovery act for any trade or industry or

5 sub-division thereof within this state, or any prosecuting at-
6 torney of this state may institute a suit to prevent and restrain
7 any violation of any provision thereof in any transaction within
8 this state not in, or affecting "interstate or foreign commerce"
9 within the definition of paragraph (d), section seven, title I
10 of the national industrial recovery act. The circuit courts of
11 this state are hereby invested with jurisdiction to entertain such
12 suits.

Sec. 7. While this act is in effect, (or in the case of a license
2 while paragraph (a) of section four of title I of the national in-
3 dustrial recovery act is in effect), and for sixty days thereafter,
4 any code of fair competition, agreement, or license approved,
5 prescribed, or issued under the terms of the national industrial
6 recovery act, and any action complying with the provisions
7 thereof (including the acts of any person or persons interested
8 in any trade or industry or subdivision thereof in meeting, con-
9 ferring or agreeing upon any code of fair competition or agree-
10 ment) taken during such period, shall be exempt from the pro-
11 visions of the anti-trust laws of this state, or any court order or
12 decree issued thereunder, whether or not such trade or in-
13 dustry or subdivision thereof is engaged in transactions in or
14 affecting "interstate or foreign commerce" as defined in para-
15 graph (d), section seven, title I of the national industrial re-
16 covery act.

Sec. 8. In furtherance of the purposes and policies of this act
2 and of the national industrial recovery act, any department of
3 this state and the governing body of any subdivision, municipal
4 corporation or district and any public officer or person charged
5 with the letting of contracts for (1) the construction, altera-
6 tion or repair of public works or (2) the purchasing of mate-
7 rials or supplies for public use, shall let such contracts only to
8 those persons, natural or artificial, who agree in and by the
9 terms of such contracts to use or supply only articles, materials
10 and supplies mined, produced, manufactured or supplied by a
11 person who is a party or subject to a code of fair competition,
12 agreement, or license, approved, prescribed, or issued under the
13 terms of the national industrial recovery act in every case where
14 a code of fair competition, agreement, or license has been ap-
15 proved, prescribed, or issued under the terms of the national

16 industrial recovery act for the trade or industry or subdivision
17 thereof mining, producing, manufacturing or supplying such
18 articles, materials or supplies. Any practices in violation of
19 such terms of such contracts shall be deemed the use of unfair
20 methods of competition within the meaning of this act.

Sec. 9. This act shall cease to be in effect on June sixteenth,
2 one thousand nine hundred thirty-five, or sooner if, as provided
3 in paragraph (c), section two, title I of the national industrial
4 recovery act, the President shall, by proclamation or the Con-
5 gress by joint resolution, declare that the national emergency
6 recognized by the national industrial recovery act has ended.

Sec. 10. If any provision of this act or the application thereof
2 to any person or circumstance is held invalid, the remainder of
3 this act, and the application of such provisions to other persons
4 or circumstances, shall not be affected thereby.

Sec. 11. This act is hereby declared to be an urgent emergency
2 measure necessary for the immediate preservation of the general
3 welfare of the people of the state.

Sec. 12. This act may be known and cited as the "State In-
2 dustrial Recovery Act": *Provided*, That nothing in this act
3 shall be construed by any public official or any court to alter,
4 modify or repeal any existing statute of the state of West
5 Virginia.

CHAPTER 87

(House Bill No. 147—By Mr. Beacom, by request)

AN ACT to regulate the business of buying and selling articles
commonly known as junk, including old or scrap brass, old
or scrap copper, rags, rope, old or scrap paper, old or scrap
rubber, old or scrap iron and steel and all other old or scrap
ferrous or non-ferrous metals, defining the terms "junk",
"junk dealers", "junk dealer's agents", "non-resident junk
dealers" and "non-resident junk dealer's agents", "itinerant
junk collector"; requiring a license and the payment of a
fee therefor, and fixing the qualifications of persons who en-
gage in the business of "junk dealers" or "junk dealer's
agents" to engage in the business of "junk dealer", and/or

“junk dealer’s agents”, and providing penalties for violations of the provisions thereof.

[Passed January 10, 1934; in effect ninety days from passage. Approved by the Governor.]

Sec.

1. Definitions.
2. State license to junk dealers; residence qualification.
3. Officers or agents of corporation or firm engaging in business of junk dealer must be eligible for license.
4. License fees; restrictions on transportation of junk from state by non-resident junk dealer.
5. Junk dealer to certify names of agents to clerk of county court and give certificate of authority to agent; form of permits; qualifications of applicant for license; fee not divisible or license transferable; void licenses.

Sec.

6. Restrictions on sale, etc., of copper trolley wire, etc.; record of purchase; bill of sale or receipt from seller; what record of purchase to show; statement to sheriff before transportation from state.
7. Penalty for violation of provisions of act; arrest without warrant when permit number not displayed on transporting vehicle; confiscation and sale of vehicle; when junk may be transported or sold without license; jurisdiction of justices of peace; provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. The term “junk” as used in this act shall mean
 2 old or scrap copper, old or scrap brass, old or scrap batteries,
 3 old or scrap paper, old or scrap rubber, old or scrap iron and
 4 steel and other old or scrap ferrous or non-ferrous metals.

5 The term “junk dealers” shall include all persons, firms,
 6 or corporations engaged in the business of buying or selling
 7 “junk” as hereinabove defined.

8 The term “junk dealer’s agents” shall include all persons,
 9 firms or corporations who buy or sell “junk” as hereinbefore
 10 defined for or on behalf of a “junk dealer” as hereinabove
 11 defined, but the term “junk dealer’s agent” shall not be con-
 12 strued to include any persons regularly employed upon a salary
 13 by a regularly licensed “junk dealer” engaged in such business
 14 within the state of West Virginia.

15 The term “itinerant junk collector” shall include only such
 16 persons who gather junk from house to house with the aid of a
 17 cart or vehicle, who have no fixed place of business.

18 The term “non-resident junk dealer” or “non-resident junk
 19 dealer’s agent” shall include all persons, firms or corporations
 20 who act as “junk dealers” or “junk dealer’s agents” who are
 21 non-residents of the state of West Virginia, and all firms so
 22 engaged whose members are non-residents of West Virginia
 23 and all corporations which have not been admitted to hold
 24 property and transact business in the state of West Virginia.

Sec. 2. No person within the state of West Virginia shall
 2 engage in the business of “junk dealer”, “junk dealer’s agent”

3 or "itinerant junk collector" without a state license therefor,
4 which license shall be obtained and issued in the same manner
5 as licenses are obtained or issued under the provisions of chap-
6 ter eleven, article twelve of the code of West Virginia, one
7 thousand nine hundred thirty-one: *Provided, however,* That no
8 resident license shall be issued to any "junk dealer", "junk
9 dealer's agent" and "itinerant junk collector" who has not
10 been a resident of the state of West Virginia for a period of at
11 least one year prior to the application for such license.

Sec. 3. No corporation or firm shall engage in the business
2 of "junk dealer" or "junk dealer's agent" in the state of
3 West Virginia unless the officers or agents of such corporation
4 or firm who engage in the business of "junk dealer" or "junk
5 dealer's agent" in behalf of such corporation or firm shall be
6 eligible to be duly licensed as resident "junk dealers" or "junk
7 dealer's agents" in accordance with the provisions of this act.

Sec. 4. The fee for a resident "junk dealer's" license shall
2 be twenty-five dollars; on every "junk dealer's agent"
3 license, ten dollars; on every non-resident "junk dealer" or his
4 agent who buys or solicits for the purchase of "junk" within
5 the state, one hundred fifty dollars: *Provided, however,* That
6 any "non-resident junk dealer" may purchase "junk" from
7 any resident "junk dealer" without complying with the pro-
8 visions of this section of this act, but if said "non-resident junk
9 dealer" comes into the state in any motor vehicle or horse drawn
10 vehicle the said "non-resident junk dealer" shall not be per-
11 mitted to transport from the state in said vehicle or horse-
12 drawn wagon, "junk" purchased from resident "junk dealers",
13 unless there is a compliance with this section; on every "itiner-
14 ant junk collector," one dollar.

Sec. 5. Every resident "junk dealer" shall certify to the
2 clerk of the county court issuing the license, the name or names
3 of the agents for whom he desires a license certificate and shall
4 give to each agent so engaged by him, a certificate of authority,
5 which certificate the agent shall at all times keep with his license
6 and no such "junk dealer's agent's" license shall be valid and
7 effective without such certificate of authority. The clerk of
8 the county court who issues the licenses under the provisions
9 of this act shall give to each license certificate a numerical
10 designated permit, and such permit so given shall be plainly
11 written or printed as "Dealer's Permit No....", "Agent's

12 Permit No.....", "Itinerant Collector's Permit No.....",
13 "Non-Resident Permit No.....", as the case may be, upon
14 both sides of all trucks or other vehicles used in the collecting
15 and transporting of "junk". But the clerk shall not issue a
16 "junk dealer's agent's" license until the applicant therefor
17 shall first have presented a certificate from a duly licensed
18 "junk dealer" showing such authorization, and no license shall
19 be issued to a "junk dealer's agent" or "itinerant junk collec-
20 tor" unless they shall file with the clerk an affidavit setting out
21 that such applicant has not been convicted of a felony; that he
22 has not been convicted of a misdemeanor in connection with the
23 junk business within a five-year period prior to the time of his
24 application, and that in the event the application is for a "resi-
25 dent dealer's" license that he has resided in the state for a period
26 of one year next preceding the date of his application, which
27 said certificate and affidavit shall be filed by the clerk issuing
28 the license in his office.

29 The license fee herein provided shall not be divisible, and
30 all licenses issued under the provision hereof shall expire on
31 the thirtieth day of June of each year. No license issued here-
32 under shall be transferable.

33 No one who has been convicted of a felony shall be licensed
34 as a "junk dealer", "junk dealer's agent" or "itinerant junk
35 collector", and no one convicted of a misdemeanor in connec-
36 tion with the junk business within a five-year period prior to the
37 passage of this act shall be licensed as a "junk dealer", "junk
38 dealer's agent" or "itinerant junk collector".

39 No person, firm or corporation engaged in the junk business
40 shall engage a person as a "junk dealer's agent" who is in-
41 eligible to receive a resident "junk dealer's" or "junk dealer's
42 agent's" license.

43 Any license issued upon false affidavit or any improper
44 license issued hereunder shall be ipso facto void.

Sec. 6. It shall be unlawful for any person or persons,
2 firm or corporation, to barter, purchase, exchange, buy or ac-
3 cept from any person whatsoever, except plumbers, the owner
4 or owners of buildings from which the material is taken, coal
5 companies, industrial, manufacturing and public utility com-
6 panies, or the authorized agents of such companies, lawful
7 owners and licensed "junk dealers", copper trolley wire, alumi-

8 num wire, brass bearings or fittings or lead, shipped or de-
9 livered from points within this state. Every "junk dealer" pur-
10 chasing any of the items hereinbefore mentioned from the
11 aforesaid persons, firms or corporations, shall accurately list
12 such purchase in a permanent record showing kind and char-
13 acter of "junk" purchased, date of purchase and from whom
14 purchased, which shall be open to the inspection of all law en-
15 forcement officers.

16 It shall be unlawful for any "junk dealer" to purchase any
17 of the items hereinbefore mentioned, except from the persons,
18 firms or corporations named aforesaid, without securing from
19-20 the seller a bill of sale, receipt or other proof of law-
21 ful ownership, which shall be retained by such purchaser
22 or dealer, and the said purchaser or dealer shall list in a record
23 book the full name and address of the seller, a complete de-
24 scription of the kind and character of the "junk" or material
25 purchased, the hour and day purchased, and the license num-
26 ber of any automobile or truck which may be used in making
27 delivery of such "junk" or material, which record shall be
28 open to the inspection of all law enforcement officers, and be
29 preserved for a period of not less than one year.

30 Every "non-resident junk dealer" or "non-resident junk
31 dealer's agent" or "itinerant junk collector", before transport-
32 ing from the state any of the items hereinbefore mentioned, shall
33 file with the sheriff of the county where such purchase was made,
34 a complete description of the property he proposes to trans-
35 port from the state, showing the date of purchase, the names
36 of the buyer and seller, the party to whom it is to be consigned,
37 and the license number of any automobile or truck which may
38 be employed in transporting such "junk" or materials herein-
39 before mentioned, and shall leave such "junk" material in the
40 county where purchased for not less than five days after report-
41 ing to the sheriff, before removing from the county.

Sec. 7. Any person, firm or corporation who shall violate
2 any of the provisions of this act shall be guilty of a misde-
3 meanor, and upon conviction thereof shall be fined not less than
4 fifty dollars and not more than five hundred dollars, and upon
5 a second conviction for any offense under this act, in addi-
6 tion to the fine, the license of the person, firm or corporation
7 so convicted of a second offense shall be revoked and no fur-

8 ther license shall be granted to the said person, firm or corpo-
9 ration so convicted, and it shall be the duty of any law enforce-
10 ment officer to arrest, without a warrant, any person in charge
11 of any vehicle used in the transportation of "junk" which
12 does not have displayed thereon the permit number of the
13 "junk dealer" or "junk dealer's agent" for whom such "junk"
14 is being transported. The arresting officer shall hold in his pos-
15 session any vehicle operated without a license until any fine
16 imposed upon the driver or owner of the vehicle is paid and a
17 proper license is obtained; upon failure to pay the fine and
18 secure the license within ten days from conviction, the sheriff
19 of the county in which said vehicle is held shall confiscate the
20 same, and the sheriff shall give notice to the owner of the ve-
21 hicle by publication in a newspaper of general circulation at
22 least ten days prior to the date of sale that the said vehicle
23 will be sold at public auction to the highest bidder, and out of
24 the funds derived the sheriff shall pay first to the justice of
25 the peace the costs and fine, and secondly shall pay to the
26 state of West Virginia a sufficient sum of money to secure a
27 proper license, and any sums of money remaining in his hands
28 shall be promptly transmitted to the owner of the truck by
29 registered mail or otherwise. A report of said sale shall be
30 made by the sheriff to the justice of the peace, who shall record
31 the same in his docket where the records of the conviction and
32 the fine are kept.

33 Any person, firm or corporation engaged in any business
34 other than the junk business shall have the right to convey
35 "junk" which may have accumulated in connection with their
36 business by vehicle or otherwise for the purpose of disposal
37 or sale without complying with the provisions of this act, or
38 may purchase and transport "junk" used in the operation of
39 their business: *Provided, however,* That this section shall not
40 apply to vehicles used by common carriers in the transporta-
41 tion of "junk" as an incident to the business of such common
42 carriers.

43 Justices of the peace shall have jurisdiction over offenses
44 under this act.

45 All acts and parts of acts inconsistent herewith are hereby
46 repealed. The provisions of this act shall be considered as

47 separable, and if any part thereof shall be declared unconsti-
 48 tutional and void the same shall not affect the other portions of
 49 said act when so declared.

CHAPTER 88

(House Bill No. 190—By Mr. Curl)

AN ACT to amend and reenact section two, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, specifying what instruments are recordable.

[Passed February 21, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

2. Recordation of deeds, etc., by clerk of county court, when properly acknowledged; instrument securing payment of debt not recordable unless it

SEC.

sets forth name and residence of beneficial owner of debt secured; when issue of negotiable notes or bonds need not show beneficial owners.

Be it enacted by the Legislature of West Virginia:

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

Section 2. The clerk of the county court of any county in 2 which any deed, contract, power of attorney, or other writing is 3 to be, or may be, recorded, shall admit the same to record in his 4 office, as to any person whose name is signed thereto, when it 5 shall have been acknowledged by him, or proved by two wit- 6 nesses as to him, before such clerk of the county court.

7 But notwithstanding such acknowledgment or proof, such 8 clerk shall not admit to record any contract, deed, deed of trust, 9 mortgage or other instrument that secures the payment of any 10 debt, unless such contract, deed, deed of trust, mortgage, or 11 other instrument sets forth therein who, at the time of the execu- 12 tion and delivery thereof, is the beneficial owner of the debt 13 secured thereby, and where he resides: *Provided, however,* That 14 in the case of a mortgage or a deed of trust securing an issue 15 of negotiable notes or bonds exceeding five in number and pay- 16 able to bearer, it shall not be necessary that the mortgage or deed 17 of trust show who are the beneficial owners of such notes or bonds, 18 but in such case such mortgage or deed of trust shall show the

19 name and address of the person or corporation with or by whom
 20 the notes or bonds have been, or are to be, first negotiated.
 21 All acts or parts of acts inconsistent with this act are hereby
 22 repealed.

CHAPTER 89

(House Bill No. 191—By Mr. Curl)

AN ACT to amend article four, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered seventy-one, relating to allegations of pleadings or proofs in any action, suit or proceeding in a court of record in this state for collection of any bonds, notes or other evidence of debt subject to assessment for taxation; to provide that any judgment or decree rendered contrary to the provisions hereof be void; to provide that as a part of any judgment or decree rendered in said action, suit or proceeding the court may order that the taxes, interest and penalties due and owing shall be paid out of first collection on said judgment or decree; and to provide that the title to real estate sold by virtue of a deed of trust, mortgage, or vendor's lien, shall not be drawn in question by failure of the owner of the debt secured thereby to list the same for taxation.

[Passed February 22, 1934; in effect ninety days from passage. Approved by the Governor.]

<p>SEC. 71. What the pleadings or proof in an action for collection of a bond, note or other evidence of debt must show before judgment may be entered; when judgment not valid; collection</p>	<p>SEC.</p>	<p>of unpaid taxes out of first collection on judgment; when title to real estate, or action pending or instituted prior to July 2, 1934, not affected; provisions of act separable.</p>
---	-------------	--

Be it enacted by the Legislature of West Virginia:

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

Section 71. In every action at law, proceeding or suit in equity, instituted on and after July second, one thousand nine hundred thirty-four, in a court of record in this state, for the collection of any bonds, notes, or other evidences of debt, the plaintiff or claimant shall be required to allege in his plead-

6 ings, or to prove by affidavit or otherwise at any time before
7 final judgment or decree is entered:

8 (1) That such bonds, notes or other evidence of debt have
9 been assessed for taxation for each and every tax year on the
10 first day of which he was the owner of same, not exceeding five
11 years prior to that in which the action, suit or proceeding was
12 instituted and not in any event, for any period beginning earlier
12-a than the first day of January, one thousand nine hundred
12-b thirty-three, or

13 (2) That such bonds, notes, or other evidence of debt con-
14 stituted a part of the capital employed in the business of such
15 plaintiff or claimant and were assessed or taxed as such, or
16 otherwise assessed or taxed as prescribed by law, or

17 (3) That the plaintiff or claimant has not paid, or is unable
18 to pay, the taxes and interest and penalties, if any, on such
19 bonds, notes or other evidences of debt, but is willing for the
20 same to be paid out of his first recovery thereon, or

21 (4) That such bonds, notes or other evidence of debt sued upon
22 are not taxable under the law in the hands of the plaintiff or
23 claimant, or are otherwise exempt from taxation; and no judg-
24 ment or decree of a court of record rendered in an action, suit
25 or proceeding instituted on and after the date aforesaid, shall
26 be valid unless the allegation herein required was made, or
27 unless the proof herein required was adduced before final judg-
28 ment or decree was entered.

29 When in any such action at law, suit in equity or proceeding,
30 it is ascertained that there are unpaid taxes, including interest
31 and penalties, if any, on the evidence or evidences of debt sought
32 to be enforced, and the plaintiff or claimant makes it appear
33 to the court that he has not paid, or is unable to pay, said taxes,
34 including interest and penalties, if any, but is willing for the
35 same to be paid out of his first recovery thereon, the court may
36 order, as a part of any judgment or decree in said action, suit
37 or proceeding, that the taxes, including interest and penalties,
38 if any, that are due and owing, shall be paid to the proper offi-
39 cer out of the first collection on said judgment or decree.

40 But the title to real estate heretofore or hereafter sold by
41 virtue of a deed of trust, mortgage or vendor's lien, shall not be
42 drawn in question upon the ground that the holder of the notes
43 or bonds or evidences of debt secured by such deed of trust,

44 mortgage or vendor's lien, did not list the same for taxation; and
 45 this act shall not affect in any manner any action, suit or pro-
 46 ceeding pending or instituted in any court of this state prior
 47 to July second, one thousand nine hundred thirty-four.

48 If any paragraph, sentence, clause or phrase of this act shall
 49 for any reason be held invalid, the validity of the remaining
 50 phrases, clauses, sentences and paragraphs of this act shall not
 51 be affected thereby.

52 All acts or parts of acts inconsistent with the provisions of
 53 this act are hereby repealed as of the day this act becomes
 54 effective.

CHAPTER 90

(House Bill No. 206—By Mr. Peters)

AN ACT to amend and reenact section three, article three, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of special commissioners of account, and to the completion of matters in the hands of regular commissioners of account when they shall have resigned or been removed.

[Passed March 15, 1934; In effect ninety days from passage. Approved by the Governor.]

Sec.

3. Appointment of special commissioners of account; completion of matters referred to a commis-

Sec.

tioner, who subsequently resigns or is removed.

Be it enacted by the Legislature of West Virginia:

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

Section 3. When, from any cause, none of the commissioners
 2 of account can act as to any matter or matters which may be
 3 passed on under the provisions of this chapter, such court or
 4 clerk, as is mentioned in section one of this article, may appoint
 5 some other person to act as to such matter or matters, and such
 6 person shall have the powers and compensation and perform
 7 the duties of a commissioner of accounts. And when any com-
 8 missioner of accounts resigns, or is removed, the county court
 9 may provide for the completion of the matters previously re-
 10 ferred to such commissioner.

CHAPTER 91

(House Bill No. 232—By Mr. Minear, by request)

AN ACT to amend and reenact section ten, article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, relating to official bonds.

[Passed February 8, 1934; in effect ninety days from passage. Approved by the Governor.]

SEC.		SEC.
10.	Bonds of designated county officials; penalties of bonds.	

Be it enacted by the Legislature of West Virginia:

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

Section 10. Every commissioner of a county court and every clerk of a circuit court shall give bond with good security, to be approved by the circuit court, or the judge thereof in vacation; and every sheriff, surveyor of lands, clerk of a county court, assessor, county superintendent of schools, notary public, justice of the peace and constable shall give bond with good security, to be approved, unless otherwise provided by law, by the county court of the county in which such officer is to act. The penalty of the bond of each commissioner of a county court shall be not less than five thousand dollars nor more than ten thousand dollars, the amount to be fixed by the circuit court of the county, or the judge thereof in vacation, by order entered of record on the proper order books of both the county and circuit courts; of the clerk of the circuit court, not less than three thousand nor more than twenty-five thousand dollars; of the sheriff, not less than twenty-five thousand dollars nor more than the aggregate amount of all state, county, district, school, municipal and other moneys which will probably come into his hands during any one year of his term of office; of the surveyor of lands, not less than one thousand nor more than three thousand dollars of the clerk of the county court, not less than three thousand nor more than ten thousand dollars; of the assessor, not less than two thousand nor more than five thousand dollars; of the county superintendent of schools, not less than one thousand nor more than three thousand dollars; of a notary public, not less than two hundred and fifty nor more

27 than one thousand dollars; of a justice of the peace and of a
 28 constable, not less than two thousand nor more than ten thou-
 29 sand dollars: *Provided, however,* That the bond herein required
 30 to be given by a notary public may be given before the clerk of
 31 the county court, in the vacation of said court, and approved
 32 by it at its next regular session.

CHAPTER 92

(House Bill No. 233—By Mr. Hiner)

AN ACT to amend by adding section twenty to article eleven, chap-
 ter eighteen of the code of West Virginia, one thousand nine
 hundred thirty-one, relating to the preservation of historical
 documents at West Virginia university.

[Passed January 25, 1934; in effect from passage. Approved by the Governor.]

SEC.	SEC.
20. Custodians of official books, origi- nal papers, etc., except state historian and archivist, may turn same over to division of	documents, West Virginia Uni- versity, as custodian; receipt and inventory; certified copies.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter eighteen of the code of West Vir-
 ginia, one thousand nine hundred thirty-one, be amended by adding
 section twenty, so as to read as follows:

ARTICLE XI

Section 20. Any state, county or other official, except the
 2 state historian and archivist, who is the lawful custodian thereof
 3 may turn over to the division of documents, West Virginia uni-
 4 versity, with its consent, as custodian, for permanent preserva-
 5 tion and record any official books, records, documents, original
 6 papers, or files, or any printed books, records, documents, or re-
 7 ports, not in current use in his office. The division of documents,
 8 West Virginia university, is authorized to act as custodian and
 9 to receive gifts of historical material from any person or institu-
 9-a tion.

10 The division of documents, West Virginia university, shall
 11 give a written receipt to any official from whom property is re-
 12 ceived and shall record in an annual report to the board of
 13 governors a complete list of all property received.

14 After request of any person entitled thereto, the division of
 15 documents shall furnish a certified copy of any record, docu-

16 ment, or paper in its possession, upon the payment by the
 17 applicant of the cost of transcription. Such copy shall be cer-
 18 tified by the head of the division of documents before a notary
 19 public, and when so certified shall be entitled to the same weight
 20 as evidence as though certified by the official by whom such
 21 record, document, or paper was deposited with the division of
 22 documents.

CHAPTER 93

(House Bill No. 251—By Mr. Marsh, of Ohio)

AN ACT to define certain terms used herein; to declare the neces-
 sity of creation of bodies corporate and politic, to be known
 as housing authorities to engage in slum clearance and low-cost
 housing projects; to provide for the appointment, qualifica-
 tion and removal of housing authority commissioners, and the
 creation and organization of housing authorities; to define the
 powers of housing authorities and provide for the exercise of
 such powers, including the right of eminent domain; to pro-
 vide for the incurring of indebtedness and the issuing and
 securing of bonds, notes and other evidences of indebtedness,
 the execution of agreements, the keeping of books and records
 and the making of reports; to provide that no indebtedness of
 an authority shall constitute a debt or obligation of a munici-
 pality or the state; to provide for the making of grants and
 the lending of money to housing authority by the city, and the
 repayment of such loans; to exempt the property of the au-
 thority and its securities and interest thereon from taxes; to
 authorize banks, bankers, trust companies or other persons
 carrying on a banking business to give security for the repay-
 ment of sums deposited by housing authorities; to provide for
 dissolution of housing authorities and the disposition of their
 property; to provide for conflict with other existing laws and
 for the invalidity of any provisions of this act and to declare
 an emergency.

[Passed March 16, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. Definitions.
2. Legislative declaration of neces-
sity for creation of housing au-
thority corporations.
3. Certification by council to mayor

Sec.

- of necessity for, and appoint-
ment by mayor of housing au-
thority; terms, removal or sus-
pension of members.
4. No commissioner or employee of

<p>SEC.</p> <p>an authority to acquire any interest in property included in or material furnished for, a project; prior ownership to be disclosed and entered in minutes of the authority.</p> <p>5. Organization, officers and employees of the authority.</p> <p>6. Commissioner to receive necessary expenditures made by him, but no compensation for services.</p> <p>7. Authority a body corporate; powers; investigations or examinations may be conducted by the authority, its counsel, or committee appointed by the authority.</p> <p>8. Power to acquire lands, etc., by purchase or by right of eminent domain.</p> <p>9. Projects of the authority subject to ordinances etc., of locality in which situated; restrictions on acquisition or disposal of property by the authority; not required to offer securities to</p>	<p>SEC.</p> <p>or turn over sinking fund to state sinking fund commission.</p> <p>10. Amount and nature of indebtedness incurred by the authority; rights of creditors solely against the authority as a corporate body.</p> <p>11. Agreement by the authority providing for suspension and control of project in connection with the borrowing of funds.</p> <p>12. Forms of books and records of the authority; accounts; report to mayor.</p> <p>13. Loans or sales by city to the authority.</p> <p>14. Property, bonds, etc., of authority exempt from taxation.</p> <p>15. Security for funds of the authority deposited in bank.</p> <p>16. Conditions on which the authority may be dissolved; notice to creditors of dissolution.</p> <p>17. Inconsistent acts repealed.</p> <p>18. Provisions of act separable.</p> <p>19. Act declared to be an emergency.</p>
---	---

Be it enacted by the Legislature of West Virginia:

Section 1. The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean a corporate body organized in accordance with the provisions of this act for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(b) "Mayor" shall mean the chief executive of the city, whether the official designation of his office be mayor, city manager or otherwise.

(c) "Council" shall mean the chief legislative body of the city.

(d) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this act.

(e) "Government" shall include the state and federal governments and any subdivisions, agency or instrumentality, corporate or otherwise, of either of them.

(f) The "state" shall mean the state of West Virginia.

(g) "National recovery act" shall mean the act of Congress of the United States of America approved June sixteenth, one thousand nine hundred thirty-three, entitled "An act to encourage national industry, to foster fair competition, and to provide for construction of certain useful public works, and

26 for other purposes", and any acts amendatory thereof or sup-
27 plemental thereto.

28 (h) "Slum clearance" shall include the removal of housing
29 conditions which shall be considered by the housing authority
30 of the city in which such conditions exist to be unsanitary or
31 substandard or a menace to public health, and shall also include
32 such other activities as may, at any time, be embraced within
33 said term as used in the national recovery act.

34 (i) "Low-cost housing" shall include any housing accom-
35 modations which are or are to be rented at not in excess of a
36 maximum rate per room, or maximum average rate per room,
37 which shall be specified or provided by the housing authority of
38 the city in which such housing accommodations are or are to
39 be located, or the Legislature, or a duly constituted agency of
40 the state, or of the United States of America.

41 (j) "Project" shall include all lands, buildings, and im-
42 provements, acquired, owned, leased, managed or operated by
43 a housing authority, and all buildings and improvements con-
44 structed, reconstructed or repaired by a housing authority,
45 designed to provide housing accommodations, or stores, offices
46 and community facilities appurtenant thereto, which are
47 planned as a unit, whether or not acquired or constructed at
48 one time, and which ordinarily are contiguous or adjacent
49 to one another. The term "project" may also be applied to
50 the planning of buildings and improvements, the acquisition of
51 property, the demolition of existing structures, the clearing of
52 land, the construction, reconstruction and repair of improve-
53 ments and all other work in connection therewith.

54 (k) "Community facilities" shall include lands, buildings
55 and equipment for recreation or social assembly, for educa-
56 tional, health or welfare activities and other necessary utilities
57 primarily for use and benefit of the occupants of housing ac-
58 commodatons to be constructed and operated hereunder.

Sec. 2. It is hereby declared as a matter of legislative deter-
2 mination that in order to promote and protect the health, safety,
3 morals and welfare of the public, it is necessary in the public
4 interest to provide for the creation of public corporate bodies
5 to be known as housing authorities, and to confer upon and
6 vest in said housing authorities all powers necessary or appro-
7 priate in order that they may engage in low-cost housing and
8 slum clearance projects; and that the powers herein conferred

9 upon the housing authorities, including the power to acquire
10 property, to remove unsanitary or substandard conditions, to
11 construct and operate housing accommodations and to borrow,
12 expend and repay moneys for the purpose herein set forth, are
13 public objects essential to the public interest.

Sec. 3. Whenever the council in any city shall have deter-
2 mined that there is need for the creation of an authority therein,
3 it shall cause notice of such determination to be given to the
4 mayor, and as soon as possible thereafter an authority shall be
5 created by the appointment of five commissioners who shall
6 constitute the authority, such commissioners to be appointed by
7 the mayor for initial terms of one, two, three, four and five
8 years respectively; a certificate stating that such appointment
9 has been made shall be filed in the office of the county clerk and
10 shall be conclusive evidence of the due and proper creation of
11 the authority. At the expiration of the term of each commis-
12 sioner and of each succeeding commissioner, or in the event of
13 a vacancy, the mayor shall appoint a commissioner who shall
14 hold office in the case of a vacancy for the unexpired term, or
15 in case of succession, for a term of five years or until his suc-
16 cessor shall have been appointed and qualified. The mayor may
17 remove a member of the authority for official misconduct, neg-
18 lect of duty or incompetence, but only after the member shall
19 have been given a copy of the charges against him and an op-
20 portunity to be heard in person or by counsel in his own de-
21 fense. Pending the determination of charges against a member,
22 the mayor may suspend him from office.

Sec. 4. No commissioner or employe of an authority shall
2 acquire any interest direct or indirect in any project or in any
3 property included or planned to be included in any project, nor
4 shall he have any interest direct or indirect in any contract or
5 proposed contract for materials or services to be furnished or
6 used in connection with any project. If any member or employe
7 of any authority owns or controls an interest direct or indirect
8 in any property included in any project, which was acquired
9 prior to his appointment or employment, he shall disclose the
10 same in writing to the authority and such disclosure shall be
11 entered upon the minutes of the authority.

Sec. 5. As soon as possible after the creation of an authority
2 the commissioners shall organize for the transaction of business
3 by choosing from among their number a chairman and a vice-

4 chairman and by adopting by-laws and rules and regulations
5 suitable to the purposes of this act. Three commissioners shall
6 constitute a quorum for the purpose of organizing the authority
7 and conducting the business thereof. The commissioners shall,
8 from time to time, select and appoint such officers and employes,
9 including engineering, architectural and legal assistants, as
10 they may require for the performance of their duties, and shall
11 prescribe the duties and compensation of each officer and em-
12 ploye.

Sec. 6. No commissioner shall receive any compensation
2 whether in form of salary, per diem allowances or otherwise,
3 for or in connection with his services as such commissioner.
4 Each commissioner shall, however, be entitled to reimbursement,
5 to the extent of appropriations or other funds available there-
6 for, for any necessary expenditures in connection with the per-
7 formance of his general duties or in connection with the con-
8 struction or operation of any project. The authority may allo-
9 cate such expenses among its projects in such manner as it may
10 consider proper.

Sec. 7. An authority shall constitute a body both corporate and
2 politic, exercising public powers, and having all the powers
3 necessary or convenient to carry out and effectuate the pur-
4 poses and provisions of this act, including the following powers
5 in addition to others herein granted:

6 To investigate into living and housing conditions in the city
7 and into the means and methods of improving such conditions;
8 to determine where unsanitary or substandard housing condi-
9 tions exist; to study and make recommendations concerning the
10 city plan in relation to the problems of clearing, replanning
11 and reconstruction of areas in which unsanitary or substandard
12 conditions exist, and the providing of housing accommodations
13 for persons of low income, and to cooperate with any city or
14 regional planning agency, to prepare, carry out and operate
15 projects; to provide for the construction, reconstruction, im-
16 provement, alteration or repair of any project or any part
17 thereof; to take over by purchase, lease or otherwise any project
18 undertaken by any government; to act as agent for the federal
19 government in connection with the acquisition, construction,
20 operation and/or management of a project or any part thereof;
21 to arrange with the city or with a government for the furnishing,
22 planning, replanning, opening or closing of streets, roads, road-

23 ways, alleys or other places or facilities, or for the acquisition by
24 the city or by the city, state or federal government or any
25 agency, instrumentality or subdivision thereof, including,
26 specifically, the federal emergency administration of public
27 works and the public works emergency housing corporation, of
28 property, options or property rights or for the furnishing of
29 property or services in connection with a project; to lease or
30 rent any of the housing or other accommodations of any of the
31 lands, buildings, structures or facilities embraced in any project,
32 and to establish and revise the rents or charge therefor; to enter
33 upon any building or property in order to conduct investiga-
34 tions or to make surveys or soundings; to purchase, lease, ob-
35 tain options upon, acquire by eminent domain or otherwise, sell,
36 exchange, transfer, assign or mortgage any property real or
37 personal or any interest therein; to acquire any property real
38 or personal or any interest therein from any person, firm, cor-
39 poration, or the city, state or federal government or any agency,
40 instrumentality or subdivision thereof, including, specifically,
41 the federal emergency administration of public works and the
42 public works emergency housing corporation, by gift, grant,
43 bequest or devise; to own, hold, clear and improve property;
44 in its discretion, to insure or provide for the insurance of the
45 property or operations of the authority against such risks as
46 the authority may deem advisable; to borrow money upon its
47 bonds, notes, debentures or other evidences of indebtedness, and
48 to secure the same by mortgages upon property held or to be
49 held by it or by pledge of its revenues, or in any other manner;
50 to invest any funds held in reserves or sinking funds, or any
51 funds not required for immediate disbursement in property or
52 securities in which savings bank may legally invest funds sub-
53 ject to their control; to sue and be sued; to have a seal, and to
54 alter the same at pleasure; to have perpetual succession; to
55 make and execute contracts and other instruments necessary
56 or convenient to the exercise of the powers of the authority; to
57 make and from time to time amend and repeal by-laws, rules
58 and regulations not inconsistent with this act, to carry into
59 effect the powers and purposes of the authority; to conduct
60 examinations and investigations and to hear testimony and take
61 proof under oath at public or private hearings on any matter
62 material for its information; to issue subpoenas requiring the
63 attendance of witnesses or the production of books and papers

64 and to issue commissions for the examination of witnesses
65 who are out of the state or unable to attend before the authority,
66 or excused from attendance; and to do all things necessary or
67 convenient to carry out the powers given in this act. Any of
68 the investigations or examinations provided for in this act may
69 be conducted by the authority or by a committee appointed by
70 it, consisting of one or more members thereof, or by counsel,
71 or by an officer or employe specifically authorized by the au-
72 thority to conduct it. Any member of the authority, its counsel,
73 or any person designated by it to conduct an investigation or
74 examination, shall have power to administer oaths, take affi-
75 davits and issue subpoenas or commissions.

Sec. 8. Whenever it shall be deemed necessary by an au-
2 thority in connection with the exercise of its powers herein con-
3 ferred to take or acquire any lands, structures or buildings or
4 other rights, either in fee or as easements for any housing or
5 slum clearance project, such authority may purchase the same
6 directly or through its agents from the owner or owners thereof,
7 or failing to agree with the owner or owners thereof, such au-
8 thority may exercise the power of eminent domain in the man-
9 ner provided for condemnation proceedings, in chapter seventy-
10 four, acts of the Legislature of West Virginia, regular session,
11 one thousand nine hundred seven, and chapter twenty-three,
12 acts of one thousand nine hundred fifteen.

Sec. 9. All projects of an authority shall be subject to the
2 planning, zoning, sanitary and building laws, ordinances and
3 regulations applicable to the locality in which the project is
4 situated. No provisions with respect to the acquisition, oper-
5 ation or disposition of property by public bodies shall be ap-
6 plicable to an authority unless the Legislature shall specifically
7 so state. No authority shall be required to offer its securities
8 to the state sinking fund commission at any time, nor shall any
9 authority be required to turn over any surplus or sinking
10 funds to the state sinking fund commission.

Sec. 10. Subject to the restrictions set forth in this act, the
2 authority may incur any indebtedness and issue any obligations
3 and give any security therefor which it may deem necessary
4 or advisable in connection with any project undertaken by it
5 hereunder. No statutory limitation with respect to the nature
6 or amount of indebtedness which may be incurred by munici-

7 palities or other public bodies shall apply to indebtedness of an
8 authority, unless the Legislature shall specifically so provide.
9 No indebtedness of any nature of an authority shall constitute
10 a debt or obligation of a municipality or the state or any other
11 subdivision or agency or instrumentality thereof, or a charge
12 against any property of such municipality, the state, or other
13 subdivision, agency or instrumentality thereof. No obligation
14 incurred by the authority shall give any right against any
15 commissioner of such authority, but a commissioner shall be
16 liable only for his own malfeasance. The rights of creditors of
17 an authority shall be solely against such authority as a corpo-
18 rate body and shall be satisfied only out of property held by
19 it in its corporate capacity, and the enforcement of such rights
20 shall be subject to all the provisions of this act.

Sec. 11. An authority may, in connection with the borrow-
2 ing of funds, or otherwise, enter into any agreement with the
3 federal government or any agency or subdivision thereof, in-
4 cluding, specifically, the federal emergency administration of
5 public works and the public works emergency housing corpora-
6 tion, providing for supervision and control of the authority or
7 of any project, and containing such other covenants, terms and
8 conditions as the authority may deem advisable.

Sec. 12. An authority shall keep its books and records in
2 such form as may be prescribed by, or as shall be satisfactory
3 to, the mayor, and such books and records shall be open for in-
4 spection at any hour during any business day by any represen-
5 tative of the mayor or council. The accounts of the authority
6 shall be kept in such manner that they shall show at all times
7 the income from and all sums chargeable against each project.
8 The authority shall, on or before January thirty-one in each
9 year after the year of its creation, make a report to the mayor
10 and the council, in such form and setting forth such informa-
11 tion with respect to its financial condition and its activities
12 during the preceding calendar year and during the entire period
13 from its creation as the mayor or the council shall require. Each
14 authority shall make such further reports as may from time to
15 time be required by the mayor or the council.

Sec. 13. Any city in which an authority shall exist may, by
2 resolution of the council, lend to such authority a sum or sums
3 of money not exceeding at any time twenty thousand dollars in

4 the aggregate. All sums so advanced shall constitute an in-
5 debtedness of the authority and shall be repaid out of any funds
6 which the authority may have available for such purposes at
7 any time. The city is also authorized to sell, convey or lease
8 any of its interest in any property, or to grant easements,
9 licenses, or any other rights or privileges therein or with re-
10 spect thereto, to the authority, irrespective of the purposes for
11 which such property or such interest therein may have been ac-
12 quired. The city is authorized to sell any such property, prop-
13 erty rights, or interest therein, to the authority at private sale
14 without advertisement or competitive bidding and, in a case of
15 property, property rights, or interest therein, devoted or dedi-
16 cated to a public use, the city is authorized to make grants to the
17 housing authority on such terms and under such conditions as
18 it may deem advisable. The authority is authorized to acquire
19 and accept any such property, property rights, or interest there-
20 in as it may deem necessary or desirable in the development of a
21 project pursuant to this act.

Sec. 14. The authority shall be exempt from the payment
2 of any taxes or fees to the state or any subdivision thereof, or
3 to any officer or employe of the state or any subdivision there-
4 of. The property of an authority shall be exempt from all local
5 and municipal taxes. Bonds, notes, debentures and other evi-
6 dences of indebtedness of an authority are declared to be issued
7 for a public purpose and to be public instrumentalities and,
8 together with interest thereon, shall be exempt from taxes.

Sec. 15. In order to protect funds deposited by an authority,
2 all banks, bankers, trust companies or other persons carrying
3 on a banking business, organized under the laws of the state,
4 are authorized to give to the authority an undertaking with
5 such sureties as shall be approved by the authority, faithfully
6 to keep and pay over upon the order of the authority any such
7 deposits and agreed interest thereon, or in lieu of the said sure-
8 ties, to deposit with the authority as collateral such securities
9 and in such amounts as may be agreed upon with the authority
10 pursuant to a collateral deposit agreement in form and terms
11 satisfactory to the authority. The collateral to be deposited
12 shall consist of securities in which savings banks may legally
13 invest funds within their control.

Sec. 16. Whenever the authority desires to discontinue its
2 operations, it shall make application to the mayor for permis-
3 sion to dissolve. Permission to dissolve shall be given only
4 upon a showing satisfactory to the mayor that all projects
5 undertaken by the authority have been completed, or abandoned
6 with the approval of the mayor, that provision satisfactory to a
7 majority of its creditors, holding a majority in amount of
8 claims, has been made, and that the continued existence of the
9 authority would not serve the public interest. Notice of such
10 application for permission to dissolve shall be given to all credi-
11 tors of the authority in such manner as the mayor shall approve.
12 If the application to dissolve shall be granted, the mayor shall
13 designate an agent to take possession of the authority to dis-
14 pose of all its property in the manner authorized herein, and,
15 after paying or making provisions for the debts and liabilities of
16 the authority and the expenses of dissolution, to pay the balance
17 remaining, if any, into the general funds of the city.

Sec. 17. All acts or parts of acts, inconsistent with this act
2 or with any provision of this act be and the same are herewith
3 repealed to the extent of such inconsistency.

Sec. 18. The provisions of this act are severable, and if any
2 shall be held unconstitutional the decision of the court shall not
3 affect or impair any of the remaining provisions hereof. It is
4 hereby declared as a legislative intent that this act would have
5 been adopted had such unconstitutional provisions not been
6 included herein.

Sec. 19. This act is hereby declared to be an emergency
2 law and necessary for the immediate preservation of health,
3 morals, safety and public welfare.

CHAPTER 94

(House Bill No. 263—By Mr. Hiner)

AN ACT to amend article one, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered section twelve, relating to mandamus to compel political subdivisions to levy to satisfy judgments.

[Passed January 26, 1934; in effect from passage. Approved by the Governor.]

SEC.

12. When levy, ordered by court under a writ of mandamus to satisfy a judgment against a political subdivision, may be

SEC.

distributed over a period of not to exceed ten years, with legal interest on installments.

Be it enacted by the Legislature of West Virginia:

That article one, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto section twelve, to read as follows:

ARTICLE I.

Section 12. Wherever a writ of mandamus, issued to enforce
 2 the laying of a levy to satisfy a judgment against a political
 3 subdivision of the state, would produce a disturbance in the
 4 administration of the financial affairs of the political subdivision
 5 not necessary to the protection and enforcement of the right of
 6 the creditor, the court may order that the levy be distributed
 7 equally over a period of years not to exceed ten, and shall allow
 8 the creditor, interest, not in excess of the legal rate, upon the
 9 installments.

CHAPTER 95

(House Bill No. 273—By Mr. Hiner)

AN ACT to amend and reenact section ten, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to county or school orders receivable for taxes and fees.

[Passed January 26, 1934; in effect from passage. Approved by the Governor.]

SEC.

10. When tax collecting officer to receive county or school draft in payment of taxes; procedure when amount of the draft

SEC.

greater than the taxes; when officer not required to accept draft.

Be it enacted by the Legislature of West Virginia:

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

Section 10. Every officer charged with the collection of taxes 2 for any fiscal year and officers' fees shall receive in payment 3 thereof, at par, any county or school order or draft issued in 4 payment of any claim arising during said fiscal year for which 5 were levied the taxes for the payment of which such draft is 6 offered drawn on such officer pursuant to law, to the amount 7 that such taxes are levied for the same fund against which 8 such draft or order is drawn, if such draft be then due and 9 payable, and if the person offering the same in payment be the 10 person entitled thereto at the time it is so offered.

11 And if the amount due on such order or draft be more than 12 the amount to be collected for the fund against which the draft 13 is drawn from the person so offering the same in payment the 14 officer shall pay the balance due thereon if he have in his hands 15 any money applicable to such payment; and if not he shall en- 16 dorse thereon the amount of taxes or fees held by him against 17 such person for which the draft is acceptable and that he has 18 no money in his hands applicable to the payment of the balance 19 thereof, and thereupon the holder of such order shall have the 20 right to have issued to him new orders; one for the amount of 21 the taxes endorsed on the original order, and the other for the 22 remainder of such original order, and such original order shall

23 be cancelled. No such officer shall be required to accept in pay-
 24 ment in whole or in part of any taxes for any fund any order
 25 or draft drawn in any year preceding the fiscal year for which
 26 said taxes were levied and are being collected.

CHAPTER 96

(House Bill No. 341—By Mr. Hiner)

AN ACT to amend and reenact section twenty-one, article five,
 chapter sixteen of the code of West Virginia, one thousand
 nine hundred thirty-one, relating to certified copies of birth
 and death records, by providing same to the veterans' di-
 vision of the department of public welfare, without charge.

[Passed March 6, 1934; in effect from passage. Approved by the Governor.]

SEC.

21. Fees of state registrar for certified copies of birth and death records and search of records; legal effect of copy; certificate, without fee to federal bureau of census and to parent or guar-

SEC.

dian, for school or employment purposes; certified copies upon written request, without fee, to division of veterans' affairs, department of public welfare.

Be it enacted by the Legislature of West Virginia:

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

Section 21. The state registrar shall, upon request, supply
 2 to any applicant a certified copy of the record of any birth or
 3 death registered under the provisions of this article, for the
 4 making and certification of which he shall be entitled to a fee
 5 of fifty cents, to be paid by the applicant: *Provided*, That
 6 such copy shall not state that any child was either legitimate
 7 or illegitimate. Any such copy of the record of a birth or
 8 death, when properly certified by the state registrar, shall be
 9 prima facie evidence, in all courts and places, of the facts
 10 therein stated. For any search of the files and records when
 11 no certified copy is made, the state registrar shall be entitled
 12 to a fee of fifty cents for each hour or fractional part of an
 13 hour of time of search, said fee to be paid by the applicant.
 14 The state registrar shall keep a true and correct account of
 15 all fees by him received under the provisions of this article
 16 and turn the same over to the state treasurer: *Provided*,
 17 That the state registrar shall, upon the request of any parent

18 or guardian, supply without fee a certificate limited to a
 19 statement as to the date of birth of any child when the same
 20 shall be necessary for admission to school, or for the purpose
 21 of securing employment: *Provided*, That the United States
 22 bureau of census may obtain, without expense to the state,
 23 transcripts or certified copies of births and deaths without
 24 payment of the fees herein prescribed: *Provided further*,
 25 That certified copies of birth and death certificates may, upon
 26 his written request, be furnished to the chief of the division of
 27 veterans' affairs of the department of public welfare without
 28 charge, for use in assisting veterans, their widows, children or
 29 other dependents, in presenting claims to the federal govern-
 30 ment, but an accurate record shall be made of all such certifi-
 31 cates so furnished.

CHAPTER 97

(House Bill No. 231—By Mr. Poling)

AN ACT to authorize the county court of Barbour county, West Virginia, to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing and equipping a county jail and sheriff's residence; to issue such bonds or other evidences of indebtedness as may be required by such federal governmental agency; and to promulgate such ordinances as may be necessary for the construction of such county jail and sheriff's residence, and as may be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed January 16, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. County court of Barbour county authorized to borrow money from federal governmental agency to construct, etc., jail and sheriff's residence; issue of

Sec.

2. Court empowered to do all things necessary to carry out provisions of act and provide for repayment of loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Barbour county, West Virginia, is hereby authorized to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping and maintaining a county jail and sheriff's residence.

6 Said county court is authorized to issue bonds or other evidences
 7 of indebtedness as may be required by said public works ad-
 8 ministration or other federal governmental agency, and do any
 9 and all things required by said public works administration or
 10 other said governmental agency from which such loan is obtained,
 11 or necessary and proper to obtain said loan, to secure the same,
 12 and to construct, equip and maintain said county jail or sher-
 13 iff's residence.

Sec. 2. The county court of Barbour county is hereby em-
 2 powered to undertake and do all things necessary to carry out
 3 the preceding section of this act, to promulgate such ordinances,
 4 rules and regulations as may be necessary, and by appropriate
 5 action of said board provide for the repayment of said loan
 6 and/or amortization of said bonds.

CHAPTER 98

(House Bill No. 219—By Mr. Reed)

AN ACT to authorize the board of education and the county court
 of Clay county, West Virginia, to borrow funds from the public
 works administration or other federal governmental agency
 authorized to make loans, for the purpose of constructing and
 equipping a central heating plant; to issue such bonds, or other
 evidences of indebtedness as may be required by such federal
 governmental agency; and to promulgate such ordinances as
 may be necessary for the construction of such heating plant,
 and as may be necessary to provide for the amortization and
 liquidation of such indebtedness.

[Passed January 18, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. The county court and board of
 education of Clay county author-
 ized to borrow money from fed-
 eral governmental agency to
 construct, etc., a central heating
 plant; issue of bonds or other
 evidences of indebtedness.

Sec.

2. Court and board empowered to do
 all things necessary to carry out
 provisions of act and provide
 for repayment of loan; native
 stone to be used in construction
 of plant; cost not to exceed
 five thousand dollars.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education and the county court
 2 of Clay county, West Virginia, are hereby authorized to borrow
 3 funds from the public works administration or other federal
 4 governmental agency authorized to make loans, for the purpose

5 of constructing, equipping and maintaining a central heating
6 plant. Said county court and said board of education are
7 authorized to issue bonds, or other evidences of indebtedness as
8 may be required by said public works administration or other
9 federal governmental agency, and do any and all things required
10 by said public works administration or other federal govern-
11 mental agency from which such loan is obtained, or necessary
12 and proper to obtain said loan, to secure the same, and to con-
13 struct, equip and maintain said central heating plant.

Sec. 2. The county court of Clay county and the Clay coun-
2 ty school board are hereby empowered to undertake and do all
3 things necessary to carry out the preceding section of this
4 act, to promulgate such ordinances, rules and regulations as
5 may be necessary, and by appropriate action of said board and
6 court provide for the repayment of said loan and/or amortiza-
7 tion of said bonds: *Provided, however,* That native stone shall
8 be used in the construction of said plant, and the cost of said
9 plant shall not exceed five thousand dollars.

CHAPTER 99

(House Bill No. 220—By Mr. Reed)

AN ACT to authorize the county court of Clay county, West Vir-
ginia, to borrow funds from the public works administration
or other federal governmental agency authorized to make loans,
for the purpose of constructing and equipping a county jail;
to issue such bonds, or other evidences of indebtedness as may
be required by such federal governmental agency; and to
promulgate such ordinances as may be necessary for the con-
struction of such jail, and as may be necessary to provide for
the amortization and liquidation of such indebtedness.

[Passed January 18, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Clay county au-
thorized to borrow money from
federal governmental agency to
construct, etc., a county jail;
issue of bonds or other evi-
dences of indebtedness.

Sec.

2. Court empowered to do all things
necessary to carry out pro-
visions of act and provide for
repayment of loan; native stone
to be used in construction of
walls; cost not to exceed ten
thousand dollars.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Clay county, West Virginia,

2 is hereby authorized to borrow funds from the public works ad-
 3 ministration or other federal governmental agency authorized
 4 to make loans, for the purpose of constructing, equipping and
 5 maintaining a county jail. Said county court is authorized
 6 to issue bonds, or other evidences of indebtedness as may be re-
 7 quired by said public works administration or other federal
 8 governmental agency, and do any and all things required by
 9 said public works administration or other said governmental
 10 agency from which such loan is obtained, or necessary and
 11 proper to obtain said loan, to secure the same, and to construct,
 12 equip and maintain said jail.

Sec. 2. The county court of Clay county is hereby em-
 2 powered to undertake and do all things necessary to carry out
 3 the preceding section of this act, to promulgate such ordinances,
 4 rules and regulations as may be necessary, and by appropriate
 5 action of said board provide for the repayment of said loan
 6 and/or amortization of said bonds: *Provided, however,* That
 7 native stone shall be used for the construction of the walls of
 8 said jail, and that the total cost of said jail shall not exceed
 9 the sum of ten thousand dollars.

CHAPTER 100

(House Bill No. 382—By Mr. Summerfield)

AN ACT to authorize the county court of Fayette county, West
 Virginia, to enter into contract and to borrow money from
 any United States agency or other agency or person for the
 erection, construction, repair of, or addition to the courthouse
 or jail of Fayette county, or both, and to issue bonds therefor
 at not to exceed six per cent per annum interest and to pledge
 a sufficient amount of the revenue of said county within the
 constitutional and other limitations provided by law, as well
 as the property of said county to pay the interest on and the
 principal of said bonds, within a period not to exceed ten
 years.

[Passed March 24, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

<p>SEC. 1. County court of Fayette county authorized to enter into contract for and borrow not to exceed forty thousand dollars for the</p>	<p>SEC. erection, etc., of courthouse and /or jail; bond issue or other ob- ligations; pledge of county reve- nues; court authorized to do all</p>
---	--

Sec.

- things necessary to carry out provisions of act.
2. Repayment of cost of erection, etc., from levies; sinking fund.

Sec.

3. Act provides additional and alternative method; act to be liberally construed.
4. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Fayette county is hereby authorized and empowered to enter into contract and to borrow from any United States agency or other agency or person, money in a sum not to exceed forty thousand dollars for the erection, construction, repair of or addition to the courthouse or jail of Fayette county, or both, and to issue bonds or other obligations therefor at a rate of interest not to exceed six per cent per annum and to pledge the revenue of Fayette county or sufficient thereof within the constitutional and other limitations provided by law, as well as the property of said county for the payment of the interest on and the principal of said bonds within a period not to exceed ten years. Said court is further authorized and empowered to do and perform any and all acts and make all such contracts as may be necessary to effectuate the general purposes of this act.

Sec. 2. The cost of the erection, construction, repair of, or addition to the said courthouse or jail, or both, in said Fayette county, whether in the form of bonds or otherwise, shall be paid out of the levies now or which may hereafter be provided for by general law to be levied by said county court in and for said county sufficient to pay off said bonds or other liens thereon and of each of them, and to pay the coupons attached thereto, if any, or the interest thereon until payment in full of the principal and interest of said bonds shall have been made, and shall set apart a sufficient sinking fund out of its levies and funds so collected each year sufficient to pay off and discharge any debts created by or bonds issued under the authority hereof and the interest thereon within the time herein designated.

Sec. 3. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby, and shall be regarded as supplementary and additional powers to those conferred by general law, and this act being necessary for the welfare and public requirements of the said county of Fayette shall be liberally construed so as to effectuate the purposes thereof.

Sec. 4. If any of the sections or provisions or parts of this act are for any reason declared illegal or invalid, it is the intention that the remaining sections and provisions or parts thereof shall remain in full force and effect.

CHAPTER 101

(House Bill No. 218—By Mr. Van Sickler)

AN ACT to authorize the county court of Greenbrier county, West Virginia, to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing and equipping a courthouse or county jail, or both; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency; and to promulgate such ordinances as may be necessary for the construction of such courthouse or jail, or both, and as may be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed January 16, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. County court of Greenbrier county authorized to borrow money from federal governmental agency to construct, etc., courthouse and/or jail; issue of

Sec.

bonds or other evidences of indebtedness.
2. Court empowered to do all things necessary to carry out provisions of act and provide for repayment of loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Greenbrier county, West Virginia, is hereby authorized to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping and maintaining a courthouse, county jail, or both. Said county court is authorized to issue bonds, or other evidences of indebtedness as may be required by said public works administration or other federal governmental agency, and do any and all things required by said public works administration or other said governmental agency from which such loan is obtained, or necessary and proper to obtain said loan, to secure the same, and to construct, equip and maintain said courthouse or county jail, or both.

Sec. 2. The county court of Greenbrier county is hereby em-

2 powered to undertake and do all things necessary to carry out
 3 the preceding section of this act, to promulgate such ordinances,
 4 rules and regulations as may be necessary, and by appropriate
 5 action of said board provide for the repayment of said loan
 6 and/or amortization of said bonds.

CHAPTER 102

(House Bill No. 129—By Mr. Thomas)

AN ACT to authorize and empower the county court of Kanawha county, West Virginia, to convey property, and to enter into a contract and/or lease with the United States government, or other federal agency authorized to make or enter into such contract and/or lease, for the building, construction, equipping, leasing and renting of a county infirmary, workhouse, and other improvements necessary for the use and benefit of the poor, and to provide for the payment for such by the said county court of Kanawha county, West Virginia.

[Passed December 20, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Kanawha county authorized to convey property to, and contract with federal governmental agency for the erection of a county infirmary; yearly rentals paid by court.
2. Court authorized to do all things

SEC.

- necessary to carry out provisions of act.
3. Annual levies by court to pay rentals.
4. Act to be liberally construed.
5. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Kanawha county, West Virginia, be and is hereby authorized and empowered to convey to the United States government and/or other federal agency, any property owned by it, which it may see fit to convey for the purposes hereinafter expressed, and to contract with the said United States government or other federal agency, to the end that said government or agency, through its or any of their agencies duly created by law, may build upon said property an infirmary, workhouse, and other improvements necessary for the use and benefit of the poor. In consideration of which, the said county court shall pay to the United States government or other federal agency, yearly rentals for a period of years, but which said yearly rentals shall not exceed for any one year the

14 constitutional limitation, as provided by law for the county of
15 Kanawha, although the aggregate amount contracted for may
16 exceed said debt limitation.

Sec. 2. That the county court of Kanawha county be and is
2 hereby authorized by its officers, pursuant to the authority of
3 such corporation duly given, to sign such agreements, contracts of
4 sale and/or purchase, leases and any and all other agreements or
5 contracts necessary and required, and to deliver the same to the
6 United States government, the emergency administration of
7 public works, or its subsidiary organizations, or other federal
8 agency, as may be necessary and proper to effect the building
9 and construction of such project.

Sec. 3. The said county court shall levy and collect annually
2 an amount sufficient to pay said rental or rentals for that par-
3 ticular year for the purposes aforesaid, in the manner and form
4 as provided by law.

Sec. 4. Sections one and two, inclusive, of this act, being
2 necessary for the health, welfare and convenience of the poor
3 and indigent persons of Kanawha county, the act shall be lib-
4 erally construed to effectuate the purposes thereof.

Sec. 5. The provisions of this act are separable, and are in
2 matters of mutual inducement, and it is the intention to confer
3 the whole or any part of the powers herein provided for, and
4 if any of the sections or provisions or parts thereof are for any
5 reason illegal or invalid, it is the intention that the remaining
6 sections and provisions or parts thereof shall remain in full force
7 and effect.

CHAPTER 103

(House Bill No. 211—By Mr. Holt, by request)

AN ACT to authorize the county court of Lewis county, West Vir-
ginia, to borrow funds from the public works administration or
other federal governmental agency authorized to make loans,
for the purpose of constructing and equipping a county jail;
to issue such bonds, or other evidences of indebtedness as may
be required by such federal governmental agency; and to pro-
mulate such ordinances as may be necessary for the construc-

tion of such jail, and as may be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed January 11, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. County court of Lewis county authorized to borrow money from federal governmental agency to construct, etc., a county jail; issue of bonds or other evi-

SEC.

dences of indebtedness. 2. Court authorized to do all things necessary to carry out provisions of act and provide for repayment of loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county, West Virginia, 2 is hereby authorized to borrow funds from the public works ad- 3 ministration or other federal governmental agency authorized 3-a to make loans, for the purpose of constructing, equipping and 4 maintaining a county jail. Said county court is authorized to 5 issue bonds, or other evidences of indebtedness as may be re- 6 quired by said public works administration or other federal gov- 7 ernmental agency, and do any and all things required by said 8 public works administration or other said governmental agency 9 from which such loan is obtained, or necessary and proper to 10 obtain said loan, to secure the same, and to construct, equip 11 and maintain said jail.

Sec. 2. The county court of Lewis county is hereby em- 2 powered to undertake and do all things necessary to carry out 3 the preceding section of this act, to promulgate such ordinances, 4 rules and regulations as may be necessary, and by appropriate 5 action of said board provide for the repayment of said loan 6 and/or amortization of said bonds.

CHAPTER 104

(House Bill No. 212—By Mr. Holt, by request)

AN ACT to authorize the county court of Lewis county, West Virginia, to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing and equipping a heating plant; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency; and to

promulgate such ordinances as may be necessary for the construction of such plant, and as may be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed January 11, 1934; in effect from passage. Approved by the Governor.]

Sec.

1. County court of Lewis county authorized to borrow money from federal governmental agency to construct, etc., a heating plant; issue of bonds or other evi-

Sec.

dences of indebtedness.
2. Court authorized to do all things necessary to carry out provisions of act and provide for repayment of loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county, West Virginia, 2 is hereby authorized to borrow funds from the public works 3 administration or other federal governmental agency authorized 4 to make loans, for the purpose of constructing, equipping and 5 maintaining a heating plant. Said county court is authorized 6 to issue bonds or other evidences of indebtedness as may be 7 required by said public works administration or other federal 8 governmental agency, and do any and all things required by 9 said public works administration or other said governmental 10 agency from which such loan is obtained, or necessary and proper 11 to obtain said loan, to secure the same, and to construct, equip 12 and maintain said heating plant.

Sec. 2. The county court of Lewis county is hereby em- 2 powered to undertake and do all things necessary to carry out 3 the preceding section of this act, to promulgate such ordinances, 4 rules and regulations as may be necessary, and by appropriate 5 action of said board provide for the repayment of said loan 6 and/or amortization of said bonds.

CHAPTER 105

(House Bill No. 260—By Mr. Tallman)

AN ACT to authorize and empower the county court of Mason county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing and renting of a courthouse and/or jail, with an option to pur-

chase same, and to provide for payment of a yearly rental for such by said court.

[Passed January 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Mason county authorized to convey property to, and contract with federal governmental agency for the construction, etc., of a courthouse and/or jail; yearly lease, or rentals, not exceeding thirty

Sec.

years, with right of purchase; amount of rentals.
2. Annual levies by court to pay rentals.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Mason county, West Virginia, be and it is hereby authorized and empowered to convey to the United States government or any federal agency, any lot, lots, parcel of land owned by it which the said court may see fit to convey for the purpose hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of their agencies, or agents, thereunto duly authorized, may build, construct, equip and/or furnish upon said property a courthouse and/or jail, and to contract with said government or any federal agency for the yearly lease or rental of said courthouse and/or jail, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said courthouse and/or jail and land on which the same is or are situated, and to apply toward the purchase price thereof any and all rentals paid to said government or agency under the provisions of this act; and the said county court of Mason county shall pay to the said United States government or any federal agency said yearly rental or rentals, for the use and occupancy of said courthouse and/or jail if and when the same are constructed, which said yearly rental or rentals, in the aggregate, shall not exceed the total amount, and interest thereon, expended by said government or agency on said courthouse and/or jail, and the said yearly rentals shall not exceed the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said county court of Mason county shall levy and collect annually an amount sufficient to pay said rentals

3 for that particular year for the purpose aforesaid in the manner
4 and form as is provided by law.

Sec. 3. This act being necessary for the health, welfare,
2 convenience and maintenance of orderly government of the
3 people of Mason county, it shall be liberally construed to ef-
4 fectuate the purpose thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder
5 of this act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 106

(Senate Bill No. 103—By Mr. White, of Mingo)

AN ACT to authorize and empower the county court of Mingo county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the remodeling of the court house and jail of said county, or the construction of a new jail, and/or the erection, construction and equipment of additions to said court house and/or jail, in an amount not to exceed two hundred thousand dollars, and for the leasing and renting of said building or buildings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said court.

[Passed February 8, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Mingo county authorized to convey land to, and make contract with, federal governmental agency, for construction, etc., of court house and/or jail, in an amount not to exceed two hundred thousand dollars; option to purchase; au-

SEC.

thorized to do all things necessary to carry out provisions of act.
2. Annual levies by court for rentals.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Mingo county, West Vir-

2 ginia, is hereby authorized and empowered to convey to the
3 United States government or any federal agency any lot, lots,
4 parcel or parcels of land owned by it, and upon which the
5 court house and jail of said county are situated, or which
6 are owned by said county, which the said court may see fit to
7 convey for the purposes hereinafter expressed; and to contract
8 with the United States government or any federal agency to
9 the end that said government or agency, its or any of its
10 agencies, or agents, thereunto duly authorized, may remodel
11 said court house and/or jail or construct a new jail and/or
12 build, erect, construct, equip and/or furnish upon said prop-
13 erty additions to said court house and/or jail and/or build,
14 erect, construct, equip and/or furnish upon said property,
15 additions to said court house and/or jail, at a cost not to ex-
16 ceed two hundred thousand dollars; and to contract with said
17 government or any federal agency for the yearly lease or
18 rental of said building or buildings, with the privilege of re-
19 newing said lease from year to year, for a period of years,
20 not exceeding thirty, with the right to repurchase said build-
21 ing or buildings, if and as remodeled with the additions there-
22 to, and the land on which the same is or are situated and to
23 apply toward the purchase price thereof any and all rentals
24 paid to said government or agency under the provisions of
25 this act; and the said board shall pay to the said United States
26 government or any federal agency said yearly rental or rentals,
27 for the use and occupancy of said building or buildings if and
28 when the same are remodeled or built and/or additions
29 thereto are constructed, which said yearly rental or rentals,
30 in the aggregate, shall not exceed the total amount, and interest
31 thereon, expended by said government or agency on said
32 project or projects, and the said yearly rentals shall be paid
33 out of levies laid within the constitutional debt limitations;
34 and to do any and all other things required by said United
35 States government or any federal agency which are necessary
36 and proper to effectuate the purpose of this act.

Sec. 2. The said court shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that particular
3 year for the purposes aforesaid in the manner and form as is
4 provided by law.

Sec. 3. This act being necessary for the administration of
2 justice in said county and the welfare and convenience of its

3 citizens, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder of
5 this act which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 107

(House Bill No. 317—By Mr. Harmon)

AN ACT to authorize the county court of Putnam county, West Virginia, to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of purchasing and equipping a county infirmary; to issue such bonds or other evidences of indebtedness as may be required by such federal governmental agency; and to promulgate such ordinances as may be necessary for the purchasing and equipping of the infirmary, and as may be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed February 15, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Putnam county authorized to borrow money from federal governmental agency to construct, etc., county infirmary; loan not to exceed twenty thousand dollars; issue

Sec.

of bonds or other evidences of indebtedness.
2. Court authorized to do all things necessary to carry out provisions of act and to provide for repayment of loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Putnam county, West Virginia, is hereby authorized to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping and maintaining a county infirmary; *Provided*, That the amount shall not exceed twenty thousand dollars. Said county court is authorized to issue bonds or other evidences of indebtedness as may be required by said public works administration

9 or other federal governmental agency, and do any and all
 10 things required by said public works administration or other
 11 said governmental agency from which such loan is obtained, or
 12 necessary and proper to obtain said loan, to secure the same,
 13 and to construct, equip and maintain said infirmary.

Sec. 2. The county court of Putnam county is hereby em-
 2 powered to undertake and do all things necessary to carry out
 3 the preceding section of this act, to promulgate such ordinances,
 4 rules and regulations as may be necessary, and by appropriate
 5 action of said board provide for the repayment of said loan
 6 and/or amortization of said bonds.

CHAPTER 108

(Senate Bill No. 21—By Mr. Mitchell)

AN ACT to authorize and empower the county court of Raleigh
 county, West Virginia to convey property and to enter into a
 contract and/or lease with the United States government or
 other federal agency authorized to make or enter into such
 contract and/or lease for the building, construction, equip-
 ment, leasing and renting of a court house, and/or jail, and to
 provide for the payment for such by the said county court of
 Raleigh county, West Virginia.

[Passed December 8, 1933; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. County court of Raleigh county
 authorized to convey land to
 and borrow money from federal
 governmental agency to con-

Sec.

2. Annual levies to pay rentals; in-
 struct courthouse and/or jail;
 yearly rentals.
 consistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Raleigh county, West
 2 Virginia be and is hereby authorized and empowered to convey
 3 to the United States government and/or other federal agency,
 4 any property owned by it which it may see fit to convey for
 5 the purposes hereinafter expressed, and to contract with said
 6 United States government or other federal agency to the end
 7 that said government or agency, through its or any of their
 8 agencies duly created by law, may build upon said prop-
 9 erty a court house and/or jail to be used by said county
 10 court for court house and/or jail purposes, in consideration of

11 which the said county court shall pay to the said United States
 12 government or other federal agency yearly rentals for a period
 13 of years, which said rentals in aggregate shall not exceed the
 14 total amount expended by the United States government or other
 15 federal agency on said project, but which said yearly rentals
 16 shall not exceed for any one year the constitutional debt limita-
 17 tion as provided by law for the county of Raleigh, although
 18 the aggregate amount contracted for may exceed said debt
 19 limitation.

Sec. 2. The said county court shall levy and collect annually
 2 each year an amount sufficient to pay said rent or rentals for
 3 that particular year for the purposes aforesaid in the manner
 4 and form as is provided by law.

5 All acts and parts of acts inconsistent herewith are hereby
 6 repealed.

CHAPTER 109

(House Bill No. 117—By Mr. Haynes)

AN ACT to authorize and empower the county court of Summers
 county, West Virginia, to convey property and to enter into
 a contract and/or lease with the United States government or
 other federal agency authorized to make or enter into such
 contract and/or lease for the building, construction, equip-
 ment, leasing and renting of a memorial building to soldiers
 and sailors, and to provide for the payment for such by the
 said county court of Summers county, West Virginia.

[Passed December 14, 1933; in effect from passage. Became a law without the
 approval of the Governor.]

SEC.

1. County court of Summers county
 authorized to convey land to,
 and borrow money from, fed-
 eral governmental agency to
 construct memorial building to

SEC.

sailors and soldiers; yearly
 rentals.
 2. Levies by court to pay rentals;
 inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Summers county, West
 2 Virginia, be and the same is hereby authorized and empowered
 3 to convey to the United States government and/or other federal
 4 agency any property owned by it, which it may see fit to con-
 5 vey for the purposes hereinafter expressed and to contract with

6 said United States government or other federal agency to the
7 end that said government or agency, through its or any of their
8 agencies duly created by law, may build upon said property a
9 memorial building to be used by said county and the citizens
10 thereof as a memorial to soldiers and sailors; in consideration
11 of which the said county court shall pay to the United States
12 government or other federal agency yearly rentals for a period
13 of years, which said rentals in aggregate shall not exceed the
14 total amount expended by the United States government or
15 other federal agency on said project, but which said yearly
16 rentals shall not exceed for any one year the constitutional debt
17 limitation, as provided by law, for the county of Summers, al-
18 though the aggregate amount contracted for may exceed said
19 debt limitation.

Sec. 2. The said county court shall levy and collect annually,
2 each year, an amount sufficient to pay said rent or rentals for
3 that particular year, for the purposes aforesaid in the manner
4 and form as is provided by law.

5 All acts and parts of acts inconsistent herewith are hereby
6 repealed.

* CHAPTER 110

(House Bill No. 136—By Mr. Lantz)

AN ACT to authorize the county court of Wetzel county, West Vir-
ginia, to borrow funds from the reconstruction finance corpora-
tion or other federal governmental agency authorized to make
loans for the purpose of constructing, equipping, maintaining
and operating a hospital in or near the town of New Martins-
ville, Wetzel county, West Virginia, upon a self-liquidating
basis, and from the proceeds of said loan or loans to acquire
property in or near said town for hospital purposes and to ex-
ecute a lien, or liens, to secure said loan, or loans, upon the real
estate so acquired and upon the buildings erected thereon and
equipment provided therein for such hospital purposes, in-
cluding the right to lease said property to any association for

*Repealed by Chapter 111, acts of this session.

hospital purposes and to maintain the control over the operation of the same during the life of said loan or loans.

[Passed December 21, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Wetzel county authorized to borrow not to exceed fifty thousand dollars from federal governmental agency to construct, etc., hospital in or near New Martinsville; period

SEC.

and use of loan; lien for loan; operation or lease of hospital; lien on hospital property only; board of visitors and managers; use of hospital revenues.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wetzel county is hereby authorized to borrow money not exceeding fifty thousand dollars from the reconstruction finance corporation or other federal agency authorized to loan money, for the sole purpose of constructing, equipping, maintaining and operating a hospital in or near the town of New Martinsville in said county upon a self-liquidating basis. Said loan is to extend over a period of twenty years. Said county court is authorized from the proceeds of such loan, or loans, to acquire and hold property in or near said town in said county for said hospital purposes during the life of said loan, and is further authorized for the purpose of securing said loan, or loans, to give a lien, or liens, on the real estate on which said hospital is erected and upon the building or buildings erected thereon, the equipment therein contained, and to do any and all things required by said reconstruction finance corporation or other federal governmental agency from which a loan is obtained, or necessary and proper to obtain said loan, or loans, to secure the same and to construct, equip, maintain and operate said hospital and to lease the same to any association organized for hospital purposes and to do anything further to carry out the provisions of this act. But the mortgage on said property and buildings shall be to secure the repayment of said loan to such governmental agency as may make the same and shall contain a limited liability clause to the effect that the liability for the loan is limited solely to the property acquired and constructed for hospital purposes. Said county court is authorized to appoint a board of visitors of nineteen members to control and manage and operate said hospital, and shall provide that the revenues derived from said operation or said leasing be devoted after payment of expenses of operation to the repayment of said loan or loans.

CHAPTER 111

(House Bill No. 271—By Mr. Lantz)

AN ACT to authorize the county court of Wetzel county, West Virginia, a municipal corporation, to provide, construct, operate, erect, improve, equip and maintain a hospital in Wetzel county, West Virginia; to authorize the issuance of revenue bonds of the county payable solely from the earnings of such hospital to pay the cost thereof; to authorize the county court of Wetzel county to borrow funds from the reconstruction finance corporation or other federal governmental agency, and to pledge or sell said revenue bonds to secure the same; to provide for the execution of a lien, or liens, to secure said revenue bonds, upon the real estate acquired and upon the buildings erected thereon and the equipment provided therein for such hospital; providing for the collection of fees and charges for the payment of such bonds and for the cost of maintenance, operation and repairs thereof, including the right to lease said property to any association for hospital purposes and to maintain control over the operation of the same during the life of said revenue bonds; setting forth the conditions upon which said hospital shall become the property of the county and/or the board of visitors thereof; fixing certain powers and duties of the county court of Wetzel county in regard thereto; declaring that no debt of said Wetzel county shall be incurred in the exercising of any powers granted hereby; providing for condemnation; and to repeal house bill number one hundred thirty-six, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, authorizing the county court of Wetzel county, West Virginia, to borrow funds from federal agencies to erect a county hospital.

[Passed February 7, 1934: In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Wetzel county authorized to construct hospital to be paid for from proceeds of revenue bonds; powers of court as to employees and construction.
2. Condemnation of necessary property; payment for condemned property; bond to property

Sec.

- owner for payment.
3. Payment of cost from proceeds of revenue bonds; character, interest rate on, maturity, redemption and form of bonds; further provisions as to bonds; sale of or loans upon bonds; use of proceeds of bonds for construction and maintenance

- SEC.
- of hospital; additional bonds; when proceeds of bonds exceed cost; temporary bonds.
4. Lien to secure payment of bonds.
 5. County court or board of visitors to maintain hospital.
 6. Fees and charges to be sufficient to maintain hospital and pay off bonds; special fund; when trustee of funds may be designated.
 7. Lease of hospital by county court.
 8. Hospital to be property of county

- SEC.
- after bonds paid; use of fees and charges.
9. Hospital a self-liquidating project; court authorized to do all things necessary to carry out purposes of act.
 10. Number and powers of board of visitors appointed by court.
 11. Act supplemental and additional to existing law; limitations on construction of another county hospital.
 12. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That house bill number one hundred thirty-six, passed by the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, and relating to the authorization of the county court of Wetzel county, West Virginia, to borrow funds from federal agencies to erect a county hospital, be and the same is hereby repealed, and the following is enacted in lieu therefor:

Section 1. The county court of Wetzel county, West Virginia, a municipal corporation, is hereby authorized to provide, construct, erect, improve, equip, maintain and operate a hospital in Wetzel county, West Virginia, but the cost of construction, erection, equipment, improvement and maintenance shall be solely by means of or with the proceeds of the revenue bonds hereinafter authorized. The county court of Wetzel county shall have power and authority to employ engineering, architectural and construction experts, and such other employes as may be necessary in its judgment, and fix their compensation, all of whom shall do such work as the county court of Wetzel county shall direct, and all of which shall be included as part of the cost of the construction and equipment thereof.

Sec. 2. Whenever it shall be necessary, the county court of Wetzel county may condemn any interest, right or privilege, land or improvement, in Wetzel county, West Virginia, which in its opinion may be necessary, in the manner provided by law for the acquisition by this county of property for public purposes. The county court of Wetzel county shall be under no obligation to accept and pay for any property condemned and shall in no event pay for the same except from the funds provided hereinafter, and in any proceedings to condemn, such orders shall be made by the court having jurisdiction of the suit or proceedings as may be just to the county and to the

12 owner of the property to be condemned, and a bond or other
13 security may be required by the court securing such owner
14 against any loss or damage to be sustained by reason of the
15 failure of the county to accept and pay for the property, but
16 such bond or security shall impose no liability or debt on or
17 of the county as contemplated by the provisions of the consti-
18 tution of the state in relation to the county debt.

Sec. 3. The county court of Wetzel county may pay the
2 cost as defined by sections one to eleven, inclusive, of this act,
3 of such hospital, out of the proceeds of such revenue bonds of
4 the county as are hereinafter set forth. The said county court
5 of Wetzel county is authorized to issue revenue bonds of the
6 county, by a resolution of the county court of such county which
7 shall recite an estimate by said county court of such cost, the
8 principal and interest of which bonds shall be payable solely
9 from the special fund herein provided for such payment. All
10 such bonds shall have and are hereby declared to have all the
11 qualities of negotiable instruments under the law merchant.
12 Such bonds shall bear interest, at not more than six per cent
13 per annum, and shall mature in not more than thirty years
14 from their date or dates, and may be made redeemable at the
15 option of the county, to be exercised by the county court, at
16 such price and under such terms and conditions as the county
17 court may fix prior to the issuance of such bonds. The county
18 court shall determine the form of such bonds, including coupons
19 to be attached thereto to evidence the right of interest payments,
20 which bonds shall be signed by the president of the county
21 court, under the seal of the county court of Wetzel county
22 attested by the clerk of the county court, and the coupons at-
23 tached thereto shall bear the facsimile signature of the presi-
24 dent of the county court. In case any of the officials whose
25 signatures appear on the bonds or coupons shall cease to be such
26 officers before the delivery of such bonds, such signatures shall
27 nevertheless be valid and sufficient for all purposes the same
28 as if they had remained in office until such delivery. The
29 county court shall fix the denominations of such bonds, the prin-
30 cipal and interest of which shall be payable at the office of the
31 clerk of the county court of Wetzel county, West Virginia, at
32 New Martinsville, West Virginia, either in lawful money or in
33 gold coin of the United States of America, of or equal to the

34 then current standard of weight and fineness, as may be de-
35 termined by said county court. Such bonds shall be exempt
36 from taxation by the state of West Virginia, or any county,
37 school district or municipality therein. The county court may
38 provide for the registration of such bonds in the name of the
39 owner as to principal alone and as to both principal and in-
40 terest under such terms and conditions as the county court may
41 determine. The county court of Wetzel county is authorized
42 to enter into such agreements and/or contracts as it may deter-
43 mine to be for the best interests of the county with the recon-
44 struction finance corporation, the public works administration
45 or other federal governmental agencies authorized to purchase
46 said bonds or to make loans upon the same, for the purpose of
47 selling and/or pledging said revenue bonds to secure and/or
48 borrow funds from the said federal governmental agency, in
49 any event not to exceed the sum of fifty thousand dollars, how-
50 ever. Said revenue bonds shall not be negotiated, pledged or
51 sold at a price lower than a price which computed to maturity
52 upon the standard tables of bond values will show a net return
53 of not more than six per cent per annum to the holder or pur-
54 chaser upon the amount paid, pledged or advanced therefor.

55 The proceeds of such bonds or the loan secured thereby shall
56 be used solely for the payment of the costs of such hospital and
57 the maintenance thereof, and shall be checked out by the presi-
58 dent of the county court and the clerk of the county court and
59 under such further restrictions, if any, as the county court or
60 the federal governmental agency may provide. If the proceeds
61 of such bonds, by error or otherwise, shall be less than the cost
62 of such hospital, additional bonds may in like manner be issued
63 to provide the amount of such deficit, and shall be deemed to be
64 of the issue and shall be entitled to payment from the same
65 fund, without preference or priority of the bonds first issued
66 for the said hospital. If the proceeds of the bonds issued for
67 such hospital shall exceed the cost thereof, the surplus shall be
68 paid unto the fund hereinafter provided for payment of the
69 principal and interest of said bonds. Such fund may be used
70 for the purchase of any of the outstanding bonds payable from
71 such fund at the market price, but not exceeding the price, if
72 any, at which such bonds shall in the same year be redeemable,
73 and all bonds redeemed or purchased shall forthwith be can-
74 celled and shall not again be issued.

75 Prior to the preparation of definitive bonds, the county court
76 may under like restrictions issue temporary bonds with or with-
77 out coupons, exchangeable for definitive bonds upon the issuance
78 of the latter. Such revenue bonds may be issued without any
79 other proceedings or the happening of any other conditions and
80 things than those proceedings, conditions and things which are
81 specified and required by this act or by the constitution of the
82 state.

Sec. 4. For the purpose of securing the revenue bonds,
2 and the loan created thereby, the county court of Wetzel county
3 is authorized and empowered to give a lien, or liens, on the real
4 estate on which said hospital is erected, upon the building or
5 buildings erected thereon, and the equipment therein contained,
6 for the benefit of and to secure the federal governmental agency
7 advancing the money on said revenue bonds.

Sec. 5. The county court of Wetzel county, or the board of
2 visitors to be designated by it as hereinafter provided for, shall
3 properly maintain, repair, operate, manage and control the
4 fiscal affairs of such hospital, for the welfare of the inmates,
5 employes and county in general, and may make and enter into
6 all contracts or agreements necessary and incidental to the per-
7 formance of its duties and the execution of its powers under
8 this act.

Sec. 6. Fees and charges shall be fixed, charged and collected
2 in connection with the use or occupancy of, or service to be
3 thereby rendered and furnished by such hospital, and shall be
4 so fixed or adjusted in respect to the aggregate of fees and
5 charges from the said hospital for which a single issue of bonds
6 is issued, as to provide a fund sufficient to pay the principal
7 and interest of such issue of bonds and to provide an additional
8 fund to pay the cost of maintaining, repairing, operating and
9 insuring such hospital. The fees and charges from the hospital
10 for which a single issue of bonds is issued, except such part
11 thereof as may be necessary to pay such cost of maintaining,
12 repairing, operating and insuring any period in which such
13 cost is not otherwise provided for (during which period the
14 fees and charges may be reduced accordingly), shall be trans-
15 mitted each month to the county court of Wetzel county and
16 be placed in a special fund which is hereby pledged to and
17 charged with the payment of the principal of such bonds and
18 the interest thereon, and to the redemption of a repurchase of

19 such bonds, such special fund to be a fund for all such bonds
20 without distinction or priority of one over another. The money
21 in such special fund, less a reserve for payment of interest, if not
22 used by the county court of Wetzel county within a reasonable
23 time for the purchase of bonds for cancellation at a price not
24 exceeding the market price and not exceeding the redemption
25 price, shall be applied to the redemption of bonds by law at
26 the redemption price then applicable: *Provided, however,* That
27 at the option of said reconstruction finance corporation or other
28 guaranteed agency, such moneys as may be transmitted and paid
29 to a trustee designated and named by the said reconstruction
30 finance corporation in its agreement and contract with the
31 county court of Wetzel county, for the payment of the principal
32 of such bonds and the interest thereon, under such terms and
33 conditions as may be agreed upon.

Sec. 7. The circuit court of Wetzel county shall have the
2 power, unless otherwise so stipulated against by any agreement
3 or contract entered into with any federal governmental agency
4 which shall agree to buy or lend funds on the revenue bonds
5 herein provided for, to lease the said hospital, property and
6 equipment to any association for hospital purposes, maintaining
7 control, however, over the operation of the same during the life
8 of the revenue bonds, and only, however, upon such terms as
9 will be satisfactory and sufficient to retire the revenue bonds,
10 including both principal and interest thereon, in manner and
11 form as provided herein by this act.

Sec. 8. When the particular bonds for the hospital and the
2 interest on such bonds shall have been paid, or a sufficient
3 amount has been provided for their payment and shall continue
4 to be held for that purpose, the said hospital shall thereafter
5 be unqualifiedly the property of Wetzel county, and thereafter
6 the fees and charges collected for the use or occupancy of, or
7 service rendered and furnished by such hospital shall be paid
8 into the county treasury or any depository hereafter provided
9 for by the county court of Wetzel county, and used and ex-
10 pended for the benefit of the institution where and by virtue
11 of which it was collected.

Sec. 9. Nothing in these sections dealing with such hospital
2 shall be so understood or interpreted as to authorize or permit
3 the incurring of a county debt of any kind or nature as con-
4 templated by the constitution of this state in relation to the

5 county debt. The hospital herein shall be of the character
6 described as a self-liquidating project under the laws of the
7 United States relating to the reconstruction finance corporation.
8 The county court of Wetzel county is authorized and em-
9 powered to enter into the necessary contracts and agreements
10 to carry out the purposes hereof with the reconstruction finance
11 corporation of the United States, or with any other public
12 agency similar thereto.

Sec. 10. The county court of Wetzel county is authorized and
2 empowered to appoint a board of visitors, which shall consist of
3 nineteen members. The board of visitors shall be authorized and
4 empowered to control, manage and operate the hospital, subject
5 however, to the provisions of this act as hereinbefore set forth,
6 and subject to the authority of the county court.

Sec. 11. Sections one to twelve, inclusive, of this act, shall
2 be deemed and regarded as supplementary and additional to
3 the powers conferred by other laws: *Provided, however,* That
4 when any revenue bonds are issued under further provisions pro-
5 vided by sections one to twelve of this act, for the erection and
6 construction of a hospital, no other hospital shall thereafter be
7 constructed, built or erected in Wetzel county, West Virginia, by
8 the county or the county court thereof, until the county court
9 of Wetzel county shall, by investigating and hearing had therein,
10 under such rules as it may prescribe, determine that there is an
11 imperative public need for the construction, building or erection
12 of such additional hospital, and that its construction, building
13 or erection and subsequent maintenance or operation will not
14 materially injure the revenues of and from the hospital con-
15 structed, builded, erected, maintained or operated under the
16 provisions of sections one to twelve, inclusive, of this act.

Sec. 12. The provisions and parts of sections one to eleven,
2 inclusive, of this act, are separable and are not matters of
3 mutual essential inducement, and it is the intention to confer
4 the whole or any part of the powers herein provided for, and if
5 any of the sections or provisions or parts thereof are for any
6 reason illegal or invalid, it is the intention that the remaining
7 sections and provisions or parts thereof shall remain in full
8 force and effect.

CHAPTER 112

(Senate Bill No. 60—By Mr. Sandridge)

AN ACT to authorize and empower the county court of Barbour county to transfer from funds realized from the county road fund levy of Barbour county, a sum of money for the fiscal year one thousand nine hundred thirty-three—one thousand nine hundred thirty-four, to the general county fund of Barbour county, for use of said county in the payment of its current expenses.

[Passed December 21, 1933; in effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. County court of Barbour county authorized to transfer not exceeding eight thousand dollars from county road fund to gen-</p>	<p>SEC. eral county fund for fiscal year one thousand nine hundred thirty-three.</p>
---	--

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Barbour county is hereby authorized and empowered to make transfers from the county road fund of money realized from collections of taxes raised through and by the county road levy, to the general county fund of Barbour county not exceeding the sum of eight thousand dollars, for the fiscal year one thousand nine hundred thirty-three—one thousand nine hundred thirty-four, for the use and payment of its current expenses.

CHAPTER 113

(House Bill No. 185—By Mr. Peery)

AN ACT to authorize the county court of Berkeley county, West Virginia, to transfer any or all district road funds in the several districts of said county, to the general county fund for the fiscal years beginning July first, one thousand nine hundred thirty-three, and July first, one thousand nine hundred thirty-four.

[Passed January 5, 1934; in effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. County court of Berkeley county authorized to transfer for fiscal years one thousand nine hundred thirty-three and one thou-</p>	<p>SEC. sand nine hundred thirty-four, all district road funds to general county fund.</p>
---	--

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Berkeley county, West Vir-

2 ginia, is hereby authorized and empowered to transfer any or
 3 all district road funds in the several districts of said county, to
 4 the general county fund for the fiscal years beginning July first,
 5 one thousand nine hundred thirty-three, and July first, one thou-
 6 sand nine hundred thirty-four.

CHAPTER 114

(House Bill No. 213—By Mr. Jarvis)

F
 AN ACT to authorize the county court of Calhoun county, West Virginia, to transfer funds from the dog tax fund to the general county fund.

[Passed January 11, 1934; in effect from passage. Became a law without the approval of the Governor.]

<p>Sec. 1. County court of Calhoun county authorized to transfer dog tax fund for fiscal year ending June</p>	|	<p>Sec. thirty, one thousand nine hundred thirty-four, to general county fund.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Calhoun county, West Virginia, is hereby authorized to transfer any funds in the dog tax fund of said county to the general county fund, for the fiscal 4 year ending June thirty, one thousand nine hundred thirty-four.

CHAPTER 115

(Senate Bill No. 62—By Mr. Mathews, by request)

AN ACT to authorize the county court of Gilmer county, West Virginia, to transfer money from the special fund, known as the "Troy District Road Bond Fund," to the general county fund, and providing for the use thereof.

[Passed January 5, 1934; in effect from passage. Approved by the Governor.]

<p>Sec. 1. County court of Gilmer county authorized to transfer special fund known as Troy district</p>	|	<p>Sec. road bond fund to general county fund.</p>
--	--	---

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Gilmer county, West Vir-

2 ginia, is hereby authorized and empowered to transfer the
 3 amount of money now in the special fund, known as the "Troy
 4 District Road Bond Fund," to the general county fund, and
 5 to permit the said county court to use such money, so trans-
 6 ferred, for any purpose for which the money in the general
 7 county fund may be used.

*Repealed by Chapter 116, acts of this session.

CHAPTER 116

(Senate Bill No. 131—By Mr. Herold)

AN ACT to repeal senate bill number sixty-two, acts of the
 Legislature, second extraordinary session, one thousand nine
 hundred thirty-three, relating to the Troy district road bond
 fund of Gilmer county.

[Passed March 16, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. Repealing Senate Bill No. 62, acts,
 second extraordinary session,
 one thousand nine hundred

Sec.

thirty-three, relating to transfer
 of Troy district road bond
 fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Senate bill number sixty-two, acts of the legis-
 2 lature, second extraordinary session, one thousand nine
 3 hundred thirty-three, passed January five, one thousand nine
 4 hundred thirty-four, relating to transfer of the "Troy district
 5 road bond fund", Gilmer county, is hereby repealed.

CHAPTER 117

(House Bill No. 111—By Mr. Righter)

AN ACT to authorize the county court of Harrison county and the county court of Wirt county, West Virginia, to transfer money from the dog tax fund, sometimes called the sheep claim fund, to the general county fund and providing for the use thereof.

[Passed January 25, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County courts of Harrison and Wirt counties authorized to

SEC.

transfer money now in dog tax fund to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Harrison county and the 2 county court of Wirt county, West Virginia, are hereby author- 3 ized and empowered to transfer so much of the money now in 4 the dog tax fund, sometimes called the sheep claim fund, to the 5 general county fund, as shall be, in the judgment and discre- 6 tion of the said county court, deemed proper and safe, and to 7 permit the said county court to use such money, so transferred, 8 for the purposes for which the money in the general county fund 9 may be used.

CHAPTER 118

(Senate Bill No. 41—By Mr. White, of Hampshire)

AN ACT to authorize the county court of Jefferson county, or the proper authority so to do, to transfer the unexpended balances in the county road fund and each of the several district road funds to the general county fund of said county.

[Passed December 11, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Jefferson county authorized to transfer unexpended balances of county road

SEC.

fund and the several district road funds to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Jefferson county, or the 2 proper authority so to do, is authorized and directed, after 3 having discharged the obligations outstanding against the same, 4 to transfer and deposit to the credit of the county fund of said 5 county all unexpended funds remaining to the credit of the 6 county road fund and the several district funds of said county.

CHAPTER 119

(House Bill No. 92—By Mr. Moore)

AN ACT to authorize and empower the county court of Kanawha county to transfer a sum not exceeding seven thousand four hundred dollars from the county dog fund to the general fund of said county.

[Passed December 9, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Kanawha county authorized to transfer not exceeding seven thousand four hundred dollars, in the year of

SEC.

one thousand nine hundred thirty-three, from county dog fund to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Kanawha county is hereby authorized and empowered to transfer a sum not exceeding seven thousand four hundred dollars, in the year one thousand nine hundred thirty-three, from the unexpended balance in the county dog fund to the general county fund of said county.

CHAPTER 120

(House Bill No. 279—By Mr. Pelter)

AN ACT to authorize and empower the county court of Logan county to transfer the unexpended balances in the dog tax fund to the general county fund of said county.

[Passed January 26, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court of Logan county authorized to transfer unexpended

SEC.

balance in dog tax fund to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Logan county is hereby authorized and empowered to transfer the unexpended balances in the dog tax fund of said county, remaining and not needed for the payment and satisfaction of all claims and expenses against the said dog tax fund, to the general county fund of said county.

All acts or parts of acts inconsistent herewith are hereby repealed, insofar as they may apply to Logan county.

CHAPTER 121

(House Bill No. 368—By Mr. Doring)

AN ACT to authorize the county court of Marion county, West Virginia, to transfer money from the dog tax fund, sometimes called the sheep claim fund, to the general county fund and providing for the use thereof.

[Passed March 12, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Marion county authorized to transfer existing

Sec.

dog tax fund to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Marion county, West Virginia, is hereby authorized and empowered to transfer so much of the money now in the dog tax fund, sometimes called the sheep claim fund, to the general county fund, as shall be, in the judgment and discretion of the said county court, deemed proper and safe, and to permit the said county court to use such money, so transferred, for the purposes for which the money in the general county fund may be used.

CHAPTER 122

(House Bill No. 225—By Mr. Curl)

AN ACT to authorize and empower the board of commissioners of the county of Ohio to transfer, annually, the unexpended balances in the dog tax fund, to the general county fund of said county.

[Passed January 26, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Board of commissioners of Ohio county authorized to transfer annually unexpended balances

Sec.

in dog tax fund to general county fund; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of commissioners of the county of Ohio is hereby authorized and empowered to transfer, annually, the unexpended balances in the dog tax fund of said county, remaining and not needed for the payment and satisfaction of all

5 claims and expenses against the said dog tax fund, to the gen-
6 eral county fund of said county.

7 All acts or parts of acts inconsistent herewith are hereby re-
8 pealed, insofar as they may apply to Ohio county.

CHAPTER 123

(House Bill No. 257—By Mr. Marsh, of Ritchie)

AN ACT to authorize the county court of Ritchie county, West Vir-
ginia, to transfer funds from the dog tax fund to the general
county fund.

[Passed January 22, 1934; in effect from passage. Became a law without the
approval of the Governor.]

Sec.

1. County court of Ritchie county
authorized to transfer, for fis-
cal year ending June thirtieth,
one thousand nine hundred

Sec.

thirty-four, the sum of two
thousand five hundred dollars
from dog tax fund to general
county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Ritchie county, West Vir-
2 ginia, is hereby authorized to transfer the sum of twenty-five
3 hundred dollars from funds in the dog tax fund of said county,
4 to the general county fund, for the fiscal year ending June
5 thirty, one thousand nine hundred thirty-four.

CHAPTER 124

(House Bill No. 259—By Mr. Foster)

AN ACT to authorize and empower the county court of Roane
county, West Virginia, to transfer the sum of eight hundred
dollars from the dog tax fund of said county, to the general
county fund.

[Passed January 23, 1934; in effect from passage. Became a law without the
approval of the Governor.]

Sec.

1. County court of Roane county au-
thorized to transfer eight hun-
dred dollars from dog tax fund,
for fiscal year ending June

Sec.

thirtieth, one thousand nine
hundred thirty-four, to general
county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Roane county, West Virginia,
2 is hereby authorized and empowered to transfer the sum of
3 eight hundred dollars from the dog tax fund of Roane county

4 to the general county fund, for the fiscal year ending June 5 thirty, one thousand nine hundred thirty-four.

CHAPTER 125

(House Bill No. 291—By Mr. Smith)

AN ACT authorizing the county court of Wirt county to transfer a fund arising from collections of prohibition enforcement fees to the general county fund.

[Passed February 13, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. County court of Wirt county authorized to transfer three hundred dollars or more collected

Sec.

for prohibition enforcement fees to general county fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wirt county is hereby given 2 the right and authority to transfer the sum of three hundred 3 dollars or more, arising from collections of prohibition en- 4 forcement fees in said county, now in the hands of the sheriff 5 and use the same for general county purposes.

CHAPTER 126

(House Bill No. 195—By Mr. Hiner)

AN ACT to reform, alter and modify the county court of the county of Pendleton so as to make the same consist of three commissioners, in all respects as provided by section twenty-two, article eight of the constitution of West Virginia.

[Passed January 17, 1934; in effect ninety days from passage. Approved by the Governor.]

Sec.

1. County court of Pendleton county to be constituted of three commissioners.
2. Three commissioners to be elected in one thousand nine hundred thirty-six, no two from same magisterial district; designation by lot or otherwise, of terms of first commissioners elected hereunder.

Sec.

3. Organization of court and subsequent meetings.
4. Adoption of act submitted to voters of county at general election in one thousand nine hundred thirty-four; published notice of election and form of ballot.
5. Effect of majority vote in favor of modification of court; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. On and after the first day of January, one thou-

2 sand nine hundred thirty-seven, the county court of the county
3 of Pendleton shall be composed of three commissioners, and
4 shall be in all respects such county court, with such powers,
5 duties and responsibilities as is provided for under the consti-
6 tution and general laws of this state relating to county courts
7 consisting of three commissioners.

Sec. 2. At the general election held in one thousand nine
2 hundred thirty-six there shall be elected three commissioners
3 of said county court, no two of whom shall be elected from the
4 same magisterial district. The term of office for said commis-
5 sioners shall be six years, except that at the first meeting of said
6 commissioners they shall designate by lot, or otherwise in such
7 manner as they may determine, one of their number who shall
8 hold his office for a term of two years, one for four years and
9 one for six years, so that one commissioner shall be elected every
10 two years.

Sec. 3. The first meeting of the county court herein pro-
2 vided for shall be held on the first Monday in January, one
3 thousand nine hundred thirty-seven, or as soon thereafter as
4 may be, at which time they shall elect one of their number
5 president of said court for a term of one year, and annually
6 thereafter at said first meeting in January they shall elect a
7 president. Subsequent meetings of said court shall be held at
8 such time as may be designated by said court and as provided
9 by general law.

Sec. 4. At the general election in one thousand nine hun-
2 dred thirty-four, the question of the adoption or rejection of
3 this act shall be submitted to the voters of said county. Notice
4 of such election shall be given by publication in each weekly
5 newspaper published in said county once in each week for two
6 successive weeks immediately preceding said election. Said
7 election shall be conducted and the result thereof ascertained
8 and declared as provided by law for general elections. The
9 ballot commissioners of said county shall have printed on the
10 foot of the ballot for said general election, the words

11 For modification of county court

12 Against modification of county court

Sec. 5. If a majority of the vote cast upon the question be 2 for the modification of the county court, this act shall be in force 3 and effect; but if a majority of said vote be against modification 4 of said court, this act shall be of no force or effect.

5 All acts and parts of acts in conflict herewith are hereby re-
6 pealed.

CHAPTER 127

(House Bill No. 146—By Mr. Minear)

AN ACT to reform, alter and modify the county court of Tucker county, so as to make the same consist of three commissioners, in all respects as provided by section twenty-two, article eight of the constitution, and repealing chapter forty-nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirteen, relating to the said Tucker county court.

[Passed January 16, 1934; in effect ninety days from passage. Approved by the Governor.]

SEC.

1. Chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred thirteen, repealed.
2. Present county commissioners of Tucker county to continue in office until January first, one thousand nine hundred thirty-five.
3. At general election in one thou-

SEC.

- sand nine hundred thirty-four three county commissioners to be elected; terms.
4. No two commissioners to be elected from same magisterial district; president; compensation of commissioner.
5. Present division of county into seven districts unchanged.

Be it enacted by the Legislature of West Virginia:

Section 1. Chapter forty-nine, acts of the Legislature of 2 West Virginia, regular session, one thousand nine hundred 3 thirteen, be and the same is hereby repealed.

Sec. 2. The commissioners of the county court elected under 2 and by virtue of chapter forty-nine, acts of the Legislature of 3 West Virginia, one thousand nine hundred thirteen, and now 4 in office, shall continue in office until January first, one thou- 5 sand nine hundred thirty-five, unless otherwise removed by 6 law; and shall be governed in all respects by chapter seven of 7 the code of West Virginia, one thousand nine hundred thirty- 8 one, and all other laws and provisions of the constitution ap- 9 plicable to county courts.

Sec. 3. At the general election to be held in the year one thousand nine hundred thirty-four there shall be elected by the voters of said county three commissioners, whose terms of office shall commence on the first day of January next after their election; the commissioner receiving the highest number of votes in said election shall hold his office for a term of six years; the commissioner receiving the second highest vote in said election to hold his office for a term of four years; the commissioner receiving the third highest vote in said election to hold his office for two years, so that one commissioner shall be elected every two years thereafter. At each succeeding election thereafter they shall be elected as now provided by law.

Sec. 4. No two of said commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected. Said commissioners shall annually elect one of their number as president, and each shall receive such compensation for his services as is provided by law.

Sec. 5. The present division of said county into districts as follows: Black Fork, Clover, Davis, Dry Fork, Fairfax, Licking and St. George shall constitute the districts of Tucker county, until changed in manner and form as provided by law.

CHAPTER 128

(House Bill No. 221—By Mr. Nichols)

AN ACT to repeal chapter one hundred forty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-seven, relating to the establishment of a county court and board of commissioners for the county of Tyler under section twenty-nine, article eight of the constitution of West Virginia; making provisions for the commissioners of said county court now in office to continue in office until the expiration of the term of office to which they were elected, and reestablishing the county court in said county as created by

section twenty-two, article eight of the constitution of West Virginia.

[Passed January 12, 1934; in effect ninety days from passage. Approved by the Governor.]

SEC.

1. Chapter one hundred forty-five, acts of the Legislature, regular session, one thousand nine hundred twenty-seven, relating to Tyler county court, repealed; after December thirty-first, one

SEC.

thousand nine hundred thirty-four, court to consist of three commissioners elected at next general election; terms; present commissioners to continue in office until their terms expire.

Be it enacted by the Legislature of West Virginia:

Section 1. That chapter one hundred forty-five, acts of the
 2 Legislature of West Virginia, regular session, one thousand nine
 3 hundred twenty-seven, relating to the establishment of a county
 4 court and board of commissioners for the county of Tyler under
 5 section twenty-nine, article eight of the constitution of West
 6 Virginia, be and the same is hereby repealed, and that after the
 7 thirty-first day of December, one thousand nine hundred thirty-
 8 four, the county court of Tyler county shall be composed of
 9 three commissioners, as established by section twenty-two, article
 10 eight of the constitution of West Virginia, and who, in all re-
 11 spects, shall be elected, compensated, regulated, controlled and
 12 governed by the provisions of the constitution and the laws of
 13 the state of West Virginia respecting county courts generally.
 14 At the next general election there shall be elected by the voters
 15 of said county of Tyler three commissioners of said county
 16 court; the commissioners shall hold their office for the term of
 17 six years, except that at the first meeting of said commissioners
 18 they shall designate by lot, or otherwise, in such manner as they
 19 may determine, one of their number, who shall hold his office
 20 for the term of two years, one for four years, and one for six
 21 years, so that one shall be elected every two years: *Provided,*
 22 *however,* That the commissioners now in office shall continue in
 23 their respective offices and in the performance of the duties
 24 thereof until the expiration of their terms of office, and will be
 25 regulated, controlled, governed, and compensated as provided
 26 by law.

CHAPTER 129

(House Bill No. 375—By Mr. Peery)

AN ACT to authorize and empower the board of education of Berkeley county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing and renting of school building or buildings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed March 16, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Berkeley county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental by board, for not to exceed thirty years, with

SEC.

- right of purchase; amount of, and levies to pay, rentals.
2. Annual levy for rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Berkeley county, West Virginia, is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it, which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of its agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said building or buildings and land on which the same is or are situated and to apply toward the purchase price thereof any and all rentals paid to said government or agency under the provisions of this act; and the said board shall pay to the said United States government or any federal agency said

20 yearly rental or rentals, for the use and occupancy of said
21 building or buildings if and when the same are constructed,
22 which said yearly rental or rentals, in the aggregate, shall not
23 exceed the total amount, and interest thereon, expended by
24 said government or agency on said project or projects, and the
25 said yearly rentals shall be paid out of levies laid within the
26 constitutional debt limitations; and to do any and all other
27 things required by said United States government or any federal
28 agency which are necessary and proper to effectuate the purpose
29 of this act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that par-
3 ticular year for the purposes aforesaid in the manner and form
4 as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Berkeley
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed in so far, and only so far, as they are inconsistent
8 with this particular act.

CHAPTER 130

(Senate Bill No. 96—By Mr. Mathews)

AN ACT to authorize and empower the board of education of
Calhoun county, West Virginia, to convey land and to enter
into a contract and/or lease with the United States govern-
ment or any federal agency authorized to make or enter into
such contract and/or lease for the erection, construction,
equipment, leasing, and renting of school building or build-

ings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 7, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Calhoun county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental by board for not to exceed thirty years, with

SEC.

right of purchase; amount of, and levies to pay, rentals.
 2. Annual levy for rental.
 3. Act to be liberally construed.
 4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Calhoun county, West Virginia, is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it, which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of its agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said building or buildings and land on which the same is or are situated and to apply toward the purchase price thereof any and all rentals paid to said government or agency under the provisions of this act; and the said board shall pay to the said United States government or any federal agency said yearly rental or rentals, for the use and occupancy of said building or buildings if and when the same are constructed, which said yearly rental or rentals, in the aggregate, shall not exceed the total amount, and interest thereon, expended by said government or agency on said project or projects, and the said yearly rentals shall be paid out of levies laid within the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an amount sufficient to pay said rental or rentals for that

3 particular year for the purposes aforesaid in the manner and
4 form as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Calhoun
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder
5 of this act which shall remain in full force and effect there-
6 after.

7 All acts and parts of acts inconsistent herewith are hereby
8 repealed insofar, and only so far, as they are inconsistent
9 with this particular act.

CHAPTER 131

(Senate Bill No. 57—By Mr. Henderson)

AN ACT to authorize the board of education of Doddridge county to construct, equip, maintain and operate a high school building in and for said county at a total cost of not to exceed two hundred thousand dollars, and to borrow funds from the public works administration, or other governmental agency authorized to make loans, for the purpose of constructing and equipping said high school, together with the right to purchase additional land within the discretion of said board; to issue bonds in payment of same and to pledge a sufficient amount of revenue within the constitutional limitation, and within the limitations as provided by general law, to pay the interest on and principal of said bonds within a period not to exceed thirty years.

[Passed December 21, 1933; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Doddridge county board of education authorized to borrow not to exceed two hundred thousand dollars from federal governmental agency for purchase of land and erection, etc., of

Sec.

high school building; bonds to pay cost; board authorized to do all things necessary to carry out provisions of act; power to acquire land and make contracts; levies to pay, and tax exemption of, bonds.

Sec.	Sec.
2. Lien of bonds; enforcement; receivership.	4. Construction of act as to creating indebtedness of board.
3. School revenue to pay operating cost, bonds, etc.; remittance to, and powers of, state sinking commission; form, etc., of bonds; temporary bonds.	5. Act additional and supplementary to existing powers.
	6. Act to be liberally construed.
	7. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Doddridge county is hereby authorized to construct, equip, maintain and operate a high school building in and for said county at a total cost of not to exceed two hundred thousand dollars. Said board is authorized to borrow funds from the public works administration, or other governmental agency authorized to make loans, for the purpose of constructing and equipping said school, and shall also have the right to purchase additional land on which to build same, within the discretion of the board. Said board is authorized to issue bonds for the purpose of paying the cost of such land, building and equipment and to pledge a sufficient amount of revenue within the constitutional limitation, and within the limitations as provided by general law, to pay the interest on and principal of said bonds within a period not to exceed thirty years. Said board is further authorized and empowered to do and perform any and all acts and make all contracts necessary to effectuate the general purposes of this act, including the acquisition by original grant, purchase or other lawful means of all necessary permits, easements and other rights in real estate, and title to and possession thereof, and/or to make such purchases with the money borrowed, as provided in this section. Said board of education shall have authority to make such contracts, agreements and covenants between it and the public works administration, or other governmental agency, for the loan of said funds and securing payment thereof as they may be able to effectuate, subject only to this limitation, that the bonds issued or given as security thereof shall be payable solely out of the levies now provided for by general law, to be levied by said county board in and for Doddridge county, and to construct, equip, maintain and operate such high school, and to make and enter into such contracts, and to do and perform such acts as may be necessary to the construction, operation and maintenance of such high school, subject to such burdens, restrictions and encumbrances as it

35 may be necessary to incur and bear in securing such funds for
36 construction.

37 Bonds issued hereunder shall be exempt from taxation by the
38 state of West Virginia or any county, district or municipality
39 thereof.

Sec. 2. There shall be, and there is hereby, created a statu-
2 tory mortgage lien upon the high school and real estate so ac-
3 quired or constructed from the proceeds of bonds authorized
4 to be issued under section one of this act, which shall exist in
5 favor of the holder of said bonds, and each of them, and to
6 and in favor of the holder of the coupons attached to said bonds,
7 and such high school shall remain subject to such statutory
8 mortgage lien until payment in full of the principal and interest
9 of said bonds. Any holder of bonds issued under the provisions
10 of this act, or of any coupons representing interest accrued
11 thereon, may, either at law or in equity, enforce the statutory
12 mortgage lien hereby conferred and may, by proper suit, compel
13 the performance of the duties of the officials of the said board
14 of education set forth in this act. If there be default in the
15 payment of the principal of and/or interest upon any of said
16 bonds, or other evidences of indebtedness, any court having
17 jurisdiction in any proper action may appoint a receiver to
18 administer said high school on behalf of the said board of
19 education, with power to charge and collect rents or income
20 sufficient to provide for the payment of said bonds and interest
21 thereon, and for the payment of the operating expenses, and
22 to apply the income, rents or other revenue in conformity with
23 this act and the order providing for the issuance of said bonds.

Sec. 3. Said board of education issuing bonds under the pro-
2 visions of this act shall thereafter, so long as any such bonds, or
3 other evidences of indebtedness, remain outstanding, operate
4 and maintain said high school so as to provide revenues as
5 will be sufficient to pay all operating costs, provide a deprecia-
6 tion fund, retire the bonds and pay the interest requirements
7 thereon as the same may become due. The amounts, as and
8 when so set apart by said county board of education, shall
9 be remitted to the state sinking fund commission at least thirty
10 days previous to the time interest or principal payments become
11 due, to be retained and paid out by said commission consistent
12 with the provisions of this act and the order pursuant to which
13 such bonds have been issued. The state sinking fund commis-

14 sion is hereby authorized to act as fiscal agent for the adminis-
15 tration of such sinking fund under any order passed pursuant
16 to the provisions of this act and shall invest all sinking funds,
17 as provided by general law. Bonds issued under the provisions
18 of this act are hereby declared to be and to have all the qualities
19 of negotiable instruments. Such bonds shall bear interest at
20 not more than six per centum per annum, payable semi-
21 annually, and shall mature in not more than thirty years from
22 their date and may be made redeemable at the option of the
23 said board of education at such price and under such terms
24 and conditions as said board of education may fix prior to the
25 issuance of such bonds. Bonds issued hereunder shall be pay-
26 able at the office of the state treasurer and some bank in the
27 city of New York.

28 In case any of the officers whose signatures appear on the
29 bonds or coupons shall cease to be such officers before the
30 delivery of such bonds, such signatures shall, nevertheless, be
31 valid and sufficient for all purposes the same as if they had re-
32 mained in office until such delivery. The board of education
33 shall fix the denominations, times and places of payment of
34 such bonds, the principal of and interest on which shall be
35 payable in such funds as are on the respective dates of pay-
36 ment thereof legal tender for debts due the United States of
37 America. The proceeds of such bonds shall be used solely for
38 the payment of the cost of land, buildings and equipment there-
39 on and shall be checked out by the county board under such
40 restrictions as are contained in the order providing for the
41 issuance of said bonds. If the proceeds of bonds issued for said
42 high school shall exceed the cost thereof, the surplus shall be
43 paid into the fund herein provided for the payment of prin-
44 cipal and interest upon such bonds. Such fund may be used
45 for the purchase of any of the outstanding bonds payable from
46 such fund at the market price, but at not exceeding the price
47 at which any of such bonds shall in the same year be redeem-
48 able, and all bonds redeemed or purchased shall forthwith be
49 cancelled and shall not again be issued.

50 Prior to the preparation of definitive bonds, the board of
51 education may, under like restrictions, issue temporary bonds,
52 or interim certificates, with or without coupons, exchangeable
53 for definitive bonds upon the issuance of the latter. Such bonds
54 may be issued without any other proceedings or the happening
55 of any other conditions or things than those proceedings, con-
56 ditions and things which are specified and required by this act.

Sec. 4. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit the said county board
3 of education to incur a debt for and on behalf of said board
4 of Doddridge county of any kind or nature as contemplated
5 by the provisions of the constitution of this state in relation to
6 debt.

Sec. 5. This act shall be deemed to provide an additional
2 and alternative method for the doing of the things authorized
3 hereby and shall be regarded as supplementary and additional
4 to powers conferred by other laws.

Sec. 6. This act, being necessary for the health, welfare, con-
2 venience and education of the high school students of Dodd-
3 ridge county, shall be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 7. The provisions of this act are separable and not
2 matters of mutual essential inducement, and it is the intention
3 to confer the whole or any part of the powers herein provided
4 for, and if any of the sections or provisions, or parts thereof,
5 are for any reason illegal, it is the intention that the remaining
6 sections and provisions, or parts thereof, shall remain in full
7 force and effect.

CHAPTER 132

(House Bill No. 320—By Mr. Finley)

AN ACT to authorize and empower the board of education of
Hancock county, West Virginia, to convey land and to enter
into a contract and/or lease with the United States govern-
ment or any federal agency authorized to make or enter into
such contract and/or lease for the erection, construction,
equipment, leasing and renting of a school building or build-

ings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 15, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Hancock county board of education authorized to convey land to federal governmental agency for the construction, etc., of school buildings; rental by board, for not to exceed thirty years, with right of purchase:

SEC.

- amount of, and levies to pay, rentals.
2. Annual levy for rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Hancock county, West Virginia, be and it is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of their agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said building or buildings and land on which the same is or are situated, and to apply toward the purchase price thereof any and all rentals paid to said government or agency under the provisions of this act; and the said board shall pay to the said United States government or any federal agency said yearly rental or rentals, for the use and occupancy of said building or buildings if and when the same are constructed, which said yearly rental or rentals, in the aggregate, shall not exceed the total amount, and interest thereon, expended by said government or agency on said project or projects, and the said yearly rentals shall not exceed the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an

2 amount sufficient to pay said rental or rentals for that par-
3 ticular year for the purpose aforesaid in the manner and form
4 as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Hancock
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 133

(House Bill No. 252—By Mr. Goodwin)

AN ACT to authorize the board of education of Jackson county to construct, equip, maintain, and operate a high school building at the town of Ripley in and for said county at a total cost of not exceeding two hundred thousand dollars and to borrow funds from the public works administration or other governmental agency authorized to make loans, for the purpose of constructing and equipping said high school, together with the right to purchase additional land within the discretion of said board; to issue bonds in payment of same, and to pledge a sufficient amount of revenue within the constitutional limitation and within the limitations as provided by general law, to pay the interest on and principal of said bonds within a period not to exceed thirty years.

[Passed January 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Jackson county board of education authorized to borrow not to exceed two hundred thousand dollars from federal governmental agency for purchase of land and construction, etc., of high school building at Ripley; bonds to pay costs; board authorized to

SEC.

do all things necessary to carry out provisions of act: power to acquire land and make contracts; levies to pay, and tax exemption of, bonds.
2. Lien of bonds; enforcement; receivership.
3. School revenues to pay oper-

<p>ating cost, bonds, etc.; remittance to, and powers of state sinking fund commission; form, etc., of bonds; temporary bonds,</p> <p>4. Construction of act as to creating</p>	<p>Sec.</p> <p>indebtednes of board.</p> <p>5. Act additional and supplementary to existing powers.</p> <p>6. Act to be liberally construed.</p> <p>7. Provisions of act separable.</p>
---	---

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Jackson county is hereby authorized to construct, equip, maintain and operate a high school building in and for said county at a total cost of not to exceed two hundred thousand dollars. Said board is authorized to borrow funds from the public works administration or other governmental agency authorized to make loans, for the purpose of constructing and equipping said school, and shall also have the right to purchase additional land on which to build same, within the discretion of the board. Said board is authorized to issue bonds for the purpose of paying the cost of such land, building and equipment, and to pledge a sufficient amount of revenue within the constitutional limitation and within the limitations as provided by general law, to pay the interest on and principal of said bonds within a period not to exceed thirty years. Said board is further authorized and empowered to do and perform any and all acts and make all contracts necessary to effectuate the general purposes of this act, including the acquisition by original grant, purchase or other lawful means of all necessary permits, easements and other rights in real estate, and title to and possession thereof, and/or to make such purchase with the money borrowed, as provided in this section. Said board of education shall have authority to make such contracts, agreements and covenants between it and the public works administration or other governmental agency, for the loan of said funds and securing payment thereof as they may be able to effectuate, subject only to this limitation, that the bonds issued or given as security thereof shall be payable solely out of the levies now provided for by general law, to be levied by said county board in and for Jackson county, and to construct, equip, maintain and operate such high school, and to make and enter into such contracts, and to do and perform such acts as may be necessary to the construction, operation and maintenance of such high school, subject to such burdens, restrictions and encumbrances as it may be nec-

35 essary to incur and bear in securing such funds for construc-
36 tion.

37 Bonds issued hereunder shall be exempt from taxation by the
38 state of West Virginia or any county, district or municipality
39 thereof.

Sec. 2. There shall be, and there is hereby created a statu-
2 tory mortgage lien upon the high school and real estate so ac-
3 quired or constructed from the proceeds of bonds authorized
4 to be issued under section one of this act, which shall exist in
5 favor of the holder of said bonds, and each of them, and to and
6 in favor of the holder of the coupons attached to said bonds,
7 and such high school shall remain subject to such statutory
8 mortgage lien until payment in full of the principal and in-
9 terest of said bonds. Any holder of bonds issued under the
10 provisions of this act, or of any coupons representing interest
11 accrued thereon, may, either at law or in equity, enforce the
12 statutory mortgage lien hereby conferred and may, by proper
13 suit, compel the performance of the duties of the officials of the
14 said board of education set forth in this act. If there be default
15 in the payment of the principal of and/or interest upon any of
16 said bonds, or other evidences of indebtedness, any court having
17 jurisdiction in any proper action may appoint a receiver to
18 administer said high school on behalf of the said board of edu-
19 cation, with power to charge and collect rents or income suffi-
20 cient to provide for the payment of said bonds and interest
21 thereon, and for the payment of the operating expenses, and
22 to apply the income, rents or other revenue in conformity with
23 this act and the order providing for the issuance of said bonds.

Sec. 3. Said board of education issuing bonds under the
2 provisions of this act shall thereafter, so long as any such bonds,
3 or other evidences of indebtedness, remain outstanding, operate
4 and maintain said high school so as to provide revenues as will
5 be sufficient to pay all operating costs, provide a depreciation
6 fund, retire the bonds and pay the interest requirements there-
7 on as the same may become due. The amounts, as and when so
8 set apart by said county board of education, shall be remitted
9 to the state sinking fund commission at least thirty days pre-
10 vious to the time interest or principal payments become due, to
11 be retained and paid out by said commission consistent with

12 the provisions of this act and the order pursuant to which such
13 bonds have been issued. The state sinking fund commission is
14 hereby authorized to act as fiscal agent for the administration
15 of such sinking fund under any order passed pursuant to the
16 provisions of this act and shall invest all sinking funds, as pro-
17 vided by general law. Bonds issued under the provisions of
18 this act are hereby declared to be and to have all the qualities
19 of negotiable instruments. Such bonds shall bear interest at
20 not more than six per cent per annum, payable semiannually,
21 and shall mature in not more than thirty years from their date
22 and may be made redeemable at the option of the said board of
23 education at such price and under such terms and conditions
24 as said board of education may fix prior to the issuance of such
25 bonds. Bonds issued hereunder shall be payable at the office
26 of the state treasurer and some bank in the city of New York.

27 In case any of the officers whose signatures appear on the
28 bonds or coupons shall cease to be such officers before the de-
29 livery of such bonds, such signatures shall, nevertheless, be valid
30 and sufficient for all purposes the same as if they had remained
31 in office until such delivery. The board of education shall fix
32 the denominations, times and places of payment of such bonds,
33 the principal of and interest on which shall be payable in such
34 funds as are on the respective dates of payment thereof legal
35 tender for debts due the United States of America. The pro-
36 ceeds of such bonds shall be used solely for the payment of
37 the cost of land, buildings and equipment thereon and shall be
38 checked out by the county board under such restrictions as are
39 contained in the order providing for the issuance of said bonds.
40 If the proceeds of bonds issued for said high school shall ex-
41 ceed the cost thereof, the surplus shall be paid into the fund
42 herein provided for the payment of principal and interest upon
43 such bonds. Such fund may be used for the purchase of any of
44 the outstanding bonds payable from such fund at the market
45 price, but at not exceeding the price at which any of such
46 bonds shall in the same year be redeemable, and all bonds re-
47 deemed or purchased shall forthwith be cancelled and shall not
48 again be issued.

49 Prior to the preparation of definitive bonds, the board of ed-
50 ucation may, under like restrictions, issue temporary bonds, or

51 interim certificates, with or without coupons, exchangeable for
52 definitive bonds upon the issuance of the latter. Such bonds
53 may be issued without any other proceedings or the happening
54 of any other conditions or things than those proceedings, con-
55 ditions and things which are specified and required by this
56 act.

Sec. 4. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit the said county board
3 of education to incur a debt for and on behalf of said board of
4 Jackson county of any kind or nature as contemplated by the
5 provisions of the constitution of the state in relation to debt.

Sec. 5. This act shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized hereby
3 and shall be regarded as supplementary and additional to powers
4 conferred by other laws.

Sec. 6. This act, being necessary for the health, welfare,
2 convenience and education of the high school students of the
3 town of Ripley, in Jackson county, it should be liberally con-
4 strued to effectuate the purposes thereof.

Sec. 7. The provisions of this act are separable and not mat-
2 ters of mutual essential inducement, and it is the intention to
3 confer the whole or any part of the powers herein provided
4 for, and if any of the sections or provisions, or parts thereof,
5 are for any reason illegal, it is the intention that the remaining
6 sections and provisions, or parts thereof, shall remain in full
7 force and effect.

CHAPTER 134

(House Bill No. 183—By Mr. de Gruyter)

AN ACT to authorize and empower the board of education of Kan-
awha county, West Virginia, to convey land and to enter into
a contract and/or lease with the United States government or
any federal agency authorized to make or enter into such con-
tract and/or lease for the erection, construction, equipment,
leasing and renting of school building or buildings, with an

option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed January 10, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Kanawha county board of education authorized to convey land to federal governmental agency for the construction, etc., of school buildings; rental by board, for not to exceed thirty years, with right of purchase;

SEC.

- amount of, and levies to pay, rentals.
2. Annual levy for rental.
3. Act to be liberally construed.
4. Provisions of act separable, inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Kanawha county, West Virginia, be and it is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of their agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said building or buildings and land on which the same is or are situated and to apply toward the purchase price thereof of any and all rentals paid to said government or agency under the provisions of this act; and the said board shall pay to the said United States government or any federal agency said yearly rental or rentals, for the use and occupancy of said building or buildings if and when the same are constructed, which said yearly rental or rentals, in the aggregate, shall not exceed the total amount, and interest thereon, expended by said government or agency on said project or projects, and the said yearly rentals shall not exceed the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an amount sufficient to pay said rental or rentals for that particu-

3 lar year for the purposes aforesaid in the manner and form as is
4 provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Kanawha coun-
3 ty, it should be liberally construed to effectuate the purposes
4 thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 135

(House Bill No. 174—By Mr. Ballard)

AN ACT to authorize the board of education of Mercer county to construct, equip, maintain and operate a high school building in and for said county in the town of Athens, Mercer county, at a total cost of not to exceed one hundred twenty-five thousand dollars, and to borrow funds from the public works administration, or other governmental agency authorized to make loans, for the purpose of constructing and equipping said high school, together with the right to purchase additional land within the discretion of said board; to issue bonds in payment of same and to pledge a sufficient amount of revenue within the constitutional limitation, and within the limitations as provided by general law, to pay the interest on and principal of said bonds within a period not to exceed thirty years.

[Passed January 4, 1934; in effect from passage. Approved by the Governor.]

SEC.

1. Mercer county board of education authorized to borrow not to exceed one hundred twenty-five thousand dollars from federal governmental agency to buy land and/or construct, etc., a

SEC.

high school building at Athena; bonds for cost payable from board revenues and to be tax exempt; board authorized to do all things necessary to carry out provisions of act.

<p>Sec.</p> <p>2. Lien of bonds; enforcement; receivership.</p> <p>3. Revenues to pay costs and bonds; remittance to, and powers of, sinking fund commission; form of bonds; use of proceeds of</p>	<p>Sec.</p> <p>bonds; temporary bonds.</p> <p>4. Act not to be construed to create a debt of board.</p> <p>5. Act supplementary to existing powers.</p> <p>6. Act to be liberally construed.</p> <p>7. Provisions of act separable.</p>
---	---

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Mercer county is hereby
 2 authorized to construct, equip, maintain and operate a high
 3 school building in and for said county at a total cost of not to
 4 exceed one hundred twenty-five thousand dollars. Said board
 5 is authorized to borrow funds from the public works adminis-
 6 tration, or other governmental agency authorized to make loans,
 7 for the purpose of constructing and equipping said school, and
 8 shall also have the right to purchase additional land on which
 9 to build same, within the discretion of the board. Said board
 10 is authorized to issue bonds for the purpose of paying the cost
 11 of such land, building and equipment and to pledge a sufficient
 12 amount of revenue within the constitutional limitation, and
 13 within the limitations as provided by general law, to pay the
 14 interest on and principal of said bonds within a period not to
 15 exceed thirty years. Said board is further authorized and
 16 empowered to do and perform any and all acts and make all
 17 contracts necessary to effectuate the general purposes of this act,
 18 including the acquisition by original grant, purchase or other
 19 lawful means of all necessary permits, easements and other
 20 rights in real estate, and title to and possession thereof, and/or
 21 to make such purchase with the money borrowed, as provided
 22 in this section. Said board of education shall have authority
 23 to make such contracts, agreements and covenants between it
 24 and the public works administration, or other governmental
 25 agency, for the loan of said funds and securing payment thereof
 26 as they may be able to effectuate, subject only to this limitation,
 27 that the bonds issued or given as security thereof shall be pay-
 28 able solely out of the levies now provided for by general law,
 29 to be levied by said county board in and for Mercer county, and
 30 to construct, equip, maintain and operate such high school, and
 31 to make and enter into such contracts, and to do and perform
 32 such acts as may be necessary to the construction, operation and
 33 maintenance of such high school, subject to such burdens, re-

34 strictions and encumbrances as it may be necessary to incur and
35 bear in securing such funds for construction.

36 Bonds issued hereunder shall be exempt from taxation by the
37 state of West Virginia or any county, district or municipality
38 thereof.

Sec. 2. There shall be, and there is hereby created a statutory
2 mortgage lien upon the high school and real estate so acquired
3 or constructed from the proceeds of bonds authorized to be
4 issued under section one of this act, which shall exist in favor
5 of the holder of said bonds, and each of them, and to and in
6 favor of the holder of the coupons attached to said bonds, and
7 such high school shall remain subject to such statutory mortgage
8 lien until payment in full of the principal and interest of said
9 bonds. Any holder of bonds issued under the provisions of this
10 act, or of any coupons representing interest accrued thereon,
11 may, either at law or in equity, enforce the statutory mortgage
12 lien hereby conferred and may, by proper suit compel the per-
13 formance of the duties of the officials of the said board of edu-
14 cation set forth in this act. If there be default in the payment
15 of the principal of and/or interest upon any of said bonds, or
16 other evidences of indebtedness, any court having jurisdiction
17 in any proper action may appoint a receiver to administer said
18 high school on behalf of the said board of education, with power
19 to charge and collect rents or income sufficient to provide for
20 the payment of said bonds and interest thereon, and for the
21 payment of the operating expenses, and to apply the income,
22 rents or other revenue in conformity with this act and the order
23 providing for the issuance of said bonds.

Sec. 3. Said board of education issuing bonds under the pro-
2 visions of this act shall thereafter, so long as any such bonds,
3 or other evidences of indebtedness, remain outstanding, oper-
4 ate and maintain said high school so as to provide revenues as
5 will be sufficient to pay all operating costs, provide a deprecia-
6 tion fund, retire the bonds and pay the interest requirements
7 thereon as the same may become due. The amounts, as and
8 when so set apart by said county board of education, shall be
9 remitted to the state sinking fund commission at least thirty
10 days previous to the time interest or principal payments be-
11 come due, to be retained and paid out by said commission con-
12 sistent with the provisions of this act and the order pursuant

13 to which such bonds have been issued. The state sinking fund
14 commission is hereby authorized to act as fiscal agent for the
15 administration of such sinking fund under any order passed
16 pursuant to the provisions of this act and shall invest all sinking
17 funds, as provided by general law. Bonds issued under the
18 provisions of this act are hereby declared to be and to have all
19 the qualities of negotiable instruments. Such bonds shall bear
20 interest at not more than six per cent per annum, payable semi-
21 annually, and shall mature in not more than thirty years from
22 their date and may be made redeemable at the option of the
23 said board of education at such price and under such terms and
24 conditions as said board of education may fix prior to the issu-
25 ance of such bonds. Bonds issued hereunder shall be payable
26 at the office of the state treasurer and some bank in the city of
27 New York.

28 In case any of the officers whose signatures appear on the
29 bonds or coupons shall cease to be such officers before the de-
30 livery of such bonds, such signatures shall, nevertheless, be
31 valid and sufficient for all purposes the same as if they had
32 remained in office until such delivery. The board of educa-
33 tion shall fix the denominations, times and places of payment
34 of such bonds, the principal of and interest on which shall be
35 payable in such funds as are on the respective dates of payment
36 thereof legal tender for debts due the United States of America.
37 The proceeds of such bonds shall be used solely for the payment
38 of the cost of land, buildings and equipment thereon and shall
39 be checked out by the county board under such restrictions as
40 are contained in the order providing for the issuance of said
41 bonds. If the proceeds of bonds issued for said high school
42 shall exceed the cost thereof, the surplus shall be paid into the
43 fund herein provided for the payment of the principal and
44 interest upon such bonds. Such fund may be used for the pur-
45 chase of any of the outstanding bonds payable from such fund
46 at the market price, but at not exceeding the price at which any
47 of such bonds shall in the same year be redeemable, and all
48 bonds redeemed or purchased shall forthwith be cancelled and
49 shall not again be issued.

50 Prior to the preparation of definite bonds, the board of edu-
51 cation may, under like restrictions, issue temporary bonds, or
52 interim certificates, with or without coupons, exchangeable for

53 definite bonds upon the issuance of the latter. Such bonds may
54 be issued without any other proceedings or the happening of
55 any other conditions or things than those proceedings, condi-
56 tions and things which are specified and required by this act.

Sec. 4. Nothing in this act contained shall be so construed or
2 interpreted as to authorize or permit the said county board of
3 education to incur a debt for and on behalf of said board or
4 Mercer county of any kind or nature as contemplated by the
5 provisions of the constitution of the state in relation to debt.

Sec. 5. This act shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized hereby
3 and shall be regarded as supplementary and additional to powers
4 conferred by other laws.

Sec. 6. This act, being necessary for the health, welfare, con-
2 venience and education of the high school students of Athens,
3 Mercer county, it should be liberally construed to effectuate the
4 purposes thereof.

Sec. 7. The provisions of this act are separable and not mat-
2 ters of mutual essential inducement, and it is the intention to
3 confer the whole or any part of the powers herein provided for,
4 and if any of the sections or provisions, or parts thereof, are
5 for any reason illegal, it is the intention that the remaining
6 sections and provisions, or parts thereof, shall remain in full
7 force and effect.

CHAPTER 136

(House Bill No. 338—By Mr. Peters)

AN ACT to authorize the board of education of Mercer county,
West Virginia, to construct, equip, maintain and operate a
high school building for colored persons in the city of Blue-
field, in and for said county, at a total cost not to exceed one
hundred thousand dollars, and to borrow funds from the pub-
lic works administration or other governmental agency au-
thorized to make loans, for the purpose of constructing and
equipping said high school, together with the right to pur-
chase additional land within the discretion of said board; to
issue bonds in payment of same and to pledge a sufficient
amount of revenue within the constitutional limitation, and
within the limitations as provided by general law, to pay the

interest on and principal of said bonds within a period not to exceed thirty years.

[Passed February 28, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Mercer county board of education authorized to borrow not to exceed one hundred thousand dollars from federal governmental agency to purchase land and/or construct a high school building for colored pupils in Bluefield; bonds for cost payable from board revenues and to be tax exempt; board authorized to do all things necessary to carry out provisions of act.

Sec.

2. Lien of bonds; enforcement; receivership.
3. Revenues to pay costs and bonds; remittance to, and powers of sinking fund commission.
4. Act not to be construed to create a debt of board.
5. Act supplementary to existing powers.
6. Act to be liberally construed.
7. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Mercer county is hereby
 2 authorized to construct, equip, maintain and operate a high
 3 school building for colored persons in the city of Bluefield, in
 4 and for said county, at a total cost of not to exceed one hundred
 5 thousand dollars. Said board is authorized to borrow funds
 6 from the public works administration or other governmental
 7 agency authorized to make loans, for the purpose of construct-
 8 ing and equipping said school, and shall also have the right to
 9 purchase additional or other land on which to build same,
 10 within the discretion of the board. Said board is authorized
 11 to issue bonds for the purpose of paying the cost of such land,
 12 building and equipment, and to pledge a sufficient amount of
 13 revenue within the constitutional limitations, and within the
 14 limitations as provided by general law, to pay the interest on
 15 and principal of said bonds within a period not to exceed
 16 thirty years. Said board is further authorized and empowered
 17 to do and perform any and all acts and make all contracts
 18 necessary to effectuate the general purposes of this act, includ-
 19 ing the acquisition by original grant, purchase or other lawful
 20 means of all necessary permits, easements and other rights in
 21 real estate, and title to and possession thereof, and/or to make
 22 such purchase with the money borrowed, as provided in this
 23 section. Said board of education shall have authority to make
 24 such contracts, agreements and covenants between it and the
 25 public works administration or other governmental agency, for
 26 the loan of said funds and securing payment thereof as they
 27 may be able to effectuate, subject only to this limitation, that

28 the bonds issued or given as security thereof shall be payable
29 solely out of the levies now provided for by general law, to be
30 levied by said county board in and for Mercer county, and to
31 construct, equip, maintain and operate such high school, and
32 to make and enter into such contracts, and to do and perform
33 such acts as may be necessary to the construction, operation and
34 maintenance of such high school, subject to such burdens, re-
35 strictions and encumbrances as it may be necessary to incur and
36 bear in securing such funds for construction.

37 Bonds issued hereunder shall be exempt from taxation by the
38 state of West Virginia or any county, district or municipality
39 thereof.

Sec. 2. There shall be and there is hereby created a statutory
2 mortgage lien upon the high school and real estate so acquired
3 or constructed from the proceeds of bonds authorized to be
4 issued under section one, of this act, which shall exist in favor
5 of the holder of said bonds, and each of them, and to and in
6 favor of the holder of the coupons attached to said bonds, and
7 such high school shall remain subject to such statutory mortgage
8 lien until payment in full of the principal and interest of said
9 bonds. Any holder of bonds issued under the provisions of
10 this act, or of any coupons representing interest accrued there
11 on, may, either at law or in equity, enforce the statutory
12 mortgage lien hereby conferred and may, by proper suit, com-
13 pel the performance of the duties of the officials of the said
14 board of education set forth in this act. If there be default in
15 the payment of the principal of and/or interest upon any of
16 said bonds, or other evidences of indebtedness, any court having
17 jurisdiction in any proper action may appoint a receiver to ad-
18 minister said high school on behalf of the said board of educa-
19 tion, with power to charge and collect rents or income sufficient
20 to provide for the payment of said bonds and interest thereon,
21 and for the payment of the operating expenses, and to apply
22 the income, rents or other revenue in conformity with this act
23 and the order providing for the issuance of said bonds.

Sec. 3. Said board of education issuing bonds under the
2 provisions of this act shall thereafter, so long as any such bonds,
3 or other evidences of indebtedness, remain outstanding, operate
4 and maintain said school so as to provide revenues as will be
5 sufficient to pay all operating costs, provide a depreciation fund,
6 retire the bonds and pay the interest requirements thereon as

7 the same may become due. The amounts, as and when so set
8 apart by said county board of education, shall be remitted to
9 the state sinking fund commission at least thirty days previous
10 to the time interest or principal payments become due, to be
11 retained and paid out by said commission consistent with the
12 provisions of this act and the order pursuant to which such
13 bonds have been issued. The state sinking fund commission is
14 hereby authorized to act as fiscal agent for the administration
15 of such sinking fund under any order passed pursuant to the
16 provisions of this act and shall invest all sinking funds, as pro-
17 vided by general law. Bonds issued under the provisions of
18 this act are hereby declared to be and to have all the qualities
19 of negotiable instruments. Such bonds shall bear interest at
20 not more than six per cent per annum, payable semiannually,
21 and shall mature in not more than thirty years from their date
22 and may be made redeemable at the option of the said board of
23 education at such price and under such terms and conditions
24 as said board of education may fix prior to the issuance of such
25 bonds. Bonds issued hereunder shall be payable at the office of
26 the state treasurer and some bank in the city of New York.

27 In case any of the officers whose signatures appear on the
28 bonds or coupons shall cease to be such officers before the de-
29 livery of such bonds, such signatures shall, nevertheless, be
30 valid and sufficient for all purposes the same as if they had re-
31 mained in office until such delivery. The board of education
32 shall fix the denominations, times and places of payment of
33 such bonds, the principal of and interest on which shall be pay-
34 able in such funds as are on the respective dates of payment
35 thereof legal tender for debts due the United States of America.
36 The proceeds of such bonds shall be used solely for the payment
37 of the cost of land, buildings and equipment thereon, and shall
38 be checked out by the county board under such restrictions as
39 are contained in the order providing for the issuance of said
40 bonds. If the proceeds of bonds issued for said high school shall
41 exceed the cost thereof, the surplus shall be paid into the fund
42 herein provided for the payment of principal and interest upon
43 such bonds. Such fund may be used for the purchase of any of the
44 outstanding bonds payable from such fund at the market price,
45 but at not exceeding the price at which any of such bonds shall in
46 the same year be redeemable, and all bonds redeemed or pur-

47 chased shall forthwith be cancelled and shall not again be issued.
48 Prior to the preparation of definitive bonds, the board of ed-
49 ucation may, under like restrictions, issue temporary bonds, or
50 interim certificates, with or without coupons, exchangeable for
51 definitive bonds upon the issuance of the latter. Such bonds
52 may be issued without any other proceedings or the happening
53 of any other conditions or things than those proceedings, con-
54 ditions and things which are specified and required by this act.

Sec. 4. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit the said county board
3 of education to incur a debt for and on behalf of said board or
4 Mercer county of any kind or nature as contemplated by the
5 provisions of the constitution of the state of West Virginia in
6 relation to debt.

Sec. 5. This act shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized here-
3 by and shall be regarded as supplementary and additional to
4 powers conferred by other laws.

Sec. 6. This act, being necessary for the health, welfare, con-
2 venience and education of the colored high school students of
3 the city of Bluefield in Mercer county, it should be liberally
4 construed to effectuate the purposes thereof.

Sec. 7. The provisions of this act are separable and not mat-
2 ters of mutual essential inducement, and it is the intention to
3 confer the whole or any part of the powers herein provided for,
4 and if any of the sections or provisions, or parts thereof, are
5 for any reason illegal, it is the intention that the remaining
6 sections and provisions, or parts thereof, shall remain in full
7 force and effect.

CHAPTER 137

(Com. Sub. for House Bill No. 299—Originating in the Senate Committee
on the Judiciary)

AN ACT to authorize and empower the board of education of
Mercer county, West Virginia, to convey land and enter into
a contract and/or lease with the United States government, or
any federal agency authorized to make or enter into such con-
tract and/or lease for the erection, construction, equipment,
leasing and renting of a school building for Negroes in Bram-

well, in said county, with an option to purchase same, and provide for the payment of a yearly rental for such by said board.

[Passed March 1, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Mercer county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental for not to exceed thirty years with right of purchase; amount of rental,

Sec.

- board authorized to do all things required and necessary to carry out provisions of act.
2. Annual levy by board to pay rental.
 3. Act to be liberally construed.
 4. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Mercer county, 2 West Virginia, be, and it is hereby authorized and empowered, 3 to convey to the United States government or any federal agency 4 any lot, lots, or parcels of land owned by it which the said board 5 may see fit to convey for the purposes hereinafter expressed; 6 and to contract with the United States government or any 7 federal agency to the end that said government or agency, its 8 or any of their agencies, or agents, thereunto duly authorized, 9 may build, erect, construct, equip, and/or furnish upon said 10 property, any building or buildings to be used for public school 11 purposes; and to contract with said government or any federal 12 agency for the yearly lease or rental of said building or build- 13 ings, with the privilege of renewing said lease from year to 14 year, for a period of years, not exceeding thirty, with the right 15 to purchase said buildings and land on which the same is or are 16 situated and to apply toward the purchase price thereof any 17 and all rentals paid to said government or agency under the 18 provisions of this act; and the said board shall pay to the 19 United States government or any federal agency said yearly 20 rental or rentals, for the use and occupancy of said building 21 or buildings if and when the same are constructed, which said 22 yearly rental or rentals, in the aggregate, shall not exceed the 23 total amount, and interest therein, expended by said govern- 24 ment or agency on such project or projects, and the said yearly 25 rentals shall not exceed the constitutional debt limitations; and 26 to do any and all other things required by said United States 27 government or any federal agency which are necessary and 28 proper to effectuate the purposes of this act.

Sec. 2. The said board shall levy and collect annually an 2 amount sufficient to pay said rental or rentals for that par-

3 ticular year for the purposes aforesaid in the manner and form
4 as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the Negro school children of Bram-
3 well in said county of Mercer, it should be liberally construed
4 to effectuate the purposes thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of
5 this act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 138

(House Bill No. 319—By Mr. Ballard)

AN ACT to authorize the board of education of Mercer county,
West Virginia, or the proper authority so to do, to transfer
the unexpended balances of funds of the old board of education
of East River district, Mercer county, to the sinking fund
commission of West Virginia; said unexpended balances so
transferred shall be used to pay the interest and to retire
school bonds issued by the old board of education of East
River district of said county.

[Passed February 15, 1934; in effect from passage. Became a law without the
approval of the Governor.]

Sec.

1. Mercer county board of education
authorized to pay obligations of
East River district board of edu-
cation and remit unexpended

Sec.

balances of that board to state
sinking fund commission to pay
school bonds issued by said dis-
trict board.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Mercer county, or the
2 proper authority so to do, is authorized and directed, after
3 having discharged all the obligations of the old board of educa-
4 tion of East River district, outstanding against the same, to
5 transfer and deposit to the sinking fund commission of West
6 Virginia all unexpended balances of funds of the old board of
7 education of East River district; and any amount so trans-

8 referred to the sinking fund commission of West Virginia shall be
 9 used to retire and pay the interest on outstanding school bonds
 10 issued by the old board of education of East River district, Mer-
 11 cer county, West Virginia, on or prior to July first, one thou-
 12 sand nine hundred thirty-three.

CHAPTER 139

(Senate Bill No. 97—By Mr. Hodges)

AN ACT to authorize and empower the board of education of Monongalia county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing, and renting of school building or buildings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 7, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Monongalia county board of education authorized to convey land to federal governmental agency for the construction, etc., of school buildings; rental for not to exceed thirty years with right of purchase; rental paid from levies; board authorized

Sec.

- to do all things required and necessary to carry out provisions of act.
2. Annual levy to pay rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent act repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Monongalia county, West Virginia, is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it, which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of its agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding

15 thirty, with the right to purchase said building or buildings
16 and land on which the same is or are situated and to apply
17 toward the purchase price thereof any and all rentals paid to
18 said government or agency under the provisions of this act;
19 and the said board shall pay to the said United States govern-
20 ment or any federal agency said yearly rental or rentals, for
21 the use and occupancy of said building or buildings if and
22 when the same are constructed, which said yearly rental or
23 rentals, in the aggregate, shall not exceed the total amount,
24 and interest thereon, expended by said government or agency
25 on said project or projects, and the said yearly rentals shall
26 be paid out of levies laid within the constitutional debt
27 limitations; and to do any and all other things required by
28 said United States government or any federal agency which
29 are necessary and proper to effectuate the purpose of this
30 act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that
3 particular year for the purposes aforesaid in the manner and
4 form as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Monongalia
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder
5 of this act which shall remain in full force and effect there-
6 after.

7 All acts and parts of acts inconsistent herewith are hereby
8 repealed insofar, and only so far, as they are inconsistent
9 with this particular act.

CHAPTER 140

(House Bill No. 244—By Mr. LaFon)

AN ACT to authorize the board of education of the county of Monroe, West Virginia, to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing additions, remodeling and completing the high school building known as the Greenville high school, at Greenville, Springfield magisterial district, in said county, and equipping and furnishing the same; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency, and to secure the payment of the same by lien given by said board on said high school property, or otherwise; and to promulgate such ordinances as may be necessary for constructing said additions, remodeling and completing said high school building, and as may be necessary to provide for amortization and liquidation of such indebtedness.

[Passed January 18, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Monroe county board of education authorized to borrow money from federal governmental agency for completion, etc., of Greenville high school; bonds or

SEC.

other evidences of indebtedness; lien for same.
2. Board authorized to do all things necessary to carry out provisions of act and repay loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the county of Monroe, West Virginia, is hereby authorized to borrow funds from the public works administration or other federal governmental agency authorized to make loans, for the purpose of constructing additions, remodeling and completing the high school building known as the Greenville high school, at Greenville, in Springfield magisterial district, in said county, and to equip and furnish the same. Said board of education is authorized to issue bonds or other evidences of indebtedness as may be required by said public works administration or other federal governmental agency, and to secure the payment of the same by lien given by said board on said high school property, or otherwise; and to do any and all things required by said public works administration or other said governmental agency from which such loan is obtained, or necessary and proper to obtain

16 said loan, and to secure the same, and to construct said addi-
 17 tions and improvements and equip and maintain said high
 18 school building.

Sec. 2. The board of education of said county is hereby
 2 empowered to undertake and do all things necessary to carry
 3 out the preceding section of this act, to promulgate such ordi-
 4 nances, rules and regulations as may be necessary, and by
 5 appropriate action of said board provide for the repayment
 6 of said loan and/or amortization of said bonds.

CHAPTER 141

(Senate Bill No. 75—By Mr. Helsley)

AN ACT to authorize and empower the board of education of
 Morgan county, West Virginia, to convey land and enter into
 a contract and/or lease with the United States government,
 or any federal agency authorized to make or enter into such
 contract and/or lease for the erection, construction, equipment,
 leasing and renting of school buildings, with an option to pur-
 chase same, and provide for the payment of a yearly rental
 for such by said board.

[Passed January 25, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. Morgan county board of educa-
 tion authorized to convey land
 to federal governmental agency
 for construction, etc., of school
 buildings; rental for not to ex-
 ceed thirty years, with right of
 purchase; board authorized to

Sec.

- do all things required and neces-
 sary to carry out provisions of
 act.
2. Annual levy to pay rental.
3. Act to be liberally construed.
4. Provisions of act separable; in-
 consistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Morgan county,
 2 West Virginia, be, and it is hereby authorized and empowered,
 3 to convey to the United States government or any federal agency
 4 any lot, lots, or parcels of land owned by it which the said
 5 board may see fit to convey for the purposes hereinafter ex-
 6 pressed; and to contract with the United States government or
 7 any federal agency to the end that said government or agency,
 8 its or any of their agencies, or agents, thereunto duly author-
 9 ized, may build, erect, construct, equip, and/or furnish upon said
 10 property, and building or buildings to be used for public school

11 purposes; and to contract with said government or any federal
12 agency for the yearly lease or rental of said building or build-
13 ings, with the privilege of renewing said lease from year to
14 year, for a period of years, not exceeding thirty, with the right
15 to purchase said buildings and land on which the same is or are
16 situated and to apply toward the purchase price thereof any
17 and all rentals paid to said government or agency under the
18 provisions of this act; and the said board shall pay to the United
19 States government or any federal agency said yearly rental or
20 rentals, for the use and occupancy of said building or buildings
21 if and when the same are constructed, which said yearly rental
22 or rentals, in the aggregate, shall not exceed the total amount,
23 and interest thereon, expended by said government or agency
24 on such project or projects, and the said yearly rentals shall
25 not exceed the constitutional debt limitations; and to do any
26 and all other things required by said United States government
27 or any federal agency which are necessary and proper to
28 effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that particular
3 year for the purposes aforesaid in the manner and form as is
4 provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Morgan county,
3 it should be liberally construed to effectuate the purposes
4 thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder
5 of this act, which shall remain in full force and effect there-
6 after.

7 All acts and parts of acts inconsistent herewith are hereby
8 repealed insofar, and only so far, as they are inconsistent with
9 this particular act.

CHAPTER 142

(House Bill No. 332—By Mr. Hill)

AN ACT to authorize and empower the board of education of Pocahontas county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing and renting of school building or buildings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 16, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Pocahontas county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized to

SEC.

do all things required and necessary to carry out provisions of act.
 2. Annual levy to pay rental.
 3. Act to be liberally construed.
 4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Pocahontas
 2 county, West Virginia, be and it is hereby authorized and em-
 3 powered to convey to and/or lease to the United States govern-
 4 ment or any federal agency any lot, lots, parcel or parcels of
 5 land owned by it which the said board may see fit to convey
 6 and/or lease for the purposes hereinafter expressed; and to
 7 contract with the United States government or any federal
 8 agency to the end that said government or agency, its or any
 9 of their agencies, or agents, thereunto duly authorized, may
 10 build, erect, construct, equip and/or furnish upon said prop-
 11 erty, any building or buildings or additions to present build-
 12 ings to be used for public school purposes; and to contract with
 13 said government or any federal agency for the yearly lease or
 14 rental of said building or buildings, with the privilege of re-
 15 newing said lease from year to year, for a period of years, not
 16 exceeding thirty, with the right to purchase said building or
 17 buildings and land on which the same is or are situated and to
 18 apply toward the purchase price thereof any and all rentals

19 paid to said government or agency under the provisions of this
20 act; and the said board shall pay to the said United States
21 government or any federal agency said yearly rental or rentals,
22 for the use and occupancy of said building or buildings if and
23 when the same are constructed, which said yearly rental or
24 rentals, in the aggregate, shall not exceed the total amount, and
25 interest thereon, expended by said government or agency on
26 said project or projects, and the said yearly rentals shall not
27 exceed the constitutional debt limitations; and to do any and
28 all other things required by said United States government or
29 any federal agency which are necessary and proper to effectuate
30 the purpose of this act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that particu-
3 lar year for the purposes aforesaid in the manner and form as
4 is provided by law.

Sec. 3. This act being necessary for the health, welfare,
2 convenience and education of the school children of Pocahontas
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 143

(Senate Bill No. 98—By Mr. Reynolds, of Mineral)

AN ACT to authorize and empower the board of education of
Preston county, West Virginia, to convey land and to enter
into a contract and/or lease with the United States govern-
ment or any federal agency authorized to make or enter into
such contract and/or lease for the erection, construction,
equipment, leasing, and renting of school building or build-

ings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 14, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Preston county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized to

SEC.

- do all things required and necessary to carry out provisions of act.
2. Annual levy for rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Preston county, West Virginia, is hereby authorized and empowered to convey to the United States government or any federal agency any lot, lots, parcel or parcels of land owned by it, which the said board may see fit to convey for the purposes hereinafter expressed; and to contract with the United States government or any federal agency to the end that said government or agency, its or any of its agencies, or agents, thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property, any building or buildings to be used for public school purposes; and to contract with said government or any federal agency for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year, for a period of years, not exceeding thirty, with the right to purchase said building or buildings and land on which the same is or are situated and to apply toward the purchase price thereof any and all rentals paid to said government or agency under the provisions of this act; and the said board shall pay to the said United States government or any federal agency said yearly rental or rentals, for the use and occupancy of said building or buildings if and when the same are constructed, which said yearly rental or rentals, in the aggregate, shall not exceed the total amount, and interest thereon, expended by said government or agency on said project or projects, and the said yearly rentals shall be paid out of levies laid within the constitutional debt limitations; and to do any and all other things required by said United States government or any federal agency which are necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an amount sufficient to pay said rental or rentals for that particular year for the purposes aforesaid in the manner and form as is provided by law.

Sec. 3. This act being necessary for the health, welfare, convenience and education of the school children of Preston county, it should be liberally construed to effectuate the purposes thereof.

Sec. 4. If any clause, sentence, section, provision or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the remainder of this act which shall remain in full force and effect thereafter.

All acts and parts of acts inconsistent herewith are hereby repealed insofar, and only so far, as they are inconsistent with this particular act.

CHAPTER 144

(Senate Bill No. 71—By Mr. Garrett)

AN ACT to authorize and empower the board of education of Putnam county, West Virginia, to convey land and enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing and renting of school buildings, with an option to purchase same, and provide for the payment of a yearly rental for such by said board.

[Passed January 22, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Putnam county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized

Sec.

to do all things required or necessary to carry out provisions of act.
2. Annual levy to pay rental.
3. Act to be liberally construed.
4. Provisions of act separable.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Putnam county, West Virginia, be and it is hereby authorized and empowered to convey to the United States government or any federal

4 agency any lot, lots, or parcels of land owned by it which the
5 said board may see fit to convey for the purposes hereinafter
6 expressed; and to contract with the United States government
7 or any federal agency to the end that said government or
8 agency, its or any of their agencies, or agents, thereunto duly
9 authorized, may build, erect, construct, equip and/or furnish
10 upon said property, any building or buildings to be used for
11 public school purposes; and to contract with said government
12 or any federal agency for the yearly lease or rental of said
13 building or buildings, with the privilege of renewing said
14 lease from year to year, for a period of years, not exceeding
15 thirty, with the right to purchase said buildings and land on
16 which the same is or are situated and to apply toward the
17 purchase price thereof any and all rentals paid to said govern-
18 ment or agency under the provisions of this act; and the said
19 board shall pay to the United States government or any fed-
20 eral agency said yearly rental or rentals, for the use and
21 occupancy of said building or buildings if and when the same
22 are constructed, which said yearly rental or rentals, in the
23 aggregate, shall not exceed the total amount, and interest
24 thereon, expended by said government or agency on said
25 project or projects, and the said yearly rentals shall not
26 exceed the constitutional debt limitations; and to do any and
27 all other things required by said United States government
28 or any federal agency which are necessary and proper to
29 effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that particu-
3 lar year for the purposes aforesaid in the manner and form
4 as is provided by law.

Sec. 3. This act being necessary for the health, welfare,
2 convenience and education of the school children of Putnam
3 county, it should be liberally construed to effectuate the
4 purposes thereof.

Sec. 4. If any clause, sentence, section, provision or part
2 of this act shall be adjudged to be unconstitutional or invalid
3 for any reason by any court of competent jurisdiction, such
4 judgment shall not impair, affect or invalidate the remainder
5 of this act, which shall remain in full force and effect there-
6 after.

7 All acts and parts of acts inconsistent herewith are hereby
8 repealed insofar, and only so far, as they are inconsistent with
9 this particular act.

CHAPTER 145

(House Bill No. 272—By Mr. Bibb)

AN ACT to authorize and empower the board of education of the county of Raleigh, West Virginia, a corporation, to convey property to and enter into contracts and/or leases with the United States government or any federal agency authorized to make or enter into such contracts and/or leases, for the building, construction, equipment, leasing and renting of school houses and/or buildings used for educational purposes, and to provide for the payment of same.

[Passed January 26, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.	1. Raleigh county board of education authorized to convey land to federal governmental agency for the construction, etc., of school	|	Sec.	buildings; amount of yearly rentals. 2. Annual levy to pay rentals; inconsistent acts repealed.
------	---	--	------	--

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of the county of
2 Raleigh, West Virginia, a corporation, be and is hereby au-
3 thorized and empowered to convey to the United States gov-
4 ernment and/or any federal agency any property owned by it,
5 which it may see fit to convey for the purposes hereinafter ex-
6 pressed, and to contract with the said United States govern-
7 ment to the end that said government or agency, through its
8 or any of its agencies, duly created by law, may build upon
9 said property schoolhouses and/or other buildings to be used
10 by said board of education for educational purposes. In con-
11 sideration of which, the said board of education shall pay to
12 the said United States government or federal agency yearly
13 rentals for a period of years, which said rentals in aggregate
14 shall not exceed, exclusive of interest and carrying charges, the
15 total amount expended by the United States government or
16 federal agency on said project or projects, but which said
17 yearly rentals shall not exceed for any one year any debt
18 limitation, as provided by law, for the said board of education,

19 although the aggregate amount contracted for may exceed said
20 debt limitation.

Sec. 2. The board of education of the county of Raleigh shall,
2 in the manner provided by law, levy annually an amount suffi-
3 cient to pay said rent or rentals for that particular year for the
4 purposes aforesaid, which shall be collected as is otherwise pro-
5 vided by law.

6 All acts or parts of acts inconsistent herewith are hereby re-
7 pealed.

CHAPTER 146

(House Bill No. 222—By Mr. Lilly)

AN ACT to authorize and empower the board of education of
Raleigh county, West Virginia, to convey property and to
enter into such contract and/or lease for the building, con-
struction, equipment, leasing and renting of a high school
building for colored pupils, and to provide for the payment for
such by the said board of education.

[Passed January 23, 1934; in effect from passage. Became a law without the
approval of the Governor.]

SEC.

1. Raleigh county board of education
authorized to convey land to
federal governmental agency
for construction, etc., of a high

SEC.

school building for colored pu-
pils; amount of yearly rental.
2. Annual levy to pay rentals; in-
consistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Raleigh county, West
2 Virginia, is hereby authorized and empowered to convey to the
3 United States government and/or any federal agency, any
4 property owned by it which it may see fit to convey for the
5 purposes hereinafter expressed, and to contract with said
6 United States government or any federal agency to the end
7 that said government or agency, through its or any of their
8 agencies duly created by law, may build upon said property a
9 high school building to be used by said board of education of
10 Raleigh county for colored pupils, in consideration of which
11 the said board of education shall pay to the said United States
12 government or such federal agency yearly rentals for a period of
13 years which said rental in aggregate shall not exceed the total
14 amount expended by the United States government or such

15 federal agency on said project, but which said yearly rentals
 16 shall not exceed for any one year the constitutional debt limi-
 17 tation as provided by law for Raleigh county, although the ag-
 18 gregate amount contracted for may exceed said debt limitation.

Sec. 2. The said board of education of Raleigh county shall
 2 levy annually each year an amount sufficient to pay said rent
 3 or rentals for that particular year for the purposes aforesaid in
 4 the manner and form as is provided by law.

5 All acts and parts of acts inconsistent herewith are hereby
 6 repealed.

CHAPTER 147

(Com. Sub. for House Bill No. 267—Originating in the Senate Committee
 on Education)

AN ACT to authorize and empower the board of education of
 Ritchie county, West Virginia, to convey property to and
 enter into contracts and/or leases with the United States gov-
 ernment, or any federal agency authorized to make or enter
 into such contracts and/or leases, for the remodeling, erection,
 construction, equipment, leasing and renting of school build-
 ings, with an option to purchase same, and to provide for the
 payment of yearly rental for such by said board.

[Passed March 13, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. Ritchie county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized to do all things required and necessary to carry out provisions of act; expenditures, not ex-

Sec.

- ceeding two hundred thousand dollars, apportioned among the maristerial districts of county; non-approval of a project not to affect remaining projects.
2. Annual levy to pay rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Ritchie county, West
 2 Virginia, is hereby authorized and empowered to convey to the
 3 United States government and/or any federal agency, any
 4 property owned by it, which the said board may see fit to con-
 5 vey for the purposes hereinafter expressed; and to contract with
 6 the said United States government or any federal agency, to
 7 the end that said government or agency, its or any of their

8 agencies, or agents, thereunto duly authorized, may remodel,
9 build, erect, construct, equip and/or furnish upon said prop-
10 erty, any building or buildings to be used for public school
11 purposes; and to contract with said government, and/or any
12 federal agency, for the yearly lease or rental of said building
13 or buildings, with the privilege of renewing said lease from
14 year to year, for a period of years, not exceeding thirty, with
15 the right to purchase said building or buildings and land on
16 which the same is or are situated and to apply toward the
17 purchase price thereof any and all rentals paid to said govern-
18 ment or agency under the provisions of this act; and the said
19 board shall pay to the said United States government, and/or
20 any federal agency, said yearly rental or rentals, for the use and
21 occupancy of said building or buildings, if and when the same
22 are constructed, which said yearly rental or rentals, in the
23 aggregate, shall not exceed the total amount, with interest there-
24 on. expended by said government or agency on said project or
25 projects, and which said yearly rentals shall be paid out of
26 levies laid within the constitutional debt limitations; and to do
27 any and all other things required by said United States govern-
28 ment or any federal agency which are necessary and proper to
29 effectuate the purposes of this act: *Provided, however,* That the
30 total amount of money which may be expended under the pro-
31 visions of this act shall not exceed the sum of two hundred
32 thousand dollars, apportioned among the magisterial districts
33 of said county as follows: A sum not exceeding fifty thousand
34 dollars in Grant district: a like sum in Clay district; and a sum
35 not exceeding one hundred thousand dollars in Union and
36 Murphy districts, including that former division of Union dis-
37 trict known as Harrisville Independent School district, as may
38 be required by the needs of said last named districts, at the
39 discretion of the board of education of said county. If projects
40 proposed to the federal authorities by said board of education
41 are for any reason not approved, such fact shall not interfere
42 with the operation of this act so far as it affects other projects.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that par-
3 ticular year for the purposes aforesaid in the manner and form
4 as is provided by law.

Sec. 3. This act being necessary for the health, welfare, con-

2 venience and education of the school children of Ritchie county,
3 should be liberally construed to effectuate the purposes
4 thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby re-
7 pealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 148

(House Bill No. 385—By Mrs. Suddarth)

AN ACT to authorize the board of education of Taylor county,
West Virginia, to purchase fractional interests in a building
for physical education or other educational purposes and to
lease outstanding interests therein.

[Passed March 24, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Taylor county board of educa-
tion authorized to acquire, out
of current authorized levies, un-
divided interest in building for
physical education and to lease

Sec.

the other undivided interests;
occupation and use of building
by board and subsequent option
or acquirement of additional un-
divided interests.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Taylor county, West
2 Virginia, is hereby authorized and empowered to acquire by
3 purchase, or otherwise, a one-third or other fractional undivided
4 interest in and to a building in said district constructed for
5 physical education or other educational purposes out of the
6 current authorized levies for any one year, and to lease the
7 other fractional undivided interest or interests in such building
8 for that and any future years. Said board may elect to occupy
9 and use such building, and to acquire by purchase, or otherwise,
10 in any future years, additional fractional undivided interest
11 or interests therein out of the then current authorized levies,
12 and to acquire all of the remaining outstanding undivided frac-
13 tional interest or interests in such building at any time out of
14 current authorized levies for any year when it may have suffi-

15 cient fund for such purpose, and to acquire and own options
 16 covering the rights to purchase the outstanding interest or in-
 17 terests heretofore mentioned in such building.

CHAPTER 149

(House Bill No. 145—By Mr. Minear, by request)

AN ACT providing for and empowering the board of education of Tucker county to construct, erect, equip, maintain and operate gymnasiums or auditoriums, or both, in connection with the high schools at Parsons and Thomas, West Virginia, by authorizing, empowering and vesting the board of education of Tucker county with all the rights, duties and powers conferred by chapter nine, acts of the Legislature, regular session, one thousand nine hundred thirty-three, on the West Virginia board of control for constructing, erecting, equipping, maintaining and operating dormitories, homes or refectories at the various state educational institutions; providing for the issuance of revenue bonds of the board of education of said county payable solely from the earnings of such gymnasiums or auditoriums, or both, to pay the cost thereof; providing for the collection of rents, fees and charges; and providing that no debt of said county or school district payable by taxes or assessments shall be incurred in the exercise of any of the powers hereby granted.

[Passed December 21, 1933; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Tucker county board of education authorized to construct, etc., gymnasiums and/or auditoriums in connection with Parsons and Thomas high schools, with same powers as conferred upon state board of control for erecting dormitories, etc.

Sec.

2. Revenue bonds to pay cost.
3. Rents, fees and charges to pay bonds.
4. Projects to be self-liquidating.
5. Erection of buildings on land now owned or after acquired by board.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Tucker county is hereby
 2 authorized to provide, construct, erect, equip, maintain and
 3 operate a gymnasium or auditorium, or both, in connection
 4 with the high schools at Parsons and Thomas, West Virginia,
 5 and for that purpose the said board of education is hereby
 6 vested and empowered with all the rights, duties, and powers

7 conferred by chapter nine, acts of the Legislature, regular ses-
8 sion, one thousand nine hundred thirty-three, on the West Vir-
9 ginia board of control, a public corporation, for constructing,
10 erecting, equipping, maintaining and operating dormitories,
11 homes or refectories.

Sec. 2. The said board of education may pay the cost of such
2 gymnasium or auditorium, or both, in connection with the high
3 schools at Parsons and Thomas, West Virginia, out of the pro-
4 ceeds of revenue bonds, which the said board of education is
5 hereby authorized to issue and sell in the same manner and
6 under the same terms and conditions provided by law for the
7 issuance of revenue bonds by the said West Virginia board of
8 control, but said bonds are payable solely from the earnings of
9 such gymnasium or auditorium, or both.

Sec. 3. The said board of education is authorized to fix,
2 charge and collect rents, fees and charges for the use and
3 maintenance of said gymnasiums or auditoriums, or both, in
4 connection with the high schools at Parsons and Thomas, West
5 Virginia, in the same manner provided by law for the West
6 Virginia board of control to fix, charge and collect rents, fees,
7 and charges, for the payment of the principal and interest on
8 the revenue bonds issued by said board of education and to
9 maintain and operate said gymnasiums or auditoriums, or both.

Sec. 4. Nothing herein shall be so construed or interpreted as
2 to authorize said board of education to authorize or permit the
3 incurring of a debt payable by the levying of taxes or assess-
4 ment on property situate in said county, but said gymnasiums
5 or auditoriums, or both, in connection with the high schools at
6 Parsons and Thomas, West Virginia, are of the character com-
7 monly known as self-liquidating projects.

Sec. 5. The erection of a gymnasium or auditorium may be
2 located on real estate now owned or later acquired by the board
3 of education of Tucker county.

CHAPTER 150

(House Bill No. 315—By Mr. Melrose, by request)

AN ACT to authorize and empower the board of education of Wood county, West Virginia, to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease for the erection, construction, equipment, leasing and renting of school building or buildings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 14, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Wood county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized to

Sec.

- do all things required and necessary to carry out provisions of act.
2. Annual levy for rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Wood county, 2 West Virginia, be and it is hereby authorized and empowered 3 to convey to the United States government or any federal agency 4 any lot, lots, parcel or parcels of land owned by it which the 5 said board may see fit to convey for the purposes hereinafter 6 expressed; and to contract with the United States government 7 or any federal agency to the end that said government or agency, 8 its or any of their agencies, or agents, thereunto duly authorized, 9 may build, erect, construct, equip and/or furnish upon said 10 property any building or buildings to be used for public school 11 purposes; and to contract with said government or any federal 12 agency for the yearly lease or rental of said building or build- 13 ings, with the privilege of renewing said lease from year to 14 year, for a period of years, not exceeding thirty, with the right 15 to purchase said building or buildings and land on which the 16 same is or are situated and to apply toward the purchase price 17 thereof any and all rentals paid to said government or agency 18 under the provisions of this act; and the said board shall pay 19 to the said United States government or any federal agency

20 said yearly rental or rentals, for the use and occupancy of said
21 building or buildings if and when the same are constructed,
22 which said yearly rental or rentals, in the aggregate, shall not
23 exceed the total amount, and interest thereon, expended by said
24 government or agency on said project or projects, and the said
25 yearly rentals shall not exceed the constitutional debt limita-
26 tions; and to do any and all other things required by said
27 United States government or any federal agency which are
28 necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an
2 amount sufficient to pay said rental or rentals for that particular
3 year for the purposes aforesaid in the manner and form as is
4 provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Wood county,
3 it should be liberally construed to effectuate the purposes
4 thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of
5 this act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 151

(House Bill No. 297—By Mr. Carden)

AN ACT to authorize and empower the board of education of the
county of Wyoming, West Virginia, to convey land and to
enter into a contract and/or lease with the United States gov-
ernment or any federal agency authorized to make or enter
into such contract and/or lease for the erection, construction,
equipment, leasing, and renting of school building or build-

ings, with an option to purchase same, and to provide for the payment of a yearly rental for such by said board.

[Passed February 13, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Wyoming county board of education authorized to convey land to federal governmental agency for construction, etc., of school buildings; rental, for not to exceed thirty years, with right of purchase; board authorized to

Sec.

- do all things required and necessary to carry out provisions of act.
2. Annual levy to pay rental.
3. Act to be liberally construed.
4. Provisions of act separable; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the county of Wyoming, 2 West Virginia, is hereby authorized and empowered to convey 3 to the United States government or any federal agency any lot, 4 lots, parcel or parcels of land owned by it, which the said board 5 may see fit to convey for the purposes hereinafter expressed; 6 and to contract with the United States government or any federal 7 agency to the end that said government or agency, its or 8 any of its agencies or agents thereunto duly authorized, may 9 build, erect, construct, equip and/or furnish upon said property, 10 any building or buildings to be used for public school purposes; 11 and to contract with said government or any federal agency for 12 the yearly lease or rental of said building or buildings, with the 13 privilege of renewing said lease from year to year, for a period 14 of years, not exceeding thirty, with the right to purchase said 15 building or buildings and land on which the same is or are 16 situated and to apply toward the purchase price thereof any and 17 all rentals paid to said government or agency under the provisions 18 of this act; and the said board shall pay to the said 19 United States government or any federal agency said yearly 20 rental or rentals, for the use and occupancy of said building or 21 buildings if and when the same are constructed, which said 22 yearly rental or rentals, in the aggregate, shall not exceed the 23 total amount, and interest thereon, expended by said government 24 or agency on said project or projects, and the said yearly 25 rentals shall be paid out of levies laid within the constitutional 26 debt limitations; and to do any and all other things required by 27 said United States government or any federal agency which are 28 necessary and proper to effectuate the purpose of this act.

Sec. 2. The said board shall levy and collect annually an 2 amount sufficient to pay said rental or rentals for that particular

3 year for the purposes aforesaid in the manner and form as is
4 provided by law.

Sec. 3. This act being necessary for the health, welfare, con-
2 venience and education of the school children of Wyoming
3 county, it should be liberally construed to effectuate the pur-
4 poses thereof.

Sec. 4. If any clause, sentence, section, provision or part of
2 this act shall be adjudged to be unconstitutional or invalid for
3 any reason by any court of competent jurisdiction, such judg-
4 ment shall not impair, affect or invalidate the remainder of this
5 act, which shall remain in full force and effect thereafter.

6 All acts and parts of acts inconsistent herewith are hereby
7 repealed insofar, and only so far, as they are inconsistent with
8 this particular act.

CHAPTER 152

(House Bill No. 247—By Mr. LaFon)

AN ACT to authorize the municipality of the town of Alderson,
in the counties of Monroe and Greenbrier, West Virginia, to
borrow funds from the public works administration or other
federal governmental agency authorized to make loans, for
the purpose of constructing improvements to and making
improvements of the water lines and system or the sewer lines
and system, or both, owned and belonging to said municipality;
to issue such bonds or other evidence of indebtedness as may
be required by such federal governmental agency; and to pro-
mulgate such ordinances as may be necessary for the con-
struction of the improvements and making the improvements
to the said water lines and system or sewer lines and system,
or both, belonging to and owned by said municipality, and as
may be necessary to provide for the amortization and liqui-
dation of such indebtedness.

[Passed January 18, 1934; in effect from passage. Became a law without the
approval of the Governor.]

SEC.

1. Town of Alderson authorized to
borrow money from federal gov-
ernmental agency to construct
improvements to municipal
water and sewer lines; bonds.

SEC.

or other evidences of indebted-
ness. for loan.
2. Town authorized to do all things
necessary to carry out provisions
of act and to repay loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The municipality of the town of Alderson, in the

2 counties of Monroe and Greenbrier, West Virginia, is hereby
3 authorized to borrow funds from the public works adminis-
4 tration or other federal governmental agency authorized to
5 make loans, for the purpose of constructing improvements to
6 and making improvements of the water lines and system or
7 sewer lines and system, or both, belonging to and owned by said
8 town of Alderson. The said municipality is further authorized
9 to issue bonds or other evidence of indebtedness as may be
10 required by said public works administration or other federal
11 governmental agency, and to do any or all things required by
12 said public works administration or other said governmental
13 agency from which such loan is obtained, or necessary and
14 proper to obtain such loan, to secure the same, and to construct
15 said improvements to and maintain said water lines and system
16 or sewer lines and system, or both, now owned and belonging
17 to said municipality.

Sec. 2. The said municipality is hereby further empowered
2 to undertake and to do all things necessary to carry out the
3 preceding section of this act, to promulgate such ordinances,
4 rules and regulations as may be necessary and by appropriate
5 act of said municipality in the premises to provide for the
6 repayment of said loan and/or amortization of said bonds.

CHAPTER 153

(House Bill No. 248—By Mr. LaFon)

AN ACT to authorize the municipality of the town of Alderson, in
the counties of Monroe and Greenbrier, West Virginia, to bor-
row funds from the public works administration or other fed-
eral governmental agency authorized to make loans, for the
purpose of constructing and equipping a municipal building
in and for the said town; to issue such bonds or other evidences
of indebtedness as may be required by such federal govern-
mental agency; and to promulgate such ordinances as may be
necessary for the construction of such building, and as may

be necessary to provide for the amortization and liquidation of such indebtedness.

[Passed January 18, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Town of Alderson authorized to borrow money from federal governmental agency to construct, etc., a municipal building; bonds or other evidences

SEC.

of indebtedness, for loan.
2. Town authorized to do all things necessary to carry out provisions of act.

Be it enacted by the Legislature of West Virginia:

Section 1. The municipality of the town of Alderson, in the 2 counties of Monroe and Greenbrier, West Virginia, is hereby 3 authorized to borrow funds from the public works administra- 4 tion or other federal governmental agency authorized to make 5 loans, for the purpose of constructing and equipping and main- 6 taining a municipal building in and for the said town. The said 7 municipality is authorized to issue bonds or other evidences of 8 indebtedness as may be required by said public works adminis- 9 tration or other federal governmental agency, and to do any 10 and all things required by said public works administration or 11 other said federal governmental agency from which such loan 12 is obtained, or necessary and proper to obtain such loan, to se- 13 cure the same, and to construct, equip and maintain said munici- 14 pal building.

Sec. 2. The said municipality is hereby further empowered 2 to undertake and to do all things necessary to carry out the pre- 3 ceding section of this act, to promulgate such ordinances, rules 4 and regulations as may be necessary, and by appropriate action 5 of said municipality in the premises, provide for the repayment 6 of said loan and/or amortization of said bonds.

CHAPTER 154

(House Bill No. 134—By Mr. Peters)

AN ACT to authorize the city of Bluefield, Mercer county, West Virginia, a municipal corporation, to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned stadium in or near said city upon a self-liquidating

basis; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency; and to promulgate such ordinances as may be necessary for the construction, operation and maintenance of such stadium, and as may be necessary to provide for the amortization and liquidation of such indebtedness from the income of such stadium.

[Passed February 28, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. City of Bluefield authorized to borrow money from federal governmental agency to construct a municipally owned stadium; bonds, or other evidences of indebtedness, for loan.

Sec.

2. City authorized to do all things necessary to carry out provisions of act; may provide for repayment of loan, or of bonds, from revenues of stadium.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Bluefield, Mercer county, West Virginia, a municipal corporation, is hereby authorized to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned stadium in or near said city upon a self-liquidating basis. Said city is authorized to issue bonds, or other evidences of indebtedness as may be required by said public works administration or other federal governmental agency, and to do any and all things required by said public works administration, or other federal governmental agency from which such loan is obtained, or necessary and proper to obtain said loan, to secure the same, and to construct, equip, maintain and operate said stadium.

Sec. 2. The board of directors of said city of Bluefield is hereby empowered to undertake and do all things necessary to carry out the preceding section of this act, to promulgate such ordinances, rules and regulations as may be necessary, and by appropriate action of said board provide for the payment of said loan and/or amortization of said bonds, out of the income realized solely from the operation of such stadium.

CHAPTER 155

(House Bill No. 135—By Mr. Peters)

AN ACT to authorize the city of Bluefield, Mercer county, West Virginia, a municipal corporation, to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned city market in or near said city upon a self-liquidating basis; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency; and to promulgate such ordinances as may be necessary for the construction, operation and maintenance of such city market, and as may be necessary to provide for the amortization and liquidation of such indebtedness from the income of such city market.

[Passed February 28, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. City of Bluefield authorized to borrow money from federal governmental agency for construction, etc., of a municipally owned market upon a self-liquidating basis; bonds, or other

SEC.

evidences of indebtedness, for loan.
2. Board of directors of city authorized to do all things necessary to carry out provisions of act and repay loan from revenues of market.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Bluefield, Mercer county, West Virginia, a municipal corporation, is hereby authorized to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned city market in or near said city upon a self-liquidating basis. Said city is authorized to issue such bonds, or other evidences of indebtedness as may be required by said public works administration or other federal governmental agency, and to do any and all things required by said public works administration, or other federal governmental agency, from which such loan is obtained, or necessary and proper to obtain said loan, to secure the same, and to construct, equip, maintain and operate said city market.

Sec. 2. The board of directors of said city of Bluefield is hereby empowered to undertake and do all things necessary to

3 carry out the preceding section of this act, to promulgate such
4 ordinances, rules and regulations as may be necessary, and by
5 appropriate action of said board provide for the repayment of
6 said loan and/or amortization of said bonds, out of the income
7 realized solely from the operation of such city market.

CHAPTER 156

(House Bill No. 235—By Messrs. Ross and de Gruyter)

AN ACT to incorporate the city of Charleston, in the county of Kanawha, West Virginia, to fix its corporate limits; to divide the same into wards, and to prescribe and define the powers, rights and duties of said city of Charleston and of the officers and citizens of the same; to provide a plan of board of affairs-city council government for said city, and to prescribe the duties and powers of the board of affairs, city council and other officers and employes of said city thereunder; to provide for the holding of an election for the purpose of submitting the adoption or rejection of this act to the voters of the city of Charleston; and upon its adoption by the voters of the city of Charleston, to repeal all other acts or parts of acts inconsistent or in conflict herewith and all acts amendatory thereof: said bill to be known as, "The Charter of the City of Charleston."

[Passed January 23, 1934; in effect from passage. Became a law without the approval of the Governor.]

(NOTE—Head notes are omitted as this act was submitted to, and rejected by, the voters of the City of Charleston at the special election provided for in the act.)

Be it enacted by the Legislature of West Virginia:

That upon the adoption of this act by the voters of the city of Charleston as hereinafter provided, all prior acts incorporating said city and all acts amendatory thereof and all other acts and parts of acts inconsistent or in conflict with this act shall be deemed repealed as provided herein, and this act shall become the complete charter of the city of Charleston as follows:

Section 1. The inhabitants of all that part of the county of
2 Kanawha included and centered within the limits hereafter pre-
3 scribed in section two are hereby made a city corporate and
4 body politic by the name of "The City of Charleston", and as

5 such city it shall have perpetual succession and a common seal,
6 and by that name it may sue and be sued, plead and be im-
7 pleaded, and may purchase, hold, lease or sell real estate and
8 personal property necessary to the discharge of its corporate
9 duties, or needful or convenient for the good order, government
10 and welfare of said corporation.

Sec. 2. The corporate territorial limits of the City of Charles-
2 ton shall comprise all that part of the magisterial district of
3 Charleston and all that part of the territory of the magisterial
4 district of Loudon in the county of Kanawha and state of West
5 Virginia, which is bounded and described as follows, to-wit:
6 Beginning at the upper or east property line of Patrick
7 street at its intersection of the Kanawha river at low water
8 mark in Charleston district; thence following the property lines
9 on the east side of Patrick street north thirty-two degrees
10 forty-one minutes east to a point one hundred forty-seven and
11 five-tenths feet northeast of the north property line of Second
12 avenue; thence north fifty-seven degrees nineteen minutes west
13 six hundred feet to an iron pipe; thence north thirty-two de-
14 grees forty-one minutes east five hundred and eighteen feet to
15 the north right of way line of the New York Central Railroad
16 company; thence, following the north right of way line of
17 said railroad westerly to Two Mile creek; thence following the
18 center of Kanawha Two Mile creek in a northeasterly direction
19 to a point in the northeast line extended of lot five, block thirty-
20 eight of West Charleston; thence in a northeast direction in a
21 straight line to the southwest corner of the Littlepage-Hill
22 addition at the intersection of Charleston street and the Sissons-
23 ville road; thence north seventy degrees thirty-five minutes east
24 three hundred feet; thence north sixty-six degrees fifteen min-
25 utes east two hundred and one feet; thence north fifty-six de-
26 grees east ninety-nine feet; thence north forty-two degrees east
27 one hundred and ninety-one feet; thence north seventy-eight de-
28 grees thirty minutes east one hundred ninety feet; thence south
29 fifty-four degrees east sixty-two feet to the northeast corner
30 of the Sunset View addition; thence in the northeast corner of
31 the Littlepage Hill addition; thence south fifty-six degrees east
32 one hundred and seventy feet to the northeast direction follow-
33 ing the north line of the Bellevue addition to the west line of the
34 Parsons-Poling addition; thence in a northeast direction fol-

35 lowing the west line of the Parsons-Poling addition to the
36 northwest corner of said addition; thence east following the
37 northeast line to the northeast corner of said addition; thence
38 east following the north line of the Valley View addition to
39 the west line of the Fairview addition; thence south twenty-
40 eight degrees west to the north line extended of lot two hun-
41 dred and sixty-one of the second resubdivision of Fairview;
42 thence south sixty-two degrees east with the south line of an
43 alley extended to the east side of Chandler road; thence south
44 forty-four degrees forty-five minutes west eighty feet more or
45 less to a point marked three hundred and ninety-six on said
46 Fairview map; thence south sixty-two degrees fifteen minutes
47 west eighty feet; thence south seventy-one degrees twenty-
48 five minutes west seven and twenty-one one-hundredths feet;
49 thence south sixty-two degrees east two hundred and thirty
50 and seventy-four one hundredths feet to the west line of lot one
51 hundred and fourteen; thence north twenty-eight degrees east
52 one hundred and seventy-seven and five one-hundredths feet
53 to the northwest corner of lot one hundred and seventeen;
54 thence south sixty-two degrees east one hundred and fifty feet
55 to the northeast corner of lot one hundred and seventeen;
56 thence by a straight line to the southeast corner of lot two
57 hundred and eight; thence north twenty-eight degrees east one
58 hundred and twenty feet to the northwest corner of lot two
59 hundred and eight; thence south sixty-two degrees east one
60 hundred and forty-two and six one-hundredths feet with the
61 north line of lots two hundred and eight and two hundred and
62 seven to the northeast corner of lot two hundred and seven;
63 thence by a straight line to the northwest corner of lot two hun-
64 dred and four; thence south sixty-two degrees east one hun-
65 dred and twenty feet to the northeast corner of lot two hundred
66 and four; thence by a straight line to the north corner of lot
67 two hundred and fifty-three of Fairview; thence north twenty-
68 eight degrees east with the east side of Wilton avenue three
69 hundred and eighty-nine and eighty-four one-hundredths feet
70 to a point; thence by a line curving to the right with a radius
71 of two hundred and twenty-nine and two one-hundredths feet
72 to the northeast corner of lot six hundred and sixty-five,
73 Fairview; thence with the south side of Wood road in Edge-
74 wood part to the northeast corner of lot three of Edgewood
75 part; thence with the east line of lot three south thirteen de-

76 grees ten minutes east one hundred and seventy-one and eight
77 one-hundredths feet to the southeast corner of lot three; thence
78 with the south line of lot two south forty-four degrees one
79 minute east twenty-two and four one-hundredths feet; thence
80 south twenty-nine degrees twenty-eight minutes east twenty
81 feet; thence south forty-one degrees forty-four minutes east
82 nine and seven one-hundredths feet; thence south sixty-four
83 degrees forty minutes east twenty-five feet; thence south thirty
84 degrees west crossing Edgewood drive to a point one hundred
85 and twenty feet south of the south line of Edgewood drive;
86 thence in a westerly and southerly direction one hundred and
87 twenty feet from and parallel to the east line of Edgewood
88 drive to a point three hundred and ten feet from the north line
89 of lot seventy-four, block G, Edgewood; thence with a straight
90 line in an easterly direction to a stake at the extreme northern
91 end of Carr street; thence with a straight line to the north-
92 west corner of lot sixteen of block D of the Sunkist Heights ad-
93 dition; thence with the north line of the Sunkist Heights addi-
94 tion to Magazine road; thence with Rockway road to a point
95 two hundred feet from Magazine road; thence with a line
96 parallel to and two hundred feet from Magazine road to the
97 south line of the Hope property; thence with a straight line to
98 the west corner of lot thirty-one, block F of the Allen addition;
99 thence following the back line of the Allen addition to the
100 Hillsdale addition; thence with the north line of the Hillsdale
101 addition to the northeast corner of lot eighty of the Hillsdale
102 addition; thence east by a straight line to the center of the
103 branch in Gill Hollow; thence with the center of the branch
104 in Gill Hollow extended to the low water mark on the south
105 side of Elk river; thence down said Elk river at low water
106 mark to a point in the center of Coal branch; thence in a
107 straight line to the northeast corner of lot one, block one of
108 the Capitol Hill property, as shown on the map of same and
109 recorded in the office of the clerk of the county court of
110 Kanawha county; thence in a straight line to the southwest
111 corner of lot thirteen of the Jeffries Hill land; thence with a
112 straight line to the southeast corner of lot two of the Jeffries
113 Hill land; thence in a straight line to the northwest corner
114 of the East Woodland addition; thence with the north line of
115 the East Woodland addition to the northeast corner thereof;
116 thence east crossing Ruffner Hollow drive to a point two

117 hundred feet east of Ruffner Hollow drive; thence in a
118 southerly direction two hundred feet east of and parallel to
119 Ruffner Hollow drive to a point two hundred feet from Pied-
120 mont road; thence in an easterly direction parallel with the
121 Piedmont road and two hundred feet northeast of same to a
122 point in the west line extended of lot forty-four of the Floyd
123 addition to the city of Charleston; thence in a northeasterly
124 direction to the southwest corner of lot two of the Floyd addi-
125 tion; thence in a northerly direction following the back line of
126 lots two to thirty-six, inclusive, of the Floyd addition to the
127 northwest corner of lot thirty-six of the Floyd addition; thence
128 in a southeasterly direction following the northeast line of
129 Floyd's addition to the northwest corner of lot thirty-seven
130 of the Floyd's addition, also corner to a lot owned by L. E.
131 McWhorter; thence in a northeast direction to a pine tree of
132 the north corner of the said L. E. McWhorter lot; thence in
133 a southeast direction to the northeast corner of lot three hun-
134 dred and ninety-four of the Riverview addition; thence fol-
135 lowing the westerly line of Lower Way to Wilson Way; thence
136 following the westerly line of Wilson Way to the southeast cor-
137 ner of lot fifty of the Riverview addition; thence in a south-
138 easterly direction to the northwest corner of lot sixty-five of
139 the Riverview addition; thence following the south line of
140 Midway easterly, to the northeast corner of lot seventy; thence
141 following the east line of lot seventy extended to low water
142 mark of the Kanawha river; thence with low water mark of
143 Kanawha river to a point opposite the east line of Twenty-
144 seventh street, Kanawha City; thence across said river to the
145 east side of Twenty-seventh street, Kanawha City, in Loudon
146 district; thence with the east side of Twenty-seventh street,
147 extended to a point in the south line of the county road; thence
148 easterly with the south line of the county road to the east line
149 of the school lot; thence with the east line of the school lot
150 extended to a point five hundred feet south of the Chesapeake
151 and Ohio railroad right of way; thence westerly five hundred
152 feet from and parallel to the Chesapeake and Ohio right of way
153 to a point in the west line of the Loudon Heights addition;
154 thence in a southerly direction with the west line of the Loudon
155 Heights addition to the south corner of lot twenty of said
156 Loudon Heights addition; thence with a straight line to the
157 east corner of block one in the subdivision of South Charleston;

158 thence in a southwesterly direction with the southerly lines of
159 block one, two, three and four of the subdivision of South
160 Charleston to the southeast corner of block four of the said
161 subdivision; thence with the southwesterly line of blocks four,
162 five and eight of the subdivision of South Charleston to Bridge
163 avenue; thence southwesterly to the intersection of the west
164 side of Bridge avenue and the north side of Ravinia Drive;
165 thence westerly with the north side of Ravinia Drive to Ferry
166 Branch; thence northerly with the center of Ferry Branch to
167 a point in the old corporation line where same intersects Ferry
168 Branch; thence down Ferry Branch to the Chesapeake and
169 Ohio right of way as follows: north eight degrees fifteen
170 minutes east six hundred and sixty feet; north seven degrees
171 west two hundred and sixty-four and two-fifths feet; north
172 one degree thirty minutes west two hundred and fifteen feet;
173 north fifteen degrees west one hundred and forty feet; north
174 seven degrees thirty minutes east one hundred and ninety-four
175 and one-tenth feet; north twenty-nine degrees east three hun-
176 dred and seventy feet; north thirty-one degrees east three hun-
177 dred and forty-nine and seven-tenths feet; north eighteen de-
178 grees west three hundred and ninety feet; north thirty-seven
179 degrees thirty minutes west two hundred and eighty feet;
180 north forty degrees thirty minutes west two hundred feet;
181 north thirty degrees thirty minutes east three hundred and
182 fifteen feet; north one degree thirty minutes east two hundred
183 and ninety-four feet; north fifty degrees thirty-four minutes
184 east two hundred feet; north forty-one degrees east seven hun-
185 dred and eighty-one feet; north seventy-nine degrees east four
186 hundred feet; north one degree thirty minutes west eight
187 hundred ten feet to low water mark of the Kanawha river at
188 the mouth of Ferry Branch; thence down the Kanawha river
189 at low water mark on the south side of said river to a point
190 opposite the upper or east line of Patrick street; thence across
191 the Kanawha river to the place of beginning.

Sec. 3. The said city shall be divided into wards, the boun-
2 daries of which shall be as follows:

First Ward

3 The first ward shall include the following territory: Be-
4 ginning at the upper or east property line of Patrick street

5 at its intersection of the Kanawha river at low water mark,
6 in Charleston district; thence following the property lines
7 on the east side of Patrick street north thirty-two degrees
8 forty-one minutes east to a point one hundred forty-seven and
9 five-tenths feet northeast of the north property line of second
10 avenue; thence north fifty-seven degrees nineteen minutes west
11 six hundred feet to an iron pipe; thence north thirty-two de-
12 grees forty-one minutes east five hundred and eighteen feet
13 to the north right of way line of the New York Central Rail-
14 road company; thence following the north right of way line
15 of said railroad westerly to Two Mile creek; thence following
16 the center of Kanawha Two Mile creek in a northeasterly di-
17 rection to a point in the northeast line extended of lot five,
18 block thirty-eight of West Charleston; thence in a north-
19 east direction in a straight line to the Southwest corner of
20 the Littlepage Hill addition at the intersection of Charles-
21 ton street and the Sissonsville road; thence north seventy
22 degrees thirty-five minutes east three hundred feet; thence
23 north sixty-six degrees fifteen minutes east two hundred and
24 one feet; thence north fifty-six degrees east ninety-nine feet;
25 thence north forty-two degrees east one hundred and ninety-
26 one feet; thence north seventy-eight degrees thirty minutes
27 east one hundred and ninety feet; thence south fifty-four
28 degrees east sixty-two feet to the northeast corner of the
29 Littlepage Hill addition; thence south fifty-six degrees east
30 one hundred and seventy feet to the northeast corner of the
31 Sunset View addition; thence in a northeast direction follow-
32 ing the north line of the Belleview addition to the west line
33 of the Parsons-Poling addition; thence in a southwest direc-
34 tion following the west line of the Parsons-Poling addition
35 and the west line of the Holly Hunt addition to Charleston
36 street; thence with Florida street to low water mark on the
37 south side of Kanawha river; thence following low water
38 mark on Kanawha river to a point opposite Patrick street;
39 thence by a straight line across Kanawha river to the place
40 of beginning.

Second Ward

41 The second ward shall include the following territory: Be-
42 ginning at the low water mark on the south side of Kanawha

43 river at the end of Florida street extended; thence with
44 Florida street to Charleston street; thence in a northeastern
45 direction following the west line of the Holly Hunt addition
46 and the west line of the Parsons-Poling addition to the north-
47 west corner of the Parsons-Poling addition; thence east fol-
48 lowing the northeast line to the northeast corner of said ad-
49 dition; thence east following the north line of the Valley
50 View addition to the west line of the Fairview addition;
51 thence south twenty-eight degrees 00 west to the north line
52 extended of lot two hundred and sixty-one of the second sub-
53 division of Fairview addition; thence south sixty-two de-
54 grees east with the south line of an alley extended to the
55 east side of Chandler road; thence by a straight line to a point
56 where West avenue is intersected by the line of Park avenue;
57 extended to low water mark on the south side of the Kanawha
57-a thence following the line of Park avenue extended to low
58 water mark on the south side of the Kanawha river; thence with
59 the low water mark to the place of beginning.

Third Ward

60 The third ward shall include the following territory: Be-
61 ginning at low water mark on the south side of Kanawha
62 river on the line of Park avenue extended; thence with the
63 line of Park avenue to its intersection with West avenue;
64 thence by a straight line to the corporation line of the north
65 where an alley extended intersects with the east side of
66 Chandler road; thence south 44 degrees forty-five minutes
67 west eighty feet more or less to a point marked three hundred
68 and ninety-six on said Fairview map; thence south sixty-two
69 degrees fifteen minutes west eighty feet; thence south seventy-
70 one degrees twenty-five minutes west (*seven and twenty-one*
71 *hundredths feet*;) thence south sixty-two degrees east two
72 hundred and thirty and seventy-four one-hundredths feet to
73 the west line of lot one hundred and fourteen; thence north
74 twenty-eight degrees east one hundred and seventy-seven and
75 five one-hundredths feet to the northwest corner of lot one
76 hundred and seventeen; thence south sixty-two degrees east
77 one hundred and fifty feet to the northeast corner of lot one
78 hundred and seventeen; thence by a straight line to the south-
79 east corner of lot two hundred and eight; thence north twenty-

80 eight degrees east one hundred and twenty feet to the north-
81 west corner of lot two hundred and eight; thence south sixty-
82 two degrees east one hundred and forty-two and six feet with
83 the north line of lots two hundred and eight and two hun-
84 dred and seven to the northeast corner of lot two hundred and
85 seven; thence by a straight line to the northwest corner of lot
86 two hundred and four; thence south sixty-two degrees east
87 one hundred and twenty feet to the northeast corner of lot
88 two hundred and four; thence by a sixty-two degrees east
89 one hundred and forty-two and six one-hundredths feet with
90 the north line of lots two hundred and eight and two hun-
91 dred and seven to the northeast corner of lot two hundred
92 and seven; thence by a straight line to the north corner of lot
93 two hundred and fifty-three of Fairview; thence north twenty-
94 eight degrees east with the east side of Wilton avenue three
95 hundred and eighty-nine and eighty-four one hundredths
96 feet to a point; thence by a line curving to the right with a
97 radius of two hundred and twenty-nine and two one-hun-
98 dredths feet to the northeast corner of lot six hundred and
99 sixty-five Fairview; thence with the south side of Wood road
100 in Edgewood park to the northeast corner of lot three of
101 Edgewood park; thence with the east line of lot three south
102 thirteen degrees ten minutes east one hundred and seventy-
103 one and eight one-hundredths feet to the southeast corner of
104 lot three; thence with the south line of lot two south forty-four
105 degrees and one minute east twenty-two and four one hun-
106 dredths feet; thence south twenty-nine degrees twenty-eight
107 minutes east twenty feet; thence south forty-one degrees forty-
108 four minutes east (*nine degrees seven feet*) thence south sixty-
109 four degrees forty minutes east twenty-five feet; thence
110 south thirty degrees west crossing Edgewood drive to a point
111 one hundred and twenty feet south of the south line of Edge-
112 wood drive; thence in a westerly and southerly direction one
113 hundred and twenty feet from and parallel to the east line
114 of Edgewood drive to a point three hundred and ten feet from
115 the north line of lot seventy-four, block G, Edgewood; thence
116 with a straight line in an easterly direction to a stake at the
117 extreme northern end of Carr street; thence with Carr street
118 to Charleston street; thence with Charleston street to the
119 Kanawha and Michigan railroad; thence with the Kanawha

120 and Michigan railroad to Delaware avenue; thence with
121 Delaware avenue to low water mark on the south side of the
122 Kanawha river; thence with low water mark in the Kanawha
123 river to the place of beginning.

Fourth Ward

124 The fourth ward shall include the following territory: Be-
125 ginning at the low water mark on the south side of Kanawha
126 river at the end of Delaware avenue extended; thence with
127 low water mark of Kanawha river to the mouth of Ferry
128 branch; thence across Kanawha river to the mouth of Elk
129 river; thence up Elk River to Lovell street bridge and Charles-
130 ton street; thence with Charleston street to Pennsylvania ave-
131 nue; thence with Pennsylvania avenue to Roane street; thence
132 with Roane street to Delaware avenue; thence with Delaware
133 avenue extended to the low water mark on the south side of
134 Kanawha river, the place of beginning.

Fifth Ward

135 The fifth ward shall include the following territory: Be-
136 ginning at low water mark in Elk river at the Lovell street
137 bridge; thence with Charleston street to Pennsylvania avenue;
138 thence with Pennsylvania avenue to Roane street; thence with
139 Roane street to Delaware avenue; thence with Delaware ave-
140 nue to the Kanawha and Michigan railway; thence with the
141 Kanawha and Michigan railway to Charleston street; thence
142 with Charleston street to Carr street; thence with Carr street
143 to a stake at the extreme northern end of Carr street; thence
144 with a straight line to the northwest corner of lot sixteen of
145 block D of the Sunkist Heights addition; thence with the north
146 line of the Sunkist Heights addition to Magazine road; thence
147 with the east line of the Sunkist Heights addition to Pine
148 street; thence with Pine street to the Kanawha and Michigan
149 railway; thence with the Kanawha and Michigan railway to
150 low water mark of Elk river; thence with low water mark of
151 Elk river to the place of beginning.

Sixth Ward

152 The sixth ward shall include the following territory: Be-
153 ginning at the low water mark in Elk river at the Kanawha
154 and Michigan bridge; thence with the Kanawha and Michigan
155 railway to Pine street; thence with Pine street to the east side
156 of the Sunkist Heights addition; thence with the east side of
157 the Sunkist Heights addition to Magazine road; thence with
158 Rockway road to a point two hundred feet from Magazine
159 road, thence with the line parallel to and two hundred feet
160 from Magazine road, to the south line of Hope property; thence
161 with a straight line to the west corner of lot thirty-one block
162 F, of the Allen addition; thence following the back line of
163 the Allen addition to the Hillsdale addition; thence with the
164 north line of the Hillsdale addition to the north east corner of
165 lot eight of the Hillsdale addition; thence east by a straight
166 line to the center of the branch in Gill Hollow; thence with
167 the center of the branch in Gill Hollow; thence with the center
168 of the branch in Gill Hollow extended to the low water mark
169 on the north side of Elk river; thence down said Elk river at
170 low water mark to the Kanawha and Michigan bridge, the
171 place of beginning.

Seventh Ward

172 The seventh ward shall include the following territory: Be-
173 ginning at the low water mark in Elk river at Lovell street
174 bridge; thence with Lovell street to Truslow street; thence
175 with Truslow street to Margaret street; thence with Margaret
176 street to Donnally street and the intersection of Young street;
177 thence with Young street to Slack street; thence with Slack
178 street to a point in a straight line between the mouth of Coal
179 branch and the northeast corner of lot one, block one, Capitol
180 Hill property; thence by a straight line to low water mark at
181 the mouth of Coal branch; thence with Elk river to the low
182 water mark at Lovell street bridge, the place of beginning.

Eighth Ward

183 The eighth ward shall include the following territory: Be-
184 ginning at the intersection of Lovell and Truslow streets;
185 thence with Washington street to Capitol street; thence with

186 Capitol street to Slack street, and continuing in a straight line
187 to Upper Sunset drive in the Capitol Hill addition; thence
188 easterly with upper Sunset drive to the east line of the Capitol
189 Hill properties; thence northeasterly to the northeast corner
190 of lot one block one of the Capitol Hill properties; thence in a
191 straight line to a point in Slack street, the northeast corner of
192 Ward Seven; thence with Slack street to Young street; thence
193 with Young street to Donnally street at its intersection with
194 Margaret street; thence with Margaret street to Truslow street;
195 thence with Truslow street to Lovell street, the place of begin-
196 ning.

Ninth Ward

197 The ninth ward shall include the following territory: Be-
198 ginning at the low water mark in Elk river of the Lovell street
199 bridge; thence with Elk river to the Kanawha river; thence
200 with Kanawha river to low water mark at the end of Capitol
201 street; thence with Capitol street to Washington street; thence
202 with Washington street to Lovell street; thence with Lovell
203 street to the low water mark in Elk river, at Lovell street
204 bridge, the place of beginning.

Tenth Ward

205 The tenth ward shall include the following territory: Be-
206 ginning at the low water mark in Kanawha river at the end
207 of Ruffner avenue; thence with Ruffner avenue to the intersec-
208 tion with Lee street; thence with Lee street to its intersection
209 with Capitol street; thence with Capitol street to the low water
210 mark in Kanawha river, the place of beginning.

Eleventh Ward

211 The eleventh ward shall include the following territory: Be-
212 ginning at the intersection of Lee street and Capitol street;
213 thence with Capitol street to its intersection with Slack street
214 and Piedmont road, and in a continuous straight line to Upper
215 Sunset drive in the Capitol Hill properties; thence with Upper
216 Sunset drive in an easterly direction, in a point in the east line
216-a of the Capitol Hill property near the southeast corner of lot
217 one, block one, Capitol Hill; thence southerly with the east line
218 of Capitol Hill property to Piedmont road; thence with Pied-

219 mont road to Brooks street; thence with Brooks street to the
220 intersection of Brooks and Lee streets; thence with Lee street
221 to Capitol street, the place of beginning.

Twelfth Ward

222 The twelfth ward shall include the following territory: Be-
223 ginning at the intersection of Lee and Brooks streets; thence
224 with Brooks street to Piedmont road; thence with Piedmont
225 road to the east line of the Capitol Hill property; thence with
226 the east line of the Capitol Hill property to the northeast cor-
227 ner of lot one, block one, Capitol Hill; thence in a straight line
228 to the southwest corner of lot thirteen of the Jeffries Hill land;
229 thence by a straight line to the intersection of Piedmont road
230 and Richard street; thence with Piedmont road to the east line
231-4 of the Richard addition; thence with the east line of the Rich-
235 ard addition and an alley to Hansford street; thence with
236 Hansford street to Beauregard street extended; thence with
237 Beauregard street to Lee street; thence with Lee street to Brooks
238 street, the place of beginning.

Thirteenth Ward

239 The thirteenth ward shall include the following territory:
240 Beginning at the intersection of Beauregard and Lee streets;
241 thence with Beauregard street extended to Hansford street;
242 thence westerly with Hansford street to an alley; thence with
243 an alley and the east side of the Richard addition to Piedmont
243-a road; thence with Piedmont road to Richard street; thence in
244 a straight line to the southwest corner of lot thirteen of the
245 Jeffries Hill land; thence in a straight line to the northwest
246 corner of the East Woodland addition; thence with the north
247 line of the East Woodland addition to East Woodland drive;
248 thence with East Woodland drive to a point in the line between
249 lots twenty-four and twenty-five, of the Bowen addition, ex-
250 tended; thence with the line between lots twenty-four and
251 twenty-five and between lots six and seven of the Bowen addi-
252 tion to Piedmont road and Elizabeth street; thence with Eliza-
253 beth street to Lee street; thence with Lee street to Beauregard
254 street, the place of beginning.

Fourteenth Ward

255 The fourteenth ward shall include the following territory:
256 Beginning at the intersection of Ruffner avenue and Lee street;
257 thence following Lee street to Elizabeth street; thence with
258 Elizabeth street to Piedmont road; thence with the line, be-
259 tween lots six and seven and twenty-four and twenty-five of
260 the Bowen addition, extended to East Woodland drive; thence
261 with East Woodland drive to the north line of the East Wood-
262 land addition; thence with the north line of the East Wood-
263 land addition to the northeast corner thereof; thence east
264 crossing Ruffner hollow drive to a point two hundred feet east
265 of Ruffner hollow drive; thence in a southerly direction two
266 hundred feet east of and parallel to Ruffner hollow drive to a
267 point two hundred feet from Piedmont road; thence in an
268 easterly direction parallel with the Piedmont road and two
269 hundred feet northeast of same to a point in the west line ex-
270 tended of lot forty-four of the Floyd addition to the City of
271 Charleston; thence in a northeasterly direction to the south-
272 west corner of lot two of the Floyd addition; thence in a north-
273 erly direction following the back line of lots two to thirty-six,
274 inclusive, of the Floyd addition to the northwest corner of lot
275 thirty-six of the Floyd addition; thence in a southeasterly di-
276 rection following the northeast line of Floyd's addition to the
277 northwest corner of lot thirty-seven of the Floyd addition,
278 also corner to a lot owned by L. E. McWhorter, thence in a
279 northeast direction to a pine tree at the north corner of the said
280 L. E. McWhorter lot; thence in a southeast direction to the
281 northeast corner of lot three hundred and ninety-four of the
282 Riverview addition; thence following the westerly line of
283 Lower Way to Wilson Way; thence following the westerly line
284 of Wilson Way to the southeast corner of lot fifty to the River-
285 view addition; thence in a southeasterly direction to the north-
286 west corner of lot sixty-five of the Riverview addition; thence
287 following the south line of Midway easterly, to the northeast
288 corner of lot seventy; thence following the east line of lot
289 seventy extended to low water mark of the Kanawha river;
290 thence with low water mark of Kanawha river to the end of
291 Ruffner avenue; thence with Ruffner avenue to place of be-
292 ginning.

Fifteenth Ward

293 The fifteenth ward shall include the following territory: Be-
294 ginning at low water mark of Kanawha river at Porter's hol-
295 low; thence up Porter's hollow in a southwesterly direction to
296 the south side of the Chesapeake and Ohio right of way; thence
297 easterly with the Chesapeake and Ohio right of way to the west
298 side of the Loudon Heights subdivision; thence southerly with
299 the west side of the Loudon Heights addition to the corporation
300 line; thence southerly and westerly with the corporation line to
301 low water mark of the Kanawha river at the mouth of Ferry
302 branch; thence with low water mark on the south side of Kan-
303 awha river to the mouth of Porter's hollow, the place of begin-
303-a ning.

Sixteenth Ward

304 The sixteenth ward shall include the following territory:
305 Beginning at low water mark of Kanawha river at the mouth
306 of Porter's hollow; thence up Kanawha river at low water
307 mark on the south side thereof to Ninth street in Kanawha
308 City; thence with Ninth street extended to a point five hundred
309 feet south of the Chesapeake and Ohio right of way; thence
310 westerly five hundred feet from and parallel to the Chesapeake
311 and Ohio railroad to a point in the west line of the Loudon
312 Heights addition; thence northerly with the west line of Lou-
313 don Heights addition to the south side of the Chesapeake and
314 Ohio right of way; thence westerly with the Chesapeake and
315 Ohio right of way to Porter's hollow; thence northerly with the
316 branch in Porter's hollow to low water mark of Kanawha river
316-a at the mouth of Porter's hollow, the place of beginning.

Seventeenth Ward

317 The seventeenth ward shall include the following territory:
318 Beginning at the low water mark of the Kanawha river in the
319 east line of Twenty-seventh street, Kanawha City; thence with
320 the east line of Twenty-seventh street extended to a point in the
321 south line of the county road; thence easterly with the south
322 line of the county road to the east line of the school lot; ex-
323 tended to a point five hundred feet south of the Chesapeake
324 and Ohio railroad right of way; thence westerly five hundred
325 feet from and parallel to the Chesapeake and Ohio right of

326 way to a point in the line of Ninth street extended ; thence with
327 the line of Ninth street to low water mark on the south side of
328 Kanawha river ; thence up Kanawha river at low water mark to
329 the place of beginning.

Municipal Authorities

Sec. 4. The municipal authorities of the city of Charleston
2 shall consist of four commissioners, who shall constitute a
3 board of affairs and be known as the "Board of Affairs of the
4 City of Charleston," and a city council to be known as the
5 "Council of the City of Charleston," and composed of two
6 members from each ward of the city. The members of the board
7 of affairs shall be elected by the qualified voters of the whole
8 city, and the members of the council shall be elected by the
9 qualified voters of the respective wards of said city, and all
10 such members of the board of affairs and council shall, for the
11 assessment year preceding their respective elections, have been
12 assessed with and paid taxes in the city of Charleston, upon a
13 valuation of at least five hundred dollars worth of real estate
14 or personal property therein, and any person elected to any one
15 of such offices, who has not been so assessed with and paid taxes
16 upon such an amount of property, shall not qualify or enter
17 upon the performance of the duties thereof, and such office shall
18 thereupon become vacant, and shall be filled by a qualified per-
19 son as provided herein for other vacancies.

Sec. 5. In addition to the municipal authorities mentioned
2 in section four of this act, said city shall have a city clerk,
3 treasurer, city auditor, municipal judge, municipal court clerk,
4 city solicitor, chief of police, chief of fire department, city
5 engineer, superintendent of highways, health commissioner,
6 building inspector, collector, humane officer, jailer, police matron
7 and such number of policemen and firemen as council by ordi-
8 nance may direct, and such other officers and agents as the board
9 of affairs and council may from time to time create or employ
10 and the board of affairs may in its discretion abolish or con-
11 solidate any appointive offices herein mentioned. The selection
12 of all appointive officers named or provided for in this section
13 (and the power to fix their salaries), shall be vested in the board
14 of affairs unless otherwise provided. Salaries of all officers to be
15 appointed by the board of affairs shall be fixed by ordinance,

16 and in making all appointments authorized by this act, or by
17 any ordinance pursuant to this act it shall be the duty of the
18 board of affairs to make such appointments in such an equitable
19 manner between adherents of the political parties represented
20 on said board of affairs, as will make the representation as near
21 equal in number and in salary as is practicable. No appointment
22 of any officer shall be made, nor shall any vacancy in office be
23 declared, without the affirmative vote of at least three members
24 of the board of affairs unless otherwise specifically provided
25 for herein. The duties, in addition to those prescribed herein,
26 of all appointive officers named or authorized in this act shall be
27 prescribed by the board of affairs.

Corporate Powers

Sec. 6. All the corporate power of said city shall be vested in
2 and exercised by the city council or under its authority, except
3 as otherwise provided in this act.

Sec. 7. The council of said city shall have, and is hereby
2 granted power to have said city surveyed, to lay out, open,
3 vacate, straighten, broaden, change grade of, grade, re-grade,
4 curb, widen, narrow, repair, pave and re-pave streets, alleys,
5 roads, squares, plots, sidewalks and gutters for public use,
6 and to alter, improve, embellish and ornament and light the
7 same, and to construct and maintain public sewers and laterals,
8 and shall, in all cases, have power and authority to assess upon
9 and collect from the property benefitted thereby, such part
10 of the expense thereof as shall be fixed by ordinance except as
11 hereinafter provided, to have control of all streets, avenues,
12 roads, alleys and grounds for public use in said city, and regu-
13 late the use thereof and driving thereon, and to have the same
14 kept free from obstruction, pollution or debris on or over them;
15 to have the right to control all bridges within said city, and
16 the traffic thereover; to change the name of any street, avenue
17 or road within said city, and regulate and cause the numbering
18 and re-numbering of houses on any street, avenue or road
19 therein; to regulate the naming of streets, avenues and public
20 places; to regulate and determine the width of streets, side-
21 walks, roads and alleys; to order and direct the curbing, re-
22 curbing, paving, re-paving, and repairing of sidewalks and
23 footways for public use in said city to be done and kept clean

24 and in good order by the owners of adjacent property; to
25 enter into a contract with the county of Kanawha, or any
26 internal improvement company for the joint ownership of any
27 bridge by the city and such county or company, upon such
28 terms as may be prescribed in the contract, but any such bridge
29 shall be a public highway and the interest of the company,
30 county and city shall be only such proportionate part thereof
31 as it may pay for or that may be named in the contract; to
32 prohibit and punish the abuse of animals; to restrain and
33 punish vagrants, mendicants, beggars, tramps, prostitutes,
34 fortune tellers, palmists, drunken or disorderly persons within
35 the city, and to provide for their arrest and manner of punish-
36 ment; to prohibit and punish by fine the bringing into the
37 city by railroads, buses, steamboats, airplanes, or other carriers
38 of persons known to be paupers, dangerous or objectionable
39 characters or afflicted with contagious diseases; to control and
40 suppress disorderly houses of prostitution or ill-fame, houses
41 of assignation and gaming houses or any part thereof, to
42 punish those guilty of unlawfully possessing, transporting or
43 selling intoxicating liquors and to confiscate all automobiles,
44 cars, wagons, boats, water and aircraft, beasts of burden and
45 vehicles of any kind in connection with which intoxicating
46 liquors are unlawfully had, kept or possessed for the purpose
47 of sale, transportation or carrying in any way within the city,
48 to punish those engaged in gaming and to suppress all gaming
49 and gambling houses, and all places where gambling or betting
50 is in any way carried on or permitted, and to punish all persons
51 in any way connected therewith; to provide for the entry into
52 and the examination of all dwellings, lots, yards, enclosures,
53 buildings and structures, cars, boats and vehicles of every de-
54 scription, and to ascertain and regulate their condition as to
55 health, cleanliness or safety; to regulate the building and
56 maintenance of party walls, partition fences or lines, fire-
57 walls, fire places, chimneys, boilers, smoke stacks and stove
58 pipes; to provide for and regulate the safe construction, in-
59 spection and repairs of all public and private buildings,
60 bridges, basements, culverts, sewers, or other buildings or struc-
61 tures of any description; to take down and remove, or make
62 safe and secure, any and all buildings, walls, structures or
63 super-structures at the expense of the owners thereof, that
64 are or may become dangerous, or to require the owners or their

65 agents to take down and remove them or put them in a safe
66 and sound condition at their own expense; to regulate, restrain
67 or prohibit the erection of wooden or other buildings within
68 the city; to regulate the height, construction and inspection of
69 all new buildings hereafter erected, and the alteration and re-
70 pair of any buildings already erected or hereafter erected in
71 said city, and to require permits to be obtained for such build-
72 ings and structures, and plans and specifications thereof to be
73 first submitted to the building inspector; to regulate the limit
74 within which it shall be lawful to erect any steps, porticos, bay
75 windows, show windows, awnings, signs, columns, piers or
76 other projection or structural ornaments of any kind for the
77 houses or buildings fronting on any street of said city; to
78 establish fire limits and to provide the kind of buildings and
79 structures that may be erected therein, and to enforce all
80 needful rules and regulations to guard against fire and danger
81 therefrom; to require, regulate and control the construction of
82 fire escapes for any building or other structures in said city; to
83 control the opening and construction of ditches, drains, sewers,
84 cess-pools and gutters, and to deepen, widen and clear the same
85 of stagnant water or filth, and to prevent obstruction therein,
86 and to fill, close or abolish the same and to determine at whose
87 expense the same shall be done; and to build and maintain fire
88 station houses, crematories, jails, lockups, and other buildings,
89 police stations and police courts, and to regulate the manage-
90 ment thereof; to acquire, establish, lay off, appropriate, regu-
91 late, maintain and control public grounds, squares and parks,
92 hospitals, market houses, city buildings, airports, libraries and
93 other educational or charitable institutions, either within or
94 without the city limits, and when the council determines that
95 any real estate, rights, or materials in or out of the city are
96 necessary to be acquired by said city for any such city purpose,
97 or for any public purpose, or is necessary in the exercise of
98 its powers herein granted, the power of eminent domain is
99 hereby conferred upon said city, and it shall have the right to
100 institute condemnation proceedings against the owner thereof,
101 whether said property be in or out of said city, in the same
102 manner, to the same extent, and upon the same conditions as
103 such power is conferred upon public service corporations by
104 chapter fifty-four of the official code of West Virginia, one
105 thousand nine hundred thirty-one, as it is now or may here-

106 after be amended; to purchase, sell, lease or contract for
107 and take care of all public buildings and structures and
108 real estate deemed proper for the use of such city; and for
109 the protection of the public to cause the removal of unsafe
110 walls, structures or buildings, and the filling of excavations;
111 to prevent injury or annoyance to the business of indi-
112 viduals from anything dangerous, offensive or unwholesome;
112-a to abate or cause to be abated all nuisances and to that
113 end and thereabout to summon witnesses and hear testimony;
114 to regulate or prohibit the keeping of gunpowder and other
115 combustible or dangerous articles, and to regulate the transpor-
116 tation of same through streets, alleys and public places; to
117 regulate, restrain or prohibit the erection or maintaining of
118 tank farms, storage tanks, filling stations, gasoline sales sta-
119 tions, wagons, trucks, tanks or other building, structure, or
120 vehicle for the sale or transportation of gasoline, gas, oils,
121 benzine, or other like inflammable substances within the city
122 of Charleston, or the storage of same in large quantities, to
123 regulate, restrain or prohibit the use of firecrackers or other
124 explosives or fireworks, and all noises or performances which
125 may be dangerous, indecent or annoying to persons or tend to
126 frighten horses or other animals; to provide and maintain
127 proper places for the burial of the dead, in or out of the city,
128 and to regulate interments therein upon such terms and condi-
129 tions as to price and otherwise as may be determined; to pro-
130 vide for shade and ornamental trees, shrubbery, grass, flowers
131 and other ornamentations, and the protection of the same; to
132 provide for the poor of the city; to make suitable and proper
133 regulations in regard to the use of the streets, public places,
134 sidewalks and alleys by street cars, foot passengers, animals,
135 vehicles, motors, automobiles, traction engines, railroad
136 engines and cars, and to regulate the running and operation
137 of the same so as to prevent obstruction thereon, encroachment
138 thereto, injury, inconvenience or annoyance to the public; and
139 to regulate fares and operation of motor vehicles, used in the
140 public transportation of passengers or property for hire; to
141 purchase or otherwise secure life, health or accident policies
142 on the group or other convenient plan upon the members of
143 the city police force and fire department, and as an element
144 of compensation of such members may appropriate the money
145 necessary to defray the cost thereof; whenever in its opinion

146 the safety of the public so requires, to authorize or require by
147 ordinance any railroad company operating railroad tracks upon
148 or across any public street or streets of the city, to construct
149 and maintain overhead or undergrade crossings wherever the
150 tracks of said company are laid upon or across the public
151 streets of such city, and to apportion between any such rail-
152 road company and said city, pursuant to general law, the cost
153 of such construction and maintenance, and the cost of the
154 acquisition of the necessary property and rights of way, and
155 the damages to abutting properties, between any such railroad
156 company and city; to prohibit cock and dog fighting; to license,
157 tax, regulate or prohibit theatres, moving pictures, circuses,
158 and exhibition of showmen and shows of any kind, and the
159 exhibition of natural or artificial curiosities, carnivals, me-
160 nageries and musical exhibitions and performances, and other
161 things or business on which the state does or may exact a license
162 tax; to organize and maintain fire companies and departments,
163 and to provide necessary apparatus, engines and implements
164 for the same and to regulate all matters pertaining to the pre-
165 vention and extinguishing of fires; to make proper regulations
166 for guarding against danger and damage from fires, water or
167 other elements; to regulate and control the kind and manner of
168 plumbing and electric wiring, the operation and height of
169 flying of airplanes, hydroplanes, airships and balloons; to
170 regulate wireless stations, radio stations, the use of radio re-
171 ceiving sets or any other radio apparatus and other appliances
172 for the protection of the health, comfort and safety of said
173 city; to levy taxes on property and licenses, to license
174 and tax dogs and other animals and regulate, restrain and pro-
175 hibit them and all other animals and fowls running at large;
176 to provide revenue for the city and appropriate the same to its
177 expenses; to adopt rules for the transaction of business of its
178 own regulation and government; to promote the general wel-
179 fare of the city, and to protect the persons and property of
180 citizens therein; to regulate and provide for the weighing of
181 produce and other articles sold in said city and to regulate
182 the transportation thereof and other things, through the streets,
183 alleys and public places; to have the right to grant, refuse or
184 revoke any and all licenses for the carrying on of any business
185 within said city on which the state exacts a license tax; to
186 establish and regulate markets and to prescribe the time for

187 holding the same, and what shall be sold in such markets, and
188 to let stalls or apartments and regulate the same; to acquire
189 and hold property for market purposes; to regulate the placing
190 of signs, billboards, posters and advertising on or over the
191 streets, alleys, sidewalks and public grounds of said city; to
192 preserve and protect the peace, order and safety and health
193 of the city and its inhabitants, including the right to regulate
194 the sale and use of cocaine, morphine, opium and poisonous or
195 dangerous drugs; to license and collect a tax upon all persons
196 or places where brewed, vinous or distilled liquors are dis-
197 pensed under authority of state law; to appoint and fix the
198 places of holding city elections; to erect, own, lease, authorize
199 or prohibit the erection of gas works, electric light works or
200 water works, ferry boats, in or near the city, and to operate
201 the same, and to sell the product of services therefrom and to
202 do any and all things necessary and incidental to the conduct
203 of such business; to build, hold, purchase, own and operate toll
204 bridges; to employ or enter into an agreement with the county
205 of Kanawha, whereby the council and the county court of
206 Kanawha county shall have the power and authority to pro-
207 vide for a full time health officer in charge of all the general
208 health and sanitation activities and of the enforcement of all
209 laws and regulations relating to public health, in the city of
210 Charleston and the county of Kanawha, and to provide for
211 the necessary assistants, nurses, clerks, and other employees,
212 and the expenses of the administration thereof, and to provide
213 for a proper division of all such expenses between the city and
214 county, and make all needful rules and regulations to fully
215 carry into effect the said joint undertaking between the city
216 of Charleston and the county of Kanawha; to provide for
217 the purity of water, milk, meats and provisions offered or ex-
218 posed for sale in said city, and to that end provide for a system
219 of inspecting the same and making and enforcing rules for
220 the regulation of their sale; and to prohibit the sale of any
221 unwholesome or tainted milk, meats, fish, fruit, vegetables,
222 or the sale of milk, containing water or other things not con-
223 stituting a part of pure milk; to provide for inspecting dairies
224 and slaughter houses, whether in or outside of the city, where
225 the milk and meat therefrom are offered for sale within said
226 city, and to prohibit the sale of any articles deemed unwhole-
227 some, and to condemn the same or destroy or abate it as a

228 nuisance; to provide for the regulation of public processions
229 so as to prevent interference with public traffic, and to pro-
230 mote the good order of the city; to prescribe and enforce
231 ordinances and rules for the purpose of protecting the health,
232 property, lives, decency, morality, cleanliness, comfort and
233 good order of the city and its inhabitants; and to protect places
234 of divine worship in and about the premises where held, and
235 to punish violations of all ordinances, even though the offenses
236 under and against the same shall also constitute offenses under
237 the laws of the state of West Virginia or the common law; to
238 provide for the employment and safe keeping of persons who
239 may be committed in default of payment of fines, penalties
240 or costs under this act, who are otherwise unable to discharge
241 the same, by putting them to work for the benefit of the city
242 upon the streets or other places in or out of the city provided
243 by said city, and to use such means to prevent their escape
244 while at work as the council may deem expedient; and the
245 council may fix a reasonable rate per day as wages to be
246 allowed such persons until the fine and costs against them are
247 thereby discharged; to compel the attendance at public meet-
248 ings of the members of the council; to have and exercise such
249 additional rights, privileges and powers as are granted to
250 municipalities by chapter eight of the code of West Virginia,
251 edition of one thousand nine hundred thirty-one.

252 For all such purposes, except that of taxation and for pur-
253 poses otherwise limited by this act, the council and board of
254 affairs shall have jurisdiction for one mile beyond the corporate
255 limits.

256 And the council shall have the right to establish, construct
257 and maintain public markets, landing ferries, wharves, parking
258 places and docks on any ground which does or shall belong to
259 said city, or which it shall acquire, by purchase or otherwise,
260 and to sell, release, repair, alter or remove any public markets,
261 landings, ferries, wharves, dikes, buildings or docks which have
262 been or shall be so constructed, and to levy and collect reason-
263 able duty on vessels and other craft coming to or using said
264 landings, ferries, wharves, dikes, docks, parking places and
265 buildings, and to preserve and protect the peace and good
266 order at the same, and upon all rivers within the corporate
267 limits aforesaid, and regulate the manner in which they shall
268 be used; and to have the sole right, under state laws and in

269 the same manner as now control county courts, to establish,
270 construct, maintain, regulate and control all such wharves,
271 docks, ferries and landings within the corporate limits of said
272 city.

273 To carry into effect these enumerated powers and all other
274 powers conferred upon said city expressly or by implication in
275 this and other acts of the legislature, the council of said city
276 shall have the power in the manner herein prescribed, to adopt
277 and enforce all needful orders, rules and ordinances not con-
278 trary to the laws and constitution of this state; and to pre-
279 scribe, impose and enforce reasonable fines and penalties, in-
280 cluding imprisonment in the city lock-up, jail or station house,
281 and to work prisoners found guilty, as the council may pre-
282 scribe, and market the products of such labor, and with the
283 consent of the county court of Kanawha county, entered of
284 record, shall have the right to use the jail of said county for
285 any purpose necessary to the administration of its affairs.

Sec. 8. The council of the city of Charleston shall have
2 full discretion in the matter of granting, refusing and re-
3 voking licenses for keeping hotels, eating houses and restau-
4 rants, garages, taxi-cab stands, bowling alleys, pool and billiard
5 tables and like tables, and for selling soft drinks, and for
6 brewed, vinous, or distilled beverages or liquors, when sold or
7 dispensed under authority of the laws of West Virginia, as in
8 the case of other licenses, and shall supervise, regulate and con-
9 trol all places licensed for said purposes, and the municipal
10 judge shall have jurisdiction when such city license and regula-
11 tion is sought to be evaded and may prevent such evasion: *Pro-*
12 *vided*, That no such license, regulation or control shall apply to
13 any fraternal or wholly charitable society permitted under the
14 state laws. The council shall make no provision for the licensing
15 of automobiles or other motor vehicles, except that in the case of
16 motor vehicles used in the transportation of passengers or prop-
17 erty for hire the council may require from the owner or oper-
18 ator of any such vehicle a bond, with sureties, and in such pen-
19 alty, and with such conditions as it may deem proper. The coun-
20 cil shall have power to enact and enforce proper ordinances for
21 the purpose of carrying into effect the powers hereby granted.

22 If any person fails or refuses to secure a license or to pay any
23 license tax due the city, or fails to obtain a permit to do any-
24 thing for which a permit is required by ordinance, in addition

25 to all other penalties and remedies provided by the ordinances
26 of the city, the circuit court of Kanawha county and the court
27 of common pleas of Kanawha county, or the respective judge
28 thereof, in vacation, upon application in the name of the city or
29 of any officer of the city, shall grant an injunction, inhibiting
30 such person from continuing the business until the full amount
31 of the license tax and penalty prescribed by the ordinance and
32 due the city is paid, or until the person has obtained the license
33 or permit as required by ordinance.

Sec. 9. The council of the city of Charleston is hereby
2 granted power, in addition to the powers heretofore granted it,
3 to regulate by ordinance the operation of motor vehicles and
4 other vehicles in said city, and the speed at which the same may
5 be driven, and to provide for the punishment of violations of
6 such ordinances; and said council is given specific authority to
7 punish the violation of ordinances relating to the speed of such
8 vehicles, or the operation thereof, by impounding or taking pos-
9 session of such vehicles and retaining the same for such time as
10 may be prescribed by ordinance not to exceed thirty days.

Registration—Voters—Elections

Sec. 10. Every person qualified by law to vote for members
2 of the legislature of this state (and who shall have been a resident
3 of said city for sixty days preceding the day of election, of the
4 ward in which he offers to vote at least ten days preceding such
5 day and a bona fide resident of the election precinct in which
6 he offers to vote) shall be entitled to vote at all elections held
7 in said city by or under the authority and control thereof.

Sec. 11. The voting precincts in the several wards for all city
2 elections shall be the same as to boundaries as those fixed by
3 the county court for all state and county elections, so long as no
4 precinct as so fixed by the county court embraces territory of
5 more than one ward in said city. So long as the voting precincts
6 in the several wards shall be the same as those so fixed by the
7 county court, then the registration of voters made under the
8 general law concerning the registration of voters shall be the
9 registration of voters, used for all city regular elections with
10 such corrections as are herein provided for, and it shall not be
11 necessary to have a special registration of voters for any special
12 election, but the registration of voters for the last preceding
13 city regular election with such corrections as are herein pro-

14 vided for, shall be the proper registration for such special elec-
15 tion. For all regular elections held hereunder, except for the
16 first election, and except for the referendum election held here-
17 under as is provided for herein, the council shall elect two per-
18 sons, one being a member of each of the two leading political
19 parties in said city, having all the qualifications of commis-
20 sioners of election under chapter three of the code of West Vir-
21 ginia as city registrars. The city executive committee of each
22 of such political parties may present to the council a writing
23 signed by the chairman of the committee of each party request-
24 ing the appointment of a qualified voter of his political party
25 as registrar with his city address, and in case such writing
26 is presented the council shall appoint the person so named as
27 such registrar, except for the first election and except for the
28 referendum election as is provided for herein. They shall take
29 the same oath as other officers of the city take and shall be paid
30 such compensation as the council may fix by ordinance.

31 They shall sit in the lobby of the city hall on five separate
32 days, being the last four Saturdays and the last Monday pre-
33 ceding any regular election in said city, except for the first
34 election and except for the referendum election as is provided
35 for herein, and also for any special election for three separate
36 days, being the last two Saturdays and the last Monday preced-
37 ing any special election, except for the first election and except
38 for the referendum election as is provided for herein, for the
39 purpose of registering voters who shall not have been already
40 registered in the various precincts, and for issuing transfers
41 to any voter who has moved from one precinct to another, and
42 for striking off the name of any voter from the registration books
43 when it shall be shown by the affidavits of two persons that he
44 is no longer a voter in said city, and they shall strike off from
45 such registration books the names of any person known by or
46 proved to them to be dead. It shall be the duty of the city clerk
47 to make or have made copies of the registration books on file in
48 the office of the clerk of the county court of Kanawha county
49 at least thirty days before any regular city election except
50 for the first election and except for the referendum election
51 as is provided for herein, and such copies, with such
52 additions and changes as may be made by the city registrars,
53 shall be used for all regular elections and for any special

54 elections except for the first election and except for the
54-a referendum election as is provided for herein, which may be
55 held between said regular elections. Notice of the time and
56 place of sittings of said city registrars shall be given by the
57 publication thereof by the city clerk in two newspapers of op-
58 posite politics printed and circulated in said city, once a week
59 for five successive weeks before any general election, except
60 for the first election and except for the referendum election as is
61 provided for herein, if there is sufficient space of time for such
62 purpose, and if not, then for such time as there may be before
63 any special or general election. Before the registrars shall
64 register the name of any person as a qualified voter they must
65 be satisfied of his qualifications and shall have the right and
66 power to require of such persons all the things that may be
67 required of him by the registrars under the state law, and such
68 registrars shall, as to the qualifications of persons to vote, be
69 governed by the state laws on such subject in existence at the
70 time of such registration.

71 The county clerk of Kanawha county shall carefully preserve
72 in his office the registration books of each general election for all
73 the precincts of the city of Charleston and shall deliver one
74 copy of each thereof to the city clerk of the city of Charleston
75 for the use of the registrars of said city in the performance of
76 their duties as such.

Sec. 12. In the event that the county court of Kanawha
2 county changes the boundary lines of any voting precincts in
3 the city of Charleston so that any of said voting precincts as
4 changed include any of the territory of two or more wards as
5 fixed by law, or if subsequent to the last preceding general
6 county and state election there is an extension of the corporate
7 boundaries of the city of Charleston, then the council may hold
8 a regular or special session not later than the last Monday in
9 January of each year in which a city regular election is to be
10 held, at which meeting the council may by resolution change
11 the boundaries of any of the voting precincts of the city, or in
12 their discretion may establish new precincts, so that all the
13 territory within the corporate limits of the city shall be divided
14 into voting precincts: *Provided*, That the territory within the
15 boundaries of two or more of the wards shall not be within any
16 one voting precinct. The council shall appoint for each voting

17 precinct so established or changed two competent persons as
18 registrars, one each from the two political parties which at the
19 last regular election cast the highest number of votes in the city
20 of Charleston, but the city executive committee of each of such
21 political parties may present to the council a writing signed by
22 the chairman thereof requesting the appointment of a qualified
23 voter of such political party for each precinct so established or
24 changed, and the council shall appoint the person so named in
25 such writing as registrar.

26 No person shall be eligible to appointment as registrar, or in
27 any way act as such, who has been convicted of a felony, or who
28 holds any elective or appointive office or position in said city or
29 is an employee under the laws of the state of West Virginia or
30 of the United States or who is not a qualified voter in the pre-
31 cinct for which he is appointed or who can not read and write
32 the English language. If such registrar shall fail or refuse to
33 serve, the vacancy shall be filled either by the council, or in va-
34 cation of council by the mayor of the city, in the manner here-
35 inbefore provided for the appointment of registrars, and the
36 city clerk shall immediately after their appointment notify all
37 such persons of appointment as registrars. Such registrars
38 shall before entering upon the discharge of their duties take an
39 oath to support the constitution of the United States, the con-
40 stitution of West Virginia, and to perform the duties of their
41 office to the best of their ability and that they are legal members
42 of the party for which they are respectively appointed. The said
43 oath shall be filed in the office of the city clerk.

44 The city clerk shall cause to be prepared suitable books and
45 blanks for the registration of the voters and such books shall
46 be so arranged as required by law for the registration of voters
47 for general elections held in the state of West Virginia and all
48 the provisions, duties and obligations of the code of West Vir-
49 ginia or any act of the Legislature amendatory thereof shall
50 apply to the registration of voters hereunder, except as herein
51 otherwise set out, and the city council shall perform the duties
52 required of the county court by said code, and the city clerk
53 shall perform the duties required of the county clerk by said
54 code.

55 In all cases where a new registration of voters is required the
56 said registrars shall meet not later than the Wednesday follow-

57 ing the said last Monday in January and proceed to register the
58 names of all qualified voters in their respective precincts in the
59 manner required herein and in all other respects in the man-
60 ner provided by chapter three of the code.

61 Said registrars shall complete said registration on or before
62 the first Tuesday in March of every such election year, and
63 shall deliver the books to the city clerk and council for the pur-
64 pose of amending, correcting and completing said registration.

65 In case the county court changes the boundary lines of any
66 voting precincts in the manner set out in the first paragraph
67 of this section more than thirty days prior to a general primary
68 election of the city, the council shall select the registrars as pro-
69 vided in this section and shall fix the time and place of register-
70 ing the voters in the precincts so changed.

Sec. 13. Candidates to be voted for at municipal elections
2 may be nominated by convention, or primary election, as may
3 be decided by the executive committees of any of the political
4 parties recognized by law in said city, and candidates may be
5 nominated by petition in the manner provided by the code of
6 West Virginia, one thousand nine hundred thirty-one. Each of
7 the political parties having the right to make a nomination
8 under the election laws of West Virginia shall give notice of the
9 manner of such nomination by publication thereof in some daily
10 newspaper printed in the city of Charleston every day for ten
11 days prior to the date of such convention or primary election.

Sec. 14. Whenever the county court of Kanawha county
2 shall arrange the voting precincts in the city of Charleston for
3 state and county elections according to the lines of the city
4 wards, then such precincts with the same boundaries and the
5 same voting places as provided for such state and county elec-
6 tions shall be the precincts for all city elections. Except for the
7 first election hereunder or as may be otherwise provided by this
8 act, all city elections shall be held by commissioners appointed
9 by council and the officers shall be appointed in the way and
10 manner prescribed in the code of West Virginia, one thousand
11 nine hundred thirty-one, but no double election boards shall be
12 appointed for any city election.

Election Commissioners

Sec. 15. The county court of Kanawha county shall hold a
2 regular or special session at the court house of said county on the
3 second Monday preceding the date fixed for the first city elec-
4 tion hereunder and shall appoint three qualified voters as com-
5 missioners of election for each precinct in said city. They
6 shall be selected from the two political parties which at the last
7 preceding regular state election in said city, cast the highest
8 number of votes and not more than two of them shall belong to
9 the same political party, and if at any time during the said
10 session of the county court, the city executive committee of
11 either political party from which said commissioners of election
12 are to be selected or appointed shall present to the said court
13 a writing signed by them, or by the chairman of said city execu-
14 tive committee in their behalf, requesting the appointment of a
15 qualified voter of their political party and who is otherwise
16 qualified to act as such commissioner of election under the code
17 of West Virginia, one thousand nine hundred thirty-one, it shall
18 be the duty of such court to appoint the person named in such
19 writing as such commissioner, and at all subsequent city elec-
20 tions the commissioners of election shall be appointed by the
21 city council and the committees of the dominant political par-
22 ties shall have the same right of recommendation as provided
23 for such appointments of commissioners for the first election,
24 and all city elections shall in all other respects be held in the
25 way and manner prescribed in said chapter three of the code
26 of West Virginia, one thousand nine hundred thirty-one. The
27 same precincts with the same boundaries and the same voting
28 places as provided for the last general state election shall be the
29 precincts for the first city election hereunder.

Sec. 16. The preparation of the ballot and the method of
2 voting and all other requirements of chapter three of the code
3 of West Virginia, one thousand nine hundred thirty-one, ex-
4 cept as changed or modified by this and later acts, shall govern
5 all city elections held under the provisions hereof.

Council

Sec. 17. The city of Charleston shall have a council, which
2 shall be known and styled as the "Council of the city of Charles-

3 ton'' and shall consist of two residents of each of the wards of
4 the city, not more than one of whom from each ward of said
5 city shall belong to the same political party, and all of whom
6 shall be nominated, voted for and elected in the manner herein
7 provided.

Sec. 18. Only citizens entitled to vote and residents and
2 voters of their respective wards and having the proper qualifi-
3 cations hereinbefore provided shall be eligible to be elected to
4 the office of councilmen from their respective wards and each
5 councilman so elected from a ward shall during his incumbency
6 in office continue to be a resident of the ward from which he is
7 elected during his entire term of office.

First Election

8 In the event the vote upon adoption or rejection of this act,
9 as herein provided, shall be in favor of the adoption thereof,
10 then an election is directed to be and shall be held upon the
11 fourth Tuesday following the ascertainment of the result of
12 said election called for adoption or rejection thereof, for the
13 purpose of electing the four members of the board of affairs,
14 as herein provided, and two members of the council from each
15 ward, as herein provided for, and all subsequent elections, ex-
16 cept special elections, shall be held every two years thereafter
17 on the third Tuesday in April, of such election year, at which
18 time there shall be elected two members of the council from
19 each ward, as herein provided, and two members of the board
20 of affairs, as herein provided. If any person elected to council
21 or to the board of affairs fails to qualify within twenty days
22 after he is declared elected, or resign as a member of the council,
23 or as a member of the board of affairs, or if any councilman
24 cease to be a resident of the ward from which he is elected, then
25 and in either event, such office shall thereby be vacated and the
26 council shall fill such vacancy by the election of some qualified
27 person of the same political party as the disqualified councilman
28 or member of board of affairs for such unexpired term. No
29 person shall be by the council declared elected unless he receives
30 the votes of at least a majority of the members elected thereto,
31 and the minutes of such meeting shall show that fact.

Candidates—Nominations

Sec. 19. Candidates to be voted for at any municipal election
2 for members of the board of affairs and members of the council,
3 may be nominated by convention, primary or petition in the
4 manner and under the provisions now or hereafter prescribed
5 by state laws relating thereto; and as selected by the executive
6 committee of the respective political parties of said city: *Pro-*
7 *vided, however,* That for the first election to be held upon
8 the fourth Tuesday following the ascertainment of the result of
9 said election called for adoption or rejection of this act, as herein
10 provided for, no political party shall nominate fewer than two
11 and not more than four persons for the office of member of the
12 board of affairs and not more than two persons from each ward
13 for member of the city council. And thereafter at any election
14 to be held either for electing a member of the board of affairs
15 or to the council, no political party shall nominate more than
16 double the number to be elected to any office. If any certificate
17 of nomination or any petition for nomination of candidates for
18 either the board of affairs or the council shall contain more
19 names than prescribed in this section for such office, then the
20 ballot commissioners shall for the first election to be held under
21 this act, take the first four names for board of affairs as the
22 nominees of such party for said offices and said ballot commis-
23 sioner shall take the second two names as nominees for council
24 in each ward of the city of the political party casting the larger
25 number of votes for its mayor at the last regular city election
26 and the first four names as nominees for council in each ward
27 of the city of the other party and of the names on other peti-
28 tions; at any and all subsequent regular city elections held
29 hereunder the ballot commissioners shall take the first two
30 names for board of affairs and the first two names for each
31 party and petition and from each ward of the city for council
32 as the nominees of such party for said office: *And provided*
33 *further,* That there shall not be printed on any ticket on any
34 ballot to be voted at any municipal election for the election of
35 officers of the city, more names for the office of members of the
36 board of affairs and council than provided for in this section.
37 In case of the nomination of candidates to be voted for to fill
38 the vacancies on the board of affairs, no political party and no
39 petition shall nominate more than double the number to be

40 elected, and such nominations shall be certified, and the names
41 of the nominees printed on the ballot, in the manner prescribed
42 herein.

43 Every person so nominated for member of the board of affairs,
44 shall, within five days after his nomination has been certified
45 by the political party making the nomination, or a petition
46 therefor shall have been filed, make, under oath, and file with
47 the city clerk a statement of the political party to which he
48 claims allegiance, or if he belongs to no party shall so state;
49 and, if nominated by two or more parties, he shall state
50 to which of them he belongs. If such person fail to make the
51 oath, and file the same, as herein prescribed, the ballot commis-
52 sioners shall not place his name on the ballot to be voted for at
53 the approaching election.

Election and Duties of Board of Affairs, Officers, etc.

Sec. 20. The first election held hereunder shall be held on
2 the fourth Tuesday following the ascertainment of the result
3 of said election called for adoption or rejection hereof, as herein
4 provided for, at which time there shall be elected four members
5 of the board of affairs, not more than two of whom shall be
6 members of the same political party; and, according to the vote
7 received by each, they shall be divided into two classes, and not
8 more than one member of each class shall or can belong to the
9 same political party. The two members of the board of affairs
10 receiving the highest number of votes of opposite political
11 parties, except as herein otherwise provided, shall belong to
12 class "A" and shall serve for four years, or until their successors
13 are elected and qualified; and the two members of said board
14 of affairs of opposite political parties receiving the next highest
15 number of votes, except as herein otherwise provided, shall be-
16 long to class "B" and shall serve for two years, or until their
17 successors shall be elected and qualified. And, at every city
18 election thereafter there shall be elected two members of the
19 board of affairs, not more than one of whom shall be a member
20 of the same political party, who shall serve for four years or
21 until their successor shall be elected and qualified. The candi-
22 date for member of board of affairs who shall, at the first elec-
23 tion provided for herein, receive the highest number of votes
24 cast, of the four elected members of the board of affairs at the
25 first election of officers provided for herein, shall thereby then
26 and there be and become mayor of said city; and if at such first

27 election, or if at any subsequent election at which a mayor is to
28 be elected, as provided for herein, two or more persons shall re-
29 ceive the highest and the same number of votes for member of
30 the board of affairs, then and in that event the council at its
31 first meeting, in case of the first election of officers hereunder,
32 and thereafter, the council then in office at its first meeting next
33 succeeding the election, shall immediately elect one of them as
34 mayor and the mayor thus elected and his successors shall hold
35 office as such for a period of four years, or until his successor
36 is elected and has qualified, as provided for herein. At every
37 second election next following the first election hereunder, which
38 shall also be a regular election, as provided for herein, the
39 candidate for the board of affairs who shall receive the highest
40 number of votes shall be and become mayor and the other elected
41 member of the board of affairs at such election shall become a
42 member of class "A" of said board of affairs. There cannot
43 and shall not be elected to class "A" or class "B" more than
44 one person each of the same political party, and in case of a tie
45 neither party shall have more than one person in any party in
46 either of said classes. In the event the office of mayor, as cre-
47 ated herein, shall become vacant, then and in such event the
48 remaining member of the board of affairs of class "A" auto-
49 matically shall be and become mayor and the class "A" va-
50 cancy in the board of affairs shall be filled by the election of a
51 qualified person from the political party not at the time repre-
52 sented in class "A" of the board of affairs. In the event of
53 any other vacancy in the board of affairs then and in such
54 event such vacancy shall be properly filled by the election of a
55 qualified person from the proper political party, so that the
56 same political party shall have the same representation, upon
57 said board of affairs, as existed before such vacancy was cre-
58 ated, such vacancy being filled in any and every such event by
59 election by the city council to be held on the second Monday
60 following the day such vacancy occurs. In any and every such
61 election to fill any and every such vacancy in the board of
62 affairs, a majority of the votes of the council elected shall be
63 necessary to elect.

Sec. 21. Vacancies occurring in the city council shall be filled
2 by the election of qualified persons so that the wards shall have
3 the same political party representation as existed before such
4 vacancies occurred. The election of such members of the city

5 council to fill such vacancies shall be by a majority of the votes
6 cast by the city executive committee entitled to fill such va-
7 cancies and a certificate filed by the chairman of such executive
8 committee shall be prima facie evidence of the bona fides and
9 result of any such election; but it shall be unlawful to fill any
10 vacancy on the board of affairs with any person not of the same
11 political party as the person whose vacancy is being filled, and
12 it shall be unlawful, by election, appointment or otherwise, for
13 the board of affairs, at any time, to be composed of more than
14 two members of the same political party. The circuit court of
15 Kanawha county shall have jurisdiction by prohibition, man-
16 damus, and injunction, at the suit of not less than twenty-five
17 taxpayers of the city, to restrain and prohibit any official or
18 governing body from violating this section and to compel and
19 to command any official or governing body to enforce and faith-
20 fully observe the provisions of this section; and in any such
21 proceeding such court may inquire into the politics of any per-
22 son elected or appointed, so that neither by deceit, misrepre-
23 sentation, false pretense, or subterfuge, may the provisions of
24 this section be violated.

Departments of City Government

Sec. 22. In order to better dispatch the business of the city,
2 and assign more in detail the duties of the members of the board
3 of affairs, the government of said city is hereby divided into
4 four departments, to-wit:

5 1. Department of finance, embracing the departments of
6 finance, taxation and public utilities.

7 2. Department of public safety, embracing the departments
8 of law, fire, public buildings and grounds.

9 3. Department of police, embracing the department of police,
10 health and charity.

11 4. Department of streets, embracing the department of
12 streets, wharves and sewers.

13 The mayor, at the first regular meeting of the board of affairs
14 following their election and qualification, shall designate him-
15 self and each of the other members as the head of one of the said
16 departments of government, and the members thus designated
17 shall be styled the commissioner of that department, to-wit:

18 1. "Commissioner of finance."

19 2. "Commissioner of public safety."

20 3. "Commissioner of police."

21 4. "Commissioner of streets."

22 And the member of board of affairs, so designated by the
23 mayor, shall have the immediate care and supervision of the
24 department of city government designated to him but subject
25 always to the control or orders of the board of affairs. The
26 business, and the labors incident thereto, of each of the depart-
27 ments shall be that which properly falls within the scope of the
28 particular department, but which, in details may be fixed from
29 time to time by the board of affairs. The head of each depart-
30 ment shall see to the performance of all business coming within
31 his department, or which may be referred to his department or
32 to any officer thereunder from time to time, but no member of
33 the board of affairs, either as a commissioner of a department
34 or otherwise, shall employ or hire any one to do any service nor
35 shall he make any appointment except with the consent and
36 authority of the board of affairs. The board of affairs shall, by
37 resolution, fix the salaries of all appointive officers which shall
38 be subject to the approval of the council as herein provided;
39 but laborers by the day and those doing special work may be
40 paid by the board of affairs without the necessity of concurrence
41 by the city council.

42 The commissioner of each department shall keep a public
43 office at which he may be found or communicated with during
44 stated hours to be fixed by him or the board of affairs, unless
45 his official duties call him elsewhere; and the board of affairs
46 shall make proper rules and regulations for its own government
47 and the conduct of its business, which rules shall not be con-
48 trary to nor inconsistent with any of the provisions of this act,
49 and such rules shall be duly entered of record and shall be pub-
50 lished in any municipal code or other publication made by the
51 city council. Such rules shall prescribe the powers and duties
52 of each member of the board of affairs or commissioners.

Meetings of Board to be Public

Sec. 23. The board of affairs shall have at least one regular
2 public meeting each week at some place provided for that pur-
3 pose, and on a stated day and at an hour fixed by the rules,
4 governing the board.

Sec. 24. Special meetings of the board may be called by the
2 mayor or any two members of the board by personal notice

3 given to the other members thereof, stating the time and object
4 of the meeting; and no business except that stated in said notice
5 shall be considered or acted upon at said meeting. All meetings
6 of the board shall be open to the public and at the place pro-
7 vided for regular meetings.

Sec. 25. A majority of the whole number of members elected
2 to the board of affairs and a majority of the whole number of
3 members elected to council shall constitute a quorum for the
4 transaction of business before said respective bodies, but a
5 smaller number in either body may adjourn from time to time
6 and may compel the attendance of absent members, in such man-
7 ner and under such penalties, as either body may by rules
8 provide.

How Vote Taken

Sec. 26. Unless otherwise herein provided, the vote upon any
2 question or motion before the board of affairs or city council may
3 be *viva voce* when unanimous; but if the question or motion does
4 not receive the unanimous vote of the members present, then the
5 vote shall be taken by roll call of the members and made a part
6 of the minutes of the meeting, and when the vote is unanimous
7 the minutes shall so state.

City Clerk

Sec. 27. The city clerk shall be *ex officio* clerk of the board
2 of affairs. Such board shall cause detailed minutes of its meet-
3 ings and proceedings to be kept by the clerk in a well bound
4 book for that purpose, which shall remain in the custody of the
5 clerk at his office and open to public inspection. The minutes
6 of every regular or special meeting shall be read publicly at
7 the next succeeding regular meeting of the board, and, after be-
8 ing corrected, shall be signed by the mayor and the city clerk,
9 and, if thus recorded and signed, they shall be admitted as
10 evidence in any court of record in this state. They shall read
11 publicly all recommendations of council since the last meeting
12 and preserve and file the same.

Cannot Hold Any Other Office

Sec. 28. A member of the board of affairs shall not hold any
2 other city office, except as prescribed in this act, nor be an em-

3 ployee of the city in any other capacity for compensation, nor
4 hold any other office, with or without compensation, which may
5 interfere with the faithful discharge of his duties as member of
6 the board of affairs.

Sec. 29. No appointive officer of the city shall hold two
2 offices with the city at the same time, nor become the employee
3 of the city in any other capacity, than the one in which he was
4 appointed, without first having the consent of the board of
5 affairs. All appointive officers, except those under civil service,
6 shall hold for a term of two years unless sooner removed by
7 and at the pleasure of the board of affairs, and until their suc-
8 cessors are appointed and qualified, and not more than one ap-
9 pointee shall be from the same family or related in any way to
10 another appointee.

Eligibility and Salaries

Sec. 30. The salaries of the members of the board of affairs
2 shall be determined by the city council, but in no case shall the
3 salary of any member of the board be more than fifteen hundred
4 dollars per annum. Whenever the board of affairs shall for a
5 period of thirty days fail to make their appointments of all
6 appointive officers, each member shall forfeit his salary there-
7 after, and until such appointments shall be made, and all dis-
8 bursing and accounting officers shall take official notice of such
9 failure to make such appointments, and no order, warrant, check
10 or draft shall be issued for such salary so forfeited.

Sec. 31. Any member of the board of affairs, or council or any
2 officer connected with the city government pursuant to any law of
3 this state or ordinance of the city now or hereafter passed, and
4 who shall, in his official capacity or under color of his office, know-
5 ingly or wilfully, or corruptly vote for, assent to or report in
6 favor of, or allow, or certify for allowance, any contract or
7 claim or demand against the city, which claim or demand shall
8 be on account or under color of any contract or agreement not
9 authorized by or in pursuance of the provisions of this act or
10 the ordinances of the city, or any claim or demand against the
11 city which claim or demand or any part thereof, shall be for
12 work not performed for and by authority of said city, or by
13 the board of affairs, or for the supplies or materials not actually
14 furnished thereto pursuant to law or ordinance, and every such

15 member or officer as aforesaid who shall knowingly vote for,
16 assent to, assist or otherwise permit, or aid, in the disbursement
17 or disposition of any money or property belonging to the city
18 to any other than the specific use or purpose for which such
19 money or property shall be or shall have been received or ap-
20 propriated or collected or authorized by law to be collected, and
21 disbursed shall upon conviction thereof, be punished by im-
22 prisonment in the county jail for not more than one year or by
23 fine of not less than five hundred dollars, nor more than two thou-
24 sand dollars, or by both. But the board of affairs shall pay any
25 just obligations made by the city and keep and perform all con-
26 tracts, agreements and obligations made under the law as it was
27 the day before this act goes into effect, and for which and on
28 which the city is liable or obligated when the board of affairs
29 herein provided for goes into office.

Attendance of Witnesses, Punishing Contempts, etc.

Sec. 32. The board of affairs and the council in the exercise
2 of their respective powers and the performance of their respec-
3 tive duties, as prescribed by this act and by the laws of the state,
4 shall have the power to enforce the attendance of witnesses,
5 the production of books and papers, and the power to admin-
6 ister oaths in the same manner and with like effect, and under
7 the same penalties, as notaries public, justices of the peace and
8 other officers of the state authorized to administer oaths under
9 state laws; and said board of affairs and said council shall have
10 such power to punish for contempt as is conferred on county
11 courts by section six, article one of chapter seven of the code
12 of West Virginia, one thousand nine hundred thirty-one. All
13 process necessary to enforce the powers conferred by this act on
14 the board of affairs and council shall be signed by the mayor
15 (or acting mayor) and shall be executed by any member of the
16 police force.

Sec. 33. The mayor shall be the presiding officer of the council
2 and be a member thereof, with the right to vote on all questions
3 the same as any other member of said council, and the city
4 clerk shall be ex officio clerk of the council, and the mayor and
5 city clerk shall each perform such other proper duties as the
6 council may require of them. The council shall, at its first meet-
7 ing after each election, select one of its body as president pro

8 tempore, who shall in the absence of the mayor, preside as
9 chairman of the meeting of the council, and in the absence of
10 both the mayor and president pro tempore at any meeting of
11 the council, some member of the council shall be elected to pre-
12 side over such meeting.

Sec. 34. Whenever by the extension of the corporate bound-
2 aries of the city a new ward is created as part of the city, such
3 new ward shall have representation in the city council and
4 within thirty days after the act creating such new ward takes
5 effect, the council shall proceed to elect two qualified residents
6 thereof, not more than one of whom shall belong to the same
7 political party, as members of said council, to hold office until
8 the next general election.

Sec. 35. The council shall exercise all of the legislative func-
2 tions of the city government and shall have the right to demand
3 of any city official, or employee, information, explanations, facts,
4 details, correspondence, or other papers affecting the city's in-
5 terest; and it shall be misfeasance and neglect of duty for any
6 such official or employee to fail or refuse to comply with such
7 demands.

Auditing of Books

Sec. 36. The council shall by proper ordinance provide for
2 the auditing of all the books and accounts of the city at least
3 once in each year, and shall employ a reputable certified public
4 accountant for such purpose, and such audit shall show the
5 complete financial condition of the city at the time thereof and
6 the receipts and disbursements of all moneys during such year.
7 The council may also provide by ordinance for the publication
8 of the report of the accountant on the financial condition of
9 the city at least once in each year, and such report of the ac-
10 countant shall be spread upon the records of the council and be
11 a public record for all purposes.

Removal from Office

Sec. 37. Any member of the board of affairs or of the council,
2 and any city official, either elected or appointed, may be removed
3 from his office by the council for any of the following causes:
4 Official misconduct, incompetence, habitual drunkenness, neglect
5 of duty, or gross immorality. The charges against any such officer

6 shall be reduced to writing and entered of record by the council,
7 and a summons shall thereupon be issued by the city clerk con-
8 taining a copy of the charges and requiring the officer named
9 therein to appear and answer the same on a day to be named
10 therein, which summons may be served in the same manner as a
11 summons commencing an action may be served, and the service
12 must be made at least five days before the return day thereof,
13 and it shall require the affirmative vote of two-thirds of all the
14 members elected to council to remove any such official. The
15 circuit court of Kanawha county shall have concurrent jurisdic-
16 tion with the council to try, hear and determine any proceedings
17 for the removal of any city official for any of the causes herein
18 mentioned. The board of affairs, or any city official having the
19 power of appointment hereunder, shall have the absolute right
20 in his discretion to remove any of its or his appointees and ap-
21 point another qualified person in his place, but such removal
22 shall be in writing and served upon said official so removed, and
23 all the rights and powers of such official shall cease and end from
24 the time of such service.

Rules and Records of Council

Sec. 38. The council shall make proper rules and regulations
2 for its own government and the conduct of its business, which
3 rules shall not be contrary to, or inconsistent with, any of the
4 provisions of this act, and such rules shall be duly entered of
5 record and shall be published by the council in any municipal
6 code or other publication made by the council of this act and
7 the ordinances of said city. The council shall cause a record of
8 its meetings to be kept and recorded by the city clerk in a well
9 bound book provided by the council for that purpose, which
10 book shall remain in the custody and at the office of the city
11 clerk, and all the books containing the proceedings of former
12 councils or other governing bodies of the city of Charleston,
13 shall likewise remain in the custody and be kept at the office of
14 the city clerk, and all city records shall at reasonable hours and
15 in a reasonable manner be open to the inspection of the public.

Meetings of Council

Sec. 39. The council shall hold regular meetings on the first
2 and third Mondays of each month, and the hour and place of

3 such meetings shall be fixed by the council in the rules adopted
4 by it.

Sec. 40. Special meetings of the council shall be held when
2 called by the mayor or ten members thereof. In either case, the
3 call therefor shall be in writing and signed by the mayor or
4 members issuing it, and shall state the time, place and business
5 to be considered thereat, and a copy thereof shall be served upon
6 each member of the council then in the city, and also be pub-
7 lished on two successive days in two daily newspapers printed
8 and circulated therein. No business, other than that stated in
9 such call, shall be considered at such meeting.

Contested Elections

Sec. 41. All contested elections shall be held and determined
2 by the council and such contests shall be made and conducted
3 in the same manner as provided for in the case of contests for
4 county and district officers; and the council shall conduct its
5 proceedings in such cases as nearly as practicable in conformity
6 with the proceedings of the county court in such cases, and
7 there shall be the same right of appeal, in the same way, to the
8 circuit court of Kanawha county.

Oaths and Bonds of Officers

Sec. 42. All officers elected and appointed shall take an oath,
2 before some one authorized to administer oaths, that they will
3 support the constitution of this state, and will faithfully and
4 impartially discharge the duties of their respective offices to
5 the best of their skill and judgment; that they are not then
6 and will not during their term of office, in any way or manner
7 become pecuniarily interested directly or indirectly in any con-
8 tract with the city, in any franchise granted by it, or in the
9 purchase of supplies therefor. When the officer shall have made
10 such oath in writing and filed the same with the city clerk and
11 shall have given the bond required of him, he shall be considered
12 as having qualified for the office to which he was elected or
13 appointed: *Provided*, That if any person so elected or appointed
14 shall not qualify for said office as herein prescribed, within
15 twenty days after he shall have been officially declared elected
16 or appointed thereto, said office shall *ipso facto* become vacant,

17 and said vacancy shall be filled in the same manner as other
18 vacancies therein are provided for in this act.

Bond of Officers

Sec. 43. The members of the board of affairs, city clerk,
2 municipal court clerk, treasurer, city solicitor, municipal judge,
3 health commissioner, chief of police and chief of fire department,
4 each shall, before entering upon the discharge of their respective
5 duties, give an official bond, conditioned for the faithful per-
6 formance of such duties as are prescribed in this act or any
7 ordinance now or hereafter passed, in amounts as follows:
8 The members of the board of affairs, five thousand dollars;
9 the treasurer, sixty thousand dollars; the city clerk, municipal
10 court clerk, municipal judge and city solicitor, three thou-
11 sand dollars, respectively; health commissioner, chief of police
12 and chief of fire department, one thousand dollars respectively.
13 The council may require additional bond from any of said
14 appointive officers, and may likewise require bond, in whatever
15 sum they may fix, of any other appointive officer or employee.
16 All bonds of officers or employees shall, before their acceptance,
17 be approved by the council. The minutes of the meeting of
18 council shall show all matters touching the consideration or ap-
19 proval of all bonds, and when said bonds are approved and ac-
20 cepted, they shall be recorded by the city clerk in a well bound
21 book kept by him at his office for that purpose, which book
22 shall be open to public inspection; and the recordation of such
23 bonds as aforesaid shall be prima facie proof of their correct-
24 ness, and they, as so recorded, as well as copies thereof duly
25 attested by the city clerk under the seal of the city, shall be
26 admitted as evidence in all courts of this state. The city clerk
27 shall be the custodian of all bonds, except that given by him,
28 and as to it, the city treasurer shall be custodian. All bonds,
29 obligations or other writings taken in pursuance of any pro-
30 visions of this act, shall be made payable to "the city of Charles-
31 ton," and the respective persons, and their heirs, executors,
32 administrators and assigns bound thereby shall be subject to
33 the same proceedings on said bonds, obligations and other writ-
34 ings, for the purpose of enforcing the conditions of the terms
35 thereof, by motion or otherwise, before any court of record held
36 in and for the county of Kanawha, that collectors of county

37 levies and their sureties are or shall be subject to on their bonds
38 for enforcing the payment of the county levies.

Sec. 44. Whenever for any reason the mayor shall be absent from the city, or unable to attend to the duties of his office temporarily, the board of affairs shall designate another member of the board of affairs to perform them during such absence or inability, except those duties assigned to him as presiding officer of the council, and in the absence or inability of the manager to attend to the duties of his office temporarily, the board of affairs shall designate some one to perform such duties: *Provided*, That such temporary absence or inability shall not exceed thirty days, but if such absence or inability shall exceed thirty days, then such appointment or designation shall be submitted to the council, for confirmation or rejection. In the absence or inability of any other appointive city official to perform the duties of his office, the person or body making the original appointment, or his successor in office, shall designate some one to fill such office temporarily or if such absence or inability extends over a period of sixty days, he may appoint someone to fill such office permanently.

Board's Appointments

Sec. 45. The board of affairs shall appoint the city solicitor, treasurer, the chief of police, humane officer, or officers, building inspector, collector, city auditor, engineer, health commissioner, jailer, municipal court clerk, municipal judge, police matron, and a chief of the fire department and these appointments shall not require any confirmation by the council, but shall be made at the discretion of the board of affairs who shall, with like discretion, have the full and complete power of removal thereof.

The council shall appoint a city clerk. The board of affairs shall appoint or employ such persons as the ordinances of the city may require or the council may authorize by proper resolution. All such officers shall be appointed for the term of two years and until their successors are appointed and qualified, unless they are removed in the way and manner in this act provided.

It shall be the duty of the mayor to attend all meetings of the council and preside over that body.

19 It shall be the duty of the board of affairs to see that all of
20 the laws and ordinances of the city are enforced and they shall
21 have a general supervision over the peace, health and good order
22 of the city.

23 The duties of the city solicitor shall be to attend the sessions
24 of the police court and council, and to prosecute all suits in
25 behalf of the city and defend all suits against the city, to
26 advise the board of affairs, council, and all of the departments
27 of the city and in general to look after the interests of the city
28 when it shall need legal services.

29 All fees of every kind collected by any officer or employee, in-
30 cluding the municipal judge when acting as a justice, shall be
31 paid to the city treasurer each day and a monthly report there-
32 of made to the board of affairs.

Franchises

Sec. 46. Franchises or permits granting the right of occu-
2 pancy of any portion of the streets or alleys for works of public
3 utility or other use, or granting any right or privilege, which
4 the city has the power to grant to individuals, firms or corpo-
5 rations, in order that the latter may serve the public, may be
6 made only upon the following restrictions and conditions: Such
7 franchises, rights and privileges shall be granted only by ordi-
8 nance duly passed by the council.

9 No grant of any such franchise shall be made without, at the
10 time of making it, providing that the grantee shall indemnify
11 by ample and suitable bond the city against all damage caused
12 by construction, maintenance or operation of such works. Ad-
13 ditional provisions and conditions shall be made for the protec-
14 tion of the public against damage or inconvenience by reason
15 of the construction, maintenance or operation thereof.

16 No grant of a franchise for the extension of or an addition
17 to any line or work of public service through, over or under
18 any additional street or territory of the city, shall be made for
19 a period extending beyond the time limit for the expiration of
20 franchise of the principal work of which it is an extension and
21 if the franchise of the principal work is one granted before this
22 act goes into effect and not limited as to time, any franchise
23 granted for an extension or addition thereto shall nevertheless

24 be made subject to the conditions thereof, including a time limit
25 for a period not exceeding twenty-five years. All franchises
26 hereafter granted shall embody therein a plainly expressed
27 condition, where the franchise is for work to be useful chiefly
28 to the citizens of the city, that at the expiration of such fran-
29 chise or certain periods therein mentioned, the grantee shall,
30 if required by the governing body of the city, sell to the city the
31 plant at its actual value, exclusive of any value for the franchise
32 granted by the city or its earning capacity or productive worth,
33 and no exclusive franchise shall be granted.

34 If the city and the owner of the plant cannot agree upon its
35 worth, then the value shall be ascertained by an impartial arbi-
36 tration, one arbitrator to be selected by the city, one by such
37 owner of the plant, these two to select a third and the decision
38 of any two to be binding upon both parties, and if they shall fail
39 for a period of thirty days to select such third arbitrator, then
40 either party may apply to the judge of the circuit court of
41 Kanawha county who shall then appoint such third arbitrator.

42 No franchise shall be granted without the affirmative vote of
43 two-thirds of all the members elected to said council, and at
44 least three members of the board of affairs, and said vote shall
45 be recorded.

Sec. 47. When any franchise, permit or license granting the
2 rights to use the streets, alleys, or public grounds, shall be
3 applied for, the application or petition shall be advertised in
4 two newspapers, published in said city, thirty days before
5 the same shall be heard and determined by the council; and any
6 ordinance granting such rights and franchises shall, on the pe-
7 tition of ten per cent of the votes cast for all candidates for the
8 office of mayor at the last preceding election, be submitted to the
9 voters at a special election, for adoption or rejection, which shall
10 be by a majority of the votes cast; said election to be held and
11 conducted as other municipal elections are held; except that all
12 of the expenses of said election shall be borne by the party or
13 corporation desiring said rights and franchise.

14 All such ordinances shall protect the interests of the city, as
15 provided herein, as well as such additional conditions, compen-
16 sations or limitations as council may prescribe.

Sec. 48. The city council shall have the right to appoint such
2 committees of its own body as it may deem proper, and may give

3 such committees power and authority to perform any duties and
4 make any reports to council concerning the duties of council, and
5 council may adjourn its meetings from time to time, pending
6 the consideration of any matter, except as hereinbefore provided,
7 franchise or ordinance, and may postpone the announcement of
8 any vote to an adjourned meeting or to a future meeting.

Ordinances

Sec. 49. The style of all ordinances enacted by the council
2 shall be "Be it ordained by the council of the city of Charles-
3 ton."

Sec. 50. No ordinance shall be passed, except by bill, and no
2 bill shall be so amended in its passage as to change its original
3 purpose. All bills must be in writing and read in full when
4 presented at a regular or special meeting of council, and except
5 in case of emergency and when so authorized by a vote of four-
6 fifths of the members elected, taken by yeas and nays, no bill
7 shall be considered for final passage at the meeting at which it
8 is introduced; but at any subsequent regular or special meeting
9 bills may be taken up for consideration and final action. No bill,
10 except in case of emergency evidenced by a vote of four-fifths
11 of the members of council elected shall be considered for final
12 passage unless the same has been referred to a committee for
13 report. All amendments made by a committee to a bill shall be
14 reported to council and incorporated in said bill, and before
15 final action on said bill, the bill with any amendments shall be
16 fully and distinctly read, after which reading, whether at the
17 meeting at which the bill is reported or a subsequent meeting,
18 the bill may be considered for final action. No bill shall become
19 an ordinance unless on its final passage the vote be taken, the
20 names of the members voting for and against the same be entered
21 of record in the minutes of council, and a majority of all members
22 elected recorded thereon as voting in its favor. Bills referred to a
23 committee may be withdrawn therefrom at any subsequent meet-
24 ing for present consideration by an affirmative vote of a majority
25 of the members of council present. No bill except general appro-
26 priation bills, which may embrace the various subjects and ac-
27 counts for and on account of which moneys are appropriated,
28 and bills fixing the annual salaries of officers and employees of
29 the city, and bills providing for the paving or improving of

30 streets, or construction of sewers, shall contain more than one
31 object and that shall be expressed in the title, but if any object
32 shall be embraced in an ordinance which is not so expressed the
33 ordinance shall be void only as to so much thereof as shall not
34 be so expressed. No ordinance shall be revised or re-enacted
35 by mere reference to the title thereof, but the same shall be set
36 forth at length as if it were an original ordinance, nor shall
37 any ordinance be amended by providing that designated words
38 thereof be stricken out and others inserted in lieu thereof, but
39 the ordinance or sections amended shall be set forth in full as
40 amended. All ordinances in force at the time this act goes into
41 effect, not inconsistent herewith, shall remain in full force until
42 altered or repealed as herein provided, and all rights, actions,
43 prescriptions and contracts of the city not inconsistent there-
44 with shall continue to be valid as if this act had not been passed.

45 Any ordinance heretofore passed which may be void on ac-
46 count of failure of council to properly observe any provisions
47 of the charter of the city of Charleston or ordinances in force
48 at the time said ordinance was passed shall so far as it may
49 affect the validity of any paving or sewer assessments hereto-
50 fore laid, be in full force and effect until repealed or amended,
51 the same as if legally passed. No ordinance of the council shall
52 take effect until the expiration of five days after its final passage,
52-a unless the council shall by a vote of three-fifths of its members
53 elected, taken by yeas and nays, otherwise direct. It shall be the
54 duty of the city clerk to make publication of the caption or title
55 of every ordinance in a newspaper of general circulation in the
56 city of Charleston within five days after its passage, but failure
57 so to do shall not affect the validity of any such ordinance.

58 Resolutions and orders of council other than ordinances may
59 be considered for final passage at the meeting at which they are
60 proposed, and shall, unless otherwise provided therein, be in
61 force and effect from and after their passage.

Sec. 51. All ordinances passed shall be spread in extenso
2 upon the records of the council when adopted. The council shall
3 also provide a well-bound book designated as "Ordinance Rec-
4 ord," in which shall be copied by the city clerk all ordinances,
5 in the order in which they are passed, which ordinances, when
6 so copied, shall be compared with the originals by the mayor
7 and shall be signed by him when found correct. Such books

8 shall be indexed so as to show in brief form the substance of the
9 ordinance, and shall be received by all courts and justices in
10 this state as evidence, but the council may adopt by ordinance
11 properly designating and describing it, a code of laws and
12 ordinances, which when adopted shall be printed in book form,
13 or said council may designate any committee, or attorney, or
14 the city solicitor to prepare a code of ordinances for the govern-
15 ment of the city of Charleston, and said council may by ordi-
16 nance adopt the code so prepared as a whole, and when said
17 ordinance adopting said code shall have been passed by the
18 council, the said code shall be and become the law and ordi-
19 nances of said city, and may be printed by order of the council,
20 and the same shall be so received as evidence of what is printed
21 therein, until errors or omissions be affirmatively shown therein.

Sec. 52. All persons elected or appointed to the offices named
2 in this act shall be conservators of the peace within said city,
3 and they, and any other officer provided for under this act, may
4 be given authority of police officers by the council, or board of
5 affairs.

Municipal Judge

Sec. 53. The municipal judge shall be ex officio a justice and a
2 conservator of the peace, and with authority to issue process for
3 all offenses committed within the police jurisdiction of the city of
4 Charleston, of which a justice of the peace has jurisdiction under
5 state statutes, and for all violations of any city ordinances, and
6 shall have charge of and preside over the municipal court of
7 such city; and may commit persons charged with felony or mis-
8 demeanor to jail or take bond for their appearance before the
9 grand jury of the circuit, intermediate or other courts of Kan-
10 awha county; he shall keep an accurate record of all his judicial
11 proceedings in said court, showing the style of each case, which
12 record shall be indexed and numbered. It shall be his duty to
13 hold daily sessions of his said court, Sunday excepted. Before
14 trying any person charged with any violation of any state law or
15 ordinance a warrant specifying the offense or violation charged
16 shall be issued as herein provided and the municipal judge shall
17 render judgment in any case as the law of the state or the
18 ordinance of the city applying thereto may require; he shall also
19 have the power to issue executions for all fines, penalties and
20 costs imposed by him and he may require immediate payment

21 thereof, and in default of such payment, may commit the party
22 so in default to the jail of the city of Charleston or of the county
23 of Kanawha, or other place of imprisonment in said city, until
24 the fine and penalty and costs shall be paid or satisfied, to be
25 employed during the term of imprisonment as hereafter pro-
26 vided, but for the violation of city ordinance the term of im-
27 prisonment in any such case shall not exceed thirty days, and in
28 all cases where a person is sentenced to imprisonment or to the
29 payment of a fine of ten dollars or more, such person shall be
30 allowed an appeal from such decision to the intermediate court
31 of said Kanawha county upon the execution of an appeal bond,
32 with surety deemed approved by the said municipal judge or
33 municipal court clerk in a penalty double the amount of the
34 fine and costs imposed by said judge, conditioned that the person
35 proposing to appeal will appear before the intermediate court
36 of Kanawha county on the first day of the next term thereof to
37 answer for the offense wherewith he is charged and not depart
38 thence without leave of the court and to satisfy all costs and
39 fines imposed against him; and in no case shall judgment for a
40 fine of less than ten dollars be given by the municipal judge if
41 the defendant, his agent or attorney object thereto. When the
42 judgment on appeal is against the appellant for any sum of
43 money, judgment shall be rendered by the intermediate court
44 against the appellant and those who signed the appeal bond as
45 surety thereon. Before said municipal judge or clerk shall ac-
46 cept any natural person as surety upon any bond or recognizance
47 under the provisions of this section, such surety shall furnish a
48 certified statement of the clerk of the county court of any
49 county in this state in which such surety owns real estate, and
50 shall also file an affidavit, the form of which may be prescribed
51 by the municipal judge, showing the bonds and recognizances
52 upon which he is then surety and the amount of each bond or
53 recognizance. If the amount of such bond or recognizances, to-
54 gether with other bonds and recognizances as shown by the
55 affidavit aforesaid, exceeds in amount the assessed value of the
56 surety's property as shown by the certificate of the clerk of the
57 county court, or if any such bond or recognizance theretofore
58 given, by such surety be forfeited and unsatisfied, then such
59 surety shall be disqualified; and if any bond or recognizance be
60 accepted and it subsequently appears that the surety thereon
61 is disqualified then such bond shall be declared void by the

62 municipal judge and the person whose appearance in the inter-
63 mediate court of Kanawha county and whose payment of fine
64 and costs are thereby secured may be forthwith apprehended
65 and held in the city jail until a proper bond of recognizance is
66 given: *Provided, however,* That whenever any surety is offered
67 less than one hour before the county clerk's office is closed or
68 after it is closed, surety shall make an affidavit that he owns real
69 estate in Kanawha county to an assessed value above encum-
70 brances thereon, of at least double the amount of bond required.
71 Any person making or procuring to be made a false statement
72 in any such affidavit, with intent to deceive said municipal
73 judge, shall be guilty of perjury. If such appeal be taken, the
74 warrant of arrest, the transcript of the judgment, the appeal
75 bond and other papers of the case shall be forthwith delivered
76 by the said judge to the clerk of the intermediate court and the
77 court shall proceed to try the case as upon indictment or pre-
78 sentment and render such judgment, including that of costs, as
79 the law and the evidence may require.

80 On appeals from said municipal court the intermediate court
81 of Kanawha county shall be governed by the same principles
82 with respect to the forfeiture of bonds and recognizances, and
83 the issuance and execution of capiases and writs of feiri faciasas
84 prevail in cases in which the state is a party.

85 The expense of maintaining persons committed to the jail of
86 the county by such municipal judge shall be paid by the city.
87 The municipal judge shall account for and pay over the amount
88 of all fines collected by him weekly to the treasurer of the city
89 and shall make monthly reports thereof, and of all other matters
90 pertaining to his office to the council of said city.

Sec. 54. The municipal judge shall be an attorney of at least
2 five years practice at law and shall have attained the age of
2-a twenty-eight years at the date of the beginning of his term of
3 service and shall have been a resident of this state for the period
4 of ten years and of the city of Charleston previous to the begin-
5 ning of his term of service for the period of five years. He shall
6 not appear as counsel in any criminal case in any court during
7 his term of service. In the absence of, or in case of the inability
8 of the municipal judge to perform his duties, the municipal
9 court clerk shall act as municipal judge in his stead, and in the
10 event that neither the municipal judge nor the municipal court
11 clerk can for any cause perform such duties, then the mayor

12 shall act as municipal judge. The official bond of a justice of
13 the peace shall not be required of the municipal judge.

Police Arrests—Bonds, Etc.

Sec. 55. In all cases of arrest by the police of the city, except
2 in cases of murder and rape, the person arrested shall have the
3 absolute right to give a reasonable and proper bond for his ap-
4 pearance at police court for a trial of his case, and the municipal
5 judge, city clerk, municipal court clerk, mayor, chief of police
6 and the desk sergeant in charge of police headquarters, shall
7 have the power, and it shall be their duty to accept such bond
8 from such person so arrested and upon the giving of such bond
9 he shall be released, and it shall be their further duty to per-
10 mit such person arrested to communicate in any reasonable way
11 with any person or persons with whom he may desire to have
12 communication in reference to his giving bail in order to obtain
13 his release, and each of said officers and all policemen shall
14 render reasonable aid in assisting such person arrested to com-
15 municate with any person that he may desire for the purpose of
16 securing such bail. In case one so arrested fail to give bond as
17 aforesaid, the municipal judge, or if said judge be not then
18 sitting, either of the officers named may order such person com-
19 mitted to the city jail for safe keeping until the trial of his case.

Sec. 56. The board of affairs, or a member thereof, designated
2 by the board of affairs, and acting for the board of affairs of
3 said city shall have authority to abate and remove all nuisances
4 in said city. They or he may compel the owners, agents, as-
5 signees, occupants or tenants of any lot, premises, property,
6 building or structure, upon or in which any nuisance may be, to
7 abate and remove the same by orders therefor, and the council
8 shall by ordinance provide a penalty for the violation of such
9 orders. Council may by ordinance regulate the location, con-
10 struction, repair, use, emptying and cleaning of all water closets,
11 privies, cesspools, sinks, plumbing drains, yards, lots, areaways,
12 pens, stables and other places, where offensive, unsightly, un-
13 wholesome, objectionable or dangerous substances or liquids are,
14 or may accumulate, and provide suitable penalties for the vio-
15 lation of such regulations, which may be enforced against the
16 owner, agents, assignees, occupant or tenant of any premises,
17 or structure where such violation may occur. It shall be the

18 duty of all police officers to report to the board of affairs the facts
19 as to the existence of any nuisance known to them.

20 If the owner, agent, tenant, assignee or occupant of any such
21 premises, lot, property, building or structure, as is mentioned
22 herein, shall fail or refuse to abate or remove any such nuisance,
23 as mentioned herein, or to comply with the provisions of any
24 such ordinance and the regulations herein contained, the board
25 of affairs or such member designated by it for the purpose, may
26 have said nuisance abated or the provisions of said ordinance or
27 ordinances carried out, after reasonable notice to said owner,
28 occupant, tenant, agent or assignee of their or his intention so
29 to do, and collect the expenses thereof, with one per centum
29-a per month interest added from the date of said notice, from
29-b the said owner, occupant, tenant, agent or assignee, by distress
29-c or sale, in the same manner in which taxes levied upon real
30 estate for the benefit of said city are herein authorized to be
31 collected, and the expense shall remain a lien upon said lot, or
32 part of lot, the same as taxes levied upon real estate in said
33 city; which lien may be enforced by a suit in equity before any
34 court having jurisdiction, as other liens against real estate are
35 enforced. In case of non-resident owners of real estate such
36 notice may be served upon any tenant, occupant, assignee or
37 rental agent, or by publication thereof once a week for not less
38 than two consecutive weeks in two newspapers of opposite
39 politics, published in said city.

40 And in all cases where any tenant, occupant or agent is re-
41 quired to abate and remove any nuisance under the provisions of
42 this section, or comply with the provisions of any such ordi-
43 nance as is mentioned herein, the expense thereof may be de-
44 ducted out of the accruing or accrued rent of said property of
45 amount due said owner from said agent, and such tenant occu-
46 pant or agent may recover the amount so paid from the owner,
47 unless otherwise especially agreed upon.

48 Any expense incurred by the board of affairs, or any member
49 thereof designated by it, as herein provided, in the manner afore-
50 said, may be collected in the manner herein provided, notwith-
51 standing the imposition of any other penalty or penalties upon
52 any of the persons named herein, under any of the provisions
53 of this act. The abatement or removal of any such nuisance
54 by the city at the expense of said city, as herein provided, shall

55 be prima facie proof that the said notice to the owner, occupant,
56 agent or assignee was given as herein prescribed.

Abatement of Nuisances

Sec. 57. The board of affairs, or any member thereof desig-
2 nated by the board of affairs for the purpose, and acting for
3 the board of affairs, may require all owners, tenants or occupants
4 of improved property which may be located upon or near any
5 street or alley along which may be extended any sewer or system
6 of sewerage, which the said city may construct, own or control,
7 to connect with such sewer, or system of sewerage, all privies,
8 ponds, water closets, cesspools, drains or sinks, located upon
9 their respective properties or premises, so that their contents
10 may be made to empty into such sewer or system of sewerage.

Sidewalks

Sec. 58. The council shall have the right and authority to
2 establish the width of any sidewalk on any street, alley or
3 public square, or any portion thereof in said city, to cause to
4 be put down a suitable curb of brick, stone or other material
5 along for the footways and sidewalks of the streets, alleys or
6 public squares or portion thereof, and to order the construction,
7 re-laying and repair of sidewalks and gutters of such material
8 and width, and in such manner, as the council may reasonably
9 prescribe by the owners or occupiers of the lots or parts of lots
10 facing upon said streets, alleys and public squares; and in
11 case of a failure or refusal of any such owner or occupiers of
12 the lots or parts of lots to construct, re-lay or repair such side-
13 walks and gutters, when required, it shall be lawful for the
14 council to have such sidewalks and gutters constructed, re-
15 laid or repaired, and levy and collect the expense thereof, with
16 one per centum per month interest added after a demand of
17 thirty days has been made by the treasurer of the city from the
18 said owner, owners, occupier, occupiers or any of them; and in
19 all cases of such assessment, whether for the construction, re-
20 laying or repairing of sidewalks or gutters, payment thereof
21 shall be made to the treasurer within thirty days after the com-
22 pletion of the work and demand made, and if not so paid the
23 city is hereby authorized to collect or cause to be collected the
24 expense thereof, with one per cent per month interest added

25 after the work has been completed and a demand of thirty days,
26 and they shall have the power to collect, or cause to be collected,
27 the same from said owner, owners, occupier or occupiers or any
28 of them, by distress and sale, in same manner in which taxes
29 levied upon real estate for the benefit of the said city are herein
30 authorized to be collected, and in addition there shall be a lien
31 upon the real estate against which such assessment has been
32 levied for the construction, relaying and repairing of sidewalks
33 and gutters as herein provided, which lien may be enforced by
34 a suit in equity before any court having jurisdiction, as other
35 liens against real estate are enforced, and it shall be the duty
36 of the city clerk to cause to be certified to the clerk of the county
37 court of Kanawha county the order laying an assessment au-
38 thorized by this section. The clerk of the county court of
39 Kanawha county is hereby required to record and index such
40 assessments in the proper trust deed book in the name of persons
41 against whose property assessments appear therein: *Provided,*
42 *however,* That a reasonable notice shall first be given to said
43 owner or occupier or agent, that they are required to construct,
44 relay or repair such sidewalks or gutters. In case of non-
45 residents who have no known agent in said city, such notice
46 may be given by publication for a period not less than once a
47 week for two consecutive weeks in any newspaper printed in
48 said city; and in all cases where a tenant shall be required to
49 construct, re-lay or repair sidewalks or gutters in front of the
50 property of his or her occupancy, the expense of such construc-
51 tion of re-laying or repairing may be deducted out of the accru-
52 ing rent of said property, and he may recover the amounts paid
53 from the owner; unless otherwise especially agreed upon. The
54 laying or construction of any such sidewalks by said city shall
55 be prima facie proof that the said notice to the owner (resident
56 or non-resident) or occupier, or their agent, was given as herein
57 required.

Tax Levies

Sec. 59. The council shall ascertain the total expenses of the
2 city to be provided for by levy for the fiscal year in which said
3 levy is made, and it shall make a detailed itemized estimate of
4 the sum of money necessary to pay interest accruing on the
5 bonded indebtedness of said city, the amount required for the
6 several sinking funds for the reduction of the principal thereof,

7 the amounts necessary for the support of the various depart-
8 ments of the city and for the improvements of its streets, alleys,
9 avenues and public grounds, real and personal property, con-
10 tingent expenses and other expenses, together with an itemized
11 statement of the estimated receipts other than that to be de-
12 rived by the annual levy, and after receiving such estimates,
13 and before making the levy, it shall apportion the rate thereof,
14 including the estimated receipts from licenses and all other
15 sources among the several funds so ascertained and provided for,
16 which apportionment shall be spread upon the records of this
17 city, and in making said estimate, providing for the revenue
18 for the fiscal years, etc., it shall be the duty of the council to
19 strictly observe all the provisions of the laws of the state of West
20 Virginia now existing or which may hereafter be enacted, re-
21 specting the assessment of property for taxation, or the collec-
22 tion of taxes therefrom.

Sec. 60. The council shall have authority to levy and collect
2 an annual tax on real estate and personal property in said city
3 and to impose a license and assess a tax on all dogs kept within
4 the city and to impose a tax upon all other subjects of taxation
5 under the several laws of the state, which shall be uniform with
6 respect to persons and property within the jurisdiction of said
7 city, and shall only be levied on such property, real, personal
8 and mixed, on which the state imposes a tax: *Provided*, That
9 with the exception of the special levies authorized by law, no
10 greater levy shall be laid by said council on the taxable property
11 of said city than by the constitution and the laws of this state
12 now existing or may be hereafter enacted: *And provided, further*,
13 That the council shall, in making such levy, be subject to all
14 provisions of chapter eleven of the code of West Virginia and
15 section one of article ten of the constitution of West Virginia as
16 now amended. There shall be a tax of two dollars annually as-
17 sessed on each and every male inhabitant of said city over the
18 age of twenty-one years who is subject to a capitation tax under
19 the laws of the state of West Virginia, which shall be collected
20 by the assessor at the same time and in the same manner as is
21 provided for in the collection of state road and state school
22 capitation tax, and for such services said assessor shall be en-
23 titled to receive the same compensation and fees as is provided
24 for in the collection of said state road and state school capita-
25 tion tax.

City Taxes

Sec. 61. The city taxes annually levied by the council shall be
2 collected as follows: Immediately after the annual levy for
3 city taxes is laid the council shall transmit a copy of said levy,
4 including therein the proper capitation taxes and any paving
5 or sewer assessments that may be due, to the sheriff of Kanawha
6 county, who shall proceed with their collection in the same
7 manner and with the enforcement of the same penalties as is
8 provided by law for the collection of the county and state
9 taxes.

10 The sheriff shall have the power to collect any city claims that
11 may be placed in his hands by the council for collection except
12 that fines imposed by the municipal judge may not be collected
13 by him.

14 The council shall allow such compensation to the sheriff for
15 the collection of said taxes as may reasonably be required for
16 any additional duties that may be involved upon his office by
17 reason of such collection.

Sec. 62. All goods and chattels belonging to a person, firm,
2 corporation or estate, assessed with any city taxes, whether the
3 same be a capitation tax or a tax upon real estate or personal
4 property or an assessment for paving or other improvements,
5 shall be liable for said tax, and may be distrained therefor in
6 whosoever's possession they may be found, and the sheriff
7 shall have the same power to collect said tax or assessment from
8 any person owing a debt to or having in his possession any
9 estate belonging to a person assessed with any tax or assessment
10 of any kind that he has to collect state taxes in such cases.
11 The sheriff may distrain and sell for all city taxes and assess-
12 ments and in all respect have the same power to enforce the
13 collection thereof as he has to enforce the collection of state
14 taxes.

Sec. 63. There shall be a lien upon all real estate within said
2 city for the city taxes assessed thereon, including such penal-
3 ties added thereto for non-payment thereof as are prescribed
4 by this act, from the first day of January of the year in which
5 said taxes are assessed. Said liens may be enforced by appro-
6 priate suit in any court of record in Kanawha county: *Pro-*
7 *vided*, That such suit be instituted within five years from the time

8 the said liens attached as herein provided, and such suit may
9 either be instituted by and in the name of the city of Charles-
10 ton as plaintiff, or said city may intervene by petition in any
11 suit pending to sell or enforce liens against any real estate which
12 is subject to such lien for said taxes. The liens herein created
13 shall have priority over all other liens except those for taxes
14 due the state.

Sec. 64. Said liens for city taxes and attendant penalties
2 may also be enforced by certifying the same to the clerk of the
3 county court of Kanawha county for certification to the state
4 auditor, and the same may be certified down by said auditor,
5 and sold for taxes, interest, penalties and commissions thereon,
6 in the same manner, at the same time, and by the same officer
7 as real estate is sold for taxes, interest, damages, cost and com-
8 missions due the state thereon, which officer shall account there-
9 for on settlement with the city and pay over the same to the
10 treasurer of the city.

Sec. 65. No taxes or levies shall be assessed upon or collected
2 by the city from the taxable persons or property within the cor-
3 porate limits of said city, for the construction, improvement or
4 keeping in repair of roads, or for the support of the poor of
5 Kanawha county, outside of said corporation limits, for any year
6 in which it shall appear that said city shall at its own expense
7 provide for its own poor and keep its own roads, streets, sewers
8 and bridges in good order. And neither the county court of
9 Kanawha county, nor the authorities of the district in which
10 said city is situated, shall have or exercise jurisdiction within
11 the corporate limits with relation to the roads, streets, alleys,
12 bridges, wharves, docks or ferries, but the same shall be and re-
13 main under the exclusive jurisdiction and control of the municipi-
14 pal authorities of said city, and said city shall be liable only for
15 the construction, improvement, repair and good order of the
16 roads, streets, sewers, alleys, wharves and bridges in its corpo-
17 rate limits, except that the county of Kanawha may become a
18 joint owner and controller with the city of Charleston in a
19 bridge or bridges across Kanawha river or Elk river.

City Treasurer

Sec. 66. It shall be the duty of the treasurer of the city to
2 keep all funds of the city in some bank or banks within said city,

3 which shall pay interest on such deposits and which shall pay
4 interest on the average daily balance of such funds in all ac-
5 counts of the per cent equal to that paid by state depositories
6 on all funds of the state of West Virginia and in the same man-
7 ner and at the same time. If no bank within the city is willing
8 at any time to receive deposits of the treasurer and to pay such
9 interest thereon, the treasurer shall report this fact to the coun-
10 cil, who shall thereupon designate a bank or banks in which he
11 shall deposit said funds for the time being and until some bank
12 in said city will receive such deposits on such terms. Before re-
13 ceiving any such deposits such bank or banks shall give bond in
14 such penalty as the council shall prescribe, and with securities
15 to be approved by said council, conditioned for the prompt pay-
16 ment, whenever lawfully required, of all the city moneys or
17 parts thereof which may be deposited with them, which bond
18 shall be renewed at such times as the council may require.

Municipal Bonds

Sec. 67. The city of Charleston is hereby authorized to issue
2 and sell bonds of said city, for the purposes of buying and build-
3 ing bridges, electric light plants, water works, gas lines and
4 fields, and other public utilities; and for the purpose of acquir-
5 ing and providing land for public parks, public streets, avenues
6 and alleys, airports and other public grounds, and acquiring or
7 assisting in acquiring property to be donated, dedicated or con-
8 veyed to, or otherwise vested in, the state of West Virginia, as
9 a site for a state capitol and other public buildings, which do-
10 nation, dedication and conveyance are hereby authorized to be
11 made, and also to provide ground for and erect an incinerator
12 plant or garbage crematory, or other plant or means for the
13 disposal of garbage and refuse; and such bonds shall be sold
14 for not less than par, and payable in a period not to exceed
15 thirty-four years and shall bear interest not to exceed six per
16 cent per annum; and in the issuance and sale of said bonds the
17 city shall be governed by all the restrictions of the constitution
18 of this state and the statutes of this state, with respect to the
19 issuance and sale of other bonds: *Provided*, That said city shall
20 not, by the sale or issue of bonds for the purposes above men-
21 tioned, cause the aggregate of its indebtedness, of every kind
22 whatever, to exceed five per centum of the value of the taxable

23 property therein, but may for the above purposes issue bonds
24 to the maximum limit of said five per cent; nor shall said city
25 make such issue and sale of bonds without, at the same time,
26 providing for the collection of a direct annual tax sufficient to
27 pay annually the interest on the same, and a sinking fund to
28 pay the principal within the time for which the said bonds shall
29 be issued.

Bonds for Paving and Sewering

Sec. 68. The city of Charleston is hereby authorized to issue
2 and sell bonds of said city, for the purpose of paying the city's
3 part of the cost of grading, curbing, paving, sewerage or other-
4 wise improving the avenues, streets, roads and alleys of said
5 city, and for the purpose of providing funds to cover all or any
6 part of the cost of grading, curbing, paving or sewerage that
7 may be assessed against abutting property owners in the man-
8 ner provided for by law; and said city is hereby given full
9 power to employ the proceeds of such bonds in the purchase of
10 paving certificates or other permanent improvement certificates
11 issued under the provisions of the charter and made liens or as-
12 sessments against real estate in said city, at not to exceed their
13 par value, and may hold and collect or otherwise dispose of the
14 same: *Provided*, That said city shall not by the sale or issuance
15 of bonds for the purposes above mentioned, cause the aggregate
16 of its indebtedness, of every kind whatever, to exceed five per
17 centum of the value of the taxable property therein.

18 The proceeds of any bond issue, authorized under this section,
19 shall be set aside as a separate fund, and all special assessments
20 covering improvements, the cost whereof has been advanced
21 out of this fund, shall be paid into and become a part of said
22 special fund and be used for the same purpose and in the same
23 manner as the proceeds of said original fund.

24 This fund shall continue to be used for the purposes men-
25 tioned herein, until such time as the city's part of the cost of
26 grading, curbing, paving, sewerage or otherwise improving the
27 avenues, streets, roads or alleys of the city equals the original
28 proceeds of the bond issues authorized for the purposes men-
29 tioned herein. The issuance and sale of bonds, authorized by
30 this section, shall be governed by all of the restrictions of the
31 constitution of this state and statutes of this state with respect
32 to the issuance and sale of other bonds of said city. No issuance

33 and sale of bonds, under this section, shall be made, unless at the
34 same time provision is made for the collection of a direct annual
35 tax, sufficient to pay the annual interest on the same and create
36 a sinking fund to pay the principal within the time for which
37 said bonds shall be issued. The direct annual tax, provided
38 for in this section, shall be set aside as a separate fund, to be
39 known as an interest and sinking fund. All interest collected
40 on special assessments authorized or referred to in this sec-
41 tion shall be placed in and become a part of said special interest
42 and sinking fund, until the principal and interest of said
43 bonds are paid.

44 Whenever, in the opinion of the council, the special improve-
45 ment fund created by this section, or any part thereof, is no
46 longer needed the council may order or direct that said special as-
47 sessments when collected, be applied to retiring such of the
48 bonds provided for herein, as may be outstanding at that time.

Sec. 69. The city of Charleston is hereby authorized to issue
2 and sell the bonds of the said city for the purpose of providing
3 for grading, paving and otherwise improving the streets and
4 alleys of said city or constructing sewers for the proper drain-
5 age of same in anticipation of special assessments to be made
6 upon the property abutting upon the streets and alleys so im-
7 proved, or property so sewered or drained, and such bonds may
8 be in such an amount as shall be sufficient to pay the entire
9 estimated cost and expense of said improvements, for which
10 such special assessments are levied: *Provided*, That the price
11 for which said bonds are sold shall not be below par value
12 thereof, said bonds may be payable in groups of one-fifth of
13 the whole issue payable in two, four, six, eight and ten years
14 respectively, and all payable in not to exceed ten years from
15 the date of issue thereof, and shall bear interest at a rate not
16 exceeding six per centum per annum, payable annually; and in
17 the issuance and sale of said bonds, the city shall be governed by
18 all the restrictions and limitations of the constitution and stat-
19 utes of this state and with respect to the issuance and sale of other
20 bonds, and the assessments as paid and provided for in this
21 act shall be applied to the liquidation of said bonds and the
22 interest thereon; and if by reason of the penalties collected
23 with the delinquent assessments, there be any balance after the
24 payment of said bonds and all accrued interest and costs, the

25 said balance shall be turned into the city treasury to the credit
26 of the interest and sinking fund of the city: *Provided,*
27 That said city shall not by the sale or issue of such
28 bonds cause the aggregate of its debt of every kind whatsoever
29 to exceed five per centum of the value of taxable property
30 therein: *And provided further,* That nothing herein contained
31 shall be construed as authorizing said city to become indebted in
32 any other manner or for any other purpose, to an amount in-
33 cluding the existing indebtedness in the aggregate exceeding
34 two and one-half per centum on the value of the taxable property
35 therein (as provided in chapter fifty-one of the acts of one
36 thousand nine hundred and five) except for the purpose of
37 grading, paving, sewerage and otherwise improving the streets
38 and alleys of said city and as provided for in this act, and except
39 for the purpose of buying or building bridges, electric light
40 plants, water works, gas lines and fields and other public utili-
41 ties; nor shall they make such issue and sale of bonds for grad-
42 ing, paving, sewerage and improving the streets and alleys of
43 said city without, at the same time, providing for the collection
44 of a direct annual tax sufficient to pay annually the interest
45 on such debt and principal thereof within a period not ex-
46 ceeding ten years.

47 All assessments, interest and penalties thereon, collected from
48 the abutting property owners, on account of grading, paving,
49 sewerage or otherwise improving the streets and alleys of such
50 city under the provisions of this act, shall annually be applied
51 to the annual tax required to pay the interest on such debt
52 and such principal within and not exceeding said period of ten
53 years and in the event that the assessments, interest and pen-
54 alties so called do not amount to a sum sufficient to pay annually
55 the interest on such debt, said city shall collect so much of said
56 levy as will pay annually the interest on such debt, and the
57 principal thereof within and not exceeding ten years.

Sec. 70. Whenever the council of said city shall deem it ex-
2 pedit to cause any street or alley in said city or portion
3 thereof to be paved, curbed or macadamized, or otherwise im-
4 proved in a permanent manner, it shall order the work done in
5 the following manner and upon the following terms: The
6 contract for such paving or other improvements shall, after
7 due advertisement in which the council shall reserve the right

8 to reject any and all bids, be let to the lowest responsible
9 bidder. The contractor shall look only to the city for the pay-
10 ment of the work, and in no sense to the abutting land owners,
11 except as hereinafter provided. The total cost of grading and
12 paving or otherwise improving any such street or alley, with
13 the exception that where a street is occupied by the street car
14 tracks or other railways, such cost of opening or otherwise im-
15 proving the distance between the rails and two additional feet
16 outside of each rail, shall be borne and paid entirely by the
17 street car or other railway company operating such street or
18 other railway, (unless otherwise provided by the franchise of
19 such street car or other railway company granted previous to
20 the passage of this act), shall be borne by the owners of the
21 land abutting upon said street, alley or portion thereof, ac-
22 cording to the following plan, that is to say: Payment is to be
23 made by all land owners on either side of such portion of a
24 street or block so paved or improved in such portion of the
25 total cost, less the portion, if any, chargeable to such street
26 or other railway company, as the frontage in feet of his land
27 so abutting bears to the total frontage of all lands so abutting
28 on such street, alley or portion thereof so paved or improved
29 as aforesaid.

Paving

30 When the paving of any street, or alley, or portion thereof
31 shall have been let to contract and the work done as hereinbe-
32 fore provided, it shall be the duty of the engineer of said city
33 to cause the several frontages abutting thereon to be measured,
34 and to calculate the assessment upon each and every land
35 owner so abutting and to certify the same to the council, show-
36 ing the proper amount to be determined, as provided in the
37 foregoing plan. It shall be the duty of the council to ex-
38 amine and compare such assessment, amounts and names so
39 certified to it, and thereupon give notice by publication once
40 a week for two successive weeks in a newspaper of general
41 circulation published in said city, that an assessment under
42 this act is about to be laid against the abutting property for
43 paving or improvements done on said streets, or alleys, de-
44 scribing the location of such paving or improvements, and any
45 owner or owners thereof shall have the right to appear be-
46 fore said council, within two weeks from the first publication

47 thereof, and move to correct an apportionment or assessment
48 excessive or improperly made as charged, which correction
49 said council shall have the power to make according to the in-
50 tent of this act, and if found to be correct or when corrected
51 by the council aforesaid, it shall enter the same, together with
52 a description of the lots of land as to location, frontage, depth
53 and ownership, so far as the same may be ascertained, upon its
54 records and to enter in its records that such owners and lots
55 be assessed and chargeable with the amount so ascertained to
56 be borne by them respectively; and when so approved, certi-
57 fied and entered on record, the same shall be and constitute an
58 assessment against said owners and lots for such respective
59 amounts. And it shall be the duty of the council to immedi-
60 ately certify such assessment to the treasurer for collection as
61 herein provided, and a copy of said order shall be certified by
62 the city clerk to the clerk of the county court of Kanawha
63 county, who shall record and index the same in the proper
64 trust deed book in the name of each person against whose
65 property assessments appear therein. The amount so assessed
66 against said abutting land owners shall be paid in ten pay-
67 ments, as follows: That is to say, one-tenth of said amount,
68 together with interest on the whole assessment, shall be paid
69 into the city treasury, before the first day of May next after
70 said work is completed and said assessments have been certified
71 to the county clerk. And a like one-tenth, together with in-
72 terest for one year upon the whole amount remaining unpaid
73 on or before the first day of May in each succeeding year
74 thereafter until all has been paid, and each of said install-
75 ments of one-tenth beginning with the first, shall bear interest
76 on the amount of said installment at six per centum per annum
77 from the date of record of same in the county clerk's office
78 until paid: *Provided, however,* That any abutting owner so
79 liable for any portion of the cost of such paving shall have the
80 right at any time after the same is certified as aforesaid to
81 the treasurer for collection to anticipate the payment of any
82 or all of said assessments and shall be allowed to pay the face
83 of said assessments with interest at six per centum per annum
84 only from the time of recordation to the time of payment. To
85 each of such installments of assessments remaining unpaid
86 in the treasurer's hands on the day herein specified for the

87 payment thereof, a penalty of ten per centum on the principal
88 sum shall be added and any assessment so remaining unpaid
89 in the treasurer's hands on such date, shall be taken up on
90 such settlement had with the treasurer on such dates, and there-
91 upon place such assessments with the penalty added thereto,
92 in the hands of the sheriff of Kanawha county to be treated and
93 considered, and payment thereof enforced in all respects as
94 hereinbefore provided for the collection of taxes due the city,
95 and they shall be a lien upon the property liable therefor the
96 same as for taxes, which lien may be enforced in the same man-
97 ner as provided for taxes. The lien hereinbefore provided for
98 shall have priority over all other liens except those for taxes
99 due the state and shall be on a parity with taxes and assess-
100 ments due the city, and shall be effective as of the date that the
101 assessment is laid by the council, but such lien shall be en-
102 forced only against the particular property abutting on said
103 improvement. Whenever all such assessments, for paving,
104 sewerage, macadamizing or other improvements shall be paid in
105 full to the treasurer, he shall deliver to the party paying the
106 same a release of the lien therefor which may be recorded in the
107 office of the clerk of the county court of Kanawha county or
108 other releases of liens, and whenever any such assessments shall
109 not be in the hands of the treasurer for collection, but the same
110 shall be shown to the satisfaction of the city auditor or other
111 official performing the duties of auditor, to have been paid in
112 full or any officer entitled to receive the same, such auditor or
113 the mayor may in like manner execute such release.

Sewering

Sec. 71. Whenever the council shall order the construction of
2 any public sewer in said city, the owners of the property abutt-
3 ing upon any street in which such sewer shall be constructed,
4 shall be charged with and liable for sewerage assessments as
5 follows: When said sewer is completed the engineer of said city
6 shall report to the council in writing the total cost of such
7 sewer, and a description of the lots and lands as to the loca-
8 tion, frontage, depth and ownership liable for such sewer as-
9 sessment, so far as the same may be ascertained, together with
10 the amount chargeable against each lot and owner, calculated in
11 the following manner: The total cost of constructing and lay-

12 ing the sewer shall be borne by the owners of the land abutting
13 upon the streets, alleys, rights of way or easements or portions
14 thereof, in which the sewer is laid, according to the following
15 plan: Payment is to be made by each land owner on either side
16 of such portion of a street, alley, right of way or easement in
17 which such sewer is laid, in such proportion as such frontage
18 of his land upon said street, alley, right of way or easement
19 bears to the total frontage of all lands so abutting on such street,
20 alley, right of way or easement: *Provided*, That the charge laid
21 against any owner or property shall not exceed three dollars per
22 lineal foot of frontage on each side of the portion of such
23 street, alley, right of way or easement in which any such sewer
24 is laid. In case of a corner lot, frontage is to be measured along
25 the longest dimension thereof abutting on such street, alley,
26 right of way or easement in which such sewer is laid. Any lot
27 having a depth of two hundred feet or more and fronting on two
28 streets, alleys, rights of way or easements, one in the front and
29 one in the rear of said lot shall be assessed on both of said
30 streets, alleys, rights of way or easements, if a sewer is construc-
31 ted in both such streets, alleys, rights of way or easements.
32 Where a corner lot has been assessed on the end it shall not be
33 assessed on the side, and where it has been assessed on the side,
34 it shall not be assessed on the end. Thereupon said council
35 shall give like notice by publication as is required in case of street
36 paving assessments, and the same rights shall exist as to the per-
37 sons and property affected and the same duty as to corrections
38 by said council as are prescribed with reference to paving,
39 which report shall in like manner be examined by the council,
40 and if found to be correct, or corrected as aforesaid, and such
41 estimated assessments to be fair and equitable apportionment
42 of the cost of such sewer upon the basis hereinbefore described
43 it shall enter an order upon its records, setting forth such loca-
44 tion, depth, ownership and said amount of such sewer assess-
45 ments against each, respectively, calculated as aforesaid, and
46 the entry of such order shall constitute and be an assessment
47 for such proportion and amount so fixed therein against such
48 respective owners and lots, and if after such advertisements,
49 notice and hearing, said council shall find that such apportion-
50 ment at such rate is unjust or inequitable, and contrary to the
51 intent of this act, it shall ascertain, fix and assess the cost there-

52 of among and upon the abutting owners respectively, justly and
53 equitably and according to the intent hereof, and in like man-
54 ner, assess and enter the amount so fixed respectively upon its
55 records, and the council shall, in either event, thereupon certi-
56 fy the same to the treasurer for collection, and certify a copy
57 of such order to the clerk of the county court of Kanawha
58 county, who shall record the same in the proper trust deed book,
59 and index the same in the name of each owner of any such lot so
60 charged with such assessment, and such assessment so made shall
61 constitute and be a lien upon said lots respectively, which shall
62 have priority over all other liens, except those for taxes due the
63 state, and shall be on a parity with other taxes and assessments
64 due the city. Said amounts so assessed against the said several
65 land owners shall be paid by the parties liable therefor to the
66 said treasurer at all times, in the manner and with the attend-
67 ant penalties for failure to pay promptly at the time prescribed
68 in all respects as hereinbefore provided in the case of as-
69 sessments for paving streets and alleys in a permanent manner,
70 and the parties liable therefor shall, in the same manner, and
71 to the same extent, have the right and be entitled to anticipate
72 any or all of such installments thereon as in such case provided.
73 The owners of, or the tenants, occupants or agents in control
74 of any lot abutting on or near or adjacent to any street, ave-
75 nue, alley, right of way or easement in said city, in which a pub-
76 lic sewer is or may hereafter be laid and constructed, upon which
77 lot any business or residence building is or may hereafter be
78 erected, or upon which any water stands not connected with a
79 public sewer, may be required and compelled to connect any
80 such building or lot with such sewer. Notice to so connect may
81 be given to the owner, lessee, or occupant of such building. Each
82 day's failure to comply with such notice and connect with such
83 sewer by such owner or owners, ten days after such notice is
84 given, shall be a misdemeanor and a separate and new offense
85 under this section, and every such offense shall be punishable
86 by fine of not less than five nor more than twenty-five dollars.
87 The expense incurred by any tenant, occupant, or agent in con-
88 plying with the order of said council to make such sewer connec-
89 tion may be deducted out of the accruing rents as provided for
90 in the section or sections of this act relating to the abatement of
91 nuisances. Jurisdiction to hear, try, determine and sentence for

92 violation of this section is vested in the municipal court of such
93 city.

94 In the paving, curbing, macadamizing or otherwise improving
95 streets and alleys and providing for the assessment of the cost
96 thereof under this charter there may be included in any such
97 assessment the cost of constructing the necessary drains for the
98 disposal of surface water.

Sec. 72. The council is authorized and empowered to order
2 and cause to be constructed, in said city, or part within and
3 part outside of the limits of said city, public, common, lateral,
4 branch, trunk and combined sewers or public sewer systems, or
5 both, by contract or direct by the city, for the benefit of said
6 city or any part thereof, and to purchase lands or easements
7 therein or to condemn lands or easements therein in the man-
8 ner provided by law, for such sewers or sewer systems, and
9 when the council shall order and complete the construction
10 of any such sewer or sewer system or any part thereof in said
11 city, the owners of the property abutting on such sewer or
12 abutting upon an avenue, street, alley, right of way or ease-
13 ment in which such sewer shall be constructed, or abutting
14 on any avenue, street, alley, right of way, easement in which
15 any common sewer, part of a sewer system, is constructed and
16 laid, may be charged with all or any part of the cost thereof,
17 including the cost of such sewer or sewer system at and across
18 intersections at avenues, streets, roads and alleys adjacent
19 thereto. If said work is let to contract, the provisions of the
20 charter of the city of Charleston relating to street paving con-
21 tracts shall apply.

22 A sewer system shall be deemed to include all the common
23 sewers, whether they be lateral, branch, trunk or combined
24 sewers, which serve to drain a definite drainage area as speci-
25 fied in the order of the council directing the work to be done.

26 A common sewer shall be deemed to be a sewer in which all
27 abutments have equal rights of entrance and use.

28 A lateral sewer shall be deemed to be a sewer which does not
29 receive the sewage from any other common sewer.

30 A branch sewer shall be deemed to be a sewer into which the
31 sewage from two or more lateral sewers is discharged, includ-
32 ing storm and surface water sewers.

33 A trunk sewer shall be deemed to be a sewer into which the
34 sewage from two or more branch sewers is discharged.

35 A combined sewer shall be deemed to be a sewer intended
36 to receive domestic sewage and industrial wastes.

37 When said sewer or sewer system is completed the engineer
38 of said city shall report to the council in writing the total cost
39 of such sewer or sewer system, and a description of the lots
40 and lands as to the location, frontage, depth and ownership
41 liable for such sewer assessment, so far as the same may be as-
42 certained, together with the amount chargeable against each lot
43 and owner, calculated in the following manner: The total cost
44 of constructing and laying the sewer or sewer system, including
45 the portions thereof laid in the intersections of streets and
46 alleys, shall be borne by the owners of the land abutting upon
47 the streets, avenues, alleys, rights of way or easements or por-
48 tions thereof in which the sewer or some part of the sewer sys-
49 tem, is constructed and laid; payment is to be made by each
50 land owner on either side of such portion of a street, alley,
51 right of way or easement in which a common sewer is laid,
52 in the proportion that the frontage of this land upon such por-
53 tion of said street, alley, right of way or easement in which
54 such sewer or sewer system is laid bears to the total frontage
55 of all lands so abutting on such street, alley, right of way or
56 easement; in which, the sewer or some part of the sewer sys-
57 tem is laid: *Provided*, That the charge laid against any owner
58 of property shall not exceed three dollars per lineal foot of
59 frontage on each side of such street, alley, right of way or ease-
60 ment in which any such sewer or part of a sewer system is
61 laid. In case of a corner lot, frontage is to be measured along
62 the longest dimension thereof abutting on such street, alley,
63 right of way or easement in which such sewer is laid, but if
64 sewerer on both sides then such a corner lot is to be charged
65 only with the side first sewerer. Any lot having a depth of
66 two hundred feet or more and fronting on two streets, alleys,
67 rights of way or easements, one in the front and one in the
68 rear of said lot shall be assessed on both of said streets, alleys,
69 rights of way or easements, if a sewer is constructed on both
70 such streets, alleys, rights of way, or easements. Where a cor-
71 ner lot has been assessed on either or both ends, it shall not be

72 assessed on the side, and where it has been assessed on the side
73 it shall not be assessed on the end.

74 In the case of corner lots where the cost of sewerage along
75 one dimension is not assessed against the owner thereof, and
76 in case of lots less than two hundred feet deep abutting at
77 both ends on a street, alley, right of way or easement in which
78 a sewer is laid, the cost of sewerage along the dimension or
79 end not assessed against the property owner shall in every case
80 be borne by the city of Charleston.

81 Thereupon said council shall give like notice by publication
82 as is required in case of street paving assessments, and the
83 same rights shall exist as to the persons and property affected
84 and the same duty as to corrections by said council as are
85 prescribed with reference to paving. The report of the city
86 engineer shall in like manner be examined by the council as are
87 prescribed with reference to paving, and if found to be correct
88 or corrected as aforesaid, and such estimated assessments
89 to be a fair and equitable apportionment of the cost of
90 such sewer or sewer system upon the basis hereinbefore
91 described, it shall enter an order upon its records, setting
92-93 forth such location, depth, ownership and said amount of
94 such sewer assessments, against each respectively, calculated
95 as aforesaid, and the entry of such order shall constitute and be
96 an assessment for such proportion and amount so fixed therein
97 against such respective owners and lots; and, if after such ad-
98 vertisement, notice and hearing, said council shall find that
99 such apportionment at such rate is unjust or inequitable, and
100 contrary to the intent of this act, it shall ascertain, fix and
101 assess the cost thereof among and upon the abutting owners
102 respectively, justly and equitably and according to the intent
103 hereof, and in like manner assess and enter the amount so
104 fixed respectively upon its records; and, the council shall, in
105 either event, thereupon certify the same to the treasurer for
106 collection and certify a copy of such order to the clerk of
107 the county court of Kanawha county, who shall record the same
108 in the proper trust deed book, and index the same in the name
109 of each owner of any such lot so charged with such assessment,
110 and such assessment so made shall constitute and be a lien upon
111 said lots respectively, which shall have priority over all other
112 liens, except those for taxes due the state, and shall be on a par-

113 ity with other taxes and assessments due the city. Said amounts
114 so assessed against the said several land owners shall be paid by
115 the parties liable therefor to the said treasurer at all times, in
116 the manner and with the attendant penalties for failure to pay
117 promptly at the time prescribed in all respects as hereinbefore
118 provided in the case of assessments for paving streets and
119 alleys in a permanent manner, and the parties liable therefor
120 shall, in the same manner, and to the same extent, have the
121 right and be entitled to anticipate any or all of such install-
122 ments thereon as in such case provided. The owners of, or the
123 tenants, occupants or agents in control of any lot abutting on
124 or near or adjacent to any street, avenue, alley, right of way or
125 easement in said city, in which a public sewer is or may here-
126 after be laid and constructed upon which lot any business or
127 resident building is or may hereafter be erected, or upon
128 which any water stands not connected with any public
129 sewer, may be required and compelled to connect any
130 such building or lot with such sewer. Notice to so con-
130-a nect may be given to the owner, lessee, or occupant of such
130-b building. Each day's failure to comply with such notice and
131 connect with such sewer by such owner or owners, ten days
132 after such notice is given, shall be a misdemeanor and a sepa-
133 rate and new offense under this section, and every such offense
134 shall be punishable by fine of not less than five nor more than
135 twenty-five dollars. The expense incurred by any tenant, oc-
136 cupant, or agent in complying with the order of said council
137 to make such sewer connection may be deducted out of the ac-
138 cruing rents as provided for in this act relating to the abate-
139 ment of nuisances.

Sec. 73. Whenever it is deemed expedient by the council of
2 said city to provide for the grading, paving, sewerage, mac-
3 adamizing or otherwise improving any street or alley therein
4 to be paid for in whole or in part by special assessment, said
5 council shall declare by resolution, by aye and no vote, the
6 necessity of such improvement. At the time of the passage of
7 said resolution the said council shall have on file in the office
8 of the city engineer, plans, specifications, estimates and profiles
9 of the proposed improvements, showing the proposed grade of
10 the street and improvements after completion, with reference to
11 the property abutting thereon, which plans, specifications, esti-

12 mates and profiles shall be open for the inspection of all persons
13 interested. Said resolution shall determine the general nature
14 of the improvement, what shall be the grade of the street, alley
15 or other public place to be improved, as well as the grade or ele-
16 vation of the curb, and said council shall approve the plans,
17 specifications, estimates and profiles for the proposed improve-
18 ment. The council shall also determine in said resolution the
19 method of paying for the work contemplated in said plans and
20 specifications whether by an appropriation from funds in the
21 treasury unappropriated, or whether or not bonds shall be
22 issued in anticipation of the collection of special assessments, to
23 be made against the abutting property owners as provided for
24 in this act. Said resolution shall further show the approximate
25 estimated cost of said proposed improvement per front foot
26 of the property abutting thereon, and shall fix a date, at some
27 regular or special meeting of the council, on which the owners
28 of property be assessed for such improvements may appear
29 before council and protest against the same or be otherwise
30 heard in reference thereto. Assessments shall be payable in
31 ten installments as provided for in this act. The resolution
32 herein provided for, declaring the necessity for said improve-
33 ment, shall be published at least once a week for two successive
34 weeks after its adoption, in a newspaper of general circulation
35 published in the city, and an affidavit of the publisher, showing
36 publication for such time, together with a copy of said notice
37 attached, shall be filed with the city clerk of the said city and
38 spread upon the record of the minutes of the next meeting of
39 the council. Said resolution shall be in effect from and after
40 the first publication thereof as herein provided for.

Sec. 74. A notice of the passage of the resolution required
2 in the last preceding section, embodying a copy of said resolu-
3 tion, shall be served upon the owner of each piece of property
4 to be assessed, said service to be made in the manner provided
5 by this act for serving notices herein required or in other
6 lawful manner: *Provided*, That if any of the owners or persons
7 be not residents of the city of Charleston, or if it appears by the
8 return in any case, that the owner can not be found, then a
9 notice of the passage of said resolution shall be published in
10 some newspaper of general circulation in said city once a week
11 for two successive weeks, which notice shall be deemed com-

12 pleted on the day of the second publication thereof, and such
13 notice whether by service or publication, shall be completed at
14 least three days before the date fixed for hearing thereon, as
15 aforesaid, and before the introduction of any ordinance provid-
16 ing for said improvement, as hereinafter provided for; and the
17 return of the officer, or sworn return of any other person, serv-
18 ing such notice or a certified copy of said return, or when pub-
19 lished the certificate of the publisher of said newspaper, shall be
20 prima facie evidence of the service of the notice as herein re-
21 quired. Notice upon infants may be served on their guardian,
22 and upon insane persons by service upon their committee. It
23 shall be the duty of the board of affairs, or some member desig-
24 nated by it for the purpose, to cause such notice to be served
25 upon said property owners as aforesaid.

Sec. 75. It shall be lawful for said city of Charleston to
2 issue and sell its bonds as provided in this act for the sale of
3 other bonds, to pay the city's part of the cost of said improve-
4 ments as required by this act, and it may levy taxes in addition
5 to all other taxes authorized by law, to pay such bonds and
6 interest thereon, provided that the total indebtedness of the
7 city for all purposes shall not exceed five per centum of the total
8 value of all taxable property therein: *And provided further*, That
9 such additional levy shall in no wise violate the provisions of
10 section one of article ten of the constitution of West Virginia
11 as now amended.

Sec. 76. After the expiration of not less than ten days from
2 the time of the giving and publication of the notices as provided
3 for in this charter, the council shall sit at the time and
4 place fixed for the purpose of hearing all property owners to
5 be affected, with reference to such proposed improvements, and
6 shall hear and consider any protests or objections thereto; and
7 the council shall thereupon, or as soon as may be, determine
8 whether it will proceed therewith, and if council decides to make
9 such improvements, an ordinance for the purpose shall be
10 passed. Said ordinance shall set forth the streets and alleys
10-a upon which the abutting property is to be assessed for
11 the improvement, and shall contain a statement of the general
12 nature of the improvement, and the character of the materials
13 which may be bid upon therefor, of the mode of payments there-
14 for; a reference to the resolution therefor passed for said im-

15 provement, giving the date of its passage and a statement of
16 the intention of the council to proceed therewith in accordance
17 with said resolution and in accordance with the plans, specifica-
18 tions, estimates and profiles provided for said improvement. In
19 setting forth the lots and lands abutting upon the improvement
20 it shall be sufficient to describe them as the lots and lands bound-
21 ing and abutting upon said improvements between and includ-
22 ing the termini of said improvements, or by the description by
23 which they are described on the land books of the county of
24 Kanawha, and the rule of description shall apply in all pro-
25 ceedings in which lots or lands are to be charged with a special
26 assessment.

Sec. 77. In any case in which special assessments have been
2 made, or shall hereafter be made, upon property for the con-
3 struction of any improvement authorized by this act or previous
4 statutes and several kinds of materials have been named in the
5 ordinance or ordinances providing for the same, and on which
6 bids have been received for the construction of said improve-
7 ments with any, either or all of said material, said assessments
8 shall be valid and binding assessments on the property so
9 assessed. In the case of the construction of sewers required
10 under the provisions of this act, notice of the passage of said
11 resolution therefor, as provided for in this act, shall be given in
12 the manner provided for in this act.

Sec. 78. No pavement, sewer or sewer system, or other public
2 improvement the cost of all or a part of which is to be especially
3 assessed against abutting property, or against the owners there-
4 of, shall be made without the concurrence of two-thirds of all
5 the members elected to council, unless the owners of a majority
6 of the foot frontage of property to be so assessed, petition in
7 writing therefor, in which event the said council shall have
8 power upon the affirmative vote of a majority of all the mem-
9 bers elected thereto to proceed with such improvement in the
10 manner provided by law.

Sec. 79. When the whole or any portion of the improvement
2 authorized by this act passes through or by a public wharf,
3 market space, park, cemetery, structure for the fire department,
4 water works, school building, infirmary, market house, work
5 house, hospital, house of refuge, bridge, gas works, public
6 prisons, court house, church or any other public structure or
7 public grounds within said corporation, and belonging to said

8 corporation, or to the county, state, or any church, association,
9 eleemosynary institution, the council may authorize the proper
10 proportion of the estimated cost and expense of the improvement
11 to be certified to the clerk of the county court of Kanawha, and
12 it shall be the duty of those persons having charge of the fiscal
13 affairs of any such property or institution to make proper ar-
14 rangements for the payment of such assessments when due and
15 payable.

Sec. 80. The cost of any improvement contemplated in this
2 act and for which assessment may be made, shall include the
3 cost and expense of the preliminary and other surveys, and of
4 printing and publishing all notices required to be published,
5 and serving the notices upon the property owners and the cost
6 of constructing and inspection.

Sec. 81. No person shall bring any action whatever in any
2 court in this state for damages arising out of improvements or
3 change of grade unless he shall have filed with the council at
4 some time after the publication of the notice provided for in
5 this act, and before the time of the introduction of the ordi-
6 nance providing for said improvement a statement of the dam-
7 age which, in his opinion, he will sustain by reason of said im-
8 provement or the change of grade therefor, which statement
9 shall be duly sworn to and be spread upon the minutes of said
10 council.

Sec. 82. Proceedings with respect to improvements shall be
2 liberally construed by the courts to secure a speedy completion
3 of the work at reasonable cost, and a speedy collection of the
4 assessments after the time has elapsed for their payments and
5 merely formal objection in such cases shall be disregarded.

Sec. 83. It is especially provided that no bonds shall be issued
2 under the provisions of this act unless and until the question
3 of issuing said bonds shall have first been submitted to a vote
4 of the people of the city and shall have received three-fifths of
5 all votes cast at said election for or against the same.

6 The council may provide by ordinance for an election every
7 year, at which the question shall be submitted to the people, as
8 to whether the city shall be authorized to issue bonds for the
9 purpose and under the provisions of this act, to an amount not
10 to exceed in the ensuing year the amount recommended by said
11 ordinance for said ensuing year; but the ordinance providing

12 for said election need not specify in detail the location of the
13 improvements contemplated to be paid for during the ensuing
14 year out of said aggregate issue authorized for said year, but
15 before issuing any bonds the council shall pass separate ordi-
16 nances for such street or alley to be improved, dealing with all
17 the requirements set forth in this act, and notwithstanding any
18 of the pertinent provisions of chapter eight of the code, it shall
19 be sufficient description for the purpose for which said election
20 is held if the ordinances providing for said election shall recite
21 that it authorized the council of said city to issue bonds for the
22 purpose of grading, paving, sewerage or otherwise improving the
23 streets and alleys of said city, at such time as to the council shall
24 seem fit during the ensuing year ending on the.....
25 day of.....one thousand nine hundred
26, to an amount not exceeding
27 in the aggregate during the year the sum of.....;
28 and when the council shall have been once authorized by a vote
29 of the people to issue bonds for the purpose and in a sum not
30 to exceed the amount set forth in the ordinance providing for
31 the said election, no further election shall be necessary for the
32 issuing of bonds during said ensuing year up to the amount
33 stipulated in said ordinance providing for said election, but the
34 council shall from time to time during said ensuing year, by
35 ordinance authorize the issue of said bonds, in such sums and
36 for the improvement of such streets or alleys as to it may seem
37 best, providing the requirements of this act are complied with.
38 The aggregate amount of bonds authorized by said annual elec-
39 tion shall not be exceeded during said ensuing year, unless and
40 except the same be authorized by special election held at a sub-
41 sequent time in said year and duly called as provided for the
42 calling of the annual bond election.

43 The provisions of chapter eight of the code concerning
44 bond elections shall, so far as they are not in conflict with the
45 provisions of this act, apply to the annual bond elections and
46 special bond elections herein provided for.

Sec. 84. The council shall have the authority to erect, buy,
2 sell and lease all buildings necessary for the use of the city gov-
3 ernment and to provide for and regulate the same, and to
4 establish and maintain public hospitals, libraries and reading
5 rooms, and to purchase books, papers and manuscripts therefor,

6 and to receive donations, gifts or bequests for same in trust or
7 otherwise.

Sec. 85. The city executive committees of the two political
2 parties casting the highest vote at the last preceding general
3 election, shall each consist of one person from each of the wards
4 of the city to be selected in the same manner and at the same
5 time that candidates for municipal offices are selected. Vacan-
6 cies in a committee shall be filled and members to represent
7 newly created wards shall be elected by the committee to serve
8 until the next general city election.

Civil Service Board

Sec. 86. For the purpose of making examinations of persons
2 applying for offices or positions in the fire and police depart-
3 ments, and prescribing rules for their conduct, the council
4 elected hereunder shall at its first meeting appoint three dis-
5 creet persons, who need not be members of council, who shall
6 act and be known as a civil service board, and the city clerk
7 shall be ex officio clerk of said board.

8 The civil service board shall adopt rules for its own govern-
9 ment not in conflict with the following provisions:

10 Said civil service board shall meet on the first Monday after
11 it is appointed, for the purpose of reorganization of the police
12 and fire departments on a non-partisan basis; and it shall so
13 apportion appointments to said two departments in such a man-
14 ner that same shall be equally divided between the two political
15 parties casting the largest number of votes and the next largest
16 number of votes at the first municipal election to be held here-
17 under, as herein provided, and wherever such an equal division
18 shall not be possible because of odd numbers, then such board
19 may select one more member from the dominant political party
20 than from the minority party, based upon the last vote for
21 mayor; in making the selections to represent the political party
22 successful in the municipal election last held before this act went
23 into effect, preference shall be given to such members of the
24 present police and fire departments, as by long and faithful serv-
25 ice shall have demonstrated their fitness for retention upon such
26 departments respectively, and said board may in its discretion re-
27 appoint to their positions the present incumbents to the extent of
28 the representation to which the political party successful in the
29 municipal election last held before this act went into effect shall

30 be entitled, under this act, provided in the judgment of said
31 civil service board one-half of the present members of each of
32 said departments may be found worthy of and fit for reappoint-
33-35 ment as hereinbefore provided for.

36 In making all future appointments to either the police or fire
37 departments, said civil service board shall maintain said equal
38 division of the appointees on said departments, in equal propor-
39 tions as hereinbefore provided for.

40 Said civil service board shall cause the minutes of its meetings
41 to be recorded in a book especially provided for that purpose.
42 which shall be kept by the city clerk at his office, and open to
43 public inspection. The civil service board, at least every six
44 months in each year and oftener if it deem it necessary, after
45 ten days notice published in two daily newspapers of opposite
46 politics, giving the time and place of meeting, shall hold exami-
47 nations for the purpose of determining the fitness and qualifi-
48 cations of applicants for offices and positions in the police and
49 fire departments, which examinations shall be practical and shall
50 fairly test the fitness of the persons examined to discharge the
51 duties of the position to which they seek appointment and such
52 examinations shall be made with the aim to secure and maintain
53 honest, efficient and non-partisan police and fire departments.
54 Said board shall at once, after each of said examinations, place
55 on record in the journal of the civil service board the results of
56 said examination, giving the names of applicants and the posi-
57 tions sought by them and their respective percentages. In making
58 such examination the size, weight, intelligence, health, physical
59 appearance, habits and moral standing and surroundings shall
60 be taken into consideration.

61 All persons examined by said service board receiving a general
62 average of seventy per cent, shall be placed upon eligible list;
63 and hereafter all appointments, whether original or to fill
64 vacancies therein from time to time, shall be filled by the ap-
65 pointment of the applicant who has the highest standing on
66 the eligible list: *Provided*, That if at the time any appointment
67 is to be made from the eligible list, the civil service board, in its
68 discretion, may make another examination of such person before
69 his appointment and may for good cause on such examination
70 change the grade of such applicant.

Sec. 87. The members of the police and fire department as
2 selected by said civil service board shall remain in office during

3 good behavior and shall not be removed from their said offices
4 or positions except for misconduct, or failure, inability or in-
5 capacity to perform their duties or for the good of the service,
6 or when it shall be necessary to reduce the number of the de-
7 partment: *Provided*, That the board of affairs may remove any
8 member of the police or fire departments if it shall be of
9 opinion that it will be for the good of the service to remove
10 such person from his position. Any member of said depart-
11 ment so removed, may within ten days thereafter, appeal to
12 council from the action of the board. Such appeal shall be taken
13 only by such removed member filing with the city clerk his
14 verified petition setting forth good cause for reinstatement, and
15 alleging reasons why such removal order was unjust. The
16 removed member so appealing shall carry the burden of proof
17 of such appeal, and shall not be reinstated except upon the af-
18 firmative vote of a majority of all members elected to council re-
19 versing such order of removal as unjustified.

Sec. 88. After hearing the charges against any such member
2 of the police or fire department the council may, by a majority
3 vote of its members, sustain the same, and by like vote may
4 reprimand, fine or suspend, dismiss or reinstate said accused
5 person. If such member be found guilty on the charges pre-
6 ferred, and by reason thereof dismissed, or suspended, he shall
7 draw no salary during the period of his suspension.

Sec. 89. No member of the fire department or police depart-
2 ment shall actively engage in any primary election, convention
3 or election in which any officer in the city, county or state is
4 to be nominated or elected, nor shall such member, directly or
5 indirectly, give or offer to give, contribute or offer to contribute
6 any money or thing of value or profit to any political committee
7 or party organization to be expended in behalf of any political
8 party, nor to any candidate or candidates for nomination for or
9 election to any office in the city, county or state. The violation
10 of any of the provisions of this section by any member of the
11 fire department or police department, shall subject such mem-
12 ber to be dismissed from the service of the city by the head of
13 his department or by council, upon charges preferred and
14 proven by any citizen of said city.

Serving Notice

Sec. 90. When any notice is required to be given, or any
2 summons, warrant or other process is required to be served or
3 otherwise executed, under the provisions of this act, it shall be
4 sufficient if such notice, summons, warrant, or other process be
5 executed by an officer of the police department or other em-
6 ployee of said city in the same way or manner in which the
7 laws of the state prescribe for executing summonses and sub-
8 poenas by state officers, unless otherwise provided by this act.

Sec. 91. Whenever one or more members of the council shall
2 be a candidate for re-election, it shall be the duty of the council
3 to meet and appoint some person or persons, qualified to act in
4 hearing contested election matters and cases. The place and
5 stead of such disqualified member or members shall be filled in
6 each case by a member or members of the same political party
7 as the person or persons respectively, in whose place or places
8 he or they are so appointed. Every person so appointed shall
9 take an oath of office to faithfully and impartially perform the
10 duties of said office. In all matters concerning such contests,
11 such person or persons so appointed shall act in the place and
12 stead of such member or members, so being candidates, and it
13 shall be unlawful for any member of the council to act as such
14 in hearing any contest in relation thereto, when such member
15 is a candidate at such election; and any one violating this sec-
16 tion shall be deemed ineligible to the office for which he is a
17 candidate.

Sec. 92. The city clerk, acting under the state laws insofar
2 as they are not in conflict with this act, shall perform such
3 duties relating to all municipal elections held under the munici-
4 pal authorities of said city as the clerks of the county and cir-
5 cuit courts of Kanawha county perform, under state laws in
6 relation to state, county and district elections in said county;
7 and he shall likewise be the custodian of all ballots, tally sheets,
8 etc., pertaining to all municipal elections.

Sec. 93. All valid ordinances and regulations passed and
2 adopted by the council, on or before the first day of May, one
3 thousand nine hundred thirty-four, and not inconsistent with
4 this act, shall be and remain in force unless and until repealed,
5 and the council now in office shall continue to exercise its powers
6 as such until the officers elected hereunder in one thousand nine
7 hundred thirty-four shall have been qualified.

Sec. 94. The mayor shall appoint from those recommended 2 by the civil service board such number of policemen as are or 3 may be hereafter prescribed by the city council by ordinance, 4 and the board of affairs shall have at its discretion, the absolute right and power to dismiss any policeman and the mayor 6 may appoint another in his stead. The policeman shall be under 7 command of the mayor and the chief of police, to be appointed 8 as in this act provided for, and shall perform any and all 9 duties incident to the office of policeman under the instructions 10 and command of the mayor and the chief of police, and, in addition to the usual and customary duties prescribed by the laws 12 of this state and under the provisions of this charter required 13 of them, it shall specially be the duty of each police officer to 14 report to the chief of police, or some one designated by said 15 chief of police to receive such report, daily and oftener if occasion demands, the condition of all streets, sidewalks, alleys, 17 basements, backyards, buildings, unimproved lots and all other 18 things and matters within the limits of said city that may come 19 under the notice of such policemen which may relate to the 20 health of the citizens thereof, the sanitary conditions, the necessity for the removal of any obstructions upon any of the streets, 22 alleys or sidewalks, and it shall be the duty of the policemen 23 under their instructions to perform all the duties and exercise 24 all the powers ordinarily imposed upon or given to the officers 25 now known as health officers. It shall also be the duty of each 26 police officer to perform all the duties of humane officer and to 27 exercise all the functions, power and authority relating thereto 28 which are or may be prescribed by any law of this state or 29 ordinance of the city. A police officer in making arrests shall 30 have all of the power and authority of a constable under the 31 laws of the state of West Virginia.

Sec. 95. Each member of the city council shall be paid during 2 his term of office the sum of two dollars and fifty cents for each 3 meeting of the council that he shall attend: *Provided*, That the 4 aggregate amount to be paid to each member of the council 5 shall not exceed the sum of one hundred dollars per annum. 6 The roll of the members of the council shall be called at the 7 beginning and at the end of each meeting thereof, and those 8 members only who answer in person at each roll call shall be 9 entitled to receive their pay for such meeting. The names of 10 those members present at each roll call shall be entered upon

11 the record. If there should not be a quorum present at the first
12 roll call and the meeting be adjourned for that reason, then it
13 shall not be a meeting that will entitle those present to the pay-
14 ment of the sum of two dollars and fifty cents as provided in
15 this section. It shall be the duty of all councilmen to attend
16 all of its meetings, and if any councilman shall be absent from
17 the meetings of council as shown by its records for three con-
18 secutive meetings, then his office shall ipso facto become vacant,
19 unless the council shall authorize or excuse such absence. If
20 the office of any councilman shall become vacant under the pro-
21 visions of this section, then the council shall proceed to fill the
22 same as it is authorized to do in the case of vacancies.

Reports by Board of Affairs

Sec. 96. It shall be the duty of the board of affairs, not later
2 than the tenth day of any month after their election, to make a
3 detailed report to the council for the preceding month. Such
4 report shall show under distinct heads, first, the names and
5 salaries of all employees under the supervision of the board of
6 affairs; second, all expenditures or disbursements in the several
7 departments under the supervision of the board of affairs;
8 third, an itemized statement of all purchases, together with
9 the cost thereof, for each and every such department; fourth,
10 all such other matters and things as the council may by proper
11 ordinance or resolution require of said board of affairs. Such
12 report shall be entered of record in the minutes of the council
13 and be of a public record, open to the inspection of all persons.
14 All officers or employees in any of the departments under the
15 supervision of the board of affairs shall, whenever required by
16 said board of affairs, make full and complete reports of all
17 things done by them as such officers or employees in connection
18 with the business of the city.

Paving

Sec. 97. In addition to the method provided herein for
2 paving streets, the council may order any street, avenue, pub-
3 lic alley, or portion thereof, to be graded and paved, repaved,
4 or otherwise permanently improved, and the council may order
5 the mayor and city clerk to issue a certificate for each install-
6 ment of the amount of the assessment to be paid by the owner

7 of any lot or fractional part thereof fronting on such street,
8 avenue, or alley. The amount specified in said assessment cer-
9 tificate shall be a lien as aforesaid in the hands of the holder
10 thereof upon the lot or part of a lot fronting on such street,
11 avenue, or alley, and such certificate shall draw interest from
12 the date of said assessment and the payment may be enforced
13 in the name of the holder of said certificate by proper suit in
14 equity in any court having proper jurisdiction to enforce such
15 lien; the council shall fix the amount of such assessment, adver-
16 tise for bids and do all other things in connection therewith as
17 is provided for paving or permanently improving any street or
18 alley or any portion thereof, except that such assessment
19 laid under this section shall include the whole cost of
20 such improvement, including the cost of grading and
21 paving squares at intersections of streets and curbing, the cost
22 of which intersections shall be apportioned against the several
23 properties fronting upon the street or portion thereof so im-
24 proved; and such certificates shall be issued in the same number
25 of installments and payable at the same time as other paving or
26 permanent improvements are provided to be paid for, and shall
27 be a lien in the hands of the holder thereof upon the particular
28 lot against which they are assessed in the same way and manner
29 that assessments are liens under this charter. And noth-
30 ing contained in this act, or in the charter of the city
31 of Charleston, shall be construed as imposing a time limit
32 upon the enforcement by appropriate suit of any lien for public
33 improvements, heretofore or hereafter created.

34 Certificates authorized by this section may be issued, sold or
35 negotiated to the contractor doing the work, or to any other
36 person if the council deem it expedient: *Provided*, That the
37 city in issuing such certificates shall not be held as guarantor
38 or in any way liable for payment thereof.

39 Certificates so issued shall contain a provision to the effect
40 that in the event of default in the payment of any one of said
41 certificates, when due, and said default continuing for a period
42 of sixty days, then all unpaid certificates shall become due and
43 payable and the holder of said certificates may proceed to col-
44 lect all of such unpaid certificates in the manner hereinbefore
45 provided. Certificates issued in pursuance of this section shall
46 be negotiable at any bank in the city of Charleston.

47 The owner of the land or lot of land assessed under this sec-
48 tion may at any time anticipate and pay such assessment or
49 certificate with accrued interest thereon: *Provided*, That no
50 street, avenue or alley shall be paved or otherwise permanently
51 improved pursuant to this section except and unless two-thirds
52 of all the members elected to the council shall concur in the
53 passage of the ordinance providing therefor, and the vote there-
54 on shall be taken by ayes and noes, and duly entered upon the
55 record.

Sec. 98. In the case of the construction of any pavement,
2 sewer, sidewalk or other permanent improvement under the
3 provisions of this charter where an assessment has heretofore
4 been laid, or may hereafter be laid for the cost thereof, which
5 said assessment is or shall be void or voidable by reason of
6 errors, irregularities or defects in the proceedings under which
7 such improvement was made, or in case such assessment shall
8 have been made against the wrong person or shall have been
9 omitted to be made in a case where the same was proper, it shall
10 be the duty of the council within two years after the completion
11 of such permanent improvement, or after any court shall have
12 declared such assessment, invalid, to cause notice to be given
13 to any person against whom the cost of said improvement might
14 properly be or have been assessed under said charter, of its
15 intention to lay such assessment against him and fixing a time
16 and place at which he may appear and show cause against the
17 same. Said notice shall be served as provided in the said charter
18 for the giving of notices in assessment proceedings, or in any
19 other manner provided by law, including by publication where
20 the person is a non-resident of the city or can not be found.
21 At the time and place fixed for hearing under the notice afore-
22 said, or at any time thereafter, the council shall proceed to lay
23 and levy an assessment for the cost of such permanent improve-
24 ment in such manner as would have been lawful under proper
25 proceedings at the time said improvement was made, unless
26 the person so notified shall show good cause against the same,
27 and no further notice of such assessment shall be necessary. The
28 assessment so laid shall be a lien upon the property liable there-
29 for and may be recorded and enforced in the same manner as
30 provided for other liens for permanent improvements. This
31 section shall apply to assessments made and certificates issued

32 under this charter, as well as to other assessments and liens for
33 public improvements.

Sec. 99. In addition to the method for the payment of the
2 cost of construction of sewers and sewer systems provided by
3-4 this charter, the council may order any sewer or sewer system
5 constructed and laid, in any block, street, avenue, alley or in
6 any right of way or easement, or portion thereof, and the council
7 may order the mayor and city clerk to issue a certificate for
8 each installment of the amount of the assessment to be paid by
9 the owner of any lot or fractional part thereof fronting on
10 such street, avenue, alley, right of way or easement in which
11 such sewer system is constructed and laid, and the amount speci-
12 fied in said assessment certificate shall be a lien as aforesaid in
13 the hands of the holder thereof upon the lot or part of lot
14 fronting on such street, avenue or alley, right of way or ease-
15 ment, and such certificate shall draw interest from the date of
16 said assessment and the payment may be enforced in the name
17 of the holder of said certificate by proper suit in equity in any
18 court having proper jurisdiction to enforce such lien; the
19 council shall fix the amount of such assessment, advertise for
20 bids and do all other things in connection therewith as is pro-
21 vided in this charter for paving or permanently improving
22 any street or alley or any portion thereof, the costs of which
23 shall be apportioned against the several properties fronting
24 upon the street, avenue, alley, right of way or easement or
25 portion thereof in which the sewer or sewer system is laid
26 according to the provisions of this charter. Such certificates
27 shall be issued in the following number of installments:

28-29 Where the assessment shall not exceed fifty dollars, the
30 assessment and certificate issued thereon shall be in one amount,
31 due and payable in ninety days from the completion and ac-
32 ceptance of the work; if over fifty dollars and not more than
33 one hundred dollars, then such amount shall be covered by only
34 two certificates of equal amounts, payable in ninety days and
35 one year, respectively; if over one hundred dollars and not
36 more than one hundred and fifty dollars, then such amount shall
37 be covered by only three certificates of equal amounts payable
38 in ninety days, one year and two years, respectively; if over
39 one hundred and fifty dollars, and not more than two hundred
40 dollars, then such amount shall be covered by only four certifi-
41 cates of equal amounts, payable in ninety days, one year, two

42 years and three years, respectively; and if more than two hundred dollars, then in five certificates of equal amounts, payable in ninety days, one year, two years, three years and four years, respectively; and the term "equal amounts" herein shall mean as nearly equal as practicable, that is, four certificates being expressed in terms of blank dollars each, and, when practical, in multiples of five, the cents and odd amounts being covered by the first certificate.

Every such certificate shall be a lien in the hands of the holder thereof upon the particular lot against which it is assessed in the same way and manner that assessments are liens under the sections of this act. And nothing in this act, or in the charter of the city of Charleston shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements hereto or hereafter created.

Certificates authorized by this section may be issued, sold or negotiated to the contractor doing the work, or to any other person if the council deem it expedient; and shall be negotiable at any bank in the city of Charleston: *Provided*, That the city in issuing such certificates shall not be held as guarantor or in any way liable for the payment thereof. Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one of said certificates when due, said default continuing for a period of sixty days, unpaid certificates shall become due and payable and the holder of said certificates may proceed to collect all of such unpaid certificates in the manner hereinbefore provided: *Provided*, That no sewer or sewer system shall be constructed or laid pursuant to this section except and unless three-fourths of the members elected to the council shall concur in the passage of the ordinance providing therefor, and the vote thereon shall be taken by ayes and noes, and duly entered upon the record.

Sec. 100. If the abutting land on any avenue, street, road or alley sought to be graded, paved, repaved or otherwise improved, or in any avenue, street, road, alley, right of way or easement in which a sewer or sewer system is ordered laid, under any of the provisions of the charter of the city of Charleston, is not sub-divided or laid off in lots by a map or deed of record, the council may, for the purpose of making the assessments provided for in this section and other sections herein,

9 subdivide said land into lots of such size as the council deems
10 advisable for the purpose of laying the proper assessment
11 against such land.

Sec. 101. Any proposed ordinance, or amendment to any or-
2 dinance already in effect, may be submitted to the city council
3 by the petition of qualified voters in said city, but such petition
4 must be signed by such number of voters as shall amount to at
5 least ten per cent of the number of votes cast for the office of
6 mayor at the last preceding municipal election. Such proposed
7 ordinance, or amendment to an ordinance, shall be passed with-
8 out alteration or change by the city council within thirty days
9 after such petition is filed, or the city council shall, in lieu of
10 passing such ordinance or amendment to an ordinance, submit
11 such proposed ordinance, or amendment to an ordinance, in the
12 manner hereinafter prescribed for ratification or rejection to
13 the qualified voters of the city at the next regular municipal
14 election which is to be held not less than sixty days after such
15 petition is filed. If such petition contains a request for a special
16 election and is signed by sufficient qualified voters to equal in
17 number at least fifteen per cent of the votes so cast for the
18 office of mayor at the last preceding regular municipal election,
19 the ordinance or amendment thereby proposed shall be passed
20 by the city council without amendment or change, within thirty
21 days after such petition is filed, or the city council shall sub-
22 mit such proposed ordinance or amendment for ratification or
23 rejection to the qualified voters at a special election which shall
24 be called within thirty days and held not less than sixty nor
25 more than ninety days after such petition is filed, unless a gen-
26 eral or special election is fixed by law to be held within said
27 period of time. In the latter event, said proposed ordinance
28 or amendment shall be submitted for ratification or rejection at
29 such election. The city council shall cause such proposed ordi-
30 nance or amendment to be printed and published in some news-
31 paper of general circulation in the city once each week from the
32 time the council decides to submit the same to the voters until
33 such election is held. No ordinance or amendment to an ordi-
34 nance adopted by the voters at any such election shall be re-
35 pealed or amended by the city council.

36 The ballot used for any such election shall have printed on it
37 the title of each ordinance, or amendment to an ordinance, sub-

38 mitted for ratification or rejection and on separate lines under
39 said title the words "for said ordinance" and "against said
40 ordinance" (or the amended part thereof, as the case may be).
41 If a majority of the qualified voters of the city voting on any
42 proposed ordinance, shall vote in favor thereof, the same shall
43 thereupon become a valid ordinance and be in full force and
44 effect at the expiration of the period of ten days from and after
45 said election. If two or more ordinances, or amendments to or-
46 dinances, adopted at the same election are inconsistent, then the
47 respective ordinance, or amendment to an ordinance, receiving
48 the largest affirmative vote at such election shall prevail, and the
49 form of submission of inconsistent ordinances, or parts thereof,
50 or amendments to ordinances, shall be in such form that the
51 voters may clearly express their choice.

Sec. 102. If within the period of five days after the passage
2 of any ordinance a petition signed by sufficient qualified voters
3 of said city, being in number at least fifteen per cent of the
4 votes cast for all the candidates for the office of mayor at the
5 last preceding regular municipal election, shall be filed pro-
6 testing against such ordinance, or any part thereof, taking effect,
7 such ordinance, or such part thereof so protested against, shall
8 thereupon and thereby be suspended from taking effect, and
9 the city council shall immediately again consider the same, and
10 if it be not repealed or so amended as to meet the requirements
11 of the said protest, the city council shall submit the same for
12 ratification or rejection to the qualified voters of the city at the
13 next regular municipal election which shall be held not more
14 than thirty days after such petition is filed, or at a special elec-
15 tion to be called thereafter by the city council for that purpose
16 to be held not less than sixty days nor more than ninety days
17 after such petition is filed, and such ordinance, or part thereof
18 so protested, shall not take effect unless a majority of the votes
19 cast at such election thereon shall be for the ratification there-
20 of. If such petition shall only be signed by sufficient qualified
21 voters to equal in number at least five per cent but not suffi-
22 cient to equal in number at least fifteen per cent of the votes
23 cast for the candidate for said office of mayor at the last pre-
24 ceding municipal election, the city council shall submit such
25 ordinance, or such part thereof so protested, for ratification or
26 rejection at the next ensuing regular municipal election which

27 is to be held more than thirty days after such petition is filed.
28 The city council may, on its own motion, without any petition
29 being required therefor, submit at a regular or special municipal
30 election any ordinance passed by it in the same manner and with
31 the same force and effect as hereinbefore provided. No ordi-
32 nance, or part of any ordinance, rejected at any election shall
33 be enacted or passed by the city council within the period of
34 twelve months thereafter.

Recall

Sec. 103. Any officer of the city of Charleston elected by the
2 voters under the provisions of this act, may be recalled and
3 the office declared vacant as provided in this act. Such officer
4 may be removed from office by a recall election held thereunder,
5 but no such officer shall be removed from office within the period
6 of four months after he enters upon the discharge of his duties
7 as such. Before any such recall election shall be held a peti-
8 tion, stating the name or names and the office or the officers
9 sought to be recalled, and signed by sufficient qualified voters
10 of the said city as shall equal in number the quantity of twenty-
11 five per cent of the votes in the whole city or in the ward, as the
12 case may be, for all the candidates for the office of mayor at the
13 last preceding regular municipal election, and containing a
14 sworn statement of the grounds upon which it is sought to re-
15 move the said officers or officer, shall be filed with the city clerk.
16 No such petition shall be filed within the period of six months
17 before the end of the term of such officer. The city council
18 shall immediately, upon the filing of said petition, call a special
19 election in the manner in this act provided for calling special
20 elections and submit to the voters the question of recalling
21 such officer or officers. The ballot at such election, with respect
22 to each person whose recall is sought, shall be substantially as
23 follows: "Shall (name of person) be removed from the office
24 (name of office) by recall." Immediately following such ques-
25 tion there shall be on the printed ballot the two propositions
26 in the order set forth.

27 "For the recall of (name of person)."

28 "Against the recall of (name of person)."

29 Immediately to the left of said proposition shall be printed a
30 square in which the voters, by making a cross mark (X), or in

31 some other way declaring their intention, may vote for either
32 of such propositions. If sixty per cent of the voters registered
33 voting on said propositions vote in favor of the recall of such
34 officer or officers, then he or they shall thereby be forthwith re-
35 moved from such office and such vacancy or vacancies shall be
36 filled as provided in this act: *Provided, however,* That within
37 fifteen days after the returns of such recall election shall have
38 been canvassed by the city council, a petition signed by suffi-
39 cient qualified voters to equal in number at least thirty per cent
40 of the votes cast in the city, or ward, as the case may be, for
41 the candidates for the office of mayor at the last preceding regu-
42 lar election, and praying that such vacancy or vacancies be
43 filled by a special election to be held not less than thirty days
44 nor more than forty-five days thereafter, the city council shall
45 order a special election to be held in the same manner as
46 other special elections are provided for in this act for the pur-
47 pose of filling such vacancy or vacancies.

Sec. 104. The signatures to petitions filed under the pro-
2 visions of the last three sections need not be all on one paper or
3 one sheet of paper, but separate petitions may be circulated and
4 signed and the aggregate number of names on all of such pe-
5 titions, if equal to the number required in this act, shall be
6 sufficient, the circulator of each such paper shall make and ap-
7 pend thereto an affidavit that each signature thereon is the
8 signature of the person whose name it purports to be. The resi-
9 dence address of each signer shall accompany the signature.
10 All such petitions shall be filed with the city clerk and shall be
11 deemed and held to be qualified voters, unless a protest in writ-
12 ing, under oath, shall be filed with the city clerk by some quali-
13 fied voter within fifteen days after such petitions are filed, which
14 protest shall set forth the name of each signer protested against
15 and the ground therefor. It shall be the duty of the city clerk
16 as soon as possible and within twenty-four hours after the fil-
17 ing of such protest to mail a notice to each signer so protested
18 against at his address as given in the petition, requiring him to
19 be and appear before the city registrars at a time fixed in said
20 notice, not less than twenty-four hours nor more than forty-
21 eight hours after the mailing of such notice, for the purpose of
22 defending his rights to sign said petition. If it shall be proven
23 by satisfactory evidence that such person is not a qualified

24 signer of such petition, then his name shall be stricken there-
25 from. All evidence taken shall be under oath, and any signer
26 present at the hearing may be called as a witness by the pro-
27 testants or testify in his own behalf. All hearings shall be
28 summary and shall be concluded within fifteen days after such
29 petition is filed. The city registrars shall forthwith certify
30 the result of their examination to the city clerk and such city
31 clerk shall serve a copy of such certificate upon the person or
32 persons named in the petition as representing the signers there-
33 of. When the petition contains a sufficient number of quali-
34 fied signatures the city registrars shall forthwith file the same
35 with the city clerk, and he shall transmit the same to the city
36 council, which shall call an election as provided for in the
37 preceding sections of this act. All petitions filed in the city
38 clerk's office shall be public records. When any petition con-
39 tains a form of submission of the ordinance petitioned for and
40 such form is a reasonably fair description thereof, the same
41 shall be placed on the ballot and no petition filed subsequently
42 shall use any form of submission that is so similar to the
43 one previously filed as to tend to confuse the voter
44 and, in case of such conflict, the person presenting the
45 subsequent petition may file a form of submission which shall
46 be placed upon the ballot: *Provided*, That the same shall fairly
47 describe the ordinance, or amendment to an ordinance, petition-
48 ed for and shall not be in conflict with any prior forms of sub-
49 mission or tend to confuse the voter.

50 The city council shall so frame all forms of submission that
51 the voter can, by making a cross in a square in front of some
52 appropriate words, vote either for the ratification or the re-
53 jection of the proposed measure, but no ballot shall be rejected
54 from which the reasonable intention of the voter, however he
55 shall have marked the same, can be ascertained. All city elec-
56 tions, regular or special, shall conform as nearly as possible
57 to the election statutes contained in chapter three of the code
58 of West Virginia.

Sec. 105. In addition to the method of securing the laying
2 of sidewalks set out in this charter, the council of said city may
3 cause any sidewalk to be constructed, laid, relaid, or otherwise
4 permanently improved in the city of Charleston in the following
5 manner and upon the following terms: Plans and specifications

6 shall be prepared and filed, resolutions and ordinances shall be
7 adopted and notices shall be prepared and served in the same
8 way and manner as near as may be, as in the case of the paving
9 and improvement of streets and alleys. The contract for same
10 shall, after due advertisement in which council shall reserve the
11 right to reject any and all bids, be let to the lowest responsible
12 bidder and upon completion and acceptance of the work, council
13 shall order the mayor and city clerk to issue to the contractor
14 doing the work a certificate for the amount of the assessment to
15 be paid by the owner of any lot or fractional part thereof front-
16 ing on such sidewalk, and the amount specified in said assessment
17 certificate shall be a lien in the hands of the holder thereof upon
18 the lot or part of a lot fronting on such sidewalk as well as a
19 debt against the owner of said lot, and such certificate shall
20 draw interest from the date of said assessment, and the payment
21 may be enforced in the name of the holder of such certificate
22 by a proper suit in equity in any court having proper jurisdic-
23 tion to enforce such liens, and council shall fix the amount of
24 such assessments and do all things in connection therewith neces-
25 sary to make them valid and do all other things in connection
26 therewith as is provided for paving or improving streets and al-
27 leys and such certificates shall be issued one for each abutting lot
28 or portion thereof payable six months from the date of the com-
29 pletion and acceptance of the work and shall be a lien in the
30 hands of the holder thereof upon the particular lot against
31 which they are assessed in the same way and manner that as-
32 sessments for street paving are liens under the other provisions
33 of the aforesaid act creating and amending the charter of the
34 city of Charleston: *Provided, however,* That council shall not
35 advertise for bids for any one letting of less than five thousand
36 square feet: *And provided further,* That council shall not re-
37 ceive any bids or let any sidewalk contract between the first day
38 of October and the first day of March of any year. Nothing in
39 this section shall be so construed as to prevent any abutting
40 lot owner from having his own sidewalk put in if done before
41 the advertising hereinbefore mentioned and provided same is
42 done according to the lines, grades and specifications of the city
43 engineer, for which no charge shall be made. The total cost
44 of constructing, laying, relaying, or otherwise permanently im-
45 proving any sidewalk or walks shall be borne by the owners of

46 the land abutting upon said sidewalk or sidewalks according to
47 the following plan, that is to say, payment is to be made accord-
48 ing to the proportion of square feet in front of any lot or the por-
49 tion thereof bears to the whole letting. The contract for sidewalks
49-a referred to in this section does not necessarily have to be one
50 continuous sidewalk, but the five thousand square feet required
51 for a letting as aforesaid may be made up of or composed of any
52 number of sidewalks in any parts of the city.

Sec. 106. The municipal judge, mayor, city clerk, municipal
2 court clerk, chief of police, or in the absence of the chief of police,
3 the captains of police and lieutenants of police shall each have
4 authority to issue warrants for all offenses committed within the
5 police jurisdiction of the city of Charleston. Any vacancy in
6 the office of municipal judge shall be filled by appointment by
7 the mayor until the next election.

Action for Damages

Sec. 107. No action shall be maintained against the city of
2 Charleston for damages for a personal injury alleged to have
3 been sustained by reason of the negligence of the city or of any
4 officer, agent or employee thereof, unless a written verified
5 statement of the nature of the claim and of the time and place
6 at which such injury is alleged to have been received shall have
7 been filed with the city clerk within thirty days after the cause
8 of action, shall have accrued. The cause of action shall be
9 deemed to have accrued at the date of the sustaining of the in-
10 jury, except that where death results therefrom the time for the
11 personal representative to give notice shall run from the date
12 of death. An action at law for damages for personal injuries
13 or death shall not be commenced until the expiration of thirty
14 days after the filing of the notice as provided in this section.

Health Department

Sec. 108. The health commissioner shall be a physician of
2 good standing in his profession and shall devote his time to this
3 work alone. It shall be his duty to administer to all charity
4 cases that he, or the board of affairs or council may, in their dis-
5 cretion, deem deserving. He shall in conjunction with the city
6 manager, have charge of the general health and sanitation of the

7 city and it shall be his duty to carefully investigate all complaints
8 and make a careful detailed report of all his official acts as health
9 commissioner to the city manager and council at least once every
10 month. He shall be appointed in the way and manner provided
11 in the charter of the city of Charleston and shall receive such
12 salary as council may by ordinance prescribe. Nothing herein,
13 however, shall be construed as in any way affecting the police
14 officers of the city relative to their powers and duties in regard
15 to city sanitation contained and set forth elsewhere in said char-
16 ter.

Sec. 109. The city council may cause and contract for the
2 codifying and indexing of all the ordinances of the city to be
3 fully completed, and such ordinances shall include all in force
4 and effect up to the last day possible. Before such work is ac-
5 cepted by the council, it shall be completed in every respect
6 and the council shall then cause it to be properly printed and
7 securely bound in a permanent book. The council may by ordi-
8 nance adopt the code to be prepared as a whole and when said
9 ordinance adopting said code shall have been passed by the coun-
10 cil, the said code shall be and become the law and ordinances of
11 said city up to such time according to the tenor and effect there-
12 of, and when printed in a book, the same shall be received as
13 evidence as the ordinance of said city, unless errors or omis-
14 sions be affirmatively shown therein, and no other publication
15 thereof shall be made or required under the charter, and the
16 council shall cause all the ordinances of said city, either by
17 printing a supplement thereof, to be brought up to date within
18 a reasonable time after the printing of such ordinances, and in
19 any event such supplement shall be printed, or, if necessary,
20 a new copy of the ordinance shall be printed, or within every
21 four years, and the council shall cause a sufficient number of
22 said books of the ordinances to be printed and to sell such num-
23 ber thereof as it may do so at such price as may be reasonable,
24 and the number of books printed shall be fixed by the council.

Sec. 110. It shall be the duty of the city of Charleston to pro-
2 vide suitable and proper places for the burial of the dead, which
3 places may be in or out of the corporate limits of the said city.
4 The city shall cause such places to be laid off into cemetery lots
5 in a reasonable and proper way and shall sell said lots for a
6 reasonable price, but it may take into consideration the loca-

7 tion of each of such lots in fixing the prices thereof. The city
8 council shall have all the powers and rights of condemnation
9 of any real estate that it may wish for such purpose in the man-
10 ner provided by law, and it may require by means of condemna-
11 tion any real estate which has already been laid out as a ceme-
12 tery by any person, association or corporation.

13 No burials of the bodies of deceased persons shall hereafter
14 be permitted within the incorporated limits of the city of
15 Charleston or within the space of one mile of such incorporated
16 limits without the permission of said city shall be first had and
17 obtained, and the city of Charleston, through its proper authori-
18 ties, shall have power to pass all proper ordinances providing
19 suitable penalties to carry out the powers here given said city.

20 No moneys received from the sale of lots in any cemetery so
21 owned, or hereafter owned, by said city shall be used for any
22 other purpose than the proper care and preparation of the
23 ground, upkeep and expenses of said cemetery, the roads and
24 ways to and through the same and for the purpose of additional
25 property for cemetery purposes.

Sec. 111. The building inspector shall be a competent person
2 for the duties of his office and shall devote all his time to city
3 work. He shall not be engaged or interested in the building
4 business in any way or manner. The council shall by ordinance
5 fix a proper salary for him. He shall see that the ordinances of
6 the city and laws of the state concerning buildings are enforced
7 and perform such other duties as the manager or council may
8 direct.

Sec. 112. The council shall have power to buy, sell, or ex-
2 change any real estate found necessary or convenient, in the
3 opening, construction, straightening, widening, or otherwise
4 altering of any street, alley, or public way within the city, and
5 by resolution and proper deed to convey to any person, firm
6 or corporation any land used, or heretofore or hereafter used,
7 for street or other public purposes, when in the judgment of
8 the council such land shall no longer be needed for such public
9 use.

Sec. 113. For the purpose of promoting health, safety,
2 morals, or the general welfare of the city and community, the
3 council is hereby empowered to regulate and restrict the height,
4 number of stories, and size of buildings and other structures,

5 the percentage of lot that may be occupied, the size of yards,
6 courts and other open spaces, the density of population, and the
7 location and use of buildings, structures and land for trade,
8 industry, residence or other purposes: *Provided, however,*
9 That any ordinance or by-laws enacted under the authority of
10 this act shall exempt from the operation thereof any building or
11 structure used or to be used by a public service corporation (not
12 otherwise exempt) as to which proof shall be presented to the
13 council of the city of Charleston provided for in this act, that
14 the exemption of such building or structure is reasonably nec-
15 essary to the convenience or welfare of the public.

Sec. 114. For any or all of said purposes the council may
2 divide the city into districts of such number, shape and area
3 as may be deemed best suited to carry out the purpose of this
4 and the four succeeding sections, and within such districts it
5 may regulate and restrict the erection, construction, alteration,
6 repair or use of buildings, structures or land. All regulations
7 shall be uniform for each class or kind of buildings throughout
8 each district, but the regulations in one district may differ from
9 those in other districts.

Sec. 115. Such regulations shall be made in accordance with
2 a comprehensive plan, and designed to lessen congestion in the
3 streets; to secure safety from fire, panic and other dangers; to
4 promote health and the general welfare; to provide adequate
5 light and air; to prevent the overcrowding of land; to avoid
6 undue concentration of population; or to facilitate the adequate
7 provision of transportation, water sewage, schools, parks, and
8 other public requirements. Such regulations shall be made with
9 reasonable consideration, among other things, to the character
10 of the district and its peculiar suitability for particular uses,
11 and with a view to conserving the value of buildings and en-
12 couraging the most appropriate use of land throughout the city.

Sec. 116. The council shall provide for the manner in which
2 such regulations and restrictions and the boundaries of such
3 districts shall be determined, established and enforced, and
4 from time to time amended, supplemented or changed. How-
5 ever, when demanded by any party in interest no such regu-
6 lation, restriction or boundary shall become effective until after
7 a public hearing in relation thereto, at which parties in interest
8 and citizens shall have an opportunity to be heard. At least

9 fifteen days' notice of the time and place of such hearing shall
10 be published in at least two newspapers of general circulation,
11 published in the city of Charleston.

Sec. 117. Such regulations, restrictions and boundaries may
2 from time to time be amended, supplemented, changed, modi-
3 fied or repealed. In case, however, of a protest against such
4 change signed by the owners of twenty per cent or more either
5 of the area of the lots included in such proposed change, or of
6 those immediately adjacent in the rear thereof, extending one
7 hundred feet therefrom, or of those directly opposite thereto,
8 extending one hundred feet from the street frontage of such
9 opposite lots, such amendment shall not become effective except
10 by the favorable vote of three-fourths of all the members of
11 council. The provisions of the previous section relative to pub-
12 lic hearings and official notice shall apply to all changes or
13 amendments.

Sec. 118. In order to avail itself of the powers conferred by
2 this act, the council shall appoint a commission to be known as
3 the zoning commission to recommend the boundaries of the
4 various original districts and appropriate regulations to be en-
5 forced therein. Such commission shall make a preliminary re-
6 port and hold public hearings thereon before submitting its
7 final report, and such council shall not hold its public hearings
8 or take action until it has received the final report of such
9 commission.

Sec. 119. The object and aim of this act is to procure an
2 honest and efficient administration of the affairs of the city of
3 Charleston, free from political partisan distinction or control;
4 and the municipal authorities of the city and courts of the state,
5 shall construe this act with that aim in view.

Board of Affairs Successors to Council

Sec. 120. The board of affairs (together with the council)
2 provided for in this act, and their successors in office, shall be
3 held and deemed in law and in fact, the successors of the mayor,
4 and council of the city of Charleston.

First Election and Present Officers

Sec. 121. The first election hereunder shall be held at the
2 time and in the manner hereinbefore provided and the officers

3 then elected shall begin their terms on the first day of May, one
4 thousand nine hundred thirty-four, and thereafter all elections,
5 except special elections, shall be held on the third Tuesday in
6 March in every second year thereafter; and the terms of office
7 of the persons elected shall begin on the first day of May next
8 after such election. For the first election to be held hereunder,
9 the county court of Kanawha county shall be a canvassing board
10 to ascertain and disclose the result of said election, and to hear
11 and determine all contests. Thereafter the board of affairs
12 shall act as such canvassing board and for this purpose it may
13 assemble in special session on the day fixed by law to canvass the
14 result of any election; and all the powers concerning elections,
15 the appointment of registrars and election officers heretofore
16 given to the council, or which may hereafter be given to council
17 by general law, are hereby vested in the board of affairs; and
18 whenever one or more members of the board of affairs shall be
19 a candidate for reelection it shall be the duty of the council to
20 meet and appoint some person or persons, qualified to act on
21 the board of affairs, to serve as such in the appointment of elec-
22 tion officers and in canvassing and disclosing the result of any
23 election and in hearing contested election matters and cases, in
24 the place and stead of such members or member so being candi-
25 dates such person or persons so appointed shall be, in each case
26 a member or members of the same party as the person or per-
27 sons respectively candidate and in whose place he or they are
28 appointed; and every person so appointed shall take the re-
29 quired oath of office before discharging his duties; and in all
30 matters concerning said election thereafter and the canvassing
31 and disclosing the result thereof and the hearing of contests in
32 relation thereto, such person or persons so appointed shall act
33 in the place and stead of such member or members so being
34 candidates, and it shall be unlawful for any member of the
35 board of affairs to act as such in any capacity in the appoint-
36 ment of election officers or in ascertaining and declaring the
37 result thereof or in hearing any contest in relation thereto, when
38 such member is a candidate at such election; and anyone violat-
39 ing this section shall be deemed ineligible to the office for which
40 he is a candidate; and if upon application to the board of affairs
41 by any five taxpayers it fails to disclose such ineligibility, then
42 the council shall have power so to do; if the council shall fail to

43 do so, then the circuit court of Kanawha county shall have
44 power so to do by mandamus prohibition or certiorari.

Sec. 122. The city clerk, acting under state laws in so far as
2 they are not in conflict with this act, shall perform such duties
3 relating to all municipal elections held under the municipal
4 authorities of said city, as the clerk of the county court of
5 Kanawha county performs, under state laws, in relation to state,
6 county and district election in said county and he shall like-
7 wise be the custodian of all ballots, tally sheets, etc., pertaining
8 to all municipal elections.

Sec. 123. The present mayor, city council and all officers,
2 agents, and employees of the city of Charleston shall remain in
3 and hold their offices, and discharge the duties thereof until
4 the first day of May, one thousand nine hundred thirty-four,
5 and thereafter until their successors are elected and qualified as
6 provided by this act, and all existing officers not provided for by
7 this act, shall be abolished as of the first day of May, one thou-
8 sand nine hundred thirty-four, except this section shall not
9 apply to firemen and policemen retained by the civil service
10 board as hereinbefore provided for.

Referendum

Sec. 124. This act shall not become effective until it shall
2 have been submitted to and obtained the approval of a majority
3 of the votes cast at the referendum herein provided. A refer-
4 endum to the voters of the city of Charleston or a special election
5 therein is hereby called and shall be held on the third Tuesday
6 following the date on which this act becomes effective by legis-
7 lative enactment for the purpose of submitting to the voters of
8 the city of Charleston the question of the adoption or rejec-
9 tion of this act.

Sec. 125. At such referendum or special election all persons
2 now qualified to vote in the municipal elections of the city of
3 Charleston, who shall have been registered voters at the special
4 election held June twenty-seventh, one thousand nine hundred
5 thirty-three, for the purpose of providing for a convention to
6 pass on an amendment to the constitution of the United States
7 or who, under the provisions of this charter are, at the time of
8 the election, qualified voters, shall be entitled to vote. The
9 registration books used in said election, as corrected by the

10 county court, holding session on the Friday and Saturday pre-
 11 ceding the day of such election for the purpose, shall be used
 12 in said referendum.

Sec. 126. Except as in this act otherwise provided, such
 2 referendum shall be conducted and the results thereof ascer-
 3 tained and certified by the county court of Kanawha county,
 4 West Virginia, sitting as a board of canvassers, and all pro-
 5 visions of the law of this state, relative to elections, except so
 6 far as inconsistent with this act, are hereby made applicable to
 7 such referendum. The county court of Kanawha county shall
 8 appoint for each precinct in said city three commissioners of
 9 election, and no more, and no poll clerks, for the referendum
 10 hereby called, and at least one commissioner shall be known to
 11 the court to be for the adoption of this act and one shall be so
 12 known to be for the rejection thereof. The commissioners shall
 13 designate two of their number, one known to be for the adop-
 14 tion and one known to be for rejection, as poll clerks, who shall
 15 perform all duties of poll clerks as well as commissioners at such
 16 referendum. No such commissioner of election shall receive
 17 compensation for his duties as such.

Sec. 127. The referendum shall be by ballot and the ballot
 2 commission of Kanawha county, West Virginia, or said county
 3 court shall prepare ballots, and print thereon the following:

4 Ballot on Bi-partisan charter.

5 For adoption of Bi-partisan Charter.

6 Against adoption of Bi-partisan Charter.

Sec. 128. The county court of Kanawha county, sitting as a
 2 canvassing board, shall ascertain the result of the referendum,
 3 and shall within five days thereafter file a certificate of the
 4 same with the secretary of state, whereupon, if this act shall
 5 have been so adopted, the same shall to all intents and purposes
 6 become immediately effective, otherwise null and void and of
 7 no effect whatsoever.

Sec. 129. If one or more sections or parts of sections of this
 2 charter shall be declared to be unconstitutional by any of the
 3 courts of this state, the remaining sections and parts of sections
 4 hereof shall not be affected by any such decision, but shall be
 5 and remain in full force and effect.

Sec. 130. All expenses of election held under this act shall
2 be paid out of the treasury of the city of Charleston.

Sec. 131. All acts or parts of acts in conflict or inconsistent
2 with this act, are, to the extent of any such conflict hereby re-
3 pealed.

CHAPTER 157

(House Bill No. 89—By Mr. Martin)

AN ACT to amend and reenact section sixteen, chapter sixteen, acts
of the Legislature of West Virginia (municipal charters), one
thousand nine hundred fifteen, relating to the charter of the
town of Charles Town, in the county of Jefferson.

[Passed December 13, 1933: in effect from passage. Became a law without the
approval of the Governor.]

SEC.

16. Number, terms, duties and com-
pensation of appointive officers. |

Be it enacted by the Legislature of West Virginia:

That section sixteen, chapter sixteen, acts of the Legislature of
West Virginia (municipal charters), one thousand nine hundred
fifteen, be amended and reenacted so as to read as follows:

Section 16. There shall be one or more sergeants, a clerk, a
2 treasurer, an assessor, a city attorney, a city health officer, a city
3 engineer, and three commissioners of roads, streets and alleys of
4 said town, who shall be appointed by the council thereof and
5 hold office during the pleasure of said council. The duties of
6 sergeant, clerk, treasurer and assessor may be discharged by
7 the same person, or otherwise, as the council may from time to
8 time determine; but no member of the council shall hold any
9 of said offices. The compensation for said officers shall be in
10 the discretion of the council.

CHAPTER 158

(House Bill No. 184—By Mr. Martin)

AN ACT authorizing the town of Charles Town, Jefferson county, West Virginia, a municipal corporation, to borrow funds from the public works administration or other federal government agency authorized to make loans, for the purpose of remodeling the municipal building known as the Charles Washington hall, and installing heating, plumbing and other equipment necessary to make the same modern in all respects, and to provide payment therefor; and also to give a lien or liens to secure the same upon the lot upon which the building is located and upon the improvements thereon.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Town of Charles Town authorized to borrow not to exceed twenty-five thousand dollars from federal governmental agency to remodel, etc., its municipal

Sec.

building; council authorized to do all things necessary to carry out provisions of act and repay loan.

Be it enacted by the Legislature of West Virginia:

Section 1. The town of Charles Town in the county of Jefferson, West Virginia, is hereby authorized to borrow not to exceed twenty-five thousand dollars from the public works administration or any federal agency authorized to make loans, for the purpose of remodeling the municipal building known as the Charles Washington hall and installing necessary heating, plumbing and other equipment necessary to make same modern in all respects and also to give a lien or liens to secure the same upon the lot upon which the said building is located and the improvements thereon. The town council of said town of Charles Town is hereby empowered to undertake and do all things necessary to carry out the provisions of this act, and by appropriate action of said council to provide the repayment of said lien.

CHAPTER 159

(House Bill No. 173—By Mr. Randolph)

AN ACT to authorize the city of Clarksburg in Harrison county, West Virginia, to transfer money from the special funds known as the public recreation and playground fund, municipal band fund, health department fund, and the public library fund, to the general fund of the city, and providing for the use thereof.

[Passed January 5, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. City of Clarksburg authorized to transfer to general city fund the special funds known as public recreation and playground fund.

Sec.

municipal band fund, health department fund and public library fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Clarksburg in Harrison county, West Virginia, is hereby authorized and empowered to transfer any funds now or hereafter in the special funds known as the public recreation and playground fund, municipal band fund, health department fund, and the public library fund, to the general fund of the city, and to permit the said city to use such moneys so transferred from said funds for any purpose for which the money in the general fund may be used.

CHAPTER 160

(House Bill No. 386—By Mrs. Suddarth)

AN ACT to authorize the city of Grafton, West Virginia, a municipal corporation, to set aside from the general revenues of said city, other than direct property taxes levied on real estate and personal property, a sum not to exceed five thousand dollars annually, to be used in the repayment of any sum of money borrowed by the city of Grafton from the reconstruction finance corporation, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned hospital, in or near the city of Grafton, the authority to annually set aside the said sum and use it for said purpose, to exist until the sum or sums so borrowed shall be repaid, and to enact

proper ordinance to carry out the provisions of this act, and to pledge the sums so set aside for the repayment of said loan.

[Passed March 24, 1934: in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. City of Grafton authorized to set aside annually from its general revenues, except from taxes levied directly on real and personal property, not to exceed

SEC.

five thousand dollars to repay loan for its municipally owned hospital, until loan repaid: act confers additional powers.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Grafton, Taylor county, West Virginia, a municipal corporation, is authorized to set aside from the general revenues of said city, other than taxes levied directly on real estate and personal property, a sum not to exceed five thousand dollars annually, to be used for and in the repayment of any sum or sums of money borrowed by the city of Grafton from the reconstruction finance corporation or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned hospital, in or near the city of Grafton, under the authority of chapter sixty-eight, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three. The authority to annually set aside and use for said purpose, the said sum from the general revenues of the city of Grafton, other than taxes levied directly on real estate and personal property, shall exist until the sum or sums so borrowed for said purpose is repaid. This authority shall be additional to the authority vested in said city of Grafton by virtue of said chapter sixty-eight, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, and the said city is authorized to enact and put in force proper ordinances to carry out the provisions of this act, and to pledge said sum so set aside for the purpose of further securing said loan or loans and the repayment thereof to such federal governmental agency.

CHAPTER 161

(Senate Bill No. 66—By Mr. Taylor)

AN ACT to amend and reenact chapter eleven, acts of the Legislature, one thousand nine hundred twenty-one (municipal charters), and amendments thereto by chapters seventy-seven and seventy-eight, general acts of the Legislature, one thousand nine hundred twenty-three; chapters twenty-seven and twenty-eight, acts of the Legislature, one thousand nine hundred twenty-five (municipal charters); chapter seventeen, acts of the Legislature, one thousand nine hundred twenty-seven (municipal charters); chapter eleven, acts of the Legislature, one thousand nine hundred twenty-nine (municipal charters); chapter seventy-six, acts of the Legislature, one thousand nine hundred thirty-one; chapter twenty-five, acts of Legislature, one thousand nine hundred thirty-two; and chapter one hundred twenty-one, acts of the Legislature, one thousand nine hundred thirty-three, in relation to the charter of the city of Huntington, and to consolidate into one act the charter of said city.

[Passed February 16, 1934: In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. City of Huntington a body corporate.
2. Corporate limits.
3. Division into ten wards.
4. Municipal authorities to consist of mayor and councilmen.
5. Corporate powers vested in council.
6. Enumerated powers of city; purchase of real estate beyond city limits; city to be successor to rights of former incorporated cities and town in present boundaries; powers as to water works, etc.; further powers; ordinances to carry enumerated powers into effect.
7. Qualification of newly elected members of council; powers of mayor; vice-mayor, election, duties and compensation; duties of city clerk.
8. Filling vacancy in council.
9. Approval, by council, of franchise, by vote recorded in minutes.
10. Procedure for removal of mayor on charges.
11. Rules and minutes of council.
12. Duties of mayor.
13. Appointment and removal by mayor of appointive officials.
14. Qualifications of city voters.
15. Nomination of candidates for mayor and councilmen.

Sec.

16. Primary and general elections and registration of voters.
17. At general election in one thousand nine hundred thirty-four and each second year thereafter a mayor and thirteen councilmen to be elected; terms and qualifications; separate ballots for city officials.
18. Councilman for each ward elected by ward voters and three at large by voters of entire city; termination of office of city commissioners and mayor on the second Monday in June, one thousand nine hundred thirty-four and election of mayor by citizens board, as city council.
19. Mayor and councilmen must be voters.
20. Contested elections decided by county courts of Cabell and Wayne counties; deposit for costs; compensation of members of court; tie vote.
21. Oath and bond of city officials; time within which to qualify.
22. Official and additional bonds of enumerated officials; approval, recordation, enforcement and payment of premiums by city, of official bonds.
23. Departments of government of city.

- | | |
|---|--|
| <p>SEC.</p> <p>24. Salaries of officials and wages of laborers.</p> <p>25. Regular meetings of council; published notice of special meetings.</p> <p>26. When roll call of council on motion required.</p> <p>27. City clerk as clerk of council; minutes of council meetings.</p> <p>28. Powers of council as to witnesses, etc., and contempt; process.</p> <p>29. Purchase by mayor, upon requisition, of city supplies; contracts and filing of bids.</p> <p>30. Qualifications and powers of police judge; appeals from decisions.</p> <p>31. Regulations as to franchises.</p> <p>32. Style of ordinance.</p> <p>33. Granting, refusing or revoking city licenses; bond.</p> <p>34. Full time health officer; qualifications; health ordinances; abatement of nuisances; ordinance to regulate location, etc., of water closets, cesspools, etc.; cost, after notice, and refusal of abatement, a lien; publication as to nonresidents.</p> <p>35. Powers of council to require connection with sewerage system.</p> <p>36. Council may lay or require the laying of curbing, sidewalks, etc.; shade trees; lien of assessment for cost; recordation and enforcement; sale of certificates to contractor; published notice of letting contract; notice when owner required to lay sidewalks, etc.; removal of weeds, etc., on lots; collection of cost.</p> <p>37. What annual estimate for levy to show.</p> <p>38. On what property annual levy laid; amount; additional levy of not to exceed twenty cents and special revolving fund levy of not to exceed ten cents by two-thirds vote of council; investment of revolving fund.</p> <p>39. Lien and collection of taxes; duties of city clerk and of sheriffs of Cabell and Wayne counties; monthly compensation of sheriff of Cabell county as city treasurer.</p> <p>40. When city provides for its poor, streets, etc., no tax for same outside of corporate limits; county courts to have no jurisdiction over roads, etc., within city.</p> <p>41. Levy, and collection by county assessor, of city capitation tax of two dollars; uses of fund.</p> <p>42. Designation of depository bank for, and interest on, city funds; bond of bank; bonds of, and monthly accounting by sheriffs.</p> <p>43. Permanent grading, paving, etc., of streets by city or by contract; purchase or condemnation of land; assessment and apportionment of cost against abutting property owners; what to be included in total cost; publication of ordinance ordering improvement; objections by</p> | <p>SEC.</p> <p>abutting property owners; hearing on objections; city may elect to do the work; costs of grading, etc., street intersections to be paid by city; assessment against street or other railroad occupying street to be improved; what ordinance for improvement of streets, parks, etc., to set out; publication; protest of property owners affected; hearing on; appeal to circuit courts of Cabell and Wayne counties; published notice for bids and awarding contracts; two methods of payment of cost of improvements; when council may subdivide into lots the property abutting on street to be improved.</p> <p>44. Installment payments of costs of improvement; number, form, due dates, etc., of certificates for installment payments; certificates may be sold or held by city; number of certificates determined by amount of assessment; lien of certificates; collection by action; reports by city engineer to council of total cost, etc., of improvements and assessments; publication of assessments; protests; recordation of assessments by county clerks; lien of assessments; payment before recordation; when city is, or is not, responsible to contractor for assessment certificates; procedure when certificate void; form of assessment certificate, principal installment and interest coupons.</p> <p>45. Sewer construction; assessment of cost; city may elect to do the work; when assessment levied against street or other railroad for sewers; what notice for bids to set out; city may lay off tract into lots for sewer construction purposes.</p> <p>46. City may construct sewers or let work to contract; how cost paid; installment payments certificates, number and form; certificates may be held by city or sold to contractor; number of certificates determined by cost; lien of certificates; collection by suit; what report of city engineer to council to show; publication of assessments; protests by property owners; recordation and lien of assessments; payment before recordation; when city is, or is not, liable to contractor for certificates; procedure when assessment void; form of assessment certificate, principal installment and interest coupons.</p> <p>47. City may issue bonds for streets and sewers in anticipation of assessment payments; form; interest rate on and payment of bonds; limitation on amount of bonds; items excluded in estimate of existing indebtedness;</p> |
|---|--|

Sec.	Sec.
	51. Provisions of act separable; inconsistent acts repealed; provisions of act not retroactive.
48. Street and park lighting systems; cost of construction may be assessed against abutting property owners; cost of upkeep and current borne by city; levy and collection of assessments.	52. Civil service board to consist of mayor and four members, two from each of the dominant political parties, to be appointed by the mayor and confirmed by council; removal, terms, duties and meetings of board; appointments to police and fire departments by board; qualifications of appointees; departments bipartisan; special officers; term of appointees; present policemen and firemen to obey mayor's rules and regulations for their departments; suspension by mayor or chief of member for cause; appeal to board; dismissal by mayor of member on written charges; hearing by board; board to make rules to govern civil service appointees; physical and moral character of applicant for appointment to be considered.
49. Method of release of assessment lien; release of lien upon affidavit; penalty for false affidavit; when lien and personal liability of owner terminates; recordation of assessment lien and assessment roll; collection of certificates and release of lien by city treasurer.	53. Use of local labor on city contracts.
50. Methods of refunding certificates, with consent of their owners; provisions of refunding contract; statements to council by city clerk and action on; publication; hearing on protests; payment by property owner before refunding ordinance adopted; form and publication of ordinance; lien of reassessment certificates; assessment certified by city clerks to county clerks for recordation; assessment in ten annual installments; penalty for nonpayment when due; form of certificate, principal installment and interest coupons; refunding certificate delivered to owner of original certificate; suits to set aside reassessment; void assessment not validated.	54. Council may adopt code of laws and ordinances.
	55. Notices, warrants, etc., may be executed by police officer of city.
	56. Definition of the words "street" and "treasurer".
	57. Inconsistent acts repealed but act creating park board for city not repealed or amended.

Be it enacted by the Legislature of West Virginia:

That chapter eleven, acts of the Legislature, one thousand nine hundred twenty-one (municipal charters), and amendments thereto by chapters seventy-seven and seventy-eight, general acts of the Legislature, one thousand nine hundred twenty-three; chapters twenty-seven and twenty-eight, acts of the Legislature, one thousand nine hundred twenty-five (municipal charters); chapter seventeen, acts of the Legislature, one thousand nine hundred twenty-seven (municipal charters); chapter eleven, acts of the Legislature, one thousand nine hundred twenty-nine (municipal charters); chapter seventy-six, acts of the Legislature, one thousand nine hundred thirty-one; chapter twenty-five, acts of the Legislature, one thousand nine hundred thirty-two; and chapter one hundred twenty-one, acts of the Legislature, one thousand nine hundred thirty-three, be amended and re-enacted, and that the charter of said city, as constituted by this act, be incorporated and consolidated into one act to read as follows:

Section 1. That part of the county of Cabell and the county 2 of Wayne, included in the limits hereinafter prescribed in 3 section two, is hereby made a city corporate and body politic 4 by the name of "The City of Huntington," and as such shall 5 have perpetual succession and a common seal, and by that 6 name may sue and be sued, plead and be impleaded, and may 7 purchase, lease, sell and hold real estate and personal property 8 necessary for the purpose of said corporation.

Sec. 2. The corporate limits of the city of Huntington 2 shall be as follows, to-wit:

3 Beginning at a point at low water mark of the Ohio river
4 on the south side thereof, about one mile above the mouth of
5 the Guyan river, in the west line of Peck farm; thence
6 southerly with the said Peck line, crossing the Ohio River
7 hill, to the east boundary line of the Eastland addition;
8 thence with the east line of said addition southerly to the
9 west boundary line of Woodland terrace; thence with the
10 west line of same, produced, to the south right-of-way line of
11 the Chesapeake and Ohio railroad; thence with said right-of-
12 way line easterly to a point in the west line of Fifth street
13 of the Altizer place, plat number one; thence with the west
14 line of said Fifth street, produced, southerly crossing Guyan
15 river to the top of the south bank of said river; thence down
16 said river with the top of the bank thereof to a point in the
17 east line of the International Nickel company's land, pro-
18 duced, and with said line crossing said river in a northerly
19 direction to the south right-of-way line of the Chesapeake
20 and Ohio railroad, thence with said right-of-way line westerly
21 to Pat's branch; thence down same to the easterly right-of-
22 way line of Riverside drive and with said right-of-way line
23 southerly and easterly to a point in the east line of said
24 International Nickel company; thence with said line
25 southerly, crossing the Guyan river to the top of the south
26 bank thereof; thence down said river bank to the east line
27 of Ellwood avenue in Arlington addition as of record in
28 Cabell county court clerk's office, in map book number three
29 as map number sixty-eight; thence with the east line of said
30 Ellwood avenue southerly to the south line of Washington
31 boulevard in said addition; thence in an easterly direction
32 with the southerly line of Washington boulevard continuing
33 with the same to the point of junction of Washington boule-

34 vard with Arlington boulevard, and thence continuing in a
35 southerly direction with the westerly line of Arlington boule-
36 vard to a point in the line between lots numbers seven
37 hundred thirty-three and seven hundred thirty-four of said
38 addition, produced; thence easterly crossing said Arlington
39 boulevard and with said lot line to a point in Crump branch
40 in the property line between the said Arlington addition and
41 Monel park; thence up Crump branch and with the property
42 line between said additions to the north line of Norway
43 avenue; thence leaving said property lines and continuing
44 up said Crump branch as it meanders for a distance of about
45 one thousand seven hundred forty feet to what is known as
46 the "old military line"; thence with said line westerly, to the
47 easterly boundary line of Roland park subdivision as of
48 record in Cabell county court clerk's office in map book
49 number three, map number thirty-two; thence with the
50 easterly line of said Roland park in a southerly direction to
51 the northerly line of Grand boulevard as shown on map of
52 Forrest Hills subdivision number one, of record in map book
53 number two as map number two hundred thirty-three; thence
54 with the said line easterly to the easterly line of J. L.
55 Hawkins' lot, produced; thence with said lot line southerly
56 and westerly to the east line of the said Roland park sub-
57 division; thence with the easterly and southerly lines of said
58 Roland park in a southerly and westerly direction to a point
59 in the east right-of-way line of a road survey made by the
60 state road commission in one thousand nine hundred thirty-
61 two, known as state project number two thousand thirty-
62 four; thence with said road right-of-way line in a northerly
63 direction to a point in the easterly line of Fairfax court at
64 its intersection with the aforesaid "old military line"; thence
65 with the said military line, westerly to a point in the east side
66 of Ricketts road, at its intersection with Line street; thence
67 with the south line of Line street in a westerly direction to
68 the south line of Washington boulevard; thence with same
69 westerly to the east line of Hildacrest; thence with said line
70 southeasterly to the north right-of-way line of the Hunt-
71 ington and Hamlin pike; thence south forty-five degrees no
72 minutes west to the south bank of Four Pole creek; thence
73 down said creek with the south bank thereof, to a point in
74 the easterly exterior line of Enslow Park place; thence with

75 said line to the corner between lots numbers seventy-four and
76 seventy-five as shown on the Enslow park map; thence with
77 said lot line westerly about one hundred fifty feet to the east
78 line of Donald avenue; thence crossing said Donald avenue
79 and Enslow boulevard at their convergence to the corner
80 between lots numbers twenty-four and twenty-five in the
81 west line of Enslow boulevard; thence with said line north-
82 westerly to the lot line between lots numbers thirty-one and
83 thirty-two; thence southwesterly with said lot line between
84 lots numbers forty-four and forty-five, and with same south-
85 westerly to the east line of Ritter boulevard; thence with
86 said line northwesterly to a point in the line between lots
87 numbers eighty-five and eighty-six, produced; thence crossing
88 said Ritter boulevard westerly and with said lot line to the
89 east line of said Ritter boulevard; thence with said line
90 northerly and westerly to the line between lots numbers one
91 hundred five and one hundred six; thence with said lot line
92 northwesterly about two hundred thirty, four-tenths feet to
93 the corner common to lots numbers one hundred two, one
94 hundred three, one hundred five and one hundred six;
95 thence with line between lots numbers one hundred three and
96 one hundred six westerly about thirty-five feet to the
97 westerly exterior boundary line of said Enslow park place,
98 and in the easterly line of the Tom Beard land; thence with
99 said line southerly to his southeast corner; thence with said
100 Beard's southerly line, and the same produced, westerly to
101 the west right-of-way line of the McCoy road (now known as
102 United States route number fifty-two); thence with said road
103 right-of-way, southerly, to the north right-of-way line of the
104 McCullough road; thence with said right-of-way line of said
105 McCullough road southwesterly to a point at or near the
106 Miller road in the northerly right-of-way line of state road
107 project number three thousand two hundred eighty-seven, as
108 surveyed by the state road commission in December, one
109 thousand nine hundred thirty-two; thence with said right-of-
110 way line paralleling the center line of said road survey, in-
111 eluding necessary revisions substantially upon or near the
112 same location, which said center line is described as follows:
113 Beginning at or near station 82x33 on said road survey;
114 thence curving to the left with a radius of one thousand four
115 hundred thirty-two, thirty-nine hundredths feet, a distance

116 of four hundred seventy-eight feet, more or less, to a point
117 of tangent at station 77x54.8; thence north fifty-one degrees
118 thirty minutes west thirty-nine hundred seventy-three ninety
119 eight hundredths feet to a point of curve at station 37x80.82;
120 thence curving to the right on a radius of five hundred
121 seventy-two ninety-six one hundredths feet, a distance of six
122 hundred fifty-nine sixty-seven one hundredths feet to a point
123 of tangent at station 31x21.15; thence
124 North fourteen degrees thirty minutes east four hundred
125 fifteen eighty-four one hundredths feet to a point of curve
126 at station 27x05.31; thence
127 Curving to the left with a radius of two hundred, eight
128 sixty-four seventy-nine hundredths feet, a distance of three
129 hundred five thirty-one one hundredths feet to station 24x00
130 on the said curve;
131 Thence leaving the said road right-of-way line and passing
132 through station 24 of the said center line, in a westerly direc-
133 tion, to the northwest corner of the A. Blake seven and sixty-
134 five hundredths acre tract; thence with the southerly line of
135 said twelve and five-tenths acre tract.
136 North seventy-six degrees four minutes west four hundred
137 seventy-four eight tenths feet to a corner in the east line of
138 the Wilburn twenty-two and forty-five hundredths acre tract;
139 thence with the east line of said tract south eighty-seven
140 degrees no minutes west fifty-three feet; thence south twenty-
141 eight degrees fifteen minutes west one hundred eighty-five
142 feet; thence south thirty-four degrees fifty minutes west one
143 hundred seventy feet; thence south thirty degrees thirty
144 minutes west one hundred twenty feet; thence south four
145 degrees twenty minutes west one hundred forty-two feet;
146 thence south forty degrees fifty-five minutes west two hun-
147 dred sixty-six feet; thence south thirty degrees no minutes
148 west about two hundred forty feet to the southerly side of the
149 Hisey fork road; thence with the line of said road in a
150 westerly and southerly direction to the F. L. Whittaker line
151 on the north side of Hisey fork of Four Pole creek; thence
152 with the westerly lines of said Whittaker land crossing said
153 creek, southerly and westerly, to the southwest corner of said
154 Whittaker land; thence with the southerly lines of said
155 Whittaker land southerly to a large white oak, a corner to
156 the William Long land (now Mullens) on the Porter ridge;

157 thence with said ridge southwesterly and with the said Long
158 and Overby lines (now Mullens) to the northeast corner of
159 the Ollie Simmons land; thence with the east line of the said
160 Simmons and said Porter ridge, southerly to the northeast
161 corner of the Sam Simmons land; thence with the east line
162 of same and said Porter ridge, southerly, to the northeast
163 corner of T. H. Reece's land; thence with the north line of
164 same and the said Porter ridge southeasterly, to the south-
165 east corner of said Reece's land; thence with the east line
166 of same, southerly, and with said Porter ridge, to a locust
167 stump, a corner to said T. H. Reece and Oliver Morrow;
168 thence southwesterly on said Porter ridge with lines between
169 said Reece and Morrow, to the most southerly corner of said
170 Reece's land; thence leaving said Porter ridge and continuing
171 with the said lines between Reece and Morrow and Bond and
172 Childray, westerly, to the Wayne county line; thence with
173 said line northwesterly to the east line of the Fred Zihlman
174 land; thence with the east line of said Zihlman, northerly to
175 the George Fisher and John Cole lands; thence with the
176 southerly and westerly lines of George Fisher (so as to in-
177 elude said Fisher land within the city of Huntington) to the
178 south bank of the Hisey fork of Four Pole creek; thence
179 down same to the lower line of the W. H. Dixon land; thence
180 leaving said creek, and running westerly and south-
181 erly, with the west lines of said Dixon, to the top of the
182 divide between said Four Pole creek and Gimlet branch;
183 thence southerly with said Dixon's west lines to the westerly
184 lines of the Rebecca Huxham land; thence with the westerly
185 lines of same, southerly, to the Wayne county line; thence
186 with said line northwesterly to a point in the south right-of-
187 way line of the Chesapeake and Ohio railroad; thence with
188 said right-of-way line westerly, to its intersection with the
189 easterly line, produced, of a thirty-foot road in the Camden
190 park subdivision lying immediately east of and adjoining lot
191 number seventeen of said subdivision; thence with said street
192 line northerly, crossing the Chesapeake and Ohio railway
193 right-of-way to a point in the northerly line of Ohio Valley
194 Electric Railway right-of-way; thence with said north right-
195 of-way line easterly to a point in the westerly line of Handley
196 road, produced, as the said road is shown on the map of Hale
197 and Taylor subdivision; thence with the said line of Handley

198 road northerly and westerly to a point in the line between
199 lots numbers eighty-eight and eighty-eight-(a), produced;
200 thence with said lot line northerly about two hundred forty-
201 two twenty-six hundredths feet to the line between lots
202 numbers fifty-two and fifty-three; thence with said lot line
203 north fourteen degrees fifty-six minutes east about one hun-
204 dred ninety-four sixty-nine hundredths feet to a point in the
205 southerly line of Westmoreland road; thence with said road
206 line westerly and northerly to a point in the north line of
207 Bogie road; thence continuing on the westerly line of West-
208 moreland road, produced, north twelve degrees fifteen
209 minutes west to a point in the low water line of the Ohio
210 river; thence up said river with the low water line thereof
211 to the beginning: *Provided*, That the part of the territory
212 embraced herein, which is in Wayne county, shall always
213 remain in Wayne county.

Sec. 3. The territory of the said city shall be divided into
2 ten wards, and such division shall be as follows:

3 *First Ward*: To include the territory lying south of the
4 main line of the Baltimore and Ohio railroad, and east of the
5 division line between Cabell and Wayne counties, and west of
6 First street, projected southerly to the corporation line;

7 *Second Ward*: To include the territory lying north of the
8 main line of the Baltimore and Ohio railroad, and east of
9 the division line between Cabell and Wayne counties, and lying
10 west of First street;

11 *Third Ward*: To include the territory lying east of First
12 street and west of Tenth street, and between the Ohio river and
13 the main line of the Chesapeake and Ohio Railway com-
14 pany;

15 *Fourth Ward*: To include the territory east of Tenth
16 street and west of Eighteenth street, between the Ohio river
17 and said main line of the Chesapeake and Ohio Railway com-
18 pany;

19 *Fifth Ward*: To include the territory east of Eighteenth
20 street and west of Twenty-eighth street, between the Ohio river
21 and said main line of the Chesapeake and Ohio Railway
22 company;

23 *Sixth Ward*: To include the territory bounded as fol-
24 lows: The said main line of the Chesapeake and Ohio Rail-
25 way company on the north, the south corporation line of said

26 city on the south, the west line of First street, projected,
27 on the west, and by the west line of Sixteenth street and State
28 Route No. 10 to the south corporation line of said city on the
29 east;

30 *Seventh Ward:* To include the territory bounded as
31 follows: On the north, by said line of the Chesapeake and
32 Ohio Railway company; on the west, by Sixteenth Street and
33 State Route No. 10 to its intersection with the south corporation
34 line of said city; on the south, by a line at the intersection of
35 the corporation line with the west line of Sixteenth street, or
36 State Route No. 10; and with said south corporation line to
37 the southwesterly line of Norway avenue; on the east, by a
38 line at the intersection of said south corporation line with the
39 said line of Norway avenue, and with the same to its intersection
40 with Twentieth street; and with the west line of Twentieth
41 street to the said main line of the Chesapeake and Ohio Rail-
42 way company;

43 *Eighth Ward:* To include the territory east of Twen-
44 tieth street and the extension thereof, known as Norway ave-
45 nue; and west and south of the Guyandotte river, south side
46 thereof; and between the main line of said Chesapeake and
47 Ohio Railway company, and the south corporation line;

48 *Ninth Ward:* To include the territory lying east of
49 Twenty-eighth street and north of the main line of the Ches-
50 apeake and Ohio Railway company to the Ohio river, and west
51 of the west side of the Guyandotte river, and also all that
52 territory east and north of the Guyandotte river, west and
53 south side thereof;

54 *Tenth Ward:* To include all the territory in said city
55 lying west of the Cabell-Wayne county line.

Sec. 4. The municipal authorities of the city of Huntington
2 shall be vested in a body comprised of a mayor and council-
3 men, to be elected in the manner as hereinafter provided under
4 this act. The councilmen thus elected, together with the mayor,
5 shall constitute and be known as "The Council of the City of
6 Huntington."

Sec. 5. All the corporate powers of the city shall be vested
2 in and exercised by the council, or under its authority, except
3 as otherwise provided in this act.

Sec. 6. Said city shall have, and is hereby granted, power
2 to have the city surveyed from time to time; to open, vacate,

3 broaden, change grade of streets, and to grade and pave
4 streets, sidewalks and gutters, or otherwise permanently im-
5 prove the same for public use, and to alter, improve, em-
6 belish, ornament and light the same, and to construct and
7 maintain public sewers and laterals, and the city shall in all such
8 cases have power and authority to assess upon and collect from
9 the property benefited thereby such part of the expense there-
10 of as shall be fixed by ordinance, except as hereinafter pro-
11 vided; to have control of all streets, roads, alleys and grounds
12 for public use in said city, and to regulate the use thereof
13 and driving thereon, and to have the same kept in good order
14 and free from obstruction, pollution or litter in or about
15 them; to have the right to control all bridges within the city,
16 and the traffic passing thereover, except that nothing herein
17 contained shall be construed to change or void the right and
18 duty of the state to maintain the streets, avenues or alleys
19 through said city that are designated or may be designated as
20 state roads or routes; to change the name of any street, and
21 the numbering and renumbering of houses on any street there-
22 in; to regulate and determine the width of streets, side-
23 walks, roads and alleys; to order and direct the curbing and
24 paving of sidewalks and footways in said city, to be done and
25 to be kept clean and in good order, by the owner of abut-
26 ting property; to enter into a contract with any internal
27 improvement company for the joint ownership of any bridge
28 by the city, and such company, upon such terms as may be
29 prescribed in the contract; but such bridge shall be a public
30 highway, and the interests of the company shall be only
31 such proportionate part thereof as it may pay for; to pro-
32 hibit and punish the abuse of animals; to restrain and punish
33 vagrants, mendicants, beggars, tramps, prostitutes, drunken
34 or disorderly persons within the city, and to provide their
35 arrest and manner of punishment; to prohibit and punish,
36 by fine, the bringing into the city by steamboats, railroads or
37 other carriers, of paupers or persons afflicted with contagious
38 diseases; to control and suppress disorderly houses, houses
39 of prostitution or ill-fame, houses of assignation; to suppress
40 gaming, games of chance and gaming houses, or any part
41 thereof; to prohibit within said city, or within one mile there-
42 of, slaughter houses, soap or glue factories and houses or busi-
43 ness of like kind; to control the construction and repair of all

44 houses, basements, walls, bridges, culverts and sewers, and
45 to prescribe and enforce all reasonable regulations affecting
46 the construction of the same, and to require permits to be
47 obtained for such buildings and structures, and that plans
48 and specifications therefor be first submitted to the city for
49 inspection; to control the opening and construction of ditches,
50 drains, sewers, cesspools, and gutters, and to deepen, widen and
51 clear the same of stagnant water or filth, and to prevent ob-
52 struction therein, and to determine at whose expense the same
53 shall be done; to cause garbage, refuse, trash, etc., in public
54 places and on privately owned lots and premises to be gath-
55 ered and disposed of, and which may, if the city so elects,
56 be done by and under contract, under such rules and regu-
57 lations as the city may make and provide therefor, or under
58 the authority of law not herein specified; to build and main-
59 tain fire station houses, police stations, and police courts, and
60 to regulate the management thereof; to acquire, lay off, ap-
61 propriate and control public grounds, squares, and parks,
62 either within or without the city limits as hereinbefore de-
63 fined, and when the city determines that any real estate is
64 necessary to be acquired by said city for any such purposes, or
65 any public purpose, the power of eminent domain is hereby
66 conferred upon said city, and it shall have the right to insti-
67 tute condemnation proceedings against the owner thereof in
68 the same manner, to the extent and upon the same conditions
69 as such power is conferred upon public corporations by chap-
70 ter fifty-four of the revised code of West Virginia, one
71 thousand nine hundred thirty-one; to construct, pur-
72 chase, sell, lease or contract for public buildings and struc-
73 tures, including libraries and hospitals, deemed proper for
74 the use of the city; and for the protection of the public, to
75 cause the removal of unsafe walls or buildings, and the fill-
76 ing of excavations; to prevent injury or annoyance to the
77 business of individuals from anything dangerous, offensive or
78 unwholesome; to abate or cause to be abated all nuisances,
79 and to that end and thereabout to summon witnesses and hear
80 testimony; to regulate the keeping or moving of gunpowder
81 and other combustible or dangerous articles within the city;
82 to regulate or refuse the drilling of gas wells or oil wells
83 within the city; to regulate, restrain or prohibit the use of
84 firecrackers or other explosives or fire works, and all noises or

85 performances which may be dangerous or annoying to per-
86 sons or which tend to frighten horses or other animals; to
87 prohibit or control the use of airplanes or other air craft
88 in or over the city or any part thereof; to purchase and carry
89 group life, accident and/or health insurance for and on mem-
90 bers of the police and fire departments or other employees of
91 the city, and arrange for payment of premiums therefor, in
92 whole or in part; to provide and maintain proper places for
93 the burial of the dead, and to regulate interments therein upon
94 such terms and conditions as to price and otherwise as may
95 be determined; to provide for shade and ornamental trees on
96 streets or public places, and the protection of the same; to
97 provide for the making of division fences; to make proper
98 regulations for guarding against danger from fires; to pro-
99 vide for the poor of the city, and to that end may contract
100 with the proper authorities of Cabell county or Wayne county
101 to keep and maintain the poor or any number thereof, upon
102 terms to be agreed upon; to make suitable and proper regula-
103 tions in regard to the use of the streets and alleys for street
104 cars, railroad engines and cars, and to regulate the running
105 and operation of the same so as to prevent injury, incon-
106 venience or annoyance to the public; to prohibit prize fight-
107 ing, cock and dog fighting; to license, tax, regulate or prohibit
108 theatres, public dances and dance halls or dances for which
109 paid admissions are required, circuses, the exhibit of show-
110 men and shows of any kind, and the exhibition of natural or
111 artificial curiosities, caravans, menageries and musical exhibi-
112 tions, and performances, Tom Thumb golf or other golf of
113 like kind, human contests at walking or dancing, sometimes
114 designated marathon, sitting on a pole or other things severely
115 taxing human endurance or endangering the life and safety
116 of those engaged therein, or endurance contests of automobile,
117 or drivers, or other mechanical machines on any public street;
118 and other things or business on which the state does or may
119 exact a license tax; to organize and maintain fire companies
120 and to provide necessary apparatus, engines, and implements
121 for the same; to regulate and control the kind and manner
122 of plumbing and electric wiring for the protection of the
123 health and safety of said city; to levy taxes on persons, prop-
124 erty and licenses; to license and tax dogs and other animals.
125 and regulate, restrain and prohibit them and all animals and

126 fowls running at large; to provide revenue for the city and
127 appropriate the same to its expenses; to adopt rules for the
128 transaction of business and for its own regulation and govern-
129 ment; to promote the general welfare of the city, and to pro-
130 tect the persons and property of citizens therein; to regulate
131 and provide for the weighing of produce and other articles
132 sold in said city, and to regulate the transportation thereof,
133 and other things, through the streets; to have the sole and
134 exclusive right to grant, refuse or revoke any and all licenses
135 for the carrying on of any business within said city on which
136 the state exacts a license tax; to establish and regulate markets
137 and to prescribe the time for holding the same, and what
138 shall be sold in such market, and to acquire and hold property
139 for market purposes; to tax by license and regulate the placing
140 of signs, bill boards, posters and advertisements in, on or close
141 to the streets, alleys, sidewalks and public grounds of said
142 city, whether stationary or by persons, automobile or other
143 movable transportation; to preserve and protect the peace,
144 order and safety and health of the city, and its inhabitants,
145 including the right to regulate the sale and use of cocaine,
146 morphine, opium, and poisonous drugs; to erect, own, lease,
147 authorize or prohibit the erection of gas plants, telephone
148 plants, electric light plants and water plants, or ferry boats,
149 in or near the city, and to operate the same, and sell the
150 products and services thereof to the inhabitants and industries
151 of the territory outside of the city, under such rules and regu-
152 lations; and for such compensations as the city may from
153 time to time prescribe, and to do any and all things necessary
154 and incidental to the conduct of such business; to build, hold,
155 purchase, own and operate toll bridges; to provide for the
156 purity of water, milk, meats and provisions offered for sale
157 in the city, and to that end provide for a system of inspecting
158 the same and making and enforcing rules for the regulation
159 of their sale, and to prohibit the sale of any unwholesome or
160 tainted milk, meats, fish, fruit, vegetables, or the sale of milk
161 containing water or other things not constituting a part of
162 pure milk; to provide for inspecting dairies and slaughter
163 houses, whether in or outside of the city, where the milk
164 and meat therefrom are offered for sale within the said city;
165 to prescribe and enforce ordinances and rules for the pur-
166 poses of protecting the health, property, lives, decency, moral-

167 ity and good order of the city and its inhabitants, and to
168 protect places of divine worship in and about the premises
168-a where held, and to punish violation of ordinances thereabout,
169 even if the offense under and against the same shall constitute
170 offenses under the laws of the state of West Virginia or the
171 common law; to provide for the employment and safe keep-
172 ing of persons who may be committed in default of any pay-
173 ment of fines, penalties or costs under this act, who are other-
174 wise unable or fail to discharge the same, by putting them to
175 work for the benefit of the city upon the streets or other
176 places, in or outside of the city, provided by said city, and
177 to use such means to prevent their escape while at work as
178 the city may deem expedient; and the city may fix a reason-
179 able rate per day as wages to be allowed such persons until
180 the fine and costs against them are thereby discharged; and
181 the city may contract with the county court of Cabell county
182 for the detention, keeping and working of such city prisoners
183 in Cabell county and outside the city until their term of im-
184 prisonment shall have expired; to compel the attendance at
185 public meetings of the members of the council; to have and
186 exercise such additional rights, privileges and powers as are
187 granted to municipalities by chapter eight of the revised code
188 of West Virginia, edition of one thousand nine hundred thirty-
189 one for such purposes, except that of taxation, the city shall
190 have jurisdiction, when necessary, for one mile beyond the
191 corporate limits of said city, excepting any other municipal
192 corporation or part of any other state within said one mile
193 limit: *Provided, however,* That nothing herein contained
194 shall be construed as limiting the city from going beyond its
195 territorial limits to lease, purchase or acquire any real estate
196 for public grounds.

197 Said city of Huntington, as constituted by this act, shall
198 retain, keep and succeed to all rights, privileges, property,
199 interest, claims and demands heretofore acquired by, vested
200 in or transferred to the city of Huntington, the city of Central
201 City, the town of Guyandotte, as formerly constituted.

202 And the city shall have the right to establish, construct and
203 maintain landings, ferries, wharves, and docks on any ground
204 which does or shall belong to said city, or which it shall ac-
205 quire, and to sell, lease, repair, alter or remove any such
206 landings, ferries, wharves, buildings or docks which have been,

207 or shall be so constructed, and to levy and collect reasonable
208 duty on vessels, and other crafts coming to or using said land-
209 ings, ferries, wharves, docks and buildings, and to preserve
210 and protect the peace and good order at the same, and regu-
211 late the manner in which they shall be used; and to have the
212 sole right, under state laws and in the same manner as now
213 control county courts to establish, construct, maintain, regu-
214 late and control all such wharves, docks, ferries and landings
215 within the corporate limits.

216 To the end that the city and its inhabitants and industries
217 may be furnished with an adequate supply of water, elec-
218 tricity, and with gas for heat, power and light, for all needful
219 purposes, the city is hereby authorized to acquire and hold
220 by gift, purchase, condemnation, or otherwise, such real estate
221 or interest therein or personal property, either within or with-
222 out the city limits, as may from time to time be necessary or
223 convenient for use in connection with such plants, works,
224 structures, pipe lines or other property in and about leasing,
225 constructing, operating and maintaining a water works, electric
226 plant system and gas plant system, which system may also be
227 used to supply water, electricity and gas to the inhabitants
228 and industries of such territory outside the city, as the city
229 may from time to time elect, for adequate compensation.

230 And the said city shall have the right and power to receive
231 and hold gifts or bequests of money or property of any sort,
232 and to manage and administer the same in accordance with
233 the terms of such gifts or devises or bequests; to establish
234 and manage homes for children or the helpless or indigent,
235 hospitals for the sick, invalid, crippled or destitute, and for
236 libraries, gymnasiums, or athletic park; to take, acquire, hold,
237 keep and administer, under proper rules and regulations by
238 the city prescribed, such real estate as may be proper to ac-
239 complish any or all of said purposes, and lay such levy as
240 may be needed to maintain the same, and to have, hold and
241 maintain or administer such property as it may now have
242 for any or all purposes.

243 To carry into effect these enumerated powers, and all other
244 powers conferred upon the city expressly or by implication
245 in this act and other acts of the legislature, said city shall
246 have the power, in the same manner herein prescribed, to
247 adopt and enforce all needful orders, rules and ordinances

248 not contrary to the laws and constitution of this state; and
249 to prescribe, impose and enforce reasonable fines and penalties
250 including imprisonment; and with the consent of the county
251 court of Cabell county, entered on record, shall have the right
252 to use the jail of said county for any purpose necessary to the
253 administration of its affairs.

Sec. 7. Whenever a majority of the newly elected members
2 of the council shall have qualified, they, as a body, shall enter
3 upon the duties of their offices, and supersede all the members
4 of the former council. The mayor shall, by virtue of his office,
5 be the administrative head of the council. He shall be the pre-
6 siding officer at the meetings of the council; and he shall, as
7 mayor, sign the minutes of the meetings of the council, and
8 execute all papers and documents required of him by the coun-
9 cil. The mayor shall not have a vote on any question before the
10 council, except that in case of a tie in the vote on any ques-
11 tion the mayor shall then have the right to cast the deciding
12 vote.

13 The council shall elect a vice-mayor of said city, whose term
14 of office shall expire at the end of the term for which the mayor
15 was elected. The vice-mayor shall act as such, and perform the
16 duties of the mayor, only when called by the mayor because of
17 his absence from the city, or, without being so called, when the
18 mayor shall be incapacitated for the performance of the duties
19 of the office of mayor. The compensation of the vice-mayor, for
20 services rendered while acting as mayor, shall be that agreed
21 upon between him and the mayor, and the amount so agreed
22 upon shall be deducted from the salary of the mayor and paid
23 to the vice-mayor. If no agreement shall have been made there-
24 abouts, then the vice-mayor shall, during such time, receive one-
25 half the salary of the mayor, which amount shall be deducted
26 from the salary of the mayor. The agreement in relation
27 thereto, if any, shall be written memoranda and filed with the
28 city clerk. If the mayor shall be removed from office as herein
29 provided, or shall die during his term of office, then in either
30 of such events, the vice-mayor shall ipso facto become mayor
31 for the remainder of said term, subject to limitations set out
32 in this act, and receive the salary fixed for the mayor; and in
33 which event council shall elect some other person for the office
34 of vice-mayor, in the manner provided in this act.

35 The mayor shall have the right to recommend to the council

36 some person for vice-mayor, but the council is not required to
37 elect the person so named by the mayor, provided the person
38 named for vice-mayor shall be a member of the same political
39 party as that of the mayor.

40 The city clerk shall be ex officio clerk of the council, and shall
41 perform such duties thereabout as may be required of him.

Sec. 8. If any person elected to the council fail to qualify as
2 herein provided within thirty days after his election, or shall,
3 after having qualified, resign from the council, or move from
4 the city, his office shall be vacated, and the council shall, by a
5 majority vote of the members present, fill such vacancy for the
6 unexpired term with some person from the same ward (except
7 the vacancy be of a councilman elected at large), and the same
8 political party as the person whose vacancy of office is being
9 filled.

Sec. 9. No franchise, or extension of franchise, shall be valid
2 unless it shall have been ratified and approved by a majority
3 of all the members elected to the council, at two regular meet-
4 ings thereof, or, upon the written approval of the mayor, by the
5 three-fourths vote of all the members elected at one regular
6 meeting thereof; and the vote of said council shall be taken by
7 roll call of the members and entered of record in the minutes
8 of the meeting of the council.

Sec. 10. The council shall have the right to hear, consider
2 and act on charges against the mayor, and, after having heard
3 proof of such charges, may remove the mayor and declare his
4 office vacant by a two-thirds vote of all the members elected
5 to the council, and the vote thereon shall be by roll call of the
6 members and entered of record in the minutes of the meeting.
7 But before the mayor shall be put to trial on such charges, he
8 shall have at least ten days written notice of the nature of
9 said charges, and the time and place of the hearing thereon,
10 before the council. If the council, after hearing the charges,
11 shall remove the mayor from office, thereby declaring a
12 vacancy in his said office, it shall cause its action thereabout
13 to be at once certified to the mayor: *Provided*, The mayor
14 shall not act as chairman of the council meetings during his
15 trial before it.

16 The mayor shall not be removed from his office except for
17 one of the causes mentioned in section six of article four of
18 the constitution of West Virginia, except the mayor may be

19 removed from office, on charges preferred as set out in this
20 section, for causes not included in section six, article four of
21 the constitution, if found guilty by a three-fourths vote of all
22 the members elected to council.

Sec. 11. The council shall make proper rules for its govern-
2 ment not contrary or inconsistent with any of the provisions
3 of this act, and it shall cause a record of its meetings and
4 proceedings to be kept and recorded by its clerk in a well-
5 bound book, which shall remain in the custody and at the
6 office of the city clerk, open to public inspection. The minutes
7 of the meeting and proceedings of the council, after recorda-
8 tion and when signed by the mayor or other presiding officer,
9 shall be admitted as evidence in any court of record in this
10 state.

Sec. 12. The mayor shall be the chief executive officer of
2 the city and shall have and exercise all of the rights, powers
3 and duties of mayor conferred by the constitution and laws
4 of this state, and those conferred by the terms of this act;
5 and it shall be the duty of the mayor to see that the laws and
6 ordinances of the city and the resolutions and orders of the
7 council are enforced, and that the peace and good order of
8 the city are preserved, and that the persons and property
9 therein are protected. The mayor shall have such other
10 authority and powers that are otherwise enumerated and
11 given by this act.

Sec. 13. In addition to the municipal authorities mentioned
2 in section four of this act, the city may, by ordinance duly
3 adopted, have a city clerk, treasurer, police judge, city
4 attorney, chief of police, chief of fire department, city engi-
5 neer, and such other officers as are now or may be created
6 and established by ordinance. The mayor shall have the right,
7 power and authority to name and appoint all persons to fill
8 the offices and places of employment provided by the city.
9 All persons holding offices under the provisions of this section
10 may be removed from office at the pleasure of the mayor.

Sec. 14. Every person qualified by law to vote for members
2 of the legislature of the state shall be entitled to vote for
3 candidates for city offices at all elections.

Sec. 15. Candidates to be voted upon for mayor and members
2 of council shall be nominated on the first Tuesday in August
3 in the year one thousand nine hundred thirty-four, and in

4 each two years thereafter, at primary elections at which
5 candidates for county offices and members of the legislature
6 are nominated, as provided by law. Names of candidates for
7 city offices, including park board, shall be voted for on a
8 separate ballot from the names of candidates for county and
9 other offices being voted for at the same time, but under the
10 supervision of the same election officers conducting the gen-
11 eral election. The provisions of section fifteen, article three,
12 chapter eight of the code of West Virginia, one thousand nine
13 hundred thirty-one, relating to primary elections in munici-
14 palities, shall not be binding upon the city of Huntington.

Sec. 16. All elections, whether primary or general, held under
2 this act, shall be held under the general election laws of the state
3 of West Virginia, as far as applicable thereto, and the registra-
4 tion of voters for such election shall be had and proceeded with
5 as prescribed by the general election laws of the state for the
6 registration of voters for such state elections, and in all the
7 elections held for the city of Huntington under the provisions of
8 this act, the county court of Cabell county, and the county
9 court of Wayne county, respectively, shall be vested with
10 all the powers and perform all the duties vested in and de-
11 volving upon the county courts under the general election
12 laws of the state of West Virginia with respect to state elec-
13 tions; the clerk of the circuit court and the clerk of the county
14 court, in each of said counties, respectively, in all elections of
15 the city, held under the provisions of this act, shall be vested
16 with all the powers and perform all the duties vested in and
17 devolving upon the clerk of the county courts and the clerk
18 of the circuit courts under the general election laws of the
19 state with respect to, state elections.

Sec. 17. On the Tuesday next after the first Monday in
2 November, one thousand nine hundred thirty-four, there shall
3 be elected, by qualified voters of the city, a mayor and thir-
4 teen councilmen, who shall hold their offices from the time
5 of their qualification, on and from the first of January next
6 succeeding, for the term of two years, and until their respec-
7 tive successors are elected and a majority thereof shall qual-
8 ify; and on the general election day, every second year there-
9 after, there shall be elected, by the qualified voters of the city,
10 a mayor and thirteen councilmen who shall hold their offices
11 from the day of their qualification, on and from the first day

12 of January next succeeding, for the term of two years, and
13 until their respective successors are elected and a majority
14 qualified: *Provided, however,* That no member of the council
15 shall hold any other position in municipal, county or state gov-
16 ernment.

17 Names of candidates for city offices, including members of
18 park board, shall be on a separate ballot from that on which
19 candidates for county and other offices are voted; but said
20 candidates for city offices shall be voted for in the same way,
21 at the same time, and under the same supervision, as such
22 other candidates are voted for.

Sec. 18. At the election at which the mayor shall be elected,
2 there shall also be elected by the qualified voters of each ward
3 of the city of Huntington a member of the council from such
4 ward, who shall at the time of such election be a resident of
5 the ward from which he is elected, and three members of
6 council at large who shall be elected by the voters of the
7 whole city; and they shall hold their offices for the term pre-
8 scribed in section seventeen of this act: *Provided,* That on
9 and after the second Monday in June, one thousand nine
10 hundred thirty-four, the members of the citizens board, as
11 then constituted, shall be, and are, constituted the council,
12 with all the powers thereof, as provided in this act, until the
13 members of the new council shall have been elected and qual-
14 ified, under the provision of section seventeen of this act,
15 whereupon the citizens board, acting as such council, shall
16 ipso facto cease.

17 The term of office of the two commissioners of the city shall
18 terminate on the second Monday in June, one thousand nine
19 hundred thirty-four. The mayor of said city shall hold his
20 office until the second Monday in June, one thousand nine
21 hundred thirty-four, and until his successor shall have been
22 elected by the council (citizens board) and qualified, where-
23 upon his term shall terminate. The council (citizens board)
24 shall meet on the first day of June, one thousand nine hundred
25 thirty-four, and, by a majority vote, shall elect a mayor of
26 said city who shall qualify and function as such, under the
27 provision of this act, until his successor shall have been elected
28 and qualified as provided in section seventeen herein, provided
29 no member of the council (citizens board) shall be eligible to
30 hold the office of mayor during said interim. The council

31 (citizens board) shall not adjourn, but may recess, its meet-
32 ings from day to day until a mayor shall be elected. All
33 appointed officers of the city on the last day of May, one
34 thousand nine hundred thirty-four, shall hold their respective
35 offices until removed by the mayor.

Sec. 19. No person shall be eligible to the office of mayor
2 or member of council unless entitled to vote at the election
3 at which he was elected to such office.

Sec. 20. Contested elections shall be heard and decided
2 by the county court of Cabell county as to wards one to nine
3 inclusive, and Wayne county as to ward ten, as an election
4 board, and the contest shall be made and conducted in the
5 same manner as provided in such contests for county and
6 district offices, and the county court shall conduct its proceed-
7 ings in such cases as nearly as practicable in conformity with
8 the proceedings of the county court in election cases: *Pro-*
9 *vided*, That the county court shall demand of the person or
10 persons contesting said election on recount or otherwise, to
11 deposit with the sheriff of Cabell county an amount of money
12 sufficient, in the opinion of the county court, to cover the
13 amount of costs and expenses involved in such contest, and
14 the county court shall have the right, after the contest shall
15 have been heard, to apportion the costs and expenses among
16 the participants and persons involved in the contest as the
17 county court may deem equitable; and each member of the
18 county court shall be entitled to receive five dollars per day
19 for his attendance upon such hearings, and such amount, if
20 demanded, shall be taxed as a part of the costs.

21 In case of a tie vote between two persons for the same
22 office, the county court shall decide which of the two shall
23 be elected to hold the office.

Sec. 21. Elective officers, and others appointed to the offices
2 named in section thirteen hereof, shall make oath, before
3 someone authorized to administer oath, that they will support
4 the constitution of this state and will faithfully and impar-
5 tially discharge the duties of their respective offices, to the
6 best of their skill and judgment; that they will not during
7 their term of office become pecuniarily interested in any con-
8 tract with the city or in the purchase of any supplies therefor.
9 When the officers shall have filed such oath with the city
10 clerk, and shall have given bond as required by this act, or

11 bond required by the council under the provisions of this act,
12 he shall be considered as having qualified for the office to
13 which he was elected or appointed: *Provided*, That if any
14 person elected or appointed to an office shall not qualify for
15 such office as herein prescribed, within thirty days after he
16 shall have been officially declared elected thereto, said office
17 shall by reason thereof become vacant, and said vacancy shall
18 be filled in the manner provided in this act.

Sec. 22. The council may require the mayor, each member
2 of the council, the city clerk, city treasurer, police judge, city
3 attorney, chief of police, chief of fire department and city
4 engineer, before entering upon the discharge of their duties,
5 to give an official bond conditioned for the faithful perform-
6 ance of their respective duties, as prescribed in this act, or by
7 any ordinance now or hereafter passed, in amounts deemed
8 adequate by the council.

9 The council may require additional bond from the mayor
10 or any of said appointive officers, and may likewise require
11 a bond in whatever sum they may fix of any other appointive
12 officer. All bonds of appointive officers shall, before their
13 acceptance, be approved by the council, and the bond of the
14 mayor shall be approved by the retiring council (by the citi-
15 zens board after the election of one thousand nine hundred
16 thirty-four). All other bonds of whatsoever kind shall
17 not be accepted until first approved by the council. The min-
18 utes of the meeting of the council shall show all matters touch-
19 ing the consideration or approving of all bonds, and when said
20 bonds are approved and accepted they shall be recorded by
21 the city clerk in a well bound book kept by him at his office
22 for that purpose, which book shall be open to public inspec-
23 tion; and the recordation of such bonds as aforesaid shall be
24 prima facie proof of their correctness, and they, as so re-
25 corded, shall be admitted as evidence in all courts of this
26 state. The city clerk shall be the custodian of all bonds except
27 those given by him, and as to them the mayor shall be cus-
28 todian.

29 All bonds, obligations or other writings taken in pursuance
30 of any of the provisions of this act shall be made payable to
31 the city of Huntington, and the respective corporations, or
32 persons and their heirs, executors, administrators and assigns,
33 bound thereby shall be subjected but not limited to the same

34 proceedings on such bonds, obligations or other writings, or
35 enforcing the conditions of the terms thereof, by motion or
36 otherwise, that collectors of county levies and other sureties
37 are or shall be subject to on their bonds for enforcing the
38 payment of county levies. All bonds required by this act shall
39 be paid for by the city.

Sec. 23. The government of the city may, by ordinance, be
2 divided into departments; but until changed by ordinance the
3 departments of government shall remain as now existing.

Sec. 24. The annual salary of the mayor shall be forty-five
2 hundred dollars. The salary of a councilman shall be five
3 dollars for each meeting of council attended by him in each
4 month: *Provided*, That he shall not receive more than ten
5 dollars in any one calendar month. The council shall, by ordi-
6 nance, fix the salary of all the appointive officers and members
7 of the fire and police departments: *Provided*, The mayor shall
8 have the right to make recommendations thereabout.

9 Laborers by the day and those doing special work, as re-
10 quired by the mayor and department heads working under him,
11 may be paid reasonable wages without fixing the price there-
12 for by ordinance.

Sec. 25. The council shall meet at the city hall at times pro-
2 vided by ordinance or rules adopted by it: *Provided*, The
3 council shall hold at least one regular meeting in each month,
4 which, if not otherwise fixed by ordinance or the rules govern-
5 ing the council shall be held on the second Monday of each
6 month at seven-thirty p. m.

7 Special meetings of the council may be called by the mayor,
8 or any three members of the council, by personal notice given
9 to the other members thereof, or by like notice by at least one
10 publication in two daily newspapers of the city of opposite
11 politics, and such notice shall state the time and object of the
12 meeting; and no business, except that stated in said notice, shall
13 be considered or acted upon at such meeting, except by the
14 unanimous consent of all the members elected to the council.
15 All meetings of the council shall be open to the public. The
16 holding of a special meeting shall be prima facie evidence that
17 the notice required therefor was given as prescribed in this
18 section.

Sec. 26. The vote upon any question or motion before the
2 council may be viva voce when unanimous, but if the ques-

3 tion or motion does not receive the unanimous vote of the mem-
4 bers present, then the vote shall be taken by roll call of the
5 members and made a part of the minutes of the meeting; and
6 when the vote is unanimous the minutes shall so state.

Sec. 27. The city clerk shall be ex officio clerk of the coun-
2 cil. The council shall cause detailed minutes of its meetings
3 and proceedings to be kept by the city clerk in a well-bound
4 book for that purpose, which shall remain in the custody of
5 the city clerk at his office and open to public inspection. The
6 minutes of every regular or special meeting shall be read pub-
7 lically at the next regular meeting of the council, and, after
8 being corrected, shall be signed by the mayor and city clerk
9 and, if thus recorded and signed, they shall be admitted as evi-
10 dence in any court record in this state.

Sec. 28. The council in the exercise of its respective powers
2 and the performance of its duties, as prescribed by this act
3 and by the laws of the state, shall have the power to enforce
4 the attendance of witnesses, the production of books and papers,
5 and the power to administer oaths to such witnesses in the same
6 manner and with like effect, and under the same penalties as
7 notaries public, justices of the peace and other officers of the
8 state authorized to administer oaths under state laws; and said
9 council shall have such power to punish for contempt as is con-
10 ferred on county courts by the revised code of West Virginia, one
11 thousand nine hundred thirty-one. All process necessary to
12 endorse the powers conferred by this act on the council shall
13 be signed by the mayor, and shall be executed by any member
14 of the police force.

Sec. 29. The mayor shall purchase all the supplies for the
2 departments of the city government at the lowest price possible
3 considering the quality and grade of the supplies desired.
4 When practicable, he shall advertise by reasonable notice in at
5 least two daily newspapers of opposite politics, for bids on
6 supplies to be furnished, and shall award contract thereon (un-
7 less all bids are rejected) to the lowest bidder, taking from
8 such bidder a written contract, and bond therein, to be ap-
9 proved by the council, for the faithful performance of said
10 contract: *Provided, however,* That no supplies shall be pur-
11 chased until the clerk or other officer designated by the council
12 has made requisition for same, which shall also be approved by
13 the mayor. All bills or vouchers for the purchase of supplies

14 or other things for the city, and all contracts involving the ex-
15 penditures of money, shall be filed with the city clerk, which
16 shall be open for public inspection, and the council may re-
17 quire them to be brought before it, from time to time, for its
18 inspection.

Sec. 30. The police judge, who shall be an attorney and a
2 resident of Huntington for five years, shall be ex officio a jus-
3 tice of the peace, with authority to issue warrants or other
4 process for all offenses committed within the police jurisdic-
5 tion of the city of Huntington of which a justice of the peace
6 has jurisdiction under the state laws, and for all violations of
7 any city ordinances, and as such shall have the authority to im-
8 pose such fines and collect such fees as justices of the peace
9 are authorized to do under the state law, which fees shall be
10 transferred to the sheriff of Cabell county, as ex officio treas-
11 urer of the city of Huntington, and become a part of the gen-
12 eral fund of said city. In order to preserve the peace and good
13 order of the city, and protect the persons and property therein,
14 riotous and disorderly persons in the city may be arrested and
15 detained before issuing any warrant therefor. The police
16 judge may, with the same fees or other compensation allowed
17 justices of the peace, commit persons charged with felony or
18 misdemeanor to jail, or take bond for their appearance before
19 the grand jury of the court having jurisdiction thereof, and
20 he shall have power to issue execution for all fines, penalties
21 and costs imposed by him. And he may require the immediate
22 payment thereof, and, in default of such payment, may com-
23 mit the person so in default to jail until the fine and penalty
24 and costs shall be paid or satisfied, and to be employed during
25 the imprisonment as provided by this act. If any person is
26 sentenced to imprisonment, or any person or corporation is
27 assessed with a fine of ten dollars or more, such person or cor-
28 poration shall be allowed an appeal from said decision of the
29 police judge to the common pleas court of Cabell county, upon
30 the execution of an appeal bond, with surety deemed sufficient
31 by the police judge, in a penalty of at least two hundred dollars
32 and costs, conditioned that the person proposing to appeal will
33 perform and satisfy any judgment which may be recorded
34 against him by the appellate court on such appeal, and in no
35 case shall a fine less than ten dollars be given by the police
36 judge if the defendant, his agent or attorney demand that

37 such fine be made as much as ten dollars. If such appeal be
38 taken the warrant of arrest, the transcript of the judgment,
39 the appeal bond and other papers of the case shall be forth-
40 with delivered by the police judge to the clerk of the appellate
41 court which shall proceed to try the case as upon indictment
42 or presentment and render such judgment, including that of
43 cost, as the law and evidence may demand: *Provided, however,*
44 That not until January first, one thousand nine hundred thirty-
45 seven, shall any of the powers herein granted to the police judge
46 to act in any manner or capacity as a justice of the peace, or in
47 any manner or capacity relating to or affecting the civil or
48 criminal jurisdiction of justices of the peace, or to collect the
49 fees which justices of the peace are or may be authorized to
50 collect, or to require fees or fines collected through proceedings
51 had by or under the police judge or police court to be paid to the
52 sheriff of Cabell county for the benefit of said city of Hunting-
53 ton, become operative or effective, and that the jurisdiction of
54 justices of the peace shall until said effective date be exclusive
55 in said matters.

Sec. 31. Publication of notice to present a franchise and
2 other preliminaries prescribed by the laws of the state relating
3 thereto, shall be had in the manner prescribed by state laws,
4 before the council shall act on any such franchise; but the pas-
5 sage of any franchise shall be prima facie proof that such
6 notice was given as prescribed by law.

7 The word "franchise", whenever used in this act, shall in-
8 clude every special privilege in, under and over the streets,
9 highways and public grounds of the city which belong to the
10 citizens generally by common right.

Sec. 32. The style of any ordinance enacted by the board
2 of commissioners shall be, "Be it ordained by the council of
3 the city of Huntington."

Sec. 33. Concerning anything for which a state license is
2 required to be done within the state or county, but not limited
3 thereto, the council may require a city license therefor, and
4 may impose a tax thereon for the use of the city; and the coun-
5 cil shall have the power to grant, refuse or revoke any such
6 license of owners or keepers of hotels, carts, wagons, drays,
7 automobiles, automobile trucks and conveyances, and every
8 other description of wheeled carriages kept or used for hire in
9 said city, and to levy and collect tax thereon, and to subject

10 the same to such regulations as the interest and convenience of
11 the inhabitants of said city, as in the discretion of the council,
12 may be required. The council may require from the person so
13 licensed a bond, with approved surety, payable to said city
14 in such penalty and with such conditions as it may think
15 proper, and may revoke such license at any time if the condi-
16 tion of the bond is broken; and the council shall have author-
17 ity to subject any person or persons, who without having paid
18 the tax imposed by the council for the privilege, shall do any
19 act or follow any employment of business in the said city upon
20 which the council is or shall be authorized to impose a tax,
21 to a fine or imprisonment which it is or may be authorized to
22 impose or inflict for the enforcement of its ordinances.

Sec. 34. Council may, by ordinance, provide for a full time
2 public health officer for the city who shall be in charge of the
3 administration and enforcement of all laws of the state ap-
4 plicable to the city of Huntington relating to public health,
5 and of all ordinances of the city designed to secure or promote
6 the public health. Such health officer shall be qualified to
7 receive a license to practice medicine and surgery in the state
8 of West Virginia, and he shall have engaged in the practice of
9 medicine and surgery for at least five years or have had not
10 less than five years' experience in public health work. All
11 regulations for the protection or promotion of the public health,
12 additional to those established by law and for the violation of
13 which penalties are imposed, shall be made by ordinance. The
14 council of said city shall have authority to abate and remove
15 all nuisances in said city. It may compel the owners, agents,
16 assignees, occupants, or tenants of any lot, premises, property,
17 building or structure, upon or in which any nuisance may be,
18 to abate and remove the same by orders therefor, and by ordi-
19 nance provide a penalty for the violation of such orders.

20 Said council may also, by its own officers, appointees and
21 employees abate and remove nuisances. It may, by ordinance,
22 regulate the location, construction, repair, use, emptying and
23 cleaning of all water closets, privies, cesspools, sinks, plumbing,
24 drains, yards, pens, stables and other places, where offensive or
25 dangerous substances or liquids are, or may accumulate, and
26 provide suitable penalties for the violation of such regulations,
27 which may be enforced against the owner, agents, assignee,

28 occupant or tenant, of any premises or structure where such
29 violation occur.

30 If the owner, agent, tenant, assignee or occupant of any such
31 premises, lot, property, building or structure as is mentioned
32 herein, shall fail or refuse to abate or remove any such nuisance
33 as mentioned herein, or to comply with the provisions of any
34 such ordinance, and the regulations herein contained, the said
35 council may have said nuisance abated or the provisions of said
36 ordinance or ordinances carried out, after reasonable notice to
37 said owner, occupant, tenant, agent or assignee of its inten-
38 tions so to do, and collect the expense thereof, with one per
39 centum per month interest added from the date of said notice,
40 from the said owner, occupant, tenant, agent or assignee, by
41 distress or sale, in the same manner in which taxes levied upon
42 real estate for the benefit of said city are herein authorized
43 to be collected, and the expense shall remain a lien upon said
44 lot, or part of lot, and the same as taxes levied upon real estate
45 in said city; which lien may be enforced by a suit in equity
46 before any court having jurisdiction as other liens against
47 real estate are enforced. In case of nonresident owners of real
48 estate such notice may be served upon any tenant, occupant,
49 assignee, or rental agent, or by publication thereof for not less
50 than two consecutive weeks in two newspapers of opposite poli-
51 tics, published in said city.

52 And in all cases where any tenant, occupant or agent is re-
53 quired to abate and remove any nuisance under the provisions
54 of this section, or comply with the provisions of any such ordi-
55 nance as is mentioned herein, the expense thereof may be de-
56 ducted out of the accruing or accrued rent of said property, or
57 amount due said owner from said agent, and such agent, occu-
58 pant or agent may recover the amount so paid from the owner,
59 unless otherwise especially agreed upon.

60 Any expense incurred by the council as herein provided, in
61 the manner aforesaid, may be collected in the manner herein
62 provided, notwithstanding the imposition of any other penalty
63 or penalties upon any of the persons named herein, under any
64 of the provisions of this act. The abatement or removal of any
65 such nuisance by the council at the expense of said city, as
66 herein provided, shall be prima facie proof that the said notice
67 to the owner, occupant, tenant, agent or assignee, was given as
68 herein prescribed.

Sec. 35. The council may require all owners, tenants and
2 occupants of improved property which may be located upon or
3 near any street or alley along which may extend any sewer or
4 system of sewerage, which the said city may construct, own or
5 control, to connect with such sewer or system of sewerage, all
6 privies, water closets, cesspools, drains, or sinks located upon
7 their respective properties or premises so that their contents
8 may be made to empty into such sewer or system of sewerage.

Sec. 36. The council is authorized and empowered to cause
2 to be put down a suitable curb of brick, stone or other materials
3 along and for the footways and sidewalks of the avenues,
4 streets, roads or alleys of said city, and to order and cause the
5 laying or relaying or repair of sidewalks and gutters of such
6 material and widths as the council may determine; and the
7 planting or replanting of and caring for shade trees along
8 said avenues, streets and roads at such points and in such
9 manner as the council may determine; and to require the
10 owners or occupiers of the land or lots or part of lots abutting
11 upon said avenues, streets, roads, or alleys to keep such side-
12 walks clean and in good repair, and to grade the plot of
13 ground on either side of the sidewalks between the street curb
14 and the property line and keep the same sodded with grass
15 and free of weeds and obstructions, and otherwise in good
16 condition and repair. The owners or occupiers of the land or
17 lots abutting upon such avenues, streets, roads or alleys shall
18 not lay any sidewalks, curb or gutter, or plant such shade trees,
19 unless specially required to do so by resolution adopted by
20 said council, and then only in the manner prescribed by said
21 council; but said city may lay such sidewalks, curb or gutter,
22 and plant or replant and care for said shade trees, or may let
23 said work to contract, and in either case the total cost of said
24 work or such part thereof as the council may direct shall be
25 charged upon and against the land or lots abutting upon such
26 avenue, street, road or alley, which assessments shall be and
27 remain a lien upon said land or lots the same as taxes levied
28 upon real estate in said city, which may be enforced by a suit
29 in equity before any court having jurisdiction as other liens
30 against real estate are enforced. The amounts so assessed
31 against any land or lot shall also be a debt against the owner
32 of such land or lot, which may be collected as other debts are
33 collected, in any court having jurisdiction, and shall be due

34 and payable in ninety days from the completion and accept-
35 ance of such work as certified to by the council, with six per-
36 cent interest thereon from the date of such record acceptance.
37 And in ascertaining the amount to be assessed against any
38 corner lot for the cost of laying any such sidewalk and plant-
39 ing trees in front or alongside thereof, the council may assess
40 the total cost of laying such sidewalks, and planting trees, in
41 front or alongside said lot and extended to the curb or gutter
42 of the intersections of the avenues, streets, roads or alleys
43 at that point.

44 When such work is done by the city, and not let to con-
45 tract, the council shall certify such assessments to the treas-
46 urer of the city for collection, who shall account for the same
47 as directed by the council or by ordinance; and the treasurer
48 shall accept payment, when tendered, of the amount of said
49 assessment with interest to the date of payment, and unless
50 said assessment shall have been paid within ninety days from
51 the date of assessment, then a copy of such report shall be
52 certified by the city clerk to the clerk of the county court of
53 the county of Cabell, who is hereby required to record and
54 index the same in the proper trust deed book in the name
55 of each person against whose property assessments appear
56 therein. If any such assessment shall not be paid when due,
57 the council shall cause to be enforced the payment of said
58 assessment and interest in all respects as herein provided for
59 the collection of taxes due the city; and said assessments shall
60 be a lien upon the property liable therefor, the same as for
61 taxes, which lien may be enforced in the same manner as
62 provided for the sale of the property for the nonpayment of
63 taxes and tax liens; and the liens herein provided for shall
64 have priority over all other liens except those for taxes due
65 the state and the county, and shall be on a parity with taxes
66 and assessments due the city. When such assessments have
67 been paid in full, and a lien therefor shall be of record
68 in the county clerk's office, the treasurer shall execute and
69 deliver to the owner of said property a release of said
70 lien, which may be recorded in the office of the
71 county clerk as other releases or liens are re-
72 corded.

73 The council may, if it so elect, let said work to contract,
74 and certificates may be issued for the amount of said assess-

75 ments which may be sold to the contractor doing the work, or
76 other person, in full of the total cost, in the same manner as
77 provided for paving certificates, in this act: *Provided*, That
78 the city, in negotiating and selling such certificates, shall not
79 be held as guarantor or in any way liable for payment thereof,
80 except upon the direct action of the council as expressed by
81 resolution of record before such sale. Said certificates, to be
82 signed by the mayor or clerk or other person or persons
83 designated of record by the council, shall bear date as of the
84 time when such work is accepted and certified by the council,
85 and shall be due and payable in ninety days from date there-
86 of, with six per cent interest. When the council shall have re-
87 ceived said work, it shall at the same time make said assess-
88 ment upon written report; and at the end of ninety days
89 from date thereof, upon the demand in writing filed with the
90 city clerk, of the holder or holders of the unpaid certificates
91 issued to cover said assessments, said clerk shall certify a copy
92 of said report, only insofar as it relates to the owners against
93 whom said exhibited certificates remain unpaid to the clerk
94 of the county court of Cabell county, or Wayne county, depend-
95 ing upon the county in which the real estate is located, who
96 shall record and index the same as other liens of like kind are
97 recorded and indexed, and the same shall be and remain a
98 lien upon the real estate against which said assessments are
99 made, as set out in said certified report, and said lien may be
100 enforced, in the name of the holder of such certificate, in the
101 same manner as set out in this act.

102 Before letting such work to contract, the council shall ad-
103 vertise the same once a week for two successive weeks in two
104 newspapers of opposite politics published in the city of Hunt-
105 ington, or in one paper in case publication cannot be had in
106 two such papers, setting out the time and place for receiving
107 proposals for such work and referring to the plans and speci-
108 fications made therefor; and the city reserves the right, wheth-
109 er stated in such notice or not, to refuse any and all bids for the
110 work. On refusal of said papers to publish said notice at
111 reasonable rates, the council may, by resolution, direct how
112 such notice may be given. The fact that such contract shall be
113 awarded for said work shall be prima facie proof that said
114 notice was given as required herein. Such lien, as represented
115 by certificates, may be released of record in the office of the

116 county clerk in the same manner as paving liens, represented
117 by certificate, are released of record as provided for in this
118 act; and in no event shall such assessment be and remain a
119 lien of record for a longer period than one year from the date
120 set out in said certified report so recorded in the office of the
121 county clerk unless at the end of said one year period a suit
122 shall be pending for the enforcement of said lien, or the amount
123 thereof, shall, in some way, be involved in a suit pending at
124 the end of said one year period.

125 All such work, whether done by the city direct, or through
126 contractors, shall be under the supervision of the street de-
127 partment of the city, or some person designated for that pur-
128 pose by the council.

129 If the owner or occupier of any such lot or land shall be re-
130 quired by the council to lay, or relay, clean or repair any such
131 sidewalk between the street curb and the property line, and
132 keep the same sodded and free from weeds or obstruction,
133 and otherwise in good condition and repair, written or pub-
134 lished notice shall be given to such owner or occupier in the
135 manner provided by ordinance or resolution adopted by the
136 council, and neglect or refusal of such owner or occupier to do
137 the work, in the manner and within the time required by the
138 council, as set out or referred to in said notice, shall be an
139 offense and may be punished as provided by ordinance; and
140 after the expiration of the time set out in said notice for the
141 the doing of said work, and the same remains undone, the
142 council may do, or cause to be done, said work and assess and
143 collect the cost thereof in the manner, upon either plan, and to
144 the full extent as set out in this section. The council is
145 authorized and empowered to require the owners and oc-
146 cupiers of any lot or tract of land to keep the same free from
147 weeds and other vegetation which may be unsightly or noxious,
148 and, to that end, may pass suitable ordinances with penalties
149 to be inflicted on the owners and occupiers of such lots who
150 may fail to comply with the provisions of such ordinances;
151 and in addition thereto, upon the failure of such owners and
152 occupiers of said lots to comply therewith, the city may do the
153 work necessary in keeping said lots or lands free from weeds
154 and other vegetation which may be unsightly or noxious and
155 charge the total costs thereof against the owner of such lots
156 or lands, which amount or amounts shall be a debt against such

157 owner, with which he is charged with interest thereon, from the
158 time of the completion of said work, and the expense shall
159 remain a lien upon said lots or lands, or any part thereof,
160 the same as taxes levied upon real estate in said city, and which
161 lien may be enforced by a suit in equity before any court
162 having jurisdiction as other liens against real estate are en-
163 forced, and in addition thereto, such costs or expense,
164 with interest may be collected from the owner, occupant,
165 tenant, agent or assignee, by distress or sale in the same
166 manner in which taxes levied against real estate are herein
167 authorized to be collected. And the costs or expense, with
168 interest thereon, for the cleaning of said lots or land of weeds
169 and other noxious vegetation, as well as the costs or expense,
170 with the interest thereon, for the laying of sidewalks, plant-
171 ing of trees, etc., as set out in this section, which may remain
172 unpaid at the time of the making out of tax tickets covering
173 the taxes due in any year by such owner of said lots or lands,
174 shall be placed on the tax ticket for that year along with the
175 statement of other taxes due by such owner, and the treasurer
176 shall collect such amounts at the time and in the same manner
177 as the other taxes are collected by him from such owner, but
178 without allowing any discount thereon, and upon failure to
179 pay the same on or before the last day of that year, there
180 shall be added thereto the same interest penalties which are
181 provided for the failure to pay other taxes assessed at such
182 time against such owner; and the sheriff, upon the failure to
183 pay said amounts, shall return the real estate, against which
184 said amount is a lien, delinquent for the nonpayment of
185 taxes for such year the same as in the case of returning such
186 lands delinquent for the nonpayment of other taxes assessed
187 against such owners and such real estate, and said real estate
188 may be sold, at the time and in the manner, provided for in
189 the case of delinquent lands for the nonpayment of taxes;
190 and these remedies, when applicable, are in addition to all
191 other remedies provided for in this act.

192 Notices to owners and occupiers of lots or lands requiring
193 them to clean said premises of weeds and other noxious vege-
194 tation, may be given in the same way and to the same effect
195 as provided in section thirty-four of this act, and tenants
196 and agents shall have the same rights and remedies against
197 such owners as therein provided. The council may, by gen-

198 eral or special ordinance, delegate the ministerial duties re-
199 quired in this section, to the mayor of the city.

Sec. 37. The council shall annually, before the laying of
2 taxes provided for and authorized by this act, ascertain the
3 total expense of said city to be provided for by levy for the
4 fiscal year in which said levy is made, and it shall ascertain
5 the sum of money necessary to pay interest accruing on the
6 bonded indebtedness of said city, and what amounts it shall
7 expend for the support of its various departments and for the
8 improvements of its streets, alleys, avenues, and public
9 grounds, or for its contingent expense; and before making
10 such levy it shall apportion the rate thereof among the several
11 funds so ascertained and provided for, which apportionment
12 shall be spread upon the records of said council and a copy
13 of a statement thereof shall be annually published by direc-
14 tion of said council as soon as the same is recorded, in at least
15 two newspapers of said city of opposite politics. And the
16 council shall do and perform such other duties, in relation to
17 the things mentioned in this section, as are required by state
18 law.

Sec. 38. The council shall have authority to levy and collect
2 an annual tax on real estate and personal property in said
3 city, and to impose a tax upon all other subjects of taxation,
4 under the several laws of the state, all of which taxes shall be
5 uniform as to class with respect to persons and property
6 within the jurisdiction of said city, and shall only be levied on
7 such property, real, personal and mixed, and on capital, on
8 which the state imposes a tax: *Provided*, That no greater
9 levy shall be laid by the council, except the levy authorized by
10 section forty-seven of this act and the ten cents levy authorized
11 hereinafter by this section, relating to a revolving fund, on
12 the taxable property of said city than is now permitted to be
13 laid under the state law relating to municipalities, except,
14 however, that the council may, by a two-thirds vote of its
15 members, by ordinance, lay an additional levy not to exceed
16 twenty cents on the one hundred dollars of all the taxable
17 property within said city.

18 For the purpose of creating a revolving fund by and with
19 which to promote and expedite permanent street and sewer
20 improvements, the city is authorized and empowered to levy
21 and collect for a period not longer than ten years, a special

22 annual tax, in addition to all other taxes, during all or any
23 part of said period, not exceeding ten cents on each one hun-
24 dred dollar valuation, on all taxable property in said city, and
25 which levy shall also be in addition to that now permitted by
26 street or sewer improvement bonds provided for in section of
27 state law relating to municipalities. Such levy shall not be
28 laid except by ordinance duly adopted by the two-thirds vote
29 of all of the members of the council.

30 No part of said revolving fund shall be used for any purpose
31 other than to pay for permanent improvements of streets,
32 avenues, roads, alleys and public grounds, and the construc-
33 tion of sewers, and only then by the purchase of street or
34 sewer improvement bonds or assessment certificates, provided
35 for in this act, and for which assessment against real estate
36 are made to cover the amount of such bonds or certificates as
37 provided in said sections; and when and as such bonds or
38 certificates so purchased out of this revolving fund shall be
39 paid, the amount thereof shall be and become a part of such
40 revolving fund, and thereby prevent any diminution of the
41 fund.

42 When said fund, or any considerable part thereof is not
43 being used, or in contemplation for immediate use, the city
44 shall keep the same invested to the best advantage in securities
45 of the kind permitted by state law for the investment of
46 sinking funds, or in the discretion of the council, the same
47 may be deposited, for a fixed time, at the highest rate of
48 interest and to the best protection of the city, in some bank or
49 banks, or may be directed by the council to be deposited in the
50 manner set out in section forty-two for the deposit of other
51 funds of the city. The council, as pertains to things mentioned
52 in this section, shall proceed in the manner provided by state
53 laws thereabout.

Sec. 39. All taxes assessed upon the real estate within the
2 said city, shall remain a lien thereon from the time the same
3 are so assessed, which shall have priority over all other liens,
4 except for taxes due the state, county or district, and all taxes
5 whether assessed upon realty or personalty or otherwise may
6 be enforced and collected in the same manner and by the same
7 remedies as is now or may hereafter be provided by law for
8 the enforcement of liens and levies for state and county taxes,
9 or in such manner as the council may by ordinance prescribe.

10 And in levying taxes and collection thereof, and the return of
11 property delinquent for nonpayment of taxes, the duties of
12 the city clerk shall be similar to the duties of the county clerks
13 of the state in that behalf; the duties and powers of the sheriff
14 of Cabell county in wards one to nine inclusive, and the sheriff
15 of Wayne county in ward ten, in the collection of taxes on real
16 and personal property, or other kind, licenses and money due
17 the city, and accounting for the same, and the return of
18 property delinquent for the nonpayment of taxes, shall be
19 similar to the duties of the sheriffs of the state in their collec-
20 tion of state and county taxes, except the council may make
21 such further regulations and ordinances prescribing the duties
22 of the city clerk and said sheriffs and their manner of per-
23 formance as the council may deem necessary. And the council
24 shall, through itself and such officers and employees as it may
25 appoint or employ under such regulations and ordinances
26 as it may enact (not contrary to the laws of this state), have
27 such authority and power as may be necessary for the levying
28 and collection of taxes, tithables, fines, licenses, sewer and
29 paving assessments owing the city with power and authority
30 to enforce the collection of such fines by imprisonment in the
31 city or county jail. For performing the duties prescribed in
32 this act the sheriff of Cabell county, and as ex officio treasurer
33 of the city of Huntington, which office is hereby created, and
34 the sheriff of Cabell county designated, ex officio, as said
35 treasurer for all time, shall receive one hundred dollars per
36 month to be paid out of the funds of the city of Huntington.

Sec. 40. No taxes or levies shall be assessed upon or collected
2 from the taxable persons or property within the corporate
3 limits of said city, for the construction, improvement or keep-
4 ing in repair of roads, or for the support of the poor of Cabell
5 or Wayne counties, outside of said corporate limits, for any
6 year in which it shall appear that said city shall at its own
7 expense provide for its own poor and keep its own roads,
8 streets and bridges in good order. And the county court of
9 Cabell county, and Wayne county, and the authorities of the
10 districts in which said city is situated, shall not have or
11 exercise jurisdiction within the corporate limits with relation
12 to the roads, streets, alleys, bridges, wharves, docks, ferries,
13 but the same (except schools, schoolhouses and school prop-
14 erties which shall remain under exclusive jurisdiction of the

15 county school board), shall be and remain under the exclusive
16 jurisdiction and control of the municipal authorities of said
17 city.

Sec. 41. There shall be a tax of two dollars annually
2 assessed on each and every male inhabitant of said city, over
3 twenty-one years of age, by the council, and the same shall be
4 collected by the assessor of Cabell county, and Wayne county,
5 as the case may be, at the time and in the same manner provided
6 by the laws of the state for the collection of capitation taxes,
7 and for the collection of such city capitation taxes the assess-
8 ors shall receive the percentage thereof as provided by state
9 law, and the balance of which shall forthwith be paid to the
10 sheriff of Cabell county, ex officio treasurer of the city of
11 Huntington. All money collected under this section shall go
12 into the street fund, or like fund, to be expended upon the
13 roads, streets, and alleys, sidewalks, crosswalks, drains,
14 gutters, wharves and bridges of said city.

Sec. 42. It shall be the duty of the sheriffs of Cabell and
2 Wayne counties to keep all funds of the city in some bank or
3 banks within said city which shall pay three per cent per
4 annum interest on such deposits, payable quarterly, based on
5 the average daily balance of such funds in all accounts. If
6 no bank within said city is willing at any time to receive de-
7 posits of the sheriffs and to pay such interest thereon, the
8 sheriffs shall report this fact to the council, who shall there-
9 upon designate a bank or banks in which he shall deposit said
10 funds for the time being and until some bank in said city will
11 receive such deposits on such terms. Before receiving any
12 such deposits said bank or banks shall give bond in a penalty
13 prescribed by the council, and with sureties to be approved by
14 said council, conditioned for the prompt payment, whenever
15 lawfully required, of all the city money, or parts thereof which
16 may be deposited with them, which bonds shall be renewed at
17 such times as the council may require.

18 The sheriff of Cabell county and the sheriff of Wayne county,
19 each, shall execute a bond for the faithful performance of his
20 duties as required under this act, including properly and
21 punctually accounting for all moneys collected for and on
22 behalf of said city, which accounting shall be made on the
23 fifteenth day of each month for the moneys collected for the
24 preceding month, and at the same time make payment of such

25 amount to the sheriff of Cabell county as ex officio treasurer
26 of the city of Huntington. The city shall pay the cost of
27 such bonds.

Sec. 43. (a) Whenever the council of the city of Hunt-
2 ington shall deem it expedient, it may order and cause any
3 avenue, boulevard, street, road or alley therein, to be graded
4 or regraded, curbed or recurbed, paved or repaved, surfaced
5 or resurfaced, macadamized or remacadamized, or otherwise
6 improved or reimproved, or repaired, in a permanent manner
7 and in accordance with plans and specifications adopted
8 therefor, and under such manner and supervision as may be
9 directed by ordinance or resolution, upon the lowest responsi-
10 ble bid to be obtained by advertising for proposals therefor,
11 except the city may do such work without letting it to con-
12 tract, as is hereinafter provided for in (d) of this section, and
13 the said city shall have the power to purchase and condemn
14 land for opening and widening any avenue, boulevard, street,
15 road or alley to be so improved or reimproved. The entire
16 cost or any part thereof, of such improvement, or reimprove-
17 ment, together with the cost of purchase or condemnation of
18 any land necessary therefor, as provided for in the ordinance
19 or resolution authorizing the same, may be assessed to and
20 required to be paid by the owners of the lands, lots, or
21 fractional parts thereof, fronting or bounding on said im-
22 provement or reimprovement, except as otherwise provided
23 for in (c) and (g) of this section.

24 (b) Payment for such work shall be made by all of the
25 owners of the properties fronting or abutting on each side
26 of such avenue, boulevard, street, road or alley so improved
27 or reimproved, or repaired, in such proportion to the total
28 cost as the frontage in feet of the abutting land bears to the
29 total frontage of all the land abutting or abounding on said
30 improvement or reimprovement, less the portion, if any,
31 chargeable to any street railway or other railway company.
32 In case any such avenue, boulevard, street, road or alley be
33 occupied by street car tracks, or the tracks of any other rail-
34 road, then such street railway company, or other railroad
35 company, shall pay the costs of said improvement or reim-
36 provement, or repair, for the distance between the rails of
37 the tracks thereof and two additional feet outside of each
38 rail thereof. The said costs and expenses of said improve-

39 ment or reimpovement including the costs and expenses of
40 purchasing rights-of-way, or the condemnation thereof for
41 the opening and wideping thereof shall not include any
42 portion of the amount paid for the improvement or reim-
43 provement or the repair of intersections of any avenue,
44 boulevard, street, road or alley, unless the work be done and
45 the assessment therefor and payment thereof be made as is
46 provided for in (c) and (g) of this section.

47 (c) *Provided*, That whenever the council shall deem it
48 expedient it may order and cause any work to be done, and
49 any improvement or reimpovement and repair to be made,
50 as is set out in (a) of this section, and in addition to the
51 assessments provided for in (a) of this section, the council
52 may assess proportionately the property abutting and
53 abounding on such improvement, or reimpovement, with the
54 total cost of the same, which cost may include the cost of all
55 grading, regrading, curbing, recurbing, paving, repaving,
56 surfacing, resurfacing, macadamizing, remacadamizing, engi-
57 neering, abstracting of all property to be assessed or acquired
58 by purchase or condemnation, installing drains and sewers,
59 the building and construction of retaining walls and culverts,
60 and everything necessary for the successful completion of
61 said work of improvement or reimpovement. If the council
62 shall order such improvement or reimpovement to be made
63 under this clause of this section, they shall first adopt an
64 ordinance or resolution setting forth the work and the im-
65 provement or improvements proposed to be done, and adopt
66 plans and specifications for the same, which are to be filed
67 in the city engineer's office, and set out therein the extent
68 of said improvement or reimpovement and the manner of
69 paying for the same; which ordinance or resolution shall be
70 published once a week for two successive weeks in two news-
71 papers of opposite politics, published and of general circula-
72 tion in said city. The published notice of said ordinance or
73 resolution shall be sufficient, if it contain the title of the
74 same, with a statement of the purpose of the ordinance or
75 resolution, setting out between what points the improvements
76 or reimpvements are proposed to be made, and the adoption
77 of the plans and specifications therefor, which are on file in
78 the city clerk's office, and the method under which the assess-
79 ments are to be levied and the payment therefor made, and

80 further, the time at which objections or protests thereto may
81 be made, which time shall be at least two weeks from the date
82 of the first publication of the same. Objections and protests
83 may be made against the proposed improvement or reim-
84 provement, or repairs, by the owners of the property against
85 which said assessments will be levied, by reason of the said
86 improvements or re improvements, or repairs, and if, at or
87 before such time set out in said published notice, the bona
88 fide owners of more than three-fifths in lineal feet of the
89 property abutting on said improvement or re improvement,
90 shall file, separately or jointly, their written protest under
91 oath, setting forth that they are the owners of the said prop-
92 erty, and their reasons for their objections to said improve-
93 ment or re improvement, with the city clerk, or the council,
94 at any regular or special meeting of the same. When any
95 such protest may have been filed, the council at its next
96 regular meeting, or at a special meeting called for that
97 purpose, shall hear such protest and shall adjudicate their
98 determination of said objection, and if it appears that three-
99 fifths in lineal feet of the bona fide owners of the abutting
100 or abounding owners of the abutting or abounding property,
101 object to said improvement or re improvement, and have
102 complied with all the provisions hereof, then the council
103 shall proceed no further hereunder, and shall order said im-
104 provement or re improvement discontinued, and shall enter
105 an order to that effect upon the records of said city. If the
106 owners of more than three-fifths of the said property abutting
107 or abounding upon said improvement or re improvement do
108 not file any objection or protest, as herein provided for, then
109 the council may immediately, by ordinance or resolution,
110 order and direct said work to be proceeded with and the
111 assessments levied against said property to be assessed there-
112 with in the manner as herein set out. All objections and
113 protests to said improvements or re improvements shall be
114 deemed waived, unless presented at the time and in the
115 manner herein specified.

116 (d) The council on behalf of the city itself, after any
117 improvement or re improvement, or repair, is finally ordered
118 to be done or made, in the manner and form provided for in
119 this act, may, at its election, do such work and make such
120 improvement or re improvement, or repairs, and assess the

121 costs thereof and collect the same in the manner set out in
122 this act, and the decision of the council to do such work or to
123 make such improvement or reimprovement, or repairs, may
124 be without further notice, other than notice to contractors as
125 provided for in (h) of this section, or after the rejection of
126 all bids for doing the same.

127 (e) The costs of grading, regrading, curbing, recurring,
128 paving, repaving, surfacing, resurfacing, macadamizing, re-
129 macadamizing, or otherwise improving or reimproving, or
130 repairing the intersections, or portions or intersections, of
131 any or all avenues, boulevards, streets, roads, or alleys, and
132 the plans adopted for said improvement or reimprovement
133 for such work, shall be paid by the city, except as otherwise
134 provided in this act.

135 (f) If any such avenue, boulevard, street, road or alley be
136 occupied by street car tracks, or other railroad tracks, the cost
137 of said improvement, or reimprovement, or repairs, between
138 the rails and two additional feet outside of each rail, shall be
139 assessed, and the amount of said assessment shall be borne
140 and paid by the person or company owning or operating
141 such street car or other railway line. In case any person or
142 company is the owner of such street car line, or other rail-
143 way line, abutting or abounding on said improvement, or re-
144 improvement either in fee, or by grant of easement, the said
145 person or company owning or operating same, is liable for
146 assessment the same as any other property owner.

147 (g) The council, if they so elect, may order and cause any
148 avenue, boulevard, street, road or alley, including the inter-
149 sections thereof, public parks, parkways, or public places to
150 be widened, graded, regraded, curbed, recurbed, paved,
151 surfaced, resurfaced, macadamized, remacadamized, repaired,
152 or otherwise improved, including the construction of re-
153 taining walls, culverts, sewers, drains, water pipes, water
154 mains or water courses, in connection therewith, and may
155 purchase and condemn land as provided in this act, for any
156 public avenue, boulevard, street, road or alley, or part
157 thereof, or park or parkway, or for any other public pur-
158 poses, and the council may assess all or any part of the entire
159 cost of such improvement or reimprovement or the repair
160 thereof, and the costs of the purchase or condemnation of
161 land necessary therefor, against the abutting, adjacent, con-

162 tiguous, and other lots or lands especially benefited by such
163 improvement or reimprovement. The council, when they
164 decide to order the improvement or reimprovement under this
165 provision, shall first adopt an ordinance or resolution setting
166 forth the work and improvement or reimprovement proposed
167 to be done and that plans and specifications for the same had
168 been duly adopted and filed in the city engineer's office, the
169 extent of said improvement or reimprovement and the
170 manner of paying for the same, and the approximate amount
171 of the total cost of the same, and the said resolution or
172 ordinance shall fix the approximate amount of the special
173 benefit to be derived from said improvement or reimprove-
174 ment, and the names of the owners of said lots or lands so
175 specially benefited shall be set up therein of each of the
176 abutting, adjacent, and contiguous, and other specially
177 benefited lots or lands to be assessed, with the cost of said
178 improvement or reimprovement, together with the approxi-
179 mate amount of the assessment for each lot or tract of land
180 therein, and the council, in fixing the amount of said assess-
181 ment for said inprovement or reimprovement, shall not assess
182 the same with a greater amount than twenty-five per cent of
183 the assessed value of said lots or lands as fixed by the
184 assessor for the last taxable year for state and county pur-
185 poses. Said ordinance or resolution shall be published once
186 a week for two consecutive weeks in two newspapers of
187 opposite politics, published and of general circulation in said
188 city, in which publication a time shall be fixed of at least
189 two weeks from the date of the first publication thereof, in
190 which objections and protests may be made against the pro-
191 posed improvement or reimprovement, and the approximate
192 cost of the same, and against the approximate amount of the
193 assessment proposed to be levied therefor by the bona fide
194 owners of the property against which said assessment will be
195 levied, by reason of said improvement or reimprovement. The
196 said property owner or owners so objecting and protesting,
197 shall file separately or jointly, their written protests and
198 objections under oath setting forth that they are the bona
199 fide owners of said property and their reasons for their
200 objections and protests to the said improvement or reim-
201 provement. Said objections and protests may be filed with
202 the city clerk or the council at any regular or special meeting

203 of the same, and when said objections and protests are so
204 filed, the council at regular meeting, or at a special meeting
205 called for that purpose, hear such objections and protests and
206 shall adjudicate and determine the same. In case said objec-
207 tions and protests are overruled, the said parties, objecting
208 and protesting shall have the right within thirty days from
209 the action of the said council in overruling the same, to pro-
210 ceed by writ of certiorari to the circuit court of Cabell
211 county, or Wayne county, depending on the location of said
212 real estate, as is provided by section two, article three,
213 chapter fifty-three of the code of West Virginia, one thou-
214 sand nine hundred thirty-one, and during the time given
215 therefor, and after the same has been so filed in said court,
216 and until the same has been finally determined therein, no
217 further procedure under such ordinance or resolution shall be
218 had.

219 (h) Whenever any work of improvement or reimprove-
220 ment, or repair, has been ordered constructed, as con-
221 templated hereunder, a notice for bids or proposals for doing
222 the same shall be published for at least two consecutive
223 weeks in two newspapers of opposite politics, published and
224 of general circulation in said city. The notice shall state,
225 briefly, the work contemplated; it shall refer to the plans and
226 specifications for the same and their adoption, which are filed
227 in the city engineer's office, and when and where and how the
228 bids or proposals shall be made and the amount of the surety
229 bond or certified check which is necessary to accompany each
230 bid or proposal, and shall state that the city shall have the
231 right to award said contract upon said bids or proposals to
232 the lowest responsible bidder, and that the city shall also
233 have the right to reject any and all bids and, whether stated
234 in said notice or not, the city shall have the right to reject
235 any and all bids for the said improvement or reimpovement.
236 The city, in awarding said contract, shall consider the fitness,
237 responsibility and capacity of the contractor to perform the
238 work.

239 (i) The cost of said grading, regrading, curbing, re-
240 curbing, paving, repaving, surfacing, resurfacing, macada-
241 mizing, remacadamizing, or any improvement or reimprove-
242 ment, may be paid for in one of two ways provided for in this

243 act, and said method of payment shall be specified in the
244 ordinance or resolution authorizing the same.

245 (j) If the abutting land on any such avenue, boulevard,
246 street, road, or alley, sought to be improved or reimproved,
247 under any of the methods herein prescribed, is not laid off
248 into lots or subdivided by a map of record, the council may,
249 for the purpose of making the assessments provided for
250 herein, and in other sections hereof, lay said land and lots of
251 land off into lots of such width and depths as it may deem
252 advisable for the purpose of laying the proper assessment
253 for said improvement, or reimprovements, and such assess-
254 ment map shall be adopted by the council and placed of
255 record in the county clerk's office in the county wherein the
256 improvement is made.

Sec. 44. (a) The council may contract, or the city, if the
2 council may so elect, may do the work of improvement, reim-
3 provement, or repair, itself, as set out in section forty-three,
4 and shall have the power to acquire land by purchase, con-
5 demnation, or otherwise, for the same, as aforesaid, and the
6 council may stipulate that the costs thereof, either in whole or
7 in part, shall be paid by the abutting and bounding property
8 owners as provided for in (a), (b), or (c) of section forty-
9 three of this act, in installment payments, as hereinafter set
10 out, and whether the city do such work, or let the same to
11 contract, the council may stipulate that the costs thereof, in
12 whole or in part, shall be paid by the abutting, adjacent, con-
13 tiguous, and otherwise specially benefited property owners,
14 as provided for in (g) of section forty-three of this act, in
15 installment payments as hereinafter set out.

16 (b) The said installment payments shall not exceed five in
17 number, unless otherwise provided for herein, and shall be in
18 equal or nearly equal amounts, and when practicable, in mul-
19 tiples of ten, the cents and odd amounts to be included in the
20 first installment, which installment payments shall be evidenced
21 by a certificate issued therefor against each separate lot or
22 tract of land, setting out the total amount of such assessments
23 against the same, and payable in not more than five install-
24 ments, except as hereinafter provided, as follows: The first
25 installment in thirty days after the date of the certificate, the
26 second installment on the first day of May of the year following
27 the year in which the certificate is issued, and the remaining

28 installments on the first day of May of the succeeding years
29 respectively. The date of the certificates shall be the day on
30 which the city received and accepted said work from the con-
31 tractor or from the time the work was completed, in case the
32 city performed the work itself, and said certificates shall bear
33 interest at the rate not to exceed six per cent per annum, pay-
34 able the due date of each principal installment, which cer-
35 tificates are to be signed in person by the mayor and the city
36 clerk, or other person or persons designated of record to sign
37 the same. Said certificates shall bear coupons designated
38 "principal installment coupon" representing the respective
39 amounts of the installments to be paid under the same, and
40 which coupons shall be due and payable on the dates provided
41 for the payment of the installments in this section, and said
42 certificates shall also bear coupons designated "interest install-
43 ment coupon," representing the interest to be paid on said
44 assessments, and which said interest coupons shall be due and
45 payable at the same time the principal installment coupons are
46 due and payable and shall bear interest at six per cent after
47 the due date thereof. Upon the due date of any principal
48 installment coupon, excepting the first, the accrued interest,
49 on so much of said assessment as remains unpaid, shall be
50 due and payable and shall be represented by interest coupons
51 as hereinabove set out. The interest on the first principal in-
52 stallment coupon shall be paid when the said principal in-
53 stallment coupon is paid, and likewise upon the succeeding
54 coupons attached thereto. Both the principal and interest
55 installment coupons shall be signed by the mayor and the city
56 clerk, or other person or persons designated of record for that
57 purpose, either in person or by stamp bearing a facsimile of
58 the written name of the person authorized to sign the same,
59 or lithographer in facsimile on said principal and interest
60 installment coupons.

61 (c) The certificates herein provided for may be sold either
62 to the contractor doing the work of improvement, or reim-
63 provement, or the same may be held and collected by the city,
64 or the same may be sold to any other person, and the amounts
65 thereof shall cover and include the entire cost of such work
66 provided for in the ordinance or resolution, including the cost
67 of grading, regrading, curbing, recurbing, paving, repaving,
68 surfacing, resurfacing, macadamizing, remacadamizing, eu-

69 gineering, abstracting, installing drains and drainage, the
70 building and construction of retaining walls and culverts and
71 the expense of purchasing and acquiring land by condemna-
72 tion, and other things pertaining thereto.

73 (d) When the entire amount to be assessed against any
74 lot, piece, or parcel of ground under the provisions of this
75 section does not exceed fifty dollars, then such amount shall
76 be covered by only one set of said coupons, payable thirty
77 days after the date of issue of the certificates; if over fifty
78 dollars, and not more than one hundred dollars, then such
79 amount shall be covered by only two principal and interest
80 installment coupons payable in thirty days after the date of
81 the certificate and on the first day of May of the year succeed-
82 ing the year in which the certificate was issued, respectively;
83 if over one hundred dollars, and not more than one hundred
84 and fifty dollars, then such amount shall be covered by only
85 three principal installment and interest installment coupons,
86 payable in thirty days from the date of the certificate, and
87 on the first day of May of the year succeeding the year in
88 which the certificate was issued, and on the first day of May
89 in one year thereafter, respectively; if over one hundred and
90 fifty dollars, and not more than two hundred dollars, then
91 such amount shall be covered by only four principal and
92 interest installment coupons, payable in thirty days after the
93 date of the certificate and on the first day of May of the
94 year succeeding the year in which the certificate was issued,
95 and on the first day of May in one and two years thereafter,
96 respectively; if more than two hundred dollars, then such
97 amount shall be covered by five principal and interest in-
98 stallment coupons, payable in thirty days after the date of
99 the certificate, on the first day of May of the year succeed-
100 ing the year in which the certificate was issued, and on the
101 first day of May in one, two and three years thereafter, re-
102 spectively.

103 (e) The certificates and coupons covering the amounts of
104 the assessments and interest shall be paid by the owner or
105 owners of the land, lots, or fractional parts thereof, so
106 assessed, for the cost of said improvement or reimprovement,
107 on such avenue, boulevard, street, road or alley. The amount
108 specified in said assessment certificate, together with interest,
109 shall be a lien in the hands of the holder thereof, upon the

110 lands, lots, or parts thereof, so assessed, and shall also be a
111 debt against the owner of such real estate, and said amount
112 shall bear interest from the date of said certificate, payable
113 on the due dates of each principal installment coupon, and
114 said interest installment coupons shall bear interest from the
115 due dates thereof. In case any installment of principal or
116 interest is not paid when due, and such default continue for
117 a period of sixty days from the date the same became due
118 and payable, then the owner and holder of said certificate
119 shall have the right to declare the total amount of said cer-
120 tificate and the coupons thereof, together with interest due
121 thereon, due and payable, without further notice or demand,
122 and may institute suit thereon to collect the whole or any
123 part of the same, either against the owner of said real estate
124 for a personal judgment or to subject the land assessed there-
125 with to the payment of the whole or any part of the said
126 assessment, and the payment of said assessment certificate
127 may be enforced in any other manner as provided by law
128 for the collection of debts or the lien of such assessment
129 certificate may be enforced in the name of the holder of such
130 assessment certificate in the same manner provided by law
131 for the enforcement of other liens against real estate.

132 (f) When said improvement or reimprovement, or a stipu-
133 lated part thereof, shall have been completed, and the costs
134 of acquiring or taking land, by purchase, condemnation, or
135 otherwise, has been ascertained, the city engineer shall re-
136 port in writing to the council the total cost of said improve-
137 ment or reimprovement, the names of the property owners
138 abutting and bounding thereon (and if the work is done
139 under (g) of section forty-three, the names of the abutting,
140 adjacent, contiguous or other specially benefited property
141 owners) said improvement (the names of the property owners
142 shall be considered for all intents and purposes hereafter
143 as they appear as the record owners of record in the county
144 clerk's office in the county where such improvement or re-
145 improvement, is made), the city engineer shall include in
146 said report a brief description of the lots and lands as to
147 location, frontage and depth, liable for such assessments, to-
148 gether with the amount to be assessed against each lot and
149 the owner thereof, calculated in the manner provided for
150 under this act. It shall be the duty of the council to examine

151 and compare such assessments, amounts and names, so certi-
152 fied to it, and thereupon give notice by publication once a
153 week for two successive weeks in two newspapers of oppo-
154 site politics published and of general circulation in said city,
155 that an assessment under this act is about to be laid against
156 the abutting or abounding property (and if the work is done
157 under (g) of this section forty-three against the abutting,
158 adjacent, contiguous, or other specially benefited property)
159 for the improvement or reimprovement done on said avenue,
160 boulevard, street, road or alley describing the location of such
161 improvement or reimprovement, and any owner or owners
162 thereof shall have the right to appear before said council
163 within two weeks from the date of the first publication there-
164 of and move to correct any apportionment or assessment ex-
165 cessively or improperly charged, which correction said council
166 shall have the power to make according to the intent of this
167 act, and if found to be correct, or when corrected by the
168 council, as aforesaid, it shall enter the same, together with a
169 description of the lots or land, as to location, frontage, depth,
170 and ownership, so far as the same may be ascertained, upon
171 its records and shall state in its records that such owners
172 and lots be assessed and chargeable with the amount so ascer-
173 tained to be borne by them, respectively. And all objections
174 and protests to said improvement or reimprovement, and the
175 assessments therefor, shall be deemed waived unless pro-
176 tested at the time, and in the manner herein specified. It
177 shall be the duty of the city clerk to certify to the clerk of
178 the county court of either Wayne or Cabell county, wherein
179 said improvement or reimprovement has been made, a certified
180 copy of said assessment roll and the clerk of said county
181 court of the respective counties shall record and index the
182 same in the proper trust deed books in the name of each
183 person against whose property assessments appear therein,
184 and said assessments or liens, when so recorded, shall be a
185 continuing tax lien upon the lots or ground against which the
186 assessment is made until the certificates as aforesaid, are paid,
187 except as hereinafter provided in this act, and the same shall
188 have priority over all other liens, except county, state and
189 municipal taxes and shall be of equal dignity and on a parity
190 with other assessments for public improvements made under
191 this act. Any property owner shall have the right to pay

192 the whole amount of any such assessment against his prop-
193 erty as soon as the same shall have been ascertained, but
194 before the day on which the city clerk files such assessment
195 of record, in the county clerk's office, and such payment
196 shall be made to the city clerk who shall give proper receipt
197 therefor, and such assessment, so paid, shall not be included
198 in the certified assessment roll to be recorded in the office
199 of the county court clerk, as set out herein, and the amount
200 so paid to the clerk shall forthwith be paid to the contractor
201 or other person entitled thereto, which shall operate as a full
202 discharge of the amount of such indebtedness, and in full
203 satisfaction of the lien of said assessment on such property.

204 (g) The city, in case it negotiates and sells such certifi-
205 cates to the contractor, or any other person, shall not be held
206 as a guarantor of, or in any way liable, for payment thereof,
207 except upon the direct action of the council as expressed by
208 resolution of record: *Provided, however,* That the city of
209 Huntington shall be liable to the contractor performing said
210 contract of improvement or reimprovement, in case the assess-
211 ment certificate appears to be erroneous as to the person and
212 property assessed or as to the amount thereof, unless it issue
213 and deliver to the contractor or other person entitled there-
214 to, a properly corrected and valid assessment certificate as
215 hereinafter provided for.

216 (h) Whenever any assessment shall be void or voidable
217 by reason of errors, irregularities, or defects in the proceed-
218 ings under which such improvement or reimprovement shall
219 have been made, or in case such assessment shall have been
220 made against the wrong person or property, it shall be the
221 duty of the council within two years after any court shall
222 have declared such assessment invalid, or within two years
223 after such error has been discovered by the owner and holder
224 of said certificates, to cause notice to be given to any person
225 against whom the cost of such improvement might properly
226 have been assessed under this act, of its intention to lay such
227 assessment against him, and fix a time and place at which
228 he may appear and show cause, if any, why such assessment
229 should not be made. Said notice shall be published as pro-
230 vided in this act, (or in any other manner provided by law,
231 for an order of publication, if the person is a nonresident
232 of the city, or cannot be found), or by service of such notice

233 upon such person giving him a reasonable time in which to
 234 appear before said council. At the time and place fixed for
 235 a hearing upon the notice aforesaid, the council shall pro-
 236 ceed to lay and levy an assessment for the cost of such im-
 237 provement or reimpovement in such manner as would have
 238 been lawful under proper procedure at the time the said im-
 239 provement or reimpovement was made, unless the person so
 240 notified shall show good cause why the same should be not
 241 laid, and no further notice of such assessment shall be neces-
 242 sary. The assessment so laid shall be a lien in the hands of
 243 the owner and holder thereof upon the lands, lots, or parts
 244 thereof, so assessed and shall also be a debt against the owner
 245 of such real estate, and shall be recorded in the same manner
 246 as herein provided, and may be collected and enforced in the
 247 same manner as herein provided.

248 (i) The assessment certificate and principal installment
 249 and interest coupons herein provided for may be made in
 250 the following form, or to the same effect.

251 No..... \$.....

252 THE STATE OF WEST VIRGINIA

253 (State Coat of Arms)

254 CITY OF HUNTINGTON

255 PAVING ASSESSMENT CERTIFICATE

256 This certifies that....., as
 257 the owner of a lot, piece or parcel of real estate, situate in the
 258 City of Huntington, West Virginia, known and designated
 259 as Lot No.....in Block No....., has been
 260 duly assessed in the sum of.....Dollars,
 261 with interest from this date at the rate of six per centum per
 262 annum, payable on the due date of each principal install-
 263 ment coupon, as hereinafter set out, which assessment has
 264 been made to pay the cost of the public improvement herein-
 265 after recited.

266 This certificate is one of a series issued pursuant to the
 267 provisions of the charter of the City of Huntington, West
 268 Virginia, and the laws of the State of West Virginia, to pay
 269 the cost of improving or reimpoving, by grading, curbing
 270 and paving etc., of.....from
 271to.....in the city
 272 of Huntington, West Virginia.

273 The Charter of the City of Huntington, West Virginia,

274 requires assessments for such improvements to be made pay-
275 able in installments as follows:

276 (a) If not more than fifty dollars, in one installment due
277 in thirty days after date of certificate;

278 (b) If more than fifty dollars, and not more than one
279 hundred dollars, in two installments due in thirty days, and
280 on the first day of May of the year succeeding the year in
281 which the certificate was issued;

282 (c) If more than one hundred dollars, and not more than
283 one hundred and fifty dollars, in three installments, due in
284 thirty days, and on the first day of May of the year succeed-
285 ing the year in which the certificate was issued, and on the
286 first day of May one year thereafter;

287 (d) If more than one hundred and fifty dollars, and not
288 more than two hundred dollars, in four installments, due in
289 thirty days, and on the first day of May of the year succeed-
290 ing the year in which the certificate was issued, and on the
291 first day of May in one and two years thereafter respectively;

292 (e) And if more than two hundred dollars, in five install-
293 ments due in thirty days, and on the first day of May of the
294 year succeeding the year in which the certificate was issued,
295 and on the first day of May in one, two and three years there-
296 after, respectively.

297 Said assessment to draw interest at the rate of six per
298 centum per annum, payable on the due date of each principal
299 installment.

300 This paving assessment certificate is negotiable under the
301 laws of the State of West Virginia, and is payable by in-
302 stallments, and the installments of this certificate, therefor,
303 are evidenced by.....principal installment
304 coupons hereto attached which show the amount of such in-
305 stallments, the due date thereof, and are signed by the mayor
306 and the clerk of the City of Huntington, West Virginia.

307 The interest on this certificate and the installments thereof
308 are evidenced by interest coupons hereunto attached, which
309 show the amount of such interest, and the due date thereof
310 which interest coupons shall bear interest from the due dates
311 thereof until paid, and which interest coupons are signed by
312 the mayor and the clerk of the City of Huntington, West
313 Virginia.

314 Upon the due date of any principal installment coupon,

315 excepting the first, the accrued interest on so much of said
316 assessment as remains unpaid, shall be due and payable in
317 accordance with, and as evidenced by interest coupons hereto
318 attached. The interest on the first principal installment
319 coupon shall be paid when the said principal installment
320 coupon is paid.

321 The said several principal installment and interest coupons
322 respectively, are payable at the office of the treasurer of the
323 City of Huntington.

324 The amount of the assessment represented by this certifi-
325 cate and principal installment coupons attached has been
326 duly levied, equalized and confirmed, and along with accrued
327 interest is a lien upon the real estate herein mentioned, and
328 is a lien prior to all other liens, except county, state and
329 municipal taxes, and is of equal dignity and on a parity with
330 other assessment liens for public improvements, and is also
331 a debt against the owner of said real estate and the holder
332 or bearer of this certificate may enforce the debt evidenced
333 thereby, as provided thereby, as provided by law.

334 In case any installment of principal or interest is not paid
335 when due, and such default continue for a period of sixty
336 days from the date the same became due and payable, then
337 the owner and holder of this certificate shall have the right
338 to declare the total amount of said certificate due and pay-
339 able without further notice or demand, and may enforce the
340 debt and lien hereof as provided by law.

341 It is certified and recited that all the acts, conditions and
342 things required to be done precedent to and in the letting of
343 the contract for said improvement, the equalization and mak-
344 ing of said assessment, and the issuing of this certificate,
345 have been done and performed in regular and due manner
346 and form as required by the charter of the City of Hunting-
347 ton, West Virginia, and the constitution and laws of the State
348 of West Virginia.

349 IN TESTIMONY WHEREOF, The City of Huntington, a
350 municipal corporation, created and existing under the laws
351 of the State of West Virginia, has caused this certificate to
352 be signed by its mayor and clerk and the principal install-
353 ment and interest coupons respectively, hereunto attached,
354 to be signed by its mayor and clerk, this.....day
355 of....., 19.....

356

357 Mayor

358

359 Clerk

360 PRINCIPAL INSTALLMENT COUPON

361 No. \$

362 On the day of 19....., there will

363 be due and payable to the bearer hereof, from.....

364 the sum of..... Dollars,

365 being the..... installment on Certificate No.....

366 of the City of Huntington, West Virginia, for the curbing,

367 grading, and paving of..... from.....

368 to.....

369

370 Mayor

371

372 Clerk

373 INTEREST COUPON

374 No. \$

375 On the..... day of 19.....,

376 there will be due and payable to the Bearer hereof, from

377 the sum of.....

378 Dollars, representing interest at six per centum from

379 to..... on Certificate

380 No....., on Installment No.....

381 of the City of Huntington, West Virginia, for curbing, grad-

382 ing, and paving of..... to.....

383

384 Mayor

385

386 Clerk

Sec. 45. (a) Wherever the council of the city of Huntington shall deem it expedient, it is authorized and empowered to order and cause to be constructed in said city, or part within and part outside of the limits of the said city, a public sewer or sewers, which may be trunk or lateral, or both, for either sanitary or storm purposes, or both, for the benefit of the health and sanitation and convenience of the said city, or any part thereof, and its inhabitants, in accordance with plans and specifications adopted therefor, and under such manner and supervision as may be directed by ordinance or resolution.

11 The term sewer, as used herein, shall be treated in a compre-
12 hensive sense, so as to include all mains, laterals, connections,
13 traps, incinerating and disposal plants, and other necessary
14 and convenient accessories to a modern, sanitary and efficient
15 sewerage system. The entire cost, or any part thereof, to-
16 gether with the cost of purchase or condemnation of any land,
17 right-of-way, or easement necessary therefor, as provided for
18 in the ordinance or resolution authorizing the same, may be
19 assessed to and required to be paid by the owners of the land,
20 lots, or parts thereof, abutting thereon, or abutting upon any
21 avenue, boulevard, street, road, or alley in which such sewer
22 shall be constructed, or abutting on any land, right-of-way, or
23 easement therein especially procured for the purpose of the
24 construction of said sewer therein, including the cost of such
25 sewer at any cross-intersection at avenues, boulevards, streets,
26 roads or alleys adjacent thereto.

27 (b) The council, on behalf of the city itself, after any pub-
28 lic sewer or sewers is finally ordered to be constructed or
29 built, in the manner and form provided for in this act, may,
30 at its election, do such work and assess the costs thereof, and
31 collect the same, in the manner set out in this act, and the
32 decision of the council to do such work or to build such sewer
33 or sewers may be without further notice, other than the notice
34 to contractors, as provided for in (e) of this section, or after
35 the rejection of all bids for doing the same.

36 (c) If any such avenue, boulevard, street, road, or alley,
37 or any right-of-way, or easement therein, especially procured
38 for the purpose of constructing said sewer or sewers therein,
39 be occupied by any street car track, or other railway tracks,
40 and the said street car tracks, or other railway tracks, abut
41 upon said sewer or sewers, then the person, or company, own-
42 ing or operating such street car tracks or other railway lines
43 shall be assessed with the proportionate part of the costs of
44 the same, unless otherwise provided in the ordinance or reso-
45 lution authorizing the same.

46 (d) The council, if it so elect, may order and cause to be
47 constructed in said city, or part within and part outside of the
48 limits of the said city, a public sewer or sewers, which may be
49 trunk or lateral, or both, for either sanitary or storm purposes,
50 or both, for the benefit of the health, sanitation and conveni-
51 ence of said city, or any part thereof, and its inhabitants, in

52 accordance with plans and specifications adopted therefor, and
53 on file in the city engineer's office, and under such manner
54 and supervision as may be directed by ordinance or resolution.
55 The entire cost, or any part thereof, together with the cost of
56 purchase or condemnation of any land, right-of-way or ease-
57 ment necessary therefor, may be assessed against the abutting,
58 adjacent, contiguous or other lots of land especially benefited
59 thereby. Such work and improvement shall be done and the
60 assessments laid therefor in the same manner and form as set
61 out in (g) of section forty-three of this act, (relative to the
62 improvement or reimprovement of streets, etc., by paving,
63 etc.)

64 (e) Whenever any sewer or sewers have been ordered con-
65 structed, as contemplated hereunder, a notice for bids or pro-
66 posals for doing the same, shall be published for at least two
67 consecutive weeks in two newspapers of opposite politics pub-
68 lished and of general circulation in the city. The notice shall
69 state, briefly, the work contemplated, and shall refer to the
70 plans and specifications for the same and their adoption, which
71 are filed in the city engineer's office, and when, where and
72 how bids or proposals shall be made and the amount of the
73 surety bond or certified check which is necessary to accompany
74 each bid or proposal, and shall state that the city shall have
75 the right to award said contract upon said bids or proposals
76 to the lowest responsible bidder, and that the city shall also
77 have the right to reject any and all bids, and whether stated
78 in said notice or not, the city shall have the right to reject
79 any and all bids for the said construction of said sewer or
80 sewers. The city in awarding said contract shall consider the
81 fitness, responsibility, and capacity of the contractor to per-
82 form the work.

83 (f) The cost of the construction of said sewer or sewers may
84 be paid for in either one of two ways provided for in this act,
85 and said method of payment shall be specified in the order or
86 resolution authorizing the same.

87 (g) If any of the abutting land on any such avenue, boule-
88 vard, street, road or alley, in which such sewer shall be con-
89 structed, or abutting on any land, right-of-way, or easement
90 therein, especially procured for the purpose of the construction
91 of said sewer or sewers therein, under the methods herein pre-
92 scribed has not been laid off into lots or subdivisions by a map

93 of record, the council may for the purpose of making the
94 assessment provided for herein, and in other sections hereof,
95 lay said land and lots of land off into lots or parcels of such
96 width and depth as it may deem advisable for the purpose of
97 laying the proper assessments for said sewer or sewers, and
98 such assessment map shall be adopted by the council and
99 placed of record in the county clerk's office in the county or
100 counties wherein said sewer or sewers are constructed.

Sec. 46. (a) The council may contract, or the city, if the
2 council may so elect, may do the work of constructing said
3 sewer or sewers itself as is set out in section forty-three, and
4 shall have the power to acquire land by purchase, condemna-
5 tion, or otherwise for the same, as aforesaid, and the council
6 may stipulate that the costs thereof, either in whole or in part,
7 shall be paid by the abutting and bounding property owners,
8 as provided in (c), of section forty-three (relating to improve-
9 ment or reimprovement by paving, etc.) in installment pay-
10 ments, as hereinbefore set out, and whether the city do such
11 work, or let the same to contract, the council may stipulate
12 that the costs thereof, in whole or in part, shall be paid by
13 the abutting, adjacent, contiguous, or otherwise, especially
14 benefited property owners, as provided for in (g) of section
15 forty-three of this act, (relating to improvement or reimprove-
16 ment by paving, etc.) in installment payments, as hereinafter
17 set out.

18 (b) The said installment payments shall not exceed five in
19 number, unless otherwise provided for herein, and shall be in
20 equal or nearly equal amounts, and when possible, in multiples
21 of ten, the cents and odd amounts to be included in the first
22 installment, which installment payments shall be evidenced
23 by a certificate issued therefor against each separate lot or
24 tract of land, setting out the total amount of such assessments
25 against the same, and payable in not more than five install-
26 ments, except as hereinafter provided, as follows:

27 The first installment in thirty days after the date of the
28 certificate; the second installment on the first day of May of
29 the year following the year in which the certificate is issued,
30 and the remaining installments on the first day of May of the
31 succeeding years, respectively. The date of the certificates
32 shall be the day on which the city received and accepted said
33 work from the contractor or from the time the work was

34 completed, in case the city performed the work itself, and said
35 certificates shall bear interest at the rate not to exceed six
36 per centum per annum, payable on the due date of each prin-
37 cipal installment, which certificates are to be signed in person
38 by the mayor and the city clerk, or other person or persons
39 designated of record to sign the same. Said certificates shall
40 bear coupons designated "principal installment coupon" rep-
41 resenting the respective amounts of the installments to be
42 paid under the same, and which coupons shall be due and
43 payable on the dates provided for the payment of the install-
44 ments in this section, and said certificates shall also bear cou-
45 pons designated "interest installment coupon", representing
46 the interest to be paid on said assessments, and which said
47 interest coupons shall be due and payable at the same time
48 the principal installment coupons are due and payable, and
49 shall bear interest at six per centum after the due date thereof.
50 Upon the due date of any principal installment coupon, except-
51 ing the first, the accrued interest, on so much of said assess-
52 ment as remains unpaid, shall be due and payable, and shall
53 be represented by interest coupons as hereinabove set out. The
54 interest on the first principal installment coupon shall be paid
55 when the said principal installment coupon is paid, and likewise
56 upon the succeeding coupons attached thereto. Both the prin-
57 cipal and interest installment coupons shall be signed by the
58 mayor and the city clerk, or other person or persons designated
59 of record for that purpose, either in person or by stamp bear-
60 ing a facsimile of the written name of the person authorized
61 to sign the same, or lithographed in facsimile on said principal
62 and interest installment coupons.

63 (c) The certificates herein provided for may be sold either
64 to the contractor doing the work of constructing said sewer
65 or sewers, or the same may be held and collected by the city,
66 or the same may be sold to any other person and the amounts
67 thereof shall cover and include the entire cost of such work
68 provided for in the ordinance or resolution, including the cost
69 of the construction of said sewer or sewers, and the expense
70 of purchase or condemnation of any land, right-of-way, or
71 easement necessary therefor, and other things pertaining
72 thereto for the successful completion of the same.

73 (d) When the entire amount to be assessed against any lot,
74 piece, or parcel of ground, under the provisions of this section

75 does not exceed fifty dollars, then such amount shall be cov-
76 ered by only one set of said coupons, payable thirty days after
77 the date of issue of the certificates; if over fifty dollars, and
78 not more than one hundred dollars, then such amount shall be
79 covered by only two principal and interest installment cou-
80 pons, payable in thirty days after the date of the certificate
81 and on the first day of May of the succeeding year in which
82 the certificate was issued respectively; if over one hundred
83 dollars, and not more than one hundred and fifty dollars, then
84 such amount shall be covered by only three principal install-
85 ment and interest installment coupons, payable in thirty days
86 from the date of the certificate, and on the first day of May
87 of the year succeeding the year in which the certificate was
88 issued, and on the first day of May in one year thereafter,
89 respectively; if over one hundred and fifty dollars, and not
90 more than two hundred dollars, then such amount shall be
91 covered by only four principal and interest installment cou-
92 pons, payable in thirty days after the date of the certificate,
93 and on the first day of May of the year succeeding the year
94 in which the certificate was issued, and on the first day of May
95 in one and two years thereafter, respectively; if more than
96 two hundred dollars, then such amount shall be covered by five
97 principal and interest installment coupons, payable in thirty
98 days after the date of the certificate, and on the first day of
99 May of the year succeeding the year in which the certificate
100 was issued, and on the first day of May, in one, two and three
101 years thereafter, respectively.

102 (e) The certificates and coupons covering the amounts of
103 the assessments and interest shall be paid by the owner or
103-a owners of the land, lots or fractional parts thereof, so assessed,
104 for the cost of said sewer or sewers, on such avenue, boulevard,
105 street, road or alley, and the amount specified in said assess-
106 ment certificates, together with interest, shall be a lien in the
107 hands of the holder thereof, upon the lands, lots, or parts
108 thereof, so assessed, and shall also be a debt against the owner.
109 of such real estate, and said amount shall bear interest from
110 the date of said certificate, payable on the due dates of each
111 principal installment coupon, and said interest installment
112 coupons shall bear interest from the due dates thereof. In
113 case any installment of principal or interest is not paid when
114 due, and such default continue for a period of sixty days from

115 the date the same became due and payable, then the owner
116 and holder of said certificate shall have the right to declare
117 the total amount of said certificate and the coupons thereof,
118 together with interest due thereon, due and payable, without
119 further notice or demand, and may institute suit thereon to
120 collect the whole or any part of the same, either against the
121 owner of said real estate, for a personal judgment, or to sub-
122 ject the land assessed therewith to the payment of the whole
123 or any part of the said assessment, and the payment of said
124 assessment certificate may be enforced in any other manner
125 as provided by law for the collection of debts or the lien of
126 such assessment certificate may be enforced in the name of the
127 holder of such assessment certificate in the same manner pro-
128 vided by law for the enforcement of other liens against real
129 estate.

130 (f) When said sewer or sewers or a stipulated part thereof,
131 shall have been completed, and the cost of purchase or con-
132 demnation of any land, right-of-way or easement necessary
133 therefor, and other things pertaining thereto, has been ascer-
134 tained, the city engineer shall report in writing to the council
135 the total cost of said construction of said sewer or sewers, the
136 names of the property owners abutting and abounding thereon
137 (and if the work is done under (g) of section forty-three, the
138 names of the abutting, adjacent, contiguous or other especially
139 benefited property owners; and the names of the property
140 owners shall be considered for all intents and purposes here-
141 after as they appear as the record owners of record in the
142 county clerk's office in the county wherein such work of con-
143 structing such sewer or sewers is done), and the city engineer
144 shall include in said report a brief description of the lots and
145 lands, as to location, frontage and depth, liable for such as-
146 sessments, together with the amount to be assessed against each
147 lot, and the owner thereof, calculated in the manner provided
148 for under this act. It shall be the duty of the council to
149 examine and compare such assessments, amounts and names,
150 so certified to it, and thereupon give notice by publication
151 once a week for two successive weeks in two newspapers of
152 opposite politics published and of general circulation in said
153 city, that an assessment under this act is about to be laid
154 against the abutting or abounding property (and if the work
155 is done under (g) of section forty-three against the abutting,

156 adjacent, contiguous or other specially benefited property),
157 for the construction of said sewer or sewers in said avenue,
158 boulevard, street, road or alley, describing the location of
159 such sewer or sewers; any owner or owners thereof shall have
160 the right to appear before said council within two weeks from
161 the date of the first publication thereof and move to correct
162 any apportionment or assessment excessively or improperly
163 charged, which correction said council shall have the power to
164 make according to the intent of this act, and if found to be
165 correct, or when corrected by the council, as aforesaid, it shall
166 enter the same, together with a description of the lots or land,
167 as to location, frontage, depth, and ownership, so far as the
168 same may be ascertained, upon its records, and shall state in
169 its records that such owners and lots be assessed and charge-
170 able with the amounts so ascertained to be borne by them,
171 respectively. And all objections and protests to said con-
172 struction of sewer or sewers, and the assessments therefor, shall
172-a be deemed waived unless protested at the time, and in the
173 manner herein specified. It shall be the duty of the city clerk
174 to certify to the clerk of the county court of either Wayne or
175 Cabell county, wherein said sewer or sewers have been laid,
176 a certified copy of said assessment roll, and the clerk of said
177 county court of the respective counties shall record and index
178 the same in the proper trust deed books, in the name of each
179 person against whose property assessments appear therein, and
180 said assessments liens, when so recorded, shall be continuing
181 tax liens upon the lots or ground against which the assess-
182 ments are made until the certificates, as aforesaid, are paid,
183 except as hereinafter provided in this act, and the same shall
184 have priority over all other liens except county, state and
185 municipal taxes, and shall be of equal dignity and on a parity
186 with other assessments for public improvements made under
187 this act. Any property owner shall have the right to pay the
188 whole amount of any such assessment against his property as
189 soon as the same shall have been ascertained, but before the
190 day on which the city clerk files such assessment of record in
191 the county clerk's office, and such payment shall be made to
192 the city clerk who shall give proper receipt therefor, and such
193 assessment, so paid, shall not be included in the certified as-
194 sessment roll to be recorded in the office of the clerk of the
195 county court, as set out herein, and the amount so paid to the

196 clerk shall forthwith be paid to the contractor or other person
197 entitled thereto, which shall operate as a full discharge of
198 the amount of such indebtedness, and in full satisfaction of
199 the lien of said assessment on such property.

200 (g) The city, in case it negotiates and sells such certificates
201 to the contractor, or any other person, shall not be held as
202 a guarantor of or in any way liable for payment thereof,
203 except upon the direct action of the council as expressed by
204 resolution of record: *Provided, however,* That the city of
205 Huntington shall be liable to the contractor performing said
206 contract for the constructing of said sewer or sewers, in case
207 the assessment certificate appears to be erroneous either as to
208 the person and property assessed or as to the amount thereof,
209 unless it issue and deliver to the contractor or other person
210 entitled thereto, a properly corrected and valid assessment
211 certificate as hereinafter provided for.

212 (h) Whenever any assessment shall be void or voidable by
213 reason of errors, irregularities, or defects in the proceedings
214 under which such sewer or sewers shall have been constructed,
215 or in case such assessment shall have been made against the
216 wrong person or property, it shall be the duty of the council
217 within two years after any court shall have declared such
218 assessment invalid, or within two years after such error has
219 been discovered by the owner and holder of said certificates,
220 to cause notice to be given to any person against whom the
221 cost of such improvement might properly have been assessed
222 under this act, of its intention to lay such assessment against
223 him, and fix a time and place at which he may appear and
224 show cause, if any, why such assessment should not be made.
225 Said notice shall be published as provided in this act, (or in
226 any other manner provided by law for an order of publication,
227 if the person is a nonresident of the city, or cannot be found),
228 or by service of such notice upon such person giving him a
229 reasonable time in which to appear before said council; at
230 the time and place fixed for a hearing upon the notice afore-
231 said, the council shall proceed to lay and levy an assessment for
232 the cost of the construction of such sewer or sewers in such
233 manner as would have been lawful under proper procedure
234 at the time said sewer or sewers were constructed, unless the
235 person so notified shall show good cause why the same should
236 not be laid, and no further notice of such assessment shall

237 be necessary. The assessment so laid shall be a lien in the
238 hands of the owner and holder thereof upon the lands, lots,
239 or parts thereof, so assessed, and shall also be a debt against
240 the owner of such real estate, and shall be recorded in the
241 same manner as herein provided, and may be collected and
242 enforced in the same manner as herein provided.

243 (i) The assessment certificate and principal installment and
244 interest coupons herein provided for may be made in the fol-
245 lowing form, or to the same effect:

246 THE STATE OF WEST VIRGINIA
247 (State Coat of Arms)
248 CITY OF HUNTINGTON
249 SEWER ASSESSMENT CERTIFICATE

250 No..... \$.....

251 This certifies that....., as the owner of
252 a lot, piece or parcel of real estate, situate in the City of
253 Huntington, West Virginia, known and designated as Lot
254 No..... in Block No..... has been duly
255 assessed in the sum of.....Dollars,
256 with interest from this date at the rate of six per centum per
257 annum, payable on the due date of each principal installment
258 coupon, as hereinafter set out, which assessment has been made
259 to pay the cost of the public improvement hereinafter recited.

260 This certificate is one of a series issued pursuant to the
261 provisions of the charter of the City of Huntington, West
262 Virginia, and the laws of the State of West Virginia, to pay
263 the cost of improving by the construction of a.....
264 sewer in..... from
265 to
266 in the City of Huntington, West Virginia.

267 The charter of the city of Huntington, West Virginia, re-
268 quires assessments for such improvements to be made payable
269 in installments as follows:

270 (a) If not more than fifty dollars, in one installment due
271 in thirty days after date of certificate;

272 (b) If more than fifty dollars, and not more than one hun-
273 dred dollars in two installments due in thirty days, and on the
274 first day, of May of the year succeeding the year in which the
275 certificate was issued;

276 (c) If more than one hundred dollars, and not more than
277 one hundred and fifty dollars, in three installments, due in

278 thirty days, and on the first day of May of the year succeeding
279 the year in which the certificate was issued, and on the first
280 day of May one year thereafter;

281 (d) If more than one hundred and fifty dollars, and not
282 more than two hundred dollars, in four installments, due in
283 thirty days, and on the first day of May of the year succeeding
284 the year in which the certificate was issued, and on the first
285 day of May in one and two years thereafter, respectively;

286 (e) And if more than two hundred dollars, in five install-
287 ments due in thirty days, and on the first day of May of the
288 year succeeding the year in which the certificate was issued,
289 and on the first day of May in one, two and three years there-
290 after, respectively.

291 Said assessment to draw interest at the rate of six per
292 centum per annum, payable on the due date of each principal
293 installment.

294 This sewer assessment certificate is negotiable under the
295 laws of the State of West Virginia, and is payable by install-
296 ments and the installments of this certificate, therefore, are
297 evidenced by.....principal installment coupons
298 hereto attached which show the amount of such installments,
299 the due dates thereof, and are signed by the mayor and the
300 clerk of the City of Huntington, West Virginia.

301 The interest on this certificate and the installments thereof
302 are evidenced by interest coupons hereunto attached, which
303 show the amount of such interest, and the due date thereof,
304 which interest coupons shall bear interest from the due dates
305 thereof until paid, and which interest coupons are signed by the
306 mayor and the clerk of the City of Huntington, West Virginia.

307 Upon the due date of any principal installment coupon, ex-
308 cepting the first, the accrued interest on so much of said as-
309 sessment as remains unpaid, shall be due and payable in ac-
310 cordance with, and as evidenced by interest coupons hereto
311 attached. The interest on the first principal coupon shall be
312 paid when the said principal installment coupon is paid.

313 The said several principal installment and interest coupons,
314 respectively, are payable at the office of the treasurer of the
315 City of Huntington.

316 The amount of the assessment represented by this certificate
317 and the principal installment coupons attached, has been duly
318 levied, equalized, and confirmed, and, along with accrued in-

319 terest, is a lien upon the real estate herein mentioned, and is
 320 a lien prior to all other liens, except county, state, and mu-
 321 nicipal taxes, and is of equal dignity and on a parity with
 322 other assessment liens for public improvements, and is also a
 323 debt against the owner of said real estate and the holder or
 324 bearer of this certificate may enforce the debt evidenced there-
 325 by as provided by law.

326 In case any installment of principal or interest is not paid
 327 when due, and such default continue for a period of sixty days
 328 from the date the same became due and payable, then the
 329 owner and holder of this certificate shall have the right to
 330 declare the total amount of said certificate due and payable
 331 without further notice or demand and may enforce the debt
 332 and lien hereof as provided by law.

333 It is certified and recited that all the acts, conditions and
 334 things required to be done precedent to and in the letting of
 335 the contract for said improvement, the equalization and mak-
 336 ing of said assessment, and the issuing of this certificate, have
 337 been done and performed in regular and due manner and
 338 form as required by the charter of the city of Huntington,
 339 West Virginia, and the constitution and laws of the state of
 340 West Virginia.

341 IN TESTIMONY WHEREOF, The City of Huntington, a Muni-
 342 cipal Corporation, created and existing under the laws of the
 343 State of West Virginia, has caused this certificate to be signed
 344 by its Mayor and Clerk and the Principal Installment and
 345 interest coupons respectively, hereunto attached, to be signed
 346 by its Mayor and Clerk, this.....day of.....

34719.....

348

349 Mayor

350 Clerk

351 PRINCIPAL INSTALLMENT COUPON

352 No..... \$.....

353 On the.....day of.....19.....,

354 there will be due and payable to the bearer hereof, from
 355the sum of.....

356Dollars, being the installment on Certifi-

357 cate No.....of the City of Huntington, West Virginia,

358 for the construction of asewer in.....

359 from..... to

360
 361 Mayor
 362 Clerk
 363 INTEREST COUPON
 364 No..... \$.....
 365 On the.....day of....., 19.....,
 366 there will be due and payable to the bearer hereof from.....
 367the sum of.....
 368Dollars, representing interest at six per centum
 369 from..... to
 370 of Certificate No.....on.....
 371 Installment No.....of the City of Huntington, West
 372 Virginia, for the construction of sewer in.....
 373 from..... to
 374
 375 Mayor
 376
 377 Clerk

Sec. 47. (a) The city of Huntington, when the council
 2 deems it expedient, is hereby authorized to issue its bonds,
 3 for the purpose of providing for the costs of grading, re-
 4 grading, curbing, recurbing, paving, repaving, surfacing, re-
 5 surfacing, macadamizing, remacadamizing, or otherwise im-
 6 proving or reimproving, in a permanent manner, any avenue,
 7 boulevard, street, road, or alley, and for the purpose of
 8 causing to be constructed in said city, or part within and
 9 part outside of the limits of said city, a public sewer or
 10 sewers, which may be trunk or lateral, or both, for sanitary
 11 or storm purposes, or both, for the benefit of the health and
 12 sanitation and convenience of the said city, or any part
 13 thereof, and its inhabitants, (the storm sewer as used herein,
 14 shall be treated in a comprehensive sense, so as to include all
 15 mains, laterals, connections, traps, incinerating and disposal
 16 plants, and other necessary and convenient accessories, to a
 17 modern, sanitary and efficient sewer system), and for the
 18 purpose of purchasing and condemning land, rights-of-way,
 19 or easements, necessary for any of the above purposes, and
 20 for the purpose of acquiring parks, parkways and park prop-
 21 erty, all of which shall be done in anticipation of such assess-
 22 ments to be assessed and levied against the property abutting
 23 or bounding on said improvement, or against the abutting,
 24 adjacent, contiguous, or other lots of land, especially bene-

25 fitted thereby. Said bonds may be in such amount as shall be
26 sufficient to pay the entire costs and expenses of said im-
27 provements for which such special assessments are to be
28 levied; and said city is authorized to sell said bonds, but not
29 below the par value thereof. The amount for which said
30 bonds are to be issued, may be made of five bonds, payable
31 in two, four, six, eight and ten years, respectively, from the
32 date of their issue, and shall bear interest not to exceed six
33 per centum per annum, payable annually; or may be of four
34 bonds, payable in one, two, three and four years, respectively,
35 from the date of their issue, and shall bear interest not to
36 exceed six per centum per annum, payable annually, and the
37 date of said bonds, when issued, shall conform, as nearly as
38 can be, to the date of the assessments laid against the real
39 estate for the purpose of procuring revenue for the retire-
40 ment of said bonds: *Provided*, That the city shall have the
41 right to redeem and pay off at any interest paying period, all,
42 or any part of said undue bond provided for in this section.
43 In the issuance and sale of said bonds, the said city shall be
44 governed by the restrictions and limitations of the constitu-
45 tion of this state and of the laws of this state relating to the
46 issuance and sale of bonds, so far as such state laws are not in
47 conflict with the provisions of this act; and the assessments,
48 as provided for and required to be paid herein, shall be
49 applied to the liquidation of said bonds and the interest there-
50 on, and if, by reason of the penalties collected upon the de-
51 linquent assessments as they are paid, there be any balance,
52 after the payment of the bonds and all accrued interests and
53 costs thereon, it shall be the duty of the city treasurer to
54 pay said balance into the interest and sinking fund of said
55 city.

56 (b) Said city shall not, by any bond issue, become indebted
57 to an amount, including all other indebtedness, exceeding
58 two and one half per centum of the value of the taxable
59 property therein, as shown by the last assessment thereof,
60 for state and county purposes, next prior to the issuing of
61 said bonds, except for the purpose of grading, paving, sewer-
62 ing and otherwise permanently improving and reimproving
63 its avenues, boulevards, streets, roads, or alleys, and for the
64 purpose of constructing sewers and a sewerage system, as
65 defined herein, and for acquiring and taking land, rights-of-

66 way, or easements, therein, for street sewerage and park pur-
67 poses, as provided for in this act, may become indebted and
68 issue bonds in an additional sum not exceeding two and one-
69 half per centum of the value of the taxable property therein,
70 ascertained as aforesaid, and which is provided by section
71 three, article one, chapter thirteen of the code of West Vir-
72 ginia, one thousand nine hundred thirty-one. For the purpose
73 in estimating existing indebtedness, special assessment bonds
74 heretofore issued or hereinafter issued, representing the cost
75 of paving or other improvements of avenues, boulevards,
76 streets, roads, or alleys, or the constructing of sewers and for
77 the purpose of acquiring parks, parkways and park property,
78 or acquiring or taking land for such purposes, and the
79 cost of which is assessed against the abutting prop-
80 erty, the abutting or bounding property, or abutting,
81 adjacent, contiguous or other lots of land especially
82 benefited thereby, shall not be included; and likewise the
83 amount in any sinking fund, or the amount invested
84 therefor, as provided by law, for the payment of outstanding
85 bonds, shall not be included in the estimate of existing in-
86 debtedness: *Provided*, That the aggregate of the city's debt
87 of every kind whatsoever, including such special street and
88 permanent improvement bonds or sewer bonds, shall not
89 exceed five per centum of the value of the taxable property
90 therein.

91 (c) Whenever any such work of improvement or reim-
92 provement of any avenue, boulevard, street, road or alley, or
93 the construction of any sewer or sewers, as contemplated and
94 defined under this act, is ordered done by the council, the
95 same shall be done and the assessments levied and collected,
96 for the retirement of the bonds issued hereunder, under the
97 same conditions and according to the same provisions of
98 section forty-three (for street improvements, etc.) or under
99 section forty-five (for the construction of sewers, etc.) re-
100 spectively, insofar as the several provisions thereof are not
101 in conflict herewith, and in addition to the method of en-
102 forcing and collecting said assessments for the retirement
103 of said bonds as set out herein, the same may be collected and
104 enforced in the manner hereinafter set out.

105 (d) It shall be the duty of the council, after the com-
106 pletion and acceptance of said work, to immediately certify

107 such assessments to the city treasurer for collection, and he
108 shall be charged with the number and amounts thereof, and
109 he shall proceed to collect the same, and as such certificates
110 and coupons are paid, he shall deliver the canceled certificates
111 and coupons to the party paying the same, and when the
112 entire amount of said assessment lien has been paid, together
113 with any interest, or other penalties due thereon, the said
114 treasurer shall deliver to the party paying the same, a proper
115 release of said lien, which may be recorded in the office of the
116 clerk of the county court in the county wherein said work
117 was performed, as other releases of liens are recorded.

118 (e) The amount so assessed against said lots or parcels of
119 land and the owners thereof, respectively, if assessed for the
120 liquidation of the five bonds payable in two, four, six, eight
121 and ten years, respectively, after date, that is to say, one-
122 tenth of said amount, together with interest on the whole
123 assessment for one year, shall be paid into the treasury of the
124 city before the first day of the following January, and a like
125 one-tenth part, together with interest for one year on the
126 whole amount remaining unpaid, shall be paid before the first
127 day of January of each succeeding year thereafter, until all
128 shall have been paid, and the amount so assessed against said
129 lots and owners thereof, respectively, if for the liquidation of
130 the four bonds payable in one, two, three, and four years,
131 respectively, after date, shall be paid in five payments as
132 follows: That is to say, one-fifth of said amount, with
133 interest, shall be paid in thirty days from date thereof; and
134 one-fifth of said amount, together with interest on the whole
135 of the unpaid assessment, shall be paid into the treasury of
136 the city before one year from the date thereof; and a like
137 one-fifth part, together with interest on the whole amount
138 remaining unpaid, before two years from the date thereof,
139 and a like amount in each succeeding year thereafter, until
140 all shall have been paid. All of said installments shall bear
141 interest at six per cent per annum, payable annually on the
142 due dates thereof, from the date thereof: *Provided, however,*
143 *That the owner of said lot or part of land so assessed for the*
144 *cost of any of the permanent improvements herein mentioned,*
145 *shall have the right at any time to anticipate and pay the*
146 *whole of such undue assessment and interest thereon, until*
147 *the day on which the next undue assessment shall become*

148 due, and have the lien against the property so assessed re-
149 leased as herein provided.

150 (f) If any assessment shall not be paid when due, then a
151 penalty of four per centum per annum shall be added and
152 collected on the amount of such assessment after it is due,
153 until its payment, and such four per centum penalty shall be
154 in addition to the six per centum interest which the assess-
155 ment carries, and shall be a lien the same as the assessment,
156 and the council shall cause to be enforced the payment of
157 said assessment and interest and penalty in all respects as
158 herein provided for the collection of taxes due the city; and
159 said assessments shall be a lien upon the property liable
160 therefor the same as taxes, and shall be a personal obligation
161 of the owner of said lot or part of land, which lien may be
162 enforced in the same manner as provided for the sale of prop-
163 erty for the payment of delinquent taxes and tax liens; and
164 the liens herein provided for shall have priority over all other
165 liens, except those for county, state and municipal taxes, and
166 shall be on a parity and of equal dignity with assessments
167 for public improvements as called for and set out in this act.

168 (g) The contractor (if the work is let to contract) under
169 this plan for the payment of the cost of such improvement or
170 reimprovement of avenues, boulevards, streets, roads and
171 alleys and the construction of sewer or sewerage system, etc.,
172 shall look only to the city for the payment for such work,
173 and in no sense to the abutting land owners.

Sec. 48. (a) Whenever the council of the city of Hunt-
2 ington, shall deem it expedient, it may order and cause any
3 avenue, boulevard, street, road, park or parkways to be im-
4 proved or reimproved by an artificial lighting system, of
5 monolites, standard arm lights, or other proper lighting
6 system, for the purpose of improving, embellishing, ornament-
7 ing and lighting the same in accordance with plans and speci-
8 fications adopted therefor, and on file in the city engineer's
9 office, and under such manner and supervision as may be
10 directed by ordinance or resolution, upon the lowest re-
11 sponsible bid to be obtained by advertising for bids or pro-
12 posals therefor, except the city may do such work without
13 letting it to contract, as provided for in this act under section
14 forty-four relative to street improvement or reimprovement
15 for paving, etc. The entire cost, or any part thereof, of such

16 improvement or reimprovement by said lighting system, as
17 provided for in the ordinance or resolution authorizing
18 the same, may be assessed and required to be paid by the
19 owner or owners of the lands, lots or fractional parts thereof,
20 fronting or bounding on said improvement or reimprovement
21 of said lighting system: *Provided, however,* That the upkeep
22 and maintenance of the same, and the cost of supplying elec-
23 trical current for the operation thereof, shall be paid for by
24 the city of Huntington.

25 (b) Whenever any such work of improvement or reim-
26 provement by a lighting system, is contemplated hereunder, is
27 ordered done by the council, the same shall be done and the
28 assessments levied and collected therefor under the same con-
29 ditions and in accordance to the same provisions as set out in
30 section forty-three and section forty-four (for street improve-
31 ments, etc.) insofar as the several provisions thereof are not
32 in conflict herewith.

Sec. 49. (a) The release of any assessment lien for the im-
2 provement or reimprovement of any avenue, boulevard,
3 street, road, or alley, or for the construction of any sewer or
4 sewerage system, or for monolite, or other lighting system,
5 or other permanent improvement or reimprovement, autho-
6 rized by this act, shall be made in addition to the provisions
7 for a release of the same as herein set out, in the following
8 manner: On the presentation by the land or lot owner of any
9 assessment certificate issued as aforesaid against him, or his
10 predecessor in title to said lot, the clerk of the county court
11 shall mark upon the margin of the trust deed book at which
12 said assessment is recorded, that the lien is released to the
13 land or lot mentioned in such assessment certificate to the
14 extent of the amount and number of the coupons of said
15 assessment certificate thus exhibited; and the county clerk
16 shall thereupon write across the face of each of said coupons
17 of said assessment certificate the date of their production to
18 him for the release of said assessment lien, and shall sign his
19 name thereto in his official capacity, for which shall be paid
20 to the county clerk a fee of twenty-five cents; but if more
21 than one of the said coupons of the same certificate number
22 against the land or lot or lots shall be produced at the same
23 time, the fee of the county clerk shall not exceed twenty-five
24 cents for the release of the lien as to all of the coupons and

25 certificates thus produced and relating to the same real
26 estate.

27 (b) It is further provided that the owner of any lot or
28 land against which any assessment certificate is an unre-
29 leased lien of record, shall make and produce to the county
30 clerk, or some person for such owner shall make and produce,
31 an affidavit setting out herein that such coupons and certi-
32 ficate has been paid in full, and after diligent search, cannot
33 be found, said county clerk shall, upon the payment of a fee
34 of twenty-five cents, file and preserve said affidavit as a
35 public document and shall forthwith noting release of said
36 lien to the extent of said coupons and certificate exhibited
37 to the county clerk, mark upon the margin of the trust deed
38 book as aforesaid, opposite the lots or land against which
39 same are a lien, the noting of the filing of said affidavit, and
40 the same shall operate as a release of such lien to the extent
41 of said marginal notation. If the affidavit so filed be false,
42 the person making oath and subscribing thereto, shall be
43 guilty of a felony, and, upon conviction thereof shall be fined
44 not to exceed five hundred dollars, or sentenced to be con-
45 fined in the penitentiary for a term of not more than one
46 year, or both, in the discretion of the court passing sentence.

47 (c) Any assessment lien created under this act and for
48 which an assessment certificate has been issued in pursuance
49 of the provisions of this act, shall not be a lien against the
50 lot or land or fractional part thereof against which said
51 assessment has been levied, for a longer period than one year
52 after the last installment of said assessment certificate shall
53 have become due and payable, and the personal liability of the
54 property owner assessed with said assessment, shall not
55 extend for a longer period than five years after the date of
56 the last installment thereof shall have become due and pay-
57 able: *Provided, however,* That said lien against said property
58 shall be barred within the aforesaid time, unless some suit or
59 action at the termination of said one year period shall be
60 pending for the enforcement of such lien, or unless the
61 amount of the aforesaid lien or some part thereof, is in some
62 way involved in a suit or action pending at the end of the
63 said one year period.

64 (d) Any assessment lien created under this act and
65 according to the provisions hereof, and the assessment roll
66 for said work of improvement, for either the construction of

67 paving, sewers or sewerage system, monolite or lighting
68 systems, shall be recorded in the county wherein said work
69 has been done; that is to say, either in Cabell or Wayne
70 county, respectively, as provided for in this act.

71 (e) All assessment certificates which may be issued under
72 the provisions of this act, shall be made payable at the office
73 of the treasurer of the city of Huntington, who shall receive
74 payments thereon when due, if tendered to him, and interest
75 thereon from the date of such payments when made to the
76 said city treasurer, shall cease. The treasurer shall keep a
77 separate and special record and bank account of all said sums
78 of money received by him and he shall hold the said money in
79 trust for the person who thereafter delivers to him for
80 cancellation, any and all certificates, or the coupons thereof,
81 on which said treasurer has received full payment as afore-
82 said, and the owner and holder of said assessment certificate
83 or coupons, shall not be entitled to interest on said sum after
84 the date of payment thereof to the treasurer. The said
85 treasurer shall keep a record by number, amount and date,
86 of all assessment certificates delivered to any contractor who
87 is entitled thereto under the provisions of this act. When the
88 whole amount of any such assessment lien shall have been
89 paid to the treasurer as aforesaid, or upon satisfactory proof
90 to the city treasurer that all of said assessment certificate
91 and the coupons thereto, have been paid in full, against any
92 lot or fractional part thereof, said city treasurer shall, when
93 demanded by the bona fide owner thereof, or the person
94 obligated therefor, execute a release of said lien in the
95 manner herein provided for.

Sec. 50. (a) The council of the city of Huntington is
2 hereby authorized to refund by reissuing paving assessment
3 certificates issued under authority of this act, subject only
4 to the limitations prescribed in this act.

5 (b) Whenever it shall appear to the council that any pav-
6 ing assessment certificate issued pursuant to the provisions
7 of this act, or the amendments thereof, to pay the cost of
8 paving and otherwise improving or reimproving any avenue,
9 boulevard, street, road or alley in said city, has matured,
10 or remains unpaid, and which are not barred by the statute
11 of limitations, provided for in this act, or if it shall appear
12 to the said council that any principal or interest coupon or

13 coupons have matured on any such paving assessment cer-
14 tificate so issued, and the same remained unpaid, and are
15 not barred by the statute of limitations provided for in this
16 act, the said council is empowered to and may enter into a
17 written agreement, on behalf of the city of Huntington, with
18 the owner or owners of such paving assessment certificates,
19 and the principal and interest coupons thereof, of the entire
20 series on any project for which the same had been issued,
21 for said improvement or reimprovement, and provide in such
22 agreement for the cancellation of the original certificates and
23 the coupons thereto attached of such group or series, to-
24 gether with the principal and interest coupons thereof, issued
25 for said improvement or reimprovement, and cause a refund-
26 ing thereof by a reissuance thereof, subject to the provisions
27 of this act. The presentation of said paving assessment cer-
28 tificates, together with the unpaid principal and interest
29 coupons issued thereon, under the authority of this act, shall
30 be prima facie evidence of the ownership thereof, and when
31 so presented by such person, firm, or corporation, to the
32 council, the said city and the owner and holder of said cer-
33 tificates and the coupons thereof attached, shall have the right
34 to enter into a written contract to provide for the refunding
35 of said paving assessment certificates by the reissue of re-
36 funding certificates therefor; and said contract shall provide
37 that the refunding paving assessment certificates shall be pay-
38 able solely from reassessments levied against the property
39 for the payment of said original assessment certificates, in
40 the district and along said avenue, boulevard, street, road
41 or alley theretofore improved in said city, for which said
42 paving assessment certificates and the principal and interest
43 coupons were issued; and the said contract shall further pro-
44 vide that in no instance shall any reassessment be made or
45 levied against any property in said district abutting upon
46 said former improvement or reimprovement, which has here-
47 tofore been paid in full, according to the terms of the original
48 assessment levied therefor. Said contract shall further pro-
49 vide that all unmatured installments of paving assessment
50 certificates issued to pay for such improvement or reimprove-
51 ment heretofore issued, shall, until superseded by funding
52 or refunding paving assessment certificates, as herein pro-
53 vided, but no longer, remain as liens against the property so

54 assessed, unless barred as provided for in this act. Such con-
55 tract shall expressly provide that the city of Huntington
56 shall in no event be liable for any loss or damage sustained
57 by the owner or holder of such paving assessment certificates
58 heretofore issued by reason of the refunding or reissuance
59 thereof, as authorized in this act, and the city of Hunting-
60 ton shall not be held as guarantor, or in any way liable for
61 said refunding or reissuance of paving assessment certificates,
62 except upon direct action of the council as expressed by
63 resolution of record, and as provided for in (g) of section
64 forty-four of this act. Such contract may contain such other
65 and suitable provisions as the parties thereto may agree
66 with reference to the cancellation of such outstanding paving
67 assessment certificates and the protection of the rights of the
68 owners of the property liable to pay the assessments which
69 have been matured.

70 (c) The contract providing for the refunding of said pav-
71 ing assessment certificates shall be authorized only when the
72 owner or owners of all the unpaid assessment certificates and
73 the coupons thereof of a particular series of the same date
74 and group and issued for the same improvement or reim-
75 provement, whether all or a part of the same be due or not,
76 or whether all or any coupon thereof shall be in default of
77 payment, join in such an agreement or contract.

78 (d) When the contract heretofore provided for by (b)
79 of this section shall be entered into between the contracting
80 parties, an ordinance or resolution shall be enacted or passed,
81 ratifying the same.

82 (e) Upon the adoption of said ordinance or the passage
83 of said resolution, the owner or owners of such unpaid assess-
84 ment certificates as provided for herein, shall deposit the same,
85 together with the unpaid coupons thereof, with the city
86 treasurer to be retained until such time as the refunding
87 paving assessment certificates are to be exchanged for such
88 paving assessment certificates heretofore issued, or such pav-
89 ing assessment certificates with said coupons may be deposited
90 in any duly incorporated bank or trust company in the city
91 of Huntington, as may be designated by the contract between
92 the city and such certificate owner or owners, to be retained
93 by such depository until exchanged for such refunding paving
94 assessment certificates.

95 Whenever the council has entered into a contract for re-
96 funding of paving assessment certificates and such series of
97 the same date and group heretofore issued for the cost of
98 any such improvement has fully matured, and the same, or
99 any part thereof, remain unpaid, and has passed the ordinance
100 or adopted the resolution provided for in (d) of this section,
101 it shall be the duty of the council to cause the city treasurer
102 to submit a complete statement, duly verified, from the owners
103 or holders of said paving assessment certificates, showing the
104 number of each certificate, the principal and interest coupons
105 which are unpaid, and the total indebtedness due, according
106 to the terms and tenor of said matured and unpaid coupons,
107 which statement shall likewise show the several assessments
108 remaining due and unpaid, and the year in which the same
109 are due, together with the interest thereon; and the city
110 treasurer shall likewise submit, at the same time, a state-
111 ment setting forth the amount of the reassessments, which
112 shall include the total amount of the unpaid assessments, with
113 interest to date of the passage of the ordinance, or adoption
114 of the resolution prescribed in (d) of this section, and there
115 may be included in such reassessments the additional costs
116 of the proceedings pro rated among the lots or tracts of land
117 so to be assessed, unless otherwise provided, and which state-
118 ment shall further contain the names of the owners of said
119 property and a description of said property liable for the
120 payment of such refunding assessment certificates, which state-
121 ment shall be examined by the council and if found to be
122 correct, shall be approved. Upon the approval thereof, it
123 shall be the duty of the council to enact an ordinance or
124 adopt a resolution declaring the amounts of the indebtedness
125 due from each of said property owners and the property
126 assessed therefor, by reason of such matured and unpaid
127 certificates and the coupons thereto attached, and the amounts
128 so found due, together with the aforesaid costs, shall be de-
129 clared to be the basis of a reassessment, against the property
130 liable to be assessed, to pay the costs and the assessments of
131 such refunding certificates. The said ordinance, or resolu-
132 tion, shall further recite the date of the passage of the
133 ordinance, or resolution, authorizing such work or improve-
134 ment or reimprovement, the date of the assessments and the
135 trust deed book and page number where the assessments are

136 recorded in either of the county court clerk's office of Cabell
137 county or the county court clerk's office of Wayne county,
138 depending in which county the real estate is located, and
139 shall further declare the determination of the council to
140 cause such paving assessment certificates to be refunded and
141 to levy reassessments and issue refunding paving assessment
142 certificates in the several amounts necessary to pay such re-
143 funding certificates against the several owners of the lots,
144 pieces or parcels of land liable for the costs of the improve-
145 ment for which said paving assessment certificates are so
146 refunded. Said resolution or ordinance shall likewise recite
147 that a full and complete statement, duly approved, showing
148 the amounts of the various outstanding paving assessment
149 certificates and interest thereon, together with the delinquent
150 assessments for principal and interest installment coupons,
151 together with the owners and the property liable for the pay-
152 ment of said refunding certificates and the amounts to be
153 reassessed is on file in the office of the city clerk. Such
154 resolution or ordinance shall be published at least once a week
155 for two successive weeks in two newspapers of general circu-
156 lation and of opposite politics published in the city. Any
157 person, firm, or corporation interested or liable shall have the
158 right to file written protests with the city clerk or the council
159 against the amount chargeable in such statement within two
160 weeks from the date of the first publication of said ordinance
161 or resolution, and failure to file such written protests or
162 objections shall be deemed and considered a waiver of any
163 right which such person, firm or corporation may have or
164 claim. When any such protest may have been filed the
165 council shall, at its next regular meeting, or at a special
166 meeting called for that purpose, hear such protest and shall
167 adjudicate and determine the said objection and shall make
168 such order as may seem proper, and said council may revise
169 and correct the amount of such unpaid or unmatured assess-
170 ments, and raise or lower the same as to any lot or lots or
171 tracts of land, as it shall deem just, but shall assess no greater
172 amount against any lot or lots, or tracts of land, than the
173 amount then delinquent or remaining unpaid, save and
174 except the necessary costs of this proceeding may be added
175 thereto as set out in (f) and said council shall then confirm
176 the same as so revised or corrected by them: *Provided, how-*

177 *ever*, That no objection to the legality of the proceedings
178 with reference to the making of the improvement or the
179 validity of the amount of any assessment originally made
180 shall be considered by the council, and all other objections
181 to any reassessment shall be deemed waived, unless presented
182 at the time and in the manner specified.

183 (g) In all such cases where the council shall undertake
184 to refund paving assessment certificates of the same date
185 and group which have not matured and which contain un-
186 matured installment assessment coupons, the owner of the
187 property liable to pay the costs of such unmatured assess-
188 ments shall have the right to pay the same, up to the time
189 the council passed the ordinance or resolution providing for
190 the refunding of said paving assessment certificates as pro-
191 vided for in (d) of this act; and shall likewise have the right
192 to continue to pay the several installments of the assess-
193 ments as the same mature without regard to the refunding
194 of the said outstanding series of the same date and group;
195 however, said owner of said real estate against which install-
196 ment assessments remain unpaid may elect, by notice to the
197 council, to exercise such right or rights to any time prior to
198 the passage of the ordinance or resolution hereinafter pro-
199 vided for levying the assessments and to pay such refund-
200 ing paving assessment certificates as provided for herein.
201 Upon failure to exercise such election and privilege, the
202 council shall make reassessments against the property in said
203 improvement district with like force and effect as if the said
204 installments and assessments had matured.

205 (h) The council shall, by ordinance or resolution, levy
206 assessments in accordance with said apportionment as corrected
207 and confirmed by the council, and said ordinance or resolu-
208 tion shall provide that the proper owners shall have the
209 privilege of paying the amounts of their respective assess-
210 ments with interest at six per cent within thirty days from
211 the date of the publication of said ordinance or resolution.
212 but before the day on which the said assessments are entered
213 of record, and such payments shall be made to the city clerk,
214 who shall give proper receipts therefor, and such assessments
215 so paid shall not be entered in the report to be recorded and
216 said clerk shall pay said amount to the owner of said certifi-
217 cate. Said ordinance or resolution, setting out the names of

218 the property owners and a description of the property so
219 reassessed with the amount of the reassessments thereof, shall
220 be published once a week for two successive weeks in two
221 newspapers of opposite politics published in said city. The
222 amounts in said refunding assessment certificates, together
223 with interest, shall be a lien of the holder thereof upon the
224 lands, lots or parts thereof, so assessed, and shall also be a
225 debt against the owner of such real estate, and said amount
226 shall bear interest from the date of said reassessment certifi-
227 cate payable on the due dates of each principal installment
228 coupon, and said interest installment coupon shall bear in-
229 terest from the due dates thereof, and said lien shall be a
230 continuing tax lien prior to all other liens, save county, state
231 and municipal taxes, and shall be on a parity and coequal
232 with special assessment liens issued under this act. In case
233 any installment of principal or interest is not paid when due,
234 and such default continue for a period of sixty days from
235 the date the same became due and payable, then the owner
236 and holder of said certificate shall have the right to declare
237 the total amount of said certificate and the coupons thereon,
238 together with interest due thereon, due and payable, with-
239 out further notice or demand, and may institute suit thereon
240 to collect the whole or any part of the same, either against
241 the owner of said real estate for a personal judgment, or to
242 subject the land assessed therewith to the payment of the
243 whole or any part of said assessment; and the payment of
244 said assessment certificate may be enforced in any other
245 manner as provided by law for the collection of debts, or the
246 lien of such assessment certificate may be enforced in the
247 name of the holder of such assessment certificate in the same
248 manner provided by law for the enforcement of other liens
249 against real estate: *Provided, however,* That the same shall
250 not remain as a lien upon said lot or lots, or tracts of land
251 for a longer period than one year after the last principal
252 coupon on said assessment certificate shall have become due
253 and payable, unless some suit or action at the termination of
254 said one year period, shall be pending for the enforcement of
255 such lien, or unless the amount of said lien, or some part
256 thereof, is involved in a suit or action pending at the ending
257 of said one year period. The same shall not remain as a
258 personal obligation of the property holder assessed there-

259 with after five years after the last principal coupon of said
260 assessment certificate shall have become due and payable.

261 (i) Thirty days after the first publication of said assess-
262 ment ordinance or resolution, the city clerk shall certify said
263 assessments and record a copy of said roll assessment in the
264 county clerk's office of either Cabell or Wayne county where-
265 in the original improvement or reimprovement was made and
266 the same shall be recorded in the proper trust deed book and
267 indexed in the names of the owners of the property so assessed.
268 When said reassessments have been so made and the copy of
269 said certificate of assessments thereof filed, as above directed,
270 the county clerk shall mark as "cancelled", the records of
271 said county in which the original assessments are recorded,
272 insofar only as reassessments are made therefor and that
273 have not formerly been released. The lien or liens of said
274 reassessment may be released in the same manner and form
275 as provided for original assessments in this act.

276 (j) The said assessments shall be evidenced by certificates
277 issued therefor and dated as of the date of the first publica-
278 tion of the ordinance or resolution confirming said reassess-
279 ment against each lot or tract of land, setting out the total
280 amount of such assessment against the same, payable in ten
281 equal annual installments and bearing interest at the rate not
282 to exceed six per centum per annum payable on the due date
283 of each principal installment. The first installment of both
284 principal and interest shall become due and payable on the
285 first day of May after the date of said certificate and the
286 said installments of both principal and interest shall become
287 due and payable on the first day of May of each succeeding
288 May until the entire amount of said certificate, together with
289 interest shall have been paid. If any installment of said
290 assessment shall not be paid when due, then a penalty of four
291 per centum per annum shall be added on the amount of each
292 installment after it is due until its payment, and such four
293 per centum penalty shall be in addition to the six per centum
294 interest which the assessment carries and shall be a lien the
295 same as the assessment. Said certificates shall be designated
296 as "refunding paving assessment certificate", and shall be
297 signed in person by the mayor and clerk of said city, or other
298 person designated of record by the council. Said certificate
299 shall bear coupons designated "principal installment coupon",

300 representing the respective amounts of the installments to be
 301 paid on the principal under the same, and which shall be due
 302 and payable on the dates provided for the payments of the
 303 installments in this section, and said certificate shall also bear
 304 coupons designated "interest coupon", representing the
 305 amounts of interest to be paid upon the assessment and which
 306 coupons shall be due and payable at the same time the prin-
 307 cipal installment coupons are due and payable. Both prin-
 308 cipal and interest installment coupons shall be signed by the
 309 mayor or clerk or other person so designated of record by the
 310 council, or bear a facsimile of the signature of said mayor
 311 or clerk. The said certificates issued hereunder shall recite
 312 that they are issued under the laws of the state of West Vir-
 313 ginia, and that they are refunded in pursuance of this act,
 314 and shall further recite the date of the certificate thereto-
 315 fore issued. The refunding paving assessment certificates and
 316 the principal and interest installment coupons herein provided
 317 for may be made in the following form or of the same effect:
 318 No..... \$.....

319 STATE OF WEST VIRGINIA
 320 (State Coat of Arms)
 321 CITY OF HUNTINGTON REFUNDING
 322 PAVING ASSESSMENT CERTIFICATE

323 This certifies that.....
 324 is the owner of a lot, piece or parcel of real estate, situate in
 325 the City of Huntington, West Virginia, known and designated
 326 as Lot No. in Block No. and has been duly
 327 assessed in the sum of.....Dollars,
 328 (\$.....), with interest from the date hereof at the
 329 rate of six per cent per annum, which amount of principal and
 330 interest is due and payable on the due date of each principal
 331 and interest installment coupon, as hereto attached, which
 332 assessment has been made to pay the costs of public improve-
 333 ment heretofore made under the authority of the Council of
 334 the City of Huntington, West Virginia, and by virtue of the
 335 charter of the said city, and the laws of the State of West
 336 Virginia.

337 This refunding certificate is negotiable under the laws of
 338 the State of West Virginia, and is one of a series issued pur-
 339 suant to the provision of section of the charter of the
 340 City of Huntington, West Virginia, to refund and pay paving

341 certificates heretofore issued by said city by virtue of its
342 charter and the laws of the State of West Virginia, and dated
343 the day of, 19..... The amount of this
344 certificate is payable in ten equal installments and bears in-
345 terest at six per cent per annum payable on the due date of
346 each principal installment. The first installment of both prin-
347 cipal and interest shall become due and payable on the first
348 day of May after the date of this certificate and the remain-
349 ing installments of both principal and interest shall become
350 due and payable on the first of each succeeding May until the
351 entire amount of this certificate is paid in said ten install-
352 ments. If any installment shall not be paid when due, then a
353 penalty of four per cent per annum shall be added to the
354 amount of any assessment after it has become due until its
355 payment and said penalty of four per cent shall be added in
356 addition to the six per cent which this certificate carries. The
357 amount of this certificate, together with interest and any
358 penalty that may be due hereon, shall be a lien of the holder
359 thereof upon the lands, lots or parts thereof, so assessed, and
360 shall also be a debt against the owner of such real estate,
361 and said amount shall bear interest from the date of said
362 reassessment certificate payable on the due dates of each prin-
363 cipal installment coupon, and said interest installment coupon
364 shall bear interest from the due dates thereof, and said lien
365 shall be a continuing tax lien prior to all other liens, save
366 county, state and municipal taxes, and shall be on a parity
367 and coequal with special assessment liens issued under this
368 act. In case any installment or principal or interest is not paid
369 when due, and such default continue for a period of sixty days
370 from the date the same became due and payable, then the
371 owner and holder of said certificate shall have the right to
372 declare the total amount of said certificate and the coupons
373 thereon, together with interest due thereon, due and payable,
374 without further notice or demand, and may institute suit
375 thereon to collect the whole or any part of the same, either
376 against the owner of said real estate for a personal judgment,
377 or to subject the land assessed therewith to the payment of
378 the whole or any part of said assessment; and the payment
379 of said assessment certificate may be enforced in any other
380 manner as provided for by law for the collection of debts,
381 or the lien of such assessment certificate may be enforced in

382 the name of the holder of such assessment certificate in the
383 same manner provided by law for the enforcement of other
384 liens against real estate.

385 Installments of this certificate, therefore, are evidenced by
386 ten principal installment coupons and ten interest installment
387 coupons hereto attached, which shows the amounts of such
388 installments, the due date thereof, and bear a facsimile signa-
389 ture of the mayor and the clerk of the City of Huntington,
390 West Virginia.

391 The said several principal and interest coupons respectively
392 are payable at the offices of the treasurer of the City of Hunt-
393 ington, West Virginia.

394 The amount of the assessment represented by this certificate
395 and principal and interest installment coupons attached, has
396 been duly levied, equalized and confirmed, and all acts, con-
397 ditions, and things required to be done precedent to the issu-
398 ance of this refunding certificate, the equalization and re-
399 assessment hereof, have been done, and performed, in regular
400 and due manner and form as required by the charter of the
401 City of Huntington and the constitution and laws of the State
402 of West Virginia.

403 This refunding paving assessment certificate in no event be-
404 comes a liability of the City of Huntington, West Virginia.

405 IN TESTIMONY WHEREOF, The City of Huntington, a
406 municipal corporation, created and existing under the laws
407 of the State of West Virginia, has caused this certificate to
408 be signed by its mayor and clerk, and the principal install-
409 ment and interest installment coupons respectively hereto
410 attached, to be signed by a facsimile signature of its mayor
411 and clerk, this the day of, 19.....

412

413 Mayor.

414

415 Clerk.

416 PRINCIPAL INSTALLMENT COUPON

417 No..... \$.....

418 On the first day of May, 19....., there will be due and pay-
419 able to the bearer hereof, from.....

420 the sum of.....Dollars,

421 being the installment on Certificate No. of the
422 City of Huntington, for refunding paving assessment certifi-

423 cate issued on the day of, 19.....

424

425 Mayor.

426

427 Clerk.

428 INTEREST INSTALLMENT COUPON

429 No..... \$.....

430 On the first day of May, 19....., there will be due and pay-
431 able to the bearer hereof, from.....

432 the sum of..... Dollars,

433 representing interest at six per cent per annum from the
434 day of to the day of

435, on Certificate No. on in-
436 stallment No. of the City of Huntington, West

437 Virginia, for refunding paving assessment certificate dated the
438 day of, 19.....

439

440 Mayor.

441

442 Clerk.

443 (k) Such refunding paving assessment certificate in such
444 amount as represents the unpaid assessments as provided for
445 in this act, shall be delivered to the owner or owners of such
446 original paving certificates, pursuant to the terms of the
447 contract provided for in this act: *Provided, however,* That
448 upon delivery of such refunding paving assessment certificates,
449 all original paving assessment certificates and heretofore de-
450 posited as in this act is provided, shall be cancelled and a
451 record of such cancellation so made by the city clerk.

452 (l) No suit shall be sustained to set aside any reassessment
453 or to enjoin the council of said city from levying any such
454 reassessments or issuing refunding paving assessment certifi-
455 cates or contesting the validity thereof on any grounds, or
456 for any reason other than for the failure of the council to
457 adopt and publish the ordinances or resolutions as provided
458 for herein, which are required herein to be published: *Pro-*
459 *vided, however,* That in the event any reassessment shall be
460 found to be invalid or insufficient in whole or in part, for any
461 reason whatsoever, the council may at any time in such manner
462 provided for herein, proceed to cause a new assessment to be

463 made and levied which shall be of like force and effect as an
464 assessment provided for herein.

465 (m) This act shall not be construed to validate any void
466 assessment heretofore made or any paving assessment certified
467 heretofore issued, nor shall any proceeding hereunder operate
468 to make bearing upon any property owner any previous in-
469 validation, but every defense available against the original
470 assessment shall be preserved to and be available against any
471 issue of refunding paving assessment certificates issued here-
472 under.

Sec. 51. (a) If any section or portion of this act relating to
2 any improvement or reimprovement of any avenue, boulevard,
3 street, road or alley, by paving, etc., or relating to construction
4 of sewers or sewerage system, or relating to improvement or
5 reimprovement by lighting with monolites, or other lighting
6 system, or relating to assessment of the costs of the same, and
7 the issuance of certificates or bonds therefor, as provided herein,
8 and the collection thereof, or relating to the issuance of re-
9 funding of paving assessments, shall be held to be unconstitu-
10 tional or void, by any court of competent jurisdiction, such
11 holding shall not affect the remaining portions of this act, relat-
12 ing to the same subject and purposes, as set out in this act.

13 (b) All prior acts or portions of acts inconsistent with this
14 act, relative to any improvement or reimprovement of any
15 avenue, boulevard, street, road or alley by paving, etc., or re-
16 lating to the construction of sewers or sewerage system, or re-
17 lating to the improvement or reimprovement by lighting with
18 monolites, or other lighting system, or relating to the assess-
19 ment of the cost of the same and the issuance of assessment
20 certificate or bonds therefor or relating to the collection thereof,
21 or relating to the issuance of refunding paving assessment cer-
22 tificates, as provided for in this act, shall be, and the same are
23 hereby repealed: *Provided, however,* That by the passage of this
24 act, nothing herein shall affect the validity of any contract
25 heretofore entered into, or the cause of any such work hereto-
26 fore performed, or the assessment of the collection of any as-
27 sessment certificates heretofore issued or the rights of the owner
28 and holders thereof, heretofore given, prior to the passage here-
29 of, and the provisions of this act shall be effective only from
30 the date of the passage hereof.

Sec. 52. The city shall create a board to be styled "the civil service board," consisting of four members and the mayor, a member ex officio. The mayor shall preside at all meetings of the board, but shall have the right to vote only in case of a tie on any question arising before the board. The mayor shall appoint two members of the board from each of the dominant political parties of the city, and they shall be appointed and confirmed. In this manner, the mayor shall transmit to the council the names of the persons whom he appoints to the civil service board; and the council may, at its next regular meeting, or special meeting called for that purpose, or at any adjournment thereof for not more than five days, reject any or all of said appointments so made by the mayor by majority vote of the members of council present at such meeting. If any one of such appointees is rejected by the council, the action thereabout shall be transmitted to the mayor, who shall, without delay, transmit to the council the name of another person or persons, as the case may be, for such office, and action thereon by the council shall be in the same manner as in the first instance, and, if rejected, then the mayor shall transmit another name, or other names, for members of said board until the council shall not have, in the manner herein provided, rejected the person or persons so appointed by the mayor for said board. All such appointments by the mayor shall stand approved and as final, unless rejected by the council at the time and in the manner herein prescribed.

A member of the civil service board may be removed from office in the manner and for the causes provided for the removal of the mayor by section ten of this act. The term of office of the members of said board shall be the same as that for which the mayor was elected: *Provided*, That the members of the present civil service board shall hold their positions on said board until their successors shall have been named, in the manner herein provided, by the mayor elected at the general election in one thousand nine hundred thirty-four.

The duties of the civil service board shall be to examine and certify all applications for positions in the police department or fire department, except the chiefs thereof; to hear and determine all appeals made by members of either of those departments, who are under civil service; to hear evidence, summons witnesses and render judgments in all cases in which charges

42. have been preferred against any officer of either of those de-
43 partments; to make promotions of members of either of the
44 departments when it is deemed advisable for increased effi-
45 ciency; to make rules and regulations governing the actions
46 of the board and to keep the same in the records of its pro-
47 ceedings.

48 The civil service board shall hold meetings for the purpose
49 of examining and certifying the eligibles to the appointment
50 of the police department and fire department, and to that
51 end shall give at least ten days public notice of the time, place
52 and purpose of such meetings. The board may be called into
53 special session by the mayor or by a majority of its members
54 for the purpose of disposing of any matters coming within its
55 purview. The board shall hold at least two meetings during
56 any calendar year, and as many more meetings as may be
57 necessary to meet the requirements for the efficient manage-
58 ment of its affairs.

59 The city clerk shall be ex officio clerk of said board.

60 Appointments to the police department and fire department
61 shall be made, by the civil service board, from the applicants
62 for said respective positions, which applicants, under civil
63 service examinations, receive an average grade of sixty or
64 more, giving preference to the applicant receiving the highest
65 grade and whose grade certificate is the oldest, and likewise
66 making such appointments so as not to give either of the
67 dominant political parties in the city, as nearly as may be,
68 more than one-half of the total number of men under civil
69 service in either department. The mayor shall appoint special
70 officers, if any, for either or both of said departments, from
71 the approved civil service lists for said departments, respec-
72 tively, keeping political division as hereinbefore set out;
73 provided no person shall serve, as a special officer, for more
74 than thirty days in any one calendar year. When the list
75 of names of applicants who are eligible as prescribed in this
76 section shall have been exhausted, or when either dominant
77 political party shall be entitled to appointment and there
78 shall be no member of such party eligible on the list, then
79 such appointment may be made from the list of persons who
80 may apply therefor, disregarding those applicants who stood
81 the civil service examination and received thereon a grade
82 below sixty.

83 Hereafter all appointments to the police department or
84 the fire department shall be made for the term of five years,
85 subject to suspension and dismissal as provided herein; and
86 at the expiration of said five-year term, the officer may be
87 re-enlisted for another term of five years, upon the recom-
88 mendation of the mayor and approval by the civil service
89 board, by a majority vote; and so on and in like manner
90 every five years.

91 All persons now under civil service in either of said de-
92 partments shall have advantage of civil service and shall
93 continue in office unless removed for cause and in the
94 manner provided in this section.

95 Policemen and firemen now in office, and those hereafter
96 appointed, shall obey all the rules and regulations promul-
97 gated by the mayor for the organization and operation of the
98 respective departments which, when posted at the head-
99 quarters of the respective departments, shall be notice there-
100 of. Any violation of said rules by any member of the de-
101 partments shall be sufficient cause for his suspension or dis-
102 missal in the manner provided in this section.

103 The mayor, or chief of either the police department or fire
104 department by and with the mayor's consent, may, as a
105 matter of discipline, suspend, without pay, for a period of
106 not exceeding thirty days, any officer or member of either
107 of those departments, for just cause, by giving such officer
108 or member written notice of such suspension, defining the
109 cause or causes therefor. Such suspended officer or member
110 shall have the right, within ten days, but not later, to appeal
111 to the civil service board, if he deems such suspension un-
112 just. If such accused officer or member, upon a hearing
113 before the civil service board, is found not guilty, then he
114 shall immediately report for duty, and he shall be paid for
115 the time lost by his suspension. The mayor may, upon evi-
116 dence of reasonable cause therefor, dismiss any member of the
117 police department or fire department, by giving written
118 notice to such person, clearly defining the charges preferred
119 against him, and fixing a time, not later than ten days from
120 that time, on which such member may appear for trial before
121 the civil service board; and should the board, upon trial, find
122 him guilty of the charges preferred, the dismissal by the mayor
123 shall stand affirmed, without pay from the time of his dis-

124 missal by the mayor. But if such person shall be acquitted
125 of the charges preferred by the mayor, he shall be reinstated
126 to his position and shall be paid for the time lost by him
127 because of his dismissal by the mayor. The action of the
128 civil service board thereabout, in either of the event of suspen-
129 sion or dismissal by the mayor or the board as aforesaid,
130 shall be final, and no appeal therefrom shall lie.

131 The civil service board may make reasonable rules govern-
132 ing the conduct of all persons while on duty and off duty,
133 who are under civil service, in addition to the rules promul-
134 gated by the mayor; and the violation of such rules may be
135 cause for suspension or dismissal as provided in this section;
136 but causes for suspension or dismissal, as herein provided, is
137 not limited to the violation of said rules promulgated by
138 the board.

139 In making examinations and determining the fitness and
140 qualifications for positions the civil service board shall take
141 into consideration the size, health, physical appearance, habits
142 and moral surroundings of the applicant; and after such
143 examinations the board shall at once place on record in the
144 minutes of the civil service board the result of such examina-
145 tion, giving the names of the applicants, positions sought by
146 them, and their respective percentages based on one hundred,
147 and stating the political party, if any, to which the applicant
148 holds allegiance.

Sec. 53. In letting contracts for paving, sewerage and other
2 public work for the city, the council may make it a part of
3 the contract that the contractor procuring such work shall be
4 required to employ laborers on the work who reside in the
5 city of Huntington: *Provided*, That efficient labor is procur-
6 able in the city at the customary scale of wages in said city
7 for like work.

Sec. 54. The council may adopt, by ordinance, a code of
2 laws and ordinances, which when adopted shall be printed
3 in book form, or it may be adopted as a whole after it is
4 printed, and said code shall be the law and ordinances of said
5 city, and shall be received as such in all the courts of this
6 state, and the laws, ordinances, franchises, and rules, when
7 printed therein shall be prima facie proof of their correctness.

Sec. 55. Whenever any notice is required to be given, or
2 any summons, warrant or other process is required to be

3 served or otherwise executed, under the provisions of this act,
 4 it shall be sufficient if such notice, summons, warrant, or other
 5 process be executed by an officer of the police department of
 6 said city in the same way or manner in which the laws of the
 7 state prescribe for executing summonses and subpoenas by the
 8 state officers, unless otherwise provided by this act.

Sec. 56. Whenever the word "street" (whether or not
 2 followed with the words, "avenues, roads, alley or public
 3 ground") is used in this act, it shall be inclusive of and
 4 construed to mean any public street, avenue, alley or ground
 5 in the city, unless the language thereabout is such that the
 6 intent is clearly otherwise. Whenever the word "treasurer"
 7 is used in this act, it shall have the same meaning as "the
 8 sheriff of Cabell county, ex officio treasurer of the city of
 9 Huntington", or part thereof.

Sec. 57. All acts and parts of acts coming within the
 2 purview of this act, and inconsistent herewith, and not in-
 3 cluded in the provisions of this act, are hereby repealed;
 4 except this act does not intend to repeal or in any way amend
 5 chapter twenty-six, acts of the legislature, one thousand nine
 6 hundred twenty-five (municipal charters), creating a park
 7 board for the city of Huntington, or any amendment thereof.

* CHAPTER 162

(House Bill No. 119—By Mr. Norton)

AN ACT to amend section eleven, chapter twenty-six (municipal charters), acts of the Legislature of West Virginia, one thousand nine hundred twenty-five, relating to the charter of the board of park commissioners of the city of Huntington.

[Passed December 14, 1933; in effect from passage. Became a law without the approval of the Governor.]

SEC.
 11. Annual levy by board of park commissioners; amount, by classifications and time of laying of levies; certification to, and extension of levies by, city treasurer; deposit and expendi-

SEC.
 ture of levies; payment by board of proportional part of cost to county assessor for copies of land and personal books.

Be it enacted by the Legislature of West Virginia:

That section eleven, chapter twenty-six (municipal charters), acts of the Legislature of West Virginia, one thousand nine hundred

*Amended by chapter one hundred sixty-three, acts of this session.

twenty-five, relating to the charter of the board of park commissioners of the city of Huntington, be amended to read as follows:

Section 11. For the purpose mentioned in the foregoing section, the board of park commissioners is hereby given the power to and is required annually to levy on each one hundred dollars of the assessed valuation of the property taxable in said district, according to the last assessment thereof for state and county purposes as follows: On class one property, one and one-half cents, on class two property, three cents, on class four property, six cents; except that the board of park commissioners may levy a lesser amount, in which case the above levies shall be reduced proportionally. These levies shall be made at the time and in the manner provided by article eight, chapter eleven of the code, as amended by the acts of one thousand nine hundred thirty-three, regular session, and as further amended by the acts of one thousand nine hundred thirty-three, second extraordinary session, by house bill number sixty-three, passed December ninth, one thousand nine hundred thirty-three, insofar as the same are applicable, except that the levies shall be included in the maximum rates for the city of Huntington, established by section eleven, article eight, chapter eleven of the code as amended by the acts of one thousand nine hundred thirty-three, regular session, and as further amended by the acts of one thousand nine hundred thirty-three, second extraordinary session, by house bill number sixty-three, passed December ninth, one thousand nine hundred thirty-three. After the board of park commissioners has made the levy, it shall certify to the treasurer of the city of Huntington the amount of the said levy, and the said city treasurer shall thereupon extend the levy upon the tax tickets, and all levies made by the said board of park commissioners shall be collected and held by the city treasurer, who is hereby made treasurer of the board of park commissioners, and who is required to deposit all park funds received or collected by him in a special deposit to his credit as treasurer of the board of park commissioners, and to pay out such money upon vouchers drawn upon the order of the board of park commissioners on the city treasurer, which orders are to be signed by the city president of the board of park commissioners, and countersigned by its secretary: *Provided*, That inasmuch as the city of Huntington annually pays to the

39 county assessor, certain fees for making out for its use copies
 40 of the land and personal property books, the board of park
 41 commissioners shall hereafter contribute to the payment of
 42 this amount such a proportional part thereof as the amount of
 43 the levy made by the said board of park commissioners bears to
 44 the amount of the levy made by the city of Huntington.

CHAPTER 163

(House Bill No. 275—By Mr. Norton)

AN ACT to amend and reenact chapter one hundred twenty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to the charter of the board of park commissioners of the city of Huntington, so as to comply with the provisions of house bill number two hundred thirty-four, passed at the second extraordinary session, one thousand nine hundred thirty-three.

[Passed January 26, 1934; in effect from passage. Approved by the Governor.]

Sec.

11. Annual levy by board of park commissioners; amount, by classifications, and time of laying levies; certification to,

Sec.

and extension of levies by city treasurer; deposit and expenditures of levies.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred twenty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 11. For the purpose mentioned in the foregoing 2 section, the board of park commissioners is hereby given the 3 power to and is required to annually levy on each one hundred 4 dollars of the assessed valuation of the property taxable in 5 said district, according to the last assessment thereof for state 6 and county purposes, as follows: On class I property, one 7 and one-half cents; on class II property, three cents; on class 8 IV property, six cents; except that the board of park commis- 9 sioners may levy a lesser amount, in which case the above 10 levies shall be reduced proportionately. These levies shall be 11 made at the time and in the manner provided by article eight, 12 chapter eleven of the code of West Virginia, one thousand

13 nine hundred thirty-one, as amended by house bill number
 14 two hundred thirty-four, passed by the Legislature, Janu-
 15 ary nineteen, one thousand nine hundred thirty-four, insofar
 16 as the same are applicable, except that the levies shall be in-
 17 cluded in the maximum rates for the city of Huntington, es-
 18 tablished by section eleven, article eight, chapter eleven of
 19 said code, as amended, by said house bill number two hundred
 20 thirty-four.

21 After the board of park commissioners has made the levy, it
 22 shall certify to the treasurer of the city of Huntington the
 23 amount of the said levy, and the said city treasurer shall there-
 24 upon extend the levy upon the tax tickets and all levies made
 25 by the said board of park commissioners shall be collected and
 26 held by the city treasurer who is hereby made treasurer of the
 27 board of park commissioners and who is required to deposit
 28 all park funds received or collected by him in a special deposit
 29 to his credit as treasurer of the board of park commissioners,
 30 and to pay out such money upon vouchers drawn upon the
 31 order of the board of park commissioners on the city treasurer,
 32 which orders are to be signed by the city president of the board
 33 of park commissioners, and countersigned by its secretary.

CHAPTER 164

(House Bill No. 337—By Mr. Lantz)

AN ACT to authorize and empower the town of Hundred, a municip-
 al corporation in Wetzel county, West Virginia, to levy and
 impose a franchise and privilege tax upon all persons engag-
 ing in businesses, professions, trades, occupations and/or call-
 ings, except utility corporations, exercised within the corporate
 limits of said town, and prescribe the amount of such tax and
 the method of collecting same.

[Passed February 28, 1934; in effect from passage. Became a law without the approval of the Governor.]

<p>Sec. 1. Town of Hundred authorized to impose a franchise and privilege tax, except upon utility corpo-</p>	|	<p>Sec. 2. Act an emergency act; length of time effective.</p>
---	--	--

Be it enacted by the Legislature of West Virginia:

Section 1. That the town of Hundred, a municipal corpora-
 2 tion in the county of Wetzel, West Virginia, is hereby authorized

3 and empowered to levy and impose a franchise and privilege
 4 tax upon all persons, firms or corporations engaging in any
 5 business, profession, trade, occupation and/or calling except
 6 utility corporations, exercised within the limits of said town,
 7 and prescribe the amount of such tax, which tax shall not ex-
 8 ceed two per cent of the gross income of such business, profes-
 9 sion, trade, occupation and/or calling and to prescribe the
 10 method and manner of collecting the same. The amount of said
 11 tax to be collected shall not exceed in the aggregate the sum of
 12 five thousand dollars, and the proceeds thereof shall be used
 13 for the purchase of, and payment for, a fire truck, ladder, hose,
 14 chemicals and other fire-fighting apparatus, and/or the pay-
 15 ment therefor, or any balance due thereon, if same has been
 16 purchased.

Sec. 2. This is an emergency act and shall be and remain in
 2 effect for twelve months from the date it becomes effective and
 3 as much longer thereafter as may be sufficient to collect the said
 4 sum of five thousand dollars, and no longer.

CHAPTER 165

(House Bill No. 371—By Mr. Newman, by request)

AN ACT to authorize the city of Moundsville, Marshall county,
 West Virginia, a municipal corporation, to borrow money
 from any agency of the federal government authorized to
 make loans, or from any other source, for the purpose of
 constructing, equipping, maintaining and operating a com-
 munity and municipal building or buildings upon a self-
 liquidating basis, and to execute a lien, or liens, to secure
 said loan, or loans, upon any real estate owned by said city
 and upon the building or buildings erected with the proceeds
 of said loan, or loans, and upon any building owned by said
 city.

[Passed March 24, 1934; in effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. City of Moundsville authorized to
 borrow money from federal gov-
 ernmental agency to construct,
 etc., a community and/or mu-
 nicipal building; lien for loan.

Sec.

2. Council to provide for payment of
 loan, but no tax or assessment
 to be laid; no liability on city
 or taxpayers for loan.

Be it enacted by the Legislature of West Virginia:

Section 1. That the city of Moundsville, Marshall county,

2 West Virginia, a municipal corporation, by its council, shall
 3 have the power and authority to erect a community and mu-
 4 nicipal building or buildings for such purposes as shall be
 5 designated by council. That council of said city shall have
 6 power and authority to borrow a sum or sums of money from
 7 any federal governmental agency authorized to make loans,
 8 or from any other source, to be used to pay the costs of con-
 9 structing and equipping said building or buildings, and shall
 10 have the power to execute a lien, or liens upon real estate and
 11 building or buildings to secure the payment of such loan, or
 12 loans, and may do any and all things required by said federal
 13 governmental agency, or other source, necessary and proper
 14 to obtain such loan or loans, to secure the payment thereof
 15 and to construct and equip said building or buildings.

Sec. 2. The council of said city shall make provisions for
 2 the payment of such loan, or loans, from the income from said
 3 building or buildings, but in no event shall it incur any in-
 4 debtedness or issue any evidence of obligation imposing any
 5 liability upon the said city or its taxpayers with respect there-
 6 to or impose any tax or assessment to provide for the payment
 7 of such loan, or loans.

CHAPTER 166

(House Bill No. 73—By Mr. Newman)

AN ACT to authorize the city of Moundsville, Marshall county,
 West Virginia, to transfer all funds now in the street paving
 fund to the general fund.

[Passed December 8, 1933; In effect from passage. Became a law without the approval of the Governor.]

<p>Sec. 1. City of Moundsville authorized to transfer funds, by order of council entered of record, from</p>	|	<p>Sec. street paving fund to general city fund.</p>
---	--	---

Be it enacted by the Legislature of West Virginia:

Section 1. That the city of Moundsville, Marshall county,
 2 West Virginia, is hereby authorized to transfer such funds as it
 3 deems necessary, from the street paving fund of said city to the
 4 general fund of said city; said transfer to be made by order of
 5 the city council of said city, duly entered of record.

CHAPTER 167

(Senate Bill No. 128—By Mr. Abbot)

AN ACT to authorize the city of Mount Hope, Fayette county, West Virginia, a municipal corporation, to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned stadium in or near said city upon a self-liquidating basis; to issue such bonds, or other evidences of indebtedness as may be required by such federal governmental agency, payable solely from the revenue from said stadium; and to promulgate such ordinances as may be necessary for the construction, operation and maintenance of such stadium, and as may be necessary to provide for the amortization and liquidation of such indebtedness from the income of such stadium.

[Passed March 8, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. City of Mount Hope authorized to borrow money from federal governmental agency for construction, etc., upon a self-liquidating basis, of a municipally owned stadium; revenue bonds or other evidences of indebtedness for

Sec.

- loan; cost payable solely from revenues of project.
2. Board of directors of city authorized to do all things necessary to carry out provisions of act and repay loan from income of stadium.

Be it enacted by the Legislature of West Virginia:

Section 1. The city of Mount Hope, Fayette county, West Virginia, a municipal corporation, is hereby authorized to borrow funds from the public works administration, or other federal governmental agency authorized to make loans, for the purpose of constructing, equipping, maintaining and operating a municipally owned stadium in or near said city upon a self-liquidating basis. Said city is authorized to issue revenue bonds or other evidences of revenue indebtedness as may be required by said public works administration or other federal governmental agency, and to do any and all things required by said public works administration, or other federal governmental agency from which such loan is obtained, or necessary and proper to obtain said loan, to secure the same, and to construct, equip, maintain and operate said stadium: *Provided, however,* That no general obligation of the city of Mount Hope shall be incurred and that the bonds or other evidences of indebtedness

17 given, upon their face, expressly provide that the same are
18 payable solely from the revenue from the improvement for the
19 construction of which the obligations were incurred.

Sec. 2. The board of directors of said city of Mount Hope is
2 hereby empowered to undertake and do all things necessary to
3 carry out the preceding section of this act, to promulgate such
4 ordinances, rules and regulations as may be necessary, and by
5 appropriate action of said board provide for the re-payment of
6 said loan and/or amortization of said bonds, out of the income
7 realized solely from the operation of such stadium.

CHAPTER 168

(Senate Bill No. 72—By Mr. Fleming)

AN ACT to amend and reenact an act of the Legislature of West Virginia passed on the thirtieth day of January, one thousand nine hundred twenty-nine, relating to the charter of the city of Parkersburg, and being chapter one, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, relating to municipal charters, as amended by an act of the Legislature of West Virginia passed on the twenty-third day of November, one thousand nine hundred twenty-nine, relating to the charter of the city of Parkersburg, being chapter one, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, extraordinary session, as amended by an act of the Legislature of West Virginia passed on the first day of February, one thousand nine hundred thirty-three, by adding thereto section fifty-two-(a), authorizing the city of Parkersburg to construct repairs, betterments, improvements, extensions and additions to the Camden-Clark Memorial hospital, a hospital owned and operated by the said city of Parkersburg, in said city, and to furnish and equip the same, and to borrow funds by means of bonds payable from the revenues of said hospital as now existing, and as so repaired, extended and improved, together with the betterments and additions thereto, and the furnishings and equipment thereof, or otherwise, and the real estate upon which said hospital is situate, and the appurtenances thereof, and/or to accept grants from any governmental agency for the construction of the said hos-

pital and the said furnishing and equipment thereof, and repealing all other acts or parts of acts inconsistent or in conflict herewith.

[Passed January 17, 1934; in effect from passage. Became a law without the approval of the Governor.]

SEC.

52-(a). City council authorized to construct additions, etc., to its municipally owned Camden-Clark Memorial hospital; estimate of, ordinance and revenue bonds for, cost; form, negotiability and lien of bonds; hospital fees to be sufficient to pay for maintenance and bond charges; negotiability of, and signatures on, bonds; payment and lien of bonds; enforcement of lien; receivership; special fund estab-

SEC.

lished to be remitted to state sinking fund commission; additional bonds; transfer of surplus accumulated in certain funds to other funds of hospital; council authorized to borrow from federal governmental agency and to do all things required or necessary to carry out provisions of act; act as additional authority; provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That an act of the Legislature of West Virginia passed on the thirtieth day of January, one thousand nine hundred twenty-nine, relating to the charter of the city of Parkersburg, being chapter one, acts of the Legislature of West Virginia one thousand nine hundred twenty-nine, relating to municipal charters, as amended by an act of the Legislature of West Virginia passed on the twenty-third day of November, one thousand nine hundred twenty-nine relating to the charter of the city of Parkersburg, being chapter one, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, extraordinary session, and as amended by an act of the Legislature of West Virginia passed on the first day of February, one thousand nine hundred thirty-three, be amended by the addition of a new section thereto designated and numbered fifty-two-(a), to read as follows:

Section 52-(a). The council shall have the authority to
 2 erect and construct repairs, betterments, improvements, ex-
 3 tensions and/or additions to the Camden-Clark Memorial
 4 hospital, the municipal hospital owned and operated by the
 5 city, and to furnish and equip the same, and to maintain
 6 and operate the said hospital.

7 Whenever the council shall determine to erect and con-
 8 struct repairs, betterments, improvements, extensions and/or
 9 additions to the said hospital, and to furnish and equip the
 10 same, it shall cause an estimate to be made of the cost there-
 11 of, and shall, by ordinance, provide for the issuance of
 12 revenue bonds under the provisions of this section, which

13 ordinance shall set forth a brief description of the contem-
14 plated repairs, betterments, improvements, extensions and/or
15 additions, and/or furnishings and equipment, the estimated
16 cost thereof, the amount, rate of interest, time and place of
17 payment and details in connection with the issuance of the
18 bonds. Such bonds shall be in such form and shall be nego-
19 tiated in such manner and upon such terms as the council
20 may by ordinance specify. All such bonds shall be exempt
21 from taxation by the state of West Virginia, or any county,
22 district or municipality therein. Such bonds shall bear in-
23 terest at not more than six per cent per annum, payable
24 semi-annually, and shall be payable at such times and place
25 not exceeding thirty years from their date as shall be pre-
26 scribed in the ordinance providing for their issuance. Such
27 ordinance shall also declare that a statutory mortgage lien
28 shall exist upon the said Camden-Clark Memorial hospital,
29 and its furnishings and equipment, together with the real
30 estate upon which it is situate as now existing, together with
31 all repairs, betterments, extensions and/or additions so con-
32 structed thereto, and all furnishings and equipment thereof,
33 and all real estate and appurtenances thereunto belonging,
34 or in any wise appurtenant, and shall pledge the revenues
35 derived from the operation of the said hospital, together
36 with its said repairs, betterments, improvements, extensions
37 and/or additions thereto, and the furnishings, equipment and
38 appurtenances thereof, including said real estate, which
39 pledge shall definitely fix and determine the amount of reve-
40 nues which shall be necessary to be set apart and applied
41 to the payment of the principal of, and interest on the bonds,
42 and the proportion of the balance of such revenues which
43 are to be set aside as a proper and adequate depreciation
44 account, and the remainder shall be set aside for the reason-
45 able and proper operation of the said hospital, such ordi-
46 nance shall also provide that the rates to be charged for
47 service in said hospital shall be sufficient to provide for
48 the payment of interest upon all bonds and to create a
49 sinking fund to pay the principal thereof, as and when the
50 same become due, and to provide for the operation and
51 maintenance of the said hospital, and to provide an adequate
52 depreciation fund.

53 Bonds herein provided for shall be issued in such amounts

54 as may be necessary to provide sufficient funds to pay all
55 costs of the construction of said repairs, betterments, im-
56 provements and extensions and/or additions to the said
57 hospital, and for the furnishings and equipping thereof,
58 including engineering, legal and other expenses connected
59 therewith, together with interest to date six months subse-
60 quent to the estimated date of completion. Bonds issued
61 hereunder are hereby declared to be negotiable instruments,
62 and shall be signed in the corporate name of the city of
63 Parkersburg by its mayor and countersigned by its clerk,
64 and sealed with the corporate seal of the city, and each of
65 the coupons attached to said bonds shall bear the facsimile
66 signature of its mayor, and in case any officer whose signa-
67 ture appears on the bonds or coupons shall cease to be such
68 officer before delivery of such bonds, such signature shall
69 nevertheless be valid and sufficient for all purposes the same
70 as if said officer had remained in office until such delivery.
71 Said bonds shall not be negotiated at a price lower than a
72 price which computed to maturity upon standard tables of
73 bond values will bring a net rate of six per cent per annum
74 to the purchaser upon the amount paid therefor.

75 Bonds issued under the provisions of this section shall be
76 payable solely from the revenues derived from said hospital,
77 together with the said repairs, betterments, improvements,
78 extensions and/or additions thereto, and furnishings, equip-
79 ment and appurtenances thereof, and all real estate upon
80 which said hospital is situate, together with its appurte-
81 nances, and such bonds shall not in any event constitute an
82 indebtedness of the city of Parkersburg within the meaning
83 of any constitutional, statutory or charter provisions or limi-
84 tations, and it shall be plainly stated on the face of each
85 bond that the same has been issued under the provisions of
86 this section, and that it does not constitute an indebtedness
87 of the city of Parkersburg within any constitutional, statu-
88 tory or charter limitation.

89 There shall be, and there is hereby created a statutory
90 mortgage lien upon the said hospital, and any and all repairs,
91 betterments, improvements, extensions and/or additions
92 thereto, and furnishings and equipment thereof, and upon
93 the real estate upon which said hospital is situate, together
94 with its appurtenances, which shall exist in favor of the

95 holder of said bonds, and each of them, and to and in favor
96 of the holder of the coupons attached to said bonds, and said
97 hospital and any and all repairs, betterments, improvements,
98 extensions and/or furnishings and equipment thereof, and
99 the said real estate upon which the same is situate, together
100 with its appurtenances, shall remain subject to such statutory
101 mortgage lien until payment in full of the principal and
102 interest of said bonds. Any holder of any of the bonds issued
103 under the provisions of this section, or of any coupons
104 representing interest accrued thereon, may, either at law
105 or in equity, by proper suit, enforce the statutory lien hereby
106 conferred, and/or may compel the performance of the duties
107 of the council, or of any of the officials of the city, under
108 the provisions of this section, as such duties are imposed by
109 this section, or by the ordinance pursuant to which such
110 bonds were issued. If there be default in the payment of the
111 principal of and/or interest upon any of such bonds, any
112 court having jurisdiction in any proper action may appoint
113 a receiver to administer said hospital, together with said
114 repairs, betterments, improvements, extensions and/or addi-
115 tions, and furnishings and equipment thereof, and the real
116 estate upon which the same is situate, together with its
117 appurtenances, on behalf of the city, with power to charge
118 and collect rates for services sufficient to provide for the
119 retirement of the bonds and to pay the interest thereon, and
120 for the payment of the bonds and the payment of the interest
121 thereon, and for the payment of the operating expenses,
122 and such receiver shall apply the income and revenues there-
123 from in conformity with this section and the ordinance pur-
124 suant to which said bonds have been issued.

125 The council shall, so long as any such bonds remain out-
126 standing, operate and maintain the said hospital, together
127 with all repairs, betterments, improvements, extensions
128 and/or additions thereto, and all furnishings and equipment
129 thereof, and the real estate and appurtenances thereunto
130 belonging, as hereinafter provided, and shall charge, collect
131 and account for revenues therefrom as will be sufficient to
132 pay all operating costs, provide a depreciation fund and
133 retire the bonds and pay the interest requirements of the
134 bonds as the same become due. The amounts as and when
135 so set apart into said special fund for the bond requirements

136 shall be remitted to the state sinking fund commission to
137 be retained and paid out by the said commission consistent
138 with the provisions of this section, and the ordinance pur-
139 suant to which such bonds have been issued. The bonds
140 hereby authorized shall be issued in such amounts as may
141 be determined necessary to provide funds for the purpose
142 for which they are authorized, and in determining the
143 amount of bonds to be issued it shall be proper to include
144 interest on the bonds for a period not beyond six months
145 from the estimated construction period for the improvement.
146 If the proceeds of the bonds, because of error or otherwise,
147 shall be less than the cost of said repairs, betterments,
148 improvements, extensions and/or additions, furnishings and
149 equipment for which authorized, additional bonds may be
150 issued to provide the amount of such deficit, and such addi-
151 tional bonds shall be deemed to be of the same issue and
152 shall be entitled to payment from the same fund and in the
153 same manner without preference or priority over the bonds
154 first authorized and issued. If the proceeds of the bonds
155 shall exceed the cost of the said repairs, betterments, im-
156 provements, extensions and/or additions, furnishings and
157 equipment, the surplus shall be converted into the fund for
158 the retirement of the bonds and payment of the interest
159 thereon.

160 If any surplus shall be accumulated in the operating and
161 maintenance fund of the said hospital, as herein defined,
162 then any such surplus may be transferred to either the de-
163 preciation account, or to the bond and interest redemption
164 account, and if any surplus shall be accumulated in the
165 depreciation account, over and above that which the council
166 shall find may be necessary to maintain, such surplus may
167 be transferred either to the operating and maintenance fund,
168 or to the bond and interest redemption account, and if any
169 surplus shall exist in the bond and interest redemption
170 account, the same shall be applied insofar as possible in
171 the purchase or retirement of outstanding revenue bonds
172 payable from such account.

173 The council is hereby authorized and empowered to borrow
174 money by means of the revenue bonds herein authorized,
175 from the reconstruction finance corporation, federal emer-
176 gency administration of public works, or any other govern-

177 mental agency authorized to make loans, sufficient and
178 necessary to pay all of said costs of erection and construction
179 of said repairs, betterments, improvements, extensions and/or
180 additions to the said hospital, and for the furnishing and
181 equipping of the same, including engineering, legal and
182 other expenses connected therewith, together with interest
183 to date six months subsequent to the estimated date of com-
184 pletion, and/or to accept grants in part payment therefor
185 from the said reconstruction finance corporation, federal
186 emergency administration of public works or any other
187 governmental agency authorized to make any such grant or
188 grants, and to enter into, make, execute and deliver all
189 contracts, agreements and covenants between the city of
190 Parkersburg and/or the said council, and the said recon-
191 struction finance corporation, federal emergency administra-
192 tion of public works or other governmental agency necessary
193 for the loan of the said funds and securing the payment
194 thereof, and for the procuring of the said grant or grants;
195 and to do and perform any and all acts and enter into and
196 make all contracts necessary for the erection and construc-
197 tion of the said repairs, betterments, improvements, exten-
198 sions and/or additions to the said hospital, and the
199 furnishing and equipping of the same, and the issue, sale
200 and delivery of the said revenue bonds, and the procuring of
201 the said funds and of the said grant or grants and necessary
202 to effectuate the general purposes of this section.

203 This section shall, without reference to any other section
204 or provision of the charter of the city of Parkersburg, or of
205 any other statute, be deemed full authority for the erection
206 and construction of the said repairs, betterments, improve-
207 ments, extensions and/or additions to the said hospital, and
208 for the furnishing and equipment of the same herein provided
209 for, and for the issuance and sale of the bonds authorized by
210 this section, and shall be construed as an additional and alter-
211 native method therefor, and for the financing thereof, by the
212 said city of Parkersburg, and by the council thereof, and no
213 petition, proclamation, or election, or other or further proceed-
214 ing in respect to the erection and construction of the said re-
215 pairs, betterments, improvements, extensions and/or additions
216 to the said hospital, and the furnishing or equipping of the

217 same, or to the issuance or sale of bonds under this section shall
218 be required, except such as are prescribed by this section.

219 If any provisions of this act shall be invalid, it shall not
220 affect any other provisions of this act.

221 All acts and parts of acts inconsistent or in conflict with
222 this act, are hereby repealed.

CHAPTER 169

(House Bill No. 91—By Mr. Marsh, of Ohio)

AN ACT to amend and reenact section thirty-six of that part entitled "The Greater Wheeling Charter", chapter twenty-one, acts of the Legislature of West Virginia, one thousand nine hundred fifteen (municipal charters), approved by the majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May, one thousand nine hundred fifteen; to authorize the city of Wheeling to improve the Center Wheeling market by constructing a new building on the present site, and to equip, operate and maintain the same, which building when constructed is to be used for the purpose of conducting a public market, recreation center and playground; to authorize the city of Wheeling to lease and contract for the use of the said building, or any part thereof; to authorize the said city of Wheeling to issue revenue bonds payable solely from the revenues of said building, and to make such bonds exempt from taxation, and to authorize the said bonds to be secured by the said new building and improvements and/or the income therefrom.

[Passed January 19, 1934; in effect from passage. Became a law without the approval of the Governor.]

Sec.

36. City council authorized to establish and maintain markets and to improve center Wheeling market by erection of new building; use, leasing and admission fees; revenue bonds to pay cost payable solely from revenues; powers of council as to contracts, employment of engineers, etc.; advertising contracts; what ordinance concerning market building to show; publication of ordinance, form, negotiability, tax exemption

Sec.

and lien of revenue bonds; additional bonds; payment and repayment of necessary preliminary expenses; lien, by ordinance, of bondholders on income of building; trust indenture to secure bondholders; before bonds issued council to create sinking fund for payment; act as additional and alternative method; enforcement of lien of bonds; transmission to and powers of state sinking fund commission; statutory mort-

Sec.

gage lien of bondholders; enforcement; receivership; market to be operated as long as bonds

Sec.

outstanding; revenues of market set aside as special fund; provisions of act separable.

Be it enacted by the Legislature of West Virginia:

That section thirty-six of that part entitled "Greater Wheeling Charter", chapter twenty-one, acts of the Legislature of West Virginia, one thousand nine hundred fifteen (municipal charters), approved by the majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May, one thousand nine hundred fifteen, be amended and reenacted so as to read as follows:

Section 36. The council may establish markets in and for 2 said city, maintain or authorize the maintenance of any al- 3 ready established, appoint the time and places for holding 4 the same, provide suitable buildings therefor, and ordain and 5 enforce such regulations respecting the markets as in its opin- 6 ion the convenience or interests of the inhabitants of said 7 city shall require, among others such regulations as it shall 8 deem necessary or proper to prevent forestalling therein.

9 That the city of Wheeling is hereby authorized and em- 10 powered to improve the Center Wheeling market by the con- 11 struction of a new building on the present site and to equip, 12 operate and maintain the same, which building when con- 13 structed shall be used for the purpose of conducting a public 14 market, recreation center and playground; that the said 15 city of Wheeling is hereby authorized to lease, rent or con- 16 tract for the use of the said building, or any part thereof, 17 and to charge fees for admission to the said building, 18 or any parts thereof; that the said city of Wheeling is author- 19 ized and empowered to issue revenue bonds to pay for the costs 20 of construction and equipping the said building, and no obli- 21 gation shall be incurred by the said city in such construction 22 except such as is payable solely from the funds provided under 23 the authority of this act.

24 The construction, improvement, equipment, custody, oper- 25 ation and maintenance of said new building, which when con- 26 structed shall be used for the purpose of conducting a public 27 market, recreation center and playground and the collection 28 of revenues therefrom, shall be under the supervision and 29 control of the council of said city of Wheeling.

30 The council of said city of Wheeling shall have power to take
31 all steps and proceedings and to make and enter into all con-
32 tracts or agreements necessary or incidental to the perform-
33 ance of its duties in the execution of its powers under this act.

34 The council of the said city of Wheeling may employ engi-
35 neers, architects, attorneys, inspectors, a superintendent, a
36 manager, collectors and such other employees as in its judg-
37 ment may be necessary in the execution of its powers and
38 duties in the construction, improvement, equipment, custody,
39 operation and maintenance of said new building, and may fix
40 their compensation, all of whom shall do such work as the said
41 council shall direct. All said compensation and expenses, in-
42 cluding all preliminary expenses incurred prior to the adoption
43 of the ordinance hereinafter provided, shall be paid solely
44 from the funds provided for under the authority of this act.
45 No contract or sub-contract for material or labor exceeding
46 one thousand dollars, shall be made without advertising for
47 bids, with power in said council to reject any or all bids.

48 Before the city of Wheeling shall construct any such build-
49 ing the council of said city shall enact an ordinance which
50 shall (1) set forth description of said building; (2) set forth
51 the cost of said building, which shall include cost of construc-
52 tion, engineering and legal expense; (3) order the construc-
53 tion of said building; (4) direct that revenue bonds of the said
54 city shall be issued pursuant to this act in such amount as
55 may be found necessary to pay the cost of the building; (5)
56 contain such other provisions as may be necessary in the prem-
57 ises.

58 After such ordinance shall have been adopted it shall be pub-
59 lished once a week for two successive weeks in two Wheeling
60 newspapers, stating that the ordinance has been adopted and
61 that the said city will issue bonds as described in the ordinance,
62 that any person interested may protest within six days from
63 the last publication of the notice. If thirty per cent or more
64 of the owners of real estate in said municipality file a protest,
65 then council shall not proceed unless three-fourths of the said
66 council assent thereto.

67 Such bonds shall bear interest at not more than six per cent
68 per annum and shall mature as may be determined by the

69 ordinance. Such ordinance shall determine the form and de-
70 tails of the bonds and fix their denomination and places of pay-
71 ment, which may be at any bank or trust company within or
72 without the state.

73 The bonds shall contain a statement on their face that the
74 said city shall not be obligated to pay the same or the interest
75 thereon except from the special fund provided from the net
76 revenues of said new building.

77 All said bonds shall have all the qualities and incidents of
78 negotiable instruments. Said bonds shall be exempt from all
79 taxation, state, county and municipal.

80 Any surplus of bond proceeds, over and above the cost of
81 said building, shall be placed in the sinking fund hereinafter
82 provided.

83 In case of error or miscalculation or otherwise, and the pro-
84 ceeds are less than the cost of the building, additional bonds
85 may be issued to provide the amount of the deficit, said bonds
86 to be secured equally with all other bonds issued pursuant to
87 this act, and shall be deemed to be of the same issue, and said
88 council may also provide in said ordinance for additional bonds
89 for the purpose of extending or improving said building.

90 All moneys received from any bonds, pursuant to the act,
91 shall be applied solely to the cost of said building and improve-
92 ment and there is hereby created a lien upon such moneys,
93 until so applied, in favor of the holder of the bonds or trus-
94 tees hereinafter provided.

95 All necessary preliminary expenses, actually incurred by
96 said council in making plans, estimates of costs and any other
97 necessary expenses of whatsoever nature, necessary to be paid
98 prior to the issue and delivery of the revenue bonds pursuant
99 to the provisions of this act, may be paid out of the general
100 funds of the said city or a temporary transfer may be made
101 from other funds: *Provided*, That any funds from which such
102 payments are made shall be fully paid by said council out of
103 the first proceeds of the sale of the revenue bonds herein pro-
104 vided. In the event that the said necessary preliminary ex-
105 penses shall not have been paid out of said general funds or no
106 transfers from other funds have been made, then said city
107 shall pay said necessary preliminary expenses out of said first
108 proceeds derived from the sale of the said revenue bonds.

109 The council of the said city of Wheeling may, by ordinance,
110 create a lien on the income and revenues received from said
111 building, improvements, or any part thereof, in favor of the
112 said bondholders. Said bonds may be further secured by a
113 trust indenture by and between the city of Wheeling and a
114 corporate trustee, which may be any bank or trust company
115 in the city of Wheeling, and said trust indenture may convey
116 all of the said building and equipment in trust to secure the
117 said bondholders. The said trust indenture may provide for
118 the payment of the proceeds of the sale of the bonds and re-
119 venue obtained from said building to be paid to the said trus-
120 tee and for the custody and disbursement thereof, and such
121 trust indenture may contain such other provisions for protect-
122 ing and enforcing the rights and remedies of the said bond-
123 holders as may be reasonable and proper.

124 Before the issuance of any such bonds, council shall, by
125 ordinance, create a sinking fund for the payment of the bonds
126 as they fall due and the interest when due and expenses inci-
127 dental thereto, and shall pledge a sufficient amount of net reve-
128 nues, after payment of reasonable expenses of operation and
129 maintenance, to be set aside at intervals provided by the or-
130 dinance. The said sinking fund shall contain a margin for
131 safety and for the payment of premiums upon bonds retired by
132 call or purchase, which margin together with any unused sur-
133 plus of such margin carried forward from the preceding year,
134 shall equal at least ten per cent of all other amounts required
135 to be paid in said sinking fund. Said council may by ordi-
136 nance, before the issuance of the bonds, direct that such sink-
137 ing fund, or a part thereof, may be used to purchase any of the
138 said outstanding bonds at the market price, but not exceeding
139 the price which the same shall in the same year be payable or
140 redeemable, and all bonds so purchased or redeemed shall
141 forthwith be cancelled and shall not again be issued. After the
142 payments into the said sinking fund as herein required, said
143 council may, at any time, in its discretion transfer all or any
144 part of the balance of the net revenues, after reserving an
145 amount deemed by said council sufficient for operation, repair
146 and maintenance for an ensuing period of twelve months and
147 for depreciation, into the sinking fund or into a fund for im-
148 provements and additions to the said building.

149 This act shall, without reference to any other statute, be
150 deemed full authority for the construction, acquisition, im-
151 provement, equipment, maintenance, operation and repair of
152 the said Center Wheeling market herein provided and for the
153 issuance and sale of the bonds by this act authorized, and
154 shall be construed as an additional and alternative method
155 therefor and for financing thereof, and no petition or election
156-57 or other further proceedings in respect to the construction of
158 said building or issuance or sale of said bonds shall be required,
159 except such as are prescribed by this act, any provisions of
160 other statutes of the state to the contrary notwithstanding.

161 Any holder of any such bonds herein provided, or any
162 coupons attached thereto, and the trustee, if any, may, except
163 as restricted by said ordinance or trust indenture, enforce and
164 protect any and all rights hereunder, either at law or in equity
165 by action, suit, mandamus or other proceeding. The sinking
166 fund provided for herein shall be transmitted to the state sink-
167 ing fund commission at such intervals as shall be provided
168 by ordinance and said commission is hereby authorized to act
169 as fiscal agent for such sinking fund under any ordinance
170 passed pursuant to the provisions of this act and shall invest
171 all such sinking fund, as provided by general law.

172 In the event bonds issued under the provisions of this act
173 are not secured by a mortgage or deed of trust on the project
174 constructed and/or acquired from the sale of such bonds, there
175 shall be, and there is hereby, created a statutory mortgage lien
176 upon the project so acquired or constructed from the proceeds
177 of bonds authorized to be issued, which shall exist in favor
178 of the holder of said bonds, and each of them, and to and in
179 favor of the holder of the coupons attached to said bonds, and
180 such project and equipment connected therewith, shall remain
181 subject to such statutory mortgage lien until payment in full
182 of the principal and interest of said bonds. Any holder of
183 bonds issued under the provisions of this act, or of any cou-
184 pons representing interest accrued thereon, may, either at
185 law or in equity, enforce the statutory mortgage lien hereby
186 conferred and may, by proper suit, compel the performance of
187 the duties of the officials of the city of Wheeling set forth in
188 this act. If there be default in the payment of the principal
189 of and/or interest upon any of said bonds, any court having

190 jurisdiction in any proper action may appoint a receiver to
191 administer said project on behalf of the city of Wheeling, with
192 power to charge and collect rates, rents, fees or other income
193 to provide for the payment of said bonds and interest thereof,
194 and for the payment of the operating expenses and to apply
195 the income and revenues in conformity with this section and
196 the order or ordinance providing for the issuance of said bonds.

197 Said city shall, so long as any bonds issued under the pro-
198 visions of this section remain outstanding, operate and main-
199 tain such Center Wheeling market so as to provide, charge,
200 collect and account for revenues therefrom as will be sufficient
201 to pay all operating costs, provide a depreciation fund, retire
202 the bonds and pay the interest requirements thereon as the
203 same may become due. The ordinance pursuant to which any
204 such bonds are issued shall pledge the revenues derived from
205 the project to the purposes aforesaid and shall definitely fix
206 and determine the amount of revenues which shall be necessary
207 and set apart in a special fund for the bond requirements.
208 The amounts, as and when so set apart into said special fund
209 for the bond requirements, shall be remitted to the state sink-
210 ing fund commission at least thirty days previous to the time
211 interest or principal payments become due, to be retained and
212 paid out by said commission consistent with the provisions of
213 this section and the ordinance pursuant to which such bonds
214 have been issued.

215 The provisions of this act are separable and if any of the
216 provisions, or parts thereof, are for any reason illegal, it is the
217 intention that the remaining provisions, or parts, shall remain
218 in full force and effect.

CHAPTER 170

(House Bill No. 100—By Mr. LaFon)

AN ACT to provide for financial relief, care and comfort of Harry E. Brown, a native and resident of Monroe county, state of West Virginia, who was permanently injured by the unlawful acts of prohibition officers of the state, on April nineteenth, one thousand nine hundred twenty-five, by the payment to, and for his use of the sum of five hundred dollars for his immediate relief and need and the sum of seven hundred

twenty dollars per annum payable monthly, from the time this act becomes effective, for his maintenance, support, care and attention, from month to month, during the remainder of his life, and appropriate the necessary funds from the state treasury not otherwise appropriated, or that may remain in the treasury unexpended, to accomplish the object and purpose of this act, and to appropriate revenue raised by this session of the Legislature for said purpose.

[Passed December 9, 1933; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Legislative declarations and pre-amble.
2. Immediate and annual appropriation from state treasury for Harry E. Brown.

Sec.

3. Appropriation of unexpended funds to meet appropriation; subsequent appropriations to be included in budget bill.

Be it enacted by the Legislature of West Virginia:

Section 1. Whereas, Harry E. Brown, a native and resident of Monroe county, this state, while driving his automobile in a lawful manner along state highway number three in Greenbrier county, on April nineteenth, one thousand nine hundred twenty-five, at about the hour of nine forty-five p. m. on said day, was fired upon by prohibition officers, namely Harry Sheppard and others, at which time the said Harry E. Brown was hit in the back by a thirty-eight caliber bullet, which severed his spinal cord at the sixth vertebrae, which injury produced paralysis of the body of the said Harry E. Brown below said vertebrae, and from which time the said Harry E. Brown has been and now is a helpless invalid and dependent upon the help, aid and assistance of others for every care and physical comfort; and

Whereas, The said Harry E. Brown, at the time of the unlawful act of said prohibition officers, was innocent of any violation of law and was conducting himself as a peaceful and law-abiding citizen, and who recovered from the officer who assumed the responsibility for the unlawful use of the deadly weapon the penalty of his bond, which amount so recovered has long since been used and expended for hospital services and medical care rendered the said Harry E. Brown, and who since said injury has been and is now without means or income to provide for his physical comfort and maintenance and support as aforesaid.

Sec. 2. It is therefore hereby enacted and provided that there be paid to the said Harry E. Brown from the state treasury the sum of five hundred dollars for the immediate relief and physical comfort of the said Harry E. Brown, and the further sum of seven hundred twenty dollars annually, payable monthly commencing ten days from the time this act becomes effective, for the care, support and maintenance of the said Harry E. Brown during the remainder of his lifetime. And the auditor of the state is hereby authorized and directed to draw requisition upon the treasurer of the state, payable to the said Harry E. Brown, for the amounts and in the manner as hereinbefore authorized.

Sec. 3. And sufficient funds from any revenue of the state not otherwise appropriated, or remaining unexpended for any cause, and from revenue raised by this session of the Legislature, are hereby appropriated to pay the amount authorized aforesaid. And the budget commission is directed to report for payment in any budget bill hereafter submitted to the Legislature for consideration, the amount herein authorized to be paid to the said Harry E. Brown, which at the time of the submission of said report remains unpaid or not provided for.

CHAPTER 171

(Senate Bill No. 88—By Mr. Henderson)

AN ACT to relieve Earl L. Davis, clerk of the circuit court, Doddridge county, from the payment of certain sums of money paid him as costs and deposited by him in the Doddridge county bank, of West Union, West Virginia.

[Passed February 19, 1934; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Clerk of circuit court of Doddridge county relieved from payment of certain moneys advanced to him as costs.

SEC.

2. Relief limited to moneys due state, the county or its political subdivisions.

Be it enacted by the Legislature of West Virginia:

Section 1. That Earl L. Davis, clerk of the circuit court of Doddridge county, West Virginia, be and he is hereby relieved from the payment of any money advanced as costs of litigation now or heretofore pending in the circuit court of Doddridge

5 county, West Virginia, and by the said Davis deposited in the
6 Doddridge county bank, of West Union, West Virginia, subject
7 to the provisions of section two hereof.

Sec. 2. The provisions of this act shall apply only to moneys
2 due the state of West Virginia, Doddridge county, West Vir-
3 ginia, and all political subdivisions thereof.

CHAPTER 172

(House Bill No. 101—By Mr. Lester)

AN ACT to relieve S. S. Plymale, clerk of the circuit court of
Wayne county, from the payment of certain sums of money
paid him as costs and deposited by him in the Peoples State
Bank of Wayne, West Virginia.

[Passed January 26, 1934; in effect from passage. Became a law without the
approval of the Governor.]

SEC.	|	SEC.
1. Clerk of circuit court of Wayne county relieved of payment of certain moneys advanced to him as costs.	|	2. Relief limited to moneys due state, the county or its political subdivisions.
		3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That S. S. Plymale, clerk of the circuit court of
2 Wayne county, West Virginia, be and he is hereby relieved from
3 the payment of any money advanced as costs of litigation now
4 or heretofore pending in the circuit court of Wayne county,
5 West Virginia, and by the said Plymale deposited in the Peoples
6 State Bank of Wayne, West Virginia, subject to the provisions
7 of section two hereof.

Sec. 2. The provisions of this act shall apply only to moneys
2 due the state of West Virginia, Wayne county, West Virginia,
3 and all political subdivisions thereof.

Sec. 3. All acts in conflict herewith, in whole or in part, are
2 hereby repealed.

RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 2

(BY MR. COTTRILL)

[Adopted November 21, 1933.]

Relating to joint rules of the Senate and House of Delegates.

Resolved by the House of Delegates, the Senate concurring therein:

That the joint rules of the Senate and House of Delegates for the first extraordinary session of the Legislature, one thousand nine hundred thirty-three, are hereby adopted and shall govern the proceedings of this extraordinary session.

HOUSE CONCURRENT RESOLUTION NO. 3

(BY MR. DUNN)

[Adopted November 21, 1933.]

Providing for a joint assembly.

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 3:00 o'clock P. M., this day, to hear the address of His Excellency, Governor H. G. Kump.

HOUSE CONCURRENT RESOLUTION NO. 5

(BY MR. MARSH, of Ohio)

[Adopted November 22, 1933.]

Providing for the appointment of a joint committee to draft legislation relating to the foreclosure of liens and mortgages on homes.

WHEREAS, It has been forceably brought to the attention of the

home owners of the state of West Virginia who desire to liquidate the liens or mortgages on their homes, that a great number of the lien and mortgage holders will not accept the bonds issued under the federal plan to pay said liens or mortgages; and

WHEREAS, This failure to cooperate with the national administration has made it the duty of this Legislature to provide a means of relief for such home owners; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of three members of the House of Delegates be appointed by the Speaker and three members of the Senate be appointed by the President of the Senate, to be known as the Committee on Home Relief, to draft the necessary remedial measures to relieve this deplorable situation.

HOUSE CONCURRENT RESOLUTION NO. 6

(BY MR. GOODWIN)

[Adopted November 24, 1933.]

Relating to providing revenue for support of school system.

WHEREAS, There is wide-spread fear over the state that our schools will be forced to close in the immediate future because of lack of funds; and

WHEREAS, The only hope for the continuation of our schools will be for the Legislature in its wisdom to provide additional state aid, in order that the thousands of the children of this state shall not be deprived of that educational training which is justly due them; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That we, the law making body of the state of West Virginia, are aware of the educational crisis which is now upon us, and, be it

Further resolved, That we shall make every effort to find the needed revenue to carry on the schools of the state, in the quickest possible time, and ask all teachers, parents, societies and associations to bear with us and lend us their support.

HOUSE CONCURRENT RESOLUTION NO. 7

(BY MR. LESTER)

[Adopted December 19, 1933.]

Memorializing Congress to pass an old persons pension law.

WHEREAS, A great many old persons are now dependent on the charities of relatives, friends and the public, either county or state; and

WHEREAS, The states and nation have pensioned many classes of persons no more deserving than the old and dependent citizens of our country who have given the best of their lives for the benefit of the younger generations; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia respectfully requests and petitions the Congress of the United States to formulate and pass, as soon as possible, such a just and equitable old persons pension law as will afford such persons reasonable comfort during the short remainder of their life; and, be it

Further resolved, That the clerks of the Senate and House of Delegates have copies of this memorial sent to the President of the United States; the President of the United States Senate; the Speaker of the House of Representatives, and the United States Senators and members of the House of Representatives from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 8

(BY MR. HINER)

[Adopted November 24, 1933.]

Providing for the appointment of a joint committee to draft legislation to carry out the provisions of the Tax Limitation Amendment.

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of ten members, five from the House of Delegates, to be appointed by the Speaker thereof, and five mem-

bers of the Senate, to be appointed by the President thereof, be raised to consider legislation made necessary by the decision of the Supreme Court of Appeals affecting chapter thirty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-three, being House Bill No. 314 of that session, and such other legislation as shall be necessary to carry out the provisions of the Tax Limitation Amendment, which committee shall report back its recommendations to the Legislature not later than December 6, 1933, accompanied by bills to make its recommendations effective. The President of the Senate and the Speaker of the House of Delegates shall be ex officio members of said committee.

Said committee shall incur no expense to the state in its work, unless it shall receive specific authorization from the Legislature therefor.

HOUSE CONCURRENT RESOLUTION NO. 9

(BY MR. HINER)

[Adopted November 24, 1933.]

Providing for a recess of the Legislature.

Resolved by the House of Delegates, the Senate concurring therein:

That when the Senate and House of Delegates adjourn today, they shall adjourn until Wednesday, December 6, 1933, at 2:00 o'clock P. M.

HOUSE CONCURRENT RESOLUTION NO. 10

(BY MR. MATTHEWS)

[Adopted December 6, 1933.]

Raising a joint assembly to hear address of Honorable John J. Cornwell.

WHEREAS, The House of Delegates has adopted H. R. No. 7 and the Senate has adopted S. R. No. 5, both resolutions inviting the Honorable John J. Cornwell to appear before the respective houses and give them information in respect to the Prince Plan for consolidation of railroad systems; and

WHEREAS, The Honorable John J. Cornwell is in the city of Charleston and will address the Legislature in joint assembly at 2:30 o'clock P. M. this day, if the Legislature so desires; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 2:30 o'clock P. M., to hear the address of Mr. Cornwell, and that the Speaker of the House of Delegates appoint a committee of two and the President of the Senate appoint a committee of two, to wait upon the Honorable John J. Cornwell and notify him that the Legislature will be pleased to have him address it at 2:30 o'clock P. M.

HOUSE CONCURRENT RESOLUTION NO. 11

(BY MR. GOODWIN)

[Adopted December 6, 1933.]

Extending sympathy of the Legislature on the death of the Honorable J. Luther Wolfe.

WHEREAS, The Honorable J. Luther Wolfe died at his home at Ripley, Monday, November 27, 1933; and

WHEREAS, The deceased was not only an eminent lawyer, but was also an influential business man, ardent churchman and fraternalist, and a capable and worthy public official, having held a number of political offices in his county, served as an assistant attorney-general of this state and was a member of the House of Delegates in the sessions of 1915 and 1919, serving as Speaker in the 1919 session; and

WHEREAS, Possessing the rare combination of the knowledge of and sympathy with mankind, coupled with his ability as a leader, and being tolerant, tactful, fair and honest, he was an outstanding wielder of the gavel while Speaker; and

WHEREAS, Due to his marked ability and the utter loyalty he always showed in the discharge of his duties as a public officer, as well as his desire to always do all the good he could for others, the state has suffered a great loss; and

WHEREAS, He was an outstanding leader in the Republican party, loved by his friends and respected by political enemies; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That we, the members of the Legislature of West Virginia here assembled, realizing the irreparable loss sustained, do extend to his widow and to his family our deepest and most profound sympathy in their bereavement; and do extend the comfort of the thought of Longfellow that:

“There is no Death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life Elysian,
Whose portal we call death.”

and; be it

Resolved further, That this resolution be adopted by a rising vote, and that a copy of same be transmitted to his widow, Mrs. Edith Miller Wolfe.

HOUSE CONCURRENT RESOLUTION NO. 13

(BY MR. HOLT)

[Adopted December 7, 1933.]

Raising a joint assembly to hear address of the Honorable Howard O. Hunter.

WHEREAS, The relief problem is one of the outstanding problems to be met by this session of the Legislature; and

WHEREAS, The Federal government is an integral part of this relief work; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Honorable Howard O. Hunter, of the Federal Relief Administration, be invited to appear before a joint session of the Senate and House of Delegates to be held Thursday, December 14, at 2:30 o'clock P. M. to discuss the relief program of the federal government.

HOUSE CONCURRENT RESOLUTION NO. 14

(By MR. MARSH, of Ohio)

[Adopted December 7, 1933.]

Opposing Prince Plan for consolidation of railroads.

WHEREAS, The Hon. Joseph B. Eastman, Federal Coordinator of Railroads, has announced that he is making a study of the so-called Prince Plan for the consolidation of railroads to determine whether he shall recommend it to the President and to the Congress for adoption; and

WHEREAS, Said plan provides for but two railroad systems between the Mississippi River on the west and the Hudson River on the east; and

WHEREAS, Said plan definitely proposes to remove from the Class I roads in West Virginia, their connecting and affiliated lines, all through freight and passenger business; to tear up some of the lines of some of said roads; to reduce to single track railroads some of said roads; thereby reducing said roads to the status of No. 2 branch lines, with only branch line service, with the consequent reduction of employment due to suspension of through service, removal of tracks, abandonment of terminals and closing of shops; and

WHEREAS, The consummation of the plan would place an insurmountable barrier against the industries located on the railroads in this state, impoverishing them or obliging them to remove to other states and would reduce, by many millions of dollars, the taxable values of the railroad and of other property in the state; and

WHEREAS, The Prince Plan likewise proposes changes with respect to all railroads in the state of West Virginia, which would be against the best interests not only of said railroads, but also against the interests of the state of West Virginia and the citizens thereof, and restrict the continued and future growth and development of said state, and seriously restrict the development and growth of the business enterprises, the manufacturing and mining industries of this state; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia, respectfully but emphatically, opposes the Prince Plan as it applies to the railroads operating in the state of West Virginia and earnestly requests the Coordinator, the Hon. Joseph B. Eastman to reject the plan, believing that any such wholesale and ruthless destruction of property which would result from the adoption of said plan and closing of established trade routes would be disastrous to this state and drastically impair the investments built up along these routes and harmful to the citizens of this state and to the country as a whole; and, be it

Resolved further, That the Secretary of State of West Virginia be and he is hereby directed to furnish properly authenticated copies of this resolution to the President of the United States, to the Vice-President of the United States, to the Speaker of the House of Representatives, to each Senator and Member of Congress from this state, and to the Hon. Joseph B. Eastman, Coordinator of Railroads, and to the Hon. George B. McGinty, Secretary of the Interstate Commerce Commission.

HOUSE CONCURRENT RESOLUTION NO. 15

(BY MR. BEACOM)

[Adopted December 8, 1933.]

Relating to paying basic salaries of teachers.

WHEREAS, The House of Delegates, on November 23rd, passed a resolution expressing confidence in the public school system of our state; and

WHEREAS, The teachers of West Virginia have been loyal to their duties during the present financial crisis; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Board of Public Works be requested to continue their efforts to raise the necessary funds to pay the basic salary of the teachers for the third month.

HOUSE CONCURRENT RESOLUTION NO. 17

(BY MR. SHAHAN)

[Adopted December 9, 1933.]

Relating to unemployment relief.

WHEREAS, There is still a vast number of unemployed within the state of West Virginia; and

WHEREAS, This Legislature has been called into session to provide, among other things, for the relief of these men and women, who through no fault of their own, have been prevented from securing employment; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That this Legislature shall do everything within its power to provide relief for the unemployed people of this state.

HOUSE CONCURRENT RESOLUTION NO. 18

(BY MR. BEACOM)

[Adopted December 12, 1933.]

Endorsing the North-South West Virginia high school football game.

WHEREAS, The North-South charity football game will be played at Laidley field in Charleston on New Year's day, 1934, between two picked teams representing the high schools of northern and southern West Virginia; and

WHEREAS, The proceeds of the game will be used for charity and will do much to help the needy and destitute of the state; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia hereby endorses the object and purpose of this game, and it is the sense of the Legislature that the game be given hearty public support.

HOUSE CONCURRENT RESOLUTION NO. 19

(BY MR. LUBLINER)

[Adopted December 14, 1933.]

Requesting the Governor to expend from the emergency appropriation, moneys necessary to temporarily augment the facilities of the office of the Attorney General.

WHEREAS, On account of the recent serious fiscal conditions in the country at large, certain banking institutions have ceased to do business in the state of West Virginia, and large sums of money of the state of West Virginia are now held in closed banks; and

WHEREAS, It is the sense of the Legislature of West Virginia that without avoidable delay the condition of such deposits and the security therefor should be investigated and ascertained, and such further steps should be taken as may be necessary to preserve to the fullest possible extent such securities and such assets of the state; and

WHEREAS, It is the sense of the Legislature of West Virginia that the condition and security of the investments of the irreducible school fund should, likewise, be investigated and ascertained, and such further steps be taken as may be necessary to preserve to the fullest possible extent such investments and securities; and

WHEREAS, The extensive changes in the taxing system and laws of the state, occasioned largely by the recent amendment to section one, article ten of the constitution, have given rise to considerable litigation and further litigation may be expected; and

WHEREAS, It is the sense of the Legislature of West Virginia that the facilities of the office of the Attorney General are temporarily inadequate to expeditiously discharge these unusual responsibilities along with all of the usual and routine duties of the office; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Governor be, and he is hereby requested, he being willing thereto, to expend from the emergency appropriation made by section thirty-a, chapter one, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred

thirty-three, so much thereof as in his judgment may be reasonably necessary to augment, for such time as he deems reasonably necessary, the present facilities of the office of Attorney General, as the necessity may arise.

HOUSE CONCURRENT RESOLUTION NO. 20

(BY MR. NEAL)

[Adopted January 24, 1934.]

Directing the auditor to pay the claim of Nancy Reedy against the state.

WHEREAS, At the last session of the Legislature the House of Delegates adopted a resolution authorizing the payment of \$137.00 to Nancy Reedy, a soldier's widow, for certain services due her husband and which the state of West Virginia acknowledges as just and due; and

WHEREAS, When said claim is acknowledged and paid by the state of West Virginia the federal government will reimburse the state for the amount paid; and

WHEREAS, Said Nancy Reedy is now ninety years of age and in need of the compensation due her; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the said claim is hereby acknowledged by the state of West Virginia and the auditor is hereby authorized and directed to pay said amount of one hundred thirty-seven dollars out of any moneys in the treasury not otherwise appropriated, to Nancy Reedy, for services of her husband during the Civil War.

HOUSE CONCURRENT RESOLUTION NO. 24

(BY MR. MELROSE)

[Adopted December 20, 1933.]

Providing for a recess of the Legislature.

Resolved by the House of Delegates, the Senate concurring therein:

That when the Senate and the House of Delegates adjourn on Thursday, December 21, 1933, they shall adjourn until Wednesday, January 3, 1934, at 2:00 P. M.

HOUSE CONCURRENT RESOLUTION NO. 26

(BY MR. LANTZ)

[Adopted January 4, 1934.]

Requesting State Road Commission to designate state route number seven as the Lewis Wetzel Trail.

WHEREAS, Lewis Wetzel was the best known scout and Indian fighter along the western border of West Virginia; and

WHEREAS, The service he rendered the pioneer settlers in northern West Virginia was their best guarantee of safety from attack by the Indians and constitutes a debt of gratitude that can never be paid; and

WHEREAS, Wetzel county was named in his honor and State Route No. 7, extending from New Martinsville through Wetzel, Monongalia and Preston counties, was the scene of his greatest activities; and

WHEREAS, It is fitting, proper and right that his services be recognized and his name be remembered by the descendants of the people he safeguarded and befriended; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That State Route No. 7 be named and known as the Lewis Wetzel Trail, and that the State Road Commission be requested and directed to properly designate it as such on all road maps issued by said commission.

HOUSE CONCURRENT RESOLUTION NO. 27

(BY MR. SHAHAN)

[Adopted January 5, 1934.]

Relating to present tax crisis and maintaining an adequate term of school.

WHEREAS, The schools of this state must close unless an immediate solution is found for the present tax situation; and

WHEREAS, The Legislature has labored faithfully toward an equitable solution of this problem; and

WHEREAS, Education must be carried on to preserve the integrity, welfare and development of the oncoming generation, who will be the citizens and lawmakers of tomorrow; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature acknowledges, on behalf of the people of the state, its obligation to those teachers, officials, and employees of the public school system whose loyalty and personal sacrifices have made it possible to continue the public school system thus far during the present fiscal year, and further

That it is the hope of the Legislature that all public schools may be continued without interruption during the present crisis, with the assurance that the Legislature will make every effort forthwith to solve the present difficulties in order that the boys and girls of the state may not be deprived of having an adequate school term.

HOUSE CONCURRENT RESOLUTION NO. 28

(BY MR. LUBLINER)

[Adopted January 6, 1934.]

Requesting the Attorney General to petition the Supreme Court of Appeals of the state for a rehearing upon House Bill number sixty-four.

WHEREAS, The Supreme Court of Appeals of West Virginia, by an opinion handed down on December 29, 1933, declared unconstitutional house bill number sixty-four of the second extraordinary session of the Legislature of one thousand nine hundred thirty-three, authorizing the state to pay the interest and sinking fund requirements of county and district bonds for roads and schools; and

WHEREAS, The opinion of the court was reached by a majority of three members, with two members thereof dissenting; and

WHEREAS, The members of the Legislature are of the opinion that the merits of this bill with respect to the present fiscal situation of the subdivisional units of government of this state are such as to warrant a further examination of its constitutional status; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Tax Commissioner, the Honorable Fred L. Fox, as a defendant in said case, by his counsel, the Honorable Homer A. Holt, Attorney General of West Virginia, be requested to petition the Honorable Court for a rehearing of the said case, with the request to the court that its action upon the petition be taken as speedily as consistent with the court's proper consideration of the same.

HOUSE CONCURRENT RESOLUTION NO. 30

(BY MR. LUBLINER)

[Adopted January 11, 1934.]

Requesting the Attorney General of the state of West Virginia to appear before the Supreme Court of the United States with reference to the "Hawes-Cooper Act."

WHEREAS, The West Virginia State Penitentiary at Moundsville has been receiving an income of approximately twelve thousand dollars a month from the operation of the factories located within its walls, which income has been applied to defraying a portion of the expenses of said institution, and because of the passage of the "Hawes-Cooper Act" which becomes effective on the eighteenth day of January, one thousand nine hundred thirty-four, two of the said factories within the penitentiary have already closed, cutting off an income of ten thousand dollars per month and placing six hundred men in idleness, and since the state of Alabama, joined by several other states, will, on Tuesday, the ninth day of January, appear before the Supreme Court of the United States and ask said court to nullify the "Hawes-Cooper Act" on the grounds that it is unconstitutional; and

WHEREAS, Said ruling of said court may not be handed down for from three to six months; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature respectfully requests the Attorney General of the state of West Virginia to appear before the Supreme Court of the United States for the purpose of requesting that the "Hawes-Cooper Act" be held inoperative until the Supreme Court of the United States has rendered its decision upon the constitutionality of said act.

HOUSE CONCURRENT RESOLUTION NO. 31

(BY MR. BEACOM)

[Adopted January 10, 1934.]

Relating to a loan from the federal government, to the conservation commission of this state.

WHEREAS, In order to carry out the recommendations and policies of President Roosevelt, with reference to reforestation, flood control, game and fish propagation, the Legislature of West Virginia, on June 3, 1933, passed H. B. No. 116, effective from passage; and

WHEREAS, The conservation commission, created by the above bill, in keeping with article eight, sections one to eleven, chapter twenty of the code of West Virginia, requested a \$200,000.00 loan from the public works administration, to be used for the purpose of buying cut-over timber land in West Virginia for reforestation, water shed protection, flood control, and game and fish purposes; and

WHEREAS, Since this loan has been pending before the public works administration since July of last year and, in the event the same is approved, it will enable the conservation commission to take full advantage of the federal emergency conservation work, more commonly known as the civilian conservation corps camps, which, to date, the state has been unable to do; and

WHEREAS, This loan will enable the state of West Virginia to continue the nine C. C. C. camps now under its direction and, in

addition to this, will be provided with as many more camps as the land to be acquired by the state can accommodate. These camps, in addition to furnishing employment for a minimum of two hundred C. C. C. enrollees in the camps, furnish employment to reserve officers who are called into active service from the ranks of the unemployed, and furnish employment for skilled laborers, such as carpenters, blacksmiths, engineers, etc., who otherwise would be on the relief rolls of our state; and

WHEREAS, If this loan is granted, it will enable the state of West Virginia, through the conservation commission, to do in part what the federal government is advocating on a larger scale through the U. S. department of agriculture and the division of forestry which are in hearty accord with this plan; and

WHEREAS, The conservation commission has been unofficially advised by the public works administration officials that this loan has merit but, due to legal complications, has not been granted; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia hereby endorses and approves the purposes for which the state conservation commission requests this loan and requests the members of the congress from this state to take such steps as they may deem right and proper to secure said loan; and, be it

Further resolved, That a copy of this resolution be mailed to the United States senators and the members of the House of Representatives from this state and to the public works administration in Washington, D. C.

HOUSE CONCURRENT RESOLUTION NO. 32

(BY MR. SHAHAN)

[Adopted January 16, 1934.]

Requesting the Congress to continue the Civil Works Administration.

WHEREAS, The Civil Works Administration may be suspended shortly; and

WHEREAS, This plan as a public policy is working well in relieving the unemployed situation and is doing much for human contentment and happiness; and

WHEREAS, Private industry cannot at this time absorb the vast number of people now dependent upon the program of the Civil Works Administration; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Congress is hereby requested and urged to enact the necessary legislation to continue the Civil Works Administration; and, be it

Further resolved, That the Clerk transmit a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to the Senators and members of the House of Representatives from this state.

HOUSE CONCURRENT RESOLUTION NO. 34

(BY MR. LUBLINER)

[Adopted January 17, 1934.]

Providing for a joint assembly.

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 3:00 o'clock P. M., this day, to hear an address by His Excellency, Governor H. G. Kump.

HOUSE CONCURRENT RESOLUTION NO. 37

(BY MR. HINER)

[Adopted January 25, 1934.]

Providing for a recess of the Legislature.

Resolved by the House of Delegates, the Senate concurring therein:

That when the Senate and House of Delegates adjourn this week,

they shall adjourn until Monday, February 5, 1934, at 2:00 o'clock P. M.

HOUSE CONCURRENT RESOLUTION NO. 38

(BY MR. TALLMAN)

[Adopted January 20, 1934.]

Relating to endorsement of the state's Presidential ball, for the benefit of the Warm Springs foundation.

Resolved by the House of Delegates, the Senate concurring therein:

That it is the sense of the Legislature that the state's Presidential birthday ball to be held January 30 in Charleston, for the benefit of the Warm Springs foundation in Georgia, be given legislative approval and endorsement.

HOUSE CONCURRENT RESOLUTION NO. 40

(BY MR. BEACOM)

[Adopted February 8, 1934.]

Requesting the Public Service Commission to reduce water rates in the city of Huntington.

WHEREAS, The Public Service Commission recently reduced water rates for the citizens of the city of Welch, West Virginia; and

WHEREAS, It appears that the city of Huntington and its citizens are paying an excessive rate for water; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Public Service Commission of West Virginia study the present high rate charged the citizens of the city of Huntington by the Huntington Water Corporation with the view in mind of reducing same.

HOUSE CONCURRENT RESOLUTION NO. 42

(BY MR. PELTER)

[Adopted February 14, 1934.]

Commending officials and employees of the West Virginia Agency of the Home Owners' Loan Corporation.

WHEREAS, The officials and employees of the Home Owners' Loan Corporation in West Virginia have for the past six months been engrossed with the task of rendering aid to the distressed home owners in this state who, but for the provisions of the Home Owners' Loan Act of 1933, would have suffered the loss of their homes, which, in many instances, would have resulted in the wiping out of their entire savings and possession; and

WHEREAS, The work of these officials and employees has been in an efficient and courteous manner toward the people of the state of West Virginia; and

WHEREAS, The work of the Home Owners' Loan Corporation in West Virginia has been very beneficial to the people of this state and afforded a large amount of relief to the citizenry, the cities, and communities of West Virginia; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia commends the officials and employees of the West Virginia agency of the Home Owners' Loan Corporation for their efficient, faithful, loyal, and untiring efforts to render assistance to the distressed home owners in West Virginia and for their courteous treatment and cooperation with the public in the state of West Virginia; and, be it

Resolved further, That a copy of this resolution be sent to the Federal Home Loan Bank Board at Washington, D. C., and to each of the senators and members of the house of representatives in the Congress of the United States, from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 44

(BY MR. BEACOM)

[Adopted February 21, 1934.]

Requesting the President of the United States to approve the report of the Wild Life Restoration Committee.

WHEREAS, The committee appointed by the President of the United States on Wild Life Restoration, has submitted its report to the President; and

WHEREAS, Among other things this committee was to make investigations and recommendations, as to restoring and propagating wild life in the various states; and

WHEREAS, West Virginia sportsmen and the State Conservation Commission favor this report; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia hereby respectfully requests the President of the United States to approve the report made by said committee; and, be it

Resolved further, That a copy of this resolution be transmitted to the President of the United States; Thomas H. Beck, chairman of the committee, and to the Senators and members of the House of Representatives from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 45

(BY MR. MOORE)

[Adopted March 9, 1934.]

Authorizing and directing the Insurance Commissioner to make a survey relative to insurance laws and insurance companies.

WHEREAS, At the present and at prior sessions of the Legislature many acts have been passed relating to and regulating the business of insurance; and

WHEREAS, The terms and provisions of some of the said acts are ambiguous and conflicting; and

WHEREAS, It is deemed necessary that all of the acts relating to

the business of insurance in this state should be codified and clarified; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Insurance Commissioner of this state be and is hereby authorized and directed to make a complete survey of all the laws now in force affecting the business of insurance, including a comparison of such statutes in effect in other states; and, be it

Further resolved, That in said survey the Insurance Commissioner shall inquire into the practice of fire insurance companies in imposing an overhead charge of forty-five per cent or more of premiums collected on risks written in this state for administrative or other cause of conducting said fire insurance business; and, be it

Further resolved, That the said Insurance Commissioner shall report his findings, with recommendations thereon, to the next regular session of the Legislature and that a copy of said findings and report be also furnished to the Governor of this state; and, be it

Further resolved, That this resolution shall supercede and rescind all previous resolutions passed by the House of Delegates at its regular and extraordinary session, relating to or affecting the business of insurance; and, be it

Further resolved, That the survey herein directed shall be conducted by the Insurance Commissioner without cost or expense to the state.

HOUSE CONCURRENT RESOLUTION NO. 46

(BY MR. RICHTER)

[Adopted February 22, 1934.]

Inviting His Excellency, the Governor of West Virginia, to appear before a joint session of the Legislature to discuss the fiscal problems of the state.

Resolved by the House of Delegates, the Senate concurring therein:

That His Excellency, the Governor of West Virginia, be invited to appear before the Senate and the House of Delegates, in

joint session assembled, thirty minutes after the House of Delegates convenes, on the twenty-third day of February, one thousand nine hundred thirty-four, in the chamber of the House of Delegates, and to present a statement of the revenue needed to operate the government of West Virginia during the current biennium and to propose ways and means whereby such revenue may be raised.

HOUSE CONCURRENT RESOLUTION NO. 47

(BY MR. RIGHTER)

[Adopted February 23, 1934.]

Raising a joint committee to wait upon the Governor.

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee be appointed, three by the Speaker of the House of Delegates, and three by the President of the Senate, to wait upon His Excellency, the Governor, and to inform him that a resolution has been adopted by the Legislature inviting him to address a joint session of the Legislature at 10:30 o'clock A. M., this day, on the fiscal problems of the state.

HOUSE CONCURRENT RESOLUTION NO. 49

(BY MR. RIGHTER)

[Adopted February 23, 1934.]

Raising a joint assembly to hear an address by His Excellency, the Governor.

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 10:30 o'clock A. M., this day, to hear an address by His Excellency, the Governor.

HOUSE CONCURRENT RESOLUTION NO. 50

(BY MR. HINER)

[Adopted February 27, 1934.]

Concerning relief for unemployment and destitution.

WHEREAS, The Federal Emergency Relief Administration has indicated that in order for this state to continue to secure federal appropriation for the relief of unemployment and destitution the Legislature must appropriate a certain amount of money per month; and

WHEREAS, The Legislature of West Virginia recognizes its duty in this respect and will utilize every possible resource to aid the federal government in relief work in this state; and

WHEREAS, The Legislature has been delayed in the matter of raising revenue on account of the difficulty in getting an enabling act which was constitutional under the Levy Limitation Amendment; and

WHEREAS, The Legislature now has before it a number of proposals for raising revenue and it is believed that ample provision will be promptly made to care for the state's relief problems; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature hereby extends to Honorable Harry Hopkins and the Federal Relief Administration its appreciation for the kind consideration they have given this state during the past several months; and, be it

Further resolved, That the Federal Relief Administration is hereby requested to continue federal relief to West Virginia until the Legislature is able to enact such tax measures as will provide revenue for its proportion of relief funds; and, be it

Further resolved, That the Clerks of the Senate and House of Delegates transmit a copy of this resolution to the Honorable Harry Hopkins, the members of the House of Representatives and United States Senators from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 53

(BY MR. LESTER)

[Adopted March 12, 1934.]

Concerning the death of the Honorable James H. Strickling.

WHEREAS, The Legislature has been advised of the death of the Honorable James H. Strickling, a former Speaker and member of the House of Delegates; and

WHEREAS, The deceased was an able and conscientious lawyer, served as prosecuting attorney of Tyler county and since 1909 had established an enviable reputation as an advocate, practicing his profession in the city of Huntington; and

WHEREAS, As a member of the House of Delegates in the sessions of 1907 and 1909, he represented the county of Tyler with honor and distinction, serving as Speaker in the session of 1909; and

WHEREAS, The deceased was not only active in public and political affairs, but was a prominent sportsman and educator, serving as president of the Sistersville board of education and operating an academy at Harrodsburg, Kentucky, for several years and was president of the West Virginia Sportsman's League for a number of years; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature hereby expresses its deepest sorrow over the death of this distinguished and public spirited citizen; and, be it

Resolved further, That the sympathy of each member of the Legislature is hereby extended to the sorrowing family and friends of the deceased; and, be it

Resolved further, That out of honor and respect for the deceased, a committee of six is hereby raised to attend the funeral, three members of the House of Delegates, to be appointed by the Speaker and three members of the Senate, to be appointed by the President, and that the Clerks of the two houses are directed to send suitable floral emblems at once to the late residence of the Honorable James H. Strickling.

HOUSE CONCURRENT RESOLUTION NO. 54

(By MR. STROUSS)

[Adopted March 14, 1934.]

Commending Charles Wise, of Moorefield, DeWitt White, of Morgantown, and Charles Sleeth, of Arnettsville, students of West Virginia University, for international honors they have brought to their state and university because of high academic attainments and outstanding capacity for leadership; and approving the policy of the Board of Governors and the faculty of West Virginia University in developing international interest and good will within the student body.

WHEREAS, West Virginia University has been extended two outstanding opportunities to participate in international academic life; namely, by being selected as one of a large group of institutions of higher learning best suited to represent the National Students Federation of America in a series of debates with the leading colleges and universities of Great Britain; and by being successful in competition with colleges and universities of New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, and West Virginia, in placing a Rhodes scholar from West Virginia University in Oxford University, Oxford, England; and

WHEREAS, The Board of Governors of West Virginia University has on behalf of the University accepted the invitation to debate with the leading colleges and universities of Great Britain, and has approved the appointment of Charles Wise of Moorefield, and DeWitt White of Morgantown, to represent the University in this respect; and

WHEREAS, Charles Sleeth, of Arnettsville, has been chosen by the committee for the selection of Rhodes scholars from the middle atlantic states district as one of four students to represent his state and country at the University of Oxford, Oxford, England, as a Rhodes scholar in that institution; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia commends the Board of

Governors and the faculty of West Virginia University for sponsoring and developing international academic relations that tend to bring the life of West Virginia into cultural contact with countries across the sea; and, be it

Further resolved, That the Legislature of West Virginia extends its appreciation to Charles Wise, of Moorefield, to DeWitt White, of Morgantown, and to Charles Sleeth, of Arnettsville, for the distinction that their academic ability and their capacity for leadership have brought to their state and country; and, be it

Further resolved, That a copy of this resolution be directed to His Excellency, the Governor of West Virginia, to the Board of Governors of West Virginia University, to the President of the University, to Charles Wise, of Moorefield, to DeWitt White, of Morgantown, and to Charles Sleeth, of Arnettsville.

HOUSE CONCURRENT RESOLUTION NO. 55

(BY MR. SHAHAN)

[Adopted March 16, 1934.]

Requesting the Board of Public Works to borrow money to pay teachers' salaries.

WHEREAS, Additional appropriations will soon be made by this Legislature to pay the school teachers of this state; and

WHEREAS, An indefinite period of time will exist before sufficient revenue will come into the treasury to pay the said teachers after appropriations are made; and

WHEREAS, The state has assumed the payment of the basic teachers' salaries for eight months; and

WHEREAS, The state has paid this basic salary for only four months of the present school year; and

WHEREAS, It is deemed expedient that the school teachers of this state should receive immediate compensation for the services which they have rendered; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia hereby respectfully re-

quests the Board of Public Works, upon the passage of the revenue bills, to negotiate and secure a loan or loans of sufficient amounts to provide payment of the salaries for this year when due, the said loan to be repaid from the collections of the said revenue bills.

HOUSE CONCURRENT RESOLUTION NO. 57

(By MR. NORTON)

[Adopted March 23, 1934.]

Relative to a survey, examination and report upon riverways and water resources of the State of West Virginia.

WHEREAS, The federal government has begun a comprehensive program of water conservation as follows:

1. The execution of the PWA plan of flood control in the Mississippi river and part of its tributaries.
2. The improvement of the waterways system of the United States to convert its principal streams into traffic arteries.
3. The creation of a "lakes to sea" deep water route through the great lakes and St. Lawrence river and utilization of the streams' waterpower resources; and

WHEREAS, Many of our great industrial centers and best farming districts are threatened with a shortage of water supplies for industrial, domestic and farm uses, which will limit our future growth in population, production and industrial expansion; and

WHEREAS, We need a state-wide program of water conservation which will guarantee a perpetual water supply for all water utilities, including flood protection, industrial and domestic water supplies, irrigation, navigation, sanitation or sewage dilution, hydraulic power, recreation or water parks and the restoration of our rapidly diminishing water table or ground waters with controlled drainage; and

WHEREAS, We realize that a complete and comprehensive program of water conservation for the state cannot be planned or outlined until a state-wide water resource survey has been made and the data correlated, compiled and reported upon with recommendations by a competent board appointed for that purpose in

cooperation with the program of the federal government; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the governor shall appoint immediately upon the adoption of this resolution a board consisting of five members to examine and report to the governor, at the earliest practicable date upon the riverways and water resources of the state of West Virginia; and, be it

Further resolved, That said board is hereby authorized to cooperate and work with any federal board or agency that is or may be engaged in such a survey or examination; and, be it

Further resolved, That said survey, examination and report shall have special reference to the improvement of existing stream channels for the mitigation of floods, for standardized navigation by slack water for suitable draft, for the development of power, for industrial and domestic water supplies, for the betterment of sanitary conditions, for the restoration of ground waters, and for any allied benefits that may properly accrue to the nation, state or local communities interested; and report its finding to the next regular session of the Legislature and make such recommendations as it deems advisable.

HOUSE CONCURRENT RESOLUTION NO. 58

(BY MR. BALLARD)

[Adopted March 24, 1934.]

Relating to adjournment *sine die*.

Resolved by the House of Delegates, the Senate concurring therein:

That when the Legislature adjourns today, it adjourn *sine die*.

HOUSE JOINT RESOLUTION NO. 1

(BY MR. BEACOM)

[Adopted December 12, 1933.]

Ratifying the child labor amendment to the Constitution of the United States.

WHEREAS, The sixty-eighth Congress of the United States of America, at its first 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 is hereby 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 XX

“SECTION 1. The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age.

“SEC. 2. The power of the several states is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to Legislation enacted 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; and, be it

Further resolved, That certified copies of the foregoing preamble and resolutions 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 Speaker of the House of Representatives of the United States.

HOUSE JOINT RESOLUTION NO. 4

(BY MR. REED)

[Adopted January 22, 1934.]

Proposing an amendment to the constitution of the state, amending section six of article thirteen thereof.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the question of the ratification or rejection of an amendment to the constitution of West Virginia shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred thirty-four, which proposed amendment is as follows:

That section six of article thirteen of the constitution of West Virginia be amended to read as follows:

Section 6. It shall be the duty of every owner of land, or of an undivided interest therein, to have such land, or such undivided interest therein, entered on the land books of the county in which it, or a part of it, is situated, and to cause himself to be charged with taxes legally levied thereon and pay the same. When, for any five successive years, the owner of any tract of land, or undivided interest therein, shall not have been charged on such land books with state, county and district taxes thereon, then, by operation hereof, the land, or undivided interest therein, shall be forfeited, and title vested in the state. But if, for any one or more of such five years, the owner of such land, or of any undivided interest therein, shall have been charged with state, county and district taxes on any part of such land, such part thereof, or undivided interest therein, shall not be forfeited for such cause. And any owner of land so forfeited, or of any interest therein, at the time of the forfeiture thereof, who shall then be an infant, married woman, or insane person, may, until the expiration of three years after the removal of such disability, have the land, or such interest, charged on such land books, with all state and other taxes that shall be, and but for the forfeiture would be, chargeable on the land, or interest therein, for the years one thousand eight hundred sixty-three, and every year thereafter, with interest at the rate of ten per centum per annum, and pay all taxes and interest

thereon for such years, and thereby redeem the land or interest therein: *Provided*, That such right to redeem shall in no case extend beyond twenty years from the time such land was forfeited.

HOUSE RESOLUTION NO. 1

(BY MR. NORTON)

(Originating in the Committee on Rules)

[Adopted November 21, 1933.]

Relating to rules of the House of Delegates for this extraordinary session of the Legislature.

Resolved by the House of Delegates:

That the rules of the House of Delegates for the first extraordinary session, one thousand nine hundred thirty-three, with the addition of the following rules thereto, to be numbered one hundred one to one hundred five, inclusive, be adopted as the rules governing this extraordinary session:

101. A majority of the members elected to the House of Delegates shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House of Delegates, send for absentees, and make any order for their censure or discharge. On a call of the House of Delegates, the doors shall not be closed against any member until his name shall have been called twice.

102. In case a number less than a quorum of the House of Delegates shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House of Delegates, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House of Delegates. This rule shall apply to the first meeting of the House of Delegates, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House of Delegates stood adjourned.

103. No member of the House of Delegates shall be taken into custody by the Sergeant-at-Arms, on any question of complaint of

breach of privilege, until the matter is examined by the Committee on Elections and Privileges, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates.

104. The House of Delegates may punish its own members for disorderly behavior, and with the concurrence of two-thirds of the members elected thereto, expel a member, but not twice for the same offense. (Const. art. 6, sec. 25.)

105. The House of Delegates may punish by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debates; but such imprisonment shall not extend beyond the termination of the session.

HOUSE RESOLUTION NO. 2

(BY MR. TABOR)

[Adopted November 21, 1933.]

Concerning the death of Honorable Thomas Jefferson Robson.

WHEREAS, The Honorable Thomas Jefferson Robson, prominent in the church, fraternal and business life of Charleston and Kanawha County, and a member of this body of the session of one thousand nine hundred twenty-nine, in which he served his county and state with ability and fidelity, has departed this life; therefore, be it

Resolved by the House of Delegates:

That as a mark of the esteem with which he was held by the members of the house of delegates and as a tribute to his memory, the Speaker appoint a committee of five to attend the funeral of our deceased former member.

HOUSE RESOLUTION NO. 3

(BY MR. DIXON)

[Adopted November 21, 1933.]

Raising a committee to inform the Senate that the House of Delegates has assembled in extraordinary session.

Resolved by the House of Delegates:

That the Speaker appoint a committee of three to inform the Senate that a quorum of the House of Delegates has assembled in its chamber in extraordinary session, pursuant to the proclamation of His Excellency, the Governor, issued on the second day of November, one thousand nine hundred thirty-three, and is ready to proceed with the business for which it has assembled.

HOUSE RESOLUTION NO. 4

(BY MR. MATTHEWS)

[Adopted November 21, 1933.]

Concerning eligibility of persons appointed as attaches.

Resolved by the House of Delegates:

That no person shall be appointed as an attache for the House of Delegates during this extraordinary session of the Legislature, who is now holding or has held thirty days prior to the convening of the session, any remunerative position or office with either the Federal, State (except with the Legislative branch of government), county, district or municipal government; and, be it

Further resolved, That no son, daughter, wife, husband, brother or sister of any member of the Legislature, nor the son, daughter, wife, husband, brother or sister of anyone now holding or has held within thirty days prior to the opening of this session, any remunerative position or office with the Federal, State, county, district or municipal governments, shall be appointed as an attache during this session.

COM. SUB. FOR HOUSE RESOLUTION NO. 5

(Originating in the Committee on Rules)

[Adopted December 7, 1933.]

Authorizing the appointment of attaches.

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby authorized to appoint for the House of Delegates, the following

attaches to receive the per diems as herein provided for this extraordinary session :

(1) For the Clerk's office the following :

- One stenographer to the Clerk at seven dollars per day ;
- Two assistant clerks at seven and one-half dollars per day ;
- One Journal clerk at ten dollars per day ;
- One Journal stenographer at seven and one-half dollars per day ;
- Two record and roll call clerks at six dollars per day ;
- One supervisor of printing at seven dollars per day ;
- Four proofreaders at seven dollars per day ;
- Three copyholders at six dollars per day ;
- One enrolled bill clerk at six dollars per day ;
- One messenger at four dollars per day ;

(2) One clerk and one stenographer to the Committee on Taxation and Finance at ten and seven dollars per day, respectively ;

One clerk and one stenographer to the Committee on the Judiciary at seven and one-half and seven dollars per day, respectively ;

- One chief journal room clerk at seven dollars per day ;
- Nine assistant journal room clerks at five dollars per day ;
- One mailing clerk at six dollars per day ;
- Four pages at four dollars per day ;
- Two men's cloak room attendants at five dollars per day ;
- One ladies' cloak room attendant at five dollars per day ;
- One night watchman at six dollars per day ;
- One supervisor of stenographers at seven dollars per day ;
- Twelve floor stenographers at six dollars per day ;
- Four assistant doorkeepers at five dollars per day ;
- One clerk to the sergeant-at-arms at seven dollars per day ;

One stenographer to the sergeant-at-arms at six dollars per day ;
Three assistant janitors at four dollars per day ;
One chaplain at five dollars per day ; and, be it

Further resolved, That the secretary and stenographer to the Speaker, as provided for by the rules of the House of Delegates, shall receive nine and seven and one-half dollars per day, respectively, the Sergeant-at-Arms shall receive nine dollars per day, the doorkeeper shall receive seven and one-half dollars per day and the Clerk of the House of Delegates shall receive fifteen dollars per day ; and, be it

Further resolved, That all of the appointments made under authority of this resolution shall be certified to the Sergeant-at-Arms, who is hereby directed to draw his warrants upon the Auditor in favor of the persons so appointed and certified to him, and the Auditor shall honor and pay such warrants when presented and charge same to the "per diem of officers and attaches" fund of the House of Delegates. The Sergeant-at-Arms shall draw his warrants in favor of officers and attaches for consecutive days from the date of the opening of this session, at the per diems herein set out, until such time as their services shall cease. The Speaker shall require each of said employees to perform such duties as shall be assigned him and is hereby given authority to remove or discharge any employee and to fill such vacancies as may occur. The Speaker is also given authority to dispense with the service of any attache or attaches for any such time or number of days as their services shall not be needed during the session and they shall not be paid for such time as he may notify the Sergeant-at-Arms of their suspension.

HOUSE RESOLUTION NO. 7

(BY MR. MARSH, of Ohio)

[Adopted November 22, 1933.]

Authorizing the Speaker to invite the Honorable John J. Cornwell to address the House of Delegates.

WHEREAS, Newspaper dispatches have reported that the Honorable Joseph B. Eastman, Federal Railroad Coordinator, has

under consideration what is termed the Prince Plan for consolidating all the railroads of the country into seven systems, which plan would combine the Baltimore and Ohio and its affiliated and related companies with the Pennsylvania system; and

WHEREAS, It is represented in these newspaper reports that the said Baltimore and Ohio would be dismantled as a through carrier of freight and passengers, reduced to a single track road and a second grade branch-line of the Pennsylvania; and

WHEREAS, If that should prove true the said Baltimore and Ohio system would be depreciated in value, causing the state and the counties where its property is situated to lose large sums of tax revenue and the business developed along the line might suffer great handicaps; and

WHEREAS, It is desirable this Legislature be fully informed as to all the facts; therefore, be it

Resolved by the House of Delegates:

That the Speaker is authorized to invite former Governor John J. Cornwell, General Counsel of the said railroad company, to appear before this House at such time as may be agreeable to him and give to the members of this body such information as he may possess with respect to the so called Prince Plan and its status in order that the House of Delegates may, if thereafter it seems proper, give expressions of its attitude in relation thereto.

HOUSE RESOLUTION NO. 9

(By MR. MATTHEWS)

[Adopted November 23, 1933.]

Authorizing payment of janitors.

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby authorized to draw his warrants upon the Auditor in favor of the following, to be paid in advance of the appropriation for the purpose, for the amounts herein set out, for janitor services preliminary to the opening of this session:

William Quarels 7 days at \$4.00.....	\$28.00
Clarence A. Earley 9 days at 4.00.....	36.00
Boisie Green 8 days at 4.00.....	32.00
Sam White 5 days at 4.00.....	20.00
Edward Tillman 5 days at 4.00.....	20.00
D. M. Tucker 9 days at 4.00.....	36.00

HOUSE RESOLUTION NO. 10

(BY MR. LUBLINER)

[Adopted November 23, 1933.]

Requesting the Governor to give the Committee on Taxation and Finance a letter to the Secretary of Treasury of the United States, requesting permission to examine and receive certain information from the United States Department of Internal Revenue.

WHEREAS, The Taxation and Finance Committee of the House of Delegates has had under consideration House Bill No. 1, relating to a graduated net income tax similar to the law now in force by the Federal Government; and

WHEREAS, The Taxation and Finance Committee by motion authorized and directed the chairman of said committee to obtain facts and figures pertaining to the federal income tax law; and

WHEREAS, It is the sense of said committee that this information can only be obtained from the Internal Revenue Department, Washington, D. C.; and

WHEREAS, Your committee has been advised that it is necessary to obtain the written consent of the Governor of West Virginia in order to have access to the Internal Revenue Department records; thereof, be it

Resolved by the House of Delegates:

That the Governor of West Virginia be respectfully requested to furnish your committee with a letter or other necessary authorizations, addressed to the Secretary of the Treasury of the United

States, for permission to examine and receive information contained in said records filed in the Internal Revenue Department; and, be it

Further resolved, That the necessary expense incurred in obtaining this information shall be paid from the contingent fund of the House of Delegates, in advance of the appropriation therefor.

HOUSE RESOLUTION NO. 13.

(BY MR. NORTON)

[Adopted November 23, 1933.]

Pertaining to legislation for maintenance and support of the public school system.

WHEREAS, The educational training of our thousands of school children is a matter of first importance in the minds of our citizens; and

WHEREAS, The public schools in the state have been kept open to this time under extreme difficulties which have occasioned grave concern, particularly to those most responsible; and

WHEREAS, Boards of education, teachers and others employed in the maintenance of schools have exerted every effort to keep the schools open and have maintained a determined spirit of patriotic courage in the face of these unparalleled circumstances without in many counties a single dollar of available local revenue for support; therefore, be it

Resolved by the House of Delegates:

That we express by resolution to the members of county boards of education, teachers and maintenance employees of the public school system our appreciation for their loyalty and courage in making possible to this time the continuance of the public school system; and that we extend to them the assurance of such relief, as may be within our power to provide through remedial legislation, to the end that our mutual efforts may save and preserve educational opportunities to all the boys and girls in our public school system.

HOUSE RESOLUTION NO. 14

(BY MR. NORTON)

[Adopted November 23, 1933.]

Relating to enabling legislation under the Tax Limitation Amendment.

Resolved by the House of Delegates:

That any enabling act to make effective the provisions of the "Tax Limitation Amendment" drafted to take the place of House Bill number three hundred fourteen, recently held unconstitutional by our State Supreme Court of Appeals, be so drafted as to keep within the maximum rates prescribed by the Amendment and in no event shall the enabling act be drafted so as to permit the aggregate of all taxes assessed, from exceeding the maximum limit fixed in said amendment.

HOUSE RESOLUTION NO. 15

(BY MR. SHALAN)

[Adopted November 23, 1933.]

Directing the Sergeant-at-Arms to draw his warrants upon the Auditor for postage for the use of the Clerk of the House of Delegates.

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to draw his warrants upon the Auditor for postage for the use of the Clerk of the House of Delegates, to be paid out of the contingent fund of the House of Delegates. Said postage to be used for the mailing department and to be drawn in amounts designated by the Clerk.

HOUSE RESOLUTION NO. 17

(BY MR. HOLT)

[Adopted November 24, 1933.]

Continuing the Committee to investigate Utilities, created by the House of Delegates at the regular session, one thousand nine hundred thirty-three.

Resolved by the House of Delegates:

That the Utility Investigating Committee, created by the House of Delegates at the regular session, one thousand nine hundred thirty-three, is hereby empowered and shall be continued, actively, with the following rights and privileges:

This committee shall have the power to investigate the rates, rate making process and financial setup of any or all of the public utilities operating in West Virginia; to investigate the participation of utility employees, officials, companies and corporations in political activities, elections and all other governmental activities; to investigate the participation of utilities in organizations, associations or societies; to investigate the contracts and dealings of these utility companies and corporations with their holding companies; to investigate the activities, rulings, and orders of the Public Service Commission of the State of West Virginia; to study the assessment and taxation of utility companies and corporations; or to investigate any other matter dealing with utilities that the committee may determine to be of common good to the citizens of the state of West Virginia. This committee shall have the power to administer oaths, and to summon and compel the attendance of any witness in the state.

The Sergeant-at-Arms of the House of Delegates is directed to serve any summons the committee may direct.

Said committee shall have the power to require the production of records, books and papers of any individual, company or corporation.

The committee may hear testimony at any place that it may determine and shall have the right to examine the records, books or papers of any individual, company or corporation anywhere in the state.

The Sergeant-at-Arms is hereby directed to draw his warrants for expenses of the committee, in advance of the appropriation therefor, from the House of Delegates Contingent Fund.

HOUSE RESOLUTION NO. 18

(BY MR. HINER)

[Adopted November 24, 1933.]

Concerning study of state and local governments, for the purpose

of ascertaining whether or not expenses of same can be reduced.

WHEREAS, During this period of business and industrial depression, the maximum levies in 1933 under the tax limitation amendment will yield \$25,000,000 in property taxes for the support of the state and local governments, compared with \$50,000,000 in 1931 and \$42,000,000 in 1932 from the same source; and

WHEREAS, The fiscal records of the state show that receipts of revenue in the state treasury from the operation of the sales tax law dropped from \$4,076,143 in the fiscal year 1927 to \$1,620,653 in the fiscal year ending June 30, 1933, a decrease of sixty per cent in the annual gross incomes of those businesses, industries and professions subject to this tax; and

WHEREAS, In the first special session of this Legislature, ending June 3, 1933, the rates of the sales tax law were revised to increase the revenue from these indirect sources of taxation over 400 per cent for state and local purposes in order to absorb the losses of revenue from property taxes; and

WHEREAS, Further increased taxation on business, industry and other indirect sources of taxation may imperil the stability of business and industry in this state, would have the tendency to drive capital out of this state to more favorable locations, and would halt the future industrial development of the state; therefore, be it

Resolved by the House of Delegates:

That it is the sense of the House of Delegates that prior to the consideration of any proposed legislation to raise additional revenue for either state or local purposes, that the committee on taxation and finance, or any special committee that may hereafter be created to consider revenue legislation, be required to study the cost of the state, county, district, municipal and school governments, to ascertain, if possible, whether additional economies can be effected to reduce the cost of government comparable to the loss of income our taxpayers have suffered during these recent years of business and industrial adversity.

HOUSE RESOLUTION NO. 19

(BY MR. PEERY)

[Adopted December 6, 1933.]

Extending the thanks of the House of Delegates, to the Honorable A. M. Gilbert, retiring Doorkeeper.

Resolved by the House of Delegates:

That this body hereby expresses its genuine thanks to the Honorable A. M. Gilbert, who has recently resigned as Doorkeeper of the House of Delegates, for his loyal and efficient services during the regular and first extraordinary sessions of the 1933 Legislature.

HOUSE RESOLUTION NO. 20

(BY MR. NORTON)

[Adopted December 6, 1933.]

Expressing sympathy to the Honorable Frank R. Hill on account of illness.

WHEREAS, The Honorable Frank R. Hill, the Delegate from the county of Pocahontas, due to illness has been unable to attend this extraordinary session of the Legislature; therefore, be it

Resolved by the House of Delegates:

That the sympathy of this body is hereby extended to Mr. Hill on account of his illness, and, be it

Resolved further, That the Clerk of the House of Delegates is hereby directed to send a copy of this resolution to Mr. Hill, with the hope of a speedy recovery so that he may soon be able to take part in the business of this session.

HOUSE RESOLUTION NO. 21

(BY MRS. HARMAN)

[Adopted December 6, 1933.]

Concerning the death of the Honorable G. T. Epling.

WHEREAS, The Honorable G. T. Epling of Welch, West Virginia, has departed this life; and

WHEREAS, The deceased was an outstanding citizen and dental surgeon of this state; and

WHEREAS, Dr. Epling was twice elected to the House of Delegates from McDowell county and served in the 1909 and 1911 sessions of the Legislature, serving his state with credit and distinction; therefore, be it

Resolved by the House of Delegates:

That the members of this body, hereby extend to Mrs. Epling and the members of the family, the sympathy of the House of Delegates; and, be it

Resolved further, That a copy of this resolution be transmitted by the Clerk, to Mrs. Epling.

HOUSE RESOLUTION NO. 22

(BY MR. CARDEN)

[Adopted December 6, 1933.]

Relating to the death of the Honorable Joseph Harrison Cooper.

WHEREAS, The Honorable Joseph Harrison Cooper, a member of the House of Delegates from Wyoming county in the 1929 session, has departed this life; and

WHEREAS, He was one of Wyoming county's leading school men, having been engaged in teaching for many years and serving as county superintendent of free schools from 1915 to 1919; and

WHEREAS, Mr. Cooper served his county well and faithfully in the Legislature; therefore, be it

Resolved by the House of Delegates:

That we deplore the loss of this former member and extend to his family our heartfelt sympathy; and be it

Resolved further, That a copy of this resolution be transmitted, by the Clerk, to the family of the deceased.

HOUSE RESOLUTION NO. 23

(By MR. STOUT)

[Adopted December 6, 1933.]

Directing Committee on Taxation and Finance and Education to make certain investigations and reports.

WHEREAS, The very serious financial situation in which the state finds itself has made necessary efforts both in the direction of the curtailment of expenditures and in the search for new sources of revenue; and while commendable progress has been made in the effecting of economies, yet it appears to many that if as much time and thought had been given to the study of the making of savings as has been given to the search for new revenue we would be further along toward the goal of financial recovery than we are today,—possibly we have thought so much of the financial embarrassments of the state and of the various local governmental units that we have not given sufficient consideration to the financial embarrassment of the people, by whom, after all is said and done, the great burden of taxation must be borne—whether that taxation be direct or indirect; and

WHEREAS, The whole matter of education, while one of the most important functions of the state, is also the most costly function and is likewise one, the efficiency of which is very seriously threatened in these difficult times; and

WHEREAS, Under these circumstances it appears to most people that the maintenance of our primary educational facilities, one of much greater importance than the carrying on of post high school or normal school work, especially when many trained teachers are already out of employment; therefore, be it

Resolved by the House of Delegates:

That the Committee on Taxation and Finance be directed to especially study and report on the question of the effecting of further economies in governmental operation, and that the Committee on Education be directed to especially study and report on the feasibility and advisability of the elimination of, or the temporary suspension of, some, at least, of our state normal schools or colleges.

HOUSE RESOLUTION NO. 24

(BY MR. SHAHAN)

[Adopted December 7, 1933.]

Raising a committee to study sources of revenue in the various states.

WHEREAS, The Legislature is now faced with the complicated problem of providing revenue to carry on under the existing emergency, to keep the doors of the schools open and to provide supplemental aid for the relief of the unemployed; and

WHEREAS, Various state legislatures in these United States have been called upon within the last few months to solve much the same problems now facing this state; and

WHEREAS, Information as to the types of revenue now in use in the various states, the success with which used, the amount of revenue produced, and the number of states using various sources of taxation, would be helpful to the members of this body in deciding upon the many and intricate tax problems coming up for decision; therefore, be it

Resolved by the House of Delegates:

That a committee of five be appointed by the Speaker of the House of Delegates to investigate the various sources of revenue used by the various states, the success with which used, the length of time in use, and any other information that the committee may desire.

HOUSE RESOLUTION NO. 25

(BY MR. HOLT)

[Adopted December 11, 1933.]

Relating to persons entitled to the privilege of the floor.

Resolved by the House of Delegates:

That any person, not a member, entitled to the privilege of the floor who shall use that privilege for the purpose of lobbying for

or against any subject under consideration by the House of Delegates or any of its committees, shall be denied the privilege of the floor by the Speaker.

HOUSE RESOLUTION NO. 28

(BY MR. HOLT)

[Adopted December 18, 1933.]

Requesting Auditor to furnish information relative to School Land Commissioners.

Resolved by the House of Delegates:

That the Honorable Edgar B. Sims, state auditor, be and is hereby requested, to furnish this House within three days, a complete list of the School Land Commissioners of the state, showing the amount owing the state by any of them on March 4, 1933 and on the date of this resolution, the period of time involved, the steps that have been taken, or are being taken to collect such indebtedness; and, be it

Resolved further, That the said auditor be and is hereby requested to furnish a list of former school land commissioners leaving office indebted to the state, the amount of such indebtedness, the period of time involved, and the steps that have been taken, or are being taken to collect such indebtedness.

HOUSE RESOLUTION NO. 29

(BY MR. HINER)

[Adopted December 10, 1933.]

Authorizing the auditor and treasurer to pay salaries of certain members of the House of Delegates.

WHEREAS, The Governor has appointed the following named persons to fill vacancies in the House of Delegates; and

WHEREAS, Each of said persons have qualified as members of the House of Delegates, by taking and subscribing to the several oaths prescribed by section sixteen, article six, of the Constitution of this state; therefore, be it

Resolved by the House of Delegates:

That upon the warrant of the Sergeant-at-Arms, the auditor and treasurer are hereby authorized and directed to pay to the following members, the sum of two hundred fifty dollars, as salary for the year one thousand nine hundred thirty-three, in advance of the appropriation for the purpose:

Milton J. Ferguson, Wayne, West Virginia, to fill the vacancy caused by the resignation of Honorable H. T. Tucker, of Wayne county.

Joseph R. Curl, Wheeling, West Virginia, to fill the vacancy caused by the resignation of Honorable E. Y. McVey, of Ohio county.

C. W. Minear, Parsons, West Virginia, to fill the vacancy caused by the resignation of Honorable Hugh Pritt, of Tucker county.

Junius M. Strouss, Morgantown, West Virginia, to fill the vacancy caused by the resignation of Honorable Roy Yoke, of Monongalia county.

B. O. Cresap, Wellsburg, West Virginia, to fill the vacancy caused by the resignation of Honorable A. S. Craig, of Brooke county.

Joseph M. Woodford, Elkins, West Virginia, to fill the vacancy caused by the resignation of Honorable Dice Harper, of Randolph county.

C. N. Proctor, Clifftop, West Virginia, to fill the vacancy caused by the resignation of Honorable H. O. Boley, of Fayette county.

Raymond E. Bright, Frankfort, West Virginia, to fill the vacancy caused by the resignation of Honorable C. F. McClintic, of Greenbrier county.

R. C. Leap, New Martinsville, West Virginia, to fill the vacancy caused by the resignation of Honorable John N. Custer, of Wetzel county.

Ernest D. Lewis, Clarksburg, West Virginia, to fill the vacancy caused by the resignation of Honorable Mortimer W. Smith, of Harrison county.

Walter E. Stout, Parkersburg, West Virginia, to fill the vacancy caused by the resignation of Honorable Hugh R. Ferrell, of Wood county.

HOUSE RESOLUTION NO. 30

(By MR. GOODWIN)

[Adopted December 21, 1933.]

Wishing all citizens of West Virginia a merry Christmas.

Resolved by the House of Delegates:

That we, the members of the House of Delegates, in session assembled, hereby extend to the citizens of West Virginia, our sincere wish for a merry Christmas and a happy and prosperous new year.

HOUSE RESOLUTION NO. 33

(By MR. LUBLINER)

[Adopted January 3, 1934.]

Extending sympathy to the family of Delegate Norton's father.

WHEREAS, It is reported to the House of Delegates that the father of Honorable Wilbert H. Norton, a Delegate from the county of Cabell, is critically ill; therefore, be it

Resolved by the House of Delegates:

That this body hereby extends to the family of Delegate Norton's father, our deepest sympathy, and the hope that he will recover from his present illness immediately.

HOUSE RESOLUTION NO. 34

(By MR. MARSH, of Ohio)

[Adopted January 4, 1934.]

Authorizing the payment of mileage of members.

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to draw his

warrants on the Auditor, in advance of the appropriation for the purpose, for mileage due members and officers of the House of Delegates.

HOUSE RESOLUTION NO. 36

(BY MR. LUBLINER)

[Adopted January 5, 1934.]

Authorizing payment of expenses of committee to investigate affairs of West Virginia University.

WHEREAS, The Special Committee appointed by the Committee on Taxation and Finance to investigate the affairs at West Virginia University has performed that duty; and

WHEREAS, It was necessary to incur a total expense of one hundred seventy-six dollars, eighty-nine cents; and

WHEREAS, Said expense was duly authorized by the Committee on Taxation and Finance; therefore, be it

Resolved by the House of Delegates:

That the Sergeant-at-Arms be and is hereby directed to draw his warrant upon the Auditor in favor of John J. Pelter, chairman of said committee, for the above amount, payable out of the contingent fund of the House of Delegates.

HOUSE RESOLUTION NO. 37

(BY MR. HINER)

[Adopted January 6, 1934.]

Wishing the Honorable P. D. Arbogast, a delegate from the county of Monongalia, a speedy recovery from illness.

WHEREAS, It has been reported to the House of Delegates that the Honorable P. D. Arbogast, a Delegate from the county of Monongalia, is a patient in the St. Francis Hospital in Pittsburgh; therefore, be it

Resolved by the House of Delegates:

That the sympathy of the members of this body is hereby extended to Mr. Arbogast, with the hope that he may have a speedy

recovery from his illness so that he may be able to return to his duties in the House of Delegates; and, be it

Further resolved, That the Clerk transmit a copy of this resolution to Mr. Arbogast.

HOUSE RESOLUTION NO. 38

(BY MR. PEERY)

[Adopted January 8, 1934.]

Requesting all departments of state government to give full and loyal support to the National Recovery Act.

WHEREAS, The National Recovery Act is now in effect and has the support of all loyal Americans; and

WHEREAS, We believe it is the duty, not only of citizens and private business corporations to support this act, but wholehearted support should be given by all governmental departments; and

WHEREAS, Certain departments of our state government are purchasing supplies and materials from firms who are violating the N. R. A. code governing their business transactions, and by their acts are endeavoring to break down and destroy the effect of the National Recovery Act; therefore, be it

Resolved by the House of Delegates:

That each and every department of our state government who are dependent, in any way, upon this branch of the Legislature for aid or assistance in the conduct, management, or control of such department, shall at all times give full and loyal support to the National Recovery Act.

HOUSE RESOLUTION NO. 39

(BY MR. BEACOM)

[Adopted January 10, 1934.]

Authorizing payment of expenses of committee to attend the Inter-state Truck and Bus Conference, held in Harrisburg, Pennsylvania.

WHEREAS, The Inter-state Truck and Bus Conference was held

in Harrisburg, Pennsylvania, October 20 and 21, 1933; and

WHEREAS, The Speaker of the House of Delegates appointed a committee to attend this meeting; and

WHEREAS, Said committee incurred a total expense of one hundred ninety-eight dollars; therefore, be it

Resolved by the House of Delegates:

That the Sergeant-at-Arms be and is hereby directed to draw his warrants upon the Auditor in favor of the members of said committee, in the amounts following: Rush D. Holt, Chairman, thirty-eight dollars; Thomas Strong, thirty-eight dollars; James Kay Thomas, sixty-one dollars; and H. L. Van Sickler, sixty-one dollars, payable out of the contingent fund of the House of Delegates.

HOUSE RESOLUTION NO. 40

(BY MR. LANTZ)

[Adopted January 11, 1934.]

Expressing confidence in the Speaker and Clerk.

Resolved by the House of Delegates:

That we hereby declare our full confidence in the honesty, truthfulness and fairness of our Speaker, the Honorable R. M. Hiner and our Clerk, the Honorable John S. Hall.

HOUSE RESOLUTION NO. 41

(BY MR. DAVIS)

[Adopted January 15, 1934.]

Relating to introduction of Charter Bills.

Resolved by the House of Delegates:

That after the adoption of this resolution, no municipal charter bills shall be introduced in the House of Delegates, unless permission to introduce same be given by a resolution, setting out the title of the bill, and adopted by a majority vote of all the members present and voting: *Provided*, That this shall not apply to any bill or bills providing for municipal home rule.

HOUSE RESOLUTION NO. 43

(BY MR. HOLT)

[Adopted January 15, 1934.]

Extending sympathy to Honorable and Mrs. Harvey D. Beeler on account of injury to their son.

WHEREAS, It has been reported to the House of Delegates that the son of Honorable Harvey D. Beeler, Delegate from the County of Morgan, was seriously injured in an automobile accident on yesterday; therefore, be it

Resolved by the House of Delegates:

That the sincere sympathy of the members of this body is hereby extended to Mr. and Mrs. Beeler with the hope that no permanent injury may result, and that their son may speedily recover; and, be it

Further resolved, That the Clerk transmit a copy of this resolution to the Honorable Harvey D. Beeler.

HOUSE RESOLUTION NO. 44

(BY MR. FERGUSON)

[Adopted January 16, 1934.]

Granting permission to introduce a charter bill, by not later than January 18.

Resolved by the House of Delegates:

That permission is hereby given to introduce a bill not later than January 18, with the following title:

“A Bill to incorporate the city of Charleston, in the county of Kanawha; to fix its corporate limits; to divide the same into wards, and to prescribe and define the powers, rights and duties of said city of Charleston and of the officers and citizens of the same; to provide a plan of board of affairs-city council government for said city, and to prescribe the duties and powers of the board of affairs, city council and other officers and employees of said city thereunder; to provide for the holding of an election for the purpose of submitting the adoption or rejection of this act to the voters of the city of Charleston; and upon its adoption by the voters of the city

of Charleston, to repeal all other acts or parts of acts inconsistent or in conflict herewith and all acts amendatory thereof; said bill to be known as 'The Charter of the City of Charleston.' "

HOUSE RESOLUTION NO. 45

(BY MR. DUNN)

[Adopted January 10, 1934.]

Creating a committee of three members of the House of Delegates to investigate and inspect the construction of the wall at the state penitentiary, Moundsville, West Virginia.

WHEREAS, It has come to the attention of the House of Delegates through the report of the Board of Control of a defective wall at the State Penitentiary at Moundsville; and

WHEREAS, This report to the Governor and to the press was made by A. Spates Brady, a staunch republican, who has been appointed a member of the Board of Control and whose appointment has not yet been confirmed; and

WHEREAS, In this report he accuses J. V. Tully, superintendent of the building of the wall, with gross negligence; and

WHEREAS, J. V. Tully, who has had forty-three years experience of continuous work and no such charges ever before preferred against him; and

WHEREAS, It is evident that this report inflicts an injustice upon J. V. Tully now and in the future, as well as the Democratic party; therefore, be it

Resolved by the House of Delegates:

That there is hereby created a committee of three members of the House of Delegates to investigate the charges set forth in this resolution and inspect the wall constructed under the supervision of Mr. J. V. Tully, and to make any other inquiries which they may deem proper and expedient, which committee shall make their report to the House of Delegates. Said committee is to be appointed by the Speaker of this House. In their investigation, said committee is authorized to call in expert engineers or inspectors as they deem it necessary to inspect the wall.

HOUSE RESOLUTION NO. 46

(BY MR. BELKNAP)

[Adopted January 19, 1934.]

Raising a committee to investigate the Federal Civil Works Administration and the Welfare Department in the counties of Braxton and Jackson.

WHEREAS, There has been numerous complaints of mismanagement, charges of nepotism, favoritism, political preference and inefficiency in the handling of administration affairs in the counties of Braxton and Jackson; and

WHEREAS, Members of the Legislature have been importuned to investigate and urge the correction of such mismanagement and gross irregularities on the part of those who are administering the affairs by virtue of their position; and

WHEREAS, If the charges and reports are true the further handling of the business of the Federal Civil Works Administration in said counties by those now in charge will defeat the purpose and deprive the citizens of said counties who are in destitute circumstances of the relief intended for them; and

WHEREAS, It is the desire of the members of the Legislature to assist in clearing up the charges which have been made against those in charge in Braxton county and Jackson county to the end that the administration of unemployment relief may be carried on to the benefit of all those who are in need and entitled to relief; therefore, be it

Resolved by the House of Delegates:

That the Speaker is authorized to appoint three members of the House of Delegates who shall serve as a committee to investigate thoroughly the entire Federal Public Works program and the Welfare Department in the counties of Braxton and Jackson.

The committee shall have the power to summons and compel the attendance of witnesses and shall have power to administer oaths. It may also compel the officials and those in charge to produce any records or papers which the committee deems necessary in the conduct of the investigation.

The committee shall report its findings to the Legislature at the

completion of its investigation, and a record of such findings shall be forwarded to the Honorable M. M. Neely, United States Senator, Washington, D. C., and to the Honorable Andrew Edmiston, member of Congress from the third West Virginia district and the Honorable George W. Johnson, member of Congress from the fourth West Virginia district, and a copy likewise be filed with the Honorable William M. Beehler at Charleston.

HOUSE RESOLUTION NO. 47

(By Mr. Ross)

[Adopted January 23, 1934.]

Requesting the State Athletic Commission of West Virginia to make a report to the Legislature.

WHEREAS, Section two, chapter three, acts of the Legislature, one thousand nine hundred thirty-one, contains the following provision:

“The commission shall make to the Legislature biennial reports of their proceedings for the two years ending with the last day of the preceding December, and may submit with such report, such recommendations pertaining to its affairs, as to it shall seem advisable”; and

WHEREAS, Section three of said act provides that the secretary of the commission shall annually make a report, to the treasurer of the state, on the fiscal affairs of the commission; and

WHEREAS, The act creating said commission was passed February 27, 1931, to take effect ninety days from passage; and

WHEREAS, Said commission has not to this date made the reports as required by the act creating it; therefore, be it

Resolved by the House of Delegates:

That the State Athletic Commission of West Virginia is hereby directed to report to the Legislature, as required by law; and, be it

Further resolved, That said commission is hereby directed to forthwith report to the state treasurer a complete statement of the

fiscal affairs of said commission, showing all moneys received and disbursed by it, as directed by section three, chapter three, acts of the Legislature, one thousand nine hundred thirty-one.

HOUSE RESOLUTION NO. 48

(BY MR. DAVIS)

[Adopted January 24, 1934.]

Authorizing the payment of expenses of committee to investigate Civil Works Administration and Welfare Department in the counties of Jackson and Braxton.

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby authorized upon the requisition of the Chairman of the committee appointed to investigate the Civil Works Administration and Welfare Department in Braxton and Jackson counties, to draw his warrants upon the auditor for the expenses of said committee in an amount not to exceed one hundred fifty dollars, payable out of the contingent fund of the House of Delegates.

*HOUSE RESOLUTION NO. 49

(BY MR. BELKNAP)

[Adopted January 25, 1934.]

Requesting the Auditor to make certain investigations relative to fire insurance companies.

WHEREAS, The fire insurance companies authorized to do business in West Virginia increased fire insurance rates in the state in 1927; and

WHEREAS, The said fire insurance companies in the commonwealth of Virginia, after inquiry made by the State Corporation Commission, put into effect rate reductions of approximately \$800,000.00, and in the same year of 1929 these fire insurance companies gave reductions in fire insurance rates in North Carolina of approximately \$400,000.00; and

WHEREAS, Despite the claims of the fire insurance companies that

*Reinclded by House Concurrent Resolution No. 45.

they are conducting business at a loss in West Virginia, the number of authorized fire insurance companies increased from 207 in 1920 to 267 in 1932; and

WHEREAS, During the period of 1920-1932 the fire insurance companies received premiums from property owners in West Virginia amounting to \$111,325,916, and incurred losses of \$64,063,729, and have consistently maintained higher rates than those imposed upon similar risks in adjacent states; therefore, be it

Resolved by the House of Delegates:

That the Hon. Edgar B. Sims, Auditor and ex officio Insurance Commissioner, be requested to make an investigation and inquiry into the following matters:

1. Into the fairness and reasonableness of every and all rates, premium charges, schedules and rating methods being charged, applied or enforced by the stock insurance companies authorized to do business in West Virginia under Article 4, Chapter 33 of the Code.
2. Into the propriety and necessity of reducing any one or more, or all, such rates and premium charges.
3. Into the practice of such companies in imposing an overhead charge of forty-five (45) per cent of premiums collected for administrative and other costs, in order to determine the reasonableness of such charge.
4. Into the advisability of requiring such companies to report their losses by classes in order that fair, just and reasonable rates may be applied and discriminatory premium charges avoided and the admission of such companies denied until such reports of losses by classes are filed with said insurance commissioner; and, be it

Further resolved, That upon the completion of this report by the said Auditor, he shall file forthwith a copy of same with the Governor, cause a copy of the same to be transmitted to the next session of the Legislature, and make public his findings when the inquiry hereby requested is completed.

HOUSE RESOLUTION NO. 50

(BY MR. LUBLINER)

[Adopted January 25, 1934.]

Inviting West Virginia Congressmen to present views on congressional redistricting to Democratic caucus of the House of Delegates.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby directed to transmit to the six West Virginia Congressmen an invitation to attend the Democratic caucus of this body on the afternoon of the sixth day of February, one thousand nine hundred thirty-four, and present their views with regard to congressional redistricting bills, now pending before this body.

HOUSE RESOLUTION NO. 54

(BY MR. NEWMAN)

[Adopted February 13, 1934.]

Authorizing payment of expenses of committee to investigate and inspect the construction of the wall at the state penitentiary at Moundsville.

WHEREAS, Pursuant to H. R. No. 45, a committee of three was raised to investigate and inspect the construction of the wall at the state penitentiary at Moundsville; and

WHEREAS, The Speaker appointed as members of such committee the Honorable Messrs. Finley, Cresap and Schimmel; and

WHEREAS, Said committee has made its investigation and has reported its findings to the House of Delegates; therefore, be it

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to draw his warrants in the amount of thirty dollars in favor of each of the following members of said committee, to be paid out of the contingent fund of the House of Delegates:

J. N. Finley, B. O. Cresap and W. H. Schimmel.

HOUSE RESOLUTION NO. 57

(BY MR. BEACOM)

[Adopted February 15, 1934.]

Extending congratulations to Delegate and Mrs. Robert S. Starcher.

WHEREAS, The Honorable Robert S. Starcher, a Delegate from the county of Cabell, became the father of a daughter on Valentine day, February 14, 1934; therefore, be it

Resolved by the House of Delegates:

That the congratulations of this body are hereby extended to the proud father and mother.

HOUSE RESOLUTION NO. 60

(BY MR. LANTZ)

[Adopted February 20, 1934.]

Concerning the appointment of Honorable Charles C. Tallman as head coach at West Virginia University.

WHEREAS, The Board of Governors of the West Virginia university has selected the Hon. Charles C. (Trusty) Tallman, one of the best-loved members of this body, as head coach at the state university; and

WHEREAS, This House, being always interested in the welfare of the state university, desires to acknowledge the honor done it, and the sound judgment shown by the board in making its selection; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates of the West Virginia Legislature congratulates the Board of Governors on the excellent choice they have made, and the people of West Virginia in being able to secure the services of so estimable a gentleman to guide the welfare of the football team of their university; and, be it

Further Resolved, That copies of this resolution be delivered to Hon. H. G. Kump, Governor of West Virginia, to the Board of

Governors of the university, to H. A. Stansbury, director of athletics, and to the newspapers for publication.

HOUSE RESOLUTION NO. 62

(BY MR. HOLT)

[Adopted February 20, 1934.]

Suspending the rules of the House of Delegates, relating to offering amendments to certain bills.

Resolved by the House of Delegates, two-thirds of all the members present concurring therein:

That amendments be permitted to be offered to House Bills Nos. 303 to 310, inclusive, and House Bill No. 292, on third reading, notwithstanding House Rule No. 56, and that the rules are hereby suspended in order to carry out the purpose of this resolution.

HOUSE RESOLUTION NO. 63

(BY MR. LESTER)

[Adopted February 20, 1934.]

Requesting the State Board of Education to rescind an order of a former board relative to requirements for admittance to examination.

WHEREAS, Many persons, on account of the present financial depression are unable to attend college in order to get the professional credits, eight semester hours, required for admittance to examination for second grade elementary certificate; and

WHEREAS, Many of such persons would be forever debarred from entering the teaching profession; therefore, be it

Resolved by the House of Delegates:

That the State Board of Education be and is hereby respectfully requested to remove said requirement of professional credits eight semester hours from the prerequisite to admittance to examination for a second grade elementary certificate; and, be it

Resolved further, That a copy of this resolution be filed with the secretary of the State Board of Education, with the request that it be presented to the board at its next meeting, for its consideration.

HOUSE RESOLUTION NO. 64

(BY MR. LUBLINER)

(Originating in the Committee on Taxation and Finance)

[Adopted February 22, 1934.]

Authorizing the Committee on Rules to arrange a special calendar.

Resolved by the House of Delegates:

That the Committee on Rules is hereby authorized to arrange a calendar for each day, to be known as the Special Calendar, and until the calendar so arranged by the Committee on Rules is disposed of, nothing on the regular House Calendar shall be considered or take precedence over said Special Calendar, except upon a vote of a majority of the members present and voting.

HOUSE RESOLUTION NO. 65

(BY MR. DAVIS)

[Adopted February 27, 1934.]

Authorizing Sergeant-at-Arms to draw warrants for expenses of members.

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to draw his warrants upon the Auditor who shall honor and pay same, in the amount of one hundred fifty dollars, in favor of each member of the House of Delegates for expenses incurred during this extraordinary session of the Legislature, payable out of the contingent fund of the House of Delegates, in advance of the appropriation for the purpose.

HOUSE RESOLUTION NO. 68

(BY MR. DAVIS)

[Adopted March 1, 1934.]

Raising a committee to investigate the loan of the Board of the School Fund to the Ferguson Hotel Corporation.

WHEREAS, On October 14, 1931, the Board of the School Fund loaned sixty thousand dollars to the Ferguson Hotel Corporation, a colored hotel, located in the city of Charleston; and

WHEREAS, On February 27, 1933, the same board which granted the loan, granted to the said hotel corporation certain relief in the matter of payments which included an extension of ten years time on the payment of a part of the bonds; a reduction in the amount of other bonds, a waiver of all rights because of nonpayment of taxes; and a waiver of defaults in payment of principal and interest; and

WHEREAS, Security given on this loan has been questioned as to its sufficiency; therefore, be it

Resolved by the House of Delegates:

That the entire membership of the House of Delegates is hereby constituted a committee to investigate the granting of said loan, the sufficiency of security and such other phases of said loan as the committee may deem proper and report its findings to the House of Delegates in regular session not later than Monday, March 5, 1934.

HOUSE RESOLUTION NO. 69

(BY MR. DAVIS)

[Adopted March 2, 1934.]

Authorizing payment of expenses of committee to investigate loan by the Board of the School Fund to the Ferguson Hotel Corporation.

WHEREAS, Pursuant to House Resolution No. 68 constituting the entire membership of the House of Delegates a committee to investigate the loan by the Board of the School Fund to the Ferguson Hotel Corporation, said committee has performed its duty and has this day, in regular session, made its report, which is now a matter of record; therefore, be it

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to draw his warrant upon the auditor for service on such committee, payable out of the contingent fund of the House of Delegates, payable in advance

of the appropriation for the purpose, in favor of each member of this House in the amount of one hundred fifty dollars, and the auditor is hereby authorized and directed to honor and pay said warrants.

HOUSE RESOLUTION NO. 70

(BY MR. DORINGER)

[Adopted March 2, 1934.]

Authorizing the payment of expenses of committee to investigate the Civil Works Administration and Welfare Department in the counties of Jackson and Braxton.

WHEREAS, Additional expense has been incurred by the committee to investigate the Civil Works Administration and the Welfare Department in Jackson and Braxton counties, in a fair and impartial manner, which expense includes witness fees, serving summons, attorney fees, stenographic services and personal expenses of said committee; therefore, be it

Resolved by the House of Delegates:

The Sergeant-at-Arms is hereby authorized, upon requisitions of the chairman of the committee appointed to investigate the Civil Works Administration and Welfare Department in Jackson and Braxton counties, to draw his warrants upon the auditor for the expense of said committee, including witness fees, stenographic services and attorney fees, in the amount of four hundred ninety-eight dollars and forty-eight cents, payable out of the contingent fund of the House of Delegates, in advance of the appropriation for the purpose.

HOUSE RESOLUTION NO. 72

(By Mr. Ross)

[Adopted March 13, 1934.]

Authorizing appointment of committee to appear before Senate committees.

WHEREAS, House Bill No. 250, "moratorium on mortgages", and House Bill No. 230, "old age pension bill", passed by the House

months ago are both urgent relief measures in line with the "new deal" and should be enacted into law without further delay; therefore, be it

Resolved by the House of Delegates:

That the Speaker is hereby authorized and directed to appoint a committee of ten known progressive members of the House of Delegates as a "peoples lobby" to appear before the Senate committees in an effort to have the said bills passed by that body.

The sponsor of the resolution shall designate ten members and furnish the Speaker with his recommendation and the Speaker shall name as such committee the persons so designated.

HOUSE RESOLUTION NO. 73

(BY MR. HOLT)

[Adopted March 13, 1934.]

Extending the sympathy of the House of Delegates to the Honorable John C. Myers, a Senator from the Second Senatorial District.

WHEREAS, The Honorable John C. Myers, a member of the State Senate from the County of Marshall, has for several days been confined by serious illness in the Saint Francis Hospital in the city of Charleston; therefore, be it

Resolved by the House of Delegates:

That the members of this body hereby express their sympathy to Senator Myers and their hope for his speedy and complete recovery; and, be it

Further resolved, That the Clerk of the House of Delegates is hereby instructed to send flowers to him as a token of the sympathy and esteem of the members of this body.

HOUSE RESOLUTION NO. 74

(BY MR. DAVIS)

[Adopted March 16, 1934.]

Raising a Committee to appear before the Senate Committee on the Judiciary.

WHEREAS, Several weeks ago the House of Delegates passed H. B. No. 57, providing for municipal home rule; and

WHEREAS, A municipal home rule law for this state would result in a large saving of money to the people of the state because of taking from the Legislature the matter of charter legislation; and

WHEREAS, Many civic clubs and other organizations of this state have gone on record as favoring such a law; therefore, be it

Resolved by the House of Delegates:

That a committee of ten members of this body is hereby raised to appear before the Senate Committee on the Judiciary in an effort to get H. B. No. 57 out of said committee and passed during this extraordinary session. The sponsor of H. B. No. 57 shall recommend ten members, whom the Speaker shall appoint as said committee.

HOUSE RESOLUTION NO. 75

(BY MR. PELTER)

[Adopted March 21, 1934.]

Concerning the death of Honorable Joseph Thurmond.

WHEREAS, The Honorable Joseph Samuel Thurmond departed this life Monday night at his home at Alderson; and

WHEREAS, The deceased was born in Fayette county, educated in the public schools of this state and at Shelton college and was a prominent figure in the business life of the state, having taught school a number of years, later engaging in civil engineering, farming, mining and banking; and

WHEREAS, The deceased was also prominent in politics, being the first mayor of Thurmond and was three times elected to the House of Delegates from the county of Greenbrier, serving in the 1915, 1917 and 1919 sessions of the Legislature; and

WHEREAS, In the 1917 session of the Legislature, the deceased was elected Speaker of the House of Delegates, serving in that capacity with honor and distinction; and

WHEREAS, He was an able and conscientious member of the Legislature, an outstanding citizen and business man; and

WHEREAS, The Speaker of this body, out of respect to the memory of this former Speaker, has appointed a committee composed of Messrs. Van Sickler, Chipley and Cottrill to attend the funeral at Oak Hill this afternoon and has directed the Sergeant-at-Arms to send an appropriate floral emblem; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby expresses its deepest sorrow over the death of this distinguished West Virginian and the sympathy of each member is extended to the sorrowing family and friends of the deceased; and, be it

Further resolved, That the Sergeant-at-Arms is hereby directed to draw his warrants upon the contingent fund of the House of Delegates, in advance of the appropriation for the purpose, to pay the expenses of the committee to attend the funeral and for the flowers.

HOUSE RESOLUTION NO. 76

(BY MR. GOODWIN)

[Adopted March 23, 1934.]

Relating to use of offices and furniture of the House of Delegates.

WHEREAS, The offices of the House of Delegates have been furnished and equipped during the 1933 sessions of the Legislature; and

WHEREAS, Heretofore, during the time between sessions there has been a constant and continual request from state departments and others to use office rooms and furniture of the House of Delegates; and

WHEREAS, The practice of loaning furniture and permitting the offices of the House of Delegates to be used by state departments and other persons results in much inconvenience and difficulty in collecting furniture and office supplies for sessions of the Legislature; therefore, be it

Resolved by the House of Delegates:

That the Sergeant-at-Arms is hereby directed to take an inventory of all furniture and office equipment in the various offices

of the House of Delegates and to file a copy of such inventory with the Speaker and Clerk ; and, be it

Further resolved, That after the adjournment of this session, no furniture or office equipment belonging to the House of Delegates shall be loaned to any state department or person and that no office or office space in the House of Delegates shall be used for any purpose other than Legislative purposes, unless consent therefor is given by the Speaker of the House of Delegates.

HOUSE RESOLUTION NO. 77

(BY MR. SHAHAN)

[Adopted March 23, 1934.]

Expressing appreciation to Dr. John F. Sly and his staff for services rendered during this session of the Legislature.

WHEREAS, This session of the Legislature has been faced with the most complex situation that has ever faced a similar body ; and

WHEREAS, Dr. John F. Sly and his staff have labored intensely, in endeavoring to assist this Legislature in solving the many problems which have confronted it ; therefore, be it

Resolved by the House of Delegates :

That this body hereby expresses its appreciation for the valuable services which Dr. John F. Sly and his staff have rendered in this trying period of governmental reorganization ; and, be it

Further resolved, That a copy of this resolution be sent to Dr. John F. Sly and each of his staff, the Governor of West Virginia and the President of the West Virginia University.

HOUSE RESOLUTION NO. 78

(BY MR. STRONG)

[Adopted March 24, 1934.]

Raising a committee to investigate tax legislation and providing for the payment of expenses of said committee.

Resolved by the House of Delegates :

That a committee of three members of the House be appointed by the Speaker to study and investigate what legislation of a con-

structive nature relative to taxation they deem suitable to be considered by the next Legislature, and that they make such report to the Legislature of one thousand nine hundred thirty-five; and, be it

Further resolved, That there be and is hereby appropriated for said committee the sum of fourteen thousand one hundred dollars, to be paid forthwith out of the contingent fund of the House of Delegates, in advance of the appropriation therefor. This amount is to be expended on the warrant of the chairman of said committee.

HOUSE RESOLUTION NO. 80

(BY MR. DIXON)

[Adopted March 24, 1934.]

Extending sympathy to the Delegate from the County of Monroe.

WHEREAS, The Delegate from the county of Monroe, Mr. LaFon, was taken suddenly ill last night and is now in a Charleston hospital; therefore, be it

Resolved by the House of Delegates:

That the sympathy of this body is hereby extended to the distinguished gentleman from Monroe with the wish for his speedy recovery.

HOUSE RESOLUTION NO. 81

• (BY MR. RAIRDEN)

[Adopted March 24, 1934.]

Directing the Clerk to mail members Journals, Bills and Acts of this session.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized and directed to mail to each member of this body a copy of the corrected Journal of the House, a copy of the printed Bills and ten copies of the bound volumes of the acts of this extraordinary session, when the same are properly indexed and bound.

HOUSE RESOLUTION NO. 83

(BY MR. NORTON)

(Originating in the Committee on Rules)

[Adopted March 24, 1934.]

Authorizing printing of corrected Journals and Bills of the House of Delegates for this extraordinary session.

Resolved by the House of Delegates:

That for the purpose of completing the work of this session, in arranging and filing of all bills, resolutions and other official papers in the Clerk's office, and for indexing and proofreading of the corrected Journals and Bills of the House of Delegates and printing thereof, the time of the Clerk and three assistant clerks is extended for ninety days; the time of two proofreaders is extended for sixty days; the time of one proofreader is extended for thirty days; the time of four janitors is extended for seven days; the time of the Clerk to the Committee on Taxation and Finance is extended for ten days; the time of the Clerk to the Committee on Enrolled Bills is extended for ten days; the time of one stenographer is extended for thirty days; the time of two journal room clerks is extended for thirty days; the time of the stenographer to the Clerk is extended for sixty days; the time of the secretary and stenographer to the Speaker is extended for thirty days; and, be it

Further resolved, That for the purpose of closing up the books and accounts of the office of Sergeant-at-Arms, posting his books and such other duties as that office may have to perform, the time of the Clerk to the Sergeant-at-Arms is extended for sixty days; the time of the stenographer to the Sergeant-at-Arms is extended for thirty days; and the time of the Sergeant-at-Arms is extended for sixty days and the Sergeant-at-Arms shall also be paid mileage at ten cents per mile going to and from his home for four trips and the same per diem for two days each trip, as is authorized by this resolution for not to exceed four trips to the Capitol in taking care of the duties of his office, after the extension herein provided has expired.

The per diem of the persons given extensions of time in this resolution, shall be the same, as that paid at the regular session of the Legislature, one thousand nine hundred thirty-three; and, be it

Further resolved, That the Speaker shall certify to the Sergeant-

at-Arms and Auditor the persons appointed under authority of this resolution and the Speaker shall have authority to remove any person so appointed and fill any vacancy that may occur.

The Sergeant-at-Arms shall draw his warrants upon the Auditor in favor of the persons entitled to per diems under this resolution for consecutive days, until such time as their services cease, and the auditor shall honor and pay such warrants when presented and charge same to the contingent fund of the House of Delegates.

HOUSE RESOLUTION NO. 84

(By MR. NORTON)

(Originating in the Committee on Rules)

[Adopted March 24, 1934.]

Authorizing the printing and distribution of the Acts of the second extraordinary session of the Legislature of one thousand nine hundred thirty-three.

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, the Clerk of the House of Delegates is hereby directed to have printed by the public printer three thousand advance copies of the Acts of this extraordinary session of the Legislature, 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, circuit, criminal and intermediate courts and county officials.

The public printer shall print and deliver said advance copies as soon as possible after the adjournment of this session. The Clerk of the Senate shall be furnished sufficient copies to forward by mail or express ten of said copies to each member of the Senate and the Clerk of the House of Delegates shall forward by mail or express ten copies to each member of the House of Delegates, without delay. The Clerk of the House of Delegates shall furnish one copy to each of the state officials, judges of the supreme court of appeals, circuit, criminal, common pleas and intermediate courts and shall forward to the county clerk of each county sufficient copies to furnish one copy to each county office, the remainder, if any, shall be delivered to the superintendent of public printing for

distribution. The Clerk of the House of Delegates is also authorized and directed to have printed in signature form for advance sheets any general law which he 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 of Delegates is hereby directed to be paid by the Auditor upon proper warrants, to pay postage or expressage on said advance copies.

For the work required in printing and distributing advance copies of the Acts and for the proofreading, indexing and printing the bound volume of the Acts of this session of the Legislature, the time of the Clerk of the House of Delegates and two assistant clerks is extended for thirty days, at the same per diem as paid at the last regular session of the Legislature.

The Speaker shall certify to the Sergeant-at-Arms and Auditor the persons appointed as assistant clerks under authority of this resolution and the per diems shall be paid out of the contingent fund of the House of Delegates upon the warrants of the Sergeant-at-Arms.

HOUSE RESOLUTION NO. 85

(BY MR. THOMAS)

[Adopted March 24, 1934.]

Requesting the Governor to convene the Legislature in extraordinary session.

WHEREAS, Due to the Senate adjourning *sine die* today, without acting upon certain bills pending before the Legislature, a number of the purposes for which the Governor convened the Legislature in extraordinary session, November 21, 1933, have not been carried out; therefore, be it

Resolved by the House of Delegates:

That His Excellency, the Governor, be and he is hereby requested to convene the Legislature in extraordinary session immediately, to act upon the items in the Governor's proclamation calling this session, which have not been acted upon.

HOUSE RESOLUTION NO. 86

(BY MR. LUBLINER)

[Adopted March 24, 1934.]

Notifying the Senate that the House of Delegates is ready to adjourn *sine die*.

Resolved by the House of Delegates:

That a committee of three be appointed by the Speaker to notify the Senate that the House of Delegates has completed its labors and is ready to adjourn *sine die*.

SENATE CONCURRENT RESOLUTION NO. 1

(BY MR. HENDERSON)

[Adopted November 21, 1933.]

Raising a joint committee to wait upon the Governor.

Resolved by the Senate, the House of Delegates concurring therein:

That a committee of three on the part of the Senate, to be appointed by the President, and three on the part of the House of Delegates, to be appointed by the Speaker, be appointed to wait upon the Governor and notify him that the Legislature is now in extraordinary session, pursuant to his proclamation dated November the second, one thousand nine hundred thirty-three, with a quorum of each house present and awaits any communication he may desire to make.

SENATE CONCURRENT RESOLUTION NO. 3

(BY MR. ABBOT)

[Adopted November 21, 1933.]

Relating to the payment by the Auditor of mileage and contingent and other expenses of this extraordinary session of the Legislature.

Resolved by the Senate, the House of Delegates concurring therein:

That the Auditor, in advance of the appropriation for the pur-

pose, is hereby authorized, upon proper warrants of the Clerk of the Senate and Sergeant-at-Arms of the House of Delegates, to pay the mileage of the members of the Senate and House of Delegates, bills incurred for supplies and services furnished to the Legislature for this extraordinary session including contingent expenses, the per diem of the officers and attaches of the Senate and House of Delegates and legislative printing for the session as the accounts for same may come due.

SENATE CONCURRENT RESOLUTION NO. 4

(BY MR. NEALE)

[Adopted December 6, 1933.]

Respecting the death of the Honorable C. P. Craig.

WHEREAS, The Honorable C. P. Craig departed this life on Monday, November 27, 1933; and

WHEREAS, He was one of the outstanding citizens of our state, a conscientious and able lawyer, respected and admired in his home community and by a host of friends throughout the state; and

WHEREAS, Among other positions of trust and honor he held, he ably represented his county as its representative in the House of Delegates in the sessions of one thousand nine hundred five and one thousand nine hundred seven and his district in the Senate in the sessions of one thousand nine hundred nine and one thousand nine hundred eleven and also served as chief supervisor for this state, census one thousand nine hundred thirty; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature deploras the loss of this splendid man and public servant and extends its sympathy to his sorrowing family and friends; and, be it

Resolved further, That the Clerk of the Senate is directed to send copies of this resolution to the family of the deceased.

SENATE CONCURRENT RESOLUTION NO. 5

(BY MR. ABBOT).

[Adopted December 12, 1933.]

Relating to payment by the state of salaries of public school teachers.

WHEREAS, The state has assumed the payment of the salaries of teachers in the public schools for at least four months without the particular months being designated; and

WHEREAS, The state has paid the said salaries for the first two months of the present school year, but has paid nothing further on said salaries; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That it is the sense of the Legislature that the state should assume the payment of said salaries for the third and fourth months of the present school year, and revenue not now being available for that purpose; and, be it

Resolved further, That the Governor is requested to borrow immediately, until revenue is available, sufficient money to pay said salaries: *Provided, however,* That said amount shall not exceed the appropriation heretofore made by the Legislature for this purpose.

SENATE CONCURRENT RESOLUTION NO. 6

(BY MR. HEROLD)

[Adopted January 25, 1934.]

Raising a joint committee to investigate the federal civil works administration in this state.

WHEREAS, There has been wide-spread complaint of mismanagement in West Virginia of the federal civil works administration; and

WHEREAS, Charges of favoritism and political preference in such management have been made to state and federal officials; and

WHEREAS, It is the desire of the members of the Legislature to assist in clearing up the charges which have been made against

the civil works administration officials in this state, to the end that the administration of unemployment relief may be carried on to the benefit of all those who are in need and entitled to relief; now therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the President of the Senate is hereby authorized to appoint three members of the Senate, and the Speaker of the House of Delegates is authorized to appoint three members of the House of Delegates, who shall serve as a joint committee to investigate thoroughly the entire federal civil works administration in West Virginia. This committee shall have the power to summons and compel the attendance of witnesses and shall have power to administer oaths. It may also request the officials of the civil works administration in West Virginia to produce any records or papers which the committee deems necessary in the conduct of the investigation. The expenses of this committee, if any, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Delegates. The committee shall report its findings to the Legislature at the completion of its investigation, and a record of such findings shall be forwarded to the United States Senators and members of the House of Representatives from West Virginia, to be delivered personally by them to the President of the United States.

HOUSE OF DELEGATES SUBSTITUTE FOR S. C. R. NO. 8

(BY MR. HODGES)

[Adopted February 23, 1934.]

Concerning request for reduced water rates in Huntington, West Virginia.

WHEREAS, The House of Delegates and the Senate of West Virginia of the West Virginia Legislature received from the Public Service Commission of West Virginia, a letter dated February 12, 1934, in acknowledgment of a concurrent resolution passed by the Legislature, requesting the commission to study the present water rates of the city of Huntington, with a view to reducing the same; and

WHEREAS, The commission pointed out two alternative courses, by which it might proceed in such investigation, and requested of the Legislature its desires as to which course the commission should follow; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Public Service Commission is hereby respectfully advised that the Legislature and the sponsor of the resolution appreciate its prompt, complete, and informative reply to its resolution; and

That said commission be further advised that it is the desire of the Legislature that the commission should proceed in this matter in such way as in its opinion is to the best interest of the citizens of the city of Huntington, and the water consumers of the other municipalities of the state.

SENATE CONCURRENT RESOLUTION NO. 9

(BY MR. HODGES)

[Adopted February 20, 1934.]

Requesting the Budget Commission to send to the Legislature a supplemental budget.

WHEREAS, Under the terms of the new levy bill, known as house bill number two hundred thirty-four, the county school boards of the state have been deprived of more than five million dollars in levying power, which they possessed on the fourth Tuesday of August, one thousand nine hundred thirty-three, which levying power under house bill number two hundred thirty-four was redistributed in accordance with supreme court decisions to provide for the payment of bonded debts of counties, schools, and municipal corporations; and

WHEREAS, The operating budgets of the several county school systems of the state were prepared in August, one thousand nine hundred thirty-three, in anticipated use of the aforesaid revenues, of which they have now been deprived; and

WHEREAS, It is now apparent that the Legislature must raise additional revenue for school purposes, to be allocated back to the

county school boards as primary aid, to replace the direct property levies diverted from the public school system; and

WHEREAS, The boards of education in the several counties, as well as the preliminary studies made by the Legislature, indicate that state primary aid for schools shall have to be increased from the present basis of four months to eight months; and

WHEREAS, In addition to the above new revenues, the Legislature shall be called upon to raise revenues for the purposes of direct relief, in order to secure the continuance of federal appropriations for this purpose, which have hitherto been unsupplemented by the state; and

WHEREAS, Both of the above named basic revenue requirements facing the present Legislature are entirely new and in addition to the biennial budget passed at the first extraordinary session of one thousand nine hundred thirty-three, and are not needed for the purpose of meeting any deficit in the operating expenses of the state government, or to balance its operating budget; and

WHEREAS, The Legislature can act intelligently upon revenue bills required to meet these new costs only upon the presentation of a carefully prepared estimate of such expenditures; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Budget Commission be respectfully requested to send to the Legislature at the earliest possible moment a supplemental budget showing the revenues needed to meet the above named requirements of schools and direct relief, and the revenues required for such other purposes as the Commission, in its judgment, may see fit to recommend, in order that the Legislature may have the benefit of such information upon which to base its consideration of revenue bills thereby required.

SENATE CONCURRENT RESOLUTION NO. 12

(BY MR. HODGES)

[Adopted March 6, 1934.]

Concerning the death of the Honorable James S. Lakin.

WHEREAS, The members of the Legislature have just received

word of the death of the Honorable James S. Lakin, of Charleston, West Virginia; and

WHEREAS, Mr. Lakin was appointed a member of the state board of control upon the creation of that body by the Legislature of one thousand nine hundred and nine, and served his state with distinction and credit for a period of twenty-four years; and

WHEREAS, The development of many of the state's institutions was assisted and guided through all these years by his wise counsel and business like administration of the fiscal affairs of the state; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That this resolution recognizes the distinguished service of Mr. Lakin to his fellow-citizens, and

That a copy of this resolution be sent to the members of Mr. Lakin's family, as evidence of the high regard with which Mr. Lakin was held by his fellow-citizens of West Virginia, and as a further token of the sympathy of the members of this Legislature.

SENATE CONCURRENT RESOLUTION NO. 13

(BY MR. HEROLD)

[Adopted March 7, 1934.]

Concerning the death of the Honorable Kenna K. Hyre.

WHEREAS, The Legislature has just been advised of the death of the Honorable Kenna K. Hyre, a Senator from the fourth district; and

WHEREAS, Senator Hyre, after his graduation from West Virginia University and admission to the bar, established an enviable reputation as a conscientious and able advocate and served his home town of Ripley as a member of the council and the educational interests of his county as a member of the board of education before his election to the Senate; and

WHEREAS, In the labors of the Legislature in the last regular and the first and present extraordinary sessions, his unbiased views, indefatigable energy and keen reasoning powers were of inestimable value to his colleagues and his state; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Legislature expresses its keenest sorrow over the early and untimely death of Senator Hyre and deplores the loss of an eminent and public-spirited citizen, and an honest and clear thinking legislator; and, be it

Resolved further, That the sympathy of each member of the Legislature is extended to the sorrowing family and friends in this, their dark hour of bereavement; and, be it

Resolved further, That the Senate, in a body, with a committee of five from the House of Delegates, to be appointed by the Speaker, attend the funeral, as a mark of the high esteem in which Senator Hyre was held by the members of both houses, and that the clerks of the two houses are directed to send suitable floral emblems at once to Senator Hyre's late residence; and, be it

Resolved further, That as a mark of respect to his memory the Legislature do now adjourn until 2:00 o'clock P. M. tomorrow.

SENATE CONCURRENT RESOLUTION NO. 14

(BY MR. HELSLEY)

[Adopted March 17, 1934.]

Approving the organization of the George Washington Foundation Association for the perpetuation of Berkeley Springs as a health resort.

WHEREAS, Just one hundred eighty-six years ago a young surveyor, then but sixteen years of age, visited the even then famed Warm Springs in Virginia which, according to Indian legend were noted for their curative qualities even before the paleface found them; and

WHEREAS, This young surveyor in the employ of Lord Thomas Fairfax, of Virginia, upon his discovery of the healing and curative qualities of these springs, immediately communicated his great find to Lord Fairfax, who directed him to lay out that section of ground around the springs for a town; and

WHEREAS, At this early age, this youth, George Washington, began to manifest a deep personal interest in the establishing of a

health center for suffering humanity, and by his great humanitarian act laid the foundation for the first health center in North America; and

WHEREAS, George Washington was the first person to take an active interest in promoting the Warm Springs as a health center, and thus influenced Lord Fairfax to make these springs "to be forever free to the public" for the "sake of suffering humanity"; and

WHEREAS, Young Washington was further instrumental in bringing his own friends and the friends of Lord Fairfax to the springs to erect homes for a summer colony, later bringing his own family to try "y. effects of y. famed waters" disregarding the hazards of travel in those Indian days; and

WHEREAS, Through his influence as a general in the American Revolution, the General Assembly of Virginia passed an act establishing a town by the name of Bath at the Warm Springs, for a place to care for the sick and wounded soldiers of the Revolution: and

WHEREAS, While generalissimo of the Revolutionary forces, George Washington purchased lots at the first lot sale in Bath on August 18, 1777, inducing his brothers and friends and other noted persons to make like purchases; and

WHEREAS, His humanitarian interest in this health resort continued until after he became the first President of the United States of America, on April 30, 1789. In October, 1794, he visited Bath and was accompanied by his private secretary, Bartholomes Dandridge and his Secretary of the Treasury, Alexander Hamilton, and made repeated visits until he was no longer able to do so on account of the pressing affairs of State; and

WHEREAS, The rights of and title to these unsurpassed and unequalled mineral springs, by the name of Berkeley Springs by which they are now known and held, are now vested in the state of West Virginia and are a state owned, revenue producing project and the most famous springs in the world today for their curative qualities for the benefit to suffering humanity, and are forever free to the public; and

WHEREAS, George Washington, the founder of our Nation, first

laid the foundation for this health resort as a benefit to mankind; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the organization of a West Virginia association to be known as the "George Washington Foundation Association," for the purpose of carrying on this great humanitarian project begun by the great Washington one hundred eighty-six years ago, on March 18, 1748, be and the same is hereby approved.

SENATE CONCURRENT RESOLUTION NO. 16

(BY MR. HENDERSON)

[Adopted March 24, 1934.]

Raising a joint committee to wait upon the Governor.

Resolved by the Senate, the House of Delegates concurring therein:

That a joint committee of six, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and three on the part of the Senate to be appointed by the President thereof, be appointed for the purpose of notifying the Governor that the Legislature has completed its labors and is now ready to adjourn *sine die* and ask him if he has any further communication to make to the Legislature.

SENATE RESOLUTION NO. 1

(BY MR. WHITE, of Hampshire)

[Adopted November 21, 1933.]

Raising a committee to inform the House of Delegates that the Senate has assembled in extraordinary session.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, pursuant to the proclamation of His Excel-

lency, Governor H. G. Kump, with a quorum present, and is ready to proceed with the business of the extraordinary session.

SENATE RESOLUTION NO. 2

(BY MR. JOHNSON)

[Adopted November 21, 1933.]

Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate, regular session, one thousand nine hundred thirty-three, be adopted as the rules of the Senate for this session with the addition of the following new rule:

No. 71—Any bill, resolution or business may, by a vote of the majority of the members present, be withdrawn from the committee to which it had been referred or be taken from the table and placed upon the regular or special calendar of the Senate in such order of business as the Senate may direct.

SENATE RESOLUTION NO. 3

(BY MR. HODGES)

[Adopted November 21, 1933.]

Relating to the mailing of journals and bills.

Resolved by the Senate:

That the Clerk of the Senate is authorized to have mailed from the Senate document room, copies of the bills and daily journals of the Senate, to addresses to be furnished to the Clerk by the members of the Senate, not to exceed twenty of such addresses from any one member of the Senate, and that the expense of so mailing, including postage, be paid out of the contingent fund of the Senate by the Auditor, in advance of the appropriation therefor, upon proper requisition drawn by the Clerk of the Senate.

SENATE RESOLUTION NO. 4

(BY MR. SMITH)

[Adopted November 23, 1933.]

Authorizing certain printing.

WHEREAS, There is much interest being manifested in old age pensions, not only in this, but in many other states, and many inquiries for the West Virginia law have been and are being received; and

WHEREAS, Said law is not available in any form except in the Acts; therefore, be it

Resolved by the Senate:

That one thousand copies of the law, which is chapter thirty-two, acts of the Legislature, session one thousand nine hundred thirty-one, be printed in pamphlet form for the use of the Senate, the Secretary of State and for distribution.

SENATE RESOLUTION NO. 5

(BY MR. SMITH)

[Adopted December 22, 1933.]

Inviting John J. Cornwell to address the Senate on the "Prince Plan" for the consolidation of existing railway systems.

WHEREAS, Newspaper dispatches have reported that Hon. Joseph B. Eastman, federal railroad coordinator, has under consideration what is termed the "Prince Plan" for consolidation of all railroads of the country into seven systems, which would combine the Baltimore & Ohio railroad and its affiliated and related companies with the Pennsylvania system; and

WHEREAS, It is represented in these newspaper reports that the said Baltimore & Ohio railroad company's system would be dismantled as a through carrier of freight and passengers and reduced to a branch line of the Pennsylvania system; and

WHEREAS, If this transformation should transpire, the said Baltimore & Ohio system would be depreciated in value, causing the state of West Virginia and the counties therein, where its property

is located, to lose large sums of tax revenue and the business developed would suffer severe handicaps; and

WHEREAS, It is desirable that the Legislature be fully informed as to all of the facts concerning this proposed consolidation; therefore, be it

Resolved by the Senate:

That the president of the senate is authorized to invite former governor John J. Cornwell, general counsel for the said Baltimore & Ohio railroad company, to appear before the Senate at such time as may be agreeable to the Senate, and give to its members such information as he may have with respect to the so-called "Prince Plan."

SENATE RESOLUTION NO. 6

(BY MR. BENEKE)

[Adopted November 22, 1933.]

Expressing sympathy to Senator Howard F. Neale on account of the serious illness of his son.

Resolved by the Senate:

That the sympathy of the Senate is hereby extended to Senator Howard F. Neale, of the Third district, on account of the serious illness of his young son, "Tommy," due to an accident; and, be it

Resolved further, That the Clerk of the Senate is directed to send flowers, on behalf of the Senate, to Tommy, with the hope of a speedy and complete recovery.

SENATE RESOLUTION NO. 7

(BY MR. HENDERSON)

(Originating in the Committee on Rules)

[Adopted November 23, 1933.]

Authorizing the appointment of attaches.

Resolved by the Senate:

That the President of the Senate is authorized to make the following appointments:

Three document and three mailing room clerks; a stenographer to the President; a secretary to the minority; a senate messenger; two floor pages; a clerk to the Sergeant-at-Arms; a stenographer to the minority; nine floor stenographers; a clerk and a stenographer to the Judiciary Committee; a clerk and a stenographer to the Committee on Finance; a stenographer to the Committee on Education; one men's cloak room attendant and one women's cloak room attendant.

Resolved further, That the Clerk of the Senate is authorized to make the following appointments:

A secretary; supervisor of printing; two proof readers; two copy holders; supervisor of document room; supervisor of typing room; an enrolled bill clerk; a bill record clerk and a messenger.

The per diem of all the above attaches and the officers of the Senate to be fixed by the Committee on Rules in a subsequent report.

SENATE RESOLUTION NO. 8

(BY MR. HODGES)

[Adopted November 23, 1933.]

Extending the thanks of the Senate to the Honorable Commodore D. Dotson, retiring Sergeant-at-Arms.

Resolved by the Senate:

That the Senate expresses its genuine thanks to Honorable Commodore D. Dotson for his loyal and efficient service as Sergeant-at-Arms of this body.

SENATE RESOLUTION NO. 9

(BY MR. HODGES)

[Adopted November 24, 1933.]

Pertaining to legislation for maintenance and support of the public school system.

WHEREAS, The educational training of our thousands of school children is a matter of first importance in the minds of our citizens; and

WHEREAS, The public schools in the state have been kept open to this time under extreme difficulties which have occasioned grave concern, particularly to those most responsible; and

WHEREAS, Boards of education, teachers and others employed in the maintenance of schools have exerted every effort to keep the schools open and have maintained a determined spirit of patriotic courage in the face of these unparalleled circumstances without in many counties a single dollar of available local revenue for support; therefore, be it

Resolved by the Senate:

That we express by resolution to the members of county boards of education, teachers and maintenance employees of the public school system our appreciation for their loyalty and courage in making possible to this time the continuance of the public school system; and that we extend to them the assurance of such relief, as may be within our power to provide through remedial legislation, to the end that our mutual efforts may save and preserve educational opportunities to all the boys and girls in our public school system.

SENATE RESOLUTION NO. 10

(BY MR. JOHNSON)

(Originating in the Committee on Rules)

[Adopted December 8, 1933.]

Concerning per diem for assistant janitors.

WHEREAS, T. M. Davis, superintendent of capitol building and grounds, under the authority of section twenty-two, article one, chapter five of the code, has designated five assistants for the janitor work of the Senate for this session; therefore, be it

Resolved by the Senate:

That the per diem of said assistant janitors is fixed at four dollars, and that of the said T. M. Davis is fixed at two dollars, as the Senate's one-half of his per diem.

SENATE RESOLUTION NO. 11

(By MR. WHITE, of Hampshire)

(Originating in the Committee on Rules)

[Adopted December 8, 1933.]

Concerning officers and attaches of the Senate.

Resolved by the Senate:

That the per diem of the officers of the Senate and of the attaches whose appointments were authorized under Senate Resolution No. 7 is fixed as follows:

Document room clerks, mailing room clerks, clerk to the sergeant-at-arms, floor stenographers, stenographers to minority, stenographers to the Committee on the Judiciary, Finance and Education, six dollars; messenger to the Clerk, five dollars; cloak room attendants, floor pages and Senate messenger, four dollars; proof readers, copy holders, enrolled bills and bill record clerks, seven dollars; stenographer to the president and clerks to the Judiciary and Finance Committees, eight dollars; secretary to the Clerk, supervisor of printing, supervisor of typeing room and superintendent of document room, nine dollars; secretary to the minority, twelve dollars; clerk of the Senate, eighteen dollars; sergeant-at-arms and doorkeepers, nine dollars.

The Clerk shall draw his warrants upon the Auditor in favor of the officers and attaches for consecutive days at the per diem above set out and the Auditor shall honor and pay said warrants, in advance of the appropriation for the purpose, when presented and charge same to the "per diem of officers and attaches" fund of the Senate.

SENATE RESOLUTION NO. 12

(By MR. WHITE, of Mingo)

(Originating in the Committee on Rules)

[Adopted December 8, 1933.]

Payment for services of attaches.

Resolved by the Senate:

That the Clerk of the Senate is authorized to draw his warrant

upon the Auditor in favor of the following named persons and amounts for services rendered preparatory to the convening of this extraordinary session :

C. D. Dotson, \$100.00; Miles Carr, \$150.00; Noble Mitchell, \$28.00; Herbert Eckles, \$52.00; Helen Gardner, \$90.00 and Alice Marshall, \$6.00.

SENATE RESOLUTION NO. 13

(BY MR. ABBOT)

[Adopted December 8, 1933.]

Raising a committee to consider and prepare revenue measures.

Resolved by the Senate:

That the President of the Senate appoint a committee of five to consider and prepare any revenue measures the committee may deem necessary. Said committee shall report to the Senate as soon as possible any measure or measures it may agree upon and shall work in conjunction with a similar committee from the House of Delegates, if and when appointed.

No expense shall be incurred by said committee unless specifically authorized by the Senate.

SENATE RESOLUTION NO. 14

(BY MR. HODGES)

[Adopted December 20, 1933.]

Charging C. C. Morris with assault upon Louis A. Henderson, a member of the State Senate.

WHEREAS, On December 20, 1933, in the chamber of the Senate of West Virginia in the capitol building in Charleston, C. C. Morris committed an assault upon Louis A. Henderson, a member of the said Senate, for and on account of words spoken in debate by the said Louis A. Henderson in the said Senate at its meeting in its chamber on December 19, 1933; therefore, be it

Resolved by the Senate:

That the Sergeant-at-Arms of the Senate is directed forthwith

to bring before the Senate the said C. C. Morris there to answer said charge and be dealt with as the Senate may determine.

SENATE RESOLUTION NO. 15

(BY MR. WHITE, of Mingo)

[Adopted December 20, 1933.]

Concerning Senate Resolution No. 14, declaring Col. P. D. Shingleton, Superintendent of the Department of Public Safety, to be in contempt of the Senate.

WHEREAS, At a meeting of the Senate on Monday, December 18, 1933, when there was less than a quorum present, an order was made authorizing and directing the superintendent and members of the department of public safety of this state to assist the Sergeant-at-Arms of the Senate in bringing in absent members of the Senate for a meeting of that body at 7 o'clock P. M., on that day; and

WHEREAS, At a meeting of the Senate held at 7 o'clock P. M. on said day, at which there was less than a quorum present, there was proposed a resolution designated, "Senate Resolution No. 14 — 'Declaring Col. P. D. Shingleton, superintendent of the department of public safety, to be in contempt of the Senate,'" which resolution was spread at large upon the Journal of the Senate of said day; therefore, be it

Resolved by the Senate:

That said *Senate Resolution No. 14 be, and the same is hereby expunged and forever stricken from the Journal of this body.

SENATE RESOLUTION NO. 16

(BY MR. HENDERSON)

(Originating in the Committee on Rules)

[Adopted December 21, 1933.]

Concerning attaches.

Resolved by the Senate:

That the services of the following attaches be dispensed with from and including December 23, 1933, until January 3, 1934: M. L. Jackson, Fairfax Brown, W. E. Connell, Jr., Mrs. C. B.

*After this resolution was expunged from the Journal the same number was given to another resolution.

Miller and Mrs. Nell Skees, and that the services of the following attaches be dispensed with after today until said January 3, 1934: Mrs. Eleanor Sheets, Mrs. Georgia Reinwald, G. E. Mosser, W. H. Needham, Fred Staub, Frank Ross, Mont Reinhart, James Downey, John Holsclaw, Joseph Sweeney, Mrs. Ruth Copenhaver, Miss Julia Adams, Mrs. Homer K. Hager, Miss Alice Keeley, Mrs. Frances Owens, Mrs. Fern Runion, Miss Katharine Russell, Ben Wilson, Henry McGraw, R. C. Slaughter, James Pickens, Anderson Herold, Miss Isabel Henshaw, E. T. Moler, Miss Mary E. Noyes, Robt. L. Crotchin, Miss Nancy McClure, Chester Pettijohn, Miss Mary F. Hill, Sam McEldowney, Dan H. Reynolds and three assistant janitors, to be designated by the superintendent of capitol building and grounds.

SENATE RESOLUTION NO. 17

(BY MR. ABBOT)

[Adopted January 18, 1934.]

Memorializing the United States Senators from West Virginia to oppose ratification of the Great Lakes-St. Lawrence waterways treaty now pending before the United States Senate.

WHEREAS, There is pending before the United States Senate for ratification a treaty for the opening of the Great Lakes-St. Lawrence waterways, which will entail an expenditure of several billion dollars; and

WHEREAS, The opening of this waterway would permit British, German, French and Russian coals to be delivered by vessel to Canada and American ports on the Great Lakes amounting to millions of tons annually, carried as ballast, returning with Canadian grain and food supplies; and

WHEREAS, It is reasonably certain that ten to fifteen millions of tons of coal for many years sent to Canada from the coal mining districts of West Virginia, would be displaced by the importation of foreign coal, resulting in a serious displacement of labor in the mines and thousands of men employed on the railroads, and in resultant unemployment of men employed on the farms and in industries which provide materials and supplies to the coal and railroad industries; and

WHEREAS, The development of this waterway in addition to

being destructive to the coal industry of this state, resulting in substantial losses in taxation needed for the support of public schools, the state government and public institutions, would also be destructive to railroads traversing the mining and farming districts of West Virginia, serving the Atlantic seaboard, whose securities are owned by thousands of our citizens and insurance companies in which many of our citizens have their life savings; and

WHEREAS, Millions of dollars are now being expended to improve our economic stabilization which must be paid from future taxation, to expend other billions of dollars to destroy properties upon which we are dependent and to cast thousands of persons on the unemployment rolls is in a measure economic suicide; and

WHEREAS, Lake Michigan, which lies wholly within the boundaries of the United States, has always been regarded as American waters is now sought by this treaty to be made an international lake and joint control thereof turned over to Canada in opposition to the interests of the American people; therefore, be it

Resolved by the Senate:

That we respectfully request the Honorable M. M. Neely and the Honorable H. D. Hatfield, representing the state of West Virginia in the Senate of the United States, to oppose ratification of the pending treaty in an honorable effort to aid the best interests of the people of this state; and, be it

Resolved further, That the Clerk of the Senate be required to forward to the Honorable M. M. Neely and the Honorable H. D. Hatfield, duly attested copies of this resolution.

SENATE RESOLUTION NO. 19

(BY MR. HODGES)

[Adopted January 26, 1934.]

Concerning payment by taxpayers of the state income tax for the year one thousand nine hundred thirty-three.

WHEREAS, The public has gained the impression in many sections of the state that there is to be an extension of time granted to the taxpayers of the state in the payment of their annual income tax for the calendar year ending December thirty-first, one thousand

nine hundred thirty-three, due on or before January thirtieth, one thousand nine hundred thirty-four; and

WHEREAS, This impression has been created, in part at least, by published reports that the Legislature might repeal the state income tax law, thus relieving the taxpayers of any obligation whatever for this, the first year, in which such tax has been in force and effect; and

WHEREAS, The fiscal affairs of this state are in such condition as to make it impossible for the Legislature to abate any taxes for the past twelve months which have not yet been paid; now, therefore, be it

Resolved by the Senate:

That this body does not contemplate the repeal, with retroactive effect, of any of the revenue statutes now existing; and, be it

Resolved further, That all taxpayers, having liability to the state, in order to avoid the statutory penalty, are advised to make their remittances to the proper collecting authority within the time specified by law, or within any such extension of time as the Tax Commissioner, under the authority granted him by any such revenue statute, may see fit to provide.

SENATE RESOLUTION NO. 20

(BY MR. WHITE, of Mingo)

(Originating in the Committee on Rules)

[Adopted January 26, 1934.]

Concerning retention of attaches during the recess.

Resolved by the Senate:

That the services of all attaches of the Senate be dispensed with after January 27 until February 5, 1934, except such as may be designated by the President and Clerk to remain during the recess.

SENATE RESOLUTION NO. 21

(BY MR. HODGES)

[Adopted February 8, 1934.]

Extending the sympathy of the Senate to the Honorable Kenna K. Hyre on account of the death of his father.

WHEREAS, The members of the Senate of West Virginia have learned with deepest regret of the death of Hon. J. A. Hyre, of Ripley, father of Senator Kenna K. Hyre, an esteemed member of this body from the fourth senatorial district; now, therefore, be it

Resolved by the Senate:

That the sympathy of this body is extended to Senator Hyre and to the members of the family in their bereavement. and,

That the Sergeant-at-Arms is instructed to send to the Hyre residence a suitable floral tribute as a token of the sympathy of the members of this body. the expense of same to be paid from the contingent fund of the Senate, and

That a copy of this resolution be forwarded by the Clerk of the Senate to the members of the bereaved family, and

That the President of the Senate appoint a committee of three members of the Senate to attend the funeral service.

SENATE RESOLUTION NO. 23

(BY MR. NULL)

[Adopted March 12, 1934.]

Extending the sympathy of the Senate to Senator John C. Myers, of Marshall county.

WHEREAS, The Honorable John C. Myers, a member of this body from the Second Senatorial District, is now confined by a serious illness in a local hospital; therefore, be it

Resolved by the Senate:

That the members of this body express their sympathy to Senator Myers and their hope for his speedy and complete recovery; and, be it

Resolved further, That the Clerk of the Senate be instructed to send flowers to him to express the sympathy and esteem of his fellow members of the Senate.

SENATE RESOLUTION NO. 25

(BY MR. WHITE, of Hampshire)

(Originating in the Committee on Rules)

[Adopted March 24, 1934.] •

Printing of the Journal and advance and bound copies of the Acts.

Resolved by the Senate:

That in order to complete the work of the session in arranging and filing of all bills, resolutions, petitions and other official papers in the clerk's office and document room, and to allow for proof-reading, printing and indexing the corrected journal and arranging and printing its several appendices, and in printing and indexing the volume of senate bills, the per diem of the Clerk, and his secretary at \$18.00 and \$9.00, respectively, one assistant clerk at \$12.00 and two assistant clerks at \$9.00 is extended for ninety days; the superintendent of the document room at \$9.00, sixty days; two document room clerks, at \$6.00, sixty days each, and one document room clerk at \$6.00, forty-five days; four printing clerks, at \$7.00, forty-five days each; the clerk on enrolled bills, at \$7.00, ten days; the sergeant-at-arms, at \$9.00, thirty days; the clerk to the sergeant-at-arms, at \$6.00, ten days; messenger in clerk's office, at \$5.00, ninety days; secretary to the President, at \$8.00, fifteen days.

The Clerk, together with the Clerk of the House of Delegates, is hereby directed to have printed by the public printer three thousand advance copies of the Acts of this session, exclusive of municipal charters, properly headnoted, and with a full table or 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 clerk 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 state officials, and the remainder, if any, they shall deliver to the superintendent of printing and stationery for distribution.

The said clerks are also authorized and directed to have printed in signature form for advance sheets any general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of one thousand dollars out of the contingent fund of the Senate is hereby directed to be paid by the auditor, upon proper warrant to pay the postage or expressage on said advance copies.

For the extra work provided for in this resolution, the time of the Clerk of the Senate and his secretary, at \$18.00 and \$9.00 per diem, respectively, and one assistant clerk at \$12.00, is extended for thirty days.

The compensation of those designated hereunder shall be paid out of the contingent fund of the Senate for consecutive days, upon proper requisitions drawn by the Clerk of the Senate upon the auditor.

SENATE RESOLUTION NO. 26

(BY MR. WHITE, of Mingo)

(Originating in the Committee on Rules)

[Adopted March 24, 1934.]

Janitor service after adjournment.

Resolved by the Senate:

That, in order that the work incident to the proper cleaning of the Senate part of the capitol preparatory to closing between sessions may be taken care of, the time of the superintendent of capitol building and grounds, at a per diem of two dollars, and five assistant janitors heretofore appointed at a per diem of four dollars, is hereby extended for five days each.

SENATE RESOLUTION NO. 27

(BY MR. HENDERSON)

[Adopted March 24, 1934.]

Raising a committee to notify the House of Delegates that the Senate is ready to adjourn *sine die*.

Resolved by the Senate:

That a committee of two be appointed by the President to notify the House of Delegates that the Senate is ready to adjourn *sine die*.



INDEX

ABDUCTION:		SEC.	PAGE
Abetting	.....	14-(d)	190
Penalty	.....	14	188

ACTS AMENDED:

ACRS	CH.	ART.	SEC.			PAGE
1931	1	..	2, 3, 4, 7	Reg. Sess.	(State road bonds).....	40
1932	12	..	7-(a)	Ex. Sess.	(Municipal tax collections by sheriffs)	101
1933	1	..	47	First Ex. Sess.	(Appropriation for Pine Crest sanitarium).....	23
1933	1	..	63	First Ex. Sess.	(Appropriation, West Vir- ginia penitentiary).....	26
1933	1	..	68	First Ex. Sess.	(Appropriation, Marshall college)	25
1933	1	..	93	First Ex. Sess.	(Use of state road fund)..	8
1933	1	..	94	First Ex. Sess.	(Appropriation, public serv- ice commission).....	5
1933	4	..	1, 2, 3	Reg. Sess.	(Manufacture of motor ve- hicle license plates).....	27
1933	4	..	2	First Ex. Sess.	(Depository banks for coun- ty funds)	46
1933	9	..	..	First Ex. Sess.	(School equalization fund)	61
1933	9	9	6	First Ex. Sess.	(Teachers' salaries).....	70
1933	9	..	29, 31	Reg. Sess.	(Dormitories at state insti- tutions)	65
1933	10	..	30	First Ex. Sess.	(Teachers' certificates)....	62
1933	13	..	..	First Ex. Sess.	(Transfer of funds to coun- ty boards of education) 59,	60
1933	14	..	2	Reg. Sess.	(Depository banks for state funds)	44
1933	16	..	1, 5	First Ex. Sess.	(Forfeited and delinquent lands)	84
1933	16	..	10	First Ex. Sess.	(Redemption of delinquent lands)	88
1933	18	7	2	First Ex. Sess.	(Advanced salaries of teachers)	74

ACTS AMENDED:—(Continued)

ACTS	CH.	ART.	SEC.		PAGE
1933	18	..	18	Reg. Sess.	(Liens on crops)..... 198
1933	20	..	(93-(a)		
			(95	First Ex. Sess.	(Tax on dispensers, etc., of non-intoxicating beer).... 110
1933	23	..	..	First Ex. Sess.	(Reports of incomes)..... 201
1933	25	..	15, 16	First Ex. Sess.	(Municipal sewage works) 89
1933	26	..	(3, 5, 6,		
			(7, 10	First Ex. Sess.	(Municipal waterworks)... 92
1933	33	12A	5	First Ex. Sess.	(Privilege tax on railroad car corporations, etc.).... 110
1933	38	..	..	Reg. Sess.	(Allocation of tax levies) 114
1933	40	..	..	First Ex. Sess.	(Use of state road fund)... 6
1933	55	..	..	First Ex. Sess.	(Compensation of county commissioners) 77
1933	56	..	7	Sec. Ex. Sess.	(Municipal tax collections by sheriff) 103
1933	59	..	..	First Ex. Sess.	(Transfer, road and bridge funds to general county funds) 76
1933	60	6	2	First Ex. Sess.	(Automobile registration plates) 29
1933	60	..	20	Reg. Sess.	(Municipal civil service commission) 206
1933	60	6	20-(b)	First Ex. Sess.	(Weight of loads on motor vehicles) 31
1933	60	8	22	First Ex. Sess.	(Motor vehicles) 32
1933	62	..	..	Sec. Ex. Sess.	(Allocation of tax levies).. 153
1933	67	..	10, 12	Sec. Ex. Sess.	(Allocation of tax levies).. 182
1933	67	..	19-(a)	Sec. Ex. Sess.	(Municipal debt levies)... 97
1933	67	..	23	Sec. Ex. Sess.	(Excess levies for indebtedness)..... 179
1933	67	..	32	Sec. Ex. Sess.	(Discount for prompt payment of taxes)..... 142

ACTS REPEALED:

ACTS	CH.	SEC.		PAGE
1933	16	7	First Ex. Sess.	(Lien of money borrowed to pay taxes) 101
1933	34	..	Sec. Ex. Sess.	(Transfer of school funds) 59
1933	115	..	Sec. Ex. Sess.	(Transfer Troy district road bond funds) 276

ADVERTISEMENT OF LIQUORS:

	SEC.	PAGE
Law prohibiting, repealed.....	1	207

AGRICULTURE:

(See County Agricultural Agents).....		200
(See Crops, Liens on).....		198
Classification of property for levy purposes.....	5	159

	SEC.	PAGE
ALDERSON, TOWN OF:		
Authorized to borrow money, for water and sewer lines		332
for municipal building.....		333
APPROPRIATIONS:		
Attorney general's office, additional.....	1	19
Auditor's office, additional.....	1	18
Brown, Harry E., relief of.....	1	16
County agricultural agents.....	1	20
Department of Labor, public employment offices.....	1	15
Free schools	1-3	13
Legislative department		
CWA investigating committee.....	1	1
governor's civil contingent fund.....	1	1
house of delegates.....	3	3
printing, binding and stationery.....	1	1
senate	2	2
Marshall college	68	25
Ohio County Farmers cooperative.....	1	22
Penitentiary, additional.....	63	26
parole and warden's trustee fund.....	1	16
Pine Crest sanitarium.....	47	23
Printing, binding, stationery and storage.....	1	18
Public service commission, additional.....	1-3	5
Relief of destitution.....	1	14
use of state road funds.....	..	6, 8, 11
State parks.....	1	19
Tax commissioner's office.....	1	17
West Virginia university.....	1	21
ASSESSMENT OF PROPERTY FOR TAXATION:		
(See Taxation, levies)		
Proposed constitutional amendment.....		193
Reserve funds not taxable.....	8	100
Who deemed owner.....	8	100
ASSESSORS, COUNTY:		
Commissions on capitation taxes.....	1	206
Deputies	2	204
salaries	2	204
List of motor vehicles certified to.....	22	34
Municipal tax tickets, etc., furnished to.....	1	109
Number and term.....	1	204
Office	1	204
Resident of county.....	1	204
Salaries	5	204, 206
To assess and collect head tax on dogs.....	2	105
To collect capitation taxes, including municipal.....	1	107
embezzlement of.....	2	109
To extend municipal levies.....	7	102

	SEC.	PAGE
ATTORNEY GENERAL:		
Additional appropriation for office.....	1	19
To prepare tax election forms.....	13	123
AUDITOR:		
Additional appropriation for office.....	1	18
Application of taxes to sinking fund.....	8	208
Certifying list of delinquent lands.....	2	87
when not certified.....	1	85
Collateral of The Saving and Loan Association de- posited with	14	52
To ascertain amount of distributable school fund....	6	73
To ascertain taxes, if any, erroneously collected from Ohio County Farmers cooperative.....	1	23
To fix fees of public utilities for additional appropri- ation to public service commission.....	2	5
Withholding school funds.....	3	62
AUTOMOBILES:		
(See Motor Vehicles)		
BANKS AND BANKING INSTITUTIONS:		
(See Board of Finance).....		54
(See Depositories, County).....		47
(See Depositories, State).....		45
(See Federal Home Loan Bank).....		55
(See Federal Savings and Loan Association).....		55
(See Savings and Loan Association of West Virginia)		48
BARBERS AND BEAUTICIANS, STATE COMMITTEE OF:		
Appointment and qualifications.....	3	210
Appropriation for.....	16	216
Barbering and beauty culture, defined.....	2	210
school of, license.....	10	214
display	10	214
fee	10	214
instructors	10	214
sanitary regulations.....	12	215
Certificate of registration, application.....	5	212
apprentice	7	213
fee	7	213
number	7	213
renewal	7	213
barbers and beauticians.....	5	212
examination	5	212
fee	5	212
health certificate	5, 11	213, 214
refusal	13	215
renewal	6	213
fee	6	213
revocation	4, 13	212, 215
display	8	214

BARBERS AND BEAUTICIANS,—(Continued)	SEC.	PAGE
Commissioner of health as chairman.....	3	211
approval and enforcement of rules and regulations	3	211
inspectors, appointment by.....	3	211
compensation	3	212
duties	3	211
qualifications	3	211
Compensation	3	211
Construction of act.....	17	216
Created as division of state health department.....	1	209
Expenditures	4	212
Organization	3	211
Powers	3	211
Revenues	4	212
Rules and regulations;		
approval by commissioner of health.....	3	211
filing and publication.....	4	212
sanitation	12	215
Terms	3	210
Violations, penalty	14	215
 BARBOUR COUNTY:		
Court authorized to borrow money.....		249
to transfer funds.....		274
 BEER, NONINTOXICATING:		
Dispenser, license tax.....	93	111
statement to tax commissioner.....	95	112
Distributor;		
barrel tax	93, 95	111, 114
when paid by.....	93	111
bond	95	113
license tax	93	111
monthly statement to tax commissioner.....	95	113
License, application.....	95	112
forfeiture	93	112
non-renewal	95	112
Manufactured outside state, barrel tax.....	93	111
Manufacturer;		
barrel tax	93, 95	111, 114
bond	95	111
interest in dispensing, prohibited.....	93-(a)	112
license tax.....	93	111
monthly statement to tax commissioner.....	95	113
Package dealer, license tax.....	93	111
statement to tax commissioner.....	95	112
Tax, each place of business.....	93	112
dining cars	93	112
social and other clubs.....	93	112

	SEC.	PAGE
BERKELEY COUNTY:		
Board of education authorized to borrow money.....		286
Court authorized to transfer funds.....		274
BIRTH OR DEATH RECORDS:		
Copies from state registrar.....	21	248
as evidence.....	21	248
fee	21	248
furnished without charge.....	21	248
Search of files, fee.....	21	248
BLUEFIELD, CITY OF:		
Authorized to borrow money, for city market.....		336
to erect stadium		334
Civil service commission abolished.....		207
BOARD OF CONTROL:		
(See Dormitories, etc., State Institutions).....		66
Expenditures by, at Pine Crest Sanitarium.....	47	24
Printing, binding, etc.	1	19
To provide convicts to manufacture license plates...	2	28
Use of surplus collections at Marshall college for stadium	68	25
Use of unexpended appropriations at state university..	1	22
BOARDS OF EDUCATION:		
Authorized to borrow money or transfer funds.....		286-330
Contracts, with teachers for salaries.....	2	74
with principals	2	75
Tax levies by.....	5, 7, 10	119, 160, 185
Transfer of funds to.....	2-(b)	59, 60
BOARD OF FINANCE:		
May enter into depositors' agreements.....	6	54
Powers as to active and inactive state funds.....	6	54
BOARD OF GOVERNORS, STATE UNIVERSITY:		
To fix certain salaries.....	1	75
BOARD OF PUBLIC WORKS:		
(See Depositories, State).....		45
Levy by, for state road bonds.....	7	44
for state purposes	2, 8	116, 162
BONDS:		
(See Court Houses and Jails).....		79
(See Depositories, County).....		46
(See Depositories, State).....		44
(See Dormitories, etc., State Institutions).....		66
(See Federal Home Land Bank).....	3	57
(See Housing Authority)		237
(See Pleading and Proof).....		231

	SEC.	PAGE
BONDS:—(Continued)		
(See Toll Bridges)		35, 36
(See Sewage Works)		89
(See Waterworks)		92
County officials;		
action on	14, 22, 24, 123,	173, 176
approval	10	235
penalty	10	234
sheriff, municipal taxes	7	104
State road	1, 93	7, 9, 40
coupons, form of	4	43
form of	3	41
interest rate	2	41
levy to pay	7	44
when not laid	7	44
payable in lawful money	2	41
tax exempt	2	41
transfer, cancellation and registration	2	41
 BONDED INDEBTEDNESS:		
(See Indebtedness)		
 BRIDGES:		
(See Toll Bridges)		35, 36
 BROWN, HARRY E.:		
Appropriation, for relief of	1	16
authorized	2	550
 BUDGET BILL, AMENDED:		
Marshall college	68	25
Pine Crest sanitarium	47	23
State road commission	93	8
West Virginia penitentiary	63	26
 BUDGET COMMISSION:		
Legislative instructions for next budget bill;		
capitol mailing office, appropriation for	5	220
Harry E. Brown, appropriation for	3	552
Ohio County Farmers cooperative, appropriation for	2	23
 BUILDING AND LOAN ASSOCIATION:		
(See Federal Savings and Loan Association)		56
(See Savings and Loan Association of West Virginia)		49
 CALHOUN COUNTY:		
Board of education authorized to borrow money...		287
Court authorized to transfer dog tax funds		275

CAPITATION TAX:		SEC.	PAGE
(See Dog Head Tax)			
Amount and purposes.....		1	107
Collection,			
by assessor		1	107
accounting for.....		1	107
bond		1	109
commissions		1	107
municipal		1	107
by sheriff		1	108
Embezzlement		1	109
Exemptions		1	108
Reports by assessor.....		1	108
CAPITOL BUILDING:			
(See Mail Office)			219
CHARLESTON, CITY OF:			
Charter (new)			337
CHARLES TOWN, CITY OF:			
Authorized to borrow money for municipal building....			438
Charter amended			437
CIVIL SERVICE COMMISSION:			
Bluefield, abolished	20		207
Paid fire departments.....	20		207
municipalities excluded	20		207
CLARKSBURG, CITY OF:			
Authorized to transfer funds.....			439
CLAY COUNTY:			
County court and board of education authorized to borrow money			250
County court authorized to borrow money.....			251
CODE AMENDED:			
CH.	ART.	SEC.	PAGE
1	2	2	(Reapportionment of house of delegates)
			99
1	2	3	(Congressional redistricting)..
			98
3	5	10	(Qualification of election officials)
			197
3	5	36	(Tie vote in election).....
			218
6	2	10	(Bonds of county officials)....
			234
7	5	10	(Orders receivable for taxes)..
			247
11	2	125	(Salaries of county assessors)
			204
11	3	8	(Ownership of property for taxation purposes).....
			100

CODE AMENDED:—(Continued)

CH.	ART.	SEC.		PAGE
11	7	1	(Collection of capitation taxes)	106
11	8	10, 12	(Allocation of tax levies).....	182
11	9	7	(Municipal tax collection by sheriff)	101, 103
11	13	..	(Reports of incomes).....	201
11	10	16, 30	(Redemption of forfeited lands)	87, 88
12	1	6	(State board of finance).....	54
13	3	8	(Sinking funds of political subdivisions)	207
16	5	21	(Copies of birth and death records)	248
17	3	1	(Use of state road fund).....	6
17	10	21	(Transfer of road and bridge funds to general county funds)	76
17	17	17	(Construction of toll bridges by state road commission)...	35
18	9	6	(School equalization fund)....	61
18	11	..	(Preservation of historical documents)	235
19	8	1	(County agricultural agents)..	200
19	20	2	(Municipal dog tax collection by sheriff)	104
21	2	2	(Public employment offices)...	203
24	..	..	(Special license fee for public utilities)	5
25	1	..	(Dormitories at state institutions)	65
26	5	1	(Hopemont and Pine Crest sanitariums)	217
31	10	..	(Creating savings and loan association)	48
31	11	..	(Building and loan and savings associations)	55
37	3	5	(Redemption of forfeited lands)	87
38	3	14	(Registration of municipal voters)	95
38	11	..	(Liens on crops).....	198
39	1	2	(Recordable instruments).....	230
44	3	3	(Commissioners of accounts)..	233
53	1	..	(Mandamus levy of political subdivisions)	246
56	4	..	(Pleadings and proof).....	231
61	2	14	(Abduction and kidnapping)..	188

CODE REPEALED:

CH.	ART.	SEC.	SEC.	PAGE
60	1	18	(Advertisement of liquors)...	207

COMMISSIONERS OF ACCOUNT:

Appointment of special.....	3	233
powers	3	233

COMMISSIONER OF BANKING:

(See Savings and Loan Association of West Virginia) 5, 21 51, 54

COMMISSIONER OF HEALTH:

(See Barbers and Beauticians)..... 209

COMMISSIONER OF LABOR:

(See Employment Offices)..... 203

COMMISSIONER OF SCHOOL LANDS:

Delinquencies certified to.....	2	87
Suits by, compensation	1	85
costs	1	85
postponed for three years.....	2	88

CONGRESSIONAL DISTRICTS:

(See Redistricting)..... 98

CONSERVATION COMMISSION:

To expend money for state parks..... 2 20

CONSTITUTION, STATE:

Proposed amendment	1	193
ballot	3	195
election	3	195
certificates of canvassers	4	195
declaring result	5	197
name	2	194
publication	6	197

CONSUMERS SALES TAX:

Administration and collection.....	7, 8	146
facts ascertained, privileged.....	21	152
rules and regulations.....	1	152
Amount	3	147, 148
Businesses taxed	3, 5, 6	147, 149
exempted	7	149
Consumer to pay	8, 9	149
penalty for absorption.....	9	149
Credit business.....	11	150
Definitions	2	146
Duration	23	152
Motor vehicles.....	3	148

CONSUMERS SALES TAX:—(Continued)	SEC.	PAGE
Need for.....	1	146
Payment to state.....	3, 17	147, 151
Penalty	3	153
Returns	11, 14-20	150-152
Rules and regulations by tax payers.....	10	149
by tax commissioner.....	10, 13	150
Sale not at retail.....	4	148
separate books.....	12	150
Use of proceeds.....	22	152
CONTRACTUAL INDEBTEDNESS:		
(See Indebtedness)		128
(See Taxation)		
COUNTY AGRICULTURAL AGENTS:		
Appointment by county court.....	1	201
Appropriation, for salaries.....	1	20
by county court	1	21
how allocated	1	20
For two or more counties.....	1	21
Office expenses and space.....	1	21
Recommendation by farm bureau.....	1	201
Salary and expense.....	1	201
COUNTY BOARDS OF EDUCATION:		
Appropriation for payment of employees.....	1	61
distribution	2	61
reimbursement of general school fund.....	3	62
failure	3	62
Transfer of school funds to.....	2-(b)	59, 60
COUNTY COURTS:		
(See Court Houses and Jails).....		79
Authorized to borrow money.....		249-267
Authorized to transfer funds.....		274-281
Construction of toll bridges by.....		37
Duties and salaries of commissioners.....	5	77
Levies by	5, 6	177, 159
Levies for bonded indebtedness.....	21	76
May supplement salaries of county agricultural agents	1	21
Modified		281-284
Transfer of road and bridge funds.....	21	76
COUNTY ORDERS:		
Receivable for taxes and fees.....		24:
COUNTY SUPERINTENDENTS:		
Approval by, of teachers' certificates.....	30	63-65
appeal from refusal	30	63-65
Salary	6(2)	71

COURT HOUSES AND JAILS, ERECTION:	SEC.	PAGE
By county court.....	3	81
bonds for cost.....	3	81
default, receivership.....	4	82
execution	5	83
form	5	83
interest rate	5	82
levies for	3	81
lien of	4	81
enforcement	4	82
negotiable	5	82
proceeds, use	5	83
revenues to pay.....	5	82
administration	5	82
tax exempt	3	81
temporary	5	83
loan from federal agency.....	3	81
repayment	3	81
powers of court.....	3	81
purchase of additional land.....	3	81
By federal government.....	1	80
conveyance of land for.....	1	80
purchase from	1	80
rentals paid to.....	1	80
amount	1	80
annual levy for by county court.....	2	80
Construction of act.....	6-9	83, 84
 CRIMES AND OFFENSES:		
(See Abduction and Kidnapping).....		188
 CROPS, LIENS ON:		
For advances.....	18	198
assignment of debt secured.....	21	200
contest	18	199
how secured	18	198
recording	18	199
fee	18	200
statement to sheriff.....	18	199
failure to give.....	18	199
 DAVIS, EARL L., CLERK DODDRIDGE COUNTY CIRCUIT COURT:		
Relieved of payment of certain sums paid him as costs	1	552
 DEATH RECORDS:		
(See Birth or Death Records).....		248
 DEPARTMENT OF EDUCATION:		
Approval of teachers' certificates.....	30	65

	SEC.	PAGE
DEPARTMENT OF LABOR:		
Appropriation to, for public employment offices.....	1	15
DEPOSITORIES, COUNTY:		
Bonds of, amount.....	2	47
action on	2	47
approval by prosecuting attorney.....	2	47
conditions of	2	47
corporate sureties on.....	2	47
personal sureties on.....	2	47
duty of county clerk.....	2	47
securities, in lieu of.....	2	47
hypothication of.....	2	48
DEPOSITORIES, STATE:		
Bond of, amount and condition.....	2	45
fidelity, etc., companies as surety.....	2(a)	45
persons or corporations as surety.....	2(b)	45
penalty for false statement.....	2(b)	45
securities, in lieu of.....	2(c)	45
approval by board of public works.....	2(c)	45
delivery to state treasurer.....	2(c)	46
embezzlement or misapplication.....	2(c)	46
return to owner	2(c)	46
safe keeping	2(c)	46
withdrawal or substitution.....	2(c)	46
DESTITUTION, RELIEF OF:		
Appropriation for, from state road fund.....	1, 5	11
from state treasury.....	1	14
Expenditure from state road fund.....	1, 93	6, 8
DODDRIDGE COUNTY:		
Board of education authorized to borrow money.....		289
Clerk circuit court relieved of certain payments.....		552
DOG HEAD TAX:		
County assessor to collect.....	2	195
accounting for	2	105
commissions	2	105
municipal	2	105
Failure to pay.....	2	105
Use of fund.....	2	106
surplus to teachers' funds.....	2	106
DORMITORIES, ETC., STATE INSTITUTIONS:		
Construction, etc., by state board of control.....	24-(a)	66
authority as to contracts and agreements.....	31	69
bonds for	29	67
fees and charges, to pay.....	29	67

DORMITORIES, INSTITUTIONS, ETC.:—(Continued)	SEC.	PAGE
transmission to state sinking fund commission	29	68
special fund, uses.....	29	68
when paid to designated trustee.....	29	68
sale after advertisement.....	31	69
Self-liquidating projects.....	31	69
ELECTIONS:		
(See Registration of Voters).....		96
Tie vote	36	218
Qualifications of officials.....	10	197
EMPLOYMENT OFFICES:		
Appropriation for.....	1, 2	15, 203
Cooperation with federal government.....	2	203
state agencies designated.....	2	203
Provisions of federal act accepted.....	2	203
EQUALIZATION SCHOOL FUND:		
(See Supplemental Aid Fund).....		61
EXPRESS COMPANIES OR CORPORATIONS:		
(See Privilege Tax)	(c)	110
FARM BUREAUS:		
Organization	1	200
Recommendation by, of county agents.....	1	201
FAYETTE COUNTY:		
(See Mount Hope, City of).....		536
Court authorized to borrow money.....		252
FEDERAL HOME LOAN BANK:		
Members may become shareholders in federal savings and loan associations.....	1	56
Regulations of, to govern federal savings associations	2, 5	56, 57
State associations as members.....	3	57
powers	3	57
Supervision of loan associations.....	5	58
FEDERAL HOME LOAN BANK ACT:		
(See Federal Home Loan Bank).....		56
FEDERAL SAVINGS AND LOAN ASSOCIATION:		
(See Building and Loan Associations).....		56
Construction of act	6	58
Conversion into, by state association.....	5	57
supervision	5	58
transfer of title to property.....	5	58
use of same offices and officers	4	57
Right to do business in state.....	2	56
Who may become shareholders.....	1	56
payment for shares.....	1	56

	SEC.	PAGE
FORFEITED AND DELINQUENT LANDS:		
(See Taxes)		87, 88
FREE SCHOOLS:		
Appropriation for eight months term.....	1, 2	13
how transferred	1	13
temporary loans for.....	3	14
GENERAL SCHOOL FUND:		
Sources	6	70
Uses	6	71
GILMER COUNTY:		
County court authorized to transfer Troy district road bond funds		275
authority to transfer repealed		276
GOVERNOR:		
Appointments by,		
directors of "The Savings and Loan Association" 9		52
judicial council	1	191
mailing clerk at capitol	2	219
state committee of barbers and beauticians.....	3	210
Appropriation to, for relief of destitution.....	1	14
Authority, National Industrial Recovery Act.....	2	222
Chairman, board of finance.....	6	54
Civil contingent fund reimbursed.....	1	1
Duties, proposed constitutional amendment.....	5, 6	197
May borrow for free schools.....	3	14
Proclamation and statement calling session.....		xxiv
Sale of state road bonds.....	3	43
To approve expenditures for relief of destitution.....	3	12
To approve expenditures for state parks.....	2	20
To approve land purchase for Pine Crest sanitarium...	47	24
To break tie vote.....	36	218
Transfers by, from state fund general revenue to gen- eral school fund	1	13
GRAFTON, CITY OF:		
Repayment of money borrowed for municipal hospital		439
GREENBRIER COUNTY:		
(See Alderson, Town of).....		332, 333
Court authorized to borrow money.....		254
HANCOCK COUNTY:		
Board of education authorized to borrow money.....		293
HARRISON COUNTY:		
(See Clarksburg, City of).....		439
County court authorized to transfer dog tax fund.....		277

HISTORICAL DOCUMENTS:	SEC.	PAGE
Certified copies.....	20	235
as evidence	20	235
Preservation at West Virginia university.....	20	235
Receipts for.....	20	235
HOPEMONT SANITARIUM:		
(See Sanitariums)		217
HORSE DRAWN VEHICLE:		
Display of lights.....	22	34
HOUSE OF DELEGATES:		
Apportionment of membership.....	2	99
Appropriation for expenses of.....	3	3
List of officers and members.....		viii
Standing committees		x
HOUSING AUTHORITY:		
Act, emergency.....	19	245
provisions separable.....	18	245
Agreement with federal agency.....	11	243
Commissioners, appointment by mayor.....	3	239
body corporate	7	240
certificate of appointment.....	3	239
employees, appointment	5	240
interest in project prohibited.....	4	239
expenses, entitled to.....	6	240
interest in project or contract prohibited.....	4	239
disclosure	4	239
malfeasance	10	243
organization	5	239
powers	7	240
through committees or employees.....	7	242
removal or suspension.....	3	239
terms	3	239
vacancy	3	239
Definitions	1	237
Determination of need by municipal council.....	3	239
Deposit and protection of funds.....	15	244
Dissolution, application to mayor.....	16	245
notice to creditors	16	245
Essential to public interest.....	2	238
Indebtedness, amount	10	242
rights of creditors against authority only.....	10	243
Loans to, by municipality.....	13	243
Projects subject to local ordinances.....	9	242
Purchase of lands, etc.	8	242
eminent domain	8	242
Records, form and inspection.....	12	243

	SEC.	PAGE
HOUSING AUTHORITY:—(Continued)		
Reports to mayor and council.....	12	243
Sale or lease to, by municipality.....	13	244
Securities not offered to sinking fund commission....	9	242
Tax exempt	14	244
HUNDRED, TOWN OF:		
Authorized to impose franchise and privilege taxes...		533
HUNTINGTON, CITY OF:		
Charter (new)		441
amending charter board of park commissioners, levies		532, 539
Fire department civil service commission.....		207
INCOME:		
Reports of, to tax commissioner.....	24	202
amount	24	202
failure to make.....	24	202
penalty	24	202
privileged	24	202
purpose	24	202
INDEBTEDNESS:		
(See Taxation)		
Bonded:		
(See Chapter 63).....		126
estimates by, levying bodies.....	23	179
boards of education.....	(2)	166, 186
county courts	(2)	163, 182
municipalities	(2)	168
funds not transferred	2-(b), 21	59, 60, 76
levies for;		
by board of education.....	6	160
by county courts.....	6	159
by municipalities	6	160
distribution	19-(a)	97
by state	6, 8	159, 161
political subdivisions, state to pay.....		126
Contractual, of political subdivisions.....		128
ascertainment of amount and legality.....	5	130
audits	8	132
cost.....	8	133
petition for, publication.....	5	130
as bill in equity.....	6	131
special commissioners, number and qualifica- tions	7	131
change by court.....	15	137
compensation	15	137
meetings, notice of.....	9	133

INDEBTEDNESS:—(Continued).	SEC.	PAGE
hearings	10	134
preliminary investigation.....	7	132
report	11	135
action on, by circuit court.....	12	135
notice	12	135
by fiscal body	17	139
recommitment	12	135
stenographic and clerical services.....	15	137
time allowed for.....	9, 15	133, 137
certificates of indebtedness.....	23-25	141, 142
form	24	142
definitions	2	129
legislative declarations	1	128
payment, program for.....	17	139
	19, 20	140
approval by tax commissioner.....	21	141
change in	22	141
special fund, sources.....	18	139
tax commissioner's regulations.....	19	139
proving claims	10	134
costs	15	138
trial by jury.....	13	137
when adjudication final.....	16	138
statement of, by fiscal bodies.....	3	129
duty of tax commissioner.....	4	129
 INDEPENDENT SCHOOL DISTRICTS:		
Transfer of funds to county board of education.....	2-(b)	59, 60
 INSURANCE AND GUARANTEE COMPANIES:		
(See Savings and Loan Associations).....		49
 JACKSON COUNTY:		
Board of education authorized to borrow money.....		295
 JEFFERSON COUNTY:		
(See Charles Town, City of).....		437, 438
Court authorized to transfer road funds.....		277
 JUDICIAL COUNCIL:		
Bureau of research.....	6	193
Members, number, qualification and terms.....	1, 2	191
appointment by governor.....	1, 2	191
compensation	7	193
Powers and duties.....	1, 3	191, 192
Proposals by.....	5	192
Reports to	4	192

	SEC.	PAGE
JUNK DEALERS:		
Definitions	1	225
License, agents	5	226
expiration	5	227
fees	4	226
not divisible	5	227
firm or corporation	3	226
individuals	2	226
residence	2, 5	226, 227
issuance prohibited	5	227
nontransferable	5	227
revocation	7	228
void	5	227
Non-resident	4	226
Offenses, jurisdiction	7	229
penalties	7	228
confiscation of vehicles	7	229
Restrictions on purchases, etc., by	6	227
Transporting junk, from state	4, 6	226, 228
by owner	7	229
KANAWHA COUNTY:		
(See Charleston, City of)		337
Board of education authorized to convey land		229
Court authorized to borrow money		255
authorized to transfer dog tax fund		278
KENOVA, CITY OF:		
Fire department, civil service commission		207
KIDNAPPING:		
Abetting	14-(a)	190
Penalty	14-(a)	189
Threat	14-(c)	190
Venue	14-(b)	189
LAND BOOK ASSESSMENT AMENDMENT:		
(See Constitution, State)		193
LAWS, GENERAL		
Appropriations		1-26
Automotive vehicles, toll bridges and road bonds		27-40
Banks and banking		44-56
County courts		76-79
Education and educational institutions		59-76
Forfeited and delinquent lands		84-88
Municipalities		89-97
Redistricting		98, 99
Taxes and taxation		100-182
Unclassified		188-248

LAWS, SPECIAL:	SEC.	PAGE
(See Boards of Education)		
(See County Courts).		
(See Municipalities)		
Boards of education authorized to borrow money or transfer funds		286-330
County courts authorized to borrow money.....		249-267
County courts authorized to transfer funds.....		274-281
County courts modified.....		281-284
Municipalities		332-544
Unclassified		550-553
 LEGISLATURE:		
Appropriation for expenses	1, 2, 3	1
 LEWIS COUNTY:		
Court authorized to borrow money.....		256, 257
 LICENSE PLATES, MOTOR VEHICLES:		
(See Motor Vehicles).....		27, 29
Cancellation	20-(b)	32
 LIENS:		
(See Crops, Liens on).....		198
Money advanced to pay taxes.....	1	101
 LIQUORS:		
(See Advertisement of Liquors).....		207
 LOANS:		
Temporary, to state	3	14
 LOGAN COUNTY:		
Court authorized to transfer dog tax fund.....		278
 MAGISTERIAL SCHOOL DISTRICTS:		
Transfer of funds to county boards of education.....	2-(b)	59, 60
 MAIL OFFICE:		
Appropriation in budget bill.....	5	220
Established in capitol	1	219
Expenses, biennial period.....	5	220
Mail clerk, appointment.....	2	219
bond	3	219
duties	3	219
qualifications	2	219
term	2	219
warrants	5	220
Use by state departments.....	1, 4	219, 220
 MANDAMUS:		
Levy under, time payable.....	12	246

	SEC.	PAGE
MARION COUNTY:		
Court authorized to transfer dog tax fund.....		279
MARSHALL COLLEGE:		
Appropriation from collections for stadium.....	68	25
MASON COUNTY:		
Court authorized to borrow money.....		258
MERCER COUNTY:		
(See Bluefield, City of)		
Board of education, authorized to borrow money for high school at Athens.....		301
authorized to borrow money for high school at Bluefield		305
authorized to convey land.....		309
authorized to transfer East River district school funds		311
MINGO COUNTY:		
Court authorized to borrow money.....		260
MONONGALIA COUNTY:		
Board of education authorized to convey land.....		312
MONROE COUNTY:		
(See Alderson, Town of).....		332, 333
Board of education authorized to borrow money.....		314
MORGAN COUNTY:		
Board of education authorized to convey land.....		315
MOTOR VEHICLES:		
Certificates of registration, application for.....	2	29
form and use of.....	2	29
penalty for failure to carry.....	2	30
Determination of fees.....	2	31
Equipment and markings.....	22	32, 33
penalty for violation.....	22	34
List of, to county assessor.....	22	34
Registration plates, manufacture of, at penitentiary..	1	27
form and number.....	2	29
use of.....	2	30
penalty for operating vehicle without.....	2	30
Weights of loads on.....	20-(b)	31
exceptions	20-(b)	31
penalty for violation.....	20-(b)	31
MOUNDSVILLE, CITY OF:		
Authorized to borrow money.....		534
to transfer street paving fund.....		535

	SEC.	PAGE
MOUNT HOPE, CITY OF:		
Authorized to borrow money to erect stadium.....		536
MUNICIPALITIES:		
(See Civil Service Commission).....		207
Bonds and service rates of sewage works.....	15	89
Bonds and service rates of waterworks systems 3, 5, 6, 7, 10		92
Collection of capitation tax by assessor.....	1, 5	107, 206
Collection of dog tax by county assessor.....	2	105
Construction of toll bridges by.....	1-5	36
Registration of voters.....	14	95
Special laws		332-544
Tax collections by sheriff.....	7	102-103
Tax levies by.....	9, 6	120, 160
Use of debt levies for current expenses.....	19-(a)	97
NOTES AND BONDS:		
(See Pleading and Proof).....		231
OHIO COUNTY:		
(See Wheeling, City of).....		544
Court authorized to transfer dog tax fund.....		279
OHIO COUNTY FARMERS COOPERATIVE:		
Repayment of taxes, if any, erroneously collected by the state	1, 2	22
PARKERSBURG, CITY OF:		
Charter amended (memorial hospital).....		537
Fire department, civil service commission.....		207
PAROLE AND WARDEN'S TRUSTEE FUNDS:		
Appropriation for.....	1	16
PENDLETON COUNTY:		
County court to consist of three members.....		281
PINE CREST SANITARIUM:		
(See Sanitariums).....		217
Appropriation from collection.....	47	23
PLEADING AND PROOF:		
Action or suit on notes, etc.....	71	231
decree as to unpaid taxes.....	71	232
pleading or proof as to tax payments.....	71	231
when title to real estate not affected.....	71	232
PLYMALE, S. S., CLERK WAYNE COUNTY CIRCUIT COURT:		
Relieved of payment of certain sums paid to him as costs	1	553
POCAHONTAS COUNTY:		
Board of education authorized to convey land.....		317

	SEC.	PAGE
PRESTON COUNTY:		
Board of education authorized to convey land.....		318
PRINTING, BINDING, STATIONERY AND STORAGE:		
Additional appropriation for.....	1	18
PRIVILEGE TAX:		
Emergency surtax, levy of.....	3, 4	145
administration and collection.....	7, 8	146
rules and regulations.....	1	152
businesses exempt	3, 4	145
duration	5, 10	145, 146
payable quarterly	6	145
penalty	4	153
use of proceeds	9	146
Railroad car and express corporations, amount.....	(c)	110
exemptions	(c)	110
PROSECUTING ATTORNEY:		
Petition by, to determine validity of indebtedness.....	5	130
PUBLIC BUILDINGS:		
(See Court Houses and Jails).....		80
PUBLIC SERVICE COMMISSION:		
Additional appropriation	1-3	5
purposes	2	6
time of expenditure.....	3	6
PUBLIC UTILITIES:		
Special license fee.....	2	5
PUTNAM COUNTY:		
Board of education authorized to convey land.....		320
Court authorized to borrow money.....		262
RAILROAD CAR CORPORATIONS:		
(See Privilege Tax).....	(c)	110
RALEIGH COUNTY:		
Board of education authorized to convey land.....		322, 323
Court authorized to borrow money.....		263
RECORDATION OF INSTRUMENTS:		
By clerk of county court.....	2	230
when acknowledged or proved.....	2	230
When secures payment of debt.....	2	230
beneficial owner	2	230
exception	2	230
RECOVERY ACT:		
(See State Industrial Recovery Act).....		221

	SEC.	PAGE
REDISTRICTING:		
Apportionment of membership in house of delegates...	2	99
Congressional	3	98
REGISTRATION OF VOTERS:		
In municipalities	14	96
RESERVE FUNDS:		
When not taxable	8	100
RESOLUTIONS:		
House;		
No. 1. Adopting rules of the House of Delegates		584
No. 2. Concerning death of the Honorable Thomas J. Robson.....		585
No. 3. Raising a committee to inform the Senate that the House of Delegates had assembled with a quorum present...		585
No. 4. Concerning eligibility of attaches.....		586
No. 5. Authorizing appointment of attaches....		586
No. 7. Inviting the Honorable John J. Cornwell to address House		588
No. 9. Authorizing payment of janitors.....		589
No. 10. Relative to permission to examine records of Internal Revenue Department...		590
No. 13. Pertaining to legislation for maintenance of public schools		591
No. 14. Relating to enabling legislation under Tax Limitation Amendment		592
No. 15. Authorizing postage for use of Clerk...		592
No. 17. Continuing the committee to investigate utilities		592
No. 18. Concerning study of expenses of state and local governments		593
No. 19. Extending thanks to A. M. Gilbert, re- tiring doorkeeper		595
No. 20. Expressing sympathy to Delegate Hill in illness		595
No. 21. Concerning death of Honorable G. T. Ep- ling		595
No. 22. Relating to death of Honorable Joseph H. Cooper		596
No. 23. Directing committee on Taxation and Finance and Education to make cer- tain investigations and reports....		597
No. 24. Raising committee to study sources of revenue in various states.....		598
No. 25. Relative to persons entitled to privilege of the floor		598

RESOLUTIONS:

House:—(Continued)

	PAGE
No. 28. Requesting Auditor to furnish information relative to School Land Commissioners	599
No. 29. Authorizing payment of salaries of members appointed by the Governor	599
No. 30. Wishing all citizens of state a merry Christmas	601
No. 33. Relating to illness of Delegate Norton's father	601
No. 34. Authorizing payment of mileage of members	601
No. 36. Authorizing payment of expenses of committee to investigate state university	602
No. 37. Concerning illness of Delegate Arbogast	602
No. 38. Requesting state departments to give loyal support to N. R. A.....	603
No. 39. Authorizing payment of expense of committee to attend Inter-state Truck and Bus Conference	603
No. 40. Expressing confidence in Speaker and Clerk	604
No. 41. Relating to introduction of charter bills	604
No. 43. Extending sympathy to Delegate and Mrs. Harvey D. Beeler on injury of son	605
No. 44. Granting permission to introduce Charleston charter bill.....	605
No. 45. Raising committee to investigate penitentiary wall	606
No. 46. Raising committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties.....	607
No. 47. Requesting state athletic commission to make report to Legislature.....	608
No. 48. Authorizing payment of expenses of committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties.....	609
No. 49. Requesting the Auditor to make investigation of fire insurance companies...	609
No. 50. Inviting Congressmen to present views on congressional redistricting.....	611
No. 54. Authorizing payment of expenses of committee to investigate penitentiary wall	611
No. 57. Extending congratulations to Delegate and Mrs. Robert S. Starcher on birth of daughter.....	612

RESOLUTIONS:

House:—(Continued)

	PAGE
No. 60. Concerning appointment of Delegate Tallman as head coach at state university	612
No. 62. Suspending rules of the House.....	613
No. 63. Relating to examinations for second grade teachers' certificates.....	613
No. 64. Authorizing Rules Committee to arrange special calendar	614
No. 65. Authorizing payment of members for expenses during session	614
No. 68. Raising committee to investigate loan to the Ferguson Hotel Corporation..	614
No. 69. Authorizing payment of expenses of committee to investigate loan to Ferguson Hotel Corporation.....	615
No. 70. Authorizing payment of expenses of committee to investigate C. W. A. and Welfare Departments in Braxton and Jackson counties	616
No. 72. Authorizing appointment of lobby committee to appear before Senate committees in interest of certain House bills	616
No. 73. Concerning illness of Senator John C. Myers	617
No. 74. Raising committee to appear before Senate Judiciary committee on "municipal home rule bill".....	617
No. 75. Concerning death of Honorable Joseph S. Thurmond	618
No. 76. Relating to use of House offices and furniture	619
No. 77. Expressing appreciation to Dr. John F. Sly and staff for services.....	620
No. 78. Raising a committee to investigate tax legislation	620
No. 80. Extending sympathy to Delegate LaFon in illness	621
No. 81. Directing Clerk to mail Journals, Bills and Acts to members.....	621
No. 83. Authorizing printing of Journals and Bills	622
No. 84. Authorizing printing and distribution of Acts	623
No. 85. Requesting the Governor to convene the Legislature in extraordinary session	624
No. 86. Raising a committee to notify Senate that House was ready to adjourn <i>sine die</i>	625

RESOLUTIONS:

House Concurrent:	PAGE
No. 2. Adopting joint rules for the Senate and House of Delegates.....	554
No. 3 Providing for a joint assembly to hear message of the Governor.....	554
No. 5. Raising special joint Committee on Home Relief	554
No. 6. Relating to providing revenue for support of schools	555
No. 7. Memorializing Congress to pass old age pension law	556
No. 8. Raising joint special committee to draft legislation to carry out Tax Limitation Amendment	556
No. 9. Providing for a recess of the Legislature	557
No. 10. Providing for a joint assembly to hear address by the Honorable John J. Cornwell	557
No. 11. Concerning the death of the Honorable J. Luther Wolfe.....	558
No. 13. Raising a joint assembly to hear address of the Honorable Howard O. Hunter	559
No. 14. Opposing Prince Plan for consolidation of railroads.....	560
No. 15. Relating to paying third month's basic salary of teachers.....	561
No. 17. Pledging Legislature to provide relief for unemployed	562
No. 18. Endorsing state North-South high school football game	562
No. 19. Requesting the Governor to use moneys from emergency appropriation for Attorney General's office.....	563
No. 20. Directing Auditor to pay claim of Nancy Reedy	564
No. 24. Providing for a recess of the Legislature	564
No. 26. Designating state route No. 7, as Lewis Wetzal Trail	565
No. 27. Relating to maintaining an adequate term of school	565
No. 28. Requesting Attorney General to petition Supreme Court of Appeals for rehearing on H. B. No. 64.....	566
No. 30. Concerning the "Hawes-Cooper act"....	567
No. 31. Approving federal loan to State Conservation Commission	568
No. 32. Requesting Congress to continue the C. W. A.	569

RESOLUTIONS:

House Concurrent:—(Continued)

	PAGE
No. 34. Providing for a joint assembly to hear address by the Governor.....	570
No. 37. Providing for a recess of the Legislature	570
No. 38. Endorsing state's Presidential birthday ball	571
No. 40. Requesting Public Service Commission to reduce Huntington water rates.....	571
No. 42. Commending officials and employees of state agency of Home Owners' Loan Corporation	572
No. 44. Requesting the President to approve report of Wild Life Restoration Committee	573
No. 45. Directing Insurance Commissioner to make survey of insurance laws and companies	573
No. 46. Inviting the Governor to address a joint assembly on fiscal affairs of the state	574
No. 47. Raising a joint committee to wait upon the Governor	575
No. 49. Providing for a joint assembly to hear an address by the Governor.....	575
No. 50. Concerning relief for unemployment and destitution	576
No. 53. Relating to the death of the Honorable James H. Strickling	577
No. 54. Relating to achievements of certain students at state university and commending Board of Governors and faculty	578
No. 55. Requesting Board of Public Works to borrow money to pay teachers' salaries	579
No. 57. Relating to a survey and report upon riverways and water resources of the state	580
No. 58. Relating to adjournment <i>sine die</i>	581

House Joint;

No. 1. Ratifying child labor amendment to constitution of the United States.....	581
No. 4. Proposing an amendment to section six article thirteen of state constitution, relative to assessment and redemption of undivided interests in land	583

RESOLUTIONS:

Senate;	PAGE
No. 1. Raising committee to inform House that Senate was in session	634
No. 2. Adopting rules of the Senate.....	635
No. 3. Authorizing Clerk to mail Journals and Bills	635
No. 4. Authorizing printing of old age pension law	636
No. 5. Inviting Honorable John J. Cornwell to address Senate	636
No. 6. Expressing sympathy to Senator Neale on illness of son.....	637
No. 7. Authorizing appointment of attaches....	637
No. 8. Extending thanks to Honorable C. D. Dotson, retiring Sergeant-at-Arms..	638
No. 9. Relating to legislation for support of schools	638
No. 10. Fixing per diem of assistant janitors....	639
No. 11. Fixing per diem of officers and attaches	640
No. 12. Authorizing payment of persons for services preliminary to session	640
No. 13. Raising committee to consider and prepare revenue measures.....	641
No. 14. Charging C. C. Morris with an assault on Senator Henderson	641
No. 15. Expunging a Senate resolution from the Journal	642
No. 16. Dispensing with services of certain attaches	642
No. 17. Opposing ratification of Great Lakes-St. Lawrence waterways treaty.....	643
No. 19. Concerning payment of state income tax	644
No. 20. Dispensing with services of attaches during recess	645
No. 21. Extending sympathy to Senator Hyre on death of father.....	645
No. 23. Extending sympathy to Senator Myers in illness	646
No. 25. Extending per diem of officers and attaches to complete work of session...	647
No. 26. Providing for janitor service after adjournment	648
No. 27. Raising a committee to notify House that Senate was ready to adjourn <i>sine die</i>	649

RESOLUTIONS:

	PAGE
Senate Concurrent;	
No. 1. Raising a committee to notify Governor Legislature was in session.....	625
No. 3. Providing for payment of legislative expenses in advance of appropriation	625
No. 4. Relative to death of Honorable C. P. Craig	626
No. 5. Relating to payment of salaries of school teachers	627
No. 6. Raising a joint special committee to in- vestigate C. W. A. administration in state	627
No. 8. Concerning investigation of Huntington water rates	628
No. 9. Requesting Budget Commission to submit supplemental budget	629
No. 12. Concerning death of Honorable James S. Lakin	630
No. 13. Concerning death of Honorable Kenna K. Hyre	631
No. 14. Approving organization of George Wash- ington Foundation Association.....	632
No. 16. Raising a joint committee to wait upon the Governor.....	634
 RITCHIE COUNTY:	
Board of education authorized to convey land.....	324
Court authorized to transfer dog tax fund.....	280
 ROANE COUNTY:	
Court authorized to transfer dog tax fund.....	280
 SALARY, REPORT OF:	
(See Income)	201
 SANITARIUMS:	
Tuberculosis, names	1 217
executive officer	1 217
management	1 217
 SAVINGS AND LOAN ASSOCIATION OF WEST VIRGINIA:	
Articles of association.....	2 49
Board of directors, number and qualifications.....	9 52
permission to members to foreclose.....	16 53
vote for	10 52
Capital stock, subscriptions to	6, 7 51
Certificate of authority, requirements.....	5 51
Charter for	3 50
Constitution and by-laws.....	4 50
Loans by, to shareholders.....	11 52

	SEC.	PAGE
SAVINGS AND LOAN ASSOCIATION:—(Continued)		
interest rate on.....	13	52
to members	12	52
Loans to	14	52
bonds for	14	52
collateral deposited with auditor.....	14	52
who may invest in.....	19	53
not guaranteed by state.....	14	52
May join federal agency.....	20	53
Members	6	61
foreclosure proceedings by.....	16, 17	53
Permanent in character.....	8	52
Powers of	15	53
When may pay dividend.....	18	53
Who may organize.....	1, 2	49
SAVINGS BANK:		
(See Federal Savings and Loan Association).....		56
(See Savings and Loan Association of West Virginia) .		49
SCHOOL ORDERS:		
Receivable for taxes and fees.....		247
SCHOOLS:		
(See Boards of Education)		
(See Dormitories)		66
(See General School Fund).....		70
(See Indebtedness)		126
(See Teachers' Certificates)		62
(See Teachers' Salaries).....		70, 74
(See Transfer of Funds).....		59, 60
Appropriation, for eight months term.....		13
of proceeds of consumers sales tax to.....	22	152
Levies for	6, 12, 13	160, 166, 185
Payment of employees.....		61
taxing unit	4	158
SENATE:		
Appropriation for expenses of.....	2	2
Confirmation of executive appointments;		
committee of barbers and beauticians.....		210
mailing clerk, capitol building.....		219
List of officers and members		iv
Standing committees		v
SEWAGE WORKS, MUNICIPAL:		
Bonds, revenue;		
payable from revenues of system.....	15	89
sinking fund	15	89
administration	15	89, 90

SEWAGE WORKS, MUNICIPAL:—(Continued)	SEC.	PAGE
first charge on revenues.....	15	90
ordinance	15	89
Revenues from, use.....	15	89, 90
Service rates, amount.....	16	90, 91
collection by action.....	16	92
extension to other premises.....	16	91
how fixed	16	91
lien of	16	91
foreclosure	16	92
ordinance for.....	16	91
publication	16	91
 SHERIFF:		
(See Junk Dealers).....	7	229
Certificate of indebtedness as voucher.....	25	142
Collection of taxes, including municipal.....		101, 103
capitation	1	108
county and school orders receivable for.....	10	247
discount	32	143
Deputy not to serve as election official.....		197
Official bond, penalty	10	234
 SINKING FUND COMMISSION:		
(See Housing Authority).....	9	242
(See Sewage Works, Municipal).....		89
Special fund in state treasury.....	8	208
To receive local sinking funds.....	8	208
application of receipts.....	8	208
insufficient, notice to local treasurer.....	8	208
 SLUM CLEARANCE:		
(See Housing Authority).....		236
 STATE HISTORIAN AND ARCHIVIST:		
(See Historical Documents).....		235
 STATE INDUSTRIAL RECOVERY ACT:		
Anti-trust laws.....	7	223
Duration	9	224
Emergency measure	11	224
Existing statutes not altered by.....	12	224
Legislative findings	1	221
Name	12	224
National industrial recovery act;		
codes to apply to state industries and trades.....	3, 4	222
violation;		
penalty	5	222
suit to prevent	6	222
state to effectuate policies of.....	2	222
method	8	223

INDEX TO ACTS

683

	SEC.	PAGE
STATE PARKS:		
Appropriation for purchase.....	1	19
how expended	2	20
STATE REGISTRAR:		
(See Birth and Death Records).....		248
STATE ROAD BONDS:		
(See Bonds)		40
STATE ROAD COMMISSION:		
Construction of toll bridges by.....	17	35
STATE ROAD COMMISSIONER:		
(See Motor Vehicles).....		28, 29
May establish and operate plant at state penitentiary to manufacture license plates, etc.....	1	27
use of convicts in.....	2	28
To furnish list of motor vehicles to county assessor..	22	34
Transfer of road fund to department of public welfare	2	11
STATE ROAD FUND:		
Appropriation from, for relief of destitution.....	1-5	11
Sources	1	7
Uses	1	7
STATE SUPERINTENDENT OF FREE SCHOOLS:		
Appeal to, renewal teachers' certificates.....	30	63-65
State aid to schools, granting.....		(e) 72
requisition on auditor for.....		(6) 73
STATE TREASURER:		
(See Depositories, State).....		46
Statements to board of finance.....	6	55
To receive federal grants of money for employment of fices	2	203
SUMMERS COUNTY:		
Court authorized to convey land.....		264
SUPPLEMENTAL AID FUND:		
Appropriation from, to school employees.....	1	61
distribution	2	61
repayment	3	62
Auditor to ascertain amount of.....	6	73
Deposit with sheriff	6	73
For teachers salaries.....	6	71, 72
petition for	6	72
when withheld	6	73
Requisition for	6	73

TAXATION:	SEC.	PAGE
(See Chapter 62).....		114
Classification of property.....	5	158
Legislative findings.....	1-3	154, 158
Levies;		
additional,		
amount	16	170
duration	16	170
election on	16	170
ballot	17	170
forms for	18	171
notice of	17	171
aggregate	6	159
boards of education, limit and purpose.....	6, 12	160, 167 187
approval of tax commissioner.....	12	167
copy of levy order to tax commissioner.....	13	168
decrease in certain counties.....	12	187
estimate	12	166, 185
copy to tax commissioner.....	12	167, 186
report of, by county superintendent.....	13	168
board of public works, limit and purpose.....	6	159
contractual indebtedness	8	161
certified to tax commissioner and assessors	8	161
general revenue	8	161
county court, limit and purpose.....	5, 10	159, 165 183
approval of tax commissioner.....	10	164, 184
duties of clerk, etc.	11	165
estimate	10	162, 182
copy to tax commissioner.....	10	163, 183
correction	10	164, 184
objections to	10	164, 184
publication or posting.....	10	163, 183
increase in certain counties.....	10	185
expenditures, manner and purposes.....	25, 26	176, 177
unlawful, recovery	28, 29, 30	177
penalty	31	177
indebtedness, levy limits	7	161
additional	23	173, 181
duty of tax commissioner.....	23	174, 180
estimate	23	173, 179
hearing in circuit court.....	24	175
appeals	24	176
refund	23	176
ascertainment of validity.....	..	128
mandamus	12	246
meetings to lay	9	162

TAXATION:—(Continued)	SEC.	PAGE
municipalities, limit and purpose.....	6, 14	160, 169
approval by tax commissioner.....	14	169
copy of levy order to tax commissioner, etc....	15	169
estimate	14	169
copy to tax commissioner.....	14	168
Shifting of, for contractual indebtedness, among taxing units	19-(a)	97
	19	171
	20	172
approval of tax commissioner	19, 20	171, 172
Supersedes to	22	173
refund of money collected	22	173
action for	22	173
Taxing units defined	4	158
TAX COMMISSIONER:		
(See Consumers Sales Tax).....		150-152
(See Indebtedness)		130-142
(See Privilege Tax)		152
(See Taxation)		154, 180, 182
Additional appropriation for office.....	1	17
Approval of municipal tax levies.....	19-(a)	97
Income reports to.....	24	202
Refusal by, of beer license.....	95	112
Reports to, by package dealer, etc.....	95	112, 113
To approve bond of manufacturer, etc., of beer.....	95	113
TAXES:		
(See Assessment of Property).....		100
(See Beer, nonintoxicating).....		110
(See Capitation Tax).....		107
(See Consumers Sales Tax).....		152
(See Dog Head Tax).....		104
(See Privilege Tax).....		110, 144
Collection by sheriff;		
commissions	7-(a)	102
discount and penalty.....	7, 32	102, 103
		143, 178
installments	7	102, 103
municipal	7	104
bond	7	104
Lien for money borrowed to pay.....	1	101
Orders receivable for.....	10	247
Real estate delinquent and forfeited;		
for county levies.....	11	166
redemption	1	84
auditor's report to assessor.....	5	86
receipt for payment	5	86

TAXES:—(Continued)	SEC.	PAGE
purchased by individuals	1	87
purchased by state	10	88
report of sales to commissioners of school lands	2	87
suits by commissioners of school lands.....	2	88
TAYLOR COUNTY:		
(See Grafton, City of).....		439
Board of education authorized to purchase fractional interests in building.....		326
TEACHERS' CERTIFICATES:		
Approval by state department of education.....	30	65
Basic salaries	6	71
Cancellation, when certain records not filed.....	30	65
First grade temporary, renewal.....	30	64
conditions	30	64
reinstatement	30	64
conditions	30	64
statement of county superintendent	30	64
appeal from refusal	30	65
Renewable for three year periods.....	30	63
conditions	30	63
recommendation of county superintendent.....	30	63
appeal from refusal.....	30	63
Renewable for five years periods.....	30	62
conditions	30	62
recommendation of county superintendent.....	30	63
appeal from refusal.....	30	63
When renewable for one year.....	30	63
When valid for life.....	30	63
conditions	30	63
TEACHERS, NUMBER NEEDED:		
In district	6	71
Junior and senior high schools.....	6	72
TEACHERS' SALARIES:		
Advanced, amount.....	2	74
for principals	2	75
Basic, amount	6	71
change in rate.....	2	75
Paid by state for eight months.....	6	71
TOLL BRIDGES, CONSTRUCTION OF:		
By counties or municipalities.....	1	36
approval of state road commission.....	1	37
compliance with federal requirements.....	1	37

	SEC.	PAGE
TOLL BRIDGES, CONSTRUCTION OF:—(Continued)		
By state road commission.....	17	35
Revenue bonds	1, 3-5	37
lien of	4	39
enforcement	4	39
toll charges to pay.....	5	39
TRANSFER OF FUNDS:		
(See Laws Special)		
By county courts,		
county or district road and bridge funds.....	21	76
To county boards of education.....	2-(b)	59, 60
TUCKER COUNTY:		
Board of education authorized to issue bonds.....		327
County court to consist of three members.....		283
TYLER COUNTY:		
County court to consist of three members.....		284
VITAL STATISTICS:		
(See Birth and Death Records).....		248
WATERWORKS, MUNICIPAL:		
Bonds to purchase or construct;		
amount	5	93
default, receivership	7	94
execution	5	93
existing system, purchase.....	7	94
improvements	10	95
form, rate of interest, etc.....	3, 6	93, 94
lien of	3, 7	93, 94
enforcement	7	94
negotiable	5	93
price	5	94
not municipal obligation.....	6	94
payable from revenue of system.....	3, 6	93, 94
tax exempt	3	93
Construction of act.....	10	95
Estimate of cost.....	3	95
Ordinance for purchase or construction.....	3, 6	92, 94
WAYNE COUNTY:		
(See Kenova, City of).....		207
Clerk of circuit court relieved of certain payments...		553
WEST VIRGINIA BAR ASSOCIATION:		
(See Judicial Council).....		191
WEST VIRGINIA PENITENTIARY:		
Additional appropriation	63	26
Parole and warden's trustee funds, appropriation.....	1	16
Plant at, to manufacture license plates, etc.....	1	27

WEST VIRGINIA UNIVERSITY:		
(See Historical Documents).....	2	35
Appropriation from general fund of extension division of college of agriculture for county agricultural agents.....	1	20
Appropriation of unexpended balances to repay stadium corporation and athletic committee..	1	21
Board of governors to fix certain salaries.....	1	75
WETZEL COUNTY:		
(See Hundred, Town of)		533
Court authorized to borrow money for hospital.....		265
authority to borrow money repealed.....		267
WHEELING, CITY OF:		
Charter amended (Center Wheeling market).....		544
WIRT COUNTY:		
Court authorized to transfer funds.....		277, 281
WOOD COUNTY:		
(See Parkersburg, City of).....		207, 537
Board of education authorized to convey land.....		329
WYOMING COUNTY:		
Board of education authorized to convey land.....		330