

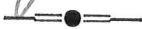
WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935



ENROLLED

HOUSE BILL No. 196

(By Mr. Bailey Jones)



PASSED March 4 1935

In Effect from Passage

196

ENROLLED
House Bill No. 196

(By MESSRS. BAILEY and JONES (of McDowell))

[Passed March 4, 1935; in effect from passage.]

AN ACT to amend and reenact section five, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the national guard.

Be it enacted by the Legislature of West Virginia:

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

Section 5. The national guard of West Virginia shall consist of the commissioned officers, enlisted men, staff, corps and departments of West Virginia, regularly organized and maintained pursuant to law. The governor shall have power to alter, divide, annex, consolidate, disband or reorganize the same and create new organizations, and is hereby directed to organize a regiment of infantry and equip same composed of negro troops

8 which regiment shall be organized and equipped in accordance
9 with the provisions of the U. S. Army regulations governing
10 same. He is directed to organize at least one battalion within
11 one hundred twenty days after the passage of this bill or as
12 soon thereafter as funds are available. He shall at all times
13 have the power to create new organizations whenever, in his
14 judgment, the efficiency of the state force will thereby be in-
15 creased, except insofar as such action would be contrary to the
16 provisions of the regulations of the war department governing
17 the national guard; and he shall at anytime have power to
18 change the organization of departments, brigades, regiments,
19 battalions and companies so as to conform to any organization,
20 system of drill, or instruction now or hereafter adopted for the
21 army of the United States, and for that purpose the number of
22 officers of the brigades, regiments, battalions and companies may
23 be increased or diminished and their rank increased or reduced
24 to the extent made necessary by such change. The officers of
25 the foregoing departments shall be of like rank as officers of
26 similar departments of the army of the United States and shall
27 perform like duties. The number of such officers shall be deter-
28 mined by the governor, but this number shall be limited to the

29 actual requirements of the different departments, and the gov-
30 ernor may designate one officer as chief of a number of different
31 departments, unless such action would be contrary to the regu-
32 lations provided by the war department for the government of
33 the national guard. The governor shall have the power, in case
34 of war, insurrection, invasion or imminent danger thereof, to
35 increase the force beyond the maximum now established by law
36 and to organize the same with the proper officers as the exigencies
37 of the service may require. In the event of the formation of any
38 such new organizations, officers holding commissions in the
39 national guard as organized at such time shall be eligible for
40 commission in such new organizations with like or higher grade
41 and rank, if found capable, after examination by a regular
42 authorized board, and shall be given preference over the one
43 not holding commission at the time.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton Howard
.....
Chairman Senate Committee

Spencer M. Vickers
.....
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Wm. S. O'Brien
.....
Clerk of the Senate

Geo. S. Hall
.....
Clerk of the House of Delegates

Chas. E. Hooper
.....
President of the Senate

John A. Belton
.....
Speaker House of Delegates.

The within *is approved* this the *11th*

day of *March*, 1935.

H. S. King
.....
Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 15 1935**
Wm. S. O'BRIEN,
Secretary of State