

3/19

107

# ENROLLED BILL

Eng. Com. Sub. for

House Bill No. 107

Originating in the Committee on

~~(By Mr.~~ Education )

Passed March 14, 1931

In Effect Ninety days from Passage

Originated in the *House* Takes effect *Ninety days from Passage.*  
Clerk. *R. H. Pugh* Clerk of the House of Delegates.

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*Charles W. Henderson* Chairman House Committee.  
*Paul D. Smith* Chairman Senate Committee.

# ENROLLED BILL

(Com. Sub. for H. B. No. 107)

[Passed March 14, 1931 ; in effect ninety days from passage.]

AN ACT to amend and re-enact sections four, five, eight, nine, ten, nineteen, twenty-two, twenty-four, twenty-five, twenty-six and twenty-nine of article three, chapter thirty-seven, of the official code and adding thereto section thirty-seven.

*Be it enacted by the Legislature of West Virginia:*

Section 4. The circuit court of every county shall, at its first regular term in the year nineteen hundred thirty-three and in every fourth year thereafter, appoint a commissioner of school lands, who shall maintain an office at the county seat which may be furnished by the county court, and whose term shall begin on the first day of July following and continue for four years and until his successor is appointed and qualified. Every such commissioner, holding office at the time this act takes effect, shall continue to hold office until his successor is appointed and qualified under the provisions of this section. Vacancies, occurring at any time after the adoption of this act, shall be filled by ap-

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2 [Enrolled Com. Sub. for H. B. No. 107

12 pointment by the circuit courts for the unexpired term. Such  
13 commissioner shall perform the duties and exercise the powers  
14 hereinafter provided for. Every such commissioner shall, be-  
15 fore entering upon the duties of his office, take an oath in open  
16 court that he will faithfully, to the best of his skill and judg-  
17 ment, execute the duties of his office, and shall give bond to be  
18 issued by a reliable surety company and approved by the court  
19 in a penalty to be fixed by the court, but at least five thousand  
20 dollars, a duplicate copy thereof to be filed with the state aud-  
21 itor, conditioned that he will faithfully and impartially dis-  
22 charge the duties of his office, and will pay over and account  
23 for, according to law, all moneys, bonds, and other securities,  
24 which may come to his hands by virtue of his office. Where such  
25 commissioner is not now so bonded he, before proceeding further  
26 in the discharge of his duties, shall give bond as herein required.  
27 He shall, as far as possible, see that every officer, having any  
28 duty to perform under this chapter, perform the same as herein  
29 required and report any failure of such officer to do so to the  
30 circuit court of his county. The court may, whenever in its  
31 opinion it is proper to do so, require such commissioner to give  
32 a new or additional bond, as prescribed by section fourteen, ar-

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Enrolled Com. Sub. for H. B. No. 107] 3

33 ticle two, chapter six of this act and all provisions of said section,  
34 and of sections fifteen and sixteen of said article shall be ap-  
35 plicable to such new and additional bond when given.

36 It shall be the further duty of every commissioner of school  
37 lands to install and keep a uniform system of accounts, reports  
38 and records, the forms and methods thereof to be prescribed and  
39 furnished by the tax commissioner.

Sec. 5. A record of all real estate forfeited for any cause to  
2 the state of West Virginia, under the constitution and laws  
3 thereof, or purchased for the state at a sale for taxes and not  
4 redeemed or released according to law, which has or shall come  
5 to the knowledge of the auditor of the state, shall be kept by him  
6 in a well-bound book in his office, in which shall be shown the  
7 name of the former owner thereof, if known, and if not, that  
8 fact shall be stated, the quantity or supposed quantity of such  
9 real estate, the local or other description thereof, as certified to  
10 him, for what year the owner thereof was not charged with taxes  
11 thereon, and when such real estate became forfeited. Such rec-  
12 ord shall be prima facie evidence that the owner of such real  
13 estate was not charged with taxes thereon for any of the years  
14 stated therein and that he did not cause such real estate to be

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4 [Enrolled Com. Sub. for H. B. No. 107

15 entered and charged with taxes as required by law, and that  
 16 such real estate was forfeited, and title thereto vested in the state  
 17 at the time specified. In order to enable the auditor to make  
 18 such record, it shall be the duty of the clerk of the county court  
 19 of each county in which any such real estate ought to have been,  
 20 but was not, entered on the land books and charged with taxes  
 21 thereon upon discovering such failure to certify the same, and  
 22 all facts in relation thereto, to the auditor. The auditor shall  
 23 certify to the commissioner of school lands of the proper coun-  
 24 ties, copies of all the certificates of any such clerk received by  
 25 him within sixty days after receiving the same, except lands  
 26 purchased for the state at a sale thereof for taxes, which shall be  
 27 certified to the commissioner of school lands immediately after  
 28 the expiration of twelve months after the purchase thereof. The  
 29 commissioner of school lands shall, as expeditiously as possible,  
 30 cause proceedings to be started against all forfeited lands to be  
 31 sold or otherwise disposed of within a period of three years un-  
 32 less the court for good reasons otherwise order and direct.

Sec. 8. The commissioner of school lands of each county  
 2 shall tender and file a written report to the circuit court of his  
 3 county from time to time and, at least once in each year, a list

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Enrolled Com. Sub. for H. B. No. 107] 5

4 of all tracts and parcels of land lying in whole or in part in his  
5 county, reported to him by the auditor and surveyor and  
6 escheator as required by sections five, six and seven of this  
7 article, or which shall otherwise come to his knowledge, which  
8 in his opinion are liable to be sold for the benefit of the school  
9 fund. [Such report shall be tendered and filed immediately  
10 upon the receipt thereof from the auditor. All reports pre-  
11 viously certified to the commissioners of school lands and not  
12 so filed, shall be filed forthwith.]

13 The commissioner of school lands, in such report as herein  
14 provided for, shall show, as far as practicable, the following:

15 (a) If such report describes any real estate as forfeited for  
16 nonentry on the land books of the proper county and district,  
17 as provided in section six, article thirteen of the constitution  
18 of West Virginia, such report shall show the name of the party,  
19 parties, firms or corporations claiming title of such land at the  
20 time such report is made; the number of the lot or acres as the  
21 case may be; the town, city, district, road, street or waters, in  
22 or on which such real estate is located, and such other descrip-  
23 tion as may reasonably be given in such report that will aid in  
24 identifying or locating the land and the years constituting such

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25 forfeiture; the name or names of all known claimants, or ad-  
26 verse claimants, and all known occupants of such real estate, or  
27 any part thereof;

28 (b) If such report describes any real estate as waste and  
29 unappropriated, such report shall also state that such tracts  
30 of real estate were waste and unappropriated and that the  
31 title thereto had not passed from the commonwealth of Vir-  
32 ginia or the state of West Virginia, and the names of all claim-  
33 ants or occupants thereof;

34 (c) If such report describes any real estate as escheated,  
35 the report shall also state that such tracts of real estate were  
36 escheated to this state by reason of the owner named therein  
37 having died intestate and without any heir, owning an estate of  
38 inheritance which shall be specifically described in such report;

39 (d) If such report describes any real estate as forfeited for  
40 the nonpayment of the taxes due thereon for any year, the re-  
41 port shall show the same parties, firms or corporations; de-  
42 scription; location and year constituting such forfeiture, as is  
43 shown in the certificate of the auditor, certifying such land to the  
44 commissioner of school lands.

Sec. 9. When the report mentioned in the preceding sec-

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Enrolled Com. Sub. for H. B. No. 107] 7

tion is filed, the clerk of the circuit court shall transmit to the clerk of the county court of such county an attested copy of such report, which shall be by the clerk of the county court recorded in his office in a well-bound book, which shall be labeled on the back thereof "report of commissioner of school lands." Such clerk of the county court shall index each tract or parcel of land so reported in the name of the party or parties from whom the same became forfeited; or, if such parcel or parcels should be waste and unappropriated, the name shall be indexed as to their location; if such parcel or parcels should be escheated, the same shall be indexed as to the person from whom such lands escheated. and if the name of such persons be unknown then as to their location.

In any suit pending in the circuit court upon report made by the commissioner of school lands, when redemption of a tract or parcel of land has been made under a decree of such court, or where a tract or parcel of land has been decreed and sold, or where the court has decreed a tract or lot of land not forfeited to the state as waste and unappropriated, or not escheated to the state, the clerk of such court shall, after each term thereof, report each tract or parcel of land so adjudicated by such court,



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8 [Enrolled Com. Sub. for H. B. No. 107

23 to the clerk of the county court, who shall, upon the copy of such  
24 report so recorded in his office, in the marginal space therein  
25 to be provided therefor, note in red ink opposite each tract the  
26 disposition thereof made by any decree, showing the date of  
27 such decree; the chancery order book and page number where  
28 recorded; and its purport in respect to such tract by the words,  
29 "redeemed," "decreed and sold" or "not liable to sale," as the  
30 case may be.

Sec. 10. Every such report shall be recorded in the chan-  
2 every order book of such court and filed and preserved by the  
3 clerk of such court in his office, and thereupon a suit or suits  
4 in chancery shall be commenced and prosecuted by and in the  
5 name of the state of West Virginia for the sale of every such  
6 tract and parcel of land, so reported, as required by section  
7 four of article thirteen of the constitution of this state. All  
8 tracts or parcels of land mentioned in such report, which are  
9 claimed to have escheated, shall be proceeded against in a sepa-  
10 rate suit. All other tracts or parcels of land mentioned in any  
11 such report shall, as far as practicable, be included in one suit,  
12 but a separate suit may be brought and prosecuted for the sale  
13 of each tract of land exceeding in quantity one thousand acres;

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Enrolled Com. Sub. for H. B. No. 107] 9

14 and the former owner of any such tract of land at the time of  
 15 the forfeiture thereof, or the person in whose name the same  
 16 is forfeited, shall, if known, be made a defendant therein, and  
 17 all persons claiming title to or interest in any such lands shall  
 18 also, as far as known, be made defendants therein. And there  
 19 shall be filed as an exhibit with such bill, which shall be treated  
 20 as part of the allegations thereof, a certified copy of the com-  
 21 missioner's report as mentioned in section eight of this article.  
 22 And any person claiming an interest in any such land or the  
 23 proceeds thereof, not so made defendant, may file his petition  
 24 in any suit stating what interest he claims therein, either in  
 25 open court or before a commissioner in chancery [where a  
 26 reference to such commissioner has been made] while suit is  
 27 pending before him, or at rules, if the case be pending at rules,  
 28 and shall thereupon become a defendant therein, and may de-  
 29 fend and protect his interest, if he has any therein, to the same  
 30 extent as if he had originally been made a party defendant  
 31 therein.

Sec. 19. If the court shall be of the opinion that any party  
 2 to such suit has a clear right of redemption in any land in-  
 3 volved in such suit, a decree of reference shall not be made as

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10 [Enrolled Com. Sub. for H. B. No. 107

4 to such lands. In all cases where the title is contested, or the  
5 amount of taxes, interest and cost is disputed, a decree of ref-  
6 erence shall be made to determine the rightful owner and/or  
7 the amount of taxes, interest and cost. When a decree of ref-  
8 erence is made in any such suit, the commissioner before pro-  
9 ceeding to the discharge of his duties, under such decree, shall  
10 give notice to all parties to such suit and to all unknown owners  
11 and claimants of the lands, or any part of them, mentioned in  
12 the bill, and referred to such commissioner, by publication in  
13 some newspaper printed in the county in which the suit is  
14 brought, or if no such paper be printed therein, then in some  
15 newspaper of general circulation in such county once in each  
16 week for four successive weeks, and by posting at the front door  
17 of the courthouse of such county at least four weeks before  
18 proceeding to discharge his duties under such decree, of the  
19 time and place at which he will so proceed. And such notice,  
20 when so published and posted, shall be equivalent to the per-  
21 sonal service thereof on all the parties to the record in such  
22 suit, and on all unknown owners and claimants of any tract  
23 or parcel of land mentioned in the bill, or any part thereof.  
24 Such notice may be in form or effect as follows:

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Enrolled Com. Sub. for H. B. No. 107] 11


25 "The State of West Virginia, vs. A., B., C., D., etc., (naming  
26 all the defendants mentioned in the bill having an interest in  
27 such tracts referred to such commissioner).

28 "The plaintiff and each and all of the above-named defend-  
29 ants, and all unknown owners and claimants of any part or  
30 parcel of the following tract (or tracts) of land (here give a  
31 general description of each tract of land proceeded against and  
32 give the name of the owner or owners in whose name such land  
33 is alleged in the bill to be forfeited) mentioned in the plain-  
34 tiff's bill in the above styled cause, will take notice that, on  
35 .....day of....., 19...., at.....,  
36 in the county of....., I will commence  
37 the discharge of my duties under a decree of reference entered  
38 in said cause on the.....day of....., 19...,  
39 directing me to ascertain and report (here insert briefly what  
40 is required by the decree to be ascertained and reported) at  
41 which time and place you, and each of you, can attend and  
42 protect and defend any interest you may have in the lands,  
43 or any of them, in question in this suit.

44 "Given under my hand this....day of.....,  
45 .....Commissioner."



Chairman Senate Committee



Chairman House Committee.

Sec. 22. Every such sale shall be made by the commissioner  
 2 of school lands, upon terms, conditions and notice, provided  
 3 for in the decree of sale. The commissioner, making such sale,  
 4 shall take from the purchaser of each parcel of land so pur-  
 5 chased his notes with good security, payable to the state of  
 6 West Virginia, for the deferred payments of purchase money  
 7 provided for in the decree of sale, with interest from date  
 8 thereof, and shall make report thereof to the court which de-  
 9 creed the sale, in which he shall state the name of each pur-  
 10 chaser and the particular tract or tracts, lot or lots, or part or  
 11 parcels, of any tract or lot purchased by him, and the quantity,  
 12 as near as may be, so purchased by such purchaser; the amount  
 13 of the purchase money of each tract, lot or parcel, or the part  
 14 thereof so purchased; the amount of the purchase money paid  
 15 on each at the time of the purchase, and the amount of the  
 16 notes taken for the residue of the purchase money; the name  
 17 of the surety in such notes and the time at which they will  
 18 become due and payable; the gross amount of money in hand  
 19 arising from such sales, and the cost and legal expenses there-  
 20 of, exclusive of his commissions. He shall return with his  
 21 report all notes and securities taken by him for the purchase



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Enrolled Com. Sub. for H. B. No. 107] 13

22 money of the real estate sold by him, and the clerk of the court  
 23 shall indorse thereon the day they will respectively become  
 24 due and payable, and file and preserve the same in his office;  
 25 and such notes and securities shall be a lien upon the real estate  
 26 for which they were given; and, if not paid when due, the clerk  
 27 shall, without process or further proceeding, enter in the law  
 28 order book a judgment against the makers and obligors therein  
 29 and sureties thereon, in favor of the state of West Virginia,  
 30 upon such note for the amount remaining unpaid, with in-  
 31 terest. Such judgment shall be as final and valid as if entered  
 32 by the court, except only that the court shall have such control  
 33 of it as is given by article two, chapter fifty-eight of this act.  
 34 Execution may issue upon such judgment, or a rule may be  
 35 awarded and the land resold as in other chancery suits.

Sec. 24. Every commissioner of school lands shall collect  
 2 both the proceeds of all sales of school lands made as aforesaid  
 3 and the proceeds of all redemptions; and for his service as such  
 4 commissioner, he shall receive the following compensation,  
 5 to-wit:

6 For all money collected and paid over by him, as such com-  
 7 missioner, a commission of not less than five nor more than ten

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*Benjamin M. Harrison*

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14 [Enrolled Com. Sub. for H. B. No. 107

8 per cent on the amount thereof; for each deed to a purchaser  
 9 of any part of such lands, his heirs, devisees or assigns, five  
 10 dollars, and for each report of a tract made and filed by him,  
 11 if sold or redeemed, one dollar, to be taxed as part of the costs;  
 12 and if such commissioner be a practicing attorney, and shall  
 13 prosecute suits for the collection of the purchase money of the  
 14 land so sold, he shall have the attorney's fee taxed in the costs  
 15 of such cases for the state, if they be collected from the defend-  
 16 ant, but not otherwise; and if he be not a practicing attorney,  
 17 such suits shall be prosecuted by an attorney employed by  
 18 him to prosecute the suit for the sale of the lands for the state.  
 19 But the money recovered shall be collected and accounted for  
 20 by the commissioner of school lands. The court in which any  
 21 suit is prosecuted under this article, shall allow the attorney,  
 22 prosecuting the same for the state, a fair and reasonable com-  
 23 pensation for all the services rendered by him therein for the  
 24 state, including the regular statute fees as provided in section  
 25 twenty-five of this article, and the same shall be paid him out  
 26 of the proceeds of the lands sold or redeemed in every such  
 27 suit. And in addition to the compensation above allowed the  
 28 commissioner of school lands, he shall be allowed all reasonable

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Enrolled Com. Sub. for H. B. No. 107] 15

29 and proper expenses necessarily incurred and actually paid  
30 by him in the proper discharge of the duties of his office under  
31 this article, to be fixed and adjusted by the court upon the  
32 production of vouchers showing the amount paid and upon what  
33 account. And in case of the redemption of any such real  
34 estate by the former owner thereof, as provided in section  
35 twenty-nine of this article, such commissioner shall be entitled  
36 to the same commission on the money as if such real estate had  
37 been sold and the proceeds thereof collected by him; and the  
38 attorney shall receive the same fee in case of redemption as  
39 he would have received in case said real estate had been sold,  
40 but such attorney's fee shall not exceed the sum of the statute fee  
41 assessed as costs against the tract redeemed, plus the interest  
42 on the taxes collected on the tract redeemed.

Sec. 25. The cost per tract of every such suit shall be ascer-  
2 tained and taxed by the clerk as hereinafter provided, and shall  
3 be paid out of the proceeds of the sale or redemption of such real  
4 estate, and not otherwise, to the several persons entitled thereto,  
5 if sufficient for the purpose; but if such proceeds are not suffi-  
6 cient to pay the whole of such costs and commissions and the  
7 expenses aforesaid of the commissioner of school lands, the same



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*Benjamin M. Mearns*

*Chairman House Committee.*

16 [Enrolled Com. Sub. for H. B. No. 107

8 shall be paid therefrom to the several persons entitled thereto  
 9 pro rata. If the residue of such proceeds after the payment of  
 10 such costs and commissions and expenses of the commissioner of  
 11 school lands, as provided in the next preceding section, be suf-  
 12 ficient to pay all the state, county, municipal and district taxes  
 13 that may be due on such lands, such commissioner of school lands  
 14 shall, when ordered by the court to do so, pay any taxes on such  
 15 lands that may be due to the county, municipality and district  
 16 in which the real estate is situated, to the sheriff of such county  
 17 and into the treasury of such municipality, and he shall pay the  
 18 balance of such proceeds into the treasury of the state for the  
 19 benefit of the school fund; but if such proceeds are not suffi-  
 20 cient to pay all the taxes aforesaid, then they shall be paid to  
 21 such sheriff and into the treasury of such municipality and to  
 22 the state pro rata; and such sheriff, in either event, shall at his  
 23 regular settlements with the county court and the respective  
 24 boards of education of his county, account for and pay over all  
 25 money paid to him under the provisions of this chapter. [If  
 26 the land be either sold or redeemed, fees, not to exceed the fol-  
 27 lowing, shall be assessed as costs against each tract: Clerk of  
 28 the circuit court, one dollar fifty cents; clerk of the county



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Enrolled Com. Sub. for H. B. No. 107] 17

29 court, for noting disposition as provided for in section nine  
 30 of this article and certifying to assessor, fifty cents; the com-  
 31 missions allowed the school land commissioner; a statute fee  
 32 of ten dollars if the amount of the taxes due on the land  
 33 forfeited is less than fifty dollars; fifteen dollars, if the amount  
 34 of the taxes due on the land forfeited is more than fifty dol-  
 35 lars and less than one hundred dollars; or twenty dollars if  
 36 the amount of the taxes due on the land is more than one  
 37 hundred dollars; the school land commissioners' report fee,  
 38 one dollar; if a reference is made the fee of the commis-  
 39 sioner in chancery shall be determined and taxed as costs  
 40 the same as in other chancery causes; the sheriff's fee of  
 41 seventy-five cents for each process executed on persons who are  
 42 or may be interested in the particular tract being redeemed or  
 43 sold; if a survey is had, the surveyor and chairman shall be paid  
 44 as for other work done for the county and the costs assessed to  
 45 the tract surveyed; a printers' fee of five dollars per tract if  
 46 service is had by order of publication and an additional printers'  
 47 fee of five dollars per tract, if commissioner in chancery's notice  
 48 has been published; and in cases of sale, the printer's fee for  
 49 advertising such sale; a five dollar deed fee for the commissioner

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*Samuel M. Reed*

Chairman House Committee.

18 [Enrolled Com. Sub. for H. B. No. 107

50 of school lands, and publication fees incident to the forfeiture.  
 51 Any commissioner of school lands who shall fail to pay over to  
 52 the parties entitled thereto and account for, at the time of mak-  
 53 his annual report to the auditor, any moneys which shall have  
 54 come into his hands and possession, when thereto lawfully re-  
 55 quired, shall be deemed guilty of larceny, or at the discretion of  
 56 the court, be fined not exceeding double the amount he so failed  
 57 to pay and account for, and be imprisoned in the county jail not  
 58 exceeding one year. And no commissioner of school lands shall  
 59 become the purchaser of any school lands at the sale thereof, or  
 60 be interested therein, and upon so doing shall forfeit his office  
 61 and at the discretion of the court be fined not exceeding five hun-  
 62 dred dollars.

Sec. 26. The commissioner of school lands of each county  
 2 shall, on or before the thirty-first day of July of each year, make  
 3 out in triplicate a report as of the thirtieth day of June of each  
 4 year, showing all the tracts of land that have been forfeited to  
 5 the state, or purchased for the state at a sale for taxes, disposed  
 6 of by the commissioner, and not heretofore reported. The com-  
 7 missioner of school lands, in such report as herein provided for,  
 8 shall show in relation to each tract the following:

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*Chairman Senate Committee.*

*Bureau of Land*

*Chairman House Committee.*

Enrolled Com. Sub. for H. B. No. 107] 19

9 The name or names in which each tract was certified to him,  
10 as forfeited; the number of the lot or acres as the case may be;  
11 the town, city, district, road, street or waters in or on which real  
12 estate is located; the year or years for which taxes due thereon  
13 had not been paid; the amount of all taxes due the state, the  
14 county, and any district or municipality; whether redeemed, sold  
15 or not liable to sale; by whom redeemed or to whom sold; total  
16 amount of sale or redemption, and an itemized statement of all  
17 disbursements.

18 He shall also report, in like manner, all lands for which he has  
19 instituted proceedings in the name of the state for lands for-  
20 feited to the state by reason of not being on the land books for  
21 five years or more, and all lands which have escheated to the  
22 state. The report hereby required to be made shall be made upon  
23 blank forms to be furnished by the auditor.

24 The commissioner of school lands shall certify and forward  
25 the original of the report herein provided for to the state auditor;  
26 the second copy thereof shall be certified and filed with the cir-  
27 cuit court at the first regular term of said court thereafter, and  
28 the third copy shall be certified and filed with the clerk of the  
29 county court.

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20 [Enrolled Com. Sub. for H. B. No. 107

30 Every commissioner, failing to make any report required by  
31 this section, shall be guilty of a misdemeanor and be fined not  
32 less than one hundred nor more than one thousand dollars, to be  
33 deposited to the credit of the general school fund and be removed  
34 from office. It shall be the duty of the state tax commissioner  
35 to make an annual audit of the records of the commissioners of  
36 school lands, and report the findings thereof to the circuit court.  
37 It shall be the further duty of the state tax commissioner  
37a to take steps to enforce in conjunction with the circuit court  
38 the provisions of this section, and to collect any moneys which  
39 any commissioner of school lands may have received and have  
40 failed to pay to the state or county, or any district or mu-  
41 nicipality. The state tax commissioner shall, as far as possible,  
42 see that every officer having any duty to perform under this  
43 article, shall perform the same as herein required and report  
44 any failure of such officer to the proper authority.

Sec. 29. The former owner, his heirs, devisees or assigns, of  
2 any real estate forfeited for any cause to the state of West Vir-  
3 ginia, may, before suit is instituted, redeem such real estate by  
4 payment of commissions, a title fee of not more than five dol-  
5 lars, publication fees and taxes and interest properly charge-

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*Samuel M. Lewis*

Chairman House Committee

Enrolled Com. Sub. for H. B. No. 107] 21

6 able thereon to the commissioner of school lands, but no other  
7 fees and costs shall be allowed; such redemption shall be reported  
8 by the commissioner of school lands to the circuit court at its  
9 first term thereafter at which time an order shall be entered by  
10 the circuit court, showing the disposition of such tracts so re-  
11 deemed in like manner as if redemption had been made pending  
12 suit; or the former owner, his heirs, devisees or assigns, or any  
13 real estate, forfeited for any cause to the state of West Virginia,  
14 may at any time during the pendency of the suit for the sale  
15 thereof, and before a decree for the confirmation thereof has  
16 been made and entered by the court, file his petition therein in  
17 manner and form as provided in the next preceding section in  
18 relation to the excess of the proceeds of such sale, praying to be  
19 allowed to redeem so much only of such real estate as to which  
20 the title still remains in the state; and upon the filing of such  
21 petition, and upon such proof being made as would entitle the  
22 petitioner to the excess of the purchase money of such real estate  
23 if the same had been sold, the court may, by a proper decree,  
24 permit the petitioner upon the payment into court, or to the  
25 commissioner of school lands, the costs, taxes and interest prop-  
26 erly chargeable thereon, to be fixed by the court in its decree,

CORRECTLY ENROLLED

*Joseph D. Smith*

*Chairman Senate Committee.*

*Bruneau M. M. M.*

*Chairman House Committee.*

22 [Enrolled Com. Sub. for H. B. No. 107

27 to redeem the real estate mentioned in his petition. And upon  
28 such payment being made as aforesaid, the court shall enter its  
29 decree declaring the redemption of such real estate by such peti-  
30 tioner, so far only as the title thereto is in the state, as provided  
31 in this chapter, and so far as the petitioner has shown himself  
32 entitled to redeem the same; which decree shall operate as a  
33 release of such forfeiture of such real estate to the extent de-  
34 clared therein, and of all former taxes and interest charged and  
35 chargeable thereon. And such petitioner shall acquire no other  
36 title to the lands so redeemed than was vested in him imme-  
37 diately before such forfeiture, but such redemption shall in no  
38 wise effect or impair any right, title or interest any other person  
39 may have in such real estate or any part thereof, by purchase  
40 from the state, or under and by virtue of section three, article  
41 thirteen of the constitution of this state.

CORRECTLY ENROLLED

Enrolled Com. Sub. for H. B. No. 107] 23

*Joseph S. Smith*  
Chairman Senate Committee.

*Charles W. Meadows*  
Chairman House Committee.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*R. H. Kild*  
Clerk of the House of Delegates.

*W. H. H. H.*  
President of the Senate.

*M. S. Hodges*  
Clerk of the Senate.

The within is...  
this *21<sup>st</sup>* day of *March* 1931.

*W. H. H. H.*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia *MAR 23 1931*  
GEORGE W. STAPP,  
Secretary of State.