

161

# ENROLLED BILL

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House Bill No. 191

(By Mr. M<sup>c</sup>Guire)

Passed February 11, 1931

In Effect from Passage

Originated in the House  
*R. R. Ridd*  
Clerk.  
Taken effect from  
*R. R. Ridd*  
Clerk of the House of Delegates.  
Passage.

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*Conner Messinger*  
Chairman House Committee.  
*Jacob A. Smith*  
Chairman Senate Committee.

# ENROLLED BILL

( H. B. No. 191 )

[Passed February 11, 1931; in effect from passage.]

AN ACT to amend and re-enact sections two, four, nineteen, thirty-two, thirty-four, thirty-five, forty-six, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, sixty-one, seventy-three, ninety-two, one hundred three and one hundred four of chapter three of the acts of the legislature of one thousand nine hundred twenty-five, bound in a volume of municipal charters of such acts, and known as the "Charter of the City of Hollidays Cove;" and to add to said chapter three of the acts of the legislature of one thousand nine hundred twenty-five, sections fifty-three (a), fifty-three (b), fifty-three (c), fifty-three (d), fifty-three (e), fifty-three (f), fifty-three (g), fifty-three (h), fifty-three (i), fifty-three (j), fifty-three (k), fifty-three (l), fifty-three (m), fifty-three (n), fifty-three (o), fifty-three (p), ninety-two (a), ninety-two (b), ninety-two (c), and one hundred three (a), all relating to and becoming a part of the charter of the City

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Joseph D. Smith

Amos C. Hargrett

Chairman Senate Committee.

Chairman House Committee.

of Hollidays Cove.

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

That sections two, four, nineteen, thirty-two, thirty-four, thirty-five, forty-six, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, sixty-one, seventy-three, ninety-two, one hundred three and one hundred four of chapter three of the acts of the legislature of one thousand nine hundred twenty-five, bound in a volume of municipal charters of such acts, and known as the "Charter of the City of Hollidays Cove," be amended and re-enacted, and

That sections fifty-three (a), fifty-three (b), fifty-three (c), fifty-three (d), fifty-three (e), fifty-three (f), fifty-three (g), fifty-three (h), fifty-three (i), fifty-three (j), fifty-three (k), fifty-three (l), fifty-three (m), fifty-three (n), fifty-three (o), fifty-three (p), ninety-two (a), ninety-two (b), ninety-two (c), and one hundred three (a), be enacted and added to the charter of the City of Hollidays Cove, so as to read as follows:

Section 2. The corporate limits of the city of Hollidays Cove shall be as follows, to-wit:

3 Beginning at a point in Butler district, Hancock county, said  
4 point being the southwest corner of Ferguson avenue and Main  
5 street, as designated on plan of 'Block B,' "C. Ferguson's First

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*Joseph D. Smith*

*Benjamin Madison*

*Chairman Senate Committee.*

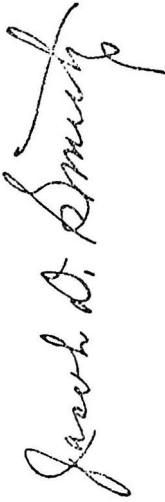
*Chairman House Committee.*

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6 Addition to Hollidays Cove, West Virginia," which plan is duly  
7 of record in the office of the clerk of the county court of Han-  
8 cock county, West Virginia, to which reference is hereby made  
9 by way of further description; thence south eighty-seven de-  
10 grees thirty minutes east eight hundred twenty and no-tenths  
11 feet to a point on eastern edge of the Pennsylvania Railroad Com-  
12 pany right-of-way; thence along above mentioned right-of-way,  
13 south six degrees twenty-five minutes west for three hundred six-  
14 ty-five and four-tenths feet to a point on right-of-way; thence  
15 south eighty-three degrees thirty-five minutes east four hundred  
16 and fifty-nine and four-tenths feet to a point in the public road;  
17 thence along the public road south twelve degrees two minutes  
18 east two hundred and two feet to a point; thence south sixty  
19 degrees twenty-nine minutes east one thousand three hundred  
20 thirty-nine and eight-tenths feet to a point; thence south nine-  
21 teen degrees one minute east one hundred and fifty-five feet to a  
22 point; thence south nine degrees three minutes east three hun-  
23 dred and thirty-one feet to a point in the public road known as  
24 the Steubenville and Pittsburgh pike; thence south eighty-four  
25 degrees fourteen minutes west two hundred sixty-nine and two-  
26 tenths feet to a point on the bank of Harmon's creek; thence by

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27 the following lines: north sixty-nine degrees fifteen minutes west  
 28 three hundred fifty feet, north seventy-eight degrees two minutes  
 29 west eight hundred fifty-five and seven-tenths feet, south seventy-  
 30 six degrees ten minutes west five hundred and eighty-eight feet  
 31 to a point west of the Chester Branch railroad bridge; thence  
 32 south five degrees ten minutes west one hundred and ninety-  
 33 eight and three-tenths feet to a point; thence south twenty-one  
 34 degrees thirty-seven minutes west four hundred and sixty-three  
 35 and four-tenths feet to a point on the Hancock-Brooke county  
 36-37 line; thence south eighty-six degrees fifty-two minutes west  
 38 eight hundred twenty-five and five-tenths feet to a point in the  
 39 center of Harmon's creek; thence south four degrees thirty  
 40 minutes east three hundred ninety-seven feet to a point;  
 41 thence nineteen degrees fifteen minutes west four hundred  
 42 twenty-nine and no-tenths feet to a point; thence south twenty-  
 43 six degrees thirty minutes west for one thousand eighty-two  
 44 and no-tenths feet to a point; thence south thirty-seven degrees  
 45 no minutes west for eight hundred sixty-seven and no-tenths  
 46 feet; thence south fifty-three degrees fifteen minutes west for  
 47 eight hundred two and no-tenths feet; thence south sixty de-  
 48 grees forty-eight minutes west for one thousand two hundred

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*Jacob D. Smoot*

*Bruneau Madison*

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49 and thirty and no-tenths feet to a point in creek; thence along  
50 property lines of Gullette and Orr, north twenty degrees no  
51 minutes west for one thousand five hundred twenty-five and  
52 four-tenths feet to a point; thence north fifty-three degrees  
53 thirty-five minutes east for eight hundred twenty-five and no-  
54 tenths feet to a point; thence north thirty-three degrees thirty-  
55 five minutes east eight hundred ninety-three and no-tenths feet to  
56 a point near the west edge of Heazlett avenue; thence north  
57 twenty-five degrees fifty minutes east for one thousand seven  
58 hundred seventy and no-tenths feet to a point on west side of  
59 lot number eight, on plan of lots laid out for E. C. Stern, Holli-  
60 days Cove, Hancock county, West Virginia; thence north one  
61 degrees five minutes east for one hundred two and fifty-five one  
62 hundredths feet to a point on north side of county road to  
63 Marland Heights; thence north sixty-four degrees thirty-five  
64 minutes west for seventy and no-tenths feet to a point; thence  
65 north seventy-four degrees twenty-five minutes west for three  
66 hundred eighty-five and five-tenths feet to a point; thence north  
67 sixty-three degrees forty-five minutes west for two hundred ten  
68 and no-tenths feet to a point; thence south seventy-six degrees  
68-a thirty-five minutes west or one hundred twenty-four and no-

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69 tenths feet to a point; thence south sixty-one degrees thirty  
70 minutes west for two hundred eighty-one and four-tenths feet  
71 to a point; thence south eighty-eight degrees thirty minutes  
72 west for two hundred two and nine-tenths feet to a point;  
73 thence north twelve degrees forty-five minutes west for one  
74 hundred one and no-tenths feet to a point; thence north forty-  
75 eight degrees fifteen minutes east for seventy-six and two-tenths  
76 feet; thence north sixty-seven degrees thirty-five minutes east  
77 for one hundred fifty-six and no-tenths feet to a point; thence  
78 north fifty-one degrees forty-seven minutes east for one hun-  
79 dred six and no-tenths feet; thence north forty-seven degrees  
80 forty minutes east for one hundred seven and no-tenths feet  
81 to a point; thence north forty-two degrees fifteen minutes east  
82 for one hundred five and one-tenth feet to a point; thence  
83 north fifteen degrees forty-seven minutes east for eight hun-  
84 dred ninety-seven and no-tenths feet to a point; thence north  
85 seventy-three degrees thirty-five minutes east for one thousand  
86 four hundred eighty-seven and no-tenths feet to a point on west  
87 side of a twenty-foot alley and Ferguson avenue; thence south  
88 eighty-seven degrees thirty minutes east along the south side of  
89 Ferguson avenue, for a distance of one thousand fifty and no-

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*Bruneau Madison*

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90 tenths feet to the place of beginning.

Sec. 4. The municipal authorities of the city of Hollidays  
2 Cove shall consist of a mayor and five councilmen, who shall,  
3 for the assessment year preceeding their respective elections  
4 as hereinafter provided, have been assessed with and paid taxes  
5 in the city of Hollidays Cove, upon a valuation of at least five  
6 hundred dollars worth of real estate or personal property  
7 therein and any person elected to any one of such offices who  
8 has not been assessed with and paid taxes on such amount of  
9 property shall not qualify or enter into the performance of the  
10 duties thereof, but such office shall thereby become vacant and  
11 shall be filled by a qualified person, as provided herein for  
12 other vacancies. In addition to the municipal authorities men-  
13 tioned in this section above, the city may have a police judge,  
14 city manager, city clerk, city auditor, city physician, health  
15 commissioner, building inspector, city attorney, city engineer,  
16 city tax collector, treasurer, lockup keeper, humane officer or  
17 officers, police chief, fire chief and such number of policemen  
18 and firemen as council by ordinance or resolution may direct,  
19 or the mayor shall appoint.  
20 The officers heretofore named in this section, other than the



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*Chairman Senate Committee.*

*Samuel M. Mearns*

*Chairman House Committee.*

21 mayor, councilmen and policemen, may be appointed by the  
22 mayor with the consent of the council, but none of such officers  
23 shall be appointed until council shall, by a majority of the  
24 full membership thereof, authorize the filling of such office.  
25 All of the officers named in this and the preceding section shall  
26 be paid proper salaries which shall be fixed by the council,  
27 except as herein otherwise provided, and such salaries shall  
28 be within the limits provided for by this act.

Sec. 19. The council shall hold regular meetings on the first  
2 Monday following the first Tuesday of each month, and the  
3 hour and place of such meetings shall be fixed by the council  
4 in the rules adopted by it.

Sec. 32. The mayor and five members of council shall be  
2 elected for the term of two years, and their successors shall  
3 be elected every two years thereafter, and their terms of office  
4 shall begin on the first day of February of the year in which  
5 they shall be elected.

6 The mayor's salary shall be fixed by council, not to exceed  
7 five hundred dollars per year.

8 The mayor shall have the full and complete power of the  
9 removal of all officers appointed by him, subject to appeal to

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10 council, except in case of police officers, who shall be removed  
11 as hereinafter in this act is provided.

12 The mayor shall appoint or employ such other person or  
13 persons as the ordinances of the city may require or the council  
14 may authorize by proper resolution. All such officers shall  
15 be appointed for the term of two years and until their suc-  
16 cessors are appointed and qualified, unless they are removed  
17 in the way and manner in the act provided.

18 It shall be the duty of the mayor to attend all meetings of  
19 the council and preside over that body.

20 It shall be the duty of the mayor to see that all the laws and  
21 ordinances of the city are enforced and he shall have a general  
22 oversight of the peace, health and good order of the city. He  
23 shall discharge the functions assigned by this act to the police  
24 judge and city manager until these officers are appointed, or,  
25 in their absence or inability to act.

26 All fines of every kind collected by any officer or employee,  
27 including the police judge, when acting as a justice, shall be  
28 paid to the city treasurer.

Sec. 34. The city clerk shall be ex officio clerk of the city  
2 council; he shall keep a complete record of all ordinances, reso-

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3 lutions and acts of the city council. He shall enter in a sep-  
4 arate volume all ordinances of a general nature, a violation  
5 of which shall subject any person to any penalty, and care-  
6 fully index the same. All ordinances providing for the issuing  
7 of bonds, the creation of a debt, the construction of any public  
8 improvement, or of any local or temporary nature shall be en-  
9 tered in a separate volume by the city clerk, and carefully  
10 indexed. He shall keep complete books of account showing  
11 all financial transactions of the city, and of each department,  
12 all receipts, expenditures made by the city, the sources of all  
13 income, and the purposes of all expenditures. He shall make  
14 out all vouchers and pay-rolls of the city, and shall do and per-  
15 form all other duties which may be required of him by the  
16 council by any ordinance or resolution.

17 He shall attend all meetings of the council and keep in  
18 proper minute book a record of its proceedings, and sign the  
19 record of each said proceeding.

20 He shall prepare and cause to be served all notices required  
21 to be given to any person, firm or corporation, and after proper  
22 service and return thereof of any notice, he shall file and pre-  
23 serve the same.

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24 He shall file in convenient form, so as to be readily accessible,  
25 all correspondence carried on by the city or by any depart-  
26 ment thereof, and, as custodian of all the books, records and  
27 proceedings of the council, he shall make and certify copies  
28 thereof whenever required, and affix the corporate seal of the  
29 city to any paper required to be sealed and to any certified  
30 copy of any paper, order or proceeding which he may make.  
31 The minutes of every meeting, after being corrected, shall be  
32 signed by the mayor and city clerk, and a copy of any record,  
33 paper, entry, order, ordinance, resolution or proceeding made  
34 by the council, or by the police court judge when properly  
35 certified under the seal of the city shall be admissible as evi-  
36 dence in any court in the state in any proceeding in which the  
37 original paper or record, if present, would be admissible. He  
38 shall, in case of the absence of the mayor, discharge the duties  
39 and functions assigned by this act to the police judge.

Sec. 35. The police judge shall be ex officio a justice and a  
2 conservator of the peace, with authority to issue process for  
3 all offenses committed within the police jurisdiction of the city  
4 of Hollidays Cove, of which a justice of the peace has juris-  
5 diction under the state statutes, and for all violations of any

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*Joseph D. Smith*

*Chairman Senate Committee.*

*Samuel M. Adams*

*Chairman House Committee.*

6 city ordinances, and shall have charge of and preside over the  
7 police court of such city; and may commit persons charged  
8 with felony or misdemeanor to jail or take bond for their ap-  
9 pearance before the grand jury of the circuit court of Hancock  
10 or Brooke county, depending on whichever court has jurisdic-  
11 tion of the offense charged; said police judge shall keep a record  
12 showing the style of each case, which record shall be indexed  
13 and numbered. Before trying any person charged with any  
14 violation of any ordinance, he shall issue his warrant, specify-  
15 ing the offense or violation charged; he shall render judgment  
16 in any case as the law of the state or the ordinance of the city  
17 applying thereto may require; he shall also have the power to  
18 issue executions for all fines, penalties and costs imposed by  
19 him, and he may require immediate payment thereof, and in  
20 default of such payment, may commit the person in default  
21 to the jail of the county of Hancock or Brooke or some place  
22 of imprisonment within Brooke or Hancock county, designated  
23 by the council as the city jail, if there be one, until the fine and  
24 penalty and costs shall be paid or satisfied, to be employed dur-  
25 ing the term of imprisonment, as hereinafter provided, but the  
26 term of imprisonment in any case of the violation of a city

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27 ordinance, shall not exceed sixty days, and in all cases where  
28 a person is sentenced to imprisonment, or to the payment of  
29 a fine of ten dollars or more, such person shall be allowed an  
30 appeal from such decision to the circuit court of said Hancock  
31 county, upon the execution of an appeal bond, with surety  
32 deemed sufficient by the said police judge in a penalty double  
33 the amount of the fine and costs imposed by him, where the  
34 penalty imposed for the violation of such ordinance is a fine  
35 only, or in a sum not to exceed five hundred dollars, where  
36 the penalty imposed is imprisonment, or both fine and impris-  
37 onment, conditioned that the person proposing to appeal will  
38 appear before the circuit court of Hancock county on the first  
39 day of the next regular term thereof to answer for the offense  
40 wherewith he is charged, and not depart thence without leave  
41 of the court and satisfy all costs and fines imposed against  
42 him; and in no case shall judgment for a fine of less than ten  
43 dollars be given by the police judge, if the defendant, his agent  
44 or attorney, object thereto. If such appeal is taken, the war-  
45 rant of arrest, the transcript of the judgment, the appeal bond  
46 and other papers of the case shall be forthwith delivered by  
47 the said police judge to the clerk of said circuit court, and

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48 the court shall proceed to try the case as upon indictment or  
49 presentment and render such judgment, including that of cost,  
50 as the law and the evidence may require.

51 The expense of maintaining such persons committed to the  
52 jail of the county for violation of city ordinance by such police  
53 judge, shall be paid by the city. The police judge shall account  
54 for and pay over the amount of all the fines collected by him  
55 weekly to the treasurer of the city, and shall make monthly  
56 reports thereof, and all other matters pertaining to the council  
57 of said city.

Sec. 46. The police judge, when appointed, shall have at-  
2 tained the age of twenty-five years, and shall have been a resi-  
3 dent of this state for a period of two years, and of the city of  
4 Hollidays Cove previous to the beginning of his term of service  
5 for a period of one year.

Sec. 53 (a) In addition to the methods hereinbefore and herc-  
2 inafter prescribed for the payment of the cost of construction  
3 and improvement of streets, alleys, sewers and sewer systems,  
4 the city of Hollidays Cove is hereby authorized to issue certifi-  
5 cates for the purpose of providing funds for the grading, pav-  
6 ing, repaving, curbing, sewerage or otherwise improving the

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*Joseph D. Smith*

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7 streets and alleys of said city, or for constructing any sanitary  
8 sewer therein, payment whereof shall be made by the property  
9 owners abutting said construction or improvements as is here-  
10 inafter provided. In ordering the construction or improve-  
11 ment of any such street, alley, sewer or sewer system, and in  
12 ascertaining the amount of the assessment to be levied against  
13 each particular piece of property abutting thereon to pay the  
14 cost thereof, council shall, except where it is in this act from  
15 section fifty-three (a) to section fifty-three (p), both inclusive,  
16 otherwise specifically provided, proceed in the same manner as is  
17 hereinafter provided in sections fifty-four, fifty-five, fifty-six,  
18 fifty-seven and sixty-one, of this act, for the levying and pay-  
19 ment of special assessments levied and made to pay the cost  
20 of abutting property owners for improvements made upon any  
21 public street or alley, or the construction of any public sewer,  
22 where the cost of such improvement is paid by the issuance of  
23 bonds of said city in anticipation of the collection of special  
24 assessments, except that the whole cost of such improvement,  
25 including the cost of grading, paving, curbing and sewerage  
26 street intersections, shall be apportioned against the several  
27 properties abutting upon the street or portion thereof so im-



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*Ernest Madison*

*Joseph D. Smiley*

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28 proved.

Sec. 53 (b) It is hereby provided that the cost of any improvement mentioned in section fifty-three (a) hereof, and for which certificates are to be issued, shall be divided into ten installments as nearly equal as possible, payable one each year for ten successive years from the date thereof. Certificates issued to pay such cost shall draw interest at the rate of six per centum per annum, payable semi-annually, and may be sold, negotiated and renegotiated at the pleasure of council, or the holder thereof. They shall contain a provision that in the event of default in the payment of any one of said certificates, or any interest thereon, by the owner of the property therein mentioned and described, then, and in such an event, all the certificates issued as against that particular property concerning which there has been a default in payment of one certificate, shall, after such default shall have continued for a period of sixty days, forthwith become due and payable, and the holder of such certificate or certificates may proceed to collect all of such unpaid certificates, in the manner herein-  
after provided.

Sec. 53 (c) Any certificate issued under the provisions of this

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2 act for the payment of the cost of improving or constructing  
3 any street or alley, or any sewer or sewerage system, shall be  
4 negotiable at any bank or trust company within the counties  
5 of Hancock and Brooke, and nothing contained in this act shall  
6 be construed as imposing a time limit upon the enforcement  
7 by appropriate suit of any lien created under the provisions  
8 hereof.

Sec. 53 (d) In all cases where an assessment is about to be  
2 levied upon the property abutting on a street or alley im-  
3 proved in accordance with the provisions contained in this  
4 and the three preceding sections, the council shall have the  
5 right and power to, at the same time when it shall award a  
6 contract for the making of said improvements, by resolution  
7 entered of record by it, order that such certificates, when  
8 issued, shall be sold, assigned and transferred to any person,  
9 persons, firm or corporation, for a consideration, and apply  
10 the amount received thereby to the payment of the cost of  
11 such improvements, or council may order that such certificates  
12 or any amount or number thereof, be transferred and assigned  
13 to the contractor, to whom such contract is awarded, in con-  
14 sideration of his performance of the provisions of his contract

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*Joseph D. Smith*

*Benjamin Madsen*

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15 or such part thereof as is provided for in the order of council:  
16 *Provided, however,* That no sale, assignment or transfer of any  
17 such certificate or certificates shall be made by the city at a  
18 greater discount than five per cent of the aggregate sum rep-  
19 resented by said certificate or certificates.

Sec. 53 (e) Upon the issuance of any certificate provided for  
2 in the four preceding sections of this act, the clerk of the city  
3 of Hollidays Cove shall cause an abstract of such certificates to  
4 be recorded in the office of the clerk of the county court of the  
5 county in which the property therein mentioned is located.  
6 Such abstract shall be sufficient in form, if it contains such  
7 provision or provisions as to show the then name or names of  
8 the owner or owners of the said property, the amount of the  
9 assessment as levied by council, and such description as would  
10 enable a person of the average intelligence to understand the  
11 property against which such lien exists. The provisions of  
12 this section shall be construed liberally in favor of the holder  
13 of any such certificate or certificates.

Sec. 53 (f) The lien created by any such assessment and by  
2 the issuance of certificates as are mentioned in the five preced-  
3 ing sections, may be released as is now provided by law for

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*James D. Smith*

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*James W. Madison*

*Chairman House Committee.*

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4 the release of deeds of trust in the state of West Virginia, and  
5 in addition thereto, upon presentation to the clerk of the  
6 county court of the county wherein the real estate subject to  
7 said lien is situated, of all of the certificates issued against any  
8 particular property mentioned in the recorded abstract pro-  
9 vided for in section fifty-three (e) of this act, showing that the  
10 same have all been paid, the clerk of the county court of the  
11 county in which said abstract is recorded is hereby authorized  
12 and empowered to release the lien of such assessment as to  
13 any such real estate by noting a release thereof on the record  
14 of the lien as to such real estate in the margin of the trust  
15 deed book where the same is recorded, and such annotation by  
16 such clerk shall have the effect to release such real estate from  
17 such lien, as effectively as a regularly executed and recorded  
18 release thereof.

Sec. 53 (g) The proceeds of any such certificates, where the  
2 same are not assigned or transferred to the contractor, shall  
3 be applied to the payment of the cost of the making of the  
4 improvement provided for in section fifty-three (a) hereof, to-  
5 gether with all costs of advertising, engineering charges, at-  
6 torney fees and other miscellaneous charges which may arise

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*James D. Smith*

*Chairman Senate Committee.*

7 directly or indirectly by reason of the making of said im-  
8 provements.

Sec. 53 (h) Any certificate issued by the city of Hollidays  
2 Cove under the provisions hereof, shall be and constitute a  
3 lien in the hands of the holder of any such certificate or cer-  
4 tificates, upon the real estate in said certificate described, sub-  
5 sequent in priority only to tax liens, and the payment thereof  
6 may be enforced in the name of the holder of said certificate  
7 or certificates by a proper suit in equity, in any court having  
8 jurisdiction to enforce a lien upon the property in said cer-  
9 tificate or certificates mentioned, and in the same manner in  
10 which a vendor's lien on real estate is enforced.

Sec. 53 (i) The city of Hollidays Cove, in the issuing, trans-  
2 ferring and sale of any such certificate or certificates, shall  
3 under no circumstance or circumstances be held liable for the  
4 payment thereof, or any part thereof, or any interest thereon,  
5 either as a guarantor, or in any other manner whatsoever.

Sec. 53 (j) Upon entering any decree pertaining to the en-  
2 forcement of any street improvement lien created by this act,  
3 the court having jurisdiction thereof shall assess as part of  
4 the court costs in said action a reasonable compensation to be

*Bruneau Messers*

*Chairman House Committee.*

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*Joseph D. Smith*

*Benjamin M. Madsen*

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21

5 paid by the defendant to the attorney for the plaintiff for his  
6 services to the plaintiff in connection with the enforcement  
7 of said lien, and as well, shall charge to the defendant all other  
8 costs necessary or incidental to the enforcement of the lien  
9 created under the provisions of section fifty-three (h) of this  
10 act.

Sec. 53 (k) Whenever said city shall issue or be about to  
2 issue any certificates for the construction or improvement of  
3 any street or alley, or the construction or improvement of any  
4 sewer or sewer system, there shall be submitted to the attorney  
5 general, for his approval or disapproval of the validity thereof.  
6 duly certified copies of all orders, notices, advertisements, af-  
7 fidavits, records and proceedings connected with or pertaining  
8 to the issuance of said certificates. The attorney general shall  
9 thereupon either approve or disapprove the validity of said  
10 certificates, and attach or stamp thereon his certificate to the  
11 effect that said certificates have been approved or disapproved,  
12 as the case may be, by virtue of the authority of this act.

13 He shall keep on file in his office all the papers pertaining  
14 to any certificate issue submitted to him, and shall record his  
15 findings of approval or disapproval in a well-bound book kept

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16 for that purpose in his office, which shall be kept open for in-  
17 spection during business hours, to any person in interest.

Sec. 53 (1) Upon approving or disapproving any such cer-  
2 tificates, the said attorney general shall immediately notify the  
3 said city of his action, either by mail or telegram, or both, and  
4 shall, as soon as can be done, notify the people in the political  
5 division wherein such improvements are to be made, of his  
6 approval or disapproval, by notice published in one issue of  
7 some newspaper of general circulation in such political di-  
8 vision.

Sec. 53 (m) After ten days shall have elapsed from the date  
2 of the last publication of the notice by the attorney general  
3 in the preceding paragraph mentioned, the said certificates,  
4 the validity of which have been approved by the attorney  
5 general, shall then become incontestable and shall be valid  
6 and binding obligations against the property in said certifi-  
7 cate mentioned, and the validity thereof shall not be con-  
8 tested thereafter in any court of law or equity: *Provided, how-*  
9 *ever,* That any person in interest within said political division,  
10 feeling aggrieved by the action of the attorney general in ap-  
11 proving or disapproving the validity of such certificates, may

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12 within ten days after the date of the publication of the notice  
13 provided for in section fifty-three (1) hereof (but not after said  
14 ten days), present his or her petition to the supreme court of  
15 appeals, or to a judge thereof in vacation, praying that the  
16 action of the attorney general in approving or disapproving as  
17 aforesaid, be reversed or modified; and if said court, or a judge  
18 thereof in vacation, be of the opinion to hear and determine  
19 the matters in said petition set out, the case shall be proceeded  
20 with as in cases of original jurisdiction, the petitioner shall  
21 file with the clerk of the court a bond with securities to be  
22 approved by him, and in such sum as the court or judge may  
23 fix, for the payment of such costs as may be awarded against  
24 him in said court. The clerk of the court shall forthwith no-  
25 tify the attorney general of any action taken by the court or  
26 judge in vacation, upon such petition, and shall also notify the  
27 clerk of the city of Hollidays Cove; and for the hearing thereof  
28 the attorney general shall file with the clerk of said court all  
29 the papers, documents, evidence and records or certified copies  
30 thereof, which were before him and on which he based his ap-  
31 proval or disapproval, and before the date fixed for a final  
32 hearing, he shall file with the clerk of said court, a written



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33 statement of his reasons for the approval or disapproval of  
34 said certificates. Upon the submission of the case, the court  
35 shall decide the matters in controversy, and enter such order  
36 thereon as to it may seem to be just; but hearings upon such  
37 cases shall have precedence upon those arising upon appeals  
38 and writs of error.

Sec. 53 (n) The cost of publishing the notice to property own-  
2 ers directed to be made in the three preceding sections, and the  
3 cost of certifying and copying all records, papers and pro-  
4 ceedings to be used by the attorney general in passing upon  
5 the validity of such certificates, and all necessary expenses in-  
6 curred by the attorney general in connection with any issue  
7 of certificates, shall be paid by the abutting property owners  
8 in the same manner as the actual cost of the construction or  
9 improvement made, if the same be finally approved; and if the  
10 same be finally disapproved, such expense shall be paid out of  
11 the general fund of the city of Hollidays Cove.

Sec. 53 (o) Any certificate or certificates issued under the pro-  
2 visions of this act shall be payable in full at such time when  
3 any interest thereon is payable, upon notice to the holder  
4 thereof in writing, if the holder be known, or, if the holder

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5 is unknown, then by publication of such notice in some news-  
6 paper of general circulation in said city, once a week for four  
7 successive weeks prior to the date when such interest is pay-  
8 able, which notice shall state the number of said certificate or  
9 certificates desired to be redeemed, together with a description  
10 of the property covered by said certificates. Should the holder  
11 of any such certificate or certificates fail or refuse to produce  
12 to the party entitled thereto, such certificate or certificates  
13 at the time mentioned in said notice, and turn over such cer-  
14 tificate or certificates and release the lien created thereby, under  
15 the provisions hereof, upon tender of payment at such time of  
16 the principal of such certificate or certificates in full, together  
17 with any accrued interest thereon, then all interest upon any  
18 such certificate or certificates, unaccrued, shall forthwith cease.

Sec. 53. (p) Any certificate or interest coupon mentioned in  
2 this act and issued for the purpose or purposes mentioned in  
3 section fifty-three (a) hereof, shall be sufficient if the same be in  
4 form or effect as follows:

5 CERTIFICATE.

6 No.....

7 KNOW ALL MEN BY THESE PRESENTS:

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.....  
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8    THAT, WHEREAS, The City of Hollidays Cove, in the Coun-  
9    ties of Hancock and Brooke, in the State of West Virginia, has  
10    made, or is about to make certain constructions or improve-  
11    ments upon a certain street (or upon certain streets) of said  
12    City, in accordance with Chapter.....  
13    Sections 53 (a) to 53 (o), both inclusive, of the Acts of the Legis-  
14    lature of West Virginia for the year 1931, and in accordance  
15    with a certain order or resolution of the council of said City,  
16    adopted on the.....day of....., 19.....; and,  
17    WHEREAS, Such constructions or improvements abut certain  
18    real estate of....., described  
19    as follows: (Here copy description); and,  
20    WHEREAS, The Council of said City has levied upon said  
21    property an assessment of.....Dollars to  
22    pay the pro rata share of said property, and the owner thereof  
23    in and to the cost of such construction or improvement. Now,  
24    therefore,  
25    THIS INDENTURE WITNESSETH: That the now owner of the  
26    property hereinbefore described, .....heirs and assigns,  
27    are obligated to pay to the holder hereof, on or before the.....  
28    day of....., 19....., the sum of.....

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29 Dollars, with interest thereon from the date hereof, at the rate  
30 of six per centum per annum, payable semi-annually until  
31 paid, being one-tenth of the total assessment levied against  
32 said property, in accordance with the said Order or Resolution  
33 of Council, entered on the.....day of....., 19.....

34 This certificate is one of a series of ten certificates of like  
35 tenor or effect, dated an even date herewith, and is payable  
36 both as to principal and interest at the office of the Peoples  
37 Bank of Hollidays Cove, West Virginia, or at the office of the  
38 Clerk of the City of Hollidays Cove, the interest being payable  
39 only upon presentation of interest coupons, hereto attached,  
40 as they severally become due.

41 The assessment herein mentioned shall constitute a lien upon  
42 the property herein mentioned, but the said City of Hollidays  
43 Cove shall under no circumstance or circumstances, be held  
44 liable for the payment of this certificate or any part thereof,  
45 or any interest thereon, either as a guarantor or in any other  
46 manner whatsoever.

47 Failure to pay this certificate or any interest thereon within  
48 sixty days from the date when the same is due and payable  
49 shall forthwith operate to cause the entire unpaid amount of

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50 the whole assessment of.....Dollars

51 to become due and payable.

52 IN WITNESS WHEREOF, The City of Hollidays Cove has  
53 caused this certificate to be signed by its Mayor, countersigned  
54 by its Clerk, and its corporate seal to be hereunto attached,  
55 this, the.....day of....., 19.....

56 CITY OF HOLLIDAYS COVE,

57 *Hancock and Brooke Counties, West Virginia.*

58 [CORPORATE SEAL]

59 By.....

60 *Mayor.*

61 Countersigned:

62 .....

63 *Clerk.*

64 INTEREST COUPON.

65 On the.....day of....., 19....., the  
66 holder hereof is entitled to collect.....  
67 Dollars, being one-half year interest upon Certificate No.  
68 ..... of the City of Hollidays Cove, West Virginia,  
69 subject to all the provisions of said certificate.

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71

*Clerk.*

72 No.....

Sec. 54. Whenever the council shall deem it expedient to  
2 cause any street or alley in said city, or portion thereof to  
3 be paved, curbed or macadamized or otherwise improved in a  
4 permanent manner, upon the petition in writing of persons  
5 owning the greater amount of the frontage of the lots abutting  
6 on both sides of any street or alley, between any two cross  
7 streets or between a cross street and an alley, it shall order the  
8 work done in the following manner and upon the following  
9 terms: The contract for such paving or other improvements  
10 shall after due advertisement in which the council shall reserve  
11 the right to reject any and all bids, be let to the lowest re-  
12 sponsible bidder. Except where the improvement is paid for  
13 by the issuance of certificates as in this act is provided, the  
14 contractor shall look only to the city for the payment of the  
15 work, and in no sense to the abutting land owners. The total  
16 cost of curbing, grading and paving or otherwise improving  
17-18 any such street or alley, with the exception in the case of a  
19 street occupied by street-car tracks or other railways of the

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19<sup>a</sup> distance between the rails and two additional feet outside of  
20 each rail, which portion shall be borne and paid entirely by the  
21 street-car or other railway company operating such street or  
22 other railway (unless otherwise provided by the franchise of  
22-*a* such street-car or other railway company granted previous to  
23 the passage of this act) shall be borne by the owners of land  
24 abutting upon said street, alley or portion thereof, according  
25 to the following plan, that is to say: Payment is to be made  
26 by all land owners on either side of such portion of a street  
27 or block so paved or improved, in such portion of the total cost,  
28 less the portion, if any, chargeable to such street-car or other  
29 railway company, as the frontage in feet of his land so abut-  
30 ting bears to the total frontage of all land so abutting on such  
31 street, alley or portion thereof so paved or improved as afore-  
32 said. The cost of such paving or improvement chargeable to  
33 the abutting owners is not to include any portion or amount  
34 paid for paving of squares at intersection of streets, which  
35 shall in all cases be borne and paid by this city. When the  
36 paving of any street or alley, or portion thereof, shall have  
37 been let to contract, it shall be the duty of the engineer of  
38 such city to cause the several frontages abutting thereon to be

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39 measured and to calculate the assessment upon each and every  
40 land owner so abutting, adding to the contract price all other  
41 charges, costs and expenses necessary to complete said im-  
42 provements and to certify the same to the council showing the  
43 proper amount to be determined as provided in the foregoing  
44 plan. It shall be the duty of the council to examine and com-  
45 pare such assessment, amounts and names so certified to it,  
46 and thereupon said council shall give notice by publication for  
47 one issue in some newspaper of general circulation in said city,  
48 that an assessment under this section is about to be laid against  
49 the abutting property for paving or improvements done on  
50 said streets or alleys, describing the location of such paving  
51 or improvements, and any owner or owners thereof shall have  
52 the right to appear before said council within two weeks from  
53 such publication thereof, and move said council to correct any  
54 apportionment or assessment excessively or improperly made  
55 as charged, which corrections said council shall have the power  
56 to make, and if found to be correct, or when corrected by the  
57 council, as aforesaid, it shall enter the same together with a  
58 description of the lots of land as to location, frontage, depth  
59 and ownership, so far as the same may be ascertained, upon



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60 its records, and to enter in its records that such owners and  
 61 lots be assessed and chargeable with the amount so ascertained  
 62 to be borne by them, respectively, and when so approved, cer-  
 63 tified and entered of record, the same shall be and constitute  
 64 an assessment against said owners and lots for such respective  
 65 amounts. And except where the cost of such improvement is  
 66 paid by the issuance of certificates, it shall be the duty of the  
 67 council to immediately certify such assessments to the treasurer  
 68 for collection as herein provided, and a copy of said order shall  
 69 be certified by the clerk to the clerk of the county court of the  
 70 county wherein said property is situated, who shall be required  
 71 to record and index the same in the property trust deed book  
 72 in the name of each person against whose property assessments  
 73 appear therein. The amounts so assessed against said abutting  
 74 land owners shall be paid in ten payments as follows: That  
 75 is to say, one-tenth of said amount, together with interest on  
 76 the whole assessment for one year, shall be paid unto the city  
 77 treasurer of the city, or the holders of any assessment cer-  
 78 tificate before the first day of May next after said assessments  
 79 have been certified to the county clerk. And a like one-tenth,  
 80 together with interest for one year upon the whole amount re-

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31 maining unpaid on or before the first day of May in each suc-  
32 ceeding year thereafter, until all has been paid and each of  
33 said installments of one-tenth, beginning with the first, shall  
34 bear interest on the amount of said installment at six per  
35 centum per annum from the date of the making of the assess-  
36 ment as herein provided, until paid: *Provided, however,* That  
37 any abutting owner so liable for any portion of the cost of  
38 such paving shall have the right at any time after the same is  
39 certified as aforesaid, to the treasurer for collection, to antici-  
40 pate the payment of any or all of said assessments, and shall  
41 be allowed to pay the face of said assessment with interest at  
42 six per centum per annum only to the time of payment. To  
43 each of such installments of assessments remaining unpaid in  
44 the treasurer's hands on the days herein specified for the pay-  
45 ment thereof, a penalty of ten per centum shall be added and  
46 except in cases where certificates are issued, any assessments  
47 so remaining unpaid in the treasurer's hands on such date  
48 shall be taken up by the council, and thereupon such council  
49 shall place such assessments with the penalty added thereto,  
50 in the hands of the city treasurer or other officer of said city,  
51 whose duty it is to collect delinquent taxes and assessments to

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102 be treated and considered, and payment thereof enforced in  
103 all respects as herein provided for the collection of taxes due  
104 the city, and they shall be a lien upon the property liable  
105 therefor, the same as for taxes, which lien may be enforced in  
106 the same manner as provided for taxes. The liens hereinbefore  
107 provided for shall have priority over all other liens, except  
108 those for taxes due the state and shall be on a parity with  
109 taxes and assessments due the city. Whenever all such assess-  
110 ments for paving, sewerage or curbing, macadamizing or other  
111 improvements shall be paid in full to the treasurer, he shall  
112 deliver to the party paying the same a release of a lien there-  
113 for, which may be recorded in the office of the clerk of the  
114 county court as other releases of liens, and whenever any such  
115 assessments shall be shown to the satisfaction of the mayor or  
116 other official performing the duties of mayor, to have been paid  
117 in full to any officer entitled to receive the same, such mayor  
118 or official may in like manner execute such release.

Sec. 55. Whenever the council shall order the construction of  
2 any public sewer in said city, the owners of the property abut-  
3 ting upon any street in which such sewer shall be constructed,  
4 shall be charged with and liable for sewerage assessments as

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5 follows: When a contract has been let for said sewer, the  
6 engineer of such city shall report to the council, in writing, the  
7 total cost of such sewerage, including all costs, charges and  
8 expenses necessary to complete same, and a description of the  
9 lots of land as to the location, frontage, depth, and ownership  
10 liable for such sewer assessment, so far as the same may be  
11 ascertained, together with the amount chargeable against each  
12 lot and owner, estimated on the basis of one dollar per foot for  
13 inside lots, and one dollar and twenty-five cents per foot for  
14 corner lots, frontage measures on said sewer being considered,  
15 except that such estimate as to corner lots fronting thereon and  
16 having a greater depth than one hundred and fifty feet shall  
17 be estimated at one dollar and fifty cents per foot frontage, and  
18 any lot having a depth of two hundred feet or more and front-  
19 ing on two streets, one in front and another in the rear of said  
20 lot, shall be assessed on both of said streets, if a sewer is con-  
21 structed on both streets, or if fronting on a street running back  
22 two hundred feet or more to an alley, shall be assessed on both  
23 the street and the alley if a sewer shall be constructed on both  
24 street and alley; where a corner lot has been assessed on one  
25 end, it shall not be assessed on the side; and thereupon said

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26 council shall give like notice by publication as is required in  
27 case of street paving assessments, and the same rights shall  
28 exist as to the persons and property affected and the same duty  
29 as to corrections by said council as are prescribed with reference  
30 to paving, which report shall in like manner be examined by  
31 the council, and if found to be correct or corrected as aforesaid,  
32 and such estimated assessments to be a fair and equitable ap-  
33 portionment of the cost of such sewer, it shall enter an order  
34 upon its record setting forth such location, depth, ownership  
35 and said amount of such sewer assessment, against each, respec-  
36 tively, calculated as aforesaid, and the entry of such order shall  
37 constitute and be an assessment for such proportion and amount  
38 so fixed therein against such respective owners and lots, and if  
39 after such advertisement, notice and hearing said council shall  
40 find that such apportionment at such rate is unjust, or in-  
41 equitable, it shall ascertain, fix and assess the cost thereof  
42 among and upon the abutting owners respectively, justly and  
43 equitably, and in like manner assess and enter the amount so  
44 fixed respectively upon its records, and the council shall, in  
45-55 either event thereupon certify the same to the treasurer for  
56 collection, and certify a copy of such order to the clerk of the

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57 county court of the county wherein said abutting property is  
58 situate, 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  
60 so charged with such assessment, and such assessment so made  
61 shall constitute and be a lien upon said lots respectively, which  
62 shall have priority over all other liens except those for taxes  
63 due the state, and shall be a parity with other taxes and assess-  
64 ments due the city and shall be paid by the parties liable there-  
65 for to the said treasurer or to the party holding any certificate  
66 as in this act is provided, at all times in the manner and with  
67 the attendant penalties for failure to pay promptly at the time  
68 prescribed in all respects as hereinbefore provided in the case of  
69 assessments for paving streets and alleys in a permanent man-  
70 ner, and the parties liable therefor shall in the same manner  
71 and to the same extent have the right and be entitled to antici-  
72 pate any or all of such installments thereon as in such case pro-  
73 vided. The liens herein and hereinbefore provided for street  
74 paving, macadamizing, sewerage assessments and assessments  
75 for other improvements shall constitute liens upon the real  
76 estate upon which they are assessed, as against creditors of the  
77 owners thereof, or purchasers for value, and without actual

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78 notice of such liens only from and after the time that the state-  
79 ment thereof certified as aforesaid, shall be filed for record in  
80 the office of the clerk of the county court of the county wherein  
81 said abutting property is situate.

Sec. 56. Whenever it is deemed expedient by the council of  
2 said city to provide for the grading, paving, curbing, sewer-  
3 macadamizing or otherwise improving any street or alley there-  
4 in, or constructing any sanitary sewer, to be paid for in whole  
5 or in part by special assessments, said council shall declare by  
6 resolution, three-fifths of the whole number elected thereto con-  
7 curring by an aye and no vote, the necessity of such improve-  
8 ment. At the time of the passage of said resolution, the council  
9 shall have on file in the office of the city clerk plans, specifica-  
10 tions, estimates and profiles of the proposed improvements,  
11 showing the proposed grade of the street and improvement,  
12 after completion, with reference to the property abutting there-  
13 on, which plans, specifications, estimates and profiles shall be  
14 open to the inspection of all persons interested. Said resolu-  
15 tion shall determine the general nature of the improvement,  
16 what shall be the grade of the street, alley or other public  
17 place to be improved, as well as the grade or elevation of the

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18 curbs, and said council shall approve the plans, specifications,  
19 estimates and profiles for the proposed improvement. Council  
20 shall also determine in said resolution the method of paying  
21 for the work contemplated in said plans and specifications,  
22 whether by an appropriation for funds in the treasury un-  
23 appropriated, or whether or not by the issuance of certificates  
24 as in this act is provided, or whether or not bonds shall be  
25 issued in anticipation of the collection of special assessments  
26 to be made against the abutting property owners, as provided  
27 for in this chapter. Assessments shall be payable in ten install-  
28 ments as provided for herein. The resolution herein provided  
29 for, declaring the necessity for such improvement, shall, after  
30 its adoption, be published in some newspaper of general circu-  
31 lation in the city for one issue of such newspaper, and an affi-  
32 davit with a copy of such notice attached shall be filed with the  
33 clerk of the council. Said resolution shall be in effect from and  
34 after the publication thereof, as herein provided for.

Sec. 57. 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



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5 in section one of chapter one hundred and twenty-one of Barnes'  
6 code of West Virginia of one thousand nine hundred  
7 twenty-three: *Provided*, That if any of the owners or persons  
8 be not residents of the county wherein said improvement is  
9 proposed, or if it appears by the return in any case that the  
10 owner cannot be found, then a notice of the passage of said  
11 resolution shall be published in some newspaper of general cir-  
12 culation in the city in which said improvement is proposed to  
13 be made, once a week for two successive weeks, and such notice,  
14 whether by service or publication, shall be completed at least  
15 three days before said improvement is begun or the assessment  
16 is levied and the return of the officer serving such notice or a  
17 certified copy of said return, or where published, the certificate  
18 of the publisher of said newspaper shall be *prima facie* evidence  
19 of the service of the notice as herein required. *Provided further*,  
20 That if the owner be a railroad company or other corporation,  
21 that notice shall be served upon some agent or attorney for said  
22 railroad company or corporation, within Hancock or Brooke  
23 county: *Provided*, There be such agent or attorney for  
24 said railroad company or corporation within such county, and  
25 such service shall be made two weeks before said improvement

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26 is begun or the assesment is levied. Notice upon infants may  
27 be served on their guardians and upon insane persons by serv-  
28 ice upon their committee.

Sec. 58. Except as otherwise in this act provided, the city  
2 shall pay the cost of paving the intersections at all cross streets  
3 (but not including the places where private alleys or private  
4 crossings cross the sidewalk, which shall be paid by the owner  
5 or owners of said private alley or crossing at the time the  
6 paving is laid on said crossing): *Provided*, That whenever  
7 special assessments shall be hereafter levied under the provisions  
8 of this chapter, made for the improvement of any street or  
9 other public place (other than sidewalks) the property so  
10 assessed shall not, except where otherwise herein so provided,  
11 again be assessed for more than half the cost and expense of  
12 repaving or repairing such street or other place, unless the  
13 grade be changed; but, this exemption shall not apply to the  
14 paving of streets or other public places which were paved  
15 or improved before the passage of this act.

Sec. 61. In any case in which special assessments have been  
2 or shall hereafter be made upon property for the construction  
3 of any improvements authorized by this act, and several kinds

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4 of material have been named in the ordinance or ordinances  
5 providing for the same, and on which bids have been received  
6 for the construction of said improvement with any, either or  
7 all of said materials, said assessments shall be valid and binding  
8 assessments upon the property so assessed. In the case of the  
9 construction of sewers required under the provisions of this act,  
10 notice of the passage of said resolution as provided for herein  
11 shall be made in the manner provided for in case of paving.

Sec. 73. It is hereby provided that any assessment, whether  
2 the same be special or otherwise made upon property for any  
3 of the purposes provided for in this act, may be collected in any  
4 one of three ways:

5 *First:* By levy upon the personal property of the party or  
6 parties against whom the said assessment is made.

7 *Second:* By returning delinquent to the auditor the real  
8 estate of the party or parties against whom the said assessment  
9 is made, in which case they shall be returned by the auditor to  
10 the sheriff and the real estate sold by the sheriff the same as  
11 provided by general law for the collection of state and county  
12 taxes, or

13 *Third:* By a suit in chancery in the circuit court of

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14 Hancock county, West Virginia, wherein the court may  
15 enter a decree appointing a special commissioner to sell the real  
16 estate upon which a lien is created by the provisions of this act  
17 by reason of any improvements herein mentioned and the pro-  
18 ceeds of such sale shall be distributed as follows:

19 (First) To the payment of the costs and expenses of such suit  
20 and sale, including a reasonable fee to the attorney for the city  
21 for his services in connection with said suit.

22 (Second) To the payment of such assessment, penalty and  
23 interest and the remainder, if any, shall be paid to the de-  
24 fendant owner or owners of such real estate.

Sec. 92. The mayor may, in his discretion, from time to time,  
2 appoint, discharge and subject to the limitations contained in  
3 this act, fix the salaries of such number of police officers, with  
4 such rank as he shall deem proper.

5 The jurisdiction of all police officers appointed by the mayor  
6 under the provisions of this act shall extend to all parts of the  
7 city of Hollidays Cove, and to such other parts of Brooke county,  
8 West Virginia, and Hancock county, West Virginia, as do not  
9 exceed five miles in distance from said city.

10 All police officers appointed by the mayor under the pro-

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11 visions of this act are hereby authorized and empowered, within  
12 their jurisdiction as herein provided, as follows:

13 *First:* To make arrests of any and all persons charged with  
14 the violation of any ordinance of the city, or of any law of this  
15 state, or of the United States, and, when a witness to the per-  
16 petration of any offense or crime, or to the violation of any  
17 ordinance of the city or of any law of this state or of the United  
18 States, may arrest without warrant; to arrest and detain any  
19 and all persons suspected of the commission of any felony or  
20 misdemeanor, whenever complaint is made and a warrant is  
21 issued thereon for such arrest, and any and all persons so  
22 arrested shall be forthwith brought before the proper tribunal  
23 for examination and trial in the city or county within their  
24 jurisdiction where the offense for which any such arrest has  
25 been made was committed.

26 *Second:* To serve criminal process issued by any court or  
27 justice of the peace, anywhere within their jurisdiction: *Pro-*  
28 *vided, however,* That they shall not serve civil process.

29 *Third:* To cooperate with constables, sheriffs, deputy sheriffs,  
30 officers of the department of public safety, officers of the pro-  
31 hibition department, and federal authorities in detecting

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32 crime and in apprehending any person or persons engaged in  
33 or suspected of the commission of any crime, misdemeanor or  
34 offense against the law of this state, or of the United States.

35 *Fourth:* To serve and execute warrants for the arrest of any  
36 person and warrants for the search of any premises, issued by  
37 any properly constituted authority, and shall generally exercise  
38 all the powers conferred by law upon a sheriff, constable or any  
39 other peace officer of this state, except that they shall not serve  
40 any civil process or exercise any of the powers of such officers  
41 in matters of a civil nature.

42 *Fifth:* Any police officer appointed under the provisions  
43 hereof, knowing or having reason to believe that anyone has  
44 violated the law within their jurisdiction, may make complaint  
45 in writing before any court or officer having jurisdiction, and  
46 procure a warrant for such offender, execute the same, and  
47 bring such person before the proper tribunal having jurisdiction.  
48 Such police officer shall make return on all such warrants  
49 to said tribunal, and his official title shall be "police officer of  
50 the city of Hollidays Cove," and such return shall have the same  
51 effect as if made by a sheriff.

52 *Sixth:* All police officers appointed under the provisions of

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53 this act shall have the right, at any place within their jurisdic-  
54 tion, to carry about their person, or otherwise, any revolvers,  
55 pistols or other weapons, who shall have first given bond before  
56 the clerk of said city, with surety to be approved by said clerk,  
57 in a penalty of not less than thirty-five hundred dollars, condi-  
58 tioned for their faithful performance of their respective duties,  
59 which said officers shall be liable under their said official bond,  
60 for the damages done by the unlawful or careless use of any  
61 such weapon, whether such bond is so conditioned or not.

62 *Seventh:* No police officer appointed under the provisions  
63 hereof shall do anything or act until he shall first have filed  
64 his affidavit before the clerk of said city of Hollidays Cove,  
65 which affidavit shall be in form or effect as follows:

66 STATE OF WEST VIRGINIA,

67 COUNTY OF HANCOCK,

68 I do solemnly swear that I will support the Constitution of  
69 the United States and of the State of West Virginia, and that  
70 I will perform my duties as police officer of the city of Holli-  
71 days Cove, West Virginia, to the best of my skill and judgment,  
72 so help me God.

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74 Subscribed and sworn to before me, this.....day of

75 ....., 19.....

76

77

Notary Public.

Sec. 92 (a). In addition to all such police officers, if any, as  
2 may be appointed by the mayor under the provisions of this  
3 act, the council may, in regular or special session, a majority  
4 of the members elected to said council concurring therein by an  
5 aye-and-no vote, appoint such additional number of police  
6 officers as in the judgment of council is proper, and shall in  
7 the same order or resolution provide for the compensation of  
8 any such police officer or police officers so appointed by it:  
9 *Provided, however,* That no police officer appointed by council  
10 or by the mayor, under the provisions of this act, shall receive  
11 a greater salary than three thousand dollars a year.

12 The jurisdiction, rights, authority and powers of all police  
13 officers appointed by council under the provisions hereof shall  
14 be the same in every respect as is provided in section ninety-two  
15 hereof, for police officers appointed by the mayor.

Sec. 92 (b). Police officers appointed under the provisions of  
2 this act by the mayor may be discharged by the mayor at his



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3 will, or they may be discharged by the council at any regular  
4 or special meeting thereof, all of the members of council at-  
5 tending such meeting voting in favor of such discharge: *Pro-*  
6 *vided, however,* That no police officer, appointed by the mayor,  
7 shall be discharged by council until he shall receive at least  
8 five days' notice from the clerk of said council, stating that at a  
9 time to be mentioned in said notice, the council will take up the  
10 matter of his retention or discharge.

Sec. 92 (c). Where any police officer or police officers is or are  
2 appointed by council under the provisions of this act, he, she  
3 or they may be discharged only by council, a majority of the  
4 members of council attending the meeting at which such dis-  
5 charge is acted upon voting in favor of such discharge: *Pro-*  
6 *vided.* That no advance notice, in this instance, of the contem-  
7 plated action of council, need be given any such police officer  
8 or police officers.

Sec. 103. The council shall have authority to levy and collect  
2 any annual tax on real estate and personal property in said  
3 city, and to impose a license and assess a tax thereon on wheeled  
4 vehicles for public hire, and for all dogs kept within said city,  
5 and to impose a tax upon all other subjects of taxation under

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6 the several laws of the state which shall be uniform with respect  
7 to persons and property within the jurisdiction of said city,  
8 and shall only be levied on such property, real, personal and  
9 mixed, on which the state imposes a tax: *Provided*, That no  
10 greater levy shall be laid by said council on taxable property  
11 of said city than one dollar upon each one hundred dollars of  
12 the assessed valuation of the property of the municipality,  
13 unless such greater levy shall be authorized by a vote of the  
14 people at an election held pursuant to said chapter nine of the  
15 acts of the legislature of the year one thousand nine hundred  
16 eight, and subject to all the provisions of chapter eight and any  
17 and all amendments thereto, except as herein provided. There  
18 shall be a tax of two dollars annually assessed on each and  
19 every inhabitant of said city over the age of twenty-one years,  
20 who is subject to a capitation tax under the laws of the state  
21 of West Virginia. The same shall be set out and included in  
22 the personal property book against every such inhabitant, and  
23 shall be collected under the authority of the city at the time of  
24 collecting other levies and taxes.

Sec. 103 (a). All property, whether real, personal or mixed,  
2 of every nature whatsoever, which under the provisions of section

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3 two of this act is located within the boundaries of the city of  
4 Hollidays Cove, shall be liable for taxes assessed by the council  
5 of said city, for the year one thousand nine hundred thirty-  
6 one, regardless of whether or not such property was located  
7 within the boundary lines of the city of Hollidays Cove prior  
8 to the passage and approval of this act.

Sec. 104. The city treasurer or tax collector shall have the  
2 power to collect the city taxes except as otherwise provided in  
3 this act, and he shall also have power to collect the city claims  
4 which may be placed in his hands by the council for collection,  
5 except that fines imposed by the police judge or mayor shall not  
6 be collected by him.

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

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*Joseph D. Smith*  
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*Revised*  
Clerk of the House of Delegates.

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

*M. White*  
President of the Senate.

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

*Concurrent Resolutions*  
Chairman House Committee.

The within is.....

this..... day of.....1931.

.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia FEB 24 1931  
GEORGE W. SEARP,  
Secretary of State.