

Rec., Jan. 24, 1934

O.T. 1/30/34

235

ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 235

(By Mr. Sera Ross and de Gruyter)

Passed January 23, 1934

In Effect from Passage

Originated in the House of Delegates..... Takes effect..... *James L. Smith*..... passage
James L. Smith..... Clerk of the House of Delegates.
James L. Smith..... Clerk.

CORRECTLY ENROLLED

James L. Smith..... Chairman House Committee.
James L. Smith..... Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 235)

[Passed January 23, 1934; in effect from passage.]

AN ACT to incorporate the city of Charleston, in the county of Kanawha, West Virginia, to fix its corporate limits; to divide the same into wards, and to prescribe and define the powers, rights and duties of said city of Charleston and of the officers and citizens of the same; to provide a plan of board of affairs-city council government for said city, and to prescribe the duties and powers of the board of affairs, city council and other officers and employes of said city thereunder; to provide for the holding of an election for the purpose of submitting the adoption or rejection of this act to the voters of the city of Charleston; and upon its adoption by the voters of the city of Charleston, to repeal all other acts or parts of acts inconsistent or in conflict herewith and all acts amendatory thereof; said bill to be known as, "The Charter of the City of Charleston."

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Anna A. Hyatt

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Be it enacted by the Legislature of West Virginia:

That upon the adoption of this act by the voters of the city of Charleston as hereinafter provided, all prior acts incorporating said city and all acts amendatory thereof and all other acts and parts of acts inconsistent or in conflict with this act shall be deemed repealed as provided herein, and this act shall become the complete charter of the city of Charleston as follows:

Section 1. The inhabitants of all that part of the county of Kanawha included and centered within the limits hereafter prescribed in section two are hereby made a city corporate and body politic by the name of "The City of Charleston", and as such city it shall have perpetual succession and a common seal, and by that name it may sue and be sued, plead and be impleaded, and may purchase, hold, lease or sell real estate and personal property necessary to the discharge of its corporate duties, or needful or convenient for the good order, government and welfare of said corporation.

Sec. 2. The corporate territorial limits of the City of Charleston shall comprise all that part of the magisterial district of Charleston and all that part of the territory of the magisterial

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4 district of Loudon in the county of Kanawha and state of West
5 Virginia, which is bounded and described as follows, to-wit:
6 Beginning at the upper or east property line of Patrick
7 street at its intersection of the Kanawha river at low water
8 mark in Charleston district; thence following the property lines
9 on the east side of Patrick street north thirty-two degrees
10 forty-one minutes east to a point one hundred forty-seven and
11 five-tenths feet northeast of the north property line of Second
12 avenue; thence north fifty-seven degrees nineteen minutes west
13 six hundred feet to an iron pipe; thence north thirty-two de-
14 grees forty-one minutes east five hundred and eighteen feet to
15 the north right of way line of the New York Central Railroad
16 company; thence, following the north right of way line of
17 said railroad westerly to Two Mile creek; thence following the
18 center of Kanawha Two Mile creek in a northeasterly direction
19 to a point in the northeast line extended of lot five, block thirty-
20 eight of West Charleston; thence in a northeast direction in a
21 straight line to the southwest corner of the Littlepage hill
22 addition at the intersection of Charleston street and the Sisson-
23 ville road; thence north seventy degrees thirty-five minutes east
24 three hundred feet; thence north sixty-six degrees fifteen min-

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25 utes east two hundred and one feet; thence north fifty-six de-
26 grees east ninety-nine feet; thence north forty-two degrees east
27 one hundred and ninety-one feet; thence north seventy-eight de-
28 grees thirty minutes east one hundred ninety feet; thence south
29 fifty-four degrees east sixty-two feet to the northeast corner
30 of the Sunset View addition; thence in the northeast corner of
31 the Littlepage Hill addition; thence south fifty-six degrees east
32 one hundred and seventy feet to the northeast direction follow-
33 ing the north line of the Bellevue addition to the west line of the
34 Parsons-Poling addition; thence in a northeast direction fol-
35 lowing the west line of the Parsons-Poling addition to the
36 northwest corner of said addition; thence east following the
37 northeast line to the northeast corner of said addition; thence
38 east following the north line of the Valley View addition to
39 the west line of the Fairview addition; thence south twenty-
40 eight degrees west to the north line extended of lot two hun-
41 dred and sixty-one of the second resubdivision of Fairview;
42 thence south sixty-two degrees east with the south line of an
43 alley extended to the east side of Chandler road; thence south
44 forty-four degrees forty-five minutes west eighty feet more or
45 less to a point marked three hundred and ninety-six on said

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46 Fairview map; thence south sixty-two degrees fifteen minutes
47 west eighty feet; thence south seventy-one degrees twenty-
48 five minutes west seven and twenty-one one-hundredths feet;
49 thence south sixty-two degrees east two hundred and thirty
50 and seventy-four one hundredths feet to the west line of lot one
51 hundred and fourteen; thence north twenty-eight degrees east
52 one hundred and seventy-seven and five one-hundredths feet
53 to the northwest corner of lot one hundred and seventeen;
54 thence south sixty-two degrees east one hundred and fifty feet
55 to the northeast corner of lot one hundred and seventeen;
56 thence by a straight line to the southeast corner of lot two
57 hundred and eight; thence north twenty-eight degrees east one
58 hundred and twenty feet to the northwest corner of lot two
59 hundred and eight; thence south sixty-two degrees east one
60 hundred and forty-two and six one-hundredths feet with the
61 north line of lots two hundred and eight and two hundred and
62 seven to the northeast corner of lot two hundred and seven;
63 thence by a straight line to the northwest corner of lot two hun-
64 dred and four; thence south sixty-two degrees east one hun-
65 dred and twenty feet to the northeast corner of lot two hundred
66 and four; thence by a straight line to the north corner of lot

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67 two hundred and fifty-three of Fairview; thence north twenty-
68 eight degrees east with the east side of Wilton avenue three
69 hundred and eighty-nine and eighty-four one-hundredths feet
70 to a point; thence by a line curving to the right with a radius
71 of two hundred and twenty-nine and two one-hundredths feet
72 to the northeast corner of lot six hundred and sixty-five
73 Fairview; thence with the south side of Wood road in Edge-
74 wood part to the northeast corner of lot three of Edgewood
75 part; thence with the east line of lot three south thirteen de-
76 grees ten minutes east one hundred and seventy-one and eight
77 one-hundredths feet to the southeast corner of lot three; thence
78 with the south line of lot two south forty-four degrees one
79 minute east twenty-two and four one-hundredths feet; thence
80 south twenty-nine degrees twenty-eight minutes east twenty
81 feet; thence south forty-one degrees forty-four minutes east
82 nine and seven one-hundredths feet; thence south sixty-four
83 degrees forty minutes east twenty-five feet; thence south thirty
84 degrees west crossing Edgewood drive to a point one hundred
85 and twenty feet south of the south line of Edgewood drive;
86 thence in a westerly and southerly direction one hundred and
87 twenty feet from and parallel to the east line of Edgewood

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88 drive to a point three hundred and ten feet from the north line
89 of lot seventy-four, block G Edgewood; thence with a straight
90 line in an easterly direction to a stake at the extreme northern
91 end of Carr street; thence with a straight line to the north-
92 west corner of lot sixteen of block D of the Sunkist Heights ad-
93 dition; thence with the north line of the Sunkist Heights addi-
94 tion to Magazine road; thence with Rockway road to a point
95 two hundred feet from Magazine road; thence with a line
96 parallel to and two hundred feet from Magazine road to the
97 south line of the Hope property; thence with a straight line to
98 the west corner of lot thirty-one, block F of the Allen addition;
99 thence following the back line of the Allen addition to the
100 Hillsdale addition; thence with the north line of the Hillsdale
101 addition to the northeast corner of lot eighty of the Hillsdale
102 addition; thence east by a straight line to the center of the
103 branch in Gill Hollow; thence with the center of the branch
104 in Gill Hollow extended to the low water mark on the south
105 side of Elk river; thence down said Elk river at low water
106 mark to a point in the center of Coal branch; thence in a
107 straight line to the northeast corner of lot one, block one of
108 the Capitol Hill property, as shown on the map of same and

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*James A. Hays**Chairman Senate Committee.**James L. Smith**Chairman House Committee.*

109 recorded in the office of the clerk of the county court of
 110 Kanawha county; thence in a straight line to the southwest
 111 corner of lot thirteen of the Jeffries Hill land; thence with a
 112 straight line to the southeast corner of lot two of the Jeffries
 113 Hill land; thence in a straight line to the northwest corner
 114 of the East Woodland addition; thence with the north line of
 115 the East Woodland addition to the northeast corner thereof;
 116 thence east crossing Ruffner Hollow drive to a point two
 117 hundred feet east of Ruffner Hollow drive; thence in a
 118 southerly direction two hundred feet east of and parallel to
 119 Ruffner Hollow drive to a point two hundred feet from Pied-
 120 mont road; thence in an easterly direction parallel with the
 121 Piedmont road and two hundred feet northeast of same to a
 122 point in the west line extended of lot forty-four of the Floyd
 123 addition to the City of Charleston; thence in a northeasterly
 124 direction to the southwest corner of lot two of the Floyd addi-
 125 tion; thence in a northerly direction following the back line of
 126 lots two to thirty-six, inclusive, of the Floyd addition to the
 127 northwest corner of lot thirty-six of the Floyd addition; thence
 128 in a southeasterly direction following the northeast line of
 129 Floyd's addition to the northwest corner of lot thirty-seven

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130 of the Floyd's addition, also corner to a lot owned by L. E.
131 McWhorter; thence in a northeast direction to a pine tree of
132 the north corner of the said L. E. McWhorter lot; thence in
133 a southeast direction to the northeast corner of lot three hun-
134 dred and ninety-four of the Riverview addition; thence fol-
135 lowing the westerly line of lower way to Wilson way; thence
136 following the westerly line of Wilson way to the southeast cor-
137 ner of lot fifty of the Riverview addition; thence in a south-
138 easterly direction to the northwest corner of lot sixty-five of
139 the Riverview addition; thence following the south line of
140 Midway easterly, to the northeast corner of lot seventy; thence
141 following the east line of lot seventy extended to low water
142 mark of the Kanawha river; thence with low water mark of
143 Kanawha river to a point opposite the east line of Twenty-
144 seventh street, Kanawha City; thence across said river to the
145 east side of Twenty-seventh street, Kanawha City, in Loudon
146 district; thence with the east side of Twenty-seventh street,
147 extended to a point in the south line of the county road; thence
148 easterly with the south line of the county road to the east line
149 of the school lot; thence with the east line of the school lot
150 extended to a point five hundred feet south of the Chesapeake

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151 and Ohio railroad right of way; thence westerly five hundred
152 feet from and parallel to the Chesapeake and Ohio right of way
153 to a point in the west line of the Loudon Heights addition;
154 thence in a southerly direction with the west line of the Loudon
155 Heights addition to the south corner of lot twenty of said
156 Loudon Heights addition; thence with a straight line to the
157 east corner of block one in the subdivision of South Charleston;
158 thence in a southwesterly direction with the southerly lines of
159 block one, two, three and four of the subdivision of South
160 Charleston to the southeast corner of block four of the said
161 subdivision; thence with the southwesterly line of blocks four,
162 five and eight of the subdivision of South Charleston to Bridge
163 avenue; thence southwesterly to the intersection of the west
164 side of Bridge avenue and the north side of Ravinia Drive;
165 thence westerly with the north side of Ravinia Drive to Ferry
166 Branch; thence northerly with the center of Ferry Branch to
167 a point in the old corporation line where same intersects Ferry
168 Branch; thence down Ferry Branch to the Chesapeake and
169 Ohio right of way as follows: north eight degrees fifteen
170 minutes east six hundred and sixty feet; north seven degrees
171 west two hundred and sixty-four and two-fifths feet; north

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172 one degree thirty minutes west two hundred and fifteen feet;
173 north fifteen degrees west one hundred and forty feet; north
174 seven degrees thirty minutes east one hundred and ninety-four
175 and one-tenth feet; north twenty-nine degrees east three hun-
176 dred and seventy feet; north thirty-one degrees east three hun-
177 dred and forty-nine and seven-tenths feet; north eighteen de-
178 grees west three hundred and ninety feet; north thirty-seven
179 degrees thirty minutes west two hundred and eighty feet;
180 north forty degrees thirty minutes west two hundred feet;
181 north thirty degrees thirty minutes east three hundred and
182 fifteen feet; north one degree thirty minutes east two hundred
183 and ninety-four feet; north fifty degrees thirty-four minutes
184 east two hundred feet; north forty-one degrees east seven hun-
185 dred and eighty-one feet; north seventy-nine degrees east four
186 hundred feet; north one degree thirty minutes west eight
187 hundred ten feet to low water mark of the Kanawha river at
188 the mouth of Ferry Branch; thence down the Kanawha river
189 at low water mark on the south side of said river to a point
190 opposite the upper or east line of Patrick street; thence across
191 the Kanawha river to the place of beginning.

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James A. Henry

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Sec. 3. The said city shall be divided into wards, the boundaries of which shall be as follows:

First Ward

The first ward shall include the following territory: Beginning at the upper or east property line of Patrick Street at its intersection of the Kanawha river at low water mark, in Charleston district; thence following the property lines on the east side of Patrick street north thirty-two degrees forty-one minutes east to a point one hundred forty-seven and five-tenths feet northeast of the north property line of second avenue; thence north fifty-seven degrees nineteen minutes west six hundred feet to an iron pipe; thence north thirty-two degrees forty-one minutes east five hundred and eighteen feet to the north right of way line of the New York Central Railroad company; thence following the north right of way line of said railroad westerly to Two Mile creek; thence following the center of Kanawha Two Mile creek in a northeasterly direction to a point in the northeast line extended of lot five, block thirty-eight of West Charleston; thence in a north-east direction in a straight line to the Southwest corner of the Littlepage Hill addition at the intersection of Charles-

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21 ton street and the Sissonsville road; thence north seventy
22 degrees thirty-five minutes east three hundred feet; thence
23 north sixty-six degrees fifteen minutes east two hundred and
24 one feet; thence north fifty-six degrees east ninety-nine feet;
25 thence north forty-two degrees east one hundred and ninety-
26 one feet; thence north seventy-eight degrees thirty minutes
27 east one hundred and ninety feet; thence south fifty-four
28 degrees east sixty-two feet to the northeast corner of the
29 Littlepage Hill addition; thence south fifty-six degrees east
30 one hundred and seventy feet to the northeast corner of the
31 Sunset View addition; thence in a northeast direction follow-
32 ing the north line of the Bellevue addition to the west line
33 of the Parsons-Poling addition; thence in a southwest direc-
34 tion following the west line of the Parsons-Poling addition
35 and the west line of the Holly Hunt addition to Charleston
36 street; thence with Florida street to low water mark on the
37 south side of Kanawha river; thence following low water
38 mark on Kanawha river to a point opposite Patrick street;
39 thence by a straight line across Kanawha river to the place
40 of beginning.

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Anna A. Hyatt

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Second Ward

41 The second ward shall include the following territory: Be-
42 ginning at the low water mark on the south side of Kanawha
43 river at the end of Florida street extended; thence with
44 Florida street to Charleston street; thence in a northeastern
45 direction following the west line of the Holly Hunt addition
46 and the west line of the Parsons-Poling addition to the north-
47 west corner of the Parsons-Poling addition; thence east fol-
48 lowing the northeast line to the northeast corner of said ad-
49 dition; thence east following the north line of the Valley
50 View addition to the west line of the Fairview addition;
51 thence south twenty-eight degrees 00 west to the north line
52 extended of lot two hundred and sixty-one of the second sub-
53 division of Fairview addition; thence south sixty-two de-
54 grees east with the south line of an alley extended to the
55 east side of Chandler road; thence by a straight line to a point
56 where West avenue is intersected by the line of Park avenue;
57 extended to low water mark on the south side of the Kanawha
58 thence following the line of Park avenue extended to low water
59 mark on the south side of the Kanawha river; thence with the
low water mark to the place of beginning.

Third Ward

60 The third ward shall include the following territory: Be-
 61 ginning at low water mark on the South side of Kanawha
 62 river on the line of Park avenue extended; thence with the
 63 line of Park avenue to its intersection with West avenue;
 64 thence by a straight line to the corporation line of the north
 65 where an alley extended intersects with the east side of
 66 Chandler road; thence south 44 degrees forty-five minutes
 67 west eighty feet more or less to a point marked three hundred
 68 and ninety-six on said Fairview map; thence south sixty-two
 69 degrees fifteen minutes west eighty feet; thence south seventy-
 70 one degrees twenty-five minutes west (*seven and twenty-one*
 71 *hundredths feet;*) thence south sixty-two degrees east two
 72 hundred and thirty and seventy-four one-hundredths feet to
 73 the west line of lot one hundred and fourteen; thence north
 74 twenty-eight degrees east one hundred and seventy-seven and
 75 five one-hundredths feet to the northwest corner of lot one
 76 hundred and seventeen; thence south sixty-two degrees east
 77 one hundred and fifty feet to the northeast corner of lot one
 78 hundred and seventeen; thence by a straight line to the south-
 79 east corner of lot two hundred and eight; thence north twenty-

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80 eight degrees east one hundred and twenty feet to the north-
81 west corner of lot two hundred and eight; thence south sixty-
82 two degrees east one hundred and forty-two and six feet with
83 the north line of lots two hundred and eight and two hun-
84 dred and seven to the northeast corner of lot two hundred and
85 seven; thence by a straight line to the northwest corner of lot
86 two hundred and four; thence south sixty-two degrees east
87 one hundred and twenty feet to the northeast corner of lot
88 two hundred and four; thence by a sixty-two degrees east
89 one hundred and forty-two and six one-hundredths feet with
90 the north line of lots two hundred and eight and two hun-
91 dred and seven to the northeast corner of lot two hundred
92 and seven; thence by a straight line to the north corner of lot
93 two hundred and fifty-three of Fairview; thence north twenty-
94 eight degrees east with the east side of Wilton avenue three
95 hundred and eighty-nine and eighty-four one hundredths
96 feet to a point; thence by a line curving to the right with a
97 radius of two hundred and twenty-nine and two one-hun-
98 dredths feet to the northeast corner of lot six hundred and
99 sixty-five Fairview; thence with the south side of Wood road
100 in Edgewood park to the northeast corner of lot three of

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101 Edgewood park; thence with the east line of lot three south
102 thirteen degrees ten minutes east one hundred and seventy-
103 one and eight one-hundredths feet to the southeast corner of
104 lot three; thence with the south line of lot two south forty-four
105 degrees and one minute east twenty-two and four one hun-
106 dredths feet; thence south twenty-nine degrees twenty-eight
107 minutes east twenty feet; thence south forty-one degrees forty-
108 four minutes east (*nine degrees seven feet*) thence south sixty-
109 four degrees forty minutes east twenty-five feet; thence
110 south thirty degrees west crossing Edgewood drive to a point
111 one hundred and twenty feet south of the south line of Edge-
112 wood drive; thence in a westerly and southerly direction one
113 hundred and twenty feet from and parallel to the east line
114 of Edgewood drive to a point three hundred and ten feet from
115 the north line of lot seventy-four, block G Edgewood; thence
116 with a straight line in an easterly direction to a stake at the
117 extreme northern end of Carr street; thence with Carr street
118 to Charleston street; thence with Charleston street to the
119 Kanawha and Michigan railroad; thence with the Kanawha
120 and Michigan railroad to Delaware avenue; thence with
121 Delaware avenue to low water mark on the south side of the

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122 Kanawha river; thence with low water mark in the Kanawha
123 river to the place of beginning.

Fourth Ward

124 The fourth ward shall include the following territory: Be-
125 ginning at the low water mark on the south side of Kanawha
126 river at the end of Delaware avenue extended; thence with
127 low water mark of Kanawha river to the mouth of Ferry
128 branch; thence across Kanawha river to the mouth of Elk
129 river; thence up Elk River to Lovell street bridge and Charles-
130 ton street; thence with Charleston street to Pennsylvania ave-
131 nue; thence with Pennsylvania avenue to Roane street; thence
132 with Roane street to Delaware avenue; thence with Delaware
133 avenue extended to the low water mark on the south side of
134 Kanawha river, the place of beginning.

Fifth Ward

135 The fifth ward shall include the following territory: Be-
136 ginning at low water mark in Elk river at the Lovell street
137 bridge; thence with Charleston street to Pennsylvania avenue;
138 thence with Pennsylvania avenue to Roane street; thence with
139 Roane street to Delaware avenue; thence with Delaware ave-
140 nue to the Kanawha and Michigan Railway; thence with the

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141 Kanawha and Michigan Railway to Charleston street; thence
142 with Charleston street to Carr street; thence with Carr street
143 to a stake at the extreme northern end of Carr street; thence
144 with a straight line to the northwest corner of lot sixteen of
145 block D of the Sunkist Heights addition; thence with the north
146 line of the Sunkist Heights addition to Magazine road; thence
147 with the east line of the Sunkist Heights addition to Pine
148 street; thence with Pine street to the Kanawha and Michigan
149 railway; thence with the Kanawha and Michigan railway to
150 low water mark of Elk river; thence with low water mark of
151 Elk river to the place of beginning.

Sixth Ward

152 The sixth ward shall include the following territory: Be-
153 ginning at the low water mark in Elk river at the Kanawha
154 and Michigan bridge; thence with the Kanawha and Michigan
155 railway to Pine street; thence with Pine street to the east side
156 of the Sunkist Heights addition; thence with the east side of
157 the Sunkist Heights addition to Magazine road; thence with
158 Rockway road to a point two hundred feet from Magazine
159 road, thence with the line parallel to and two hundred feet
160 from Magazine road, to the south line of Hope property; thence

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161 with a straight line to the west corner of lot thirty-one block
162 F, of the Allen addition; thence following the back line of
163 the Allen addition to the Hillsdale addition; thence with the
164 north line of the Hillsdale addition to the north east corner of
165 lot eight of the Hillsdale addition; thence east by a straight
166 line to the center of the branch in Gill Hollow; thence with
167 the center of the branch in Gill Hollow; thence with the center
168 of the branch in Gill Hollow extended to the low water mark
169 on the north side of Elk river; thence down said Elk river at
170 low water mark to the Kanawha and Michigan bridge, the
171 place of beginning.

Seventh Ward

172 The seventh ward shall include the following territory: Be-
173 ginning at the low water mark in Elk river at Lovell street
174 bridge; thence with Lovell street to Truslow street; thence
175 with Truslow street to Margaret street; thence with Margaret
176 street to Donally street and the intersection of Young street;
177 thence with Young street to Slack street; thence with Slack
178 street to a point in a straight line between the mouth of Coal
179 branch and the northeast corner of lot one, block one, Capitol
180 Hill property; thence by a straight line to low water mark at

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181 the mouth of Coal branch; thence with Elk river to the low
182 water mark at Lovell street bridge, the place of beginning.

Eighth Ward

183 The eighth ward shall include the following territory: Be-
184 ginning at the intersection of Lovell and Truslow streets;
185 thence with Washington street to Capitol street; thence with
186 Capitol street to Slack street, and continuing in a straight line
187 to Upper Sunset drive in the Capitol Hill addition; thence
188 easterly with upper Sunset drive to the east line of the Capitol
189 Hill properties; thence northeasterly to the northeast corner
190 of lot one block one of the Capitol Hill properties; thence in a
191 straight line to a point in Slack street, the northeast corner of
192 Ward Seven; thence with Slack street to Young Street; thence
193 with Young street to Donally street at its intersection with
194 Margaret street; thence with Margaret street to Truslow street;
195 thence with Truslow street to Lovell street, the place of begin-
196 ning.

Ninth Ward

197 The ninth ward shall include the following territory: Be-
198 ginning at the low water mark in Elk river of the Lovell street
199 bridge; thence with Elk river to the Kanawha river; thence

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200 with Kanawha river to low water mark at the end of Capitol
201 street; thence with Capitol street to Washington street; thence
202 with Washington street to Lovell street; thence with Lovell
203 street to the low water mark in Elk river, at Lovell street
204 bridge, the place of beginning.

Tenth Ward

205 The tenth ward shall include the following territory: Be-
206 ginning at the low water mark in Kanawha river at the end
207 of Ruffner avenue; thence with Ruffner avenue to the intersec-
208 tion with Lee street; thence with Lee street to its intersection
209 with Capitol street; thence with Capitol street to the low water
210 mark in Kanawha river, the place of beginning.

Eleventh Ward

211 The eleventh ward shall include the following territory: Be-
212 ginning at the intersection of Lee street and Capitol street;
213 thence with Capitol street to its intersection with Slack street
214 and Piedmont road, and in a continuous straight line to Upper
215 Sunset drive in the Capitol Hill properties; thence with Upper
216 Sunset drive in an easterly direction, in a point in the east line
216-a of the Capitol Hill property near the southeast corner of lot
217 one, block one, Capitol Hill; thence southerly with the east line

James L. Smith

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23

Twelfth Ward

Thirteenth Ward

239 The thirteenth ward shall include the following territory:

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240 Beginning at the intersection of Beauregard and Lee streets;
241 thence with Beauregard street extended to Hansford street;
242 thence westerly with Hansford street to an alley; thence with
243 an alley and the east side of the Richard addition to Piedmont
243-a road; thence with Piedmont road to Richard street; thence in
244 a straight line to the southwest corner of lot thirteen of the
245 Jeffries Hill land; thence in a straight line to the northwest
246 corner of the East Woodland addition; thence with the north
247 line of the East Woodland addition to East Woodland drive;
248 thence with East Woodland drive to a point in the line between
249 lots twenty-four and twenty-five, of the Bowen addition, ex-
250 tended; thence with the line between lots twenty-four and
251 twenty-five and between lots six and seven of the Bowen addi-
252 tion to Piedmont road and Elizabeth street; thence with Eliza-
253 beth street to Lee street; thence with Lee street to Beauregard
254 street, the place of beginning.

Fourteenth Ward

255 The fourteenth ward shall include the following territory:
256 Beginning at the intersection of Ruffner avenue and Lee street;
257 thence following Lee street to Elizabeth street; thence with
258 Elizabeth street to Piedmont road; thence with the line, be-

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259 tween lots six and seven and twenty-four and twenty-five of
260 the Bowen addition, extended to East Woodland drive; thence
261 with East Woodland drive to the north line of the East Wood-
262 land addition; thence with the north line of the East Wood-
263 land addition to the northeast corner thereof; thence east
264 crossing Ruffner hollow drive to a point two hundred feet east
265 of Ruffner hollow drive; thence in a southerly direction two
266 hundred feet east of and parallel to Ruffner hollow drive to a
267 point two hundred feet from Piedmont road; thence in an
268 easterly direction parallel with the Piedmont road and two
269 hundred feet northeast of same to a point in the west line ex-
270 tended of lot forty-four of the Floyd addition to the City of
271 Charleston; thence in a northeasterly direction to the south-
272 west corner of lot two of the Floyd addition; thence in a north-
273 erly direction following the back line of lots two to thirty-six
274 inclusive of the Floyd addition to the northwest corner of lot
275 thirty-six of the Floyd addition; thence in a southeasterly di-
276 rection following the northeast line of Floyd's addition to the
277 northwest corner of lot thirty-seven of the Floyd's addition,
278 also corner to a lot owned by L. E. McWhorter, thence in a
279 northeast direction to a pine tree at the north corner of the said

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280 L. E. McWhorter lot; thence in a southeast direction to the
281 northeast corner of lot three hundred and ninety-four of the
282 Riverview addition; thence following the westerly line of
283 Lewer Way to Wilson Way; thence following the westerly line
284 of Wilson Way to the southeast corner of lot fifty to the River-
285 view addition; thence in a southeasterly direction to the north-
286 west corner of lot sixty-five of the Riverview addition; thence
287 following the south line of Midway easterly, to the northeast
288 corner of lot seventy; thence following the east line of lot
289 seventy extended to low water mark of the Kanawha river;
290 thence with low water mark of Kanawha river to the end of
291 Ruffner avenue; thence with Ruffner avenue to place of be-
292 ginning.

Fifteenth Ward

293 The fifteenth ward shall include the following territory: Be-
294 ginning at low water mark of Kanawha river at Porter's hol-
295 low; thence up Porter's hollow in a southwesterly direction to
296 the south side of the Chesapeake and Ohio right of way; thence
297 easterly with the Chesapeake and Ohio right of way to the west
298 side of the Loudon Heights subdivision; thence southerly with
299 the west side of the Loudon Heights addition to the corporation

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300 line; thence southerly and westerly with the corporation line to
301 low water mark of the Kanawha river at the mouth of Ferry
302 branch; thence with low water mark on the south side of Kan-
303 awha river to the mouth of Porter's hollow, the place of begin-
303-a ning.

Sixteenth Ward

304 The sixteenth ward shall include the following territory:
305 Beginning at low water mark of Kanawha river at the mouth
306 of Porter's hollow; thence up Kanawha river at low water
307 mark on the south side thereof to Ninth street in Kanawha
308 City; thence with Ninth street extended to a point five hundred
309 feet south of the Chesapeake and Ohio right of way; thence
310 westerly five hundred feet from and parallel to the Chesapeake
311 and Ohio railroad to a point in the west line of the Loudon
312 Heights addition; thence northerly with the west line of Lou-
313 don Heights addition to the south side of the Chesapeake and
314 Ohio right of way; thence westerly with the Chesapeake and
315 Ohio right of way to Porter's hollow; thence northerly with the
316 branch in Porter's hollow to low water mark of Kanawha river
316-a at the mouth of Porter's hollow, the place of beginning.

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Seventeenth Ward

317 The seventeenth ward shall include the following territory:
318 Beginning at the low water mark of the Kanawha river in the
319 east line of Twenty-seventh street, Kanawha City; thence with
320 the east line of Twenty-seventh street extended to a point in the
321 south line of the county road; thence easterly with the south
322 line of the county road to the east line of the school lot; ex-
323 tended to a point five hundred feet south of the Chesapeake
324 and Ohio railroad right of way; thence westerly five hundred
325 feet from and parallel to the Chesapeake and Ohio right of
326 way to a point in the line of Ninth street extended; thence with
327 the line of Ninth street to low water mark on the south side of
328 Kanawha river; thence up Kanawha river at low water mark to
329 the place of beginning.

Municipal Authorities

Sec. 4. The municipal authorities of the city of Charleston
2 shall consist of four commissioners, who shall constitute a
3 board of affairs and be known as the "Board of Affairs of the
4 City of Charleston," and a city council to be known as the
5 "Council of the City of Charleston," and composed of two
6 members from each ward of the city. The members of the board

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7 of affairs shall be elected by the qualified voters of the whole
8 city, and the members of the council shall be elected by the
9 qualified voters of the respective wards of said city, and all
10 such members of the board of affairs and council shall, for the
11 assessment year preceding their respective elections, have been
12 assessed with and paid taxes in the city of Charleston, upon a
13 valuation of at least five hundred dollars worth of real estate
14 or personal property therein, and any person elected to any one
15 of such offices, who has not been so assessed with and paid taxes
16 upon such an amount of property, shall not qualify or enter
17 upon the performance of the duties thereof, and such office shall
18 thereupon become vacant, and shall be filled by a qualified per-
19 son as provided herein for other vacancies.

Sec. 5. In addition to the municipal authorities mentioned
2 in section four of this act, said city shall have a city clerk,
3 treasurer, city auditor, municipal judge, municipal court clerk,
4 city solicitor, chief of police, chief of fire department, city
5 engineer, superintendent of highways, health commissioner,
6 building inspector, collector, humane officer, jailer, police matron
7 and such number of policemen and firemen as council by ordi-
8 nance may direct, and such other officers and agents as the board

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9 of affairs and council may from time to time create or employ
10 and the board of affairs may in its discretion abolish or con-
11 solidate any appointive offices herein mentioned. The selection
12 of all appointive officers named or provided for in this section
13 (and the power to fix their salaries), shall be vested in the board
14 of affairs unless otherwise provided. Salaries of all officers to be
15 appointed by the board of affairs shall be fixed by ordinance,
16 and in making all appointments authorized by this act, or by
17 any ordinance pursuant to this act it shall be the duty of the
18 board of affairs to make such appointments in such an equitable
19 manner between adherents of the political parties represented
20 on said board of affairs, as will make the representation as near
21 equal in number and in salary as is practicable. No appointment
22 of any officer shall be made, nor shall any vacancy in office be
23 declared, without the affirmative vote of at least three members
24 of the board of affairs unless otherwise specifically provided
25 for herein. The duties, in addition to those prescribed herein,
26 of all appointive officers named or authorized in this act shall be
27 prescribed by the board of affairs.

Corporate Powers

Sec. 6. All the corporate power of said city shall be vested in

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2 and exercised by the city council or under its authority, except
3 as otherwise provided in this act.

Sec. 7. The council of said city shall have, and is hereby
4 granted power to have said city surveyed, to lay out, open,
5 vacate, straighten, broaden, change grade of, grade, re-grade,
6 curb, widen, narrow, repair, pave and re-pave streets, alleys,
7 roads, squares, plots, sidewalks and gutters for public use,
8 and to alter, improve, embellish and ornament and light the
9 same, and to construct and maintain public sewers and laterals,
10 and shall, in all cases, have power and authority to assess upon
11 and collect from the property benefited thereby, such part
12 of the expense thereof as shall be fixed by ordinance except as
13 hereinafter provided, to have control of all streets, avenues,
14 roads, alleys and grounds for public use in said city, and regu-
15 late the use thereof and driving thereon, and to have the same
16 kept free from obstruction, pollution or debris on or over them ;
17 to have the right to control all bridges within said city, and
18 the traffic thereover ; to change the name of any street, avenue
19 or road within said city, and regulate and cause the numbering
and re-numbering of houses on any street, avenue or road
therein ; to regulate the naming of streets, avenues and public

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20 places; to regulate and determine the width of streets, side-
21 walks, roads and alleys; to order and direct the curbing, re-
22 curbing, paving, re-paving, and repairing of sidewalks and
23 footways for public use in said city to be done and kept clean
24 and in good order by the owners of adjacent property; to
25 enter into a contract with the county of Kanawha, or any
26 internal improvement company for the joint ownership of any
27 bridge by the city and such county or company, upon such
28 terms as may be prescribed in the contract, but any such bridge
29 shall be a public highway and the interest of the company,
30 county and city shall be only such proportionate part thereof
31 as it may pay for or that may be named in the contract; to
32 prohibit and punish the abuse of animals; to restrain and
33 punish vagrants, mendicants, beggars, tramps, prostitutes,
34 fortune tellers, palmists, drunken or disorderly persons within
35 the city, and to provide for their arrest and manner of punish-
36 ment; to prohibit and punish by fine the bringing into the
37 city by railroads, buses, steamboats, airplanes, or other carriers
38 of persons known to be paupers, dangerous or objectionable
39 characters or afflicted with contagious diseases; to control and
40 suppress disorderly houses of prostitution or ill-fame, houses

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41 of assignation and gaming houses or any part thereof, to
42 punish those guilty of unlawfully possessing, transporting or
43 selling intoxicating liquors and to confiscate all automobiles,
44 cars, wagons, boats, water and aircraft, beasts of burden and
45 vehicles of any kind in connection with which intoxicating
46 liquors are unlawfully had, kept or possessed for the purpose
47 of sale, transportation or carrying in any way within the city,
48 to punish those engaged in gaming and to suppress all gaming
49 and gambling houses, and all places where gambling or betting
50 is in any way carried on or permitted, and to punish all persons
51 in any way connected therewith; to provide for the entry into
52 and the examination of all dwellings, lots, yards, enclosures,
53 buildings and structures, cars, boats and vehicles of every de-
54 scription, and to ascertain and regulate their condition as to
55 health, cleanliness or safety; to regulate the building and
56 maintenance of party walls, partition fences or lines, fire-
57 walls, fire places, chimneys, boilers, smoke stacks and stove
58 pipes; to provide for and regulate the safe construction, in-
59 spection and repairs of all public and private buildings,
60 bridges, basements, culverts, sewers, or other buildings or struc-
61 tures of any description; to take down and remove, or make

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62 safe and secure, any and all buildings, walls, structures or
63 super-structures at the expense of the owners thereof, that
64 are or may become dangerous, or to require the owners or their
65 agents to take down and remove them or put them in a safe
66 and sound condition at their own expense; to regulate, restrain
67 or prohibit the erection of wooden or other buildings within
68 the city; to regulate the height, construction and inspection of
69 all new buildings hereafter erected, and the alteration and re-
70 pair of any buildings already erected or hereafter erected in
71 said city, and to require permits to be obtained for such build-
72 ings and structures, and plans and specifications thereof to be
73 first submitted to the building inspector; to regulate the limit
74 within which it shall be lawful to erect any steps, porticos, bay
75 windows, show windows, awnings, signs, columns, piers or
76 other projection or structural ornaments of any kind for the
77 houses or buildings fronting on any street of said city; to
78 establish fire limits and to provide the kind of buildings and
79 structures that may be erected therein, and to enforce all
80 needful rules and regulations to guard against fire and danger
81 therefrom; to require, regulate and control the construction of
82 fire escapes for any building or other structures in said city; to

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83 control the opening and construction of ditches, drains, sewers,
84 cess-pools and gutters, and to deepen, widen and clear the same
85 of stagnant water or filth, and to prevent obstruction therein,
86 and to fill, close or abolish the same and to determine at whose
87 expense the same shall be done; and to build and maintain fire
88 station houses, crematories, jails, lockups, and other buildings,
89 police stations and police courts, and to regulate the manage-
90 ment thereof; to acquire, establish, lay off, appropriate, regu-
91 late, maintain and control public grounds, squares and parks,
92 hospitals, market houses, city buildings, airports, libraries and
93 other educational or charitable institutions, either within or
94 without the city limits, and when the council determines that
95 any real estate, rights, or materials in or out of the city are
96 necessary to be acquired by said city for any such city purpose,
97 or for any public purpose, or is necessary in the exercise of
98 its powers herein granted, the power of eminent domain is
99 hereby conferred upon said city, and it shall have the right to
100 institute condemnation proceedings against the owner thereof,
101 whether said property be in or out of said city, in the same
102 manner, to the same extent, and upon the same conditions as
103 such power is conferred upon public service corporations by

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104 chapter fifty-four of the official code of West Virginia, one
105 thousand nine hundred thirty-one, as it is now or may here-
106 after be amended; to purchase, sell, lease or contract for
107 and take care of all public buildings and structures and
108 real estate deemed proper for the use of such city; and for
109 the protection of the public to cause the removal of unsafe
110 walls, structures or buildings, and the filling of excavations;
111 to prevent injury or annoyance to the business of indi-
112 viduals from anything dangerous, offensive or unwholesome;
112-a to abate or cause to be abated all nuisances and to that
113 end and thereabout to summon witnesses and hear testimony;
114 to regulate or prohibit the keeping of gunpowder and other
115 combustible or dangerous articles, and to regulate the transpor-
116 tation of same through streets, alleys and public places; to
117 regulate, restrain or prohibit the erection or maintaining of
118 tank farms, storage tanks, filling stations, gasoline sales sta-
119 tions, wagons, trucks, tanks or other building, structure, or
120 vehicle for the sale or transportation of gasoline, gas, oils,
121 benzine, or other like inflammable substances within the City
122 of Charleston, or the storage of same in large quantities, to
123 regulate, restrain or prohibit the use of firecrackers or other

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124 explosives or fireworks, and all noises or performances which
125 may be dangerous, indecent or annoying to persons or tend to
126 frighten horses or other animals; to provide and maintain
127 proper places for the burial of the dead, in or out of the city,
128 and to regulate interments therein upon such terms and condi-
129 tions as to price and otherwise as may be determined; to pro-
130 vide for shade and ornamental trees, shrubbery, grass, flowers
131 and other ornamentations, and the protection of the same; to
132 provide for the poor of the city; to make suitable and proper
133 regulations in regard to the use of the streets, public places,
134 sidewalks and alleys by street cars, foot passengers, animals,
135 vehicles, motors, automobiles, traction engines, railroad
136 engines and cars, and to regulate the running and operation
137 of the same so as to prevent obstruction thereon, encroachment
138 thereto, injury, inconvenience or annoyance to the public; and
139 to regulate fares and operation of motor vehicles, used in the
140 public transportation of passengers or property for hire; to
141 purchase or otherwise secure life, health or accident policies
142 on the group or other convenient plan upon the members of
143 the city police force and fire department, and as an element
144 of compensation of such members may appropriate the money

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145 necessary to defray the cost thereof; whenever in its opinion
146 the safety of the public so requires, to authorize or require by
147 ordinance any railroad company operating railroad tracks upon
148 or across any public street or streets of the city, to construct
149 and maintain overhead or undergrade crossings wherever the
150 tracks of said company are laid upon or across the public
151 streets of such city, and to apportion between any such rail-
152 road company and said city, pursuant to general law, the cost
153 of such construction and maintenance, and the cost of the
154 acquisition of the necessary property and rights of way, and
155 the damages to abutting properties, between any such railroad
156 company and city; to prohibit cock and dog fighting; to license,
157 tax, regulate or prohibit theatres, moving pictures, circuses,
158 and exhibition of showmen and shows of any kind, and the
159 exhibition of natural or artificial curiosities, carnivals, me-
160 nageries and musical exhibitions and performances, and other
161 things or business on which the state does or may exact a license
162 tax; to organize and maintain fire companies and departments,
163 and to provide necessary apparatus, engines and implements
164 for the same and to regulate all matters pertaining to the pre-
165 vention and extinguishing of fires; to make proper regulations

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166 for guarding against danger and damage from fires, water or
167 other elements; to regulate and control the kind and manner of
168 plumbing and electric wiring, the operation and height of
169 flying of airplanes, hydroplanes, airships and balloons; to
170 regulate wireless stations, radio stations, the use of radio re-
171 ceiving sets or any other radio apparatus and other appliances
172 for the protection of the health, comfort and safety of said
173 city; to levy taxes on property and licenses, to license
174 and tax dogs and other animals and regulate, restrain and pro-
175 hibit them and all other animals and fowls running at large;
176 to provide revenue for the city and appropriate the same to its
177 expenses; to adopt rules for the transaction of business of its
178 own regulation and government; to promote the general wel-
179 fare of the city, and to protect the persons and property of
180 citizens therein; to regulate and provide for the weighing of
181 produce and other articles sold in said city and to regulate
182 the transportation thereof and other things, through the streets,
183 alleys and public places; to have the right to grant, refuse or
184 revoke any and all licenses for the carrying on of any business
185 within said city on which the state exacts a license tax; to
186 establish and regulate markets and to prescribe the time for

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187 holding the same, and what shall be sold in such markets, and
188 to let stalls or apartments and regulate the same; to acquire
189 and hold property for market purposes; to regulate the placing
190 of signs, billboards, posters and advertising on or over the
191 streets, alleys, sidewalks and public grounds of said city; to
192 preserve and protect the peace, order and safety and health
193 of the city and its inhabitants, including the right to regulate
194 the sale and use of cocaine, morphine, opium and poisonous or
195 dangerous drugs; to license and collect a tax upon all persons
196 or places where brewed, vinous or distilled liquors are dis-
197 pensed under authority of state law; to appoint and fix the
198 places of holding city elections; to erect, own, lease, authorize
199 or prohibit the erection of gas works, electric light works or
200 water works, ferry boats, in or near the city, and to operate
201 the same, and to sell the product of services therefrom and to
202 do any and all things necessary and incidental to the conduct
203 of such business; to build, hold, purchase, own and operate toll
204 bridges; to employ or enter into an agreement with the county
205 of Kanawha, whereby the council and the county court of
206 Kanawha county shall have the power and authority to pro-
207 vide for a full time health officer in charge of all the general

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208 health and sanitation activities and of the enforcement of all
209 laws and regulations relating to public health, in the City of
210 Charleston and the county of Kanawha, and to provide for
211 the necessary assistants, nurses, clerks, and other employees,
212 and the expenses of the administration thereof, and to provide
213 for a proper division of all such expenses between the city and
214 county, and make all needful rules and regulations to fully
215 carry into effect the said joint undertaking between the City
216 of Charleston and the county of Kanawha; to provide for
217 the purity of water, milk, meats and provisions offered or ex-
218 posed for sale in said city, and to that end provide for a system
219 of inspecting the same and making and enforcing rules for
220 the regulation of their sale; and to prohibit the sale of any
221 unwholesome or tainted milk, meats, fish, fruit, vegetables,
222 or the sale of milk, containing water or other things not con-
223 stituting a part of pure milk; to provide for inspecting dairies
224 and slaughter houses, whether in or outside of the city, where
225 the milk and meat therefrom are offered for sale within said
226 city, and to prohibit the sale of any articles deemed unwhole-
227 some, and to condemn the same or destroy or abate it as a
228 nuisance; to provide for the regulation of public processions

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229 so as to prevent interference with public traffic, and to pro-
230 mote the good order of the city; to prescribe and enforce
231 ordinances and rules for the purpose of protecting the health,
232 property, lives, decency, morality, cleanliness, comfort and
233 good order of the city and its inhabitants; and to protect places
234 of divine worship in and about the premises where held, and
235 to punish violations of all ordinances, even though the offenses
236 under and against the same shall also constitute offenses under
237 the laws of the state of West Virginia or the common law; to
238 provide for the employment and safe keeping of persons who
239 may be committed in default of payment of fines, penalties
240 or costs under this act, who are otherwise unable to discharge
241 the same, by putting them to work for the benefit of the city
242 upon the streets or other places in or out of the city provided
243 by said city, and to use such means to prevent their escape
244 while at work as the council may deem expedient; and the
245 council may fix a reasonable rate per day as wages to be
246 allowed such persons until the fine and costs against them are
247 thereby discharged; to compel the attendance at public meet-
248 ings of the members of the council; to have and exercise such
249 additional rights, privileges and powers as are granted to

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A. H. Rogers
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250 municipalities by chapter eight of the code of West Virginia,
251 edition of one thousand nine hundred thirty-one.

252 For all such purposes, except that of taxation and for pur-
253 poses otherwise limited by this act, the council and board of
254 affairs shall have jurisdiction for one mile beyond the corporate
255 limits.

256 And the council shall have the right to establish, construct
257 and maintain public markets, landing ferries, wharves, parking
258 places and docks on any ground which does or shall belong to
259 said city, or which it shall acquire, by purchase or otherwise,
260 and to sell, release, repair, alter or remove any public markets,
261 landings, ferries, wharves, dikes, buildings or docks which have
262 been or shall be so constructed, and to levy and collect reason-
263 able duty on vessels and other craft coming to or using said
264 landings, ferries, wharves, dikes, docks, parking places and
265 buildings, and to preserve and protect the peace and good
266 order at the same, and upon all rivers within the corporate
267 limits aforesaid, and regulate the manner in which they shall
268 be used; and to have the sole right, under state laws and in
269 the same manner as now control county courts, to establish,
270 construct, maintain, regulate and control all such wharves,

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271 docks, ferries and landings within the corporate limits of said
272 city.

273 To carry into effect these enumerated powers and all other
274 powers conferred upon said city expressly or by implication in
275 this and other acts of the legislature, the council of said city
276 shall have the power in the manner herein prescribed, to adopt
277 and enforce all needful orders, rules and ordinances not con-
278 trary to the laws and constitution of this state; and to pre-
279 scribe, impose and enforce reasonable fines and penalties, in-
280 cluding imprisonment in the city lock-up, jail or station house,
281 and to work prisoners found guilty, as the council may pre-
282 scribe, and market the products of such labor, and with the
283 consent of the county court of Kanawha county, entered of
284 record, shall have the right to use the jail of said county for
285 any purpose necessary to the administration of its affairs.

Sec. 8. The council of the city of Charleston shall have
2 full discretion in the matter of granting, refusing and re-
3 voking licenses for keeping hotels, eating houses and restau-
4 rants, garages, taxi-cab stands, bowling alleys, pool and billiard
5 tables and like tables, and for selling soft drinks, and for
6 brewed, vinous, or distilled beverages or liquors, when sold or

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7 dispensed under authority of the laws of West Virginia, as in
8 the case of other licenses, and shall supervise, regulate and con-
9 trol all places licensed for said purposes, and the municipal
10 judge shall have jurisdiction when such city license and regula-
11 tion is sought to be evaded and may prevent such evasion: *Pro-*
12 *vided*, That no such license, regulation or control shall apply to
13 any fraternal or wholly charitable society permitted under the
14 state laws. The council shall make no provision for the licensing
15 of automobiles or other motor vehicles, except that in the case of
16 motor vehicles used in the transportation of passengers or prop-
17 erty for hire the council may require from the owner or oper-
18 ator of any such vehicle a bond, with sureties, and in such pen-
19 alty, and with such conditions as it may deem proper. The coun-
20 cil shall have power to enact and enforce proper ordinances for
21 the purpose of carrying into effect the powers hereby granted.
22 If any person fails or refuses to secure a license or to pay any
23 license tax due the city, or fails to obtain a permit to do any-
24 thing for which a permit is required by ordinance, in addition
25 to all other penalties and remedies provided by the ordinances
26 of the city, the circuit court of Kanawha county and the court
27 of common pleas of Kanawha county, or the respective judge

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28 thereof, in vacation, upon application in the name of the city or
29 of any officer of the city, shall grant an injunction, inhibiting
30 such person from continuing the business until the full amount
31 of the license tax and penalty prescribed by the ordinance and
32 due the city is paid, or until the person has obtained the license
33 or permit as required by ordinance.

Sec. 9. The council of the City of Charleston is hereby
2 granted power, in addition to the powers heretofore granted it,
3 to regulate by ordinance the operation of motor vehicles and
4 other vehicles in said city, and the speed at which the same may
5 be driven, and to provide for the punishment of violations of
6 such ordinances; and said council is given specific authority to
7 punish the violation of ordinances relating to the speed of such
8 vehicles, or the operation thereof, by impounding or taking pos-
9 session of such vehicles and retaining the same for such time as
10 may be prescribed by ordinance not to exceed thirty days.

Registration—Voters—Elections

Sec. 10. Every person qualified by law to vote for members
2 of the legislature of this state (and who shall have been a resident
3 of said city for sixty days preceding the day of election, of the
4 ward in which he offers to vote at least ten days preceding such

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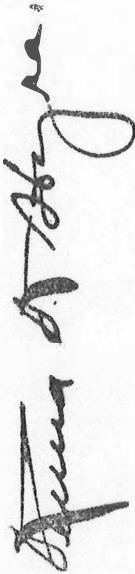
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5 day and a bona fide resident of the election precinct in which
6 he offers to vote) shall be entitled to vote at all elections held
7 in said city by or under the authority and control thereof.

Sec. 11. The voting precincts in the several wards for all city
2 elections shall be the same as to boundaries as those fixed by
3 the county court for all state and county elections, so long as no
4 precinct as so fixed by the county court embraces territory of
5 more than one ward in said city. So long as the voting precincts
6 in the several wards shall be the same as those so fixed by the
7 county court, then the registration of voters made under the
8 general law concerning the registration of voters shall be the
9 registration of voters, used for all city regular elections with
10 such corrections as are herein provided for, and it shall not be
11 necessary to have a special registration of voters for any special
12 election, but the registration of voters for the last preceding
13 city regular election with such corrections as are herein pro-
14 vided for, shall be the proper registration for such special elec-
15 tion. For all regular elections held hereunder, except for the
16 first election, and except for the referendum election held here-
17 under as is provided for herein, the council shall elect two per-
18 sons, one being a member of each of the two leading political

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19 parties in said city, having all the qualifications of commis-
20 sioners of election under chapter three of the code of West Vir-
21 ginia as city registrars. The city executive committee of each
22 of such political parties may present to the council a writing
23 signed by the chairman of the committee of each party request-
24 ing the appointment of a qualified voter of his political party
25 as registrar with his city address, and in case such writing
26 is presented the council shall appoint the person so named as
27 such registrar, except for the first election and except for the
28 referendum election as is provided for herein. They shall take
29 the same oath as other officers of the city take and shall be paid
30 such compensation as the council may fix by ordinance.

31 They shall sit in the lobby of the city hall on five separate
32 days, being the last four Saturdays and the last Monday pre-
33 ceding any regular election in said city, except for the first
34 election and except for the referendum election as is provided
35 for herein, and also for any special election for three separate
36 days, being the last two Saturdays and the last Monday preced-
37 ing any special election, except for the first election and except
38 for the referendum election as is provided for herein, for the
39 purpose of registering voters who shall not have been already

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40 registered in the various precincts, and for issuing transfers
41 to any voter who has moved from one precinct to another, and
42 for striking off the name of any voted from the registration books
43 when it shall be shown by the affidavits of two persons that he
44 is no longer a voter in said city, and they shall strike off from
45 such registration books the names of any person known by or
46 proved to them to be dead. It shall be the duty of the city clerk
47 to make or have made copies of the registration books on file in
48 the office of the clerk of the county court of Kanawha county
49 at least thirty days before any regular city election except
50 for the first election and except for the referendum election
51 as is provided for herein, and such copies, with such
52 additions and changes as may be made by the city registrars,
53 shall be used for all regular elections and for any special
54 elections except for the first election and except for the
54-a referendum election as is provided for herein, which may be
55 held between said regular elections. Notice of the time and
56 place of sittings of said city registrars shall be given by the
57 publication thereof by the city clerk in two newspapers of op-
58 posite politics printed and circulated in said city, once a week
59 for five successive weeks before any general election, except

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60 for the first election and except for the referendum election as is
61 provided for herein, if there is sufficient space of time for such
62 purpose, and if not, then for such time as there may be before
63 any special or general election. Before the registrars shall
64 register the name of any person as a qualified voter they must
65 be satisfied of his qualifications and shall have the right and
66 power to require of such persons all the things that may be
67 required of him by the registrars under the state law, and such
68 registrars shall, as to the qualifications of persons to vote, be
69 governed by the state laws on such subject in existence at the
70 time of such registration.

71 The county clerk of Kanawha county shall carefully preserve
72 in his office the registration books of each general election for all
73 the precincts of the city of Charleston and shall deliver one
74 copy of each thereof to the city clerk of the city of Charleston
75 for the use of the registrars of said city in the performance of
76 their duties as such.

Sec. 12. In the event that the county court of Kanawha
2 county changes the boundary lines of any voting precincts in
3 the city of Charleston so that any of said voting precincts as
4 changed include any of the territory of two or more wards as

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5 fixed by law, or if subsequent to the last preceding general
6 county and state election there is an extension of the corporate
7 boundaries of the city of Charleston, then the council may hold
8 a regular or special session not later than the last Monday in
9 January of each year in which a city regular election is to be
10 held, at which meeting the council may by resolution change
11 the boundaries of any of the voting precincts of the city, or in
12 their discretion may establish new precincts, so that all the
13 territory within the corporate limits of the city shall be divided
14 into voting precincts: *Provided*, That the territory within the
15 boundaries of two or more of the wards shall not be within any
16 one voting precinct. The council shall appoint for each voting
17 precinct so established or changed two competent persons as
18 registrars, one each from the two political parties which at the
19 last regular election cast the highest number of votes in the city
20 of Charleston, but the city executive committee of each of such
21 political parties may present to the council a writing signed by
22 the chairman thereof requesting the appointment of a qualified
23 voter of such political party for each precinct so established or
24 changed, and the council shall appoint the person so named in
25 such writing as registrar.

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Henry A. Byrnes

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26 No person shall be eligible to appointment as registrar, or in
27 any way act as such, who has been convicted of a felony, or who
28 holds any elective or appointive office or position in said city or
29 is an employee under the laws of the state of West Virginia or
30 of the United States or who is not a qualified voter in the pre-
31 cinct for which he is appointed or who can not read and write
32 the English language. If such registrar shall fail or refuse to
33 serve, the vacancy shall be filled either by the council, or in va-
34 cation of council by the mayor of the city, in the manner here-
35 inbefore provided for the appointment of registrars, and the
36 city clerk shall immediately after their appointment notify all
37 such persons of appointment as registrars. Such registrars
38 shall before entering upon the discharge of their duties take an
39 oath to support the constitution of the United States, the con-
40 stitution of West Virginia, and to perform the duties of their
41 office to the best of their ability and that they are legal members
42 of the party for which they are respectively appointed. The said
43 oath shall be filed in the office of the city clerk.

44 The city clerk shall cause to be prepared suitable books and
45 blanks for the registration of the voters and such books shall
46 be so arranged as required by law for the registration of voters

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47 for general elections held in the state of West Virginia and all
48 the provisions, duties and obligations of the code of West Vir-
49 ginia or any act of the Legislature amendatory thereof shall
50 apply to the registration of voters hereunder, except as herein
51 otherwise set out, and the city council shall perform the duties
52 required of the county court by said code, and the city clerk
53 shall perform the duties required of the county clerk by said
54 code.

55 In all cases where a new registration of voters is required the
56 said registrars shall meet not later than the Wednesday follow-
57 ing the said last Monday in January and proceed to register the
58 names of all qualified voters in their respective precincts in the
59 manner required herein and in all other respects in the man-
60 ner provided by chapter three of the code.

61 Said registrars shall complete said registration on or before
62 the first Tuesday in March of every such election year, and
63 shall deliver the books to the city clerk and council for the pur-
64 pose of amending, correcting and completing said registration.

65 In case the county court changes the boundary lines of any
66 voting precincts in the manner set out in the first paragraph
67 of this section more than thirty days prior to a general primary

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68 election of the city, the council shall select the registrars as pro-
69 vided in this section and shall fix the time and place of register-
70 ing the voters in the precincts so changed.

Sec. 13. Candidates to be voted for at municipal elections
2 may be nominated by convention, or primary election, as may
3 be decided by the executive committees of any of the political
4 parties recognized by law in said city, and candidates may be
5 nominated by petition in the manner provided by the code of
6 West Virginia, one thousand nine hundred thirty-one. Each of
7 the political parties having the right to make a nomination
8 under the election laws of West Virginia shall give notice of the
9 manner of such nomination by publication thereof in some daily
10 newspaper printed in the city of Charleston every day for ten
11 days prior to the date of such convention or primary election.

Sec. 14. Whenever the county court of Kanawha county
2 shall arrange the voting precincts in the city of Charleston for
3 state and county elections according to the lines of the city
4 wards, then such precincts with the same boundaries and the
5 same voting places as provided for such state and county elec-
6 tions shall be the precincts for all city elections. Except for the
7 first election hereunder or as may be otherwise provided by this

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8 act, all city elections shall be held by commissioners appointed
9 by council and the officers shall be appointed in the way and
10 manner prescribed in the code of West Virginia, one thousand
11 nine hundred thirty-one, but no double election boards shall be
12 appointed for any city election.

Election Commissioners

Sec. 15. The county court of Kanawha County shall hold a
2 regular or special session at the court house of said county on the
3 second Monday preceding the date fixed for the first city elec-
4 tion hereunder and shall appoint three qualified voters as com-
5 missioners of election for each precinct in said city. They
6 shall be selected from the two political parties which at the last
7 preceding regular state election in said city, cast the highest
8 number of votes and not more than two of them shall belong to
9 the same political party, and if at any time during the said
10 session of the county court, the city executive committee of
11 either political party from which said commissioners of election
12 are to be selected or appointed shall present to the said court
13 a writing signed by them, or by the chairman of said city execu-
14 tive committee in their behalf, requesting the appointment of a
15 qualified voter of their political party and who is otherwise

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16 qualified to act as such commissioner of election under the code
17 of West Virginia, one thousand nine hundred thirty-one, it shall
18 be the duty of such court to appoint the person named in such
19 writing as such commissioner, and at all subsequent city elec-
20 tions the commissioners of election shall be appointed by the
21 city council and the committees of the dominant political par-
22 ties shall have the same right of recommendation as provided
23 for such appointments of commissioners for the first election,
24 and all city elections shall in all other respects be held in the
25 way and manner prescribed in said chapter three of the code
26 of West Virginia, one thousand nine hundred thirty-one. The
27 same precincts with the same boundaries and the same voting
28 places as provided for the last general state election shall be the
29 precincts for the first city election hereunder.

Sec. 16. The preparation of the ballot and the method of
2 voting and all other requirements of chapter three of the code
3 of West Virginia, one thousand nine hundred thirty-one, ex-
4 cept as changed or modified by this and later acts, shall govern
5 all city elections held under the provisions hereof.

Council

Sec. 17. The city of Charleston shall have a council, which

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2 shall be known and styled as the "Council of the city of Charles-
3 ton" and shall consist of two residents of each of the wards of
4 the city, not more than one of whom from each ward of said
5 city shall belong to the same political party, and all of whom
6 shall be nominated, voted for and elected in the manner herein
7 provided.

Sec. 18. Only citizens entitled to vote and residents and
2 voters of their respective wards and having the proper qualifi-
3 cations hereinbefore provided shall be eligible to be elected to
4 the office of councilmen from their respective wards and each
5 councilman so elected from a ward shall during his incumbency
6 in office continue to be a resident of the ward from which he is
7 elected during his entire term of office.

First Election

8 In the event the vote upon adoption or rejection of this act,
9 as herein provided, shall be in favor of the adoption thereof,
10 then an election is directed to be and shall be held upon the
11 fourth Tuesday following the ascertainment of the result of
12 said election called for adoption or rejection thereof, for the
13 purpose of electing the four members of the board of affairs,
14 as herein provided, and two members of the council from each

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Chairman Senate Committee.

15 ward, as herein provided for, and all subsequent elections, ex-
16 cept special elections, shall be held every two years thereafter
17 on the third Tuesday in April, of such election year, at which
18 time there shall be elected two members of the council from
19 each ward, as herein provided, and two members of the board
20 of affairs, as herein provided. If any person elected to council
21 or to the board of affairs fails to qualify within twenty days
22 after he is declared elected, or resign as a member of the council,
23 or as a member of the board of affairs, or if any councilman
24 cease to be a resident of the ward from which he is elected, then
25 and in either event, such office shall thereby be vacated and the
26 council shall fill such vacancy by the election of some qualified
27 person of the same political party as the disqualified councilman
28 or member of board of affairs for such unexpired term. No
29 person shall be by the council declared elected unless he receives
30 the votes of at least a majority of the members elected thereto,
31 and the minutes of such meeting shall show that fact.

Candidates—Nominations

Sec. 19. Candidates to be voted for at any municipal election
2 for members of the board of affairs and members of the council,
3 may be nominated by convention, primary or petition in the

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4 manner and under the provisions now or hereafter prescribed
5 by state laws relating thereto; and as selected by the executive
6 committee of the respective political parties of said city.

7 *Provided, however,* That for the first election to be held upon
8 the fourth Tuesday following the ascertainment of the result of
9 said election called for adoption or rejection of this act, as herein
10 provided for, no political party shall nominate fewer than two
11 and not more than four persons for the office of member of the
12 board of affairs and not more than two persons from each ward
13 for member of the city council. And thereafter at any election
14 to be held either for electing a member of the board of affairs
15 or to the council, no political party shall nominate more than
16 double the number to be elected to any office. If any certificate
17 of nomination or any petition for nomination of candidates for
18 either the board of affairs or the council shall contain more
19 names than prescribed in this section for such office, then the
20 ballot commissioners shall for the first election to be held under
21 this act, take the first four names for board of affairs as the
22 nominees of such party for said offices and said ballot commis-
23 sioner shall take the second two names as nominees for council
24 in each ward of the city of the political party casting the larger

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25 number of votes for its mayor at the last regular city election
26 and the first four names as nominees for council in each ward
27 of the city of the other party and of the names on other peti-
28 tions; at any and all subsequent regular city elections held
29 hereunder the ballot commissioners shall take the first two
30 names for board of affairs and the first two names for each
31 party and petition and from each ward of the city for council
32 as the nominees of such party for said office. And, *Provided*,
33 *further*, That there shall not be printed on any ticket on any
34 ballot to be voted at any municipal election for the election of
35 officers of the city, more names for the office of members of the
36 board of affairs and council than provided for in this section.

37 In case of the nomination of candidates to be voted for to fill
38 the vacancies on the board of affairs, no political party and no
39 petition shall nominate more than double the number to be
40 elected, and such nominations shall be certified, and the names
41 of the nominees printed on the ballot, in the manner prescribed
42 herein.

43 Every person so nominated for member of the board of affairs,
44 shall, within five days after his nomination has been certified
45 by the political party making the nomination, or a petition

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46 therefor shall have been filed, make, under oath, and file with
47 the city clerk a statement of the political party to which he
48 claims allegiance, or if he belongs to no party shall so state;
49 and, if nominated by two by two or more parties, he shall state
50 to which of them he belongs. If such person fail to make the
51 oath, and file the same, as herein prescribed, the ballot commis-
52 sioners shall not place his name on the ballot to be voted for at
53 the approaching election.

Election and Duties of Board of Affairs, Officers, etc.

Sec. 20. The first election held hereunder shall be held on
2 the fourth Tuesday following the ascertainment of the result
3 of said election called for adoption or rejection hereof, as herein
4 provided for, at which time there shall be elected four members
5 of the board of affairs, not more than two of whom shall be
6 members of the same political party; and, according to the vote
7 received by each, they shall be divided into two classes, and not
8 more than one member of each class shall or can belong to the
9 same political party. The two members of the board of affairs
10 receiving the highest number of votes of opposite political
11 parties, except as herein otherwise provided, shall belong to
12 class "A" and shall serve for four years, or until their successors

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13 are elected and qualified; and the two members of said board
14 of affairs of opposite political parties receiving the next highest
15 number of votes, except as herein otherwise provided, shall be-
16 long to class "B" and shall serve for two years, or until their
17 successors shall be elected and qualified. And, at every city
18 election thereafter there shall be elected two members of the
19 board of affairs, not more than one of whom shall be a member
20 of the same political party, who shall serve for four years or
21 until their successor shall be elected and qualified. The candi-
22 date for member of board of affairs who shall, at the first elec-
23 tion provided for herein, receive the highest number of votes
24 cast, of the four elected members of the board of affairs at the
25 first election of officers provided for herein, shall thereby then
26 and there be and become mayor of said city; and if at such first
27 election, or if at any subsequent election at which a mayor is to
28 be elected, as provided for herein, two or more persons shall re-
29 ceive the highest and the same number of votes for member of
30 the board of affairs, then and in that event the council at its
31 first meeting, in case of the first election of officers hereunder,
32 and thereafter, the council then in office at its first meeting next
33 succeeding the election, shall immediately elect one of them as

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34 mayor and the mayor thus elected and his successors shall hold
35 office as such for a period of four years, or until his successor
36 is elected and has qualified, as provided for herein. At every
37 second election next following the first election hereunder, which
38 shall also be a regular election, as provided for herein, the
39 candidate for the board of affairs who shall receive the highest
40 number of votes shall be and become mayor and the other elected
41 member of the board of affairs at such election shall become a
42 member of class "A" of said board of affairs. There cannot
43 and shall not be elected to class "A" or class "B" more than
44 one person each of the same political party, and in case of a tie
45 neither party shall have more than one person in any party in
46 either of said classes. In the event the office of mayor, as cre-
47 ated herein, shall become vacant, then and in such event the
48 remaining member of the board of affairs of class "A" auto-
49 matically shall be and become mayor and the class "A" va-
50 cancy in the board of affairs shall be filled by the election of a
51 qualified person from the political party not at the time repre-
52 sented in class "A" of the board of affairs. In the event of
53 any other vacancy in the board of affairs then and in such
54 event such vacancy shall be properly filled by the election of a

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55 qualified person from the proper political party, so that the
56 same political party shall have the same representation, upon
57 said board of affairs, as existed before such vacancy was cre-
58 ated, such vacancy being filled in any and every such event by
59 election by the city council to be held on the second Monday
60 following the day such vacancy occurs. In any and every such
61 election to fill any and every such vacancy in the board of
62 affairs, a majority of the votes of the council elected shall be
63 necessary to elect.

Sec. 21. Vacancies occurring in the city council shall be filled
2 by the election of qualified persons so that the wards shall have
3 the same political party representation as existed before such
4 vacancies occurred. The election of such members of the city
5 council to fill such vacancies shall be by a majority of the votes
6 cast by the city executive committee entitled to fill such va-
7 cancies and a certificate filed by the chairman of such executive
8 committee shall be prima facie evidence of the bona fides and
9 result of any such election; but it shall be unlawful to fill any
10 vacancy on the board of affairs with any person not of the same
11 political party as the person whose vacancy is being filled, and
12 it shall be unlawful, by election, appointment or otherwise, for

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13 the board of affairs, at any time, to be composed of more than
14 two members of the same political party. The circuit court of
15 Kanawha county shall have jurisdiction by prohibition, man-
16 damus, and injunction, at the suit of not less than twenty-five
17 taxpayers of the city, to restrain and prohibit any official or
18 governing body from violating this section and to compel and
19 to command any official or governing body to enforce and faith-
20 fully observe the provisions of this section; and in any such
21 proceeding such court may inquire into the politics of any per-
22 son elected or appointed, so that neither by deceit, misrepre-
23 sentation, false pretense, or subterfuge, may the provisions of
24 this section be violated.

Departments of City Government

Sec. 22. In order to better dispatch the business of the city,
2 and assign more in detail the duties of the members of the board
3 of affairs, the government of said city is hereby divided into
4 four departments, to-wit:

- 5 1. Department of finance, embracing the departments of
6 finance, taxation and public utilities.
- 7 2. Department of public safety, embracing the departments
8 of law, fire, public buildings and grounds.

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9 3. Department of police, embracing the department of police,
10 health and charity.

11 4. Department of streets, embracing the department of
12 streets, wharves and sewers.

13 The mayor, at the first regular meeting of the board of affairs
14 following their election and qualification, shall designate him-
15 self and each of the other members as the head of one of the said
16 departments of government, and the members thus designated
17 shall be styled the commissioner of that department, to-wit:

18 1. "Commissioner of finance."

19 2. "Commissioner of public safety."

20 3. "Commissioner of police."

21 4. "Commissioner of streets."

22 And the member of board of affairs, so designated by the
23 mayor, shall have the immediate care and supervision of the
24 department of city government designated to him but subject
25 always to the control or orders of the board of affairs. The
26 business, and the labors incident thereto, of each of the depart-
27 ments shall be that which properly falls within the scope of the
28 particular department, but which, in details may be fixed from
29 time to time by the board of affairs. The head of each depart

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30 ment shall see to the performance of all business coming within
31 his department, or which may be referred to his department or
32 to any officer thereunder from time to time, but no member of
33 the board of affairs, either as a commissioner of a department
34 or otherwise, shall employ or hire any one to do any service nor
35 shall he make any appointment except with the consent and
36 authority of the board of affairs. The board of affairs shall, by
37 resolution, fix the salaries of all appointive officers which shall
38 be subject to the approval of the council as herein provided;
39 but laborers by the day and those doing special work may be
40 paid by the board of affairs without the necessity of concurrence
41 by the city council.

42 The commissioner of each department shall keep a public
43 office at which he may be found or communicated with during
44 stated hours to be fixed by him or the board of affairs, unless
45 his official duties call him elsewhere; and the board of affairs
46 shall make proper rules and regulations for its own government
47 and the conduct of its business, which rules shall not be con-
48 trary to nor inconsistent with any of the provisions of this act,
49 and such rules shall be duly entered of record and shall be pub-
50 lished in any municipal code or other publication made by the

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51 city council. Such rules shall prescribe the powers and duties
52 of each member of the board of affairs or commissioners.

Meetings of Board to be Public

Sec. 23. The board of affairs shall have at least one regular
2 public meeting each week at some place provided for that pur-
3 pose, and on a stated day and at an hour fixed by the rules,
4 governing the board.

Sec. 24. Special meetings of the board may be called by the
2 mayor or any two members of the board by personal notice
3 given to the other members thereof, stating the time and object
4 of the meeting; and no business except that stated in said notice
5 shall be considered or acted upon at said meeting. All meetings
6 of the board shall be open to the public and at the place pro-
7 vided for regular meetings.

Sec. 25. A majority of the whole number of members elected
2 to the board of affairs and a majority of the whole number of
3 members elected to council shall constitute a quorum for the
4 transaction of business before said respective bodies, but a
5 smaller number in either body may adjourn from time to time
6 and may compel the attendance of absent members, in such man-

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7 ner and under such penalties, as either body may by rules
8 provide.

How Vote Taken

Sec. 26. Unless otherwise herein provided, the vote upon any
2 question or motion before the board of affairs or city council may
3 be *viva voce* when unanimous; but if the question or motion does
4 not receive the unanimous vote of the members present, then the
5 vote shall be taken by roll call of the members and made a part
6 of the minutes of the meeting, and when the vote is unanimous
7 the minutes shall so state.

City Clerk

Sec. 27. The city clerk shall be ex officio clerk of the board
2 of affairs. Such board shall cause detailed minutes of its meet-
3 ings and proceedings to be kept by the clerk in a well bound
4 book for that purpose, which shall remain in the custody of the
5 clerk at his office and open to public inspection. The minutes
6 of every regular or special meeting shall be read publicly at
7 the next succeeding regular meeting of the board, and, after be-
8 ing corrected, shall be signed by the mayor and the city clerk,
9 and, if thus recorded and signed, they shall be admitted as
10 evidence in any court of record in this state. They shall read

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11 publicly all recommendations of council since the last meeting
12 and preserve and file the same.

Cannot Hold Any Other Office

Sec. 28. A member of the board of affairs shall not hold any
2 other city office, except as prescribed in this act, nor be an em-
3 ployee of the city in any other capacity for compensation, nor
4 hold any other office, with or without compensation, which may
5 interfere with the faithful discharge of his duties as member of
6 the board of affairs.

Sec. 29. No appointive officer of the city shall hold two
2 offices with the city at the same time, nor become the employee
3 of the city in any other capacity, than the one in which he was
4 appointed, without first having the consent of the board of
5 affairs. All appointive officers, except those under civil service,
6 shall hold for a term of two years unless sooner removed by
7 and at the pleasure of the board of affairs, and until their suc-
8 cessors are appointed and qualified, and not more than one ap-
9 pointee shall be from the same family or related in any way to
10 another appointee.

Eligibility and Salaries

Sec. 30. The salaries of the members of the board of affairs

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2 shall be determined by the city council, but in no case shall the
3 salary of any member of the board be more than fifteen hundred
4 dollars per annum. Whenever the board of affairs shall for a
5 period of thirty days fail to make their appointments of all
6 appointive officers, each member shall forfeit his salary there-
7 after, and until such appointments shall be made, and all dis-
8 bursing and accounting officers shall take official notice of such
9 failure to make such appointments, and no order, warrant, check
10 or draft shall be issued for such salary so forfeited.

Sec. 31. Any member of the board of affairs, or council or any
2 officer connected with the city government pursuant to any law of
3 this state or ordinance of the city now or hereafter passed, and
4 who shall, in his official capacity or under color of his office, know-
5 ingly or wilfully, or corruptly vote for, assent to or report in
6 favor of, or allow, or certify for allowance, any contract or
7 claim or demand against the city, which claim or demand shall
8 be on account or under color of any contract or agreement not
9 authorized by or in pursuance of the provisions of this act or
10 the ordinances of the city, or any claim or demand against the
11 city which claim or demand or any part thereof, shall be for
12 work not performed for and by authority of said city, or by

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13 the board of affairs, or for the supplies or materials not actually
14 furnished thereto pursuant to law or ordinance, and every such
15 member or officer as aforesaid who shall knowingly vote for,
16 assent to, assist or otherwise permit, or aid, in the disbursement
17 or disposition of any money or property belonging to the city
18 to any other than the specific use or purpose for which such
19 money or property shall be or shall have been received or ap-
20 propriated or collected or authorized by law to be collected, and
21 disbursed shall upon conviction thereof, be punished by im-
22 prisonment in the county jail for not more than one year or by
23 fine of not less than five hundred dollars, nor more than two thou-
24 sand dollars, or by both. But the board of affairs shall pay any
25 just obligations made by the city and keep and perform all con-
26 tracts, agreements and obligations made under the law as it was
27 the day before this act goes into effect, and for which and on
28 which the city is liable or obligated when the board of affairs
29 herein provided for goes into office.

Attendance of Witnesses, Punishing Contempts, etc.

Sec. 32. The board of affairs and the council in the exercise
2 of their respective powers and the performance of their respec-
3 tive duties, as prescribed by this act and by the laws of the state,

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4 shall have the power to enforce the attendance of witnesses,
5 the production of books and papers, and the power to admin-
6 ister oaths in the same manner and with like effect, and under
7 the same penalties, as notaries public, justices of the peace and
8 other officers of the state authorized to administer oaths under
9 state laws; and said board of affairs and said council shall have
10 such power to punish for contempts as is conferred on county
11 courts by section six, article one of chapter seven of the code
12 of West Virginia, one thousand nine hundred thirty-one. All
13 process necessary to enforce the powers conferred by this act on
14 the board of affairs and council shall be signed by the mayor
15 (or acting mayer) an dshall be executed by any member of the
16 police force.

Sec. 33. The mayor shall be the presiding officer of the council
2 and be a member thereof, with the right to vote on all questions
3 the same as any other member of said council, and the city
4 clerk shall be ex officio clerk of the council, and the mayor and
5 city clerk shall each perform such other proper duties as the
6 council may require of them. The council shall, at its first meet-
7 ing after each election, select one of its body as president pro
8 tempore, who shall in the absence of the mayor, preside as

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9 chairman of the meeting of the council, and in the absence of
10 both the mayor and president pro tempore at any meeting of
11 the council, some member of the council shall be elected to pre-
12 side over such meeting.

Sec. 34. Whenever by the extension of the corporate bound-
2 daries of the city a new ward is created as part of the city, such
3 new ward shall have representation in the city council and
4 within thirty days after the act creating such new ward takes
5 effect, the council shall proceed to elect two qualified residents
6 thereof, not more than one of whom shall belong to the same
7 political party, as members of said council, to hold office until
8 the next general election.

Sec. 35. The council shall exercise all of the legislative func-
2 tions of the city government and shall have the right to demand
3 of any city official, or employee, information, explanations, facts,
4 details, correspondence, or other papers affecting the city's in-
5 terest; and it shall be misfeasance and neglect of duty for any
6 such official or employee to fail or refuse to comply with such
7 demands.

Auditing of Books

Sec. 36. The council shall by proper ordinance provide for

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2 the auditing of all the books and accounts of the city at least
3 once in each year, and shall employ a reputable certified public
4 accountant for such purpose, and such audit shall show the
5 complete financial condition of the city at the time thereof and
6 the receipts and disbursements of all moneys during such year.
7 The council may also provide by ordinance for the publication
8 of the report of the accountant on the financial condition of
9 the city at least once in each year, and such report of the ac-
10 countant shall be spread upon the records of the council and be
11 a public record for all purposes.

Removal From Office

Sec. 37. Any member of the board of affairs or of the council,
2 and any city official, either elected or appointed, may be removed
3 from his office by the council for any of the following causes:
4 Official misconduct, incompetence, habitual drunkenness, neglect
5 of duty, or gross immorality. The charges against any such officer
6 shall be reduced to writing and entered of record by the council,
7 and a summons shall thereupon be issued by the city clerk con-
8 taining a copy of the charges and requiring the officer named
9 therein to appear and answer the same on a day to be named
10 therein, which summons may be served in the same manner as a

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11 summons commencing an action may be served, and the service
12 must be made at least five days before the return day thereof,
13 and it shall require the affirmative vote of two-thirds of all the
14 members elected to council to remove any such official. The
15 circuit court of Kanawha county shall have concurrent jurisdic-
16 tion with the council to try, hear and determine any proceedings
17 for the removal of any city official for any of the causes herein
18 mentioned. The board of affairs, or any city official having the
19 power of appointment hereunder, shall have the absolute right
20 in his discretion to remove any of its or his appointees and ap-
21 point another qualified person in his place, but such removal
22 shall be in writing and served upon said official so removed, and
23 all the rights and powers of such official shall cease and end from
24 the time of such service.

Rules and Records of Council

Sec. 38. The council shall make proper rules and regulations
2 for its own government and the conduct of its business, which
3 rules shall not be contrary to, or inconsistent with, any of the
4 provisions of this act, and such rules shall be duly entered of
5 record and shall be published by the council in any municipal
6 code or other publication made by the council of this act and

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7 the ordinances of said city. The council shall cause a record of
8 its meetings to be kept and recorded by the city clerk in a well
9 bound book provided by the council for that purpose, which
10 book shall remain in the custody and at the office of the city
11 clerk, and all the books containing the proceedings of former
12 councils or other governing bodies of the city of Charleston,
13 shall likewise remain in the custody and be kept at the office of
14 the city clerk, and all city records shall at reasonable hours and
15 in a reasonable manner be open to the inspection of the public.

Meetings of Council

Sec. 39. The council shall hold regular meetings on the first
2 and third Mondays of each month, and the hour and place of
3 such meetings shall be fixed by the council in the rules adopted
4 by it.

Sec. 40. Special meetings of the council shall be held when
2 called by the mayor or ten members thereof. In either case, the
3 call therefor shall be in writing and signed by the mayor or
4 members issuing it, and shall state the time, place and business
5 to be considered thereat, and a copy thereof shall be served upon
6 each member of the council then in the city, and also be pub-
7 lished on two successive days in two daily newspapers printed

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8 and circulated therein. No business, other than that stated in
9 such call, shall be considered at such meeting.

Contested Elections

Sec. 41. All contested elections shall be held and determined
2 by the council and such contests shall be made and conducted
3 in the same manner as provided for in the case of contests for
4 county and district officers; and the council shall conduct its
5 proceedings in such cases as nearly as practicable in conformity
6 with the proceedings of the county court in such cases, and
7 there shall be the same right of appeal, in the same way, to the
8 circuit court of Kanawha county.

Oaths and Bonds of Officers

Sec. 42. All officers elected and appointed shall take an oath,
2 before some one authorized to administer oaths, that they will
3 support the constitution of this state, and will faithfully and
4 impartially discharge the duties of their respective offices to
5 the best of their skill and judgment; that they are not then
6 and will not during their term of office, in any way or manner
7 become pecuniarily interested directly or indirectly in any con-
8 tract with the city, in any franchise granted by it, or in the
9 purchase of supplies therefor. When the officer shall have made

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10 such oath in writing and filed the same with the city clerk and
11 shall have given the bond required of him, he shall be considered
12 as having qualified for the office to which he was elected or
13 appointed: *Provided*, That if any person so elected or appointed
14 shall not qualify for said office as herein prescribed, within
15 twenty days after he shall have been officially declared elected
16 or appointed thereto, said office shall *ipso facto* become vacant,
17 and said vacancy shall be filled in the same manner as other
18 vacancies therein are provided for in this act.

Bond of Officers

Sec. 43. The members of the board of affairs, city clerk,
2 municipal court clerk, treasurer, city solicitor, municipal judge,
3 health commissioner, chief of police and chief of fire department,
4 each shall, before entering upon the discharge of their respective
5 duties, give an official bond, conditioned for the faithful per-
6 formance of such duties as are prescribed in this act or any
7 ordinance now or hereafter passed, in amounts as follows:
8 The members of the board of affairs, five thousand dollars;
9 the treasurer, sixty thousand dollars; the city clerk, municipal
10 court clerk, municipal judge and city solicitor, three thou-
11 sand dollars, respectively; health commissioner, chief of police

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12 and chief of fire department, one thousand dollars respectively.

13 The council may require additional bond from any of said

14 appointive officers, and may likewise require bond, in whatever

15 sum that may fix, of any other appointive officer or employee.

16 All bonds of officers or employees shall, before their acceptance,

17 be approved by the council. The minutes of the meeting of

18 council shall show all matters touching the consideration or ap-

19 proval of all bonds, and when said bonds are approved and ac-

20 cepted, they shall be recorded by the city clerk in a well bound

21 book kept by him at his office for that purpose, which book

22 shall be open to public inspection; and the recordation of such

23 bonds as aforesaid shall be prima facie proof of their correct-

24 ness, and they, as so recorded, as well as copies thereof duly

25 attested by the city clerk under the seal of the city, shall be

26 admitted as evidence in all courts of this state. The city clerk

27 shall be the custodian of all bonds, except that given by him,

28 and as to it, the city treasurer shall be custodian. All bonds,

29 obligations or other writings taken in pursuance of any pro-

30 visions of this act, shall be made payable to "the city of Charles-

31 ton," and the respective persons, and their heirs, executors,

32 administrators and assigns bound thereby shall be subject to

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33 the same proceedings on said bonds, obligations and other writ-
34 ings, for the purpose of enforcing the conditions of the terms
35 thereof, by motion or otherwise, before any court of record held
36 in and for the county of Kanawha, that collectors of county
37 levies and their sureties are or shall be subject to on their bonds
38 for enforcing the payment of the county levies.

Sec. 34. Whenever for any reason the mayor shall be ab-
2 sent from the city, or unable to attend to the duties of his office
3 temporarily, the board of affairs shall designate another mem-
4 ber of the board of affairs to perform them during such absence
5 or inability, except those duties assigned to him as presiding
6 officer of the council, and in the absence or inability of the man-
7 ager to attend to the duties of his office temporarily, the board
8 of affairs shall designate some one to perform such duties:
9 *Provided*, That such temporary absence or inability shall not ex-
10 ceed thirty days, but if such absence or inability shall exceed
11 thirty days, then such appointment or designation shall be
12 submitted to the council, for confirmation or rejection. In the
13 absence or inability of any other appointive city official to per-
14 form the duties of his office, the person or body making the
15 original appointment, or his successor in office, shall designate

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16 some one to fill such office temporarily or if such absence or
17 inability extends over a period of sixty days, he may appoint
18 someone to fill such office permanently.

Boards Appointments

Sec. 45. The board of affairs shall appoint the city solicitor,
2 treasurer, the chief of police, humane officer, or officers, build-
3 ing inspector, collector, city auditor, engineer, health com-
4 missioner, jailer, municipal court clerk, municipal judge,
5 police matron, and a chief of the fire department and
6 these appointments shall not require any confirmation by the
7 council, but shall be made at the discretion of the board of af-
8 fairs who shall, with like discretion, have the full and complete
9 power of removal thereof.

10 The council shall appoint a city clerk. The board of affairs
11 shall appoint or employ such persons as the ordinances of the
12 city may require or the council may authorize by proper reso-
13 lution. All such officers shall be appointed for the term of two
14 years and until their successors are appointed and qualified,
15 unless they are removed in the way and manner in this act pro-
16 vided.

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

19 It shall be the duty of the board of affairs to see that all of
20 the laws and ordinances of the city are enforced and they shall
21 have a general supervision over the peace, health and good order
22 of the city.

23 The duties of the city solicitor shall be to attend the sessions
24 of the police court and council, and to prosecute all suits in
25 behalf of the city and defend all suits against the city, to
26 advise the board of affairs, council, and all of the departments
27 of the city and in general to look after the interests of the city
28 when it shall need legal services.

29 All fees of every kind collected by any officer or employee, in-
30 cluding the municipal judge when acting as a justice, shall be
31 paid to the city treasurer each day and a monthly report there-
32 of made to the board of affairs.

Franchises

Sec. 46. Franchises or permits granting the right of occu-
2 pancy of any portion of the streets or alleys for works of public
3 utility or other use, or granting any right or privilege, which
4 the city has the power to grant to individuals, firms or corpo-

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5 rations, in order that the latter may serve the public, may be
6 made only upon the following restrictions and conditions: Such
7 franchises, rights and privileges shall be granted only by ordi-
8 nance duly passed by the council.

9 No grant of any such franchise shall be made without, at the
10 time of making it, providing that the grantee shall indemnify
11 by ample and suitable bond the city against all damage caused
12 by construction, maintenance or operation of such works. Ad-
13 ditional provisions and conditions shall be made for the protec-
14 tion of the public against damage or inconvenience by reason
15 of the construction, maintenance or operation thereof.

16 No grant of a franchise for the extension of or an addition
17 to any line or work of public service through, over or under
18 any additional street or territory of the city, shall be made for
19 a period extending beyond the time limit for the expiration of
20 franchise of the principal work of which it is an extension and
21 if the franchise of the principal work is one granted before this
22 act goes into effect and not limited as to time, any franchise
23 granted for an extension or addition thereto shall nevertheless
24 be made subject to the conditions thereof, including a time limit
25 for a period not exceeding twenty-five years. All franchises

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26 hereafter granted shall embody therein a plainly expressed
27 condition, where the franchise is for work to be useful chiefly
28 to the citizens of the city, that at the expiration of such fran-
29 chise or certain periods therein mentioned, the grantee shall,
30 if required by the governing body of the city, sell to the city the
31 plant at its actual value, exclusive of any value for the franchise
32 granted by the city or its earning capacity or productive worth,
33 and no exclusive franchise shall be granted.

34 If the city and the owner of the plant cannot agree upon its
35 worth, then the value shall be ascertained by an impartial arbi-
36 tration, one arbitrator to be selected by the city, one by such
37 owner of the plant, these two to select a third and the decision
38 of any two to be binding upon both parties, and if they shall fail
39 for a period of thirty days to select such third arbitrator, then
40 either party may apply to the judge of the circuit court of
41 Kanawha county who shall then appoint such third arbitrator.

42 No franchise shall be granted without the affirmative vote of
43 two-thirds of all the members elected to said council, and at
44 least three members of the board of affairs, and said vote shall
45 be recorded.

Sec. 47. When any franchise, permit or license granting the

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2 rights to use the streets, alleys, or public grounds, shall be
3 applied for, the application or petition shall be advertised in
4 two newspapers, published in said city, thirty days before
5 the same shall be heard and determined by the council; and any
6 ordinance granting such rights and franchises shall, on the pe-
7 tition of ten per cent of the votes cast for all candidates for the
8 office of mayor at the last preceding election, be submitted to the
9 voters at a special election, for adoption or rejection, which shall
10 be by a majority of the votes cast; said election to be held and
11 conducted as other municipal elections are held; except that all
12 of the expenses of said election shall be borne by the party or
13 corporation desiring said rights and franchise.

14 All such ordinances shall protect the interests of the city, as
15 provided herein, as well as such additional conditions, compen-
16 sations or limitations as council may prescribe.

Sec. 48. The city council shall have the right to appoint such
2 committees of its own body as it may deem proper, and may give
3 such committees power and authority to perform any duties and
4 make any reports to council concerning the duties of council, and
5 council may adjourn its meetings from time to time, pending
6 the consideration of any matter except as hereinbefore provided,

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7 franchise or ordinance, and may postpone the announcement of
8 any vote to an adjourned meeting or to a future meeting.

Ordinances

Sec. 49. The style of all ordinances enacted by the council
2 shall be "Be it ordained by the council of the city of Charles-
3 ton."

Sec. 50. No ordinance shall be passed, except by bill, and no
2 bill shall be so amended in its passage as to change its original
3 purpose. All bills must be in writing and read in full when
4 presented at a regular or special meeting of council, and except
5 in case of emergency and when so authorized by a vote of four-
6 fifths of the members elected, taken by yeas and nays, no bill
7 shall be considered for final passage at the meeting at which it
8 is introduced; but at any subsequent regular or special meeting
9 bills may be taken up for consideration and final action. No bill,
10 except in case of emergency evidenced by a vote of four-fifths
11 of the members of council elected shall be considered for final
12 passage unless the same has been referred to a committee for
13 report. All amendments made by a committee to a bill shall be
14 reported to council and incorporated in said bill, and before
15 final action on said bill, the bill with any amendments shall be

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16 fully and distinctly read, after which reading, whether at the
17 meeting at which the bill is reported or a subsequent meeting,
18 the bill may be considered for final action. No bill shall become
19 an ordinance unless on its final passage the vote be taken, the
20 names of the members voting for and against the same be entered
21 of record in the minutes of council, and a majority of all members
22 elected recorded thereon as voting in its favor. Bills referred to a
23 committee may be withdrawn therefrom at any subsequent meet-
24 ing for present consideration by an affirmative vote of a majority
25 of the members of council present. No bill except general appro-
26 priation bills, which may embrace the various subjects and ac-
27 counts for and on account of which moneys are appropriated,
28 and bills fixing the annual salaries of officers and employees of
29 the city, and bills, providing for the paving or improving of
30 streets, or construction of sewers, shall contain more than one
31 object and that shall be expressed in the title, but if any object
32 shall be embraced in an ordinance which is not so expressed the
33 ordinance shall be void only as to so much thereof as shall not
34 be so expressed. No ordinance shall be revised or re-enacted
35 by mere reference to the title thereof, but the same shall be set
36 forth at length as if it were an original ordinance, nor shall

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37 any ordinance be amended by providing that designated words
38 thereof be stricken out and others inserted in lieu thereof, but
39 the ordinance or sections amended shall be set forth in full as
40 amended. All ordinances in force at the time this act goes into
41 effect, not inconsistent herewith, shall remain in full force until
42 altered or repealed as herein provided, and all rights, actions,
43 prescriptions and contracts of the city not inconsistent there-
44 with shall continue to be valid as if this act had not been passed.

45 Any ordinance heretofore passed which may be void on ac-
46 count of failure of council to properly observe any provisions
47 of the charter of the city of Charleston or ordinances in force
48 at the time said ordinance was passed shall so far as it may
49 affect the validity of any paving or sewer assessments hereto-
50 fore laid, be in full force and effect until repealed or amended,
51 the same as if legally passed. No ordinance of the council shall
52 take effect until the expiration of five days after its final passage,
52-a unless the council shall by a vote of three-fifths of its members
53 elected taken by yeas and nays, otherwise direct. It shall be the
54 duty of the city clerk to make publication of the caption or title
55 of every ordinance in a newspaper of general circulation in the

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56 city of Charleston within five days after its passage, but failure
57 so to do shall not affect the validity of any such ordinance.

58 Resolutions and orders of council other than ordinances may
59 be considered for final passage at the meeting at which they are
60 proposed, and shall, unless otherwise provided therein, be in
61 force and effect from and after their passage.

Sec. 51. All ordinances passed shall be spread in extenso
2 upon the records of the council when adopted. The council shall
3 also provide a well-bound book designated as "Ordinance Rec-
4 ord," in which shall be copied by the city clerk all ordinances,
5 in the order in which they are passed, which ordinances, when
6 so copied, shall be compared with the originals by the mayor
7 and shall be signed by him when found correct. Such books
8 shall be indexed so as to show in brief form the substance of the
9 ordinance, and shall be received by all courts and justices in
10 this state as evidence, but the council may adopt by ordinance
11 properly designating and describing it, a code of laws and
12 ordinances, which when adopted shall be printed in book form,
13 or said council may designate any committee, or attorney, or
14 the city solicitor to prepare a code of ordinances for the govern-
15 ment of the city of Charleston, and said council may by ordi-

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16 nance adopt the code so prepared as a whole, and when said
17 ordinance adopting said code shall have been passed by the
18 council, the said code shall be and become the law and ordi-
19 nances of said city, and may be printed by order of the council,
20 and the same shall be so received as evidence of what is printed
21 therein, until errors or omissions be affirmatively shown therein.

Sec. 52. All persons elected or appointed to the office named
2 in this act shall be conservators of the peace within said city,
3 and they, and any other officer provided for under this act, may
4 be given authority of police officers by the council, or board of
5 affairs.

Municipal Judge

Sec. 53. The municipal judge shall be ex officio a justice and a
2 conservator of the peace, and with authority to issue process for
3 all offenses committed within the police jurisdiction of the city of
4 Charleston, of which a justice of the peace has jurisdiction under
5 state statutes, and for all violations of any city ordinances, and
6 shall have charge of and preside over the municipal court of
7 such city; and may commit persons charged with felony or mis-
8 demeanor to jail or take bond for their appearance before the
9 grand jury of the circuit, intermediate or other courts of Kan-

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10 awha county; he shall keep an accurate record of all his judicial
11 proceedings in said court, showing the style of each case, which
12 record shall be indexed and numbered. It shall be his duty to
13 hold daily sessions of his said court, Sunday excepted. Before
14 trying any person charged with any violation of any state law or
15 ordinance a warrant specifying the offense or violation charged
16 shall be issued as herein provided and the municipal judge shall
17 render judgment in any case as the law of the state or the
18 ordinance of the city applying thereto may require; he shall also
19 have the power to issue executions for all fines, penalties and
20 costs imposed by him and he may require immediate payment
21 thereof, and in default of such payment, may commit the party
22 so in default to the jail of the city of Charleston or of the county
23 of Kanawha, or other place of imprisonment in said city, until
24 the fine and penalty and costs shall be paid or satisfied, to be
25 employed during the term of imprisonment as hereafter pro-
26 vided, but for the violation of city ordinance the term of im-
27 prisonment in any such case shall not exceed thirty days, and in
28 all cases where a person is sentenced to imprisonment or to the
29 payment of a fine of ten dollars or more, such person shall be
30 allowed an appeal from such decision to the intermediate court

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31 of said Kanawha county upon the execution of an appeal bond,
32 with surety deemed approved by the said municipal judge or
33 municipal court clerk in a penalty double the amount of the
34 fine and costs imposed by said judge, conditioned that the person
35 proposing to appeal will appear before the intermediate court
36 of Kanawha county on the first day of the next term thereof to
37 answer for the offense wherewith he is charged and not depart
38 thence without leave of the court and to satisfy all costs and
39 fines imposed against him; and in no case shall judgment for a
40 fine of less than ten dollars be given by the municipal judge if
41 the defendant, his agent or attorney object thereto. When the
42 judgment on appeal is against the appellant for any sum of
43 money, judgment shall be rendered by the intermediate court
44 against the appellant and those who signed the appeal bond as
45 surety thereon. Before said municipal judge or clerk shall ac-
46 cept any natural person as surety upon any bond or recognizance
47 under the provisions of this section, such surety shall furnish a
48 certified statement of the clerk of the county court of any
49 county in this state in which such surety owns real estate, and
50 shall also file an affidavit, the form of which may be prescribed
51 by the municipal judge, showing the bonds and recognizances

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52 upon which he is then surety and the amount of each bond or
53 recognizance. If the amount of such bond or recognizances, to-
54 gether with other bonds and recognizances as shown by the
55 affidavit aforesaid, exceeds in amount the assessed value of the
56 surety's property as shown by the certificate of the clerk of the
57 county court, or if any such bond or recognizance theretofore
58 given, by such surety be forfeited and unsatisfied, then such
59 surety shall be disqualified; and if any bond or recognizance be
60 accepted and it subsequently appears that the surety thereon
61 is disqualified then such bond shall be declared void by the
62 municipal judge and the person whose appearance in the inter-
63 mediate court of Kanawha county and whose payment of fine
64 and costs are thereby secured may be forthwith apprehended
65 and held in the city jail until a proper bond of recognizance is
66 given: *Provided, however,* That whenever any surety is offered
67 less than one hour before the county clerk's office is closed or
68 after it is closed, surety shall make an affidavit that he owns real
69 estate in Kanawha county to an assessed value above encum-
70 brances thereon, of at least double the amount of bond required.
71 Any person making or procuring to be made a false statement
72 in any such affidavit, with intent to deceive said municipal

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73 judge, shall be guilty of perjury. If such appeal be taken, the
74 warrant of arrest, the transcript of the judgment, the appeal
75 bond and other papers of the case shall be forthwith delivered
76 by the said judge to the clerk of the intermediate court and the
77 court shall proceed to try the case as upon indictment or pre-
78 sentment and render such judgment, including that of costs, as
79 the law and the evidence may require.

80 On appeals from said municipal court the intermediate court
81 of Kanawha county shall be governed by the same principles
82 with respect to the forfeiture of bonds and recognizances, and
83 the issuance and execution of capiases and writs of feiri faciasas
84 prevail in cases in which the state is a party.

85 The expense of maintaining persons committed to the jail of
86 the county by such municipal judge shall be paid by the city.
87 The municipal judge shall account for and pay over the amount
88 of all fines collected by him weekly to the treasurer of the city
89 and shall make monthly reports thereof, and of all other matters
90 pertaining to his office to the council of said city.

Sec. 54. The municipal judge shall be an attorney of at least
2 five years practice at law and shall have attained the age of
2-a twenty-eight years at the date of the beginning of his term of

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3 service and shall have been a resident of this state for the period
4 of ten years and of the city of Charleston previous to the begin-
5 ning of his term of service for the period of five years. He shall
6 not appear as counsel in any criminal case in any court during
7 his term of service. In the absence of, or in case of the inability
8 of the municipal judge to perform his duties, the municipal
9 court clerk shall act as municipal judge in his stead, and in the
10 event that neither the municipal judge nor the municipal court
11 clerk can for any cause perform such duties, then the mayor
12 shall act as municipal judge. The official bond of a justice of
13 the peace shall not be required of the municipal judge.

Police Arrests—Bonds, Etc.

Sec. 55. In all cases of arrest by the police of the city, except
2 in cases of murder and rape, the person arrested shall have the
3 absolute right to give a reasonable and proper bond for his ap-
4 pearance at police court for a trial of his case, and the municipal
5 judge, city clerk, municipal court clerk, mayor, chief of police
6 and the desk sergeant in charge of police headquarters, shall
7 have the power, and it shall be their duty to accept such bond
8 from such person so arrested and upon the giving of such bond
9 he shall be released, and it shall be their further duty to per-

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10 mit such person arrested to communicate in any reasonable way
11 with any person or persons with whom he may desire to have
12 communication in reference to his giving bail in order to obtain
13 his release, and each of said officers and all policemen shall
14 render reasonable aid in assisting such person arrested to com-
15 municate with any person that he may desire for the purpose of
16 securing such bail. In case one so arrested fail to give bond as
17 aforesaid, the municipal judge, or if said judge be not then
18 sitting, either of the officers named may order such person com-
19 mitted to the city jail for safe keeping until the trial of his case.

Sec. 56. The board of affairs, or a member thereof, designated
2 by the board of affairs, and acting for the board of affairs of
3 said city shall have authority to abate and remove all nuisances
4 in said city. They or he may compel the owners, agents, as-
5 signees, occupants or tenants of any lot, premises, property,
6 building or structure, upon or in which any nuisance may be, to
7 abate and remove the same by orders therefor, and the council
8 shall by ordinance provide a penalty for the violation of such
9 orders. Council may by ordinance regulate the location, con-
10 struction, repair, use, emptying and cleaning of all water closets,
11 privies, cesspools, sinks, plumbing drains, yards, lots, areaways,

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12 pens, stables and other places, where offensive, unsightly, un-
13 wholesome, objectionable or dangerous substances or liquids are,
14 or may accumulate, and provide suitable penalties for the vio-
15 lation of such regulations, which may be enforced against the
16 owner, agents, assignees, occupant or tenant of any premises,
17 or structure where such violation may occur. It shall be the
18 duty of all police officers to report to the board of affairs the facts
19 as to the existence of any nuisance known to them.

20 If the owner, agent, tenant, assignee or occupant of any such
21 premises, lot, property, building or structure, as is mentioned
22 herein, shall fail or refuse to abate or remove any such nuisance,
23 as mentioned herein, or to comply with the provisions of any
24 such ordinance and the regulations herein contained, the board
25 of affairs or such member designated by it for the purpose, may
26 have said nuisance abated or the provisions of said ordinance or
27 ordinances carried out, after reasonable notice to said owner,
28 occupant, tenant, agent or assignee of their or his intention so
29 to do, and collect the expenses thereof, with one per centum
29-a per month interest added from the date of said notice, from
29-b the said owner, occupant, tenant, agent or assignee, by distress
29-c or sale, in the same manner in which taxes levied upon real

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30 estate for the benefit of said city are herein authorized to be
31 collected, and the expense shall remain a lien upon said lot, or
32 part of lot, the same as taxes levied upon real estate in said
33 city; which lien may be enforced by a suit in equity before any
34 court having jurisdiction, as other liens against real estate are
35 enforced. In case of non-resident owners of real estate such
36 notice may be served upon any tenant, occupant, assignee or
37 rental agent, or by publication thereof once a week for not less
38 than two consecutive weeks in two newspapers of opposite
39 politics, published in said city.

40 And in all cases where any tenant, occupant or agent is re-
41 quired to abate and remove any nuisance under the provisions of
42 this section, or comply with the provisions of any such ordi-
43 nance as is mentioned herein, the expense thereof may be de-
44 ducted out of the accruing or accrued rent of said property of
45 amount due said owner from said agent, and such tenant occu-
46 pant or agent may recover the amount so paid from the owner,
47 unless otherwise especially agreed upon.

48 Any expense incurred by the board of affairs, or any member
49 thereof designated by it, as herein provided, in the manner afore-
50 said, may be collected in the manner herein provided, notwith-

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51 standing the imposition of any other penalty or penalties upon
52 any of the persons named herein, under any of the provisions
53 of this act. The abatement or removal of any such nuisance
54 by the city at the expense of said city, as herein provided, shall
55 be prima facie proof that the said notice to the owner, occupant,
56 agent or assignee was given as herein prescribed.

Abatement of Nuisances

Sec. 57. The board of affairs, or any member thereof desig-
2 nated by the board of affairs for the purpose, and acting for
3 the board of affairs, may require all owners, tenants or occupants
4 of improved property which may be located upon or near any
5 street or alley along which may be extended any sewer or system
6 of sewerage, which the said city may construct, own or control,
7 to connect with such sewer, or system of sewerage, all privies,
8 ponds, water closets, cesspools, drains or sinks, located upon
9 their respective properties or premises, so that their contents
10 may be made to empty into such sewer or system of sewerage.

Sidewalks

Sec. 58. The council shall have the right and authority to
2 establish the width of any sidewalk on any street, alley or
3 public square, or any portion thereof in said city, to cause to

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4 be put down a suitable curb of brick, stone or other material
5 along for the footways and sidewalks of the streets, alleys or
6 public squares or portion thereof, and to order the construction,
7 re-laying and repair of sidewalks and gutters of such material
8 and width, and in such manner, as the council may reasonably
9 prescribe by the owners or occupiers of the lots or parts of lots
10 facing upon said streets, alleys and public squares; and in
11 case of a failure or refusal of any such owner or occupiers of
12 the lots or parts of lots to construct, re-lay or repair such side-
13 walks and gutters, when required, it shall be lawful for the
14 council to have such sidewalks and gutters constructed, re-
15 laid or repaired, and levy and collect the expense thereof, with
16 one per centum per month interest added after a demand of
17 thirty days has been made by the treasurer of the city from the
18 said owner, owners, occupier, occupiers or any of them; and in
19 all cases of such assessment, whether for the construction, re-
20 laying or repairing of sidewalks or gutters, payment thereof
21 shall be made to the treasurer within thirty days after the com-
22 pletion of the work and demand made, and if not so paid the
23 city is hereby authorized to collect or cause to be collected the
24 expense thereof, with one per cent per month interest added

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25 after the work has been completed and a demand of thirty days,
26 and they shall have the power to collect, or cause to be collected,
27 the same from said owner, owners, occupier or occupiers or any
28 of them, by distress and sale, in same manner in which taxes
29 levied upon real estate for the benefit of the said city are herein
30 authorized to be collected, and in addition there shall be a lien
31 upon the real estate against which such assessment has been
32 levied for the construction, relaying and repairing of sidewalks
33 and gutters as herein provided, which lien may be enforced by
34 a suit in equity before any court having jurisdiction, as other
35 liens against real estate are enforced, and it shall be the duty
36 of the city clerk to cause to be certified to the clerk of the county
37 court of Kanawha county the order laying an assessment au-
38 thorized by this section. The clerk of the county court of
39 Kanawha county is hereby required to record and index such
40 assessments in the proper trust deed book in the name of persons
41 against whose property assessments appear therein: *Provided,*
42 *however,* That a reasonable notice shall first be given to said
43 owner or occupier or agent, that they are required to construct,
44 relay or repair such sidewalks or gutters. In case of non-
45 residents who have no known agent in said city, such notice

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46 may be given by publication for a period not less than once a
47 week for two consecutive weeks in any newspaper printed in
48 said city; and in all cases where a tenant shall be required to
49 construct, re-lay or repair sidewalks or gutters in front of the
50 property of his or her occupancy, the expense of such construc-
51 tion of re-laying or repairing may be deducted out of the accru-
52 ing rent of said property, and he may recover the amounts paid
53 from the owner; unless otherwise especially agreed upon. The
54 laying or construction of any such sidewalks by said city shall
55 be prima facie proof that the said notice to the owner (resident
56 or non-resident) or occupier, or their agent, was given as herein
57 required.

Tax Levies

Sec. 59. The council shall ascertain the total expenses of the
2 city to be provided for by levy for the fiscal year in which said
3 levy is made, and it shall make a detailed itemized estimate of
4 the sum of money necessary to pay interest accruing on the
5 bonded indebtedness of said city, the amount required for the
6 several sinking funds for the reduction of the principal thereof,
7 the amounts necessary for the support of the various depart-
8 ments of the city and for the improvements of its streets, alleys,

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9 avenues and public grounds, real and personal property, con-
10 tingent expenses and other expenses, together with an itemized
11 statement of the estimated receipts other than that to be de-
12 rived by the annual levy, and after receiving such estimates,
13 and before making the levy, it shall apportion the rate thereof,
14 including the estimated receipts from licenses and all other
15 sources among the several funds so ascertained and provided for,
16 which apportionment shall be spread upon the records of this
17 city, and in making said estimate, providing for the revenue
18 for the fiscal years, etc., it shall be the duty of the council to
19 strictly observe all the provisions of the laws of the state of West
20 Virginia now existing or which may hereafter be enacted, re-
21 specting the assessment of property for taxation, or the collec-
22 tion of taxes therefrom.

Sec. 60. The council shall have authority to levy and collect
2 an annual tax on real estate and personal property in said city
3 and to impose a license and assess a tax on all dogs kept within
4 the city and to impose a tax upon all other subjects of taxation
5 under the several laws of the state, which shall be uniform with
6 respect to persons and property within the jurisdiction of said
7 city, and shall only be levied on such property, real, personal

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8 and mixed, on which the state imposes a tax: *Provided*, That
9 with the exception of the special levies authorized by law, no
10 greater levy shall be laid by said council on the taxable property
11 of said city than by the constitution and the laws of this state
12 now existing or may be hereafter enacted: *And provided, further*,
13 That the council shall, in making such levy, be subject to all
14 provisions of chapter eleven of the code of West Virginia and
15 section one of article ten of the constitution of West Virginia as
16 now amended. There shall be a tax of two dollars annually as-
17 sessed on each and every male inhabitant of said city over the
18 age of twenty-one years who is subject to a capitation tax under
19 the laws of the state of West Virginia, which shall be collected
20 by the assessor at the same time and in the same manner as is
21 provided for in the collection of state road and state school
22 capitation tax, and for such services said assessor shall be en-
23 titled to receive the same compensation and fees as is provided
24 for in the collection of said state road and state school capita-
25 tion tax.

City Taxes

Sec. 61. The city taxes annually levied by the council shall be
2 collected as follows: Immediately after the annual levy for

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3 city taxes is laid the council shall transmit a copy of said levy,
4 including therein the proper capitation taxes and any paving
5 or sewer assessments that may be due, to the sheriff of Kanawha
6 county, who shall proceed with their collection in the same
7 manner and with the enforcement of the same penalties as is
8 provided by law for the collection of the county and state
9 taxes.

10 The sheriff shall have the power to collect any city claims that
11 may be placed in his hands by the council for collection except
12 that fines imposed by the municipal judge may not be collected
13 by him.

14 The council shall allow such compensation to the sheriff for
15 the collection of said taxes as may reasonably be required for
16 any additional duties that may be involved upon his office by
17 reason of such collection.

Sec. 62. All goods and chattels belonging to a person, firm,
2 corporation or estate, assessed with any city taxes, whether the
3 same be a capitation tax or a tax upon real estate or personal
4 property or an assessment for paving or other improvements,
5 shall be liable for said tax, and may be distrained therefor in
6 whosoever's possession they may be found, and the sheriff

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7 shall have the same power to collect said tax or assessment from
8 any person owing a debt to or having in his possession any
9 estate belonging to a person assessed with any tax or assessment
10 of any kind that he has to collect state taxes in such cases.
11 The sheriff may distrain and sell for all city taxes and assess-
12 ments and in all respect have the same power to enforce the
13 collection thereof as he has to enforce the collection of state
14 taxes.

Sec. 63. There shall be a lien upon all real estate within said
2 city for the city taxes assessed thereon, including such penal-
3 ties added thereto for non-payment thereof as are prescribed
4 by this act, from the first day of January of the year in which
5 said taxes are assessed. Said liens may be enforced by appro-
6 priate suit in any court of record in Kanawha county: *Pro-*
7 *vided*, That such suit be instituted within five years from the time
8 the said liens attached as herein provided, and such suit may
9 either be instituted by and in the name of the city of Charles-
10 ton as plaintiff, or said city may intervene by petition in any
11 suit pending to sell or enforce liens against any real estate which
12 is subject to such lien for said taxes. The liens herein created

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13 shall have priority over all other liens except those for taxes
14 due the state.

Sec. 64. Said liens for city taxes and attendant penalties
2 may also be enforced by certifying the same to the clerk of the
3 county court of Kanawha county for certification to the state
4 auditor, and the same may be certified down by said auditor,
5 and sold for taxes, interest, penalties and commissions thereon,
6 in the same manner, at the same time, and by the same officer
7 as real estate is sold for taxes, interest, damages, cost and com-
8 missions due the state thereon, which officer shall account there-
9 for on settlement with the city and pay over the same to the
10 treasurer of the city.

Sec. 65. No taxes or levies shall be assessed upon or collected
2 by the city from the taxable persons or property within the cor-
3 porate limits of said city, for the construction, improvement or
4 keeping in repair of roads, or for the support of the poor of
5 Kanawha county, outside of said corporation limits, for any year
6 in which it shall appear that said city shall at its own expense
7 provide for its own poor and keep its own roads, streets, sewers
8 and bridges in good order. And neither the county court of
9 Kanawha county, nor the authorities of the district in which

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10 said city is situated, shall have or exercise jurisdiction within
11 the corporate limits with relation to the roads, streets, alleys,
12 bridges, wharves, docks or ferries, but the same shall be and re-
13 main under the exclusive jurisdiction and control of the munici-
14 pal authorities of said city, and said city shall be liable only for
15 the construction, improvement, repair and good order of the
16 roads, streets, sewers, alleys, wharves and bridges in its corpo-
17 rate limits, except that the county of Kanawha may become a
18 joint owner and controller with the city of Charleston in a
19 bridge or bridges across Kanawha river or Elk river.

City Treasurer

Sec. 66. It shall be the duty of the treasurer of the city to
2 keep all funds of the city in some bank or banks within said city,
3 which shall pay interest on such deposits and which shall pay
4 interest on the average daily balance of such funds in all ac-
5 counts of the per cent equal to that paid by state depositories
6 on all funds of the state of West Virginia and in the same man-
7 ner and at the same time. If no bank within the city is willing
8 at any time to receive deposits of the treasurer and to pay such
9 interest thereon, the treasurer shall report this fact to the coun-
10 cil, who shall thereupon designate a bank or banks in which he

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11 shall deposit said funds for the time being and until some bank
12 in said city will receive such deposits on such terms. Before re-
13 ceiving any such deposits such bank or banks shall give bond in
14 such penalty as the council shall prescribe, and with securities
15 to be approved by said council, conditioned for the prompt pay-
16 ment, whenever lawfully required, of all the city moneys or
17 parts thereof which may be deposited with them, which bond
18 shall be renewed at such times as the council may require.

Municipal Bonds

Sec. 67. The city of Charleston is hereby authorized to issue
2 and sell bonds of said city, for the purposes of buying and build-
3 ing bridges, electric light plants, water works, gas lines and
4 fields, and other public utilities; and for the purpose of acquir-
5 ing and providing land for public parks, public streets, avenues
6 and alleys, airports and other public grounds, and acquiring or
7 assisting in acquiring property to be donated, dedicated or con-
8 veyed to, or otherwise vested in, the state of West Virginia, as
9 a site for a state capitol and other public buildings, which do-
10 nation, dedication and conveyance are hereby authorized to be
11 made, and also to provide ground for and erect an incinerator
12 plant or garbage crematory, or other plant or means for the

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13 disposal of garbage and refuse; and such bonds shall be sold
14 for not less than par, and payable in a period not to exceed
15 thirty-four years and shall bear interest not to exceed six per
16 cent per annum; and in the issuance and sale of said bonds the
17 city shall be governed by all the restrictions of the constitution
18 of this state and the statutes of this state, with respect to the
19 issuance and sale of other bonds: *Provided*, That said city shall
20 not, by the sale or issue of bonds for the purposes above men-
21 tioned, cause the aggregate of its indebtedness, of every kind
22 whatever, to exceed five per centum of the value of the taxable
23 property therein, but may for the above purposes issue bonds
24 to the maximum limit of said five per cent; nor shall said city
25 make such issue and sale of bonds without, at the same time,
26 providing for the collection of a direct annual tax sufficient to
27 pay annually the interest on the same, and a sinking fund to
28 pay the principal within the time for which the said bonds shall
29 be issued.

Bonds for Paving and Sewering

Sec. 68. The city of Charleston is hereby authorized to issue
2 and sell bonds of said city, for the purpose of paying the city's
3 part of the cost of grading, curbing, paving, sewerage or other-

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4 wise improving the avenues, streets, roads and alleys of said
5 city, and for the purpose of providing funds to cover all or any
6 part of the cost of grading, curbing, paving or sewerage that
7 may be assessed against abutting property owners in the man-
8 ner provided for by law; and said city is hereby given full
9 power to employ the proceeds of such bonds in the purchase of
10 paving certificates or other permanent improvement certificates
11 issued under the provisions of the charter and made liens or as-
12 sessments against real estate in said city, at not to exceed their
13 par value, and may hold and collect or otherwise dispose of the
14 same: *Provided*, That said city shall not by the sale or issuance
15 of bonds for the purposes above mentioned, cause the aggregate
16 of its indebtedness, of every kind whatever, to exceed five per
17 centum of the value of the taxable property therein.

18. The proceeds of any bond issue, authorized under this section,
19 shall be set aside as a separate fund, and all special assessments
20 covering improvements, the cost whereof has been advanced
21 out of this fund, shall be paid into and become a part of said
22 special fund and be used for the same purpose and in the same
23 manner as the proceeds of said original fund.

24 This fund shall continue to be used for the purposes men-

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25 tioned herein, until such time as the city's part of the cost of
26 grading, curbing, paving, sewerage or otherwise improving the
27 avenues, streets, roads or alleys of the city equals the original
28 proceeds of the bond issues authorized for the purposes men-
29 tioned herein. The issuance and sale of bonds, authorized by
30 this section, shall be governed by all of the restrictions of the
31 constitution of this state and statutes of this state with respect
32 to the issuance and sale of other bonds of said city. No issuance
33 and sale of bonds, under this section, shall be made, unless at the
34 same time provision is made for the collection of a direct annual
35 tax, sufficient to pay the annual interest on the same and create
36 a sinking fund to pay the principal within the time for which
37 said bonds shall be issued. The direct annual tax, provided
38 for in this section, shall be set aside as a separate fund, to be
39 known as an interest and sinking fund. All interest collected
40 on special assessments authorized or referred to in this sec-
41 tion shall be placed in and become a part of said special interest
42 and sinking fund, until the principal and interest of said
43 bonds are paid.

44 Whenever, in the opinion of the council, the special improve-
45 ment fund created by this section, or any part thereof, is no

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46 longer needed the council may order or direct that said special as-
47 sessments when collected, be applied to retiring such of the
48 bonds provided for herein, as may be outstanding at that time.

Sec. 69. The city of Charleston is hereby authorized to issue
2 and sell the bonds of the said city for the purpose of providing
3 for grading, paving and otherwise improving the streets and
4 alleys of said city or constructing sewers for the proper drain-
5 age of same in anticipation of special assessments to be made
6 upon the property abutting upon the streets and alleys so im-
7 proved, or property so sewered or drained, and such bonds may
8 be in such an amount as shall be sufficient to pay the entire
9 estimated cost and expense of said improvements, for which
10 such special assessments are levied: *Provided*, That the price
11 for which said bonds are sold shall not be below **par value**
12 thereof, said bonds may be payable in groups of one-fifth of
13 the whole issue payable in two, four, six, eight and ten years
14 respectively, and all payable in not to exceed ten years from
15 the date of issue thereof, and shall bear interest at a rate not
16 exceeding six per centum per annum, payable annually; and in
17 the issuance and sale of said bonds, the city shall be governed by
18 all the restrictions and limitations of the constitution and stat-

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19 utes of this state and with respect to the issuance and sale of other
20 bonds, and the assessments as paid and provided for in this
21 act shall be applied to the liquidation of said bonds and the
22 interest thereon; and if by reason of the penalties collected
23 with the delinquent assessments, there be any balance after the
24 payment of said bonds and all accrued interest and costs, the
25 said balance shall be turned into the city treasury to the credit
26 of the interest and sinking fund of the city.

27 *Provided*, That said city shall not by the sale or issue of such
28 bonds cause the aggregate of its debt of every kind whatsoever
29 to exceed five per centum of the value of taxable property
30 therein: *And, provided, further*, That nothing herein contained
31 shall be construed as authorizing said city to become indebted in
32 any other manner or for any other purpose, to an amount in-
33 cluding the existing indebtedness in the aggregate exceeding
34 two and one-half per centum on the value of the taxable property
35 therein (as provided in chapter fifty-one of the acts of one
36 thousand nine hundred and five) except for the purpose of
37 grading, paving, sewerage and otherwise improving the streets
38 and alleys of said city and as provided for in this act, and except
39 for the purpose of buying or building bridges, electric light

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40 plants, water works, gas lines and fields and other public utili-
41 ties; nor shall they make such issue and sale of bonds for grad-
42 ing, paving, sewerage and improving the streets and alleys of
43 said city without, at the same time, providing for the collection
44 of a direct annual tax sufficient to pay annually the interest
45 on such debt and principal thereof within a period not ex-
46 ceeding ten years.

47 All assessments, interest and penalties thereon, collected from
48 the abutting property owners, on account of grading, paving,
49 sewerage or otherwise improving the streets and alleys of such
50 city under the provisions of this act, shall annually be applied
51 to the annual tax required to pay the interest on such debt
52 and such principal within and not exceeding said period of ten
53 years and in the event that the assessments, interest and pen-
54 alties so called do not amount to a sum sufficient to pay annually
55 the interest on such debt, said city shall collect so much of said
56 levy as will pay annually the interest on such debt, and the
57 principal thereof within and not exceeding ten years.

Sec. 70. Whenever the council of said city shall deem it ex-
2 pedit to cause any street or alley in said city or portion
3 thereof to be paved, curbed or macadamized, or otherwise im-

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D. H. Rogers

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4 proved in a permanent manner, it shall order the work done in
5 the following manner and upon the following terms: The
6 contract for such paving or other improvements shall, after
7 due advertisement in which the council shall reserve the right
8 to reject any and all bids, be let to the lowest responsible
9 bidder. The contractor shall look only to the city for the pay-
10 ment of the work, and in no sense to the abutting land owners,
11 except as hereinafter provided. The total cost of grading and
12 paving or otherwise improving any such street or alley, with
13 the exception that where a street is occupied by the street car
14 tracks or other railways, such cost of opening or otherwise im-
15 proving the distance between the rails and two additional feet
16 outside of each rail, shall be borne and paid entirely by the
17 street car or other railway company operating such street or
18 other railway, (unless otherwise provided by the franchise of
19 such street car or other railway company granted previous to
20 the passage of this act), shall be borne by the owners of the
21 land abutting upon said street, alley or portion thereof, ac-
22 cording to the following plan, that is to say: Payment is to be
23 made by all land owners on either side of such portion of a
24 street or block so paved or improved in such portion of the

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25 total cost, less the portion, if any, chargeable to such street
26 or other railway company, as the frontage in feet of his land
27 so abutting bears to the total frontage of all lands so abutting
28 on such street, alley or portion thereof so paved or improved
29 as aforesaid.

Paving

30 When the paving of any street, or alley, or portion thereof
31 shall have been let to contract and the work done as hereinbe-
32 fore provided, it shall be the duty of the engineer of said city
33 to cause the several frontages abutting thereon to be measured,
34 and to calculate the assessment upon each and every land
35 owner so abutting and to certify the same to the council, show-
36 ing the proper amount to be determined, as provided in the
37 foregoing plan. It shall be the duty of the council to ex-
38 amine and compare such assessment, amounts and names so
39 certified to it, and thereupon give notice by publication once
40 a week for two successive weeks in a newspaper of general
41 circulation published in said city, that an assessment under
42 this act is about to be laid against the abutting property for
43 paving or improvements done on said streets, or alleys, de-
44 scribing the location of such paving or improvements, and any

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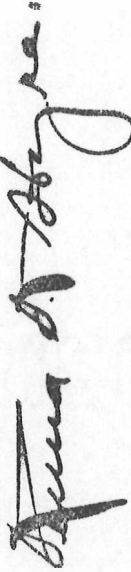
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45 owner or owners thereof shall have the right to appear be-
46 fore said council, within two weeks from the first publication
47 thereof, and move to correct an apportionment or assessment
48 excessive or improperly made as charged, which correction
49 said council shall have the power to make according to the in-
50 tent of this act, and if found to be correct or when corrected
51 by the council aforesaid, it shall enter the same, together with
52 a description of the lots of land as to location, frontage, depth
53 and ownership, so far as the same may be ascertained, upon its
54 records and to enter in its records that such owners and lots
55 be assessed and chargeable with the amount so ascertained to
56 be borne by them respectively; and when so approved, certi-
57 fied and entered on record, the same shall be and constitute an
58 assessment against said owners and lots for such respective
59 amounts. And it shall be the duty of the council to immedi-
60 ately certify such assessment to the treasurer for collection as
61 herein provided, and a copy of said order shall be certified by
62 the city clerk to the clerk of the county court of Kanawha
63 county, who shall record and index the same in the proper
64 trust deed book in the name of each person against whose
65 property assessments appear therein. The amount so assessed

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66 against said abutting land owners shall be paid in ten pay-
67 ments, as follows: That is to say, one-tenth of said amount,
68 together with interest on the whole assessment, shall be paid
69 into the city treasury, before the first day of May next after
70 said work is completed and said assessments have been certified
71 to the county clerk. And a like one-tenth, together with in-
72 terest for one year upon the whole amount remaining unpaid
73 on or before the first day of May in each succeeding year
74 thereafter until all has been paid, and each of said install-
75 ments of one-tenth beginning with the first, shall bear interest
76 on the amount of said installment at six per centum per annum
77 from the date of record of same in the county clerk's office
78 until paid: *Provided, however,* That any abutting owner so
79 liable for any portion of the cost of such paving shall have the
80 right at any time after the same is certified as aforesaid to
81 the treasurer for collection to anticipate the payment of any
82 or all of said assessments and shall be allowed to pay the face
83 of said assessments with interest at six per centum per annum
84 only from the time of recordation to the time of payment. To
85 each of such installments of assessments remaining unpaid
86 in the treasurer's hands on the day herein specified for the

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87 payment thereof, a penalty of ten per centum on the principal
88 sum shall be added and any assessment so remaining unpaid
89 in the treasurer's hands on such date, shall be taken up on
90 such settlement had with the treasurer on such dates, and there-
91 upon place such assessments with the penalty added thereto,
92 in the hands of the sheriff of Kanawha county to be treated and
93 considered, and payment thereof enforced in all respects as
94 hereinbefore provided for the collection of taxes due the city,
95 and they shall be a lien upon the property liable therefor the
96 same as for taxes, which lien may be enforced in the same man-
97 ner as provided for taxes. The lien hereinbefore provided for
98 shall have priority over all other liens except those for taxes
99 due the state and shall be on a parity with taxes and assess-
100 ments due the city, and shall be effective as of the date that the
101 assessments is laid by the council, but such lien shall be en-
102 forced only against the particular property abutting on said
103 improvement. Whenever all such assessments, for paving,
104 sewerage, macadamizing or other improvements shall be paid in
105 full to the treasurer, he shall deliver to the party paying the
106 same a release of the lien therefor which may be recorded in the
107 office of the clerk of the county court of Kanawha county or

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108 other releases of liens, and whenever any such assessment shall
109 not be in the hands of the treasurer for collection, but the same
110 shall be shown to the satisfaction of the city auditor or other
111 official performing the duties of auditor, to have been paid in
112 full or any officer entitled to receive the same, such auditor or
113 the mayor may in like manner execute such release.

Sewering

Sec. 71. Whenever the council shall order the construction of
2 any public sewer in said city, the owners of the property abutt-
3 ing upon any street in which such sewer shall be constructed,
4 shall be charged with and liable for sewerage assessments as
5 follows: When said sewer is completed the engineer of said city
6 shall report to the council in writing the total cost of such
7 sewer, and a description of the lots and lands as to the loca-
8 tion, frontage, depth and ownership liable for such sewer as-
9 sessment, so far as the same may be ascertained, together with
10 the amount chargeable against each lot and owner, calculated in
11 the following manner: The total cost of constructing and lay-
12 ing the sewer shall be borne by the owners of the land abutting
13 upon the streets, alleys, rights of way or easements or portions
14 thereof, in which the sewer is laid, according to the following

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15 plan: Payment is to be made by each land owner on either side
16 of such portion of a street, alley, right of way or easement in
17 which such sewer is laid, in such proportion as such frontage
18 of his land upon said street, alley, right of way or easement
19 bears to the total frontage of all lands so abutting on such street,
20 alley, right of way or easement: *Provided*, That the charge laid
21 against any owner or property shall not exceed three dollars per
22 lineal foot of frontage on each side of the portion of such
23 street, alley, right of way or easement in which any such sewer
24 is laid. In case of a corner lot, frontage is to be measured along
25 the longest dimension thereof abutting on such street, alley,
26 right of way or easement in which such sewer is laid. Any lot
27 having a depth of two hundred feet or more and fronting on two
28 streets, alleys, rights of way or easements, one in the front and
29 one in the rear of said lot shall be assessed on both of said
30 streets, alleys, rights of way or easements, if a sewer is construc-
31 ted in both such streets, alleys, rights of way or easements.
32 Where a corner lot has been assessed on the end it shall not be
33 assessed on the side, and where it has been assessed on the side,
34 it shall not be assessed on the end. Thereupon said council
35 shall give like notice by publication as is required in case of street

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36 paving assessments, and the same rights shall exist as to the per-
37 sons and property affected and the same duty as to corrections
38 by said council as are prescribed with reference to paving,
39 which report shall in like manner be examined by the council,
40 and if found to be correct, or corrected as aforesaid, and such
41 estimated assessments to be fair and equitable apportionment
42 of the cost of such sewer upon the basis hereinbefore described
43 it shall enter an order upon its records, setting forth such loca-
44 tion, depth, ownership and said amount of such sewer assess-
45 ments against each, respectively, calculated as aforesaid, and
46 the entry of such order shall constitute and be an assessment
47 for such proportion and amount so fixed therein against such
48 respective owners and lots, and if after such advertisements,
49 notice and hearing, said council shall find that such apportion-
50 ment at such rate is unjust or inequitable, and contrary to the
51 intent of this act, it shall ascertain, fix and assess the cost there-
52 of among and upon the abutting owners respectively, justly and
53 equitably and according to the intent hereof, and in like man-
54 ner, assess and enter the amount so fixed respectively upon its
55 records, and the council shall, in either event, thereupon certi-
56 fy the same to the treasurer for collection, and certify a copy

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57 of such order to the clerk of the county court of Kanawha
58 county, who shall record the same in the proper trust deed book,
59 and index the same in the name of each owner of any such lot so
60 charged with such assessment, and such assessment so made shall
61 constitute and be a lien upon said lots respectively, which shall
62 have priority over all other liens, except those for taxes due the
63 state, and shall be on a parity with other taxes and assessments
64 due the city. Said amounts so assessed against the said several
65 land owners shall be paid by the parties liable therefor to the
66 said treasurer at all times, in the manner and with the attend-
67 ant penalties for failure to pay promptly at the time prescribed
68 in all respects as hereinbefore provided in the case of as-
69 sessments for paving streets and alleys in a permanent manner,
70 and the parties liable therefor shall, in the same manner, and
71 to the same extent, have the right and be entitled to anticipate
72 any or all of such installments thereon as in such case provided.
73 The owners of, or the tenants, occupants or agents in control
74 of any lot abutting on or near or adjacent to any street, ave-
75 nue, alley, right of way or easement in said city, in which a pub-
76 lic sewer is or may hereafter be laid and constructed, upon which
77 lot any business or residence building is or may hereafter be

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78 erected, or upon which any water stands not connected with a
79 public sewer, may be required and compelled to connect any
80 such building or lot with such sewer. Notice to so connect may
81 be given to the owner, lessee, or occupant of such building. Each
82 day's failure to comply with such notice and connect with such
83 sewer by such owner or owners, ten days after such notice is
84 given, shall be a misdemeanor and a separate and new offense
85 under this section, and every such offense shall be punishable
86 by fine of not less than five nor more than twenty-five dollars.
87 The expense incurred by any tenant, occupant, or agent in com-
88 plying with the order of said council to make such sewer connec-
89 tion may be deducted out of the accruing rents as provided for
90 in the section or sections of this act relating to the abatement of
91 nuisances. Jurisdiction to hear, try, determine and sentence for
92 violation of this section is vested in the municipal court of such
93 city.

94 In the paving, curbing, macadamizing or otherwise improving
95 streets and alleys and providing for the assessment of the cost
96 thereof under this charter there may be included in any such
97 assessment the cost of constructing the necessary drains for the
98 disposal of surface water.

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Sec. 72. The council is authorized and empowered to order
2 and cause to be constructed, in said city, or part within and
3 part outside of the limits of said city, public, common, lateral,
4 branch, trunk and combined sewers or public sewer systems, or
5 both, by contract or direct by the city, for the benefit of said
6 city or any part thereof, and to purchase lands or easements
7 therein or to condemn lands or easements therein in the man-
8 ner provided by law, for such sewers or sewer systems, and
9 when the council shall order and complete the construction
10 of any such sewer or sewer system or any part thereof in said
11 city, the owners of the property abutting on such sewer or
12 abutting upon an avenue, street, alley, right of way or ease-
13 ment in which such sewer shall be constructed, or abutting
14 on any avenue, street, alley, right of way, easement in which
15 any common sewer, part of a sewer system, is constructed and
16 laid, may be charged with all or any part of the cost thereof,
17 including the cost of such sewer or sewer system at and across
18 intersections at avenues, streets, roads and alleys adjacent
19 thereto. If said work is let to contract, the provisions of the
20 charter of the city of Charleston relating to street paving con-
21 tracts shall apply.

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22 A sewer system shall be deemed to include all the common
23 sewers, whether they be lateral, branch, trunk or combined
24 sewers, which serve to drain a definite drainage area as speci-
25 fied in the order of the council directing the work to be done.

26 A common sewer shall be deemed to be a sewer in which all
27 abutters have equal rights of entrance and use.

28 A lateral sewer shall be deemed to be a sewer which does not
29 receive the sewage from any other common sewer.

30 A branch sewer shall be deemed to be a sewer into which the
31 sewage from two or more lateral sewers is discharged, includ-
32 ing storm and surface water sewers.

33 A trunk sewer shall be deemed to be a sewer into which the
34 sewage from two or more branch sewers is discharged.

35 A combined sewer shall be deemed to be a sewer intended
36 to receive domestic sewage and industrial wastes.

37 When said sewer or sewer system is completed the engineer
38 of said city shall report to the council in writing the total cost
39 of such sewer or sewer system, and a description of the lots
40 and lands as to the location, frontage, depth and ownership
41 liable for such sewer assessment, so far as the same may be as-
42 certained, together with the amount chargeable against each lot

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43 and owner, calculated in the following manner: The total cost
44 of constructing and laying the sewer or sewer system, including
45 the portions thereof laid in the intersections of streets and
46 alleys, shall be borne by the owners of the land abutting upon
47 the streets, avenues, alleys, rights of way or easements or por-
48 tions thereof in which the sewer or some part of the sewer sys-
49 tem, is constructed and laid; payment is to be made by each
50 land owner on either side of such portion of a street, alley,
51 right of way or easement in which a common sewer is laid,
52 in the proportion that the frontage of this land upon such por-
53 tion of said street, alley, right of way or easement in which
54 such sewer or sewer system is laid bears to the total frontage
55 of all lands so abutting on such street, alley, right of way or
56 easement; in which, the sewer or some part of the sewer sys-
57 tem is laid: *Provided*, That the charge laid against any owner
58 of property shall not exceed three dollars per lineal foot of
59 frontage on each side of such street, alley, right of way or ease-
60 ment in which any such sewer or part of a sewer system is
61 laid. In case of a corner lot, frontage is to be measured along
62 the longest dimension thereof abutting on such street, alley,
63 right of way or easement in which such sewer is laid, but if

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64 sewerred on both sides then such a corner lot is to be charged
65 only with the side first sewerred. Any lot having a depth of
66 two hundred feet or more and fronting on two streets, alleys,
67 rights of way or easements, one in the front and one in the
68 rear of said lot shall be assessed on both of said streets, alleys,
69 rights of way or easements, if a sewer is constructed on both
70 such streets, alleys, rights of way, or easements. Where a cor-
71 ner lot has been assessed on either or both ends, it shall not be
72 assessed on the side, and where it has been assessed on the side
73 it shall not be assessed on the end.

74 In the case of corner lots where the cost of sewerred along
75 one dimension is not assessed against the owner thereof, and
76 in case of lots less than two hundred feet deep abutting at
77 both ends on a street, alley, right of way or easement in which
78 a sewer is laid, the cost of sewerred along the dimension or
79 end not assessed against the property owner shall in every case
80 be borne by the city of Charleston.

81 Thereupon said council shall give like notice by publication
82 as is required in case of street paving assessments, and the
83 same rights shall exist as to the persons and property affected
84 and the same duty as to corrections by said council as are

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85 prescribed with reference to paving. The report of the city
86 engineer shall in like manner be examined by the council as are
87 prescribed with reference to paving, and if found to be correct
88 or corrected as aforesaid, and such estimated assessments
89 to be a fair and equitable apportionment of the cost of
90 such sewer or sewer system upon the basis hereinbefore
91 described, it shall enter an order upon its records, setting
92-93 forth such location, depth, ownership and said amount of
94 such sewer assessments, against each respectively, calculated
95 as aforesaid, and the entry of such order shall constitute and be
96 an assessment for such proportion and amount so fixed therein
97 against such respective owners and lots; and, if after such ad-
98 vertisement, notice and hearing, said council shall find that
99 such apportionment at such rate is unjust or inequitable, and
100 contrary to the intent of this act, it shall ascertain, fix and
101 assess the cost thereof among and upon the abutting owners
102 respectively, justly and equitably and according to the intent
103 hereof, and in like manner assess and enter the amount so
104 fixed respectively upon its records; and, the council shall, in
105 either event, thereupon certify the same to the treasurer for
106 collection and certify a copy of such order to the clerk of

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107 the county court of Kanawha county, who shall record the same
108 in the proper trust deed book, and index the same in the name
109 of each owner of any such lot so charged with such assessment,
110 and such assessment so made shall constitute and be a lien upon
111 said lots respectively, which shall have priority over all other
112 liens, except those for taxes due the state, and shall be on a par-
113 ity with other taxes and assessments due the city. Said amounts
114 so assessed against the said several land owners shall be paid by
115 the parties liable therefor to the said treasurer at all times, in
116 the manner and with the attendant penalties for failure to pay
117 promptly at the time prescribed in all respects as hereinbefore
118 provided in the case of assessments for paving streets and
119 alleys in a permanent manner, and the parties liable therefor
120 shall, in the same manner, and to the same extent, have the
121 right and be entitled to anticipate any or all of such install-
122 ments thereon as in such case provided. The owners of, or the
123 tenants, occupants or agents in control of any lot abutting on
124 or near or adjacent to any street, avenue, alley, right of way or
125 easement in said city, in which a public sewer is or may here-
126 after be laid and constructed upon which lot any business or
127 resident building is or may hereafter be erected, or upon

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128 which any water stands not connected with any public
129 sewer, may be required and compelled to connect any
130 such building or lot with such sewer. Notice to so con-
130-a nect may be given to the owner, lessee, or occupant of such
130-b building. Each day's failure to comply with such notice and
131 connect with such sewer by such owner or owners, ten days
132 after such notice is given, shall be a misdemeanor and a sepa-
133 rate and new offense under this section, and every such offense
134 shall be punishable by fine of not less than five nor more than
135 twenty-five dollars. The expense incurred by any tenant, oc-
136 cupant, or agent in complying with the order of said council
137 to make such sewer connection may be deducted out of the ac-
138 cruing rents as provided for in this act relating to the abate-
139 ment of nuisances.

Sec. 73. Whenever it is deemed expedient by the council of
2 said city to provide for the grading, paving, sewerage, mac-
3 adamizing or otherwise improving any street or alley therein
4 to be paid for in whole or in part by special assessment, said
5 council shall declare by resolution, by aye and no vote, the
6 necessity of such improvement. At the time of the passage of
7 said resolution the said council shall have on file in the office

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8 of the city engineer, plans, specifications, estimates and profiles
9 of the proposed improvements, showing the proposed grade of
10 the street and improvements after completion, with reference to
11 the property abutting thereon, which plans, specifications, esti-
12 mate and profiles shall be open for the inspection of all persons
13 interested. Said resolution shall determine the general nature
14 of the improvement, what shall be the grade of the street, alley
15 or other public place to be improved, as well as the grade or ele-
16 vation of the curb, and said council shall approve the plans,
17 specifications, estimates and profiles for the proposed improve-
18 ment. The council shall also determine in said resolution the
19 method of paying for the work contemplated in said plans and
20 specifications whether by an appropriation from funds in the
21 treasury unappropriated, or whether or not bonds shall be
22 issued in anticipation of the collection of special assessments, to
23 be made against the abutting property owners as provided for
24 in this act. Said resolution shall further show the approximate
25 estimated cost of said proposed improvement per front foot
26 of the property abutting thereon, and shall fix a date, at some
27 regular or special meeting of the council, on which the owners
28 of property be assessed for such improvements may appear

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29 before council and protest against the same or be otherwise
30 heard in reference thereto. Assessments shall be payable in
31 ten installments as provided for in this act. The resolution
32 herein provided for, declaring the necessity for said improve-
33 ment, shall be published at least once a week for two successive
34 weeks after its adoption, in a newspaper of general circulation
35 published in the city, and an affidavit of the publisher, showing
36 publication for such time, together with a copy of said notice
37 attached, shall be filed with the city clerk of the said city and
38 spread upon the record of the minutes of the next meeting of
39 the council. Said resolution shall be in effect from and after
40 the first publication thereof as herein provided for.

Sec. 74. A notice of the passage of the resolution required
2 in the last preceding section, embodying a copy of said resolu-
3 tion, shall be served upon the owner of each piece of property
4 to be assessed, said service to be made in the manner provided
5 by this act for serving notices herein required or in other
6 lawful manner; *Provided*, That if any of the owners or persons
7 be not residents of the city of Charleston, or if it appears by the
8 return in any case, that the owner can not be found, then a
9 notice of the passage of said resolution shall be published in

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10 some newspaper of general circulation in said city once a week
11 for two successive weeks, which notice shall be deemed com-
12 pleted on the day of the second publication thereof, and such
13 notice whether by service or publication, shall be completed at
14 least three days before the date fixed for hearing thereon, as
15 aforesaid, and before the introduction of any ordinance provid-
16 ing for said improvement, as hereinafter provided for; and the
17 return of the officer, or sworn return of any other person, serv-
18 ing such notice or a certified copy of said return, or when pub-
19 lished the certificate of the publisher of said newspaper, shall be
20 prima facie evidence of the service of the notice as herein re-
21 quired. Notice upon infants may be served on their guardian,
22 and upon insane persons by service upon their committee. It
23 shall be the duty of the board of affairs, or some member desig-
24 nated by it for the purpose, to cause such notice to be served
25 upon said property owners as aforesaid.

Sec. 75. It shall be lawful for said city of Charleston to
2 issue and sell its bonds as provided in this act for the sale of
3 other bonds, to pay the city's part of the cost of said improve-
4 ments as required by this act, and it may levy taxes in addition
5 to all other taxes authorized by law, to pay such bonds and

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6 interest thereon, provided that the total indebtedness of the
7 city for all purposes shall not exceed five per centum of the total
8 value of all taxable property therein, and *provided further*, that
9 such additional levy shall in no wise violate the provisions of
10 section one of article ten of the constitution of West Virginia
11 as now amended.

Sec. 76. After the expiration of not less than ten days from
2 the time of the giving and publication of the notices as provided
3 for in this charter, the council shall sit at the time and
4 place fixed for the purpose of hearing all property owners to
5 be affected, with reference to such proposed improvements, and
6 shall hear and consider any protests or objections thereto; and
7 the council shall thereupon, or as soon as may be, determine
8 whether it will proceed therewith, and if council decides to make
9 such improvements, an ordinance for the purpose shall be
10 passed. Said ordinance shall set forth the streets and alleys
10-a upon which the abutting property is to be assessed for
11 the improvement, and shall contain a statement of the general
12 nature of the improvement, and the character of the materials
13 which may be bid upon therefor, of the mode of payments there-
14 for; a reference to the resolution therefor passed for said im-

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15 provement, giving the date of its passage and a statement of
16 the intention of the council to proceed therewith in accordance
17 with said resolution and in accordance with the said resolution
18 and in accordance with the plans, specifications, estimates and
19 profiles provided for said improvement. In setting forth the
20 lots and lands abutting upon the improvement it shall be suffi-
21 cient to describe them as the lots and lands bounding and abut-
22 ting upon said improvements between and including the termini
23 of said improvements, or by the description by which they are
24 described on the land books of the county of Kanawha, and the
25 rule of description shall apply in all proceedings in which lots
26 or lands are to be charged with a special assessment.

Sec. 77. In any case in which special assessments have been
2 made, or shall hereafter be made, upon property for the con-
3 struction of any improvement authorized by this act or previous
4 statutes and several kinds of materials have been named in the
5 ordinance or ordinances providing for the same, and on which
6 bids have been received for the construction of said improve-
7 ments with any, either or all of said material, said assessments
8 shall be valid and binding assessments on the property so
9 assessed. In the case of the construction of sewers required

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10 under the provisions of this act, notice of the passage of said
11 resolution therefor, as provided for in this act, shall be given in
12 the manner provided for in this act.

Sec. 78. No pavement, sewer or sewer system, or other public
2 improvement the cost of all or a part of which is to be especially
3 assessed against abutting property, or against the owners there-
4 of, shall be made without the concurrence of two-thirds of all
5 the members elected to council, unless the owners of a majority
6 of the foot frontage of property to be so assessed, petition in
7 writing therefor, in which event the said council shall have
8 power upon the affirmative vote of a majority of all the mem-
9 bers elected thereto to proceed with such improvement in the
10 manner provided by law.

Sec. 79. When the whole or any portion of the improvement
2 authorized by this act passes through or by a public wharf,
3 market space, park, cemetery, structure for the fire department,
4 water works, school building, infirmary, market house, work
5 house, hospital, house of refuge, bridge, gas works, public
6 prisons, court house, church or any other public structure or
7 public grounds within said corporation, and belonging to said
8 corporation, or to the county, state, or any church, association,

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9 eleemosynary institution, the council may authorize the proper
10 proportion of the estimated cost and expense of the improvement
11 to be certified to the clerk of the county court of Kanawha, and
12 it shall be the duty of those persons having charge of the fiscal
13 affairs of any such property or institution to make proper ar-
14 rangements for the payment of such assessments when due and
15 payable.

Sec. 80. The cost of any improvement contemplated in this
2 act and for which assessment may be made, shall include the
3 cost and expense of the preliminary and other surveys, and of
4 printing and publishing all notices required to be published,
5 and serving the notices upon the property owners and the cost
6 of constructing and inspection.

Sec. 81. No person shall bring any action whatever in any
2 court in this state for damages arising out of improvements or
3 change of grade unless he shall have filed with the council at
4 some time after the publication of the notice provided for in
5 this act, and before the time of the introduction of the ordi-
6 nance providing for said improvement a statement of the dam-
7 age which, in his opinion, he will sustain by reason of said im-
8 provement or the change of grade therefor, which statement

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9 shall be duly sworn to and be spread upon the minutes of said
10 council.

Sec. 82. Proceedings with respect to improvements shall be
2 liberally construed by the courts to secure a speedy completion
3 of the work at reasonable cost, and a speedy collection of the
4 assessments after the time has elapsed for their payments and
5 merely formal objection in such cases shall be disregarded.

Sec. 83. It is especially provided that no bonds shall be issued
2 under the provisions of this act unless and until the question
3 of issuing said bonds shall have first been submitted to a vote
4 of the people of the city and shall have received three-fifths of
5 all votes cast at said election for or against the same.

6 The council may provide by ordinance for an election every
7 year, at which the question shall be submitted to the people, as
8 to whether the city shall be authorized to issue bonds for the
9 purpose and under the provisions of this act, to an amount not
10 to exceed in the ensuing year the amount recommended by said
11 ordinance for said ensuing year; but the ordinance providing
12 for said election need not specify in detail the location of the
13 improvements contemplated to be paid for during the ensuing
14 year out of said aggregate issue authorized for said year, but

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15 before issuing any bonds the council shall pass separate ordi-
16 nances for such street or alley to be improved, dealing with all
17 the requirements set forth in this act, and notwithstanding any
18 of the pertinent provisions of chapter eight of the code, it shall
19 be sufficient description for the purpose for which said election
20 is held if the ordinances providing for said election shall recite
21 that it authorized the council of said city to issue bonds for the
22 purpose of grading, paving, sewerage or otherwise improving the
23 streets and alleys of said city, at such time as to the council shall
24 see fit during the ensuing year ending on the.....
25 day of.....one thousand nine hundred
26, to an amount not exceeding
27 in the aggregate during the year the sum of.....;
28 and when the council shall have been once authorized by a vote
29 of the people to issue bonds for the purpose and in a sum not
30 to exceed the amount set forth in the ordinance providing for
31 the said election, no further election shall be necessary for the
32 issuing of bonds during said ensuing year up to the amount
33 stipulated in said ordinance providing for said election, but the
34 council shall from time to time during said ensuing year, by
35 ordinance authorize the issue of said bonds, in such sums and

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36 for the improvement of such streets or alleys as to it may seem
37 best, providing the requirements of this act are complied with.
38 The aggregate amount of bonds authorized by said annual elec-
39 tion shall not be exceeded during said ensuing year, unless and
40 except the same be authorized by special election held at a sub-
41 sequent time in said year and duly called as provided for the
42 calling of the annual bond election.

43 The provisions of chapter eight of the code concerning
44 bond elections shall, so far as they are not in conflict with the
45 provisions of this act, apply to the annual bond elections and
46 special bond elections herein provided for.

Sec. 84. The council shall have the authority to erect, buy,
2 sell and lease all buildings necessary for the use of the city gov-
3 ernment and to provide for and regulate the same, and to
4 establish and maintain public hospitals, libraries and reading
5 rooms, and to purchase books, papers and manuscripts therefor,
6 and to receive donations, gifts or bequests for same in trust or
7 otherwise.

Sec. 85. The city executive committees of the two political
2 parties casting the highest vote at the last preceding general
3 election, shall each consist of one person from each of the wards

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4 of the city to be selected in the same manner and at the same
5 time that candidates for municipal offices are selected. Vacan-
6 cies in a committee shall be filled and members to represent
7 newly created wards shall be elected by the committee to serve
8 until the next general city election.

Civil Service Board

Sec. 86. For the purpose of making examinations of persons
2 applying for offices or positions in the fire and police depart-
3 ments, and prescribing rules for their conduct, the council
4 elected hereunder shall at its first meeting appoint three dis-
5 creet persons, who need not be members of council, who shall
6 act and be known as a civil service board, and the city clerk
7 shall be ex officio clerk of said board.

8 The civil service board shall adopt rules for its own govern-
9 ment not in conflict with the following provisions:

10 Said civil service board shall meet on the first Monday after
11 it is appointed, for the purpose of reorganization of the police
12 and fire departments on a non-partisan basis; and it shall so
13 apportion appointments to said two departments in such a man-
14 ner that same shall be equally divided between the two political
15 parties casting the largest number of votes and the next largest

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16 number of votes at the first municipal election to be held here-
17 under, as herein provided, and wherever such an equal division
18 shall not be possible because of odd numbers, then such board
19 may select one more member from the dominant political party
20 than from the minority party, based upon the last vote for
21 mayor; in making the selections to represent the political party
22 successful in the municipal election last held before this act went
23 into effect, preference shall be given to such members of the
24 present police and fire departments, as by long and faithful serv-
25 ice shall have demonstrated their fitness for retention upon such
26 departments respectively, and said board may in its discretion re-
27 appoint to their positions the present incumbents to the extent of
28 the representation to which the political party successful in the
29 municipal election last held before this act went into effect shall
30 be entitled, under this act, provided in the judgment of said
31 civil service board one-half of the present members of each of
32 said departments may be found worthy of and fit for reappoint-
33-34-35 ment as hereinbefore provided for.

36 In making all future appointments to either the police or fire
37 departments, said civil service board shall maintain said equal

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38 division of the appointees on said departments, in equal propor-
39 tions as hereinbefore provided for.

40 Said civil service board shall cause the minutes of its meetings
41 to be recorded in a book especially provided for that purpose,
42 which shall be kept by the city clerk at his office, and open to
43 public inspection. The civil service board, at least every six
44 months in each year and oftener if it deem it necessary, after
45 ten days notice published in two daily newspapers of opposite
46 politics, giving the time and place of meeting, shall hold exami-
47 nations for the purpose of determining the fitness and qualifi-
48 cations of applicants for officers and positions in the police and
49 fire departments, which examinations shall be practical and shall
50 fairly test the fitness of the persons examined to discharge the
51 duties of the position to which they seek appointment and such
52 examinations shall be made with the aim to secure and maintain
53 honest, efficient and non-partisan police and fire departments.
54 Said board shall at once, after each of said examinations, place
55 on record in the journal of the civil service board the results of
56 said examination, giving the name of applicants and the posi-
57 tion sought by them and their respective percentages. In making
58 such examination the size, weight, intelligence, health, physical

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59 appearance, habits and moral standing and surroundings shall
60 be taken into consideration.

61 All persons examined by said service board receiving a general
62 average of seventy per cent, shall be placed upon eligible list;
63 and hereafter all appointments, whether original or to fill
64 vacancies therein from time to time, shall be filled by the ap-
65 pointment of the applicant who has the highest standing on
66 the eligible list: *Provided*, That if at the time any appointment
67 is to be made from the eligible list, the civil service board, in its
68 discretion, may make another examination of such person before
69 his appointment and may for good cause on such examination
70 change the grade of such applicant.

Sec. 87. The members of the police and fire department as
2 selected by said civil service board shall remain in office during
3 good behavior and shall not be removed from their said offices
4 or positions except for misconduct, or failure, inability or in-
5 capacity to perform their duties or for the good of the service,
6 or when it shall be necessary to reduce the number of the de-
7 partment: *Provided*, That the board of affairs may remove any
8 member of the police or fire departments if it shall be of
9 opinion that it will be for the good of the service to remove

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10 such person from his position. Any member of said depart-
11 ment so removed, may within ten days thereafter, appeal to
12 council from the action of the board. Such appeal shall be taken
13 only by such removed member filing with the city clerk his
14 verified petition setting forth good cause for reinstatement, and
15 alleging reasons why such removal order was unjust. The
16 removed member so appealing shall carry the burden of proof
17 of such appeal, and shall not be reinstated except upon the affir-
18 mative vote of a majority of all members elected to council re-
19 versing such order of removal as unjustified.

Sec. 88. After hearing the charges against any such member
2 of the police or fire department the council may, by a majority
3 vote of its members sustain the same, and by like vote may
4 reprimand, fine or suspend, dismiss or reinstate said accused
5 person. If such member be found guilty on the charges pre-
6 ferred, and by reason thereof dismissed, or suspended, he shall
7 draw no salary during the period of his suspension.

Sec. 89. No member of the fire department or police depart-
2 ment shall actively engage in any primary election, convention
3 or election in which any officer in the city, county or state is
4 to be nominated or elected, nor shall such member, directly or

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5 indirectly, give or offer to give, contribute or offer to contribute
6 any money or thing of value or profit to any political committee
7 or party organization to be expended in behalf of any political
8 party, nor to any candidate or candidates for nomination for or
9 election to any office in the city, county or state. The violation
10 of any of the provisions of this section by any member of the
11 fire department or police department, shall subject such mem-
12 ber to be dismissed from the service of the city by the head of
13 his department or by council, upon charges preferred and
14 proven by any citizen of said city.

Serving Notice

Sec. 90. When any notice is required to be given, or any
2 summons, warrant or other process is required to be served or
3 otherwise executed, under the provisions of this act, it shall be
4 sufficient if such notice, summons, warrant, or other process be
5 executed by an officer of the police department or other em-
6 ployee of said city in the same way or manner in which the
7 laws of the state prescribe for executing summonses and sub-
8 poenas by state officers, unless otherwise provided by this act.

Sec. 91. Whenever one or more members of the council shall
2 be a candidate for re-election, it shall be the duty of the council

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3 to meet and appoint some person or persons, qualified to act in
4 hearing contested election matters and cases. The place and
5 stead of such disqualified member or members shall be filled in
6 each case by a member or members of the same political party
7 as the person or persons respectively, in whose place or places
8 he or they are so appointed. Every person so appointed shall
9 take an oath of office to faithfully and impartially perform the
10 duties of said office. In all matters concerning such contests,
11 such person or persons so appointed shall act in the place and
12 stead of such member or members, so being candidates, and it
13 shall be unlawful for any member of the council to act as such
14 in hearing any contest in relation thereto, when such member
15 is a candidate at such election; and any one violating this sec-
16 tion shall be deemed ineligible to the office for which he is a
17 candidate.

Sec. 92. The city clerk, acting under the state laws insofar
2 as they are not in conflict with this act, shall perform such
3 duties relating to all municipal elections held under the munici-
4 pal authorities of said city as the clerks of the county and cir-
5 cuit courts of Kanawha county perform, under state laws in
6 relation to state, county and district elections in said county;

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7 and he shall likewise be the custodian of all ballots, tally sheets,
8 etc., pertaining to all municipal elections.

Sec. 93. All valid ordinances and regulations passed by
2 adopted by the council, on or before the first day of May, one
3 thousand nine hundred thirty-four, and not inconsistent with
4 this act, shall be and remain in force unless and until repealed,
5 and the council now in office shall continue to exercise its powers
6 as such until the officers elected hereunder in one thousand nine
7 hundred thirty-four shall have been qualified.

Sec. 94. The mayor shall appoint from those recommended
2 by the civil service board such number of policemen as are or
3 may be hereafter prescribed by the city council by ordinance,
4 and the board of affairs shall have at its discretion, the abso-
5 lute right and power to dismiss any policeman and the mayor
6 may appoint another in his stead. The policeman shall be under
7 command of the mayor and the chief of police, to be appointed
8 as in this act provided for, and shall perform any and all
9 duties incident to the office of policeman under the instructions
10 and command of the mayor and the chief of police, and, in addi-
11 tion to the usual and customary duties prescribed by the laws
12 of this state and under the provisions of this charter required

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13 of them, it shall specially be the duty of each police officer to
14 report to the chief of police, or some one designated by said
15 chief of police to receive such report, daily and oftener if occa-
16 sion demands, the condition of all streets, sidewalks, alleys,
17 basements, backyards, buildings, unimproved lots and all other
18 things and matters within the limits of said city that may come
19 under the notice of such policemen which may relate to the
20 health of the citizens thereof, the sanitary conditions, the neces-
21 sity of the removal of any obstructions upon any of the streets,
22 alleys or sidewalks, and it shall be the duty of the policemen
23 under their instructions to perform all the duties and exercise
24 all the powers ordinarily imposed upon or given to the officers
25 now known as health officers. It shall also be the duty of each
26 police officer to perform all the duties of humane officer and to
27 exercise all the functions, power and authority relating thereto
28 which are or may be prescribed by any law of this state or
29 ordinance of the city. A police officer in making arrests shall
30 have all of the power and authority of a constable under the
31 laws of the state of West Virginia.

Sec. 95. Each member of the city council shall be paid during
2 his term of office the sum of two dollars and fifty cents for each

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3 meeting of the council that he shall attend: *Provided*, That the
4 aggregate amount to be paid to each member of the council
5 shall not exceed the sum of one hundred dollars per annum.
6 The roll of the members of the council shall be called at the
7 beginning and at the end of each meeting thereof, and those
8 members only who answer in person at each roll call shall be
9 entitled to receive their pay for such meeting. The names of
10 those members present at each roll call shall be entered upon
11 the record. If there should not be a quorum present at the first
12 roll call and the meeting be adjourned for that reason, then it
13 shall not be a meeting that will entitle those present to the pay-
14 ment of the sum of two dollars and fifty cents as provided in
15 this section. It shall be the duty of all councilmen to attend
16 all of its meetings, and if any councilman shall be absent from
17 the meetings of council as shown by its records for three con-
18 secutive meetings, then his office shall ipso facto become vacant,
19 unless the council shall authorize or excuse such absence. If
20 the office of any councilman shall become vacant under the pro-
21 visions of this section, then the council shall proceed to fill the
22 same as it is authorized to do in the case of vacancies.

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Reports by Board of Affairs

Sec. 96. It shall be the duty of the board of affairs, not later
2 than the tenth day of any month after their election, to make a
3 detailed report to the council for the preceding month. Such
4 report shall show under distinct heads, first, the names and
5 salaries of all employees under the supervision of the board of
6 affairs; second, all expenditures or disbursements in the several
7 departments under the supervision of the board of affairs;
8 third, an itemized statement of all purchases, together with
9 the cost thereof, for each and every such department; fourth,
10 all such other matters and things as the council may by proper
11 ordinance or resolution require of said board of affairs. Such
12 report shall be entered of record in the minutes of the council
13 and be of a public record, open to the inspection of all persons.
14 All officers or employees in any of the departments under the
15 supervision of the board of affairs shall, whenever required by
16 said board of affairs, make full and complete reports of all
17 things done by them as such officers or employees in connection
18 with the business of the city.

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Paving

Sec. 97. In addition to the method provided herein for
2 paving streets, the council may order any street, avenue, pub-
3 lic alley, or portion thereof, to be graded and paved, repaved,
4 or otherwise permanently improved, and the council may order
5 the mayor and city clerk to issue a certificate for each install-
6 ment of the amount of the assessment to be paid by the owner
7 of any lot or fractional part thereof fronting on such street,
8 avenue, or alley. The amount specified in said assessment cer-
9 tificate shall be a lien as aforesaid in the hands of the holder
10 thereof upon the lot or part of a lot fronting on such street,
11 avenue, or alley, and such certificate shall draw interest from
12 the date of said assessment and the payment may be enforced
13 in the name of the holder of said certificate by proper suit in
14 equity in any court having proper jurisdiction to enforce such
15 lien; the council shall fix the amount of such assessment, adver-
16 tise for bids and do all other things in connection therewith as
17 is provided for paving or permanently improving any street or
18 alley or any portion thereof, except that such assessment
19 laid under this section shall include the whole cost of
20 such improvement, including the cost of grading and

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21 paving squares at intersections of streets and curbing, the cost
22 of which intersections shall be apportioned against the several
23 properties fronting upon the street or portion thereof so im-
24 proved; and such certificates shall be issued in the same number
25 of installments and payable at the same time as other paving or
26 permanent improvements are provided to be paid for, and shall
27 be a lien in the hands of the holder thereof upon the particular
28 lot against which they are assessed in the same way and manner
29 that assessments are liens under this charter. And noth-
30 ing contained in this act, or in the charter of the city
31 of Charleston, shall be construed as imposing a time limit
32 upon the enforcement by appropriate suit of any lien for public
33 improvements, heretofore or hereafter created.

34 Certificates authorized by this section may be issued, sold or
35 negotiated to the contractor doing the work, or to any other
36 person if the council deem it expedient: *Provided*, That the
37 city in issuing such certificates shall not be held as guarantor
38 or in any way liable for payment thereof.

39 Certificates so issued shall contain a provision to the effect
40 that in the event of default in the payment of any one of said
41 certificates, when due, and said default continuing for a period

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42 of sixty days, then all unpaid certificates shall become due and
43 payable and the holder of said certificates may proceed to col-
44 lect all of such unpaid certificates in the manner hereinbefore
45 provided. Certificates issued in pursuance of this section shall
46 be negotiable at any bank in the city of Charleston.

47 The owner of the land or lot of land assessed under this sec-
48 tion may at any time anticipate and pay such assessment or
49 certificate with accrued interest thereon.

50 *Provided*, That no street, avenue or alley shall be paved or
51 otherwise permanently improved pursuant to this section ex-
52 cept and unless two-thirds of all the members elected to the
53 council shall concur in the passage of the ordinance providing
54 therefor, and the vote thereon shall be taken by ayes and noes,
55 and duly entered upon the record.

Sec. 98. In the case of the construction of any pavement,
2 sewer, sidewalk or other permanent improvement under the
3 provisions of this charter where an assessment has heretofore
4 been laid, or may hereafter be laid for the cost thereof, which
5 said assessment is or shall be void or voidable by reason of
6 errors, irregularities or defects in the proceedings under which
7 such improvement was made, or in case such assessment shall

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8 have been made against the wrong person or shall have been
9 omitted to be made in a case where the same was proper, it shall
10 be the duty of the council within two years after the completion
11 of such permanent improvement, or after any court shall have
12 declared such assessment, invalid, to cause notice to be given
13 to any person against whom the cost of said improvement might
14 properly be or have been assessed under said charter, of its
15 intention to lay such assessment against him and fixing a time
16 and place at which he may appear and show cause against the
17 same. Said notice shall be served as provided in the said charter
18 for the giving of notices in assessment proceedings, or in any
19 other manner provided by law, including by publication where
20 the person is a non-resident of the city or can not be found.
21 At the time and place fixed for hearing under the notice afore-
22 said, or at any time thereafter, the council shall proceed to lay
23 and levy an assessment for the cost of such permanent improve-
24 ment in such manner as would have been lawful under proper
25 proceedings at the time said improvement was made, unless
26 the person so notified shall show good cause against the same,
27 and no further notice of such assessment shall be necessary The
28 assessment so laid shall be a lien upon the property liable there-

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29 for and may be recorded and enforced in the same manner as
30 provided for other liens for permanent improvements. This
31 section shall apply to assessments made and certificates issued
32 under this charter, as well as to other assessments and liens for
33 public improvements.

Sec. 99. In addition to the method for the payment of the
2 cost of construction of sewers and sewer systems provided by
3-4 this charter, the council may order any sewer or sewer system
5 constructed and laid, in any block, street, avenue, alley or in
6 any right of way or easement, or portion thereof, and the council
7 may order the mayor and city clerk to issue a certificate for
8 each installment of the amount of the assessment to be paid by
9 the owner of any lot or fractional part thereof fronting on
10 such street, avenue, alley, right of way or easement in which
11 such sewer system is constructed and laid, and the amount speci-
12 fied in said assessment certificate shall be a lien as aforesaid in
13 the hands of the holder thereof upon the lot or part of lot
14 fronting on such street, avenue or alley, right of way or ease-
15 ment, and such certificate shall draw interest from the date of
16 said assessment and the payment may be enforced in the name
17 of the holder of said certificate by proper suit in equity in any

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18 court having proper jurisdiction to enforce such lien; the
19 council shall fix the amount of such assessment, advertise for
20 bids and do all other things in connection therewith as is pro-
21 vided in this charter for paving or permanently improving
22 any street or alley or any portion thereof, the costs of which
23 shall be apportioned against the several properties fronting
24 upon the street, avenue, alley, right of way or easement or
25 portion thereof in which the sewer or sewer system is laid
26 according to the provisions of this charter. Such certificates
27 shall be issued in the following number of installments:

28-29 Where the assessment shall not exceed fifty dollars, the
30 assessment and certificate issued thereon shall be in one amount,
31 due and payable in ninety days from the completion and ac-
32 ceptance of the work; if over fifty dollars and not more than
33 one hundred dollars, then such amount shall be covered by only
34 two certificates of equal amounts, payable in ninety days and
35 one year, respectively; if over one hundred dollars and not
36 more than one hundred and fifty dollars, then such amount shall
37 be covered by only three certificates of equal amounts payable
38 in ninety days, one year and two years, respectively; if over
39 one hundred and fifty dollars, and not more than two hundred

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40 dollars, then such amount shall be covered by only four certifi-
41 cates of equal amounts, payable in ninety days, one year, two
42 years and three years, respectively; and if more than two hun-
43 dred dollars, then in five certificates of equal amounts, payable
44 in ninety days, one year, two years, three years and four years,
45 respectively; and the term "equal amounts" herein shall mean
46 as nearly equal as practicable, that is, four certificates being
47 expressed in terms of blank dollars each, and, when practical,
48 in multiples of five, the cents and odd amounts being covered
49 by the first certificate.

50 Every such certificate shall be a lien in the hands of the holder
51 thereof upon the particular lot against which it is assessed in
52 the same way and manner that assessments are liens under the
53 sections of this act. And nothing in this act, or in the
54 charter of the city of Charleston shall be construed as
55 imposing a time limit upon the enforcement by appropriate
56 suit of any lien for public improvements hereto or hereafter
57 created.

58 Certificates authorized by this section may be issued, sold or
59 negotiated to the contractor doing the work, or to any other
60 person if the council deem it expedient; and shall be negotiable

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61 at any bank in the city of Charleston: *Provided*, That the city
62 in issuing such certificates shall not be held as guarantor or in
63 any way liable for the payment thereof. Certificates so issued
64 shall contain a provision to the effect that in the event of de-
65 fault in the payment of any one of said certificates when due,
66 said default continuing for a period of sixty days, unpaid certifi-
67 cates shall become due and payable and the holder of said certifi-
68 cates may proceed to collect all of such unpaid certificates in
69 the manner hereinbefore provided.

70 *Provided*, That no sewer or sewer system shall be constructed
71 or laid pursuant to this section except and unless three-fourths
72 of the members elected to the council shall concur in the passage
73 of the ordinance providing therefor, and the vote thereon shall
74 be taken by ayes and noes, and duly entered upon the record.

Sec. 100. If the abutting land on any avenue, street, road
2 or alley sought to be graded, paved, repaved or otherwise im-
3 proved, or in any avenue, street, road, alley, right of way or
4 easement in which a sewer or sewer system is ordered laid,
5 under any of the provisions of the charter of the city of Charles-
6 ton, is not sub-divided or laid off in lots by a map or deed of
7 record, the council may, for the purpose of making the assess-

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8 ments provided for in this section and other sections herein,
9 subdivide said land into lots of such size as the council deems
10 advisable for the purpose of laying the proper assessment
11 against such land.

Sec. 101. Any proposed ordinance, or amendment to any or-
2 dinance already in effect, may be submitted to the city council
3 by the petition of qualified voters in said city, but such petition
4 must be signed by such number of voters as shall amount to at
5 least ten per cent of the number of votes cast for the office of
6 mayor at the last preceding municipal election. Such proposed
7 ordinance, or amendment to an ordinance, shall be passed with-
8 out alteration or change by the city council within thirty days
9 after such petition is filed, or the city council shall, in lieu of
10 passing such ordinance or amendment to an ordinance, submit
11 such proposed ordinance, or amendment to an ordinance, in the
12 manner hereinafter prescribed for ratification or rejection to
13 the qualified voters of the city at the next regular municipal
14 election which is to be held not less than sixty days after such
15 petition is filed. If such petition contains a request for a special
16 election and is signed by sufficient qualified voters to equal in
17 number at least fifteen per cent of the votes so cast for the

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18 office of mayor at the last preceding regular municipal election,
19 the ordinance or amendment thereby proposed shall be passed
20 by the city council without amendment or change, within thirty
21 days after such petition is filed, or the city council shall sub-
22 mit such proposed ordinance or amendment for ratification or
23 rejection to the qualified voters at a special election which shall
24 be called within thirty days and held not less than sixty nor
25 more than ninety days after such petition is filed, unless a gen-
26 eral or special election is fixed by law to be held within said
27 period of time. In the latter event, said proposed ordinance
28 or amendment shall be submitted for ratification or rejection at
29 such election. The city council shall cause such proposed ordi-
30 nance or amendment to be printed and published in some news-
31 paper of general circulation in the city once each week from the
32 time the council decides to submit the same to the voters until
33 such election is held. No ordinance or amendment to an ordi-
34 nance adopted by the voters at any such election shall be re-
35 pealed or amended by the city council.

36 The ballot used for any such election shall have printed on it
37 the title of each ordinance, or amendment to an ordinance, sub-
38 mitted for ratification or rejection and on separate lines under

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39 said title the words "for said ordinance" and "against said
40 ordinance" (or the amended part thereof, as the case may be).
41 If a majority of the qualified voters of the city voting on any
42 proposed ordinance, shall vote in favor thereof, the same shall
43 thereupon become a valid ordinance and be in full force and
44 effect at the expiration of the period of ten days from and after
45 said election. If two or more ordinances, or amendments to or-
46 dinances, adopted at the same election are inconsistent, then the
47 respective ordinance, or amendment to an ordinance, receiving
48 the largest affirmative vote at such election shall prevail, and the
49 form of submission of inconsistent ordinances, or parts thereof,
50 or amendments to ordinances, shall be in such form that the
51 voters may clearly express their choice.

Sec. 102. If within the period of five days after the passage
2 of any ordinance a petition signed by sufficient qualified voters
3 of said city, being in number at least fifteen per cent of the
4 votes cast for all the candidates for the office of mayor at the
5 last preceding regular municipal election, shall be filed pro-
6 testing against such ordinance, or any part thereof, taking effect,
7 such ordinance, or such part thereof so protested against, shall
8 thereupon and thereby be suspended from taking effect, and

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9 the city council shall immediately again consider the same, and
10 if it be not repealed or so amended as to meet the requirements
11 of the said protest, the city council shall submit the same for
12 ratification or rejection to the qualified voters of the city at the
13 next regular municipal election which shall be held not more
14 than thirty days after such petition is filed, or at a special elec-
15 tion to be called thereafter by the city council for that purpose
16 to be held not less than sixty days nor more than ninety days
17 after such petition is filed, and such ordinance, or part thereof
18 so protested, shall not take effect unless a majority of the votes
19 cast at such election thereon shall be for the ratification there-
20 of. If such petition shall only be signed by sufficient qualified
21 voters to equal in number at least five per cent but not suffi-
22 cient to equal in number at least fifteen per cent of the votes
23 cast for the candidate for said office of mayor at the last pre-
24 ceding municipal election, the city council shall submit such
25 ordinance, or such part thereof so protested, for ratification or
26 rejection at the next ensuing regular municipal election which
27 is to be held more than thirty days after such petition is filed.
28 The city council may, on its own motion, without any petition
29 being required therefor, submit at a regular or special municipal

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30 election any ordinance passed by it in the same manner and with
31 the same force and effect as hereinbefore provided. No ordi-
32 nance, or part of any ordinance, rejected at any election shall
33 be enacted or passed by the city council within the period of
34 twelve months thereafter.

Recall

Sec. 103. Any officer of the city of Charleston elected by the
2 voters under the provisions of this act, may be recalled and
3 the office declared vacant as provided in this act. Such officer
4 may be removed from office by a recall election held thereunder,
5 but no such officer shall be removed from office within the period
6 of four months after he enters upon the discharge of his duties
7 as such. Before any such recall election shall be held a peti-
8 tion, stating the name or names and the office or the officers
9 sought to be recalled, and signed by sufficient qualified voters
10 of the said city as shall equal in number the quantity of twenty-
11 five per cent of the votes in the whole city or in the ward, as the
12 case may be, for all the candidates for the office of mayor at the
13 last preceding regular municipal election, and containing a
14 sworn statement of the grounds upon which it is sought to re-
15 move the said officers or officer, shall be filed with the city clerk.

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16 No such petition shall be filed within the period of six months
17 before the end of the term of such officer. The city council
18 shall immediately, upon the filing of said petition, call a special
19 election in the manner in this act provided for calling special
20 elections and submit to the voters the question of recalling
21 such officer or officers. The ballot at such election, with respect
22 to each person whose recall is sought, shall be substantially as
23 follows: "Shall (name of person) be removed from the office
24 (name of office) by recall." Immediately following such ques-
25 tion there shall be on the printed ballot the two propositions
26 in the order set forth.

27 "For the recall of (name of person)."

28 "Against the recall of (name of person)."

29 Immediately to the left of said proposition shall be printed a
30 square in which the voters, by making a cross mark (X), or in
31 some other way declaring their intention, may vote for either
32 of such propositions. If sixty per cent of the voters registered
33 voting on said propositions vote in favor of the recall of such
34 officer or officers, then he or they shall thereby be forthwith re-
35 moved from such office and such vacancy or vacancies shall be
36 filled as provided in this act: *Provided, however,* That within

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37 fifteen days after the returns of such recall election shall have
38 been canvassed by the city council, a petition signed by suffi-
39 cient qualified voters to equal in number at least thirty per cent
40 of the votes cast in the city, or ward, as the case may be, for
41 the candidates for the office of mayor at the last preceding regu-
42 lar election, and praying that such vacancy or vacancies be
43 filled by a special election to be held not less than thirty days
44 nor more than forty-five days thereafter, the city council shall
45 order a special election to be held in the same manner as
46 other special elections are provided for in this act for the pur-
47 pose of filling such vacancy or vacancies.

Sec. 104. The signatures to petitions filed under the pro-
2 visions of the last three sections need not be all on one paper or
3 one sheet of paper, but separate petitions may be circulated and
4 signed and the aggregate number of names on all of such pe-
5 titions, if equal to the number required in this act, shall be
6 sufficient, the circulator of each such paper shall make and ap-
7 pend thereto an affidavit that each signature thereon is the
8 signature of the person whose name it purports to be. The resi-
9 dence address of each signer shall accompany the signature.
10 All such petitions shall be filed with the city clerk and shall be

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11 deemed and held to be qualified voters, unless a protest in writ-
12 ing, under oath, shall be filed with the city clerk by some quali-
13 fied voter within fifteen days after such petitions are filed, which
14 protest shall set forth the name of each signer protested against
15 and the ground therefor. It shall be the duty of the city clerk
16 as soon as possible and within twenty-four hours after the fil-
17 ing of such protest to mail a notice to each signer so protested
18 against at his address as given in the petition, requiring him to
19 be and appear before the city registrars at a time fixed in said
20 notice, not less than twenty-four hours nor more than forty-
21 eight hours after the mailing of such notice, for the purpose of
22 defending his rights to sign said petition. If it shall be proven
23 by satisfactory evidence that such person is not a qualified
24 signer of such petition, then his name shall be stricken there-
25 from. All evidence taken shall be under oath, and any signer
26 present at the hearing may be called as a witness by the pro-
27 testants or testify in his own behalf. All hearings shall be
28 summary and shall be concluded within fifteen days after such
29 petition is filed. The city registrars shall forthwith certify
30 the result of their examination to the city clerk and such city
31 clerk shall serve a copy of such certificate upon the person or

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32 persons named in the petition as representing the signers there-
33 of. When the petition contains a sufficient number of quali-
34 fied signatures the city registrars shall forthwith file the same
35 with the city clerk, and he shall transmit the same to the city
36 council, which shall call an election as provided for in the
37 preceding sections of this act. All petitions filed in the city
38 clerk's office shall be public records. When any petition con-
39 tains a form of submission of the ordinance petitioned for and
40 such form is a reasonably fair description thereof, the same
41 shall be placed on the ballot and no petition filed subsequently
42 shall use any form of submission that is so similar to the
43 one previously filed as to tend to confuse the voter
44 and, in case of such conflict, the person presenting the
45 subsequent petition may file a form of submission which shall
46 be placed upon the ballot: *Provided*, That the same shall fairly
47 describe the ordinance, or amendment to an ordinance, petition-
48 ed for and shall not be in conflict with any prior forms of sub-
49 mission or tend to confuse the voter.

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50 The city council shall so frame all forms of submission that
51 the voter can, by making a cross in a square in front of some
52 appropriate words, vote either for the ratification or the re-

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53 jection of the proposed measure, but no ballot shall be rejected
 54 from which the reasonable intention of the voter however he
 55 shall have marked the same, can be ascertained. All city elec-
 56 tions, regular or special, shall conform as nearly as possible
 57 to the election statutes contained in chapter three of the code
 58 of West Virginia.

Sec. 105. In addition to the method of securing the laying
 2 of sidewalks set out in this charter, the council of said city may
 3 cause any sidewalk to be constructed, laid, relaid, or otherwise
 4 permanently improved in the city of Charleston in the following
 5 manner and upon the following terms: Plans and specifications
 6 shall be prepared and filed, resolutions and ordinances shall be
 7 adopted and notices shall be prepared and served in the same
 8 way and manner as near as may be, as in the case of the paving
 9 and improvement of streets and alleys. The contract for same
 10 shall, after due advertisement in which council shall reserve the
 11 right to reject any and all bids, be let to the lowest responsible
 12 bidder and upon completion and acceptance of the work, council
 13 shall order the mayor and city clerk to issue to the contractor
 14 doing the work a certificate for the amount of the assessment to
 15 be paid by the owner of any lot or fractional part thereof front-

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16 ing on such sidewalk, and the amount specified in said assessment
17 certificate shall be a lien in the hands of the holder thereof upon
18 the lot or part of a lot fronting on such sidewalk as well as a
19 debt against the owner of said lot, and such certificate shall
20 draw interest from the date of said assessment, and the payment
21 may be enforced in the name of the holder of such certificate
22 by a proper suit in equity in any court having proper jurisdic-
23 tion to enforce such liens, and council shall fix the amount of
24 such assessments and do all things in connection therewith neces-
25 sary to make them valid and do all other things in connection
26 therewith as is provided for paving or improving streets and al-
27 leys and such certificates shall be issued one for each abutting lot
28 or portion thereof payable six months from the date of the com-
29 pletion and acceptance of the work and shall be a lien in the
30 hands of the holder thereof upon the particular lot **against**
31 which they are assessed in the same way and manner that as-
32 sessments for street paving are liens under the other provisions
33 of the aforesaid act creating and amending the charter of the
34 city of Charleston: *Provided, however,* That council shall not
35 advertise for bids for any one letting of less than five thousand
36 square feet; *and, further provided,* That council shall not re-

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37 ceive any bids or let any sidewalk contract between the first day
38 of October and the first day of March of any year. Nothing in
39 this section shall be so construed as to prevent any abutting
40 lot owner from having his own sidewalk put in if done before
41 the advertising hereinbefore mentioned and provided same is
42 done according to the lines, grades and specifications of the city
43 engineer, for which no charge shall be made. The total cost
44 of constructing, laying, relaying, or otherwise permanently im-
45 proving any sidewalk or walks shall be borne by the owners of
46 the land abutting upon said sidewalk or sidewalks according to
47 the following plan, that is to say, payment is to be made accord-
48 ing to the proportion of square feet in front of any lot or the por-
49 tion thereof bears to the whole letting. The contract for sidewalks
49-a referred to in this section does not necessarily have to be one
50 continuous sidewalk, but the five thousand square feet required
51 for a letting as aforesaid may be made up of or composed of any
52 number of sidewalks in any parts of the city.

Sec. 106. The municipal judge, mayor, city clerk, municipal
2 court clerk, chief of police, or in the absence of the chief of police,
3 the captains of police and lieutenants of police shall each have
4 authority to issue warrants for all offenses committed within the

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5 police jurisdiction of the city of Charleston. Any vacancy in
6 the office of municipal judge shall be filled by appointment by
7 the mayor until the next election.

Action for Damages

Sec. 107. No action shall be maintained against the city of
2 Charleston for damages for a personal injury alleged to have
3 been sustained by reason of the negligence of the city or of any
4 officer, agent or employee thereof, unless a written verified
5 statement of the nature of the claim and of the time and place
6 at which such injury is alleged to have been received shall have
7 been filed with the city clerk within thirty days after the cause
8 of action, shall have accrued. The cause of action shall be
9 deemed to have accrued at the date of the sustaining of the in-
10 jury, except that where death results therefrom the time for the
11 personal representative to give notice shall run from the date
12 of death. An action at law for damages for personal injuries
13 or death shall not be commenced until the expiration of thirty
14 days after the filing of the notice as provided in this section.

Health Department

Sec. 108. The health commissioner shall be a physician of
2 good standing in his profession and shall devote his time to this

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3 work alone. It shall be his duty to administer to all charity
4 cases that he, or the board of affairs or council may, in their dis-
5 cretion, deem deserving. He shall in conjunction with the city
6 manager, have charge of the general health and sanitation of the
7 city and it shall be his duty to carefully investigate all complaints
8 and make a careful detailed report of all his official acts as health
9 commissioner to the city manager and council at least once every
10 month. He shall be appointed in the way and manner provided
11 in the charter of the city of Charleston and shall receive such
12 salary as council may by ordinance prescribe. Nothing herein,
13 however, shall be construed as in any way affecting the police
14 officers of the city relative to their powers and duties in regard
15 to city sanitation contained and set forth elsewhere in said char-
16 ter.

Sec. 109. The city council may cause and contract for the
2 codifying and indexing of all the ordinances of the city to be
3 fully, completed, and such ordinances shall include all in force
4 and effect up to the last day possible. Before such work is ac-
5 cepted by the council, it shall be completed in every respect
6 and the council shall then cause it to be properly printed and
7 securely bound in a permanent book. The council may by ordi-

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8 nance adopt the code to be prepared as a whole and when said
9 ordinance adopting said code shall have been passed by the coun-
10 cil, the said code shall be and become the law and ordinances of
11 said city up to such time according to the tenor and effect there-
12 of, and when printed in a book, the same shall be received as
13 evidence as the ordinance of said city, unless errors or omis-
14 sions be affirmatively shown therein, and no other publication
15 thereof shall be made or required under the charter, and the
16 council shall cause all the ordinances of said city, either by
17 printing a supplement thereof, to be brought up to date within
18 a reasonable time after the printing of such ordinances, and in
19 any event such supplement shall be printed, or, if necessary,
20 a new copy of the ordinance shall be printed, or within every
21 four years, and the council shall cause a sufficient number of
22 said books of the ordinances to be printed and to sell such num-
23 ber thereof as it may do so at such price as may be reasonable,
24 and the number of books printed shall be fixed by the council.

Sec. 110. It shall be the duty of the city of Charleston to pro-
2 vide suitable and proper places for the burial of the dead, which
3 places may be in or out of the corporate limits of the said city.
4 The city shall cause such places to be laid off into cemetery lots

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5 in a reasonable and proper way and shall sell said lots for a
6 reasonable price, but it may take into consideration the loca-
7 tion of each of such lots in fixing the prices thereof. The city
8 council shall have all the powers and rights of condemnation
9 of any real estate that it may wish for such purpose in the man-
10 ner provided by law, and it may require by means of condemna-
11 tion any real estate which has already been laid out as a ceme-
12 tery by any person, association or corporation.

13 No burials of the bodies of deceased persons shall hereafter
14 be permitted within the incorporated limits of the city of
15 Charleston or within the space of one mile of such incorporated
16 limits without the permission of said city shall be first had and
17 obtained, and the city of Charleston, through its proper authori-
18 ties, shall have power to pass all proper ordinances providing
19 suitable penalties to carry out the powers here given said city.

20 No moneys received from the sale of lots in any cemetery so
21 owned, or hereafter owned, by said city shall be used for any
22 other purpose than the proper care and preparation of the
23 ground, upkeep and expenses of said cemetery, the roads and
24 ways to and through the same and for the purpose of additional
25 property for cemetery purposes.

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Sec. 111. The building inspector shall be a competent person
2 for the duties of his office and shall devote all his time to city
3 work. He shall not be engaged or interested in the building
4 business in any way or manner. The council shall by ordinance
5 fix a proper salary for him. He shall see that the ordinances of
6 the city and laws of the state concerning buildings are enforced
7 and perform such other duties as the manager or council may
8 direct.

Sec. 112. The council shall have power to buy, sell, or ex-
2 change any real estate found necessary or convenient, in the
3 opening, construction, straightening, widening, or otherwise
4 altering of any street, alley, or public way within the city, and
5 by resolution and proper deed to convey to any person, firm
6 or corporation any land used, or heretofore or hereafter used,
7 for street or other public purposes, when in the judgment of
8 the council such land shall no longer be needed for such public
9 use.

Sec. 113. For the purpose of promoting health, safety,
2 morals, or the general welfare of the city and community, the
3 council is hereby empowered to regulate and restrict the height,
4 number of stories, and size of buildings and other structures,

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5 the percentage of lot that may be occupied, the size of yards,
6 courts and other open spaces, the density of population, and the
7 location and use of buildings, structures and land for trade,
8 industry, residents or other purposes: *Provided, however,*
9 That any ordinance or by-laws enacted under the authority of
10 this act shall exempt from the operation thereof any building or
11 structure used or to be used by a public service corporation (not
12 otherwise exempt) as to which proof shall be presented to the
13 council of the city of Charleston provided for in this act, that
14 the exemption of such building or structure is reasonably nec-
15 essary to the convenience or welfare of the public.

Sec. 114. For any or all of said purposes the council may
2 divide the city into districts of such number, shape and area
3 as may be deemed best suited to carry out the purpose of this
4 and the four succeeding sections, and within such districts it
5 may regulate and restrict the erection, construction, alteration,
6 repair or use of buildings, structures or land. All regulations
7 shall be uniform for each class or kind of buildings throughout
8 each district, but the regulations in one district may differ from
9 those in other districts.

Sec. 115. Such regulations shall be made in accordance with

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2 a comprehensive plan, and designated to lessen congestion in the
3 streets; to secure safety from fire, panic and other dangers; to
4 promote health and the general welfare; to provide adequate
5 light and air; to prevent the overcrowding of land; to avoid
6 undue concentration of population; or to facilitate the adequate
7 provision of transportation, water sewage, schools, parks, and
8 other public requirements. Such regulations shall be made with
9 reasonable consideration, among other things, to the character
10 of the district and its peculiar suitability for particular uses,
11 and with a view to conserving the value of buildings and en-
12 couraging the most appropriate use of land throughout the city.

Sec. 116. The council shall provide for the manner in which
2 such regulations and restrictions and the boundaries of such
3 districts shall be determined, established and enforced, and
4 from time to time amended, supplemented or changed. How-
5 ever, when demanded by any party in interest no such regu-
6 lation, restriction or boundary shall become effective until after
7 a public hearing in relation thereto, at which parties in interest
8 and citizens shall have an opportunity to be heard. At least
9 fifteen days' notice of the time and place of such hearing shall

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10 be published in at least two newspapers of general circulation,
11 published in the city of Charleston.

Sec. 117. Such regulations, restrictions and boundaries may
2 from time to time be amended, supplemented, changed, modi-
3 fied or repealed. In case, however, of a protest against such
4 change signed by the owners of twenty per cent or more either
5 of the area of the lots included in such proposed change, or of
6 those immediately adjacent in the rear thereof, extending one
7 hundred feet therefrom, or of those directly opposite thereto,
8 extending one hundred feet from the street frontage of such
9 opposite lots, such amendment shall not become effective except
10 by the favorable vote of three-fourths of all the members of
11 council. The provisions of the previous section relative to pub-
12 lic hearings and official notice shall apply to all changes or
13 amendments.

Sec. 118. In order to avail itself of the powers conferred by
2 this act, the council shall appoint a commission to be known as
3 the zoning commission to recommend the boundaries of the
4 various original districts and appropriate regulations to be en-
5 forced therein. Such commission shall make a preliminary re-
6 port and hold public hearings thereon before submitting its

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7 final report, and such council shall not hold its public hearings
8 or take action until it has received the final report of such
9 commission.

11 Sec. 119. The object and aim of this act is to procure an
2 honest and efficient administration of the affairs of the city of
3 Charleston, free from political partisan distinction or control;
4 and the municipal authorities of the city and courts of the state,
5 shall construe this act with that aim in view.

Board of Affairs Successors to Council

17 Sec. 120. The board of affairs (together with the council)
2 provided for in this act, and their successors in office, shall be
3 held and deemed in law and in fact, the successors of the mayor,
4 and council of the city of Charleston.

First Election and Present Officers

23 Sec. 121. The first election hereunder shall be held at the
2 time and in the manner hereinbefore provided and the officers
3 then elected shall begin their terms on the first day of May, one
4 thousand nine hundred thirty-four, and thereafter all elections,
5 except special elections, shall be held on the third Tuesday in
6 March in every second year thereafter; and the terms of office
7 of the persons elected shall begin on the first day of May next

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8 after such election. For the first election to be held hereunder,
9 the county court of Kanawha county shall be a canvassing board
10 to ascertain and disclose the result of said election, and to hear
11 and determine all contests. Thereafter the board of affairs
12 shall act as such canvassing board and for this purpose it may
13 assemble in special session on the day fixed by law to canvass the
14 result of any election; and all the powers concerning elections
15 the appointment of registrars and election officers heretofore
16 given to the council, or which may hereafter be given to council
17 by general law, are hereby vested in the board of affairs; and
18 whenever one or more members of the board of affairs shall be
19 a candidate for reelection it shall be the duty of the council to
20 meet and appoint some person or persons, qualified to act on
21 the board of affairs, to serve as such in the appointment of elec-
22 tion officers and in canvassing and disclosing the result of any
23 election and in hearing contested election matters and cases, in
24 the place and stead of such members or member so being candi-
25 dates such person or persons so appointed shall be, in each case
26 a member or members of the same party as the person or per-
27 sons respectively candidate and in whose place he or they are
28 appointed; and every person so appointed shall take the re-

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29 quired oath of office before discharging his duties; and in all
30 matters concerning said election thereafter and the canvassing
31 and disclosing the result thereof and the hearing of contests in
32 relation thereto, such person or persons so appointed shall act
33 in the place and stead of such member or members so being
34 candidates, and it shall be unlawful for any member of the
35 board of affairs to act as such in any capacity in the appoint-
36 ment of election officers or in ascertaining and declaring the
37 result thereof or in hearing any contest in relation thereto, when
38 such member is a candidate at such election; and anyone violat-
39 ing this section shall be deemed ineligible to the office for which
40 he is a candidate; and if upon application to the board of affairs
41 by any five taxpayers it fails to disclose such ineligibility, then
42 the council shall have power so to do, if the council shall fail to
43 do so; then the circuit court of Kanawha county shall have
44 power so to do by mandamus prohibition or certiorari.

Sec. 122. The city clerk, acting under state laws in so far as
2 they are not in conflict with this act, shall perform such duties
3 relating to all municipal elections held under the municipal
4 authorities of said city, as the clerk of the county court of
5 Kanawha county performs, under state laws, in relation to state,

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6 county and district election in said county and he shall like-
7 wise be the custodian of all ballots, tally sheets, etc., pertaining
8 to all municipal elections.

Sec. 123. The present mayor, city council and all officers,
2 agents, and employees of the city of Charleston shall remain in
3 and hold their offices, and discharge the duties thereof until
4 the first day of May, one thousand nine hundred thirty-four,
5 and thereafter until their successors are elected and qualified as
6 provided by this act, and all existing officers not provided for by
7 this act, shall be abolished as of the first day of May, one thou-
8 sand nine hundred thirty-four, except this section shall not
9 apply to firemen and policemen retained by the civil service
10 board as hereinbefore provided for.

Referendum

Sec. 124. This act shall not become effective until it shall
2 have been submitted to and obtained the approval of a majority
3 of the votes cast at the referendum herein provided. A refer-
4 endum to the voters of the city of Charleston or a special election
5 therein is hereby called and shall be held on the third Tuesday
6 following the date on which this act becomes effective by legis-
7 lative enactment for the purpose of submitting to the voters of

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8 the city of Charleston the question of the adoption or rejection of this act.

Sec. 125. At such referendum or special election all persons now qualified to vote in the municipal elections of the city of Charleston, who shall have been registered voters at the special election held June twenty-seventh, one thousand nine hundred thirty-three, for the purpose of providing for a convention to pass on an amendment to the constitution of the United States or who, under the provisions of this charter are, at the time of the election, qualified voters, shall be entitled to vote. The registration books used in said election, as corrected by the county court, holding session on the Friday and Saturday preceding the day of such election for the purpose, shall be used in said referendum.

Sec. 126. Except as in this act otherwise provided, such referendum shall be conducted and the results thereof ascertained and certified by the county court of Kanawha county, West Virginia, sitting as a board of canvassers, and all provisions of the law of this state, relative to elections, except so far as inconsistent with this act, are hereby made applicable to such referendum. The county court of Kanawha county shall

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8 appoint for each precinct in said city three commissioners of
9 election, and no more, and no poll clerks, for the referendum
10 hereby called, and at least one commissioner shall be known to
11 the court to be for the adoption of this act and one shall be so
12 known to be for the rejection thereof. The commissioners shall
13 designate two of their number, one known to be for the adop-
14 tion and one known to be for rejection, as poll clerks, who shall
15 perform all duties of poll clerks as well as commissioners at such
16 referendum. No such commissioner of election shall receive
17 compensation for his duties as such.

Sec. 127. The referendum shall be by ballot and the ballot
2 commission of Kanawha county, West Virginia, or said county
3 court shall prepare ballots, and print thereon the following:

4 Ballot on Bi-partisan charter.

5 ☐ For adoption of Bi-partisan Charter.

6 ☐ Against adoption of Bi-partisan Charter.

Sec. 128. The county court of Kanawha county, sitting as a
2 canvassing board, shall ascertain the result of the referendum,
3 and shall within five days thereafter file a certificate of the
4 same with the secretary of state, whereupon, if this act shall
5 have been so adopted, the same shall to all intents and purposes

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A. H. Jones

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6 become immediately effective, otherwise null and void and of
7 no effect whatsoever.

Sec. 129. If one or more sections or parts of sections of this
2 charter shall be declared to be unconstitutional by any of the
3 courts of this state, the remaining sections and parts of sections
4 hereof shall not be affected by any such decision, but shall be
5 and remain in full force and effect.

Sec. 130. All expenses of election held under this act shall
2 be paid out of the treasury of the city of Charleston.

Sec. 131. All acts or parts of acts in conflict or inconsistent
2 with this act, are, to the extent of any such conflict hereby re-
3 pealed.

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James D. Smith
Chairman Senate Committee

B. M. Shiner
Speaker of the House of Delegates.

James M. Hall
Clerk of the House of Delegates.

B. M. Mainwaring
President of the Senate.

James D. Smith
Chairman House Committee

James M. Hall
Clerk of the Senate.

The within is.....

this.....day of....., 1934.

Filed in the office of the Secretary of State
of West Virginia. **JAN 3 1 1934**

Wm. S. O'BRIEN,
Secretary of State

.....
Governor.