

Rec., Feb. 19, 1934

ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 66

By Mr. Taylor

PASSED February 16, 1934

IN EFFECT From PASSAGE

Originating in the Senate Takes effect Now Passage.
Davidson Clerk. Geo. A. H. H. H. Clerk House of Delegates.

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James L. Smith
Chairman House Committee.

Kenan K. Styr
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 66)

[Passed February 16, 1934; in effect from passage.]

AN ACT to amend and reenact chapter eleven, acts of the Legislature, one thousand nine hundred twenty-one (municipal charters), and amendments thereto by chapters seventy-seven and seventy-eight of the general acts of the Legislature, one thousand nine hundred twenty-three; chapters twenty-seven and twenty-eight, acts of the Legislature, one thousand nine hundred twenty-five (municipal charters); chapter seventeen, acts of the Legislature, one thousand nine hundred twenty-seven (municipal charters); chapter eleven, acts of the Legislature, one thousand nine hundred twenty-nine (municipal charters); chapter seventy-six, acts of the Legis-

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lature, one thousand nine hundred thirty-one; chapter twenty-five, acts of Legislature, one thousand nine hundred thirty-two; and chapter one hundred twenty-one, acts of the Legislature, one thousand nine hundred thirty-three, in relation to the charter of the city of Huntington, and to consolidate into one act the charter of said city.

Be it enacted by the Legislature of West Virginia:

That chapter eleven, acts of the Legislature, one thousand nine hundred twenty-one (municipal charters), and amendments thereto by chapters seventy-seven and seventy-eight of the general acts of the Legislature, one thousand nine hundred twenty-three; chapters twenty-seven and twenty-eight, acts of the Legislature, one thousand nine hundred twenty-five (municipal charters); chapter seventeen, acts of the Legislature, one thousand nine hundred twenty-seven (municipal charters); chapter eleven, acts of the Legislature, one thousand nine hundred twenty-nine (municipal charters); chapter seventy-six, acts of the Legislature, one thousand nine hundred thirty-one; chapter twenty-five, acts of the Legislature, one thousand nine hundred thirty-two; and chapter one hundred twenty-one, acts of the Legislature, one thousand nine hundred thirty-three, be amended and re-

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enacted, and that the charter of said city, as constituted by this act, be incorporated and consolidated into one act to read as follows:

Section 1. That part of the county of Cabell and the county of Wayne, included in the limits hereinafter prescribed in section two, is hereby made a city corporate and body politic by the name of "The City of Huntington," and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, and may purchase, lease, sell and hold real estate and personal property necessary for the purpose of said corporation.

Sec. 2. The corporate limits of the city of Huntington shall be as follows, to-wit:

Beginning at a point at low water mark of the Ohio river on the south side thereof, about one mile above the mouth of the Guyan river, in the west line of Peck farm; thence southerly with the said Peck line, crossing the Ohio River hill, to the east boundary line of the Eastland addition; thence with the east line of said addition southerly to the west boundary line of Woodland terrace; thence with the west line of same, produced, to the south right-of-way line of

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11 the Chesapeake and Ohio railroad; thence with said right-of-
12 way line easterly to a point in the west line of Fifth street
13 of the Altizer place, plat number one; thence with the west
14 line of said Fifth street, produced, southerly crossing Guyan
15 river to the top of the south bank of said river; thence down
16 said river with the top of the bank thereof to a point in the
17 east line of the International Nickel company's land, pro-
18 duced, and with said line crossing said river in a northerly
19 direction to the south right-of-way line of the Chesapeake
20 and Ohio railroad, thence with said right-of-way line westerly
21 to Pat's branch; thence down same to the easterly right-of-
22 way line of Riverside drive and with said right-of-way line
23 southerly and easterly to a point in the east line of said
24 International Nickel company; thence with said line
25 southerly, crossing the Guyan river to the top of the south
26 bank thereof; thence down said river bank to the east line
27 of Ellwood avenue in Arlington addition as of record in
28 Cabell county court clerk's office, in map book number three
29 as map number sixty-eight; thence with the east line of said
30 Ellwood avenue southerly to the south line of Washington
31 boulevard in said addition; thence in an easterly direction

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32 with the southerly line of Washington boulevard continuing
33 with the same to the point of junction of Washington boule-
34 vard with Arlington boulevard, and thence continuing in a
35 southerly direction with the westerly line of Arlington boule-
36 vard to a point in the line between lots numbers seven
37 hundred thirty-three and seven hundred thirty-four of said
38 addition, produced; thence easterly crossing said Arlington
39 boulevard and with said lot line to a point in Crump branch
40 in the property line between the said Arlington addition and
41 Monel park; thence up Crump branch and with the property
42 line between said additions to the north line of Norway
43 avenue; thence leaving said property lines and continuing
44 up said Crump branch as it meanders for a distance of about
45 one thousand seven hundred forty feet to what is known as
46 the "old military line"; thence with said line westerly, to the
47 easterly boundary line of Roland park subdivision as of
48 record in Cabell county court clerk's office in map book
49 number three, map number thirty-two; thence with the
50 easterly line of said Roland park in a southerly direction to
51 the northerly line of Grand boulevard as shown on map of
52 Forrest Hills subdivision number one, of record in map book

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53 number two as map number two hundred thirty-three; thence
54 with the said line easterly to the easterly line of J. L.
55 Hawkins' lot, produced; thence with said lot line southerly
56 and westerly to the east line of the said Roland park sub-
57 division; thence with the easterly and southerly lines of said
58 Roland park in a southerly and westerly direction to a point
59 in the east right-of-way line of a road survey made by the
60 state road commission in one thousand nine hundred thirty-
61 two, known as state project number two thousand thirty-
62 four; thence with said road right-of-way line in a northerly
63 direction to a point in the easterly line of Fairfax court at
64 its intersection with the aforesaid old military line; thence
65 with the said military line, westerly to a point in the east side
66 of Ricketts road, at its intersection with Line street; thence
67 with the south line of Line street in a westerly direction to
68 the south line of Washington boulevard; thence with same
69 westerly to the east line of Hildacrest; thence with said line
70 southeasterly to the north right-of-way line of the Hunt-
71 ington and Hamlin pike; thence south forty-five degrees no
72 minutes west to the south bank of Four Pole creek; thence
73 down said creek with the south bank thereof, to a point in

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74 the easterly exterior line of Enslow Park place; thence with
75 said line to the corner between lots numbers seventy-four and
76 seventy-five as shown on the Enslow park map; thence with
77 said lot line westerly about one hundred fifty feet to the east
78 line of Donald avenue; thence crossing said Donald avenue
79 and Enslow boulevard at their convergence to the corner
80 between lots numbers twenty-four and twenty-five in the
81 west line of Enslow boulevard; thence with said line north-
82 westerly to the lot line between lots numbers thirty-one and
83 thirty-two; thence southwesterly with said lot line between
84 lots numbers forty-four and forty-five, and with same south-
85 westerly to the east line of Ritter boulevard; thence with
86 said line northwesterly to a point in the line between lots
87 numbers eighty-five and eighty-six, produced; thence crossing
88 said Ritter boulevard westerly and with said lot line to the
89 east line of said Ritter boulevard; thence with said line
90 northerly and westerly to the line between lots numbers one
91 hundred five and one hundred six; thence with said lot line
92 northwesterly about two hundred thirty, four-tenths feet to
93 the corner common to lots numbers one hundred two, one
94 hundred three, one hundred five and one hundred six;

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95 thence with line between lots numbers one hundred three and
96 one hundred six westerly about thirty-five feet to the
97 westerly exterior boundary line of said Enslow park place,
98 and in the easterly line of the Tom Beard land; thence with
99 said line southerly to his southeast corner; thence with said
100 Beard's southerly line, and the same produced, westerly to
101 the west right-of-way line of the McCoy road (now known as
102 United States route number fifty-two); thence with said road
103 right-of-way, southerly, to the north right-of-way line of the
104 McCullough road; thence with said right-of-way line of said
105 McCullough road southwesterly to a point at or near the
106 Miller road in the northerly right-of-way line of state road
107 project number three thousand two hundred eighty-seven, as
108 surveyed by the state road commission in December, one
109 thousand nine hundred thirty-two; thence with said right-of-
110 way line paralleling the center line of said road survey, in-
111 cluding necessary revisions substantially upon or near the
112 same location, which said center line is described as follows:
113 Beginning at or near station 82x33 on said road survey;
114 thence curving to the left with a radius of one thousand four
115 hundred thirty-two, thirty-nine hundredths feet, a distance

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116 of four hundred seventy-eight feet, more or less, to a point
117 of tangent at station 77x54.8; thence north fifty-one degrees
118 thirty minutes west thirty-nine hundred seventy-three ninety
119 eight hundredths feet to a point of curve at station 37x80.82;
120 thence curving to the right on a radius of five hundred
121 seventy-two ninety-six one hundredths feet, a distance of six
122 hundred fifty-nine sixty-seven one hundredths feet to a point
123 of tangent at station 31x21.15; thence
124 North fourteen degrees thirty minutes east four hundred
125 fifteen eighty-four one hundredths feet to a point of curve
126 at station 27x05.31; thence
127 Curving to the left with a radius of two hundred, eight
128 sixty-four seventy-nine hundredths feet, a distance of three
129 hundred five thirty-one one hundredths feet to station 24x00
130 on the said curve;
131 Thence leaving the said road right-of-way line and passing
132 through station 24 of the said center line, in a westerly direc-
133 tion, to the northwest corner of the A. Blake seven and sixty-
134 five hundredths acre tract; thence with the southerly line of
135 said twelve and five-tenths acre tract.
136 North seventy-six degrees four minutes west four hundred

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137 seventy-four eight tenths feet to a corner in the east line of
138 the Wilburn twenty-two and forty-five hundredths acre tract;
139 thence with the east line of said tract south eighty-seven
140 degrees no minutes west fifty-three feet; thence south twenty-
141 eight degrees fifteen minutes west one hundred eighty-five
142 feet; thence south thirty-four degrees fifty minutes west one
143 hundred seventy feet; thence south thirty degrees thirty
144 minutes west one hundred twenty feet; thence south four
145 degrees twenty minutes west one hundred forty-two feet;
146 thence south forty degrees fifty-five minutes west two hun-
147 dred sixty-six feet; thence south thirty degrees no minutes
148 west about two hundred forty feet to the southerly side of the
149 Hisey fork road; thence with the line of said road in a
150 westerly and southerly direction to the F. L. Whittaker line
151 on the north side of Hisey fork of Four Pole creek; thence
152 with the westerly lines of said Whittaker land crossing said
153 creek, southerly and westerly, to the southwest corner of said
154 Whittaker land; thence with the southerly lines of said
155 Whittaker land southerly to a large white oak, a corner to
156 the William Long land (now Mullens) on the Porter ridge;
157 thence with said ridge southwesterly and with the said Long

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158 and Overby lines (now Mullens) to the northeast corner of
159 the Ollie Simmons land; thence with the east line of the said
160 Simmons and said Porter ridge, southerly to the northeast
161 corner of the Sam Simmons land; thence with the east line
162 of same and said Porter ridge, southerly, to the northeast
163 corner of T. H. Reece's land; thence with the north line of
164 same and the said Porter ridge southeasterly, to the south-
165 east corner of said Reece's land; thence with the east line
166 of same, southerly, and with said Porter ridge, to a locust
167 stump, a corner to said T. H. Reece and Oliver Morrow;
168 thence southwesterly on said Porter ridge with lines between
169 said Reece and Morrow, to the most southerly corner of said
170 Reece's land; thence leaving said Porter ridge and continuing
171 with the said lines between Reece and Morrow and Bond and
172 Childray, westerly, to the Wayne county line; thence with
173 said line northwesterly to the east line of the Fred Zihlman
174 land; thence with the east line of said Zihlman, northerly to
175 the George Fisher and John Cole lands; thence with the
176 southerly and westerly lines of George Fisher (so as to in-
177 clude said Fisher land within the city of Huntington) to the
178 south bank of the Hisey fork of Four Pole creek; thence

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179 down same to the lower line of the W. H. Dixon land; thence
180 leaving said creek, and running westerly and south-
181 erly, with the west lines of said Dixon, to the top of the
182 divide between said Four Pole creek and Gimlet branch;
183 thence southerly with said Dixon's west lines to the westerly
184 lines of the Rebecca Huxham land; thence with the westerly
185 lines of same, southerly, to the Wayne county line; thence
186 with said line northwesterly to a point in the south right-of-
187 way line of the Chesapeake and Ohio railroad; thence with
188 said right-of-way line westerly, to its intersection with the
189 easterly line, produced, of a thirty-foot road in the Camden
190 park subdivision lying immediately east of and adjoining lot
191 number seventeen of said subdivision; thence with said street
192 line northerly, crossing the Chesapeake and Ohio railway
193 right-of-way to a point in the northerly line of Ohio Valley
194 Electric Railway right-of-way; thence with said north right-
195 of-way line easterly to a point in the westerly line of Handley
196 road, produced, as the said road is shown on the map of Hale
197 and Taylor subdivision; thence with the said line of Handley
198 road northerly and westerly to a point in the line between
199 lots numbers eighty-eight and eighty-eight-(a), produced;

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200 thence with said lot line northerly about two hundred forty-
201 two twenty-six hundredths feet to the line between lots
202 numbers fifty-two and fifty-three; thence with said lot line
203 north fourteen degrees fifty-six minutes east about one hun-
204 dred ninety-four sixty-nine hundredths feet to a point in the
205 southerly line of Westmoreland road; thence with said road
206 line westerly and northerly to a point in the north line of
207 Bogie road; thence continuing on the westerly line of West-
208 moreland road, produced, north twelve degrees fifteen
209 minutes west to a point in the low water line of the Ohio
210 river; thence up said river with the low water line thereof
211 to the beginning: *Provided*, That the part of the territory
212 embraced herein, which is in Wayne county, shall always
213 remain in Wayne county.

Sec. 3. The territory of the said city shall be divided into
2 ten wards, and such division shall be as follows:

3 FIRST WARD: To include the territory lying south of the
4 main line of the Baltimore and Ohio railroad, and east of the
5 division line between Cabell and Wayne counties, and west of
6 First street, projected southerly to the corporation line;

7 SECOND WARD: To include the territory lying north

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8 of the main line of the Baltimore and Ohio railroad, and east of
9 the division line between Cabell and Wayne counties, and lying
10 west of First street;

11 THIRD WARD: To include the territory lying east of
12 First street and west of Tenth street, and between the Ohio
13 river and the main line of the Chesapeake and Ohio Railway
14 company;

15 FOURTH WARD: To include the territory east of Tenth
16 street and west of Eighteenth street, between the Ohio river
17 and said main line of the Chesapeake and Ohio Railway com-
18 pany;

19 FIFTH WARD: To include the territory east of Eighteenth
20 street and west of Twenty-eighth street, between the Ohio river
21 and said main line of the Chesapeake and Ohio Railway
22 company;

23 SIXTH WARD: To include the territory bounded as fol-
24 lows: The said main line of the Chesapeake and Ohio Rail-
25 way company on the north, the south corporation line of said
26 city on the south, the west line of First street, projected,
27 on the west, and by the west line of Sixteenth street and State
28 Route No. 10 to the south corporation line of said city on the

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29 east;

30 SEVENTH WARD: To include the territory bounded as
31 follows: On the north, by said line of the Chesapeake and
32 Ohio Railway company; on the west, by Sixteenth Street and
33 State Route No. 10 to its intersection with the south corporation
34 line of said city; on the south, by a line at the intersection of
35 the corporation line with the west line of Sixteenth street, or
36 State Route No. 10; and with said south corporation line to
37 the southwesterly line of Norway avenue; on the east, by a
38 line at the intersection of said south corporation line with the
39 said line of Norway avenue, and with the same to its intersection
40 with Twentieth street; and with the west line of Twentieth
41 street to the said main line of the Chesapeake and Ohio Rail-
42 way company;

43 EIGHTH WARD: To include the territory east of Twen-
44 tieth street and the extension thereof, known as Norway ave-
45 nue; and west and south of the Guyandotte river, south side
46 thereof; and between the main line of said Chesapeake and
47 Ohio Railway company, and the south corporation line;

48 NINTH WARD: To include the territory lying east of
49 Twenty-eighth street and north of the main line of the Ches-

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50 apeake and Ohio Railway company to the Ohio river, and west
51 of the west side of the Guyandotte river, and also all that
52 territory east and north of the Guyandotte river, west and
53 south side thereof;

54 TENTH WARD: To include all the territory in said city
55 lying west of the Cabell-Wayne county line.

Sec. 4. The municipal authorities of the city of Huntington
2 shall be vested in a body comprised of a mayor and council-
3 men, to be elected in the manner as hereinafter provided under
4 this act. The councilmen thus elected, together with the mayor,
5 shall constitute and be known as "The Council of the City of
6 Huntington."

Sec. 5. All the corporate powers of the city shall be vested
2 in and exercised by the council, or under its authority, except
3 as otherwise provided in this act.

Sec. 6. Said city shall have, and is hereby granted, power
2 to have the city surveyed from time to time; to open, vacate,
3 broaden, change grade of streets, and to grade and pave
4 streets, sidewalks and gutters, or otherwise permanently im-
5 prove the same for public use, and to alter, improve, em-
6 belish, ornament and light the same, and to construct and

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7 maintain public sewers and laterals, and the city shall in all such
8 cases have power and authority to assess upon and collect from
9 the property benefited thereby such part of the expense there-
10 of as shall be fixed by ordinance, except as hereinafter pro-
11 vided; to have control of all streets, roads, alleys and grounds
12 for public use in said city, and to regulate the use thereof
13 and driving thereon, and to have the same kept in good order
14 and free from obstruction, pollution or litter in or about
15 them; to have the right to control all bridges within the city,
16 and the traffic passing thereover, except that nothing herein
17 contained shall be construed to change or void the right and
18 duty of the state to maintain the streets, avenues or alleys
19 through said city that are designated or may be designated as
20 state roads or routes; to change the name of any street, and
21 the numbering and renumbering of houses on any street there-
22 in; to regulate and determine the width of streets, side-
23 walks, roads and alleys; to order and direct the curbing and
24 paving of sidewalks and footways in said city, to be done and
25 to be kept clean and in good order, by the owner of abut-
26 ting property; to enter into a contract with any internal
27 improvement company for the joint ownership of any bridge

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28 by the city, and such company, upon such terms as **may** be
29 prescribed in the contract; but such bridge shall be a public
30 highway, and the interests of the company shall be only
31 such proportionate part thereof as it may pay for; to pro-
32 hibit and punish the abuse of animals; to restrain and punish
33 vagrants, mendicants, beggars, tramps, prostitutes, drunken
34 or disorderly persons within the city, and to provide their
35 arrest and manner of punishment; to prohibit and punish,
36 by fine,, the bringing into the city by steamboats, railroads or
37 other carriers, of paupers or persons afflicted with contagious
38 diseases; to control and suppress disorderly houses, houses
39 of prostitution or ill-fame, houses of assignation; to suppress
40 gaming, games of chance and gaming houses, or any part
41 thereof; to prohibit within said city, or within one mile there-
42 of, slaughter houses, soap or glue factories and houses or busi-
43 ness of like kind; to control the construction and repair of all
44 houses, basements, walls, bridges, culverts and sewers, and
45 to prescribe and enforce all reasonable regulations affecting
46 the construction of the same, and to require permits to be
47 obtained for such buildings and structures, and that plans
48 and specifications therefor be first submitted to the city for

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49 inspection; to control the opening and construction of ditches,
50 drains, sewers, cesspools, and gutters, and to deepen, widen and
51 clear the same of stagnant water or filth, and to prevent ob-
52 struction therein, and to determine at whose expense the same
53 shall be done; to cause garbage, refuse, trash, etc., in public
54 places and on privately owned lots and premises to be gath-
55 ered and disposed of, and which may, if the city so elects,
56 be done by and under contract, under such rules and regu-
57 lations as the city may make and provide therefor, or under
58 the authority of law not herein specified; to build and main-
59 tain fire station houses, police stations, and police courts, and
60 to regulate the management thereof; to acquire, lay off, ap-
61 propriate and control public grounds, squares, and parks,
62 either within or without the city limits as hereinbefore de-
63 fined, and when the city determines that any real estate is
64 necessary to be acquired by said city for any such purposes, or
65 any public purpose, the power of eminent domain is hereby
66 conferred upon said city, and it shall have the right to insti-
67 tute condemnation proceedings against the owner thereof in
68 the same manner, to the extent and upon the same conditions
69 as such power is conferred upon public corporations by chap-

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70 ter fifty-four of the revised code of West Virginia, one
71 thousand nine hundred thirty-one; to construct, pur-
72 chase, sell, lease or contract for public buildings and struc-
73 tures, including libraries and hospitals, deemed proper for
74 the use of the city; and for the protection of the public, to
75 cause the removal of unsafe walls or buildings, and the fill-
76 ing of excavations; to prevent injury or annoyance to the
77 business of individuals from anything dangerous, offensive or
78 unwholesome; to abate or cause to be abated all nuisances,
79 and to that end and thereabout to summon witnesses and hear
80 testimony; to regulate the keeping or moving of gunpowder
81 and other combustible or dangerous articles within the city;
82 to regulate or refuse the drilling of gas wells or oil wells
83 within the city; to regulate, restrain or prohibit the use of
84 firecrackers or other explosives or fire works, and all noises or
85 performances which may be dangerous or annoying to per-
86 sons or which tend to frighten horses or other animals; to
87 prohibit or control the use of airplanes or other air craft
88 in or over the city or any part thereof; to purchase and carry
89 group life, accident and/or health insurance for and on mem-
90 bers of the police and fire departments or other employees of

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91 the city, and arrange for payment of premiums therefor, in
92 whole or in part; to provide and maintain proper places for
93 the burial of the dead, and to regulate interments therein upon
94 such terms and conditions as to price and otherwise as may
95 be determined; to provide for shade and ornamental trees on
96 streets or public places, and the protection of the same; to
97 provide for the making of division fences; to make proper
98 regulations for guarding against danger from fires; to pro-
99 vide for the poor of the city, and to that end may contract
100 with the proper authorities of Cabell county or Wayne county
101 to keep and maintain the poor or any number thereof, upon
102 terms to be agreed upon; to make suitable and proper regula-
103 tions in regard to the use of the streets and alleys for street
104 cars, railroad engines and cars, and to regulate the running
105 and operation of the same so as to prevent injury, incon-
106 venience or annoyance to the public; to prohibit prize fight-
107 ing, cock and dog fighting; to license, tax, regulate or prohibit
108 theatres, public dances and dance halls or dances for which
109 paid admissions are required, circuses, the exhibit of show-
110 men and shows of any kind, and the exhibition of natural or
111 artificial curiosities, caravans, menageries and musical exhibi-

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112 tions, and performances, Tom Thumb golf or other golf of
 113 like kind, human contests at walking or dancing, sometimes
 114 designated marathon, sitting on a pole or other things severely
 115 taxing human endurance or endangering the life and safety
 116 of those engaged therein, or endurance contests of automobile,
 117 or drivers, or other mechanical machines on any public street;
 118 and other things or business on which the state does or may
 119 exact a license tax; to organize and maintain fire companies
 120 and to provide necessary apparatus, engines, and implements
 121 for the same; to regulate and control the kind and manner
 122 of plumbing and electric wiring for the protection of the
 123 health and safety of said city; to levy taxes on persons, prop-
 124 erty and licenses; to license and tax dogs and other animals,
 125 and regulate, restrain and prohibit them and all animals and
 126 fowls running at large; to provide revenue for the city and
 127 appropriate the same to its expenses; to adopt rules for the
 128 transaction of business and for its own regulation and govern-
 129 ment; to promote the general welfare of the city, and to pro-
 130 tect the persons and property of citizens therein; to regulate
 131 and provide for the weighing of produce and other articles
 132 sold in said city, and to regulate the transportation thereof,

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133 and other things, through the streets; to have the sole and
134 exclusive right to grant, refuse or revoke any and all licenses
135 for the carrying on of any business within said city on which
136 the state exacts a license tax; to establish and regulate markets
137 and to prescribe the time for holding the same, and what
138 shall be sold in such market, and to acquire and hold property
139 for market purposes; to tax by license and regulate the placing
140 of signs, bill boards, posters and advertisements in, on or close
141 to the streets, alleys, sidewalks and public grounds of said
142 city, whether stationary or by persons, automobile or other
143 movable transportation; to preserve and protect the peace,
144 order and safety and health of the city, and its inhabitants,
145 including the right to regulate the sale and use of cocaine,
146 morphine, opium, and poisonous drugs; to erect, own, lease,
147 authorize or prohibit the erection of gas plants, telephone
148 plants, electric light plants and water plants, or ferry boats,
149 in or near the city, and to operate the same, and sell the
150 products and services thereof to the inhabitants and industries
151 of the territory outside of the city, under such rules and regu-
152 lations; and for such compensations as the city may from
153 time to time prescribe, and to do any and all things necessary

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154 and incidental to the conduct of such business; to build, hold,
155 purchase, own and operate toll bridges; to provide for the
156 purity of water, milk, meats and provisions offered for sale
157 in the city, and to that end provide for a system of inspecting
158 the same and making and enforcing rules for the regulation
159 of their sale, and to prohibit the sale of any unwholesome or
160 tainted milk, meats, fish, fruit, vegetables, or the sale of milk
161 containing water or other things not constituting a part of
162 pure milk; to provide for inspecting dairies and slaughter
163 houses, whether in or outside of the city, where the milk
164 and meat therefrom are offered for sale within the said city;
165 to prescribe and enforce ordinances and rules for the pur-
166 poses of protecting the health, property, lives, decency, moral-
167 ity and good order of the city and its inhabitants, and to
168 protect places of divine worship in and about the premises
168-a where held, and to punish violation of ordinances thereabout,
169 even if the offense under and against the same shall constitute
170 offenses under the laws of the state of West Virginia or the
171 common law; to provide for the employment and safe keep-
172 ing of persons who may be committed in default of any pay-
173 ment of fines, penalties or costs under this act, who are other-

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174 wise unable or fail to discharge the same, by putting them to
175 work for the benefit of the city upon the streets or other
176 places, in or outside of the city, provided by said city, and
177 to use such means to prevent their escape while at work as
178 the city may deem expedient; and the city may fix a reason-
179 able rate per day as wages to be allowed such persons until
180 the fine and costs against them are thereby discharged; and
181 the city may contract with the county court of Cabell county
182 for the detention, keeping and working of such city prisoners
183 in Cabell county and outside the city until their term of im-
184 prisonment shall have expired; to compel the attendance at
185 public meetings of the members of the council; to have and
186 exercise such additional rights, privileges and powers as are
187 granted to municipalities by chapter eight of the revised code
188 of West Virginia, edition of one thousand nine hundred thirty-
189 one for such purposes, except that of taxation, the city shall
190 have jurisdiction, when necessary, for one mile beyond the
191 corporate limits of said city, excepting any other municipal
192 corporation or part of any other state within said one mile
193 limit: *Provided, however,* That nothing herein contained
194 shall be construed as limiting the city from going beyond its

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195 territorial limits to lease, purchase or acquire any real estate
196 for public grounds.

197 Said city of Huntington, as constituted by this act, shall
198 retain, keep and succeed to all rights, privileges, property,
199 interest, claims and demands heretofore acquired by, vested
200 in or transferred to the city of Huntington, the city of Central
201 City, the town of Guyandotte, as formerly constituted.

202 And the city shall have the right to establish, construct and
203 maintain landings, ferries, wharves, and docks on any ground
204 which does or shall belong to said city, or which it shall ac-
205 quire, and to sell, lease, repair, alter or remove any such
206 landings, ferries, wharves, buildings or docks which have been,
207 or shall be so constructed, and to levy and collect reasonable
208 duty on vessels, and other crafts coming to or using said land-
209 ings, ferries, wharves, docks and buildings, and to preserve
210 and protect the peace and good order at the same, and regu-
211 late the manner in which they shall be used; and to have the
212 sole right, under state laws and in the same manner as now
213 control county courts to establish, construct, maintain, regu-
214 late and control all such wharves, docks, ferries and landings
215 within the corporate limits.

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216 To the end that the city and its inhabitants and industries
217 may be furnished with an adequate supply of water, elec-
218 tricity, and with gas for heat, power and light, for all needful
219 purposes, the city is hereby authorized to acquire and hold
220 by gift, purchase, condemnation, or otherwise, such real estate
221 or interest therein or personal property, either within or with-
222 out the city limits, as may from time to time be necessary or
223 convenient for use in connection with such plants, works,
224 structures, pipe lines or other property in and about leasing,
225 constructing, operating and maintaining a water works, electric
226 plant system and gas plant system, which system may also be
227 used to supply water, electricity and gas to the inhabitants
228 and industries of such territory outside the city, as the city
229 may from time to time elect, for adequate compensation.

230 And the said city shall have the right and power to receive
231 and hold gifts or bequests of money or property of any sort,
232 and to manage and administer the same in accordance with
233 the terms of such gifts or devises or bequests; to establish
234 and manage homes for children or the helpless or indigent,
235 hospitals for the sick, invalid, crippled or destitute, and for
236 libraries, gymnasiums, or athletic park; to take, acquire, hold,

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237 keep and administer, under proper rules and regulations by
238 the city prescribed, such real estate as may be proper to ac-
239 complish any or all of said purposes, and lay such levy as
240 may be needed to maintain the same, and to have, hold and
241 maintain or administer such property as it may now have
242 for any or all purposes.

243 To carry into effect these enumerated powers, and all other
244 powers conferred upon the city expressly or by implication
245 in this act and other acts of the legislature, said city shall
246 have the power, in the same manner herein prescribed, to
247 adopt and enforce all needful orders, rules and ordinances
248 not contrary to the laws and constitution of this state; and
249 to prescribe, impose and enforce reasonable fines and penalties
250 including imprisonment; and with the consent of the county
251 court of Cabell county, entered on record, shall have the right
252 to use the jail of said county for any purpose necessary to the
253 administration of its affairs.

Sec. 7. Whenever a majority of the newly elected members
2 of the council shall have qualified, they, as a body, shall enter
3 upon the duties of their offices, and supersede all the members
4 of the former council. The mayor shall, by virtue of his office,

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5 be the administrative head of the council. He shall be the pre-
6 siding officer at the meetings of the council; and he shall, as
7 mayor, sign the minutes of the meetings of the council, and
8 execute all papers and documents required of him by the coun-
9 cil. The mayor shall not have a vote on any question before the
10 council, except that in case of a tie in the vote on any ques-
11 tion the mayor shall then have the right to cast the deciding
12 vote.

13 The council shall elect a vice-mayor of said city, whose term
14 of office shall expire at the end of the term for which the mayor
15 was elected. The vice-mayor shall act as such, and perform the
16 duties of the mayor, only when called by the mayor because of
17 his absence from the city, or, without being so called, when the
18 mayor shall be incapacitated for the performance of the duties
19 of the office of mayor. The compensation of the vice-mayor, for
20 services rendered while acting as mayor, shall be that agreed
21 upon between him and the mayor, and the amount so agreed
22 upon shall be deducted from the salary of the mayor and paid
23 to the vice-mayor. If no agreement shall have been made there-
24 abouts, then the vice-mayor shall, during such time, receive one-
25 half the salary of the mayor, which amount shall be deducted

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26 from the salary of the mayor. The agreement in relation
27 thereto, if any, shall be written memoranda and filed with the
28 city clerk. If the mayor shall be removed from office as herein
29 provided, or shall die during his term of office, then in either
30 of such events, the vice-mayor shall ipso facto become mayor
31 for the remainder of said term, subject to limitations set out
32 in this act, and receive the salary fixed for the mayor; and in
33 which event council shall elect some other person for the office
34 of vice-mayor, in the manner provided in this act.

35 The mayor shall have the right to recommend to the council
36 some person for vice-mayor, but the council is not required to
37 elect the person so named by the mayor, provided the person
38 named for vice-mayor shall be a member of the same political
39 party as that of the mayor.

40 The city clerk shall be ex-officio clerk of the council, and shall
41 perform such duties thereabout as may be required of him.

Sec. 8. If any person elected to the council fail to qualify as
2 herein provided within thirty days after his election, or shall,
3 after having qualified, resign from the council, or move from
4 the city, his office shall be vacated, and the council shall, by a
5 majority vote of the members present, fill such vacancy for the

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6 unexpired term with some person from the same ward (except
7 the vacancy be of a councilman elected at large), and the same
8 political party as the person whose vacancy of office is being
9 filled.

Sec. 9. No franchise, or extension of franchise, shall be valid
2 unless it shall have been ratified and approved by a majority
3 of all the members elected to the council, at two regular meet-
4 ings thereof, or, upon the written approval of the mayor, by the
5 three-fourths vote of all the members elected at one regular
6 meeting thereof; and the vote of said council shall be taken by
7 roll call of the members and entered of record in the minutes
8 of the meeting of the council.

Sec. 10. The council shall have the right to hear, consider
2 and act on charges against the mayor, and, after having heard
3 proof of such charges, may remove the mayor and declare his
4 office vacant by a two-thirds vote of all the members elected
5 to the council, and the vote thereon shall be by roll call of the
6 members and entered of record in the minutes of the meeting.
7 But before the mayor shall be put to trial on such charges, he
8 shall have at least ten days written notice of the nature of
9 said charges, and the time and place of the hearing thereon,

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10 before the council. If the council, after hearing the charges,
11 shall remove the mayor from office, thereby declaring a
12 vacancy in his said office, it shall cause its action thereabout
13 to be at once certified to the mayor: *Provided*, The mayor
14 shall not act as chairman of the council meetings during his
15 trial before it.

16 The mayor shall not be removed from his office except for
17 one of the causes mentioned in section six of article four of
18 the constitution of West Virginia, except the mayor may be
19 removed from office, on charges preferred as set out in this
20 section, for causes not included in section six, article four of
21 the constitution, if found guilty by a three-fourths vote of all
22 the members elected to council.

Sec. 11. The council shall make proper rules for its govern-
2 ment not contrary or inconsistent with any of the provisions
3 of this act, and it shall cause a record of its meetings and
4 proceedings to be kept and recorded by its clerk in a well-
5 bound book, which shall remain in the custody and at the
6 office of the city clerk, open to public inspection. The minutes
7 of the meeting and proceedings of the council, after recorda-
8 tion and when signed by the mayor or other presiding officer,

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9 shall be admitted as evidence in any court of record in this
10 state.

Sec. 12. The mayor shall be the chief executive officer of
2 the city and shall have and exercise all of the rights, powers
3 and duties of mayor conferred by the constitution and laws
4 of this state, and those conferred by the terms of this act;
5 and it shall be the duty of the mayor to see that the laws and
6 ordinances of the city and the resolutions and orders of the
7 council are enforced, and that the peace and good order of
8 the city are preserved, and that the persons and property
9 therein are protected. The mayor shall have such other
10 authority and powers that are otherwise enumerated and
11 given by this act.

Sec. 13. In addition to the municipal authorities mentioned
2 in section four of this act, the city may, by ordinance duly
3 adopted, have a city clerk, treasurer, police judge, city
4 attorney, chief of police, chief of fire department, city engi-
5 neer, and such other officers as are now or may be created
6 and established by ordinance. The mayor shall have the right,
7 power and authority to name and appoint all persons to fill
8 the offices and places of employment provided by the city.

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9 All persons holding offices under the provisions of this section
10 may be removed from office at the pleasure of the mayor.

Sec. 14. Every person qualified by law to vote for members
2 of the legislature of the state shall be entitled to vote for
3 candidates for city offices at all elections.

Sec. 15. Candidates to be voted upon for mayor and members
2 of council shall be nominated on the first Tuesday in August
3 in the year one thousand nine hundred thirty-four, and in
4 each two years thereafter, at primary elections at which
5 candidates for county offices and members of the legislature
6 are nominated, as provided by law. Names of candidates for
7 city offices, including park board, shall be voted for on a
8 separate ballot from the names of candidates for county and
9 other offices being voted for at the same time, but under the
10 supervision of the same election officers conducting the gen-
11 eral election. The provisions of section fifteen, article three,
12 chapter eight of the code of West Virginia, one thousand nine
13 hundred thirty-one, relating to primary elections in munici-
14 palities, shall not be binding upon the city of Huntington.

Sec. 16. All elections, whether primary or general, held under
2 this act, shall be held under the general election laws of the state

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3 of West Virginia, as far as applicable thereto, and the registra-
4 tion of voters for such election shall be had and proceeded with
5 as prescribed by the general election laws of the state for the
6 registration of voters for such state elections, and in all the
7 elections held for the city of Huntington under the provisions of
8 this act, the county court of Cabell county, and the county
9 court of Wayne county, respectively, shall be vested with
10 all the powers and perform all the duties vested in and de-
11 volving upon the county courts under the general election
12 laws of the state of West Virginia with respect to state elec-
13 tions; the clerk of the circuit court and the clerk of the county
14 court, in each of said counties, respectively, in all elections of
15 the city, held under the provisions of this act, shall be vested
16 with all the powers and perform all the duties vested in and
17 devolving upon the clerk of the county courts and the clerk
18 of the circuit courts under the general election laws of the
19 state with respect to state elections.

Sec. 17. On the Tuesday next after the first Monday in
2 November, one thousand nine hundred thirty-four, there shall
3 be elected, by qualified voters of the city, a mayor and thir-
4 teen councilmen, who shall hold their offices from the time

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5 of their qualification, on and from the first of January next
6 succeeding, for the term of two years, and until their respec-
7 tive successors are elected and a majority thereof shall qual-
8 ify; and on the general election day, every second year there-
9 after, there shall be elected, by the qualified voters of the city,
10 a mayor and thirteen councilmen who shall hold their offices
11 from the day of their qualification, on and from the first day
12 of January next succeeding, for the term of two years, and
13 until their respective successors are elected and a majority
14 qualified: *Provided, however,* That no member of the council
15 shall hold any other position in municipal, county or state gov-
16 ernment.
17 Names of candidates for city offices, including members of
18 park board, shall be on a separate ballot from that on which
19 candidates for county and other offices are voted; but said
20 candidates for city offices shall be voted for in the same way,
21 at the same time, and under the same supervision, as such
22 other candidates are voted for.

Sec. 18. At the election at which the mayor shall be elected,
2 there shall also be elected by the qualified voters of each ward
3 of the city of Huntington a member of the council from such

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4 ward, who shall at the time of such election be a resident of
5 the ward from which he is elected, and three members of
6 council at large who shall be elected by the voters of the
7 whole city; and they shall hold their offices for the term pre-
8 scribed in section seventeen of this act: *Provided*, That on
9 and after the second Monday in June, one thousand nine
10 hundred thirty-four, the members of the citizens board, as
11 then constituted, shall be, and are, constituted the council,
12 with all the powers thereof, as provided in this act, until the
13 members of the new council shall have been elected and qual-
14 ified, under the provision of section seventeen of this act,
15 whereupon the citizens board, acting as such council, shall
16 ipso facto cease.

17 The term of office of the two commissioners of the city shall
18 terminate on the second Monday in June, one thousand nine
19 hundred thirty-four. The mayor of said city shall hold his
20 office until the second Monday in June, one thousand nine
21 hundred thirty-four, and until his successor shall have been
22 elected by the council (citizens board) and qualified, where-
23 upon his term shall terminate. The council (citizens board)
24 shall meet on the first day of June, one thousand nine hundred

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25 thirty-four, and, by a majority vote, shall elect a mayor of
 26 said city who shall qualify and function as such, under the
 27 provision of this act, until his successor shall have been elected
 28 and qualified as provided in section seventeen herein, provided
 29 no member of the council (citizens board) shall be eligible to
 30 hold the office of mayor during said interim. The council
 31 (citizens board) shall not adjourn, but may recess, its meet-
 32 ings from day to day until a mayor shall be elected. All
 33 appointed officers of the city on the last day of May, one
 34 thousand nine hundred thirty-four, shall hold their respective
 35 offices until removed by the mayor.

Sec. 19. No person shall be eligible to the office of mayor
 2 or member of council unless entitled to vote at the election
 3 at which he was elected to such office.

Sec. 20. Contested elections shall be heard and decided
 2 by the county court of Cabell county as to wards one to nine
 3 inclusive, and Wayne county as to ward ten, as an election
 4 board, and the contest shall be made and conducted in the
 5 same manner as provided in such contests for county and
 6 district offices, and the county court shall conduct its proceed-
 7 ings in such cases as nearly as practicable in conformity with

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8 the proceedings of the county court in election cases: *Pro-*
9 *vided*, That the county court shall demand of the person or
10 persons contesting said election on recount or otherwise, to
11 deposit with the sheriff of Cabell county an amount of money
12 sufficient, in the opinion of the county court, to cover the
13 amount of costs and expenses involved in such contest, and
14 the county court shall have the right, after the contest shall
15 have been heard, to apportion the costs and expenses among
16 the participants and persons involved in the contest as the
17 county court may deem equitable; and each member of the
18 county court shall be entitled to receive five dollars per day
19 for his attendance upon such hearings, and such amount, if
20 demanded, shall be taxed as a part of the costs.

21 In case of a tie vote between two persons for the same
22 office, the county court shall decide which of the two shall
23 be elected to hold the office.

Sec. 21. Elective officers, and others appointed to the offices
2 named in section thirteen hereof, shall make oath, before
3 someone authorized to administer oath, that they will support
4 the constitution of this state and will faithfully and impar-
5 tially discharge the duties of their respective offices, to the
6 best of their skill and judgment; that they will not during

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7 their term of office become pecuniarily interested in any con-
8 tract with the city or in the purchase of any supplies therefor.
9 When the officers shall have filed such oath with the city
10 clerk, and shall have given bond as required by this act, or
11 bond required by the council under the provisions of this act,
12 he shall be considered as having qualified for the office to
13 which he was elected or appointed: *Provided*, That if any
14 person elected or appointed to an office shall not qualify for
15 such office as herein prescribed, within thirty days after he
16 shall have been officially declared elected thereto, said office
17 shall by reason thereof become vacant, and said vacancy shall
18 be filled in the manner provided in this act.

Sec. 22. The council may require the mayor, each member
2 of the council, the city clerk, city treasurer, police judge, city
3 attorney, chief of police, chief of fire department and city
4 engineer, before entering upon the discharge of their duties,
5 to give an official bond conditioned for the faithful perform-
6 ance of their respective duties, as prescribed in this act, or by
7 any ordinance now or hereafter passed, in amounts deemed
8 adequate by the council.

9 The council may require additional bond from the mayor

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10 or any of said appointive officers, and may likewise require
11 a bond in whatever sum they may fix of any other appointive
12 officer. All bonds of appointive officers shall, before their
13 acceptance, be approved by the council, and the bond of the
14 mayor shall be approved by the retiring council (by the citi-
15 zens board after the election of one thousand nine hundred
16 thirty-four). All other bonds of whatsoever kind shall
17 not be accepted until first approved by the council. The min-
18 utes of the meeting of the council shall show all matters touch-
19 ing the consideration or approving of all bonds, and when said
20 bonds are approved and accepted they shall be recorded by
21 the city clerk in a well bound book kept by him at his office
22 for that purpose, which book shall be open to public inspec-
23 tion; and the recordation of such bonds as aforesaid shall be
24 prima facie proof of their correctness, and they, as so re-
25 corded, shall be admitted as evidence in all courts of this
26 state. The city clerk shall be the custodian of all bonds except
27 those given by him, and as to them the mayor shall be cus-
28 todian.

29 All bonds, obligations or other writings taken in pursuance
30 of any of the provisions of this act shall be made payable to

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31 the city of Huntington, and the respective corporations, or
32 persons and their heirs, executors, administrators and assigns,
33 bound thereby shall be subjected but not limited to the same
34 proceedings on such bonds, obligations or other writings, or
35 enforcing the conditions of the terms thereof, by motion or
36 otherwise, that collectors of county levies and other sureties
37 are or shall be subject to on their bonds for enforcing the
38 payment of county levies. All bonds required by this act shall
39 be paid for by the city.

Sec. 23. The government of the city may, by ordinance, be
2 divided into departments; but until changed by ordinance the
3 departments of government shall remain as now existing.

Sec. 24. The annual salary of the mayor shall be forty-five
2 hundred dollars. The salary of a councilman shall be five
3 dollars for each meeting of council attended by him in each
4 month: *Provided*, That he shall not receive more than ten
5 dollars in any one calendar month. The council shall, by ordi-
6 nance, fix the salary of all the appointive officers and members
7 of the fire and police departments: *Provided*, The mayor shall
8 have the right to make recommendations thereabout.

9 Laborers by the day and those doing special work, as re-

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10 quired by the mayor and department heads working under him,
11 may be paid reasonable wages without fixing the price there-
12 for by ordinance.

Sec. 25. The council shall meet at the city hall at times pro-
2 vided by ordinance or rules adopted by it: *Provided*, The
3 council shall hold at least one regular meeting in each month,
4 which, if not otherwise fixed by ordinance or the rules govern-
5 ing the council shall be held on the second Monday of each
6 month at seven-thirty P. M.

7 Special meetings of the council may be called by the mayor,
8 or any three members of the council, by personal notice given
9 to the other members thereof, or by like notice by at least one
10 publication in two daily newspapers of the city of opposite
11 politics, and such notice shall state the time and object of the
12 meeting; and no business, except that stated in said notice, shall
13 be considered or acted upon at such meeting, except by the
14 unanimous consent of all the members elected to the council.
15 All meetings of the council shall be open to the public. The
16 holding of a special meeting shall be prima facie evidence that
17 the notice required therefor was given as prescribed in this
18 section.

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Sec. 26. The vote upon any question or motion before the
2 council may be viva voce when unanimous, but if the ques-
3 tion or motion does not receive the unanimous vote of the mem-
4 bers present, then the vote shall be taken by roll call of the
5 members and made a part of the minutes of the meeting; and
6 when the vote is unanimous the minutes shall so state.

Sec. 27. The city clerk shall be ex officio clerk of the coun-
2 cil. The council shall cause detailed minutes of its meetings
3 and proceedings to be kept by the city clerk in a well-bound
4 book for that purpose, which shall remain in the custody of
5 the city clerk at his office and open to public inspection. The
6 minutes of every regular or special meeting shall be read pub-
7 lically at the next regular meeting of the council, and, after
8 being corrected, shall be signed by the mayor and city clerk
9 and, if thus recorded and signed, they shall be admitted as evi-
10 dence in any court record in this state.

Sec. 28. The council in the exercise of its respective powers
2 and the performance of its duties, as prescribed by this act
3 and by the laws of the state, shall have the power to enforce
4 the attendance of witnesses, the production of books and papers,
5 and the power to administer oaths to such witnesses in the same
6 manner and with like effect, and under the same penalties as

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7 notaries public, justices of the peace and other officers of the
8 state authorized to administer oaths under state laws; and said
9 council shall have such power to punish for contempt as is con-
10 ferred on county courts by the revised code of West Virginia, one
11 thousand nine hundred thirty-one. All process necessary to
12 endorse the powers conferred by this act on the council shall
13 be signed by the mayor, and shall be executed by any member
14 of the police force.

Sec. 29. The mayor shall purchase all the supplies for the
2 departments of the city government at the lowest price possible
3 considering the quality and grade of the supplies desired.
4 When practicable, he shall advertise by reasonable notice in at
5 least two daily newspapers of opposite politics, for bids on
6 supplies to be furnished, and shall award contract thereon (un-
7 less all bids are rejected) to the lowest bidder, taking from
8 such bidder a written contract, and bond therein, to be ap-
9 proved by the council, for the faithful performance of said
10 contract: *Provided, however,* That no supplies shall be pur-
11 chased until the clerk or other officer designated by the council
12 has made requisition for same, which shall also be approved by
13 the mayor. All bills or vouchers for the purchase of supplies



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14 or other things for the city, and all contracts involving the ex-
15 penditures of money, shall be filed with the city clerk, which
16 shall be open for public inspection, and the council may re-
17 quire them to be brought before it, from time to time, for its
18 inspection.

Sec. 30. The police judge, who shall be an attorney and a
2 resident of Huntington for five years, shall be ex officio a jus-
3 tice of the peace, with authority to issue warrants or other
4 process for all offenses committed within the police jurisdic-
5 tion of the city of Huntington of which a justice of the peace
6 has jurisdiction under the state laws, and for all violations of
7 any city ordinances, and as such shall have the authority to im-
8 pose such fines and collect such fees as justices of the peace
9 are authorized to do under the state law, which fees shall be
10 transferred to the sheriff of Cabell county, as ex officio treas-
11 urer of the city of Huntington, and become a part of the gen-
12 eral fund of said city. In order to preserve the peace and good
13 order of the city, and protect the persons and property therein,
14 riotous and disorderly persons in the city may be arrested and
15 detained before issuing any warrant therefor. The police
16 judge may, with the same fees or other compensation allowed

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17 justices of the peace, commit persons charged with felony or
18 misdemeanor to jail, or take bond for their appearance before
19 the grand jury of the court having jurisdiction thereof, and
20 he shall have power to issue execution for all fines, penalties
21 and costs imposed by him. And he may require the immediate
22 payment thereof, and, in default of such payment, may com-
23 mit the person so in default to jail until the fine and penalty
24 and costs shall be paid or satisfied, and to be employed during
25 the imprisonment as provided by this act. If any person is
26 sentenced to imprisonment, or any person or corporation is
27 assessed with a fine of ten dollars or more, such person or cor-
28 poration shall be allowed an appeal from said decision of the
29 police judge to the common pleas court of Cabell county, upon
30 the execution of an appeal bond, with surety deemed sufficient
31 by the police judge, in a penalty of at least two hundred dollars
32 and costs, conditioned that the person proposing to appeal will
33 perform and satisfy any judgment which may be recorded
34 against him by the appellate court on such appeal, and in no
35 case shall a fine less than ten dollars be given by the police
36 judge if the defendant, his agent or attorney demand that
37 such fine be made as much as ten dollars. If such appeal be

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38 taken the warrant of arrest, the transcript of the judgment,
39 the appeal bond and other papers of the case shall be forth-
40 with delivered by the police judge to the clerk of the appellate
41 court which shall proceed to try the case as upon indictment
42 or presentment and render such judgment, including that of
43 cost, as the law and evidence may demand: *Provided, however,*
44 That not until January first, one thousand nine hundred thirty-
45 seven, shall any of the powers herein granted to the police judge
46 to act in any manner or capacity as a justice of the peace, or in
47 any manner or capacity relating to or affecting the civil or
48 criminal jurisdiction of justices of the peace, or to collect the
49 fees which justices of the peace are or may be authorized to
50 collect, or to require fees or fines collected through proceedings
51 had by or under the police judge or police court to be paid to the
52 sheriff of Cabell county for the benefit of said city of Hunting-
53 ton, become operative or effective, and that the jurisdiction of
54 justices of the peace shall until said effective date, be exclusive
55 in said matters.

Sec. 31. Publication of notice to present a franchise and
2 other preliminaries prescribed by the laws of the state relating
3 thereto, shall be had in the manner prescribed by state laws,

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4 before the council shall act on any such franchise; but the pas-
5 sage of any franchise shall be prima facie proof that such
6 notice was given as prescribed by law.

7 The word "franchise", whenever used in this act, shall in-
8 clude every special privilege in, under and over the streets,
9 highways and public grounds of the city which belong to the
10 citizens generally by common right.

Sec. 32. The style of any ordinance enacted by the board
2 of commissioners shall be, "Be it ordained by the council of
3 the city of Huntington."

Sec. 33. Concerning anything for which a state license is
2 required to be done within the state or county, but not limited
3 thereto, the council may require a city license therefor, and
4 may impose a tax thereon for the use of the city; and the coun-
5 cil shall have the power to grant, refuse or revoke any such
6 license of owners or keepers of hotels, carts, wagons, drays,
7 automobiles, automobile trucks and conveyances, and every
8 other description of wheeled carriages kept or used for hire in
9 said city, and to levy and collect tax thereon, and to subject
10 the same to such regulations as the interest and convenience of
11 the inhabitants of said city, as in the discretion of the council,

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12 may be required. The council may require from the person so
13 licensed a bond, with approved surety, payable to said city
14 in such penalty and with such conditions as it may think
15 proper, and may revoke such license at any time if the condi-
16 tion of the bond is broken; and the council shall have author-
17 ity to subject any person or persons, who without having paid
18 the tax imposed by the council for the privilege, shall do any
19 act or follow any employment of business in the said city upon
20 which the council is or shall be authorized to impose a tax,
21 to a fine or imprisonment which it is or may be authorized to
22 impose or inflict for the enforcement of its ordinances.

Sec. 34. Council may, by ordinance, provide for a full time
2 public health officer for the city who shall be in charge of the
3 administration and enforcement of all laws of the state ap-
4 plicable to the city of Huntington relating to public health,
5 and of all ordinances of the city designed to secure or promote
6 the public health. Such health officer shall be qualified to
7 receive a license to practice medicine and surgery in the state
8 of West Virginia, and he shall have engaged in the practice of
9 medicine and surgery for at least five years or have had not
10 less than five years' experience in public health work. All

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11 regulations for the protection or promotion of the public health,
12 additional to those established by law and for the violation of
13 which penalties are imposed, shall be made by ordinance. The
14 council of said city shall have authority to abate and remove
15 all nuisances in said city. It may compel the owners, agents,
16 assignees, occupants, or tenants of any lot, premises, property,
17 building or structure, upon or in which any nuisance may be,
18 to abate and remove the same by orders therefor, and by ordi-
19 nance provide a penalty for the violation of such orders.

20 Said council may also, by its own officers, appointees and
21 employees abate and remove nuisances. It may, by ordinance,
22 regulate the location, construction, repair, use, emptying and
23 cleaning of all water closets, privies, cesspools, sinks, plumbing,
24 drains, yards, pens, stables and other places, where offensive or
25 dangerous substances or liquids are, or may accumulate, and
26 provide suitable penalties for the violation of such regulations,
27 which may be enforced against the owner, agents, assignee,
28 occupant or tenant, of any premises or structure where such
29 violation occur.

30 If the owner, agent, tenant, assignee or occupant of any such
31 premises, lot, property, building or structure as is mentioned

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32 herein, shall fail or refuse to abate or remove any such nuisance
33 as mentioned herein, or to comply with the provisions of any
34 such ordinance, and the regulations herein contained, the said
35 council may have said nuisance abated or the provisions of said
36 ordinance or ordinances carried out, after reasonable notice to
37 said owner, occupant, tenant, agent or assignee of its inten-
38 tions so to do, and collect the expense thereof, with one per
39 centum per month interest added from the date of said notice,
40 from the said owner, occupant, tenant, agent or assignee, by
41 distress or sale, in the same manner in which taxes levied upon
42 real estate for the benefit of said city are herein authorized
43 to be collected, and the expense shall remain a lien upon said
44 lot, or part of lot, and the same as taxes levied upon real estate
45 in said city; which lien may be enforced by a suit in equity
46 before any court having jurisdiction as other liens against
47 real estate are enforced. In case of nonresident owners of real
48 estate such notice may be served upon any tenant, occupant,
49 assignee, or rental agent, or by publication thereof for not less
50 than two consecutive weeks in two newspapers of opposite poli-
51 tics, published in said city.

52 And in all cases where any tenant, occupant or agent is re-

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53 quired to abate and remove any nuisance under the provisions
54 of this section, or comply with the provisions of any such ordi-
55 nance as is mentioned herein, the expense thereof may be de-
56 ducted out of the accruing or accrued rent of said property, or
57 amount due said owner from said agent, and such agent, occu-
58 pant or agent may recover the amount so paid from the owner,
59 unless otherwise especially agreed upon.

60 Any expense incurred by the council as herein provided, in
61 the manner aforesaid, may be collected in the manner herein
62 provided, notwithstanding the imposition of any other penalty
63 or penalties upon any of the persons named herein, under any
64 of the provisions of this act. The abatement or removal of any
65 such nuisance by the council at the expense of said city, as
66 herein provided, shall be prima facie proof that the said notice
67 to the owner, occupant, tenant, agent or assignee, was given as
68 herein prescribed.

Sec. 35. The council may require all owners, tenants and
2 occupants of improved property which may be located upon or
3 near any street or alley along which may extend any sewer or
4 system of sewerage, which the said city may construct, own or
5 control, to connect with such sewer or system of sewerage, all

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19 unless specially required to do so by resolution adopted by
20 said council, and then only in the manner prescribed by said
21 council; but said city may lay such sidewalks, curb or gutter,
22 and plant or replant and care for said shade trees, or may let
23 said work to contract, and in either case the total cost of said
24 work or such part thereof as the council may direct shall be
25 charged upon and against the land or lots abutting upon such
26 avenue, street, road or alley, which assessments shall be and
27 remain a lien upon said land or lots the same as taxes levied
28 upon real estate in said city, which may be enforced by a suit
29 in equity before any court having jurisdiction as other liens
30 against real estate are enforced. The amounts so assessed
31 against any land or lot shall also be a debt against the owner
32 of such land or lot, which may be collected as other debts are
33 collected, in any court having jurisdiction, and shall be due
34 and payable in ninety days from the completion and accept-
35 ance of such work as certified to by the council, with six per-
36 cent interest thereon from the date of such record acceptance.
37 And in ascertaining the amount to be assessed against any
38 corner lot for the cost of laying any such sidewalk and plant-
39 ing trees in front or alongside thereof, the council may assess

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40 the total cost of laying such sidewalks, and planting trees, in
41 front or alongside said lot and extended to the curb or gutter
42 of the intersections of the avenues, streets, roads or alleys
43 at that point.

44 When such work is done by the city, and not let to con-
45 tract, the council shall certify such assessments to the treas-
46 urer of the city for collection, who shall account for the same
47 as directed by the council or by ordinance; and the treasurer
48 shall accept payment, when tendered, of the amount of said
49 assessment with interest to the date of payment, and unless
50 said assessment shall have been paid within ninety days from
51 the date of assessment, then a copy of such report shall be
52 certified by the city clerk to the clerk of the county court of
53 the county of Cabell, who is hereby required to record and
54 index the same in the proper trust deed book in the name
55 of each person against whose property assessments appear
56 therein. If any such assessment shall not be paid when due,
57 the council shall cause to be enforced the payment of said
58 assessment and interest in all respects as herein provided for
59 the collection of taxes due the city; and said assessments shall
60 be a lien upon the property liable therefor, the same as for

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61 taxes, which lien may be enforced in the same manner as
62 provided for the sale of the property for the nonpayment of
63 taxes and tax liens; and the liens herein provided for shall
64 have priority over all other liens except those for taxes due
65 the state and the county, and shall be on a parity with taxes
66 and assessments due the city. When such assessments have
67 been paid in full, and a lien therefor shall be of record
68 in the county clerk's office, the treasurer shall execute and
69 deliver to the owner of said property a release of said
70 lien, which may be recorded in the office of the
71 county clerk as other releases or liens are re-
72 corded.

73 The council may, if it so elect, let said work to contract,
74 and certificates may be issued for the amount of said assess-
75 ments which may be sold to the contractor doing the work, or
76 other person, in full of the total cost, in the same manner as
77 provided for paving certificates, in this act: *Provided*, That
78 the city, in negotiating and selling such certificates, shall not
79 be held as guarantor or in any way liable for payment thereof,
80 except upon the direct action of the council as expressed by
81 resolution of record before such sale. Said certificates, to be

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82 signed by the mayor or clerk or other person or persons
83 designated of record by the council, shall bear date as of the
84 time when such work is accepted and certified by the council,
85 and shall be due and payable in ninety days from date there-
86 of, with six percent interest. When the council shall have re-
87 ceived said work, it shall at the same time make said assess-
88 ment upon written report; and at the end of ninety days
89 from date thereof, upon the demand in writing filed with the
90 city clerk, of the holder or holders of the unpaid certificates
91 issued to cover said assessments, said clerk shall certify a copy
92 of said report, only insofar as it relates to the owners against
93 whom said exhibited certificates remain unpaid to the clerk
94 of the county court of Cabell county, or Wayne county, depend-
95 ing upon the county in which the real estate is located, who
96 shall record and index the same as other liens of like kind are
97 recorded and indexed, and the same shall be and remain a
98 lien upon the real estate against which said assessments are
99 made, as set out in said certified report, and said lien may be
100 enforced, in the name of the holder of such certificate, in the
101 same manner as set out in this act.

102 Before letting such work to contract, the council shall ad-

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103 vertise the same once a week for two successive weeks in two
104 newspapers of opposite politics published in the city of Hunt-
105 ington, or in one paper in case publication cannot be had in
106 two such papers, setting out the time and place for receiving
107 proposals for such work and referring to the plans and speci-
108 fications made therefor; and the city reserves the right, wheth-
109 er stated in such notice or not, to refuse any and all bids for the
110 work. On refusal of said papers to publish said notice at
111 reasonable rates, the council may, by resolution, direct how
112 such notice may be given. The fact that such contract shall be
113 awarded for said work shall be prima facie proof that said
114 notice was given as required herein. Such lien, as represented
115 by certificates, may be released of record in the office of the
116 county clerk in the same manner as paving liens, represented
117 by certificate, are released of record as provided for in this
118 act; and in no event shall such assessment be and remain a
119 lien of record for a longer period than one year from the date
120 set out in said certified report so recorded in the office of the
121 county clerk unless at the end of said one year period a suit
122 shall be pending for the enforcement of said lien, or the amount
123 thereof, shall, in some way, be involved in a suit pending at

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124 the end of said one year period.

125 All such work, whether done by the city direct, or through
126 contractors, shall be under the supervision of the street de-
127 partment of the city, or some person designated for that pur-
128 pose by the council.

129 If the owner or occupier of any such lot or land shall be re-
130 quired by the council to lay, or relay, clean or repair any such
131 sidewalk between the street curb and the property line, and
132 keep the same sodded and free from weeds or obstruction,
133 and otherwise in good condition and repair, written or pub-
134 lished notice shall be given to such owner or occupier in the
135 manner provided by ordinance or resolution adopted by the
136 council, and neglect or refusal of such owner or occupier to do
137 the work, in the manner and within the time required by the
138 council, as set out or referred to in said notice, shall be an
139 offense and may be punished as provided by ordinance; and
140 after the expiration of the time set out in said notice for the
141 the doing of said work, and the same remains undone, the
142 council may do, or cause to be done, said work and assess and
143 collect the cost thereof in the manner, upon either plan, and to
144 the full extent as set out in this section. The council is

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145 authorized and empowered to require the owners and oc-
146 cupiers of any lot or tract of land to keep the same free from
147 weeds and other vegetation which may be unsightly or noxious,
148 and, to that end, may pass suitable ordinances with penalties
149 to be inflicted on the owners and occupiers of such lots who
150 may fail to comply with the provisions of such ordinances;
151 and in addition thereto, upon the failure of such owners and
152 occupiers of said lots to comply therewith, the city may do the
153 work necessary in keeping said lots or lands free from weeds
154 and other vegetation which may be unsightly or noxious and
155 charge the total costs thereof against the owner of such lots
156 or lands, which amount or amounts shall be a debt against such
157 owner, with which he is charged with interest thereon, from the
158 time of the completion of said work, and the expense shall
159 remain a lien upon said lots or lands, or any part thereof,
160 the same as taxes levied upon real estate in said city, and which
161 lien may be enforced by a suit in equity before any court
162 having jurisdiction as other liens against real estate are en-
163 forced, and in addition thereto, such costs or expense,
164 with interest may be collected from the owner, occupant,
165 tenant, agent or assignee, by distress or sale in the same

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166 manner in which taxes levied against real estate are herein
 167 authorized to be collected. And the costs or expense, with
 168 interest thereon, for the cleaning of said lots or land of weeds
 169 and other noxious vegetation, as well as the costs or expense,
 170 with the interest thereon, for the laying of sidewalks, plant-
 171 ing of trees, etc., as set out in this section, which may remain
 172 unpaid at the time of the making out of tax tickets covering
 173 the taxes due in any year by such owner of said lots or lands,
 174 shall be placed on the tax ticket for that year along with the
 175 statement of other taxes due by such owner, and the treasurer
 176 shall collect such amounts at the time and in the same manner
 177 as the other taxes are collected by him from such owner, but
 178 without allowing any discount thereon, and upon failure to
 179 pay the same on or before the last day of that year, there
 180 shall be added thereto the same interest penalties which are
 181 provided for the failure to pay other taxes assessed at such
 182 time against such owner; and the sheriff, upon the failure to
 183 pay said amounts, shall return the real estate, against which
 184 said amount is a lien, delinquent for the nonpayment of
 185 taxes for such year the same as in the case of returning such
 186 lands delinquent for the nonpayment of other taxes assessed

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187 against such owners and such real estate, and said real estate
188 may be sold, at the time and in the manner, provided for in
189 the case of delinquent lands for the nonpayment of taxes;
190 and these remedies, when applicable, are in addition to all
191 other remedies provided for in this act.

192 Notices to owners and occupiers of lots or lands requiring
193 them to clean said premises of weeds and other noxious vege-
194 tation, may be given in the same way and to the same effect
195 as provided in section thirty-four of this act, and tenants
196 and agents shall have the same rights and remedies against
197 such owners as therein provided. The council may, by gen-
198 eral or special ordinance, delegate the ministerial duties re-
199 quired in this section, to the mayor of the city.

Sec. 37. The council shall annually, before the laying of
2 taxes provided for and authorized by this act, ascertain the
3 total expense of said city to be provided for by levy for the
4 fiscal year in which said levy is made, and it shall ascertain
5 the sum of money necessary to pay interest accruing on the
6 bonded indebtedness of said city, and what amounts it shall
7 expend for the support of its various departments and for the
8 improvements of its streets, alleys, avenues, and public

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9 grounds, or for its contingent expense; and before making
10 such levy it shall apportion the rate thereof among the several
11 funds so ascertained and provided for, which apportionment
12 shall be spread upon the records of said council and a copy
13 of a statement thereof shall be annually published by direc-
14 tion of said council as soon as the same is recorded, in at least
15 two newspapers of said city of opposite politics. And the
16 council shall do and perform such other duties, in relation to
17 the things mentioned in this section, as are required by state
18 law.

Sec. 38. The council shall have authority to levy and collect
2 an annual tax on real estate and personal property in said
3 city, and to impose a tax upon all other subjects of taxation,
4 under the several laws of the state, all of which taxes shall be
5 uniform as to class with respect to persons and property
6 within the jurisdiction of said city, and shall only be levied on
7 such property, real, personal and mixed, and on capital, on
8 which the state imposes a tax: *Provided*, That no greater
9 levy shall be laid by the council, except the levy authorized by
10 section forty-seven of this act and the ten cents levy authorized
11 hereinafter by this section, relating to a revolving fund, on

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12 the taxable property of said city than is now permitted to be
13 laid under the state law relating to municipalities, except,
14 however, that the council may, by a two-thirds vote of its
15 members, by ordinance, lay an additional levy not to exceed
16 twenty cents on the one hundred dollars of all the taxable
17 property within said city.

18 For the purpose of creating a revolving fund by and with
19 which to promote and expedite permanent street and sewer
20 improvements, the city is authorized and empowered to levy
21 and collect for a period not longer than ten years, a special
22 annual tax, in addition to all other taxes, during all or any
23 part of said period, not exceeding ten cents on each one hun-
24 dred dollar valuation, on all taxable property in said city, and
25 which levy shall also be in addition to that now permitted by
26 street or sewer improvement bonds provided for in section of
27 state law relating to municipalities. Such levy shall not be
28 laid except by ordinance duly adopted by the two-thirds vote
29 of all of the members of the council.

30 No part of said revolving fund shall be used for any purpose
31 other than to pay for permanent improvements of streets,
32 avenues, roads, alleys and public grounds, and the construe-

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tion of sewers, and only then by the purchase of street or sewer improvement bonds or assessment certificates, provided for in this act, and for which assessment against real estate are made to cover the amount of such bonds or certificates as provided in said sections; and when and as such bonds or certificates so purchased out of this revolving fund shall be paid, the amount thereof shall be and become a part of such revolving fund, and thereby prevent any diminution of the fund.

When said fund, or any considerable part thereof is not being used, or in contemplation for immediate use, the city shall keep the same invested to the best advantage in securities of the kind permitted by state law for the investment of sinking funds, or in the discretion of the council, the same may be deposited, for a fixed time, at the highest rate of interest and to the best protection of the city, in some bank or banks, or may be directed by the council to be deposited in the manner set out in section forty-two for the deposit of other funds of the city. The council, as pertains to things mentioned in this section, shall proceed in the manner provided by state laws thereabout.

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Sec. 39. All taxes assessed upon the real estate within the
2 said city, shall remain a lien thereon from the time the same
3 are so assessed, which shall have priority over all other liens,
4 except for taxes due the state, county or district, and all taxes
5 whether assessed upon realty or personalty or otherwise may
6 be enforced and collected in the same manner and by the same
7 remedies as is now or may hereafter be provided by law for
8 the enforcement of liens and levies for state and county taxes,
9 or in such manner as the council may by ordinance prescribe.
10 And in levying taxes and collection thereof, and the return of
11 property delinquent for nonpayment of taxes, the duties of
12 the city clerk shall be similar to the duties of the county clerks
13 of the state in that behalf; the duties and powers of the sheriff
14 of Cabell county in wards one to nine inclusive, and the sheriff
15 of Wayne county in ward ten, in the collection of taxes on real
16 and personal property, or other kind, licenses and money due
17 the city, and accounting for the same, and the return of
18 property delinquent for the nonpayment of taxes, shall be
19 similar to the duties of the sheriffs of the state in their collec-
20 tion of state and county taxes, except the council may make
21 such further regulations and ordinances prescribing the duties

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22 of the city clerk and said sheriffs and their manner of per-
23 formance as the council may deem necessary. And the council
24 shall, through itself and such officers and employees as it may
25 appoint or employ under such regulations and ordinances
26 as it may enact (not contrary to the laws of this state), have
27 such authority and power as may be necessary for the levying
28 and collection of taxes, tithables, fines, licenses, sewer and
29 paving assessments owing the city with power and authority
30 to enforce the collection of such fines by imprisonment in the
31 city or county jail. For performing the duties prescribed in
32 this act the sheriff of Cabell county, and as ex officio treasurer
33 of the city of Huntington, which office is hereby created, and
34 the sheriff of Cabell county designated, ex officio, as said
35 treasurer for all time, shall receive one hundred dollars per
36 month to be paid out of the funds of the city of Huntington.

Sec. 40. No taxes or levies shall be assessed upon or collected
2 from the taxable persons or property within the corporate
3 limits of said city, for the construction, improvement or keep-
4 ing in repair of roads, or for the support of the poor of Cabell
5 or Wayne counties, outside of said corporate limits, for any
6 year in which it shall appear that said city shall at its own

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7 expense provide for its own poor and keep its own roads,
8 streets and bridges in good order. And the county court of
9 Cabell county, and Wayne county, and the authorities of the
10 districts in which said city is situated, shall not have or
11 exercise jurisdiction within the corporate limits with relation
12 to the roads, streets, alleys, bridges, wharves, docks, ferries,
13 but the same (except schools, schoolhouses and school prop-
14 erties which shall remain under exclusive jurisdiction of the
15 county school board), shall be and remain under the exclusive
16 jurisdiction and control of the municipal authorities of said
17 city.

Sec. 41. There shall be a tax of two dollars annually
2 assessed on each and every male inhabitant of said city, over
3 twenty-one years of age, by the council, and the same shall be
4 collected by the assessor of Cabell county, and Wayne county,
5 as the case may be, at the time and in the same manner provided
6 by the laws of the state for the collection of capitation taxes,
7 and for the collection of such city capitation taxes the assess-
8 ors shall receive the percentage thereof as provided by state
9 law, and the balance of which shall forthwith be paid to the
10 sheriff of Cabell county, ex officio treasurer of the city of

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11 Huntington. All money collected under this section shall go
12 into the street fund, or like fund, to be expended upon the
13 roads, streets, and alleys, sidewalks, crosswalks, drains,
14 gutters, wharves and bridges of said city.

Sec. 42. It shall be the duty of the sheriffs of Cabell and
2 Wayne counties to keep all funds of the city in some bank or
3 banks within said city which shall pay three percent per
4 annum interest on such deposits, payable quarterly, based on
5 the average daily balance of such funds in all accounts. If
6 no bank within said city is willing at any time to receive de-
7 posits of the sheriffs and to pay such interest thereon, the
8 sheriffs shall report this fact to the council, who shall there-
9 upon designate a bank or banks in which he shall deposit said
10 funds for the time being and until some bank in said city will
11 receive such deposits on such terms. Before receiving any
12 such deposits said bank or banks shall give bond in a penalty
13 prescribed by the council, and with sureties to be approved by
14 said council, conditioned for the prompt payment, whenever
15 lawfully required, of all the city money, or parts thereof which
16 may be deposited with them, which bonds shall be renewed at
17 such times as the council may require.

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18 The sheriff of Cabell county and the sheriff of Wayne county,
19 each, shall execute a bond for the faithful performance of his
20 duties as required under this act, including properly and
21 punctually accounting for all moneys collected for and on
22 behalf of said city, which accounting shall be made on the
23 fifteenth day of each month for the moneys collected for the
24 preceding month, and at the same time make payment of such
25 amount to the sheriff of Cabell county as ex officio treasurer
26 of the city of Huntington. The city shall pay the cost of
27 such bonds.

Sec. 43. (a) Whenever the council of the city of Hunt-
2 ington shall deem it expedient, it may order and cause any
3 avenue, boulevard, street, road or alley therein, to be graded
4 or regraded, curbed or recurbed, paved or repaved, surfaced
5 or resurfaced, macadamized or remacadamized, or otherwise
6 improved or reimproved, or repaired, in a permanent manner
7 and in accordance with plans and specifications adopted
8 therefor, and under such manner and supervision as may be
9 directed by ordinance or resolution, upon the lowest responsi-
10 ble bid to be obtained by advertising for proposals therefor,
11 except the city may do such work without letting it to con-

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12 tract, as is hereinafter provided for in (d) of this section, and
13 the said city shall have the power to purchase and condemn
14 land for opening and widening any avenue, boulevard, street,
15 road or alley to be so improved or reimproved. The entire
16 cost or any part thereof, of such improvement, or reimprove-
17 ment, together with the cost of purchase or condemnation of
18 any land necessary therefor, as provided for in the ordinance
19 or resolution authorizing the same, may be assessed to and
20 required to be paid by the owners of the lands, lots, or
21 fractional parts thereof, fronting or bounding on said im-
22 provement or reimprovement, except as otherwise provided
23 for in (c) and (g) of this section.

24 (b) Payment for such work shall be made by all of the
25 owners of the properties fronting or abutting on each side
26 of such avenue, boulevard, street, road or alley so improved
27 or reimproved, or repaired, in such proportion to the total
28 cost as the frontage in feet of the abutting land bears to the
29 total frontage of all the land abutting or abounding on said
30 improvement or reimprovement, less the portion, if any,
31 chargeable to any street railway or other railway company.
32 In case any such avenue, boulevard, street, road or alley be

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33 occupied by street car tracks, or the tracks of any other rail-
34 road, then such street railway company, or other railroad
35 company, shall pay the costs of said improvement or reim-
36 provement, or repair, for the distance between the rails of
37 the tracks thereof and two additional feet outside of each
38 rail thereof. The said costs and expenses of said improve-
39 ment or reimprovement including the costs and expenses of
40 purchasing rights-of-way, or the condemnation thereof for
41 the opening and widening thereof shall not include any
42 portion of the amount paid for the improvement or reim-
43 provement or the repair of intersections of any avenue,
44 boulevard, street, road or alley, unless the work be done and
45 the assessment therefor and payment thereof be made as is
46 provided for in (c) and (g) of this section.

47 (c) *Provided*, That whenever the council shall deem it
48 expedient it may order and cause any work to be done, and
49 any improvement or reimprovement and repair to be made,
50 as is set out in (a) of this section, and in addition to the
51 assessments provided for in (a) of this section, the council
52 may assess proportionately the property abutting and
53 abounding on such improvement, or reimprovement, with the

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54 total cost of the same, which cost may include the cost of all
55 grading, regrading, curbing, recurbing, paving, repaving,
56 surfacing, resurfacing, macadamizing, remacadamizing, engi-
57 neering, abstracting of all property to be assessed or acquired
58 by purchase or condemnation, installing drains and sewers,
59 the building and construction of retaining walls and culverts,
60 and everything necessary for the successful completion of
61 said work of improvement or reimprovement. If the council
62 shall order such improvement or reimprovement to be made
63 under this clause of this section, they shall first adopt an
64 ordinance or resolution setting forth the work and the im-
65 provement or improvements proposed to be done, and adopt
66 plans and specifications for the same, which are to be filed
67 in the city engineer's office, and set out therein the extent
68 of said improvement or reimprovement and the manner of
69 paying for the same; which ordinance or resolution shall be
70 published once a week for two successive weeks in two news-
71 papers of opposite politics, published and of general circula-
72 tion in said city. The published notice of said ordinance or
73 resolution shall be sufficient, if it contain the title of the
74 same, with a statement of the purpose of the ordinance or

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75 resolution, setting out between what points the improvements
76 or reimprovements are proposed to be made, and the adoption
77 of the plans and specifications therefor, which are on file in
78 the city clerk's office, and the method under which the assess-
79 ments are to be levied and the payment therefor made, and
80 further, the time at which objections or protests thereto may
81 be made, which time shall be at least two weeks from the date
82 of the first publication of the same. Objections and protests
83 may be made against the proposed improvement or reim-
84 provement, or repairs, by the owners of the property against
85 which said assessments will be levied, by reason of the said
86 improvements or reimprovements, or repairs, and if, at or
87 before such time set out in said published notice, the bona
88 fide owners of more than three-fifths in lineal feet of the
89 property abutting on said improvement or reimprovement,
90 shall file, separately or jointly, their written protest under
91 oath, setting forth that they are the owners of the said prop-
92 erty, and their reasons for their objections to said improve-
93 ment or reimprovement, with the city clerk, or the council,
94 at any regular or special meeting of the same. When any
95 such protest may have been filed, the council at its next

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96 regular meeting, or at a special meeting called for that
97 purpose, shall hear such protest and shall adjudicate their
98 determination of said objection, and if it appears that three-
99 fifths in lineal feet of the bona fide owners of the abutting
100 or abounding owners of the abutting or abounding property,
101 object to said improvement or reimprovement, and have
102 complied with all the provisions hereof, then the council
103 shall proceed no further hereunder, and shall order said im-
104 provement or reimprovement discontinued, and shall enter
105 an order to that effect upon the records of said city. If the
106 owners of more than three-fifths of the said property abutting
107 or abounding upon said improvement or reimprovement do
108 not file any objection or protest, as herein provided for, then
109 the council may immediately, by ordinance or resolution,
110 order and direct said work to be proceeded with and the
111 assessments levied against said property to be assessed there-
112 with in the manner as herein set out. All objections and
113 protests to said improvements or reimprovements shall be
114 deemed waived, unless presented at the time and in the
115 manner herein specified.

116 (d) The council on behalf of the city itself, after any

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117 improvement or reimprovement, or repair, is finally ordered
118 to be done or made, in the manner and form provided for in
119 this act, may, at its election, do such work and make such
120 improvement or reimprovement, or repairs, and assess the
121 costs thereof and collect the same in the manner set out in
122 this act, and the decision of the council to do such work or to
123 make such improvement or reimprovement, or repairs, may
124 be without further notice, other than notice to contractors as
125 provided for in (h) of this section, or after the rejection of
126 all bids for doing the same.

127 (e) The costs of grading, regrading, curbing, recurbing,
128 paving, repaving, surfacing, resurfacing, macadamizing, re-
129 macadamizing, or otherwise improving or reimproving, or
130 repairing the intersections, or portions or intersections, of
131 any or all avenues, boulevards, streets, roads, or alleys, and
132 the plans adopted for said improvement or reimprovement
133 for such work, shall be paid by the city, except as otherwise
134 provided in this act.

135 (f) If any such avenue, boulevard, street, road or alley be
136 occupied by street car tracks, or other railroad tracks, the cost
137 of said improvement, or reimprovement, or repairs, between

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138 the rails and two additional feet outside of each rail, shall be
139 assessed, and the amount of said assessment shall be borne
140 and paid by the person or company owning or operating
141 such street car or other railway line. In case any person or
142 company is the owner of such street car line, or other rail-
143 way line, abutting or abounding on said improvement, or re-
144 improvement either in fee, or by grant of easement, the said
145 person or company owning or operating same, is liable for
146 assessment the same as any other property owner.

147 (g) The council, if they so elect, may order and cause any
148 avenue, boulevard, street, road or alley, including the inter-
149 sections thereof, public parks, parkways, or public places to
150 be widened, graded, regraded, curbed, recurbed, paved,
151 surfaced, resurfaced, macadamized, remacadamized, repaired,
152 or otherwise improved, including the construction of re-
153 taining walls, culverts, sewers, drains, water pipes, water
154 mains or water courses, in connection therewith, and may
155 purchase and condemn land as provided in this act, for any
156 public avenue, boulevard, street, road or alley, or part
157 thereof, or park or parkway, or for any other public pur-
158 poses, and the council may assess all or any part of the entire

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159 cost of such improvement or reimprovement or the repair
160 thereof, and the costs of the purchase or condemnation of
161 land necessary therefor, against the abutting, adjacent, con-
162 tiguous, and other lots or lands especially benefited by such
163 improvement or reimprovement. The council, when they
164 decide to order the improvement or reimprovement under this
165 provision, shall first adopt an ordinance or resolution setting
166 forth the work and improvement or reimprovement proposed
167 to be done and that plans and specifications for the same had
168 been duly adopted and filed in the city engineer's office, the
169 extent of said improvement or reimprovement and the
170 manner of paying for the same, and the approximate amount
171 of the total cost of the same, and the said resolution or
172 ordinance shall fix the approximate amount of the special
173 benefit to be derived from said improvement or reimprove-
174 ment, and the names of the owners of said lots or lands so
175 specially benefited shall be set up therein of each of the
176 abutting, adjacent, and contiguous, and other specially
177 benefited lots or lands to be assessed, with the cost of said
178 improvement or reimprovement, together with the approxi-
179 mate amount of the assessment for each lot or tract of land

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180 therein, and the council, in fixing the amount of said assess-
181 ment for said improvement or reimprovement, shall not assess
182 the same with a greater amount than twenty-five per cent of
183 the assessed value of said lots or lands as fixed by the
184 assessor for the last taxable year for state and county pur-
185 poses. Said ordinance or resolution shall be published once
186 a week for two consecutive weeks in two newspapers of
187 opposite politics, published and of general circulation in said
188 city, in which publication a time shall be fixed of at least
189 two weeks from the date of the first publication thereof, in
190 which objections and protests may be made against the pro-
191 posed improvement or reimprovement, and the approximate
192 cost of the same, and against the approximate amount of the
193 assessment proposed to be levied therefor by the bona fide
194 owners of the property against which said assessment will be
195 levied, by reason of said improvement or reimprovement. The
196 said property owner or owners so objecting and protesting,
197 shall file separately or jointly, their written protests and
198 objections under oath setting forth that they are the bona
199 fide owners of said property and their reasons for their
200 objections and protests to the said improvement or reim-

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201 provement. Said objections and protests may be filed with
202 the city clerk or the council at any regular or special meeting
203 of the same, and when said objections and protests are so
204 filed, the council at regular meeting, or at a special meeting
205 called for that purpose, hear such objections and protests and
206 shall adjudicate and determine the same. In case said objec-
207 tions and protests are overruled, the said parties, objecting
208 and protesting shall have the right within thirty days from
209 the action of the said council in overruling the same, to pro-
210 ceed by writ of certiorari to the circuit court of Cabell
211 county, or Wayne county, depending on the location of said
212 real estate, as is provided by section two, article three,
213 chapter fifty-three, code of West Virginia, one thou-
214 sand nine hundred thirty-one, and during the time given
215 therefor, and after the same has been so filed in said court,
216 and until the same has been finally determined therein, no
217 further procedure under such ordinance or resolution shall be
218 had.

219 (h) Whenever any work of improvement or reimprove-
220 ment, or repair, has been ordered constructed, as con-
221 templated hereunder, a notice for bids or proposals for doing

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222 the same shall be published for at least two consecutive
223 weeks in two newspapers of opposite politics, published and
224 of general circulation in said city. The notice shall state,
225 briefly, the work contemplated; it shall refer to the plans and
226 specifications for the same and their adoption, which are filed
227 in the city engineer's office, and when and where and how the
228 bids or proposals shall be made and the amount of the surety
229 bond or certified check which is necessary to accompany each
230 bid or proposal, and shall state that the city shall have the
231 right to award said contract upon said bids or proposals to
232 the lowest responsible bidder, and that the city shall also
233 have the right to reject any and all bids and, whether stated
234 in said notice or not, the city shall have the right to reject
235 any and all bids for the said improvement or reimprovement.
236 The city, in awarding said contract, shall consider the fitness,
237 responsibility and capacity of the contractor to perform the
238 work.

239 (i) The cost of said grading, regrading, curbing, re-
240 curbing, paving, repaving, surfacing, resurfacing, macada-
241 mizing, remacadamizing, or any improvement or reimprove-
242 ment, may be paid for in one of two ways provided for in this

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243 act, and said method of payment shall be specified in the
244 ordinance or resolution authorizing the same.

245 (j) If the abutting land on any such avenue, boulevard,
246 street, road, or alley, sought to be improved or reimproved,
247 under any of the methods herein prescribed, is not laid off
248 into lots or subdivided by a map of record, the council may,
249 for the purpose of making the assessments provided for
250 herein, and in other sections hereof, lay said land and lots of
251 land off into lots of such width and depths as it may deem
252 advisable for the purpose of laying the proper assessment
253 for said improvement, or reimprovements, and such assess-
254 ment map shall be adopted by the council and placed of
255 record in the county clerk's office in the county wherein the
256 improvement is made.

Sec. 44. (a) The council may contract, or the city, if the
2 council may so elect, may do the work of improvement, reim-
3 provement, or repair, itself, as set out in section forty-three,
4 and shall have the power to acquire land by purchase, con-
5 demnation, or otherwise, for the same, as aforesaid, and the
6 council may stipulate that the costs thereof, either in whole or
7 in part, shall be paid by the abutting and bounding property

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8 owners as provided for in (a), (b), or (c) of section forty-
9 three of this act, in installment payments, as hereinafter set
10 out, and whether the city do such work, or let the same to
11 contract, the council may stipulate that the costs thereof, in
12 whole or in part, shall be paid by the abutting, adjacent, con-
13 tiguous, and otherwise specially benefited property owners,
14 as provided for in (g) of section forty-three of this act, in
15 installment payments as hereinafter set out.

16 (b) The said installment payments shall not exceed five in
17 number, unless otherwise provided for herein, and shall be in
18 equal or nearly equal amounts, and when practicable, in mul-
19 tiples of ten, the cents and odd amounts to be included in the
20 first installment, which installment payments shall be evidenced
21 by a certificate issued therefor against each separate lot or
22 tract of land, setting out the total amount of such assessments
23 against the same, and payable in not more than five install-
24 ments, except as hereinafter provided, as follows: The first
25 installment in thirty days after the date of the certificate, the
26 second installment on the first day of May of the year following
27 the year in which the certificate is issued, and the remaining
28 installments on the first day of May of the succeeding years

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29 respectively. The date of the certificates shall be the day on
30 which the city received and accepted said work from the con-
31 tractor or from the time the work was completed, in case the
32 city performed the work itself, and said certificates shall bear
33 interest at the rate not to exceed six percent per annum, pay-
34 able the due date of each principal installment, which cer-
35 tificates are to be signed in person by the mayor and the city
36 clerk, or other person or persons designated of record to sign
37 the same. Said certificates shall bear coupons designated
38 "principal installment coupon" representing the respective
39 amounts of the installments to be paid under the same, and
40 which coupons shall be due and payable on the dates provided
41 for the payment of the installments in this section, and said
42 certificates shall also bear coupons designated "interest install-
43 ment coupon," representing the interest to be paid on said
44 assessments, and which said interest coupons shall be due and
45 payable at the same time the principal installment coupons are
46 due and payable and shall bear interest at six percent after
47 the due date thereof. Upon the due date of any principal
48 installment coupon, excepting the first, the accrued interest,
49 on so much of said assessment as remains unpaid, shall be

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50 due and payable and shall be represented by interest coupons
51 as hereinabove set out. The interest on the first principal in-
52 stallment coupon shall be paid when the said principal in-
53 stallment coupon is paid, and likewise upon the succeeding
54 coupons attached thereto. Both the principal and interest
55 installment coupons shall be signed by the mayor and the city
56 clerk, or other person or persons designated of record for that
57 purpose, either in person or by stamp bearing a facsimile of
58 the written name of the person authorized to sign the same,
59 or lithographer in facsimile on said principal and interest
60 installment coupons.

61 (c) The certificates herein provided for may be sold either
62 to the contractor doing the work of improvement, or reim-
63 provement, or the same may be held and collected by the city,
64 or the same may be sold to any other person, and the amounts
65 thereof shall cover and include the entire cost of such work
66 provided for in the ordinance or resolution, including the cost
67 of grading, regrading, curbing, recurbing, paving, repaving,
68 surfacing, resurfacing, macadamizing, remacadamizing, en-
69 gineering, abstracting, installing drains and drainage, the
70 building and construction of retaining walls and culverts and

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71 the expense of purchasing and acquiring land by condemna-
72 tion, and other things pertaining thereto.

73 (d) When the entire amount to be assessed against any
74 lot, piece, or parcel of ground under the provisions of this
75 section does not exceed fifty dollars, then such amount shall
76 be covered by only one set of said coupons, payable thirty
77 days after the date of issue of the certificates; if over fifty
78 dollars, and not more than one hundred dollars, then such
79 amount shall be covered by only two principal and interest
80 installment coupons payable in thirty days after the date of
81 the certificate and on the first day of May of the year succeed-
82 ing the year in which the certificate was issued, respectively;
83 if over one hundred dollars, and not more than one hundred
84 and fifty dollars, then such amount shall be covered by only
85 three principal installment and interest installment coupons,
86 payable in thirty days from the date of the certificate, and
87 on the first day of May of the year succeeding the year in
88 which the certificate was issued, and on the first day of May
89 in one year thereafter, respectively; if over one hundred and
90 fifty dollars, and not more than two hundred dollars, then
91 such amount shall be covered by only four principal and

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92 interest installment coupons, payable in thirty days after the
93 date of the certificate and on the first day of May of the
94 year succeeding the year in which the certificate was issued,
95 and on the first day of May in one and two years thereafter,
96 respectively; if more than two hundred dollars, then such
97 amount shall be covered by five principal and interest in-
98 stallment coupons, payable in thirty days after the date of
99 the certificate, on the first day of May of the year succeed-
100 ing the year in which the certificate was issued, and on the
101 first day of May in one, two and three years thereafter, re-
102 spectively.

103 (e) The certificates and coupons covering the amounts of
104 the assessments and interest shall be paid by the owner or
105 owners of the land, lots, or fractional parts thereof, so
106 assessed, for the cost of said improvement or reimprovement,
107 on such avenue, boulevard, street, road or alley. The amount
108 specified in said assessment certificate, together with interest,
109 shall be a lien in the hands of the holder thereof, upon the
110 lands, lots, or parts thereof, so assessed, and shall also be a
111 debt against the owner of such real estate, and said amount
112 shall bear interest from the date of said certificate, payable

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113 on the due dates of each principal installment coupon, and
114 said interest installment coupons shall bear interest from the
115 due dates thereof. In case any installment of principal or
116 interest is not paid when due, and such default continue for
117 a period of sixty days from the date the same became due
118 and payable, then the owner and holder of said certificate
119 shall have the right to declare the total amount of said cer-
120 tificate and the coupons thereof, together with interest due
121 thereon, due and payable, without further notice or demand,
122 and may institute suit thereon to collect the whole or any
123 part of the same, either against the owner of said real estate
124 for a personal judgment or to subject the land assessed there-
125 with to the payment of the whole or any part of the said
126 assessment, and the payment of said assessment certificate
127 may be enforced in any other manner as provided by law
128 for the collection of debts or the lien of such assessment
129 certificate may be enforced in the name of the holder of such
130 assessment certificate in the same manner provided by law
131 for the enforcement of other liens against real estate.

132 (f) When said improvement or reimprovement, or a stipu-
133 lated part thereof, shall have been completed, and the costs

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134 of acquiring or taking land, by purchase, condemnation, or
135 otherwise, has been ascertained, the city engineer shall re-
136 port in writing to the council the total cost of said improve-
137 ment or reimprovement, the names of the property owners
138 abutting and bounding thereon (and if the work is done
139 under (g) of section forty-three, the names of the abutting,
140 adjacent, contiguous or other specially benefited property
141 owners) said improvement (the names of the property owners
142 shall be considered for all intents and purposes hereafter
143 as they appear as the record owners of record in the county
144 clerk's office in the county where such improvement or re-
145 improvement, is made), the city engineer shall include in
146 said report a brief description of the lots and lands as to
147 location, frontage and depth, liable for such assessments, to-
148 gether with the amount to be assessed against each lot and
149 the owner thereof, calculated in the manner provided for
150 under this act. It shall be the duty of the council to examine
151 and compare such assessments, amounts and names, so certi-
152 fied to it, and thereupon give notice by publication once a
153 week for two successive weeks in two newspapers of oppo-
154 site politics published and of general circulation in said city,

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155 that an assessment under this act is about to be laid against
156 the abutting or abounding property (and if the work is done
157 under (g) of this section forty-three against the abutting,
158 adjacent, contiguous, or other specially benefited property)
159 for the improvement or reimprovement done on said avenue,
160 boulevard, street, road or alley describing the location of such
161 improvement or reimprovement, and any owner or owners
162 thereof shall have the right to appear before said council
163 within two weeks from the date of the first publication there-
164 of and move to correct any apportionment or assessment ex-
165 cessively or improperly charged, which correction said council
166 shall have the power to make according to the intent of this
167 act, and if found to be correct, or when corrected by the
168 council, as aforesaid, it shall enter the same, together with a
169 description of the lots or land, as to location, frontage, depth,
170 and ownership, so far as the same may be ascertained, upon
171 its records and shall state in its records that such owners
172 and lots be assessed and chargeable with the amount so ascer-
173 tained to be borne by them, respectively. And all objections
174 and protests to said improvement or reimprovement, and the
175 assessments therefor, shall be deemed waived unless pro-

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176 tested at the time, and in the manner herein specified. It
177 shall be the duty of the city clerk to certify to the clerk of
178 the county court of either Wayne or Cabell county, wherein
179 said improvement or reimprovement has been made, a certified
180 copy of said assessment roll and the clerk of said county
181 court of the respective counties shall record and index the
182 same in the proper trust deed books in the name of each
183 person against whose property assessments appear therein,
184 and said assessments or liens, when so recorded, shall be a
185 continuing tax lien upon the lots or ground against which the
186 assessment is made until the certificates as aforesaid, are paid,
187 except as hereinafter provided in this act, and the same shall
188 have priority over all other liens, except county, state and
189 municipal taxes and shall be of equal dignity and on a parity
190 with other assessments for public improvements made under
191 this act. Any property owner shall have the right to pay
192 the whole amount of any such assessment against his prop-
193 erty as soon as the same shall have been ascertained, but
194 before the day on which the city clerk files such assessment
195 of record, in the county clerk's office, and such payment
196 shall be made to the city clerk who shall give proper receipt

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197 therefor, and such assessment, so paid, shall not be included
198 in the certified assessment roll to be recorded in the office
199 of the county court clerk, as set out herein, and the amount
200 so paid to the clerk shall forthwith be paid to the contractor
201 or other person entitled thereto, which shall operate as a full
202 discharge of the amount of such indebtedness, and in full
203 satisfaction of the lien of said assessment on such property.

204 (g) The city, in case it negotiates and sells such certifi-
205 cates to the contractor, or any other person, shall not be held
206 as a guarantor of, or in any way liable, for payment thereof,
207 except upon the direct action of the council as expressed by
208 resolution of record: *Provided, however,* That the city of
209 Huntington shall be liable to the contractor performing said
210 contract of improvement or reimprovement, in case the assess-
211 ment certificate appears to be erroneous as to the person and
212 property assessed or as to the amount thereof, unless it issue
213 and deliver to the contractor or other person entitled there-
214 to, a properly corrected and valid assessment certificate as
215 hereinafter provided for.

216 (h) Whenever any assessment shall be void or voidable
217 by reason of errors, irregularities, or defects in the proceed-



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218 ings under which such improvement or reimprovement shall
 219 have been made, or in case such assessment shall have been
 220 made against the wrong person or property, it shall be the
 221 duty of the council within two years after any court shall
 222 have declared such assessment invalid, or within two years
 223 after such error has been discovered by the owner and holder
 224 of said certificates, to cause notice to be given to any person
 225 against whom the cost of such improvement might properly
 226 have been assessed under this act, of its intention to lay such
 227 assessment against him, and fix a time and place at which
 228 he may appear and show cause, if any, why such assessment
 229 should not be made. Said notice shall be published as pro-
 230 vided in this act, (or in any other manner provided by law,
 231 for an order of publication, if the person is a nonresident
 232 of the city, or cannot be found), or by service of such notice
 233 upon such person giving him a reasonable time in which to
 234 appear before said council. At the time and place fixed for
 235 a hearing upon the notice aforesaid, the council shall pro-
 236 ceed to lay and levy an assessment for the cost of such im-
 237 provement or reimprovement in such manner as would have
 238 been lawful under proper procedure at the time the said im-

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239 provement or reimprovement was made, unless the person so
240 notified shall show good cause why the same should be not
241 laid, and no further notice of such assessment shall be neces-
242 sary. The assessment so laid shall be a lien in the hands of
243 the owner and holder thereof upon the lands, lots, or parts
244 thereof, so assessed and shall also be a debt against the owner
245 of such real estate, and shall be recorded in the same manner
246 as herein provided, and may be collected and enforced in the
247 same manner as herein provided.

248 (i) The assessment certificate and principal installment
249 and interest coupons herein provided for may be made in
250 the following form, or to the same effect.

251 No..... \$.....

252 THE STATE OF WEST VIRGINIA

253 (State Coat of Arms)

254 CITY OF HUNTINGTON

255 PAVING ASSESSMENT CERTIFICATE

256 This certifies that....., as
257 the owner of a lot, piece or parcel of real estate, situate in the
258 City of Huntington, West Virginia, known and designated
259 as Lot No.....in Block No....., has been

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260 duly assessed in the sum of.....Dollars,
261 with interest from this date at the rate of six per centum per
262 annum, payable on the due date of each principal install-
263 ment coupon, as hereinafter set out, which assessment has
264 been made to pay the cost of the public improvement herein-
265 after recited.

266 This certificate is one of a series issued pursuant to the
267 provisions of the charter of the City of Huntington, West
268 Virginia, and the laws of the State of West Virginia, to pay
269 the cost of improving or reimproving, by grading, curbing
270 and paving etc., of.....from
271to.....in the city
272 of Huntington, West Virginia.

273 The Charter of the City of Huntington, West Virginia,
274 requires assessments for such improvements to be made pay-
275 able in installments as follows:

276 (a) If not more than fifty dollars, in one installment due
277 in thirty days after date of certificate;

278 (b) If more than fifty dollars, and not more than one
279 hundred dollars, in two installments due in thirty days, and
280 on the first day of May of the year succeeding the year in

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281 which the certificate was issued;

282 (c) If more than one hundred dollars, and not more than
283 one hundred and fifty dollars, in three installments, due in
284 thirty days, and on the first day of May of the year succeed-
285 ing the year in which the certificate was issued, and on the
286 first day of May one year thereafter;

287 (d) If more than one hundred and fifty dollars, and not
288 more than two hundred dollars, in four installments, due in
289 thirty days, and on the first day of May of the year succeed-
290 ing the year in which the certificate was issued, and on the
291 first day of May in one and two years thereafter respectively;

292 (e) And if more than two hundred dollars, in five install-
293 ments due in thirty days, and on the first day of May of the
294 year succeeding the year in which the certificate was issued,
295 and on the first day of May in one, two and three years there-
296 after, respectively.

297 Said assessment to draw interest at the rate of six per
298 centum per annum, payable on the due date of each principal
299 installment.

300 This paving assessment certificate is negotiable under the
301 laws of the State of West Virginia, and is payable by in-

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Anna D. Hyatt

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302 stallments, and the installments of this certificate, therefor,
303 are evidenced by.....principal installment
304 coupons hereto attached which show the amount of such in-
305 stallments, the due date thereof, and are signed by the mayor
306 and the clerk of the City of Huntington, West Virginia.

307 The interest on this certificate and the installments thereof
308 are evidenced by interest coupons hereunto attached, which
309 show the amount of such interest, and the due date thereof
310 which interest coupons shall bear interest from the due dates
311 thereof until paid, and which interest coupons are signed by
312 the mayor and the clerk of the City of Huntington, West
313 Virginia.

314 Upon the due date of any principal installment coupon,
315 excepting the first, the accrued interest on so much of said
316 assessment as remains unpaid, shall be due and payable in
317 accordance with, and as evidenced by interest coupons hereto
318 attached. The interest on the first principal installment
319 coupon shall be paid when the said principal installment
320 coupon is paid.

321 The said several principal installment and interest coupons
322 respectively, are payable at the office of the treasurer of the

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323 City of Huntington.

324 The amount of the assessment represented by this certifi-
325 cate and principal installment coupons attached has been
326 duly levied, equalized and confirmed, and along with accrued
327 interest is a lien upon the real estate herein mentioned, and
328 is a lien prior to all other liens, except county, state and
329 municipal taxes, and is of equal dignity and on a parity with
330 other assessment liens for public improvements, and is also
331 a debt against the owner of said real estate and the holder
332 or bearer of this certificate may enforce the debt evidenced
333 thereby, as provided thereby, as provided by law.

334 In case any installment of principal or interest is not paid
335 when due, and such default continue for a period of sixty
336 days from the date the same became due and payable, then
337 the owner and holder of this certificate shall have the right
338 to declare the total amount of said certificate due and pay-
339 able without further notice or demand, and may enforce the
340 debt and lien hereof as provided by law.

341 It is certified and recited that all the acts, conditions and
342 things required to be done precedent to and in the letting of
343 the contract for said improvement, the equalization and mak-

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344 ing of said assessment, and the issuing of this certificate,
345 have been done and performed in regular and due manner
346 and form as required by the charter of the City of Hunting-
347 ton, West Virginia, and the constitution and laws of the State
348 of West Virginia.

349 IN TESTIMONY WHEREOF, The City of Huntington, a
350 municipal corporation, created and existing under the laws
351 of the State of West Virginia, has caused this certificate to
352 be signed by its mayor and clerk and the principal install-
353 ment and interest coupons respectively, hereunto attached,
354 to be signed by its mayor and clerk, this.....day
355 of....., 19.....

356

357

Mayor

358

359

Clerk

360

PRINCIPAL INSTALLMENT COUPON

361

No..... \$.....

362

On theday of....., 19....., there will

363

be due and payable to the bearer hereof, from.....

364

the sum of.....Dollars,

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365 being the.....installment on Certificate No.....

366 of the City of Huntington, West Virginia, for the curbing,

367 grading, and paving of.....from.....

368 to.....

369

370 Mayor

371

372 Clerk

373 INTEREST COUPON

374 No..... \$......

375 On the.....day of.....19.....,

376 there will be due and payable to the Bearer hereof, from

377the sum of.....

378 Dollars, representing interest at six per centum from

379to.....on Certificate

380 No....., on Installment No.....

381 of the City of Huntington, West Virginia, for curbing, grad-

382 ing, and paving of.....to.....

383

384 Mayor

385

386 Clerk

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Sec. 45-(a) Wherever the council of the city of Huntington shall deem it expedient, it is authorized and empowered to order and cause to be constructed in said city, or part within and part outside of the limits of the said city, a public sewer or sewers, which may be trunk or lateral, or both, for either sanitary or storm purposes, or both, for the benefit of the health and sanitation and convenience of the said city, or any part thereof, and its inhabitants, in accordance with plans and specifications adopted therefor, and under such manner and supervision as may be directed by ordinance or resolution.

The term sewer, as used herein, shall be treated in a comprehensive sense, so as to include all mains, laterals, connections, traps, incinerating and disposal plants, and other necessary and convenient accessories to a modern, sanitary and efficient sewerage system. The entire cost, or any part thereof, together with the cost of purchase or condemnation of any land, right-of-way, or easement necessary therefor, as provided for in the ordinance or resolution authorizing the same, may be assessed to and required to be paid by the owners of the land, lots, or parts thereof, abutting thereon, or abutting upon any avenue, boulevard, street, road, or alley in which such sewer

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22 shall be constructed, or abutting on any land, right-of-way, or
23 easement therein especially procured for the purpose of the
24 construction of said sewer therein, including the cost of such
25 sewer at any cross-intersection at avenues, boulevards, streets,
26 roads or alleys adjacent thereto.

27 (b) The council, on behalf of the city itself, after any pub-
28 lic sewer or sewers is finally ordered to be constructed or
29 built, in the manner and form provided for in this act, may,
30 at its election, do such work and assess the costs thereof, and
31 collect the same, in the manner set out in this act, and the
32 decision of the council to do such work or to build such sewer
33 or sewers may be without further notice, other than the notice
34 to contractors, as provided for in (e) of this section, or after
35 the rejection of all bids for doing the same.

36 (c) If any such avenue, boulevard, street, road, or alley,
37 or any right-of-way, or easement therein, especially procured
38 for the purpose of constructing said sewer or sewers therein,
39 be occupied by any street car track, or other railway tracks,
40 and the said street car tracks, or other railway tracks, abut
41 upon said sewer or sewers, then the person, or company, own-
42 ing or operating such street car tracks or other railway lines

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43 shall be assessed with the proportionate part of the costs of
44 the same, unless otherwise provided in the ordinance or reso-
45 lution authorizing the same.

46 (d) The council, if it so elect, may order and cause to be
47 constructed in said city, or part within and part outside of the
48 limits of the said city, a public sewer or sewers, which may be
49 trunk or lateral, or both, for either sanitary or storm purposes,
50 or both, for the benefit of the health, sanitation and conveni-
51 ence of said city, or any part thereof, and its inhabitants, in
52 accordance with plans and specifications adopted therefor, and
53 on file in the city engineer's office, and under such manner
54 and supervision as may be directed by ordinance or resolution.
55 The entire cost, or any part thereof, together with the cost of
56 purchase or condemnation of any land, right-of-way or ease-
57 ment necessary therefor, may be assessed against the abutting,
58 adjacent, contiguous or other lots of land especially benefited
59 thereby. Such work and improvement shall be done and the
60 assessments laid therefor in the same manner and form as set
61 out in (g) of section forty-three of this act, (relative to the
62 improvement or reimprovement of streets, etc., by paving,
63 etc.)

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64 (e) Whenever any sewer or sewers have been ordered con-
65 structed, as contemplated hereunder, a notice for bids or pro-
66 posals for doing the same, shall be published for at least two
67 consecutive weeks in two newspapers of opposite politics pub-
68 lished and of general circulation in the city. The notice shall
69 state, briefly, the work contemplated, and shall refer to the
70 plans and specifications for the same and their adoption, which
71 are filed in the city engineer's office, and when, where and
72 how bids or proposals shall be made and the amount of the
73 surety bond or certified check which is necessary to accompany
74 each bid or proposal, and shall state that the city shall have
75 the right to award said contract upon said bids or proposals
76 to the lowest responsible bidder, and that the city shall also
77 have the right to reject any and all bids, and whether stated
78 in said notice or not, the city shall have the right to reject
79 any and all bids for the said construction of said sewer or
80 sewers. The city in awarding said contract shall consider the
81 fitness, responsibility, and capacity of the contractor to per-
82 form the work.

83 (f) The cost of the construction of said sewer or sewers may
84 be paid for in either one of two ways provided for in this act,

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85 and said method of payment shall be specified in the order or
86 resolution authorizing the same.

87 (g) If any of the abutting land on any such avenue, boule-
88 vard, street, road or alley, in which such sewer shall be con-
89 structed, or abutting on any land, right-of-way, or easement
90 therein, especially procured for the purpose of the construction
91 of said sewer or sewers therein, under the methods herein pre-
92 scribed has not been laid off into lots or subdivisions by a map
93 of record, the council may for the purpose of making the
94 assessment provided for herein, and in other sections hereof,
95 lay said land and lots of land off into lots or parcels of such
96 width and depth as it may deem advisable for the purpose of
97 laying the proper assessments for said sewer or sewers, and
98 such assessment map shall be adopted by the council and
99 placed of record in the county clerk's office in the county or
100 counties wherein said sewer or sewers are constructed.

Sec. 46. (a) The council may contract, or the city, if the
2 council may so elect, may do the work of constructing said
3 sewer or sewers itself as is set out in section forty-three, and
4 shall have the power to acquire land by purchase, condemna-
5 tion, or otherwise for the same, as aforesaid, and the council

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6 may stipulate that the costs thereof, either in whole or in part,
7 shall be paid by the abutting and bounding property owners,
8 as provided in (c), of section forty-three (relating to improve-
9 ment or reimprovement by paving, etc.) in installment pay-
10 ments, as hereinbefore set out, and whether the city do such
11 work, or let the same to contract, the council may stipulate
12 that the costs thereof, in whole or in part, shall be paid by
13 the abutting, adjacent, contiguous, or otherwise, especially
14 benefited property owners, as provided for in (g) of section
15 forty-three of this act, (relating to improvement or reimprove-
16 ment by paving, etc.) in installment payments, as hereinafter
17 set out.

18 (b) The said installment payments shall not exceed five in
19 number, unless otherwise provided for herein, and shall be in
20 equal or nearly equal amounts, and when possible, in multiples
21 of ten, the cents and odd amounts to be included in the first
22 installment, which installment payments shall be evidenced
23 by a certificate issued therefor against each separate lot or
24 tract of land, setting out the total amount of such assessments
25 against the same, and payable in not more than five install-
26 ments, except as hereinafter provided, as follows:

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27 The first installment in thirty days after the date of the
28 certificate; the second installment on the first day of May of
29 the year following the year in which the certificate is issued,
30 and the remaining installments on the first day of May of the
31 succeeding years, respectively. The date of the certificates
32 shall be the day on which the city received and accepted said
33 work from the contractor or from the time the work was
34 completed, in case the city performed the work itself, and said
35 certificates shall bear interest at the rate not to exceed six
36 per centum per annum, payable on the due date of each prin-
37 cipal installment, which certificates are to be signed in person
38 by the mayor and the city clerk, or other person or persons
39 designated of record to sign the same. Said certificates shall
40 bear coupons designated "principal installment coupon" rep-
41 resenting the respective amounts of the installments to be
42 paid under the same, and which coupons shall be due and
43 payable on the dates provided for the payment of the install-
44 ments in this section, and said certificates shall also bear cou-
45 pons designated "interest installment coupon", representing
46 the interest to be paid on said assessments, and which said
47 interest coupons shall be due and payable at the same time

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48 the principal installment coupons are due and payable, and
49 shall bear interest at six per centum after the due date thereof.
50 Upon the due date of any principal installment coupon, except-
51 ing the first, the accrued interest, on so much of said assess-
52 ment as remains unpaid, shall be due and payable, and shall
53 be represented by interest coupons as hereinabove set out. The
54 interest on the first principal installment coupon shall be paid
55 when the said principal installment coupon is paid, and likewise
56 upon the succeeding coupons attached thereto. Both the prin-
57 cipal and interest installment coupons shall be signed by the
58 mayor and the city clerk, or other person or persons designated
59 of record for that purpose, either in person or by stamp bear-
60 ing a facsimile of the written name of the person authorized
61 to sign the same, or lithographed in facsimile on said principal
62 and interest installment coupons.

63 (c) The certificates herein provided for may be sold either
64 to the contractor doing the work of constructing said sewer
65 or sewers, or the same may be held and collected by the city,
66 or the same may be sold to any other person and the amounts
67 thereof shall cover and include the entire cost of such work
68 provided for in the ordinance or resolution, including the cost

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69 of the construction of said sewer or sewers, and the expense
70 of purchase or condemnation of any land, right-of-way, or
71 easement necessary therefor, and other things pertaining
72 thereto for the successful completion of the same.

73 (d) When the entire amount to be assessed against any lot,
74 piece, or parcel of ground, under the provisions of this section
75 does not exceed fifty dollars, then such amount shall be cov-
76 ered by only one set of said coupons, payable thirty days after
77 the date of issue of the certificates; if over fifty dollars, and
78 not more than one hundred dollars, then such amount shall be
79 covered by only two principal and interest installment cou-
80 pons, payable in thirty days after the date of the certificate
81 and on the first day of May of the succeeding year in which
82 the certificate was issued respectively; if over one hundred
83 dollars, and not more than one hundred and fifty dollars, then
84 such amount shall be covered by only three principal install-
85 ment and interest installment coupons, payable in thirty days
86 from the date of the certificate, and on the first day of May
87 of the year succeeding the year in which the certificate was
88 issued, and on the first day of May in one year thereafter,
89 respectively; if over one hundred and fifty dollars, and not

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90 more than two hundred dollars, then such amount shall be
91 covered by only four principal and interest installment cou-
92 pons, payable in thirty days after the date of the certificate,
93 and on the first day of May of the year succeeding the year
94 in which the certificate was issued, and on the first day of May
95 in one and two years thereafter, respectively; if more than
96 two hundred dollars, then such amount shall be covered by five
97 principal and interest installment coupons, payable in thirty
98 days after the date of the certificate, and on the first day of
99 May of the year succeeding the year in which the certificate
100 was issued, and on the first day of May, in one, two and three
101 years thereafter, respectively.

102 (e) The certificates and coupons covering the amounts of
103 the assessments and interest shall be paid by the owner or
103-a owners of the land, lots or fractional parts thereof, so assessed,
104 for the cost of said sewer or sewers, on such avenue, boulevard,
105 street, road or alley, and the amount specified in said assess-
106 ment certificates, together with interest, shall be a lien in the
107 hands of the holder thereof, upon the lands, lots, or parts
108 thereof, so assessed, and shall also be a debt against the owner
109 of such real estate, and said amount shall bear interest from

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110 the date of said certificate, payable on the due dates of each
111 principal installment coupon, and said interest installment
112 coupons shall bear interest from the due dates thereof. In
113 case any installment of principal or interest is not paid when
114 due, and such default continue for a period of sixty days from
115 the date the same became due and payable, then the owner
116 and holder of said certificate shall have the right to declare
117 the total amount of said certificate and the coupons thereof,
118 together with interest due thereon, due and payable, without
119 further notice or demand, and may institute suit thereon to
120 collect the whole or any part of the same, either against the
121 owner of said real estate, for a personal judgment, or to sub-
122 ject the land assessed therewith to the payment of the whole
123 or any part of the said assessment, and the payment of said
124 assessment certificate may be enforced in any other manner
125 as provided by law for the collection of debts or the lien of
126 such assessment certificate may be enforced in the name of the
127 holder of such assessment certificate in the same manner pro-
128 vided by law for the enforcement of other liens against real
129 estate.

130 (f) When said sewer or sewers or a stipulated part thereof,

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131 shall have been completed, and the cost of purchase or con-
132 demnation of any land, right-of-way or easement necessary
133 therefor, and other things pertaining thereto, has been ascer-
134 tained, the city engineer shall report in writing to the council
135 the total cost of said construction of said sewer or sewers, the
136 names of the property owners abutting and abounding thereon
137 (and if the work is done under (g) of section forty-three, the
138 names of the abutting, adjacent, contiguous or other especially
139 benefited property owners; and the names of the property
140 owners shall be considered for all intents and purposes here-
141 after as they appear as the record owners of record in the
142 county clerk's office in the county wherein such work of con-
143 structing such sewer or sewers is done), and the city engineer
144 shall include in said report a brief description of the lots and
145 lands, as to location, frontage and depth, liable for such as-
146 sessments, together with the amount to be assessed against each
147 lot, and the owner thereof, calculated in the manner provided
148 for under this act. It shall be the duty of the council to
149 examine and compare such assessments, amounts and names,
150 so certified to it, and thereupon give notice by publication
151 once a week for two successive weeks in two newspapers of

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152 opposite politics published and of general circulation in said
153 city, that an assessment under this act is about to be laid
154 against the abutting or abounding property (and if the work
155 is done under (g) of section forty-three against the abutting,
156 adjacent, contiguous or other specially benefited property),
157 for the construction of said sewer or sewers in said avenue,
158 boulevard, street, road or alley, describing the location of
159 such sewer or sewers; any owner or owners thereof shall have
160 the right to appear before said council within two weeks from
161 the date of the first publication thereof and move to correct
162 any apportionment or assessment excessively or improperly
163 charged, which correction said council shall have the power to
164 make according to the intent of this act, and if found to be
165 correct, or when corrected by the council, as aforesaid, it shall
166 enter the same, together with a description of the lots or land,
167 as to location, frontage, depth, and ownership, so far as the
168 same may be ascertained, upon its records, and shall state in
169 its records that such owners and lots be assessed and charge-
170 able with the amounts so ascertained to be borne by them,
171 respectively. And all objections and protests to said con-
172 struction of sewer or sewers, and the assessments therefor, shall

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172-a be deemed waived unless protested at the time, and in the
173 manner herein specified. It shall be the duty of the city clerk
174 to certify to the clerk of the county court of either Wayne or
175 Cabell county, wherein said sewer or sewers have been laid,
176 a certified copy of said assessment roll, and the clerk of said
177 county court of the respective counties shall record and index
178 the same in the proper trust deed books, in the name of each
179 person against whose property assessments appear therein, and
180 said assessments liens, when so recorded, shall be continuing
181 tax liens upon the lots or ground against which the assess-
182 ments are made until the certificates, as aforesaid, are paid,
183 except as hereinafter provided in this act, and the same shall
184 have priority over all other liens except county, state and
185 municipal taxes, and shall be of equal dignity and on a parity
186 with other assessments for public improvements made under
187 this act. Any property owner shall have the right to pay the
188 whole amount of any such assessment against his property as
189 soon as the same shall have been ascertained, but before the
190 day on which the city clerk files such assessment of record in
191 the county clerk's office, and such payment shall be made to
192 the city clerk who shall give proper receipt therefor, and such

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193 assessment, so paid, shall not be included in the certified as-
194 sessment roll to be recorded in the office of the clerk of the
195 county court, as set out herein, and the amount so paid to the
196 clerk shall forthwith be paid to the contractor or other person
197 entitled thereto, which shall operate as a full discharge of
198 the amount of such indebtedness, and in full satisfaction of
199 the lien of said assessment on such property.

200 (g) The city, in case it negotiates and sells such certificates
201 to the contractor, or any other person, shall not be held as
202 a guarantor of or in any way liable for payment thereof,
203 except upon the direct action of the council as expressed by
204 resolution of record: *Provided, however,* That the city of
205 Huntington shall be liable to the contractor performing said
206 contract for the constructing of said sewer or sewers, in case
207 the assessment certificate appears to be erroneous either as to
208 the person and property assessed or as to the amount thereof,
209 unless it issue and deliver to the contractor or other person
210 entitled thereto, a properly corrected and valid assessment
211 certificate as hereinafter provided for.

212 (h) Whenever any assessment shall be void or voidable by
213 reason of errors, irregularities, or defects in the proceedings

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214 under which such sewer or sewers shall have been constructed,
215 or in case such assessment shall have been made against the
216 wrong person or property, it shall be the duty of the council
217 within two years after any court shall have declared such
218 assessment invalid, or within two years after such error has
219 been discovered by the owner and holder of said certificates,
220 to cause notice to be given to any person against whom the
221 cost of such improvement might properly have been assessed
222 under this act, of its intention to lay such assessment against
223 him, and fix a time and place at which he may appear and
224 show cause, if any, why such assessment should not be made.
225 Said notice shall be published as provided in this act, (or in
226 any other manner provided by law for an order of publication,
227 if the person is a nonresident of the city, or cannot be found),
228 or by service of such notice upon such person giving him a
229 reasonable time in which to appear before said council; at
230 the time and place fixed for a hearing upon the notice afore-
231 said, the council shall proceed to lay and levy an assessment for
232 the cost of the construction of such sewer or sewers in such
233 manner as would have been lawful under proper procedure
234 at the time said sewer or sewers were constructed, unless the

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235 person so notified shall show good cause why the same should
 236 not be laid, and no further notice of such assessment shall
 237 be necessary. The assessment so laid shall be a lien in the
 238 hands of the owner and holder thereof upon the lands, lots,
 239 or parts thereof, so assessed, and shall also be a debt against
 240 the owner of such real estate, and shall be recorded in the
 241 same manner as herein provided, and may be collected and
 242 enforced in the same manner as herein provided.

243 (i) The assessment certificate and principal installment and
 244 interest coupons herein provided for may be made in the fol-
 245 lowing form, or to the same effect:

246 THE STATE OF WEST VIRGINIA

247 (State Coat of Arms)

248 CITY OF HUNTINGTON

249 SEWER ASSESSMENT CERTIFICATE

250 No..... \$.....

251 This certifies that....., as the owner of
 252 a lot, piece or parcel of real estate, situate in the City of
 253 Huntington, West Virginia, known and designated as Lot
 254 No..... in Block No..... has been duly
 255 assessed in the sum of.....Dollars,

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256 with interest from this date at the rate of six per centum per
257 annum, payable on the due date of each principal installment
258 coupon, as hereinafter set out, which assessment has been made
259 to pay the cost of the public improvement hereinafter recited.

260 This certificate is one of a series issued pursuant to the
261 provisions of the charter of the City of Huntington, West
262 Virginia, and the laws of the State of West Virginia, to pay
263 the cost of improving by the construction of a.....
264 sewer in..... from
265 to
266 in the City of Huntington, West Virginia.

267 The charter of the city of Huntington, West Virginia, re-
268 quires assessments for such improvements to be made payable
269 in installments as follows:

270 (a) If not more than fifty dollars, in one installment due
271 in thirty days after date of certificate;

272 (b) If more than fifty dollars, and not more than one hun-
273 dred dollars in two installments due in thirty days, and on the
274 first day of May of the year succeeding the year in which the
275 certificate was issued;

276 (c) If more than one hundred dollars, and not more than

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277 one hundred and fifty dollars, in three installments, due in
278 thirty days, and on the first day of May of the year succeeding
279 the year in which the certificate was issued, and on the first
280 day of May one year thereafter;

281 (d) If more than one hundred and fifty dollars, and not
282 more than two hundred dollars, in four installments, due in
283 thirty days, and on the first day of May of the year succeeding
284 the year in which the certificate was issued, and on the first
285 day of May in one and two years thereafter, respectively;

286 (e) And if more than two hundred dollars, in five install-
287 ments due in thirty days, and on the first day of May of the
288 year succeeding the year in which the certificate was issued,
289 and on the first day of May in one, two and three years there-
290 after, respectively.

291 Said assessment to draw interest at the rate of six per
292 centum per annum, payable on the due date of each principal
293 installment.

294 This sewer assessment certificate is negotiable under the
295 laws of the State of West Virginia, and is payable by install-
296 ments and the installments of this certificate, therefore, are
297 evidenced by.....principal installment coupons

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298 hereto attached which show the amount of such installments,
299 the due dates thereof, and are signed by the mayor and the
300 clerk of the City of Huntington, West Virginia.

301 The interest on this certificate and the installments thereof
302 are evidenced by interest coupons hereunto attached, which
303 show the amount of such interest, and the due date thereof,
304 which interest coupons shall bear interest from the due dates
305 thereof until paid, and which interest coupons are signed by the
306 mayor and the clerk of the City of Huntington, West Virginia.

307 Upon the due date of any principal installment coupon, ex-
308 cepting the first, the accrued interest on so much of said as-
309 sessment as remains unpaid, shall be due and payable in ac-
310 cordance with, and as evidenced by interest coupons hereto
311 attached. The interest on the first principal coupon shall be
312 paid when the said principal installment coupon is paid.

313 The said several principal installment and interest coupons,
314 respectively, are payable at the office of the treasurer of the
315 City of Huntington.

316 The amount of the assessment represented by this certificate
317 and the principal installment coupons attached, has been duly
318 levied, equalized, and confirmed, and, along with accrued in-

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319 terest, is a lien upon the real estate herein mentioned, and is
320 a lien prior to all other liens, except county, state, and mu-
321 nicipal taxes, and is of equal dignity and on a parity with
322 other assessment liens for public improvements, and is also a
323 debt against the owner of said real estate and the holder or
324 bearer of this certificate may enforce the debt evidenced there-
325 by as provided by law.

326 In case any installment of principal or interest is not paid
327 when due, and such default continue for a period of sixty days
328 from the date the same became due and payable, then the
329 owner and holder of this certificate shall have the right to
330 declare the total amount of said certificate due and payable
331 without further notice or demand and may enforce the debt
332 and lien hereof as provided by law.

333 It is certified and recited that all the acts, conditions and
334 things required to be done precedent to and in the letting of
335 the contract for said improvement, the equalization and mak-
336 ing of said assessment, and the issuing of this certificate, have
337 been done and performed in regular and due manner and
338 form as required by the charter of the city of Huntington,
339 West Virginia, and the constitution and laws of the state of

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340 West Virginia.

341 IN TESTIMONY WHEREOF, The City of Huntington, a Muni-
342 cipal Corporation, created and existing under the laws of the
343 State of West Virginia, has caused this certificate to be signed
344 by its Mayor and Clerk and the Principal Installment and
345 interest coupons respectively, hereunto attached, to be signed
346 by its Mayor and Clerk, this.....day of.....

34719.....

348

349 Mayor

350 Clerk

351 PRINCIPAL INSTALLMENT COUPON

352 No..... \$.....

353 On the.....day of.....19.....,

354 there will be due and payable to the bearer hereof, from

355the sum of.....

356Dollars, being the installment on Certifi-

357 cate No.....of the City of Huntington, West Virginia,

358 for the construction of asewer in.....

359 from..... to

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360

361

Mayor

362

Clerk

363

INTEREST COUPON

364

No.

\$.....

365

On the.....day of....., 19.....,

366

there will be due and payable to the bearer hereof from.....

367

.....the sum of.....

368

.....Dollars, representing interest at six per centum

369

from..... to

370

of Certificate No.....on.....

371

Installment No.....of the City of Huntington, West

372

Virginia, for the construction of sewer in.....

373

from..... to

374

375

Mayor

376

377

Clerk

Sec. 47. (a) The city of Huntington, when the council
2 deems it expedient, is hereby authorized to issue its bonds,
3 for the purpose of providing for the costs of grading, re-

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4 grading, curbing, recurbing, paving, repaving, surfacing, re-
5 surfacing, macadamizing, remacadamizing, or otherwise im-
6 proving or reimproving, in a permanent manner, any avenue,
7 boulevard, street, road, or alley, and for the purpose of
8 causing to be constructed in said city, or part within and
9 part outside of the limits of said city, a public sewer or
10 sewers, which may be trunk or lateral, or both, for sanitary
11 or storm purposes, or both, for the benefit of the health and
12 sanitation and convenience of the said city, or any part
13 thereof, and its inhabitants, (the storm sewer as used herein,
14 shall be treated in a comprehensive sense, so as to include all
15 mains, laterals, connections, traps, incinerating and disposal
16 plants, and other necessary and convenient accessories, to a
17 modern, sanitary and efficient sewer system), and for the
18 purpose of purchasing and condemning land, rights-of-way,
19 or easements, necessary for any of the above purposes, and
20 for the purpose of acquiring parks, parkways and park prop-
21 erty, all of which shall be done in anticipation of such assess-
22 ments to be assessed and levied against the property abutting
23 or bounding on said improvement, or against the abutting,
24 adjacent, contiguous, or other lots of land, especially bene-

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25 fited thereby. Said bonds may be in such amount as shall be
26 sufficient to pay the entire costs and expenses of said im-
27 provements for which such special assessments are to be
28 levied; and said city is authorized to sell said bonds, but not
29 below the par value thereof. The amount for which said
30 bonds are to be issued, may be made of five bonds, payable
31 in two, four, six, eight and ten years, respectively, from the
32 date of their issue, and shall bear interest not to exceed six
33 per centum per annum, payable annually; or may be of four
34 bonds, payable in one, two, three and four years, respectively,
35 from the date of their issue, and shall bear interest not to
36 exceed six per centum per annum, payable annually, and the
37 date of said bonds, when issued, shall conform, as nearly as
38 can be, to the date of the assessments laid against the real
39 estate for the purpose of procuring revenue for the retire-
40 ment of said bonds: *Provided*, That the city shall have the
41 right to redeem and pay off at any interest paying period, all,
42 or any part of said undue bond provided for in this section.
43 In the issuance and sale of said bonds, the said city shall be
44 governed by the restrictions and limitations of the constitu-
45 tion of this state and of the laws of this state relating to the

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46 issuance and sale of bonds, so far as such state laws are not in
47 conflict with the provisions of this act; and the assessments,
48 as provided for and required to be paid herein, shall be
49 applied to the liquidation of said bonds and the interest there-
50 on, and if, by reason of the penalties collected upon the de-
51 linquent assessments as they are paid, there be any balance,
52 after the payment of the bonds and all accrued interests and
53 costs thereon, it shall be the duty of the city treasurer to
54 pay said balance into the interest and sinking fund of said
55 city.

56 (b) Said city shall not, by any bond issue, become indebted
57 to an amount, including all other indebtedness, exceeding
58 two and one half per centum of the value of the taxable
59 property therein, as shown by the last assessment thereof,
60 for state and county purposes, next prior to the issuing of
61 said bonds, except for the purpose of grading, paving, sewer-
62 ing and otherwise permanently improving and reimproving
63 its avenues, boulevards, streets, roads, or alleys, and for the
64 purpose of constructing sewers and a sewerage system, as
65 defined herein, and for acquiring and taking land, rights-of-
66 way, or easements, therein, for street sewerage and park pur-

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67 poses, as provided for in this act, may become indebted and
68 issue bonds in an additional sum not exceeding two and one-
69 half per centum of the value of the taxable property therein,
70 ascertained as aforesaid, and which is provided by section
71 three, article one, chapter thirteen, code of West Vir-
72 ginia, one thousand nine hundred thirty-one. For the purpose
73 in estimating existing indebtedness, special assessment bonds
74 heretofore issued or hereinafter issued, representing the cost
75 of paving or other improvements of avenues, boulevards,
76 streets, roads, or alleys, or the constructing of sewers and for
77 the purpose of acquiring parks, parkways and park property,
78 or acquiring or taking land for such purposes, and the
79 cost of which is assessed against the abutting prop-
80 erty, the abutting or bounding property, or abutting,
81 adjacent, contiguous or other lots of land especially
82 benefited thereby, shall not be included; and likewise the
83 amount in any sinking fund, or the amount invested
84 therefor, as provided by law, for the payment of outstanding
85 bonds, shall not be included in the estimate of existing in-
86 debtedness: *Provided*, That the aggregate of the city's debt
87 of every kind whatsoever, including such special street and

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88 permanent improvement bonds or sewer bonds, shall not
89 exceed five per centum of the value of the taxable property
90 therein.

91 (c) Whenever any such work of improvement or reim-
92 provement of any avenue, boulevard, street, road or alley, or
93 the construction of any sewer or sewers, as contemplated and
94 defined under this act, is ordered done by the council, the
95 same shall be done and the assessments levied and collected,
96 for the retirement of the bonds issued hereunder, under the
97 same conditions and according to the same provisions of
98 section forty-three (for street improvements, etc.) or under
99 section forty-five (for the construction of sewers, etc.) re-
100 spectively, in so far as the several provisions thereof are not
101 in conflict herewith, and in addition to the method of en-
102 forcing and collecting said assessments for the retirement
103 of said bonds as set out herein, the same may be collected and
104 enforced in the manner hereinafter set out.

105 (d) It shall be the duty of the council, after the com-
106 pletion and acceptance of said work, to immediately certify
107 such assessments to the city treasurer for collection, and he
108 shall be charged with the number and amounts thereof, and

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109 he shall proceed to collect the same, and as such certificates
110 and coupons are paid, he shall deliver the canceled certificates
111 and coupons to the party paying the same, and when the
112 entire amount of said assessment lien has been paid, together
113 with any interest, or other penalties due thereon, the said
114 treasurer shall deliver to the party paying the same, a proper
115 release of said lien, which may be recorded in the office of the
116 clerk of the county court in the county wherein said work
117 was performed, as other releases of liens are recorded.

118 (e) The amount so assessed against said lots or parcels of
119 land and the owners thereof, respectively, if assessed for the
120 liquidation of the five bonds payable in two, four, six, eight
121 and ten years, respectively, after date, that is to say, one-
122 tenth of said amount, together with interest on the whole
123 assessment for one year, shall be paid into the treasury of the
124 city before the first day of the following January, and a like
125 one-tenth part, together with interest for one year on the
126 whole amount remaining unpaid, shall be paid before the first
127 day of January of each succeeding year thereafter, until all
128 shall have been paid, and the amount so assessed against said
129 lots and owners thereof, respectively, if for the liquidation of

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130 the four bonds payable in one, two, three, and four years,
131 respectively, after date, shall be paid in five payments as
132 follows: That is to say, one-fifth of said amount, with
133 interest, shall be paid in thirty days from date thereof; and
134 one-fifth of said amount, together with interest on the whole
135 of the unpaid assessment, shall be paid into the treasury of
136 the city before one year from the date thereof; and a like
137 one-fifth part, together with interest on the whole amount
138 remaining unpaid, before two years from the date thereof,
139 and a like amount in each succeeding year thereafter, until
140 all shall have been paid. All of said installments shall bear
141 interest at six percent per annum, payable annually on the
142 due dates thereof, from the date thereof: *Provided, however,*
143 That the owner of said lot or part of land so assessed for the
144 cost of any of the permanent improvements herein mentioned,
145 shall have the right at any time to anticipate and pay the
146 whole of such undue assessment and interest thereon, until
147 the day on which the next undue assessment shall become
148 due, and have the lien against the property so assessed re-
149 leased as herein provided.

150 (f) If any assessment shall not be paid when due, then a

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151 penalty of four per centum per annum shall be added and
152 collected on the amount of such assessment after it is due,
153 until its payment, and such four per centum penalty shall be
154 in addition to the six per centum interest which the assess-
155 ment carries, and shall be a lien the same as the assessment,
156 and the council shall cause to be enforced the payment of
157 said assessment and interest and penalty in all respects as
158 herein provided for the collection of taxes due the city; and
159 said assessments shall be a lien upon the property liable
160 therefor the same as taxes, and shall be a personal obligation
161 of the owner of said lot or part of land, which lien may be
162 enforced in the same manner as provided for the sale of prop-
163 erty for the payment of delinquent taxes and tax liens; and
164 the liens herein provided for shall have priority over all other
165 liens, except those for county, state and municipal taxes, and
166 shall be on a parity and of equal dignity with assessments
167 for public improvements as called for and set out in this act.
168 (g) The contractor (if the work is let to contract) under
169 this plan for the payment of the cost of such improvement or
170 reimprovement of avenues, boulevards, streets, roads and
171 alleys and the construction of sewer or sewerage system, etc.,

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172 shall look only to the city for the payment for such work,
173 and in no sense to the abutting land owners.

Sec. 48. (a) Whenever the council of the city of Hunt-
2 ington, shall deem it expedient, it may order and cause any
3 avenue, boulevard, street, road, park or parkways to be im-
4 proved or reimproved by an artificial lighting system, of
5 monolites, standard arm lights, or other proper lighting
6 system, for the purpose of improving, embellishing, ornament-
7 ing and lighting the same in accordance with plans and speci-
8 fications adopted therefor, and on file in the city engineer's
9 office, and under such manner and supervision as may be
10 directed by ordinance or resolution, upon the lowest re-
11 sponsible bid to be obtained by advertising for bids or pro-
12 posals therefor, except the city may do such work without
13 letting it to contract, as provided for in this act under section
14 forty-four relative to street improvement or reimprovement
15 for paving, etc. The entire cost, or any part thereof, of such
16 improvement or reimprovement by said lighting system, as
17 provided for in the ordinance or resolution authorizing
18 the same, may be assessed and required to be paid by the
19 owner or owners of the lands, lots or fractional parts thereof,

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20 fronting or bounding on said improvement or reimprovement
21 of said lighting system: *Provided, however,* That the upkeep
22 and maintenance of the same, and the cost of supplying elec-
23 trical current for the operation thereof, shall be paid for by
24 the city of Huntington.

25 (b) Whenever any such work of improvement or reim-
26 provement by a lighting system, is contemplated hereunder, is
27 ordered done by the council, the same shall be done and the
28 assessments levied and collected therefor under the same con-
29 ditions and in accordance to the same provisions as set out in
30 section forty-three and section forty-four (for street improve-
31 ments, etc.) in so far as the several provisions thereof are not
32 in conflict herewith.

Sec. 49. (a) The release of any assessment lien for the im-
2 provement or reimprovement of any avenue, boulevard,
3 street, road, or alley, or for the construction of any sewer or
4 sewerage system, or for monolite, or other lighting system,
5 or other permanent improvement or reimprovement, autho-
6 rized by this act, shall be made in addition to the provisions
7 for a release of the same as herein set out, in the following
8 manner: On the presentation by the land or lot owner of any

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9 assessment certificate issued as aforesaid against him, or his
10 predecessor in title to said lot, the clerk of the county court
11 shall mark upon the margin of the trust deed book at which
12 said assessment is recorded, that the lien is released to the
13 land or lot mentioned in such assessment certificate to the
14 extent of the amount and number of the coupons of said
15 assessment certificate thus exhibited; and the county clerk
16 shall thereupon write across the face of each of said coupons
17 of said assessment certificate the date of their production to
18 him for the release of said assessment lien, and shall sign his
19 name thereto in his official capacity, for which shall be paid
20 to the county clerk a fee of twenty-five cents; but if more
21 than one of the said coupons of the same certificate number
22 against the land or lot or lots shall be produced at the same
23 time, the fee of the county clerk shall not exceed twenty-five
24 cents for the release of the lien as to all of the coupons and
25 certificates thus produced and relating to the same real
26 estate.

27 (b) It is further provided that the owner of any lot or
28 land against which any assessment certificate is an unre-
29 leased lien of record, shall make and produce to the county

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30 clerk, or some person for such owner shall make and produce,
31 an affidavit setting out herein that such coupons and certi-
32 ficate has been paid in full, and after diligent search, cannot
33 be found, said county clerk shall, upon the payment of a fee
34 of twenty-five cents, file and preserve said affidavit as a
35 public document and shall forthwith noting release of said
36 lien to the extent of said coupons and certificate exhibited
37 to the county clerk, mark upon the margin of the trust deed
38 book as aforesaid, opposite the lots or land against which
39 same are a lien, the noting of the filing of said affidavit, and
40 the same shall operate as a release of such lien to the extent
41 of said marginal notation. If the affidavit so filed be false,
42 the person making oath and subscribing thereto, shall be
43 guilty of a felony, and, upon conviction thereof shall be fined
44 not to exceed five hundred dollars, or sentenced to be con-
45 fined in the penitentiary for a term of not more than one
46 year, or both, in the discretion of the court passing sentence.

47 (c) Any assessment lien created under this act and for
48 which an assessment certificate has been issued in pursuance
49 of the provisions of this act, shall not be a lien against the
50 lot or land or fractional part thereof against which said

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51 assessment has been levied, for a longer period than one year
52 after the last installment of said assessment certificate shall
53 have become due and payable, and the personal liability of the
54 property owner assessed with said assessment, shall not
55 extend for a longer period than five years after the date of
56 the last installment thereof shall have become due and pay-
57 able: *Provided, however,* That said lien against said property
58 shall be barred within the aforesaid time, unless some suit or
59 action at the termination of said one year period shall be
60 pending for the enforcement of such lien, or unless the
61 amount of the aforesaid lien or some part thereof, is in some
62 way involved in a suit or action pending at the end of the
63 said one year period.

64 (d) Any assessment lien created under this act and
65 according to the provisions hereof, and the assessment roll
66 for said work of improvement, for either the construction of
67 paving, sewers or sewerage system, monolite or lighting
68 systems, shall be recorded in the county wherein said work
69 has been done; that is to say, either in Cabell or Wayne
70 county, respectively, as provided for in this act.

71 (e) All assessment certificates which may be issued under

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72 the provisions of this act, shall be made payable at the office
73 of the treasurer of the city of Huntington, who shall receive
74 payments thereon when due, if tendered to him, and interest
75 thereon from the date of such payments when made to the
76 said city treasurer, shall cease. The treasurer shall keep a
77 separate and special record and bank account of all said sums
78 of money received by him and he shall hold the said money in
79 trust for the person who thereafter delivers to him for
80 cancellation, any and all certificates, or the coupons thereof,
81 on which said treasurer has received full payment as afore-
82 said, and the owner and holder of said assessment certificate
83 or coupons, shall not be entitled to interest on said sum after
84 the date of payment thereof to the treasurer. The said
85 treasurer shall keep a record by number, amount and date,
86 of all assessment certificates delivered to any contractor who
87 is entitled thereto under the provisions of this act. When the
88 whole amount of any such assessment lien shall have been
89 paid to the treasurer as aforesaid, or upon satisfactory proof
90 to the city treasurer that all of said assessment certificate
91 and the coupons thereto, have been paid in full, against any
92 lot or fractional part thereof, said city treasurer shall, when

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93 demanded by the bona fide owner thereof, or the person
94 obligated therefor, execute a release of said lien in the
95 manner herein provided for.

Sec. 50-(a). The council of the city of Huntington is
2 hereby authorized to refund by reissuing paving assessment
3 certificates issued under authority of this act, subject only
4 to the limitations prescribed in this act.

5 (b) Whenever it shall appear to the council that any pav-
6 ing assessment certificate issued pursuant to the provisions
7 of this act, or the amendments thereof, to pay the cost of
8 paving and otherwise improving or reimproving any avenue,
9 boulevard, street, road or alley in said city, has matured,
10 or remains unpaid, and which are not barred by the statute
11 of limitations, provided for in this act, or if it shall appear
12 to the said council that any principal or interest coupon or
13 coupons have matured on any such paving assessment cer-
14 tificate so issued, and the same remained unpaid, and are
15 not barred by the statute of limitations provided for in this
16 act, the said council is empowered to and may enter into a
17 written agreement, on behalf of the city of Huntington, with
18 the owner or owners of such paving assessment certificates,

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19 and the principal and interest coupons thereof, of the entire
20 series on any project for which the same had been issued,
21 for said improvement or reimprovement, and provide in such
22 agreement for the cancellation of the original certificates and
23 the coupons thereto attached of such group or series, to-
24 gether with the principal and interest coupons thereof, issued
25 for said improvement or reimprovement, and cause a refund-
26 ing thereof by a reissuance thereof, subject to the provisions
27 of this act. The presentation of said paving assessment cer-
28 tificates, together with the unpaid principal and interest
29 coupons issued thereon, under the authority of this act, shall
30 be prima facie evidence of the ownership thereof, and when
31 so presented by such person, firm, or corporation, to the
32 council, the said city and the owner and holder of said cer-
33 tificates and the coupons thereof attached, shall have the right
34 to enter into a written contract to provide for the refunding
35 of said paving assessment certificates by the reissue of re-
36 funding certificates therefor; and said contract shall provide
37 that the refunding paving assessment certificates shall be pay-
38 able solely from reassessments levied against the property
39 for the payment of said original assessment certificates, in

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40 the district and along said avenue, boulevard, street, road
41 or alley theretofore improved in said city, for which said
42 paving assessment certificates and the principal and interest
43 coupons were issued; and the said contract shall further pro-
44 vide that in no instance shall any reassessment be made or
45 levied against any property in said district abutting upon
46 said former improvement or reimprovement, which has here-
47 tofore been paid in full, according to the terms of the original
48 assessment levied therefor. Said contract shall further pro-
49 vide that all unmatured installments of paving assessment
50 certificates issued to pay for such improvement or reimprove-
51 ment heretofore issued, shall, until superseded by funding
52 or refunding paving assessment certificates, as herein pro-
53 vided, but no longer, remain as liens against the property so
54 assessed, unless barred as provided for in this act. Such con-
55 tract shall expressly provide that the city of Huntington
56 shall in no event be liable for any loss or damage sustained
57 by the owner or holder of such paving assessment certificates
58 heretofore issued by reason of the refunding or reissuance
59 thereof, as authorized in this act, and the city of Hunting-
60 ton shall not be held as guarantor, or in any way liable for

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61 said refunding or reissuance of paving assessment certificates,
62 except upon direct action of the council as expressed by
63 resolution of record, and as provided for in (g) of section
64 forty-four of this act. Such contract may contain such other
65 and suitable provisions as the parties thereto may agree
66 with reference to the cancellation of such outstanding paving
67 assessment certificates and the protection of the rights of the
68 owners of the property liable to pay the assessments which
69 have been matured.

70 (c) The contract providing for the refunding of said pav-
71 ing assessment certificates shall be authorized only when the
72 owner or owners of all the unpaid assessment certificates and
73 the coupons thereof of a particular series of the same date
74 and group and issued for the same improvement or reim-
75 provement, whether all or a part of the same be due or not,
76 or whether all or any coupon thereof shall be in default of
77 payment, join in such an agreement or contract.

78 (d) When the contract heretofore provided for by (b)
79 of this section shall be entered into between the contracting
80 parties, an ordinance or resolution shall be enacted or passed,
81 ratifying the same.

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82 (e) Upon the adoption of said ordinance or the passage
83 of said resolution, the owner or owners of such unpaid assess-
84 ment certificates as provided for herein, shall deposit the same,
85 together with the unpaid coupons thereof, with the city
86 treasurer to be retained until such time as the refunding
87 paving assessment certificates are to be exchanged for such
88 paving assessment certificates heretofore issued, or such pav-
89 ing assessment certificates with said coupons may be deposited
90 in any duly incorporated bank or trust company in the city
91 of Huntington, as may be designated by the contract between
92 the city and such certificate owner or owners, to be retained
93 by such depository until exchanged for such refunding paving
94 assessment certificates.

95 Whenever the council has entered into a contract for re-
96 funding of paving assessment certificates and such series of
97 the same date and group heretofore issued for the cost of
98 any such improvement has fully matured, and the same, or
99 any part thereof, remain unpaid, and has passed the ordinance
100 or adopted the resolution provided for in (d) of this section,
101 it shall be the duty of the council to cause the city treasurer
102 to submit a complete statement, duly verified, from the owners

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103 or holders of said paving assessment certificates, showing the
104 number of each certificate, the principal and interest coupons
105 which are unpaid, and the total indebtedness due, according
106 to the terms and tenor of said matured and unpaid coupons,
107 which statement shall likewise show the several assessments
108 remaining due and unpaid, and the year in which the same
109 are due, together with the interest thereon; and the city
110 treasurer shall likewise submit, at the same time, a state-
111 ment setting forth the amount of the reassessments, which
112 shall include the total amount of the unpaid assessments, with
113 interest to date of the passage of the ordinance, or adoption
114 of the resolution prescribed in (d) of this section, and there
115 may be included in such reassessments the additional costs
116 of the proceedings pro rated among the lots or tracts of land
117 so to be assessed, unless otherwise provided, and which state-
118 ment shall further contain the names of the owners of said
119 property and a description of said property liable for the
120 payment of such refunding assessment certificates, which state-
121 ment shall be examined by the council and if found to be
122 correct, shall be approved. Upon the approval thereof, it
123 shall be the duty of the council to enact an ordinance or

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124 adopt a resolution declaring the amounts of the indebtedness
125 due from each of said property owners and the property
126 assessed therefor, by reason of such matured and unpaid
127 certificates and the coupons thereto attached, and the amounts
128 so found due, together with the aforesaid costs, shall be de-
129 clared to be the basis of a reassessment, against the property
130 liable to be assessed, to pay the costs and the assessments of
131 such refunding certificates. The said ordinance, or resolu-
132 tion, shall further recite the date of the passage of the
133 ordinance, or resolution, authorizing such work or improve-
134 ment or reimprovement, the date of the assessments and the
135 trust deed book and page number where the assessments are
136 recorded in either of the county court clerk's office of Cabell
137 county or the county court clerk's office of Wayne county,
138 depending in which county the real estate is located, and
139 shall further declare the determination of the council to
140 cause such paving assessment certificates to be refunded and
141 to levy reassessments and issue refunding paving assessment
142 certificates in the several amounts necessary to pay such re-
143 funding certificates against the several owners of the lots,
144 pieces or parcels of land liable for the costs of the improve-

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145 ment for which said paving assessment certificates are so
146 refunded. Said resolution or ordinance shall likewise recite
147 that a full and complete statement, duly approved, showing
148 the amounts of the various outstanding paving assessment
149 certificates and interest thereon, together with the delinquent
150 assessments for principal and interest installment coupons,
151 together with the owners and the property liable for the pay-
152 ment of said refunding certificates and the amounts to be
153 reassessed is on file in the office of the city clerk. Such
154 resolution or ordinance shall be published at least once a week
155 for two successive weeks in two newspapers of general circu-
156 lation and of opposite politics published in the city. Any
157 person, firm, or corporation interested or liable shall have the
158 right to file written protests with the city clerk or the council
159 against the amount chargeable in such statement within two
160 weeks from the date of the first publication of said ordinance
161 or resolution, and failure to file such written protests or
162 objections shall be deemed and considered a waiver of any
163 right which such person, firm or corporation may have or
164 claim. When any such protest may have been filed the
165 council shall, at its next regular meeting, or at a special

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166 meeting called for that purpose, hear such protest and shall
167 adjudicate and determine the said objection and shall make
168 such order as may seem proper, and said council may revise
169 and correct the amount of such unpaid or unmatured assess-
170 ments, and raise or lower the same as to any lot or lots or
171 tracts of land, as it shall deem just, but shall assess no greater
172 amount against any lot or lots, or tracts of land, than the
173 amount then delinquent or remaining unpaid, save and
174 except the necessary costs of this proceeding may be added
175 thereto as set out in (f) and said council shall then confirm
176 the same as so revised or corrected by them: *Provided, how-*
177 *ever,* That no objection to the legality of the proceedings
178 with reference to the making of the improvement or the
179 validity of the amount of any assessment originally made
180 shall be considered by the council, and all other objections
181 to any reassessment shall be deemed waived, unless presented
182 at the time and in the manner specified.

183 (g) In all such cases where the council shall undertake
184 to refund paving assessment certificates of the same date
185 and group which have not matured and which contain un-
186 matured installment assessment coupons, the owner of the

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187 property liable to pay the costs of such unmatured assess-
188 ments shall have the right to pay the same, up to the time
189 the council passed the ordinance or resolution providing for
190 the refunding of said paving assessment certificates as pro-
191 vided for in (d) of this act; and shall likewise have the right
192 to continue to pay the several installments of the assess-
193 ments as the same mature without regard to the refunding
194 of the said outstanding series of the same date and group;
195 however, said owner of said real estate against which install-
196 ment assessments remain unpaid may elect, by notice to the
197 council, to exercise such right or rights to any time prior to
198 the passage of the ordinance or resolution hereinafter pro-
199 vided for levying the assessments and to pay such refund-
200 ing paving assessment certificates as provided for herein.
201 Upon failure to exercise such election and privilege, the
202 council shall make reassessments against the property in said
203 improvement district with like force and effect as if the said
204 installments and assessments had matured.

205 (h) The council shall, by ordinance or resolution, levy
206 assessments in accordance with said apportionment as corrected
207 and confirmed by the council, and said ordinance or resolu-

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208 tion shall provide that the proper owners shall have the
209 privilege of paying the amounts of their respective assess-
210 ments with interest at six percent within thirty days from
211 the date of the publication of said ordinance or resolution,
212 but before the day on which the said assessments are entered
213 of record, and such payments shall be made to the city clerk,
214 who shall give proper receipts therefor, and such assessments
215 so paid shall not be entered in the report to be recorded and
216 said clerk shall pay said amount to the owner of said certifi-
217 cate. Said ordinance or resolution, setting out the names of
218 the property owners and a description of the property so
219 reassessed with the amount of the reassessments thereof, shall
220 be published once a week for two successive weeks in two
221 newspapers of opposite politics published in said city. The
222 amounts in said refunding assessment certificates, together
223 with interest, shall be a lien of the holder thereof upon the
224 lands, lots or parts thereof, so assessed, and shall also be a
225 debt against the owner of such real estate, and said amount
226 shall bear interest from the date of said reassessment certifi-
227 cate payable on the due dates of each principal installment
228 coupon, and said interest installment coupon shall bear in-

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229 terest from the due dates thereof, and said lien shall be a
230 continuing tax lien prior to all other liens, save county, state
231 and municipal taxes, and shall be on a parity and coequal
232 with special assessment liens issued under this act. In case
233 any installment of principal or interest is not paid when due,
234 and such default continue for a period of sixty days from
235 the date the same became due and payable, then the owner
236 and holder of said certificate shall have the right to declare
237 the total amount of said certificate and the coupons thereon,
238 together with interest due thereon, due and payable, with-
239 out further notice or demand, and may institute suit thereon
240 to collect the whole or any part of the same, either against
241 the owner of said real estate for a personal judgment, or to
242 subject the land assessed therewith to the payment of the
243 whole or any part of said assessment; and the payment of
244 said assessment certificate may be enforced in any other
245 manner as provided by law for the collection of debts, or the
246 lien of such assessment certificate may be enforced in the
247 name of the holder of such assessment certificate in the same
248 manner provided by law for the enforcement of other liens
249 against real estate: *Provided, however,* That the same shall

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250 not remain as a lien upon said lot or lots, or tracts of land
251 for a longer period than one year after the last principal
252 coupon on said assessment certificate shall have become due
253 and payable, unless some suit or action at the termination of
254 said one year period, shall be pending for the enforcement of
255 such lien, or unless the amount of said lien, or some part
256 thereof, is involved in a suit or action pending at the ending
257 of said one year period. The same shall not remain as a
258 personal obligation of the property holder assessed there-
259 with after five years after the last principal coupon of said
260 assessment certificate shall have become due and payable.

261 (i) Thirty days after the first publication of said assess-
262 ment ordinance or resolution, the city clerk shall certify said
263 assessments and record a copy of said roll assessment in the
264 county clerk's office of either Cabell or Wayne county where-
265 in the original improvement or reimprovement was made and
266 the same shall be recorded in the proper trust deed book and
267 indexed in the names of the owners of the property so assessed.
268 When said reassessments have been so made and the copy of
269 said certificate of assessments thereof filed, as above directed,
270 the county clerk shall mark as "cancelled", the records of

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271 said county in which the original assessments are recorded,
272 in so far only as reassessments are made therefor and that
273 have not formerly been released. The lien or liens of said
274 reassessment may be released in the same manner and form
275 as provided for original assessments in this act.

276 (j) The said assessments shall be evidenced by certificates
277 issued therefor and dated as of the date of the first publica-
278 tion of the ordinance or resolution confirming said reassess-
279 ment against each lot or tract of land, setting out the total
280 amount of such assessment against the same, payable in ten
281 equal annual installments and bearing interest at the rate not
282 to exceed six per centum per annum payable on the due date
283 of each principal installment. The first installment of both
284 principal and interest shall become due and payable on the
285 first day of May after the date of said certificate and the
286 said installments of both principal and interest shall become
287 due and payable on the first day of May of each succeeding
288 May until the entire amount of said certificate, together with
289 interest shall have been paid. If any installment of said
290 assessment shall not be paid when due, then a penalty of four
291 per centum per annum shall be added on the amount of each

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292 installment after it is due until its payment, and such four
293 per centum penalty shall be in addition to the six per centum
294 interest which the assessment carries and shall be a lien the
295 same as the assessment. Said certificates shall be designated
296 as "refunding paving assessment certificate", and shall be
297 signed in person by the mayor and clerk of said city, or other
298 person designated of record by the council. Said certificate
299 shall bear coupons designated "principal installment coupon",
300 representing the respective amounts of the installments to be
301 paid on the principal under the same, and which shall be due
302 and payable on the dates provided for the payments of the
303 installments in this section, and said certificate shall also bear
304 coupons designated "interest coupon", representing the
305 amounts of interest to be paid upon the assessment and which
306 coupons shall be due and payable at the same time the prin-
307 cipal installment coupons are due and payable. Both prin-
308 cipal and interest installment coupons shall be signed by the
309 mayor or clerk or other person so designated of record by the
310 council, or bear a facsimile of the signature of said mayor
311 or clerk. The said certificates issued hereunder shall recite
312 that they are issued under the laws of the state of West Vir-

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313 ginia, and that they are refunded in pursuance of this act,
314 and shall further recite the date of the certificate thereto-
315 fore issued. The refunding paving assessment certificates and
316 the principal and interest installment coupons herein provided
317 for may be made in the following form or of the same effect:
318 No..... \$.....

319 STATE OF WEST VIRGINIA

320 (State Coat of Arms)

321 CITY OF HUNTINGTON REFUNDING

322 PAVING ASSESSMENT CERTIFICATE

323 This certifies that.....
324 is the owner of a lot, piece or parcel of real estate, situate in
325 the City of Huntington, West Virginia, known and designated
326 as Lot No. in Block No. and has been duly
327 assessed in the sum of.....Dollars,
328 (\$.....), with interest from the date hereof at the
329 rate of six per cent per annum, which amount of principal and
330 interest is due and payable on the due date of each principal
331 and interest installment coupon, as hereto attached, which
332 assessment has been made to pay the costs of public improve-
333 ment heretofore made under the authority of the Council of

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334 the City of Huntington, West Virginia, and by virtue of the
335 charter of the said city, and the laws of the State of West
336 Virginia.

337 This refunding certificate is negotiable under the laws of
338 the State of West Virginia, and is one of a series issued pur-
339 suant to the provision of section of the charter of the
340 City of Huntington, West Virginia, to refund and pay paving
341 certificates heretofore issued by said city by virtue of its
342 charter and the laws of the State of West Virginia, and dated
343 the day of, 19..... The amount of this
344 certificate is payable in ten equal installments and bears in-
345 terest at six per cent per annum payable on the due date of
346 each principal installment. The first installment of both prin-
347 cipal and interest shall become due and payable on the first
348 day of May after the date of this certificate and the remain-
349 ing installments of both principal and interest shall become
350 due and payable on the first of each succeeding May until the
351 entire amount of this certificate is paid in said ten install-
352 ments. If any installment shall not be paid when due, then a
353 penalty of four per cent per annum shall be added to the
354 amount of any assessment after it has become due until its

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355 payment and said penalty of four per cent shall be added in
356 addition to the six per cent which this certificate carries. The
357 amount of this certificate, together with interest and any
358 penalty that may be due hereon, shall be a lien of the holder
359 thereof upon the lands, lots or parts thereof, so assessed, and
360 shall also be a debt against the owner of such real estate,
361 and said amount shall bear interest from the date of said
362 reassessment certificate payable on the due dates of each prin-
363 cipal installment coupon, and said interest installment coupon
364 shall bear interest from the due dates thereof, and said lien
365 shall be a continuing tax lien prior to all other liens, save
366 county, state and municipal taxes, and shall be on a parity
367 and coequal with special assessment liens issued under this
368 act. In case any installment or principal or interest is not paid
369 when due, and such default continue for a period of sixty days
370 from the date the same became due and payable, then the
371 owner and holder of said certificate shall have the right to
372 declare the total amount of said certificate and the coupons
373 thereon, together with interest due thereon, due and payable,
374 without further notice or demand, and may institute suit
375 thereon to collect the whole or any part of the same, either

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376 against the owner of said real estate for a personal judgment,
377 or to subject the land assessed therewith to the payment of
378 the whole or any part of said assessment; and the payment
379 of said assessment certificate may be enforced in any other
380 manner as provided for by law for the collection of debts,
381 or the lien of such assessment certificate may be enforced in
382 the name of the holder of such assessment certificate in the
383 same manner provided by law for the enforcement of other
384 liens against real estate.

385 Installments of this certificate, therefore, are evidenced by
386 ten principal installment coupons and ten interest installment
387 coupons hereto attached, which shows the amounts of such
388 installments, the due date thereof, and bear a facsimile signa-
389 ture of the mayor and the clerk of the City of Huntington,
390 West Virginia.

391 The said several principal and interest coupons respectively
392 are payable at the offices of the treasurer of the City of Hunt-
393 ington, West Virginia.

394 The amount of the assessment represented by this certificate
395 and principal and interest installment coupons attached, has
396 been duly levied, equalized and confirmed, and all acts, con-

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397 ditions, and things required to be done precedent to the issu-
398 ance of this refunding certificate, the equalization and re-
399 assessment hereof, have been done, and performed, in regular
400 and due manner and form as required by the charter of the
401 City of Huntington and the constitution and laws of the State
402 of West Virginia.

403 This refunding paving assessment certificate in no event be-
404 comes a liability of the City of Huntington, West Virginia.

405 IN TESTIMONY WHEREOF, The City of Huntington, a
406 municipal corporation, created and existing under the laws
407 of the State of West Virginia, has caused this certificate to
408 be signed by its mayor and clerk, and the principal install-
409 ment and interest installment coupons respectively hereto
410 attached, to be signed by a facsimile signature of its mayor
411 and clerk, this the day of, 19.....

412

413 Mayor.

414

415 Clerk.

416 PRINCIPAL INSTALLMENT COUPON

417 No..... \$.....

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418 On the first day of May, 19....., there will be due and pay-
419 able to the bearer hereof, from.....
420 the sum of.....Dollars,
421 being the installment on Certificate No. of the
422 City of Huntington, for refunding paving assessment certifi-
423 cate issued on the day of, 19.....
424
425 Mayor.
426

427 Clerk.

428 INTEREST INSTALLMENT COUPON

429 No..... \$.....

430 On the first day of May, 19....., there will be due and pay-
431 able to the bearer hereof, from.....
432 the sum of.....Dollars,
433 representing interest at six per cent per annum from the
434 day of to the day of
435, on Certificate No. on in-
436 stallment No. of the City of Huntington, West
437 Virginia, for refunding paving assessment certificate dated the
438 day of, 19.....

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James D. Hyman

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

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[Enrolled S. B. No. 66

439

440

Mayor.

441

442

Clerk.

443 (k) Such refunding paving assessment certificate in such

444 amount as represents the unpaid assessments as provided for

445 in this act, shall be delivered to the owner or owners of such

446 original paving certificates, pursuant to the terms of the

447 contract provided for in this act: *Provided, however,* That

448 upon delivery of such refunding paving assessment certificates,

449 all original paving assessment certificates and heretofore de-

450 posited as in this act is provided, shall be cancelled and a

451 record of such cancellation so made by the city clerk.

452 (l) No suit shall be sustained to set aside any reassessment

453 or to enjoin the council of said city from levying any such

454 reassessments or issuing refunding paving assessment certifi-

455 cates or contesting the validity thereof on any grounds, or

456 for any reason other than for the failure of the council to

457 adopt and publish the ordinances or resolutions as provided

458 for herein, which are required herein to be published: *Pro-*

459 *vided, however,* That in the event any reassessment shall be

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460 found to be invalid or insufficient in whole or in part, for any
461 reason whatsoever, the council may at any time in such manner
462 provided for herein, proceed to cause a new assessment to be
463 made and levied which shall be of like force and effect as an
464 assessment provided for herein.

465 (m) This act shall not be construed to validate any void
466 assessment heretofore made or any paving assessment certified
467 heretofore issued, nor shall any proceeding hereunder operate
468 to make bearing upon any property owner any previous in-
469 validation, but every defense available against the original
470 assessment shall be preserved to and be available against any
471 issue of refunding paving assessment certificates issued here-
472 under.

Sec. 51-(a) If any section or portion of this act relating to
2 any improvement or reimprovement of any avenue, boulevard,
3 street, road or alley, by paving, etc., or relating to construction
4 of sewers or sewerage system, or relating to improvement or
5 reimprovement by lighting with monolites, or other lighting
6 system, or relating to assessment of the costs of the same, and
7 the issuance of certificates or bonds therefor, as provided herein,
8 and the collection thereof, or relating to the issuance of re-

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Chairman House Committee.

Anna D. Hyatt
Chairman Senate Committee.

9 funding of paving assessments, shall be held to be unconstitu-
10 tional or void, by any court of competent jurisdiction, such
11 holding shall not affect the remaining portions of this act, relat-
12 ing to the same subject and purposes, as set out in this act.

13 (b) All prior acts or portions of acts inconsistent with this
14 act, relative to any improvement or reimprovement of any
15 avenue, boulevard, street, road or alley by paving, etc., or re-
16 lating to the construction of sewers or sewerage system, or re-
17 lating to the improvement or reimprovement by lighting with
18 monolites, or other lighting system, or relating to the assess-
19 ment of the cost of the same and the issuance of assessment
20 certificate or bonds therefor or relating to the collection thereof,
21 or relating to the issuance of refunding paving assessment cer-
22 tificates, as provided for in this act, shall be, and the same are
23 hereby repealed: *Provided, however,* That by the passage of this
24 act, nothing herein shall affect the validity of any contract
25 heretofore entered into, or the cause of any such work hereto-
26 fore performed, or the assessment of the collection of any as-
27 sessment certificates heretofore issued or the rights of the owner
28 and holders thereof, heretofore given, prior to the passage here-
29 of, and the provisions of this act shall be effective only from

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30 the date of the passage hereof.

Sec. 52. The city shall create a board to be styled "the civil
2 service board," consisting of four members and the mayor,
3 a member ex officio. The mayor shall preside at all meetings
4 of the board, but shall have the right to vote only in case of
5 a tie on any question arising before the board. The mayor
6 shall appoint two members of the board from each of the
7 dominant political parties of the city, and they shall be ap-
8 pointed and confirmed. In this manner, the mayor shall trans-
9 mit to the council the names of the persons whom he appoints
10 to the civil service board; and the council may, at its next reg-
11 ular meeting, or special meeting called for that purpose, or at
12 any adjournment thereof for not more than five days, reject
13 any or all of said appointments so made by the mayor by ma-
14 jority vote of the members of council present at such meeting.
15 If any one of such appointees is rejected by the council, the
16 action thereabout shall be transmitted to the mayor, who shall,
17 without delay, transmit to the council the name of another
18 person or persons, as the case may be, for such office, and
19 action thereon by the council shall be in the same manner as
20 in the first instance, and, if rejected, then the mayor shall

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21 transmit another name, or other names, for members of said
22 board until the council shall not have, in the manner herein
23 provided, rejected the person or persons so appointed by the
24 mayor for said board. All such appointments by the mayor
25 shall stand approved and as final, unless rejected by the council
26 at the time and in the manner herein prescribed.

27 A member of the civil service board may be removed from
28 office in the manner and for the causes provided for the re-
29 moval of the mayor by section ten of this act. The term of
30 office of the members of said board shall be the same as that
31 for which the mayor was elected, provided, the members of
32 the present civil service board shall hold their positions on
33 said board until their successors shall have been named, in
34 the manner herein provided, by the majority elected at the
35 general election in one thousand nine hundred thirty-four.

36 The duties of the civil service board shall be to examine and
37 certify all applications for positions in the police department or
38 fire department, except the chiefs thereof; to hear and deter-
39 mine all appeals made by members of either of those depart-
40 ments, who are under civil service; to hear evidence, summons
41 witnesses and render judgments in all cases in which charges

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42 have been preferred against any officer of either of those de-
43 partments; to make promotions of members of either of the
44 departments when it is deemed advisable for increased effi-
45 ciency; to make rules and regulations governing the actions
46 of the board and to keep the same in the records of its pro-
47 ceedings.

48 The civil service board shall hold meetings for the purpose
49 of examining and certifying the eligibles to the appointment
50 of the police department and fire department, and to that
51 end shall give at least ten days public notice of the time, place
52 and purpose of such meetings. The board may be called into
53 special session by the mayor or by a majority of its members
54 for the purpose of disposing of any matters coming within its
55 purview. The board shall hold at least two meetings during
56 any calendar year, and as many more meetings as may be
57 necessary to meet the requirements for the efficient manage-
58 ment of its affairs.

59 The city clerk shall be ex officio clerk of said board.

60 Appointments to the police department and fire department
61 shall be made, by the civil service board, from the applicants
62 for said respective positions, which applicants, under civil

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63 service examinations, receive an average grade of sixty or
64 more, giving preference to the applicant receiving the highest
65 grade and whose grade certificate is the oldest, and likewise
66 making such appointments so as not to give either of the
67 dominant political parties in the city, as nearly as may be,
68 more than one-half of the total number of men under civil
69 service in either department. The mayor shall appoint special
70 officers, if any, for either or both of said departments, from
71 the approved civil service lists for said departments, respec-
72 tively, keeping political division as hereinbefore set out;
73 provided no person shall serve, as a special officer, for more
74 than thirty days in any one calendar year. When the list
75 of names of applicants who are eligible as prescribed in this
76 section shall have been exhausted, or when either dominant
77 political party shall be entitled to appointment and there
78 shall be no member of such party eligible on the list, then
79 such appointment may be made from the list of persons who
80 may apply therefor, disregarding those applicants who stood
81 the civil service examination and received thereon a grade
82 below sixty.

83 Hereafter all appointments to the police department or

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84 the fire department shall be made for the term of five years,
85 subject to suspension and dismissal as provided herein; and
86 at the expiration of said five-year term, the officer may be
87 re-enlisted for another term of five years, upon the recom-
88 mendation of the mayor and approval by the civil service
89 board, by a majority vote; and so on and in like manner
90 every five years.

91 All persons now under civil service in either of said de-
92 partments shall have advantage of civil service and shall
93 continue in office unless removed for cause and in the
94 manner provided in this section.

95 Policemen and firemen now in office, and those hereafter
96 appointed, shall obey all the rules and regulations promul-
97 gated by the mayor for the organization and operation of the
98 respective departments which, when posted at the head-
99 quarters of the respective departments, shall be notice there-
100 of. Any violation of said rules by any member of the de-
101 partments shall be sufficient cause for his suspension or dis-
102 missal in the manner provided in this section.

103 The mayor, or chief of either the police department or fire
104 department by and with the mayor's consent, may, as a

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105 matter of discipline, suspend, without pay, for a period of
106 not exceeding thirty days, any officer or member of either
107 of those departments, for just cause, by giving such officer
108 or member written notice of such suspension, defining the
109 cause or causes therefor. Such suspended officer or member
110 shall have the right, within ten days, but not later, to appeal
111 to the civil service board, if he deems such suspension un-
112 just. If such accused officer or member, upon a hearing
113 before the civil service board, is found not guilty, then he
114 shall immediately report for duty, and he shall be paid for
115 the time lost by his suspension. The mayor may, upon evi-
116 dence of reasonable cause therefor, dismiss any member of the
117 police department or fire department, by giving written
118 notice to such person, clearly defining the charges preferred
119 against him, and fixing a time, not later than ten days from
120 that time, on which such member may appear for trial before
121 the civil service board; and should the board, upon trial, find
122 him guilty of the charges preferred, the dismissal by the mayor
123 shall stand affirmed, without pay from the time of his dis-
124 missal by the mayor. But if such person shall be acquitted
125 of the charges preferred by the mayor, he shall be reinstated

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126 to his position and shall be paid for the time lost by him
127 because of his dismissal by the mayor. The action of the
128 civil service board thereabout, in either of the event of suspen-
129 sion or dismissal by the mayor or the board as aforesaid,
130 shall be final, and no appeal therefrom shall lie.

131 The civil service board may make reasonable rules govern-
132 ing the conduct of all persons while on duty and off duty,
133 who are under civil service, in addition to the rules promul-
134 gated by the mayor; and the violation of such rules may be
135 cause for suspension or dismissal as provided in this section;
136 but causes for suspension or dismissal, as herein provided, is
137 not limited to the violation of said rules promulgated by
138 the board.

139 In making examinations and determining the fitness and
140 qualifications for positions the civil service board shall take
141 into consideration the size, health, physical appearance, habits
142 and moral surroundings of the applicant; and after such
143 examinations the board shall at once place on record in the
144 minutes of the civil service board the result of such examina-
145 tion, giving the names of the applicants, positions sought by
146 them, and their respective percentages based on one hundred,

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147 and stating the political party, if any, to which the applicant
148 holds allegiance.

Sec. 53. In letting contracts for paving, sewerage and other
2 public work for the city, the council may make it a part of
3 the contract that the contractor procuring such work shall be
4 required to employ laborers on the work who reside in the
5 city of Huntington: *Provided*, That efficient labor is procur-
6 able in the city at the customary scale of wages in said city
7 for like work.

Sec. 54. The council may adopt, by ordinance, a code of
2 laws and ordinances, which when adopted shall be printed
3 in book form, or it may be adopted as a whole after it is
4 printed, and said code shall be the law and ordinances of said
5 city, and shall be received as such in all the courts of this
6 state, and the laws, ordinances, franchises, and rules, when
7 printed therein shall be prima facie proof of their correctness.

Sec. 55. Whenever any notice is required to be given, or
2 any summons, warrant or other process is required to be
3 served or otherwise executed, under the provisions of this act,
4 it shall be sufficient if such notice, summons, warrant, or other
5 process be executed by an officer of the police department of

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Chairman Senate Committee.

James A. Hyatt

James L. Smith

Chairman House Committee.

6 said city in the same way or manner in which the laws of the
7 state prescribe for executing summonses and subpoenas by the
8 state officers, unless otherwise provided by this act.

Sec. 56. Whenever the word "street" (whether or not
2 followed with the words, "avenues, roads, alley or public
3 ground") is used in this act, it shall be inclusive of and
4 construed to mean any public street, avenue, alley or ground
5 in the city, unless the language thereabout is such that the
6 intent is clearly otherwise. Whenever the word "treasurer"
7 is used in this act, it shall have the same meaning as "the
8 sheriff of Cabell county, ex officio treasurer of the city of
9 Huntington", or part thereof.

Sec. 57. All acts and parts of acts coming within the
2 purview of this act, and inconsistent herewith, and not in-
3 cluded in the provisions of this act, are hereby repealed;
4 except this act does not intend to repeal or in any way amend
5 chapter twenty-six, acts of the legislature, one thousand nine
6 hundred twenty-five (municipal charters), creating a park
7 board for the city of Huntington, or any amendment thereof.

Kennan K. Hyde
Chairman Senate Committee.

B. M. Hiler
Speaker of the House of Delegates

Geo. S. Hall
Clerk of the House of Delegates

B. G. Manneus
President of the Senate

Charles Smith
Clerk of the Senate

The within is.....

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

Filed in the office of the Secretary of State
of West Virginia. **FEB 26 1934**

Wm. S. O'BRIEN,
Secretary of State

Governor

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James L. Smith
Chairman House Committee.