

Rec., Jan. 29, 1934

84

ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 84

By Mr. Hodges

PASSED January 25 1934

IN EFFECT Ninety days PASSAGE

Originating in the Senate Takes effect 90 days prior to Passage.

[Signature]
Clerk

CORRECTLY ENROLLED

[Signature]
Chairman House Committee.

[Signature]
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 84)

[Passed January 25, 1934; in effect ninety days from passage.]

AN ACT to provide for submission to the voters of the state of an amendment to the constitution of the state, amending section six, article thirteen of the constitution.

Be it enacted by the Legislature of West Virginia:

That section six, article thirteen of the constitution be proposed for amendment; relating to assessments on the land books.

Section 1. The question of the ratification or rejection of an amendment of the constitution of West Virginia, proposed in accordance with the provisions of section two, article fourteen of said constitution, shall be submitted to the voters of the state at the next general election to be held in the year one

James A. Hays

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

6 thousand nine hundred thirty-four, which proposed amendment
7 is as follows:

That section six, article thirteen of said constitution of West
Virginia be amended to read as follows:

Sec. 6. It shall be the duty of every owner of land, or of
2 an undivided interest therein, to have such land, or such un-
3 divided interest therein, entered on the land books of the county
4 in which it, or a part of it, is situated, and to cause himself to
5 be charged with taxes legally levied thereon and pay the same.
6 When, for any five successive years, the owner of any tract of
7 land, or undivided interest therein, shall not have been charged
8 on such land books with state, county and district taxes there-
9 on, then, by operation hereof, the land, or undivided interest
10 therein, shall be forfeited, and title vested in the state. But
11 if, for any one or more of such five years, the owner of such
12 land, or of any undivided interest therein, shall have been
13 charged with state, county and district taxes on any part of
14 such land, such part thereof, or undivided interest therein,
15 shall not be forfeited for such cause. And any owner of land
16 so forfeited, or of any interest therein, at the time of the
17 forfeiture thereof, who shall then be an infant, married woman,

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18 or insane person, may, until the expiration of three years after
19 the removal of such disability, have the land, or such interest,
20 charged on such land books, with all state and other taxes that
21 shall be, and but for the forfeiture would be, chargeable on the
22 land, or interest therein, for the year one thousand eight
23 hundred sixty-three, and every year thereafter, with interest
24 at the rate of ten per centum per annum, and pay all taxes
25 and interest thereon for such years, and thereby redeem the
26 land or interest therein: *Provided*, Such right to redeem shall
27 in no case extend beyond twenty years from the time such land
28 was forfeited.

Sec. 2. For convenience in referring to said proposed amend-
2 ment and in the preparation of the form of ballot hereinafter
3 provided for, said proposed amendment is hereby designated as
4 follows: To be known as "Land Book Assessment Amend-
5 ment".

Sec. 3. For the purpose of enabling the voters of the state
2 to vote on the question of said proposed amendment to the con-
3 stitution, at said general election to be held in the year one
4 thousand nine hundred thirty-four, the board of ballot commis-
5 sioners of each county is hereby required to prepare separate

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6 ballots from that of the ballot to be voted at said election, and
7 print thereon the following:

8 *Ballot of Constitutional Land Book Assessment Amendment*

9 amending section six of article thirteen of the constitution.

10 ☐ For ratification of land book assessment amendment.

11 ☐ Against ratification of land book assessment amendment.

12 The said election on the proposed amendment at each place
13 of voting shall be superintended, conducted and returned, and
14 the result thereof ascertained, by the same officers and in the
15 same manner as the election of officers to be voted for at said
16 election; and all of the provisions of the law relating to general
17 elections, including all duties to be performed by any officer
18 or board, as far as applicable and not inconsistent with any-
19 thing herein contained, shall apply to the election held under
20 the provisions of this act, except when it is herein otherwise
21 provided. The ballots cast on the question of said proposed
22 amendment shall be counted as other ballots cast at said
23 election.

Sec. 4. As soon as the result is ascertained the commis-
sioners, or a majority of them, and the canvassers (if there
be any) or a majority of them, at each place of voting, shall

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4 make out and sign two certificates thereof in the following
5 form or to the following effect: We, the undersigned, who
6 acted as commissioners (or canvassers, as the case may be),
7 of the election held at
8 in the district of, in the
9 county of, on the day of,
10 one thousand nine hundred thirty-four, upon the question of
11 the ratification or rejection of the proposed constitutional
12 amendment to section six, article thirteen, do hereby certify
13 that the result of said election is as follows:

14 Amending section six of article thirteen:

15 For ratification of land book assessment amendment
16 votes.

17 Against ratification of land book assessment amendment
18 votes.

19 Given under our hands this day of,
20 one thousand nine hundred thirty-four. The said two certifi-
21 cates shall correspond with each other in all respects, and con-
22 tain the full and true returns of said election at each place
23 voting on said question. The said commissioners, or any of
24 them, (or said canvassers, or one of them, as the case may

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Anna D. Hyra

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Chairman Senate Committee.

25 be) shall within four days, excluding Sundays, after that on
26 which said election was held, deliver one of said certificates to
27 the clerk of the county court of his county, together with the
28 ballots and the other to the clerk of the circuit court of the
29 county.

30 The said certificates, together with the ballots cast on the
31 question of said proposed amendment shall be laid before the
32 commissioners of the county court at the courthouse at the same
33 time the ballots, poll books and the certificates of the election
34 for the members of the legislature are laid before them. And
35 as soon as the result of said election in the county upon the
36 question of such ratification or rejection is ascertained, two
37 certificates of such result shall be made out and signed by said
38 commissioners, as a board of canvassers, in the form or to the
39 following effect:

40 We, the board of canvassers of the county of _____,
41 having carefully and impartially examined the returns of the
42 election held in said county, in each district thereof, on the
43 _____ day of November, one thousand nine hundred thirty-
44 four, do certify that the results of the election in said county,
45 on the question of the ratification or rejection of the proposed

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A. D. Henry

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

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46 amendment to section six of article thirteen is as follows:

47 For ratification of land book assessment amendment

48 votes.

49 Against ratification of land book assessment amendment

50 votes.

51 Given under our hand this day of,

52 one thousand nine hundred thirty-four.

53 One of the certificates shall be filed in the office of the clerk

54 of the county court, and the other forwarded by mail to the

55 secretary of state who shall file and preserve the same until

56 the day on which the result of said election in the state is to

57 be ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held,

2 or as soon thereafter as practicable, the said certificates shall

3 be laid before the governor, whose duty it shall be to ascertain

4 therefrom the result of said election in the state, and declare

5 the same by proclamation published in one or more newspapers

6 printed at the seat of government. If a majority of the votes

7 cast at said election upon said question be for the ratification

8 of said amendment, the proposed amendment, so ratified shall

9 be of force and effect from and after the time of such ratifica-

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James D. Hyre,

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

tion, as part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before such election, in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon in advance, in writing, and the cost of such advertising shall be in the first instance, if found necessary by him, paid out of the governor's contingent fund and be afterwards repaid to such fund by appropriation of the legislature.

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James D. Smith
Chairman Senate Committee.

James D. Smith
Chairman House Committee.

Wm. S. Shiner
Speaker of the House of Delegates

Geo. S. Hall
Clerk of the House of Delegates

A. B. Mainwaring
President of the Senate

Robert M. ...
Clerk of the Senate

The within is.....

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

Filed in the office of the Secretary of State
of West Virginia.

FEB 5 1934
Wm. S. O'BRIEN,
Secretary of State

.....
Governor