

Rec. Mon. 11, 1933

124

ENROLLED BILL

Regular Session

SENATE BILL NO. 124

By Mr. Sardidge

PASSED March 11 1933

IN EFFECT ninety days from PASSAGE

Originating in the Senate Takes effect ninety days from Passage.
Samuel P. [unclear] Clerk of the House of Delegates.
[unclear] Clerk.

CORRECTLY ENROLLED

James E. Smith Chairman House Committee.
[unclear] Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 124)

[Passed March 11, 1933; in effect ninety days from passage.]

~~AN ACT~~ to amend and reenact section nine, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, relating to report of commissioners in condemnation cases and the elements of damages to be allowed.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 9. The commissioners, after viewing the property
2 and hearing any proper evidence which is offered shall ascer-
3 tain what will be a just compensation to the person entitled
4 thereto for so much thereof as is proposed to be taken, or for
5 the interest therein, if less than a fee, and for damage to the
6 residue of the tract beyond all benefits to be derived, in re-

CORRECTLY ENROLLED

James L. Smith
James D. Hyatt

Chairman House Committee.

Chairman Senate Committee.

7 spect to such residue, from the work to be constructed, or the
8 purpose to which the land to be taken is to be appropriated,
9 including, when less than the fee is taken, the actual damage,
10 if any, done, or that may be done, to the fee by such construc-
11 tion, and make report to the following effect: We, the commis-
12 sioners, appointed by the circuit court of county,
13 (or by the judge thereof in vacation, as the case may be) by
14 an order made on the..... day of.....
15 on the application of....., respectfully
16 report, that having first been duly sworn, we have viewed the
17 real estate owned by....., mentioned
18 in the said application, and are of opinion that.....
19 dollars will be a just compensation for so much of the said
20 real-estate as is proposed to be taken by the said applicant,
21 that is to say: (here describe the part to be taken, and the
22 interest therein, if less than a fee, so as to identify the same
23 with reasonable certainty, which description may be supple-
24 mented by reference to a plat annexed to the report, or in any
25 manner that would be sufficient in a conveyance) as well as
26 for damages to the residue of the said real estate beyond all
27 benefits which will be derived in respect to such residue from

CORRECTLY ENROLLED

James D. Higgins

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Enrolled S. B. No. 124]

28 the work to be constructed (or from the purposes to which the
29 part to be taken by said applicant is to be appropriated).

30 Given under our hands this.....day of.....

31 But if the property is proposed to be taken by a company
32 incorporated for the construction of a railroad, no damages
33 shall be ascertained for the construction of any farm crossings,
34 fences, or cattle guards, or for keeping the same in repair.

35 The report shall be signed by at least three of the commis-
36 sioners, and forthwith returned to the clerk's office of the
37 court, to be filed with the papers of the case.

James L. Smith
 Chairman Senate Committee.

A. M. Harris
 Speaker of the House of Delegates.

Wood Hall
 Clerk of the House of Delegates.

A. M. Maier
 President of the Senate.

James L. Smith
 Chairman House Committee.

Robert Amely
 Clerk of the Senate.

The within is.....

this.....day of....., 1933.

CORRECTLY ENROLLED

Filed in the office of the Secretary of State
 of West Virginia. **MAR 18 1933**
 Wm S O'BRIEN,
 Secretary of State

.....
 Governor.