

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



## ENROLLED

HOUSE BILL No. 72

(By Mr. Ballard of Mercer)



PASSED March 4, 1941

In Effect thirty days from Passage

72

**ENROLLED**  
**House Bill No. 72**  
(BY MR. BALLARD, OF MERCER)

[Passed March 4, 1941; in effect ninety days from passage.]

AN ACT authorizing the workmen's compensation commissioner to reopen the case of Herbert or Hobart Morris.

WHEREAS, On September eighteenth, one thousand nine hundred twenty-nine, employed by the Killarney Smokeless Coal Company, Killarney, Raleigh county, West Virginia, in the lane of the mine track in the mine of the Killarney Smokeless Coal Company, Killarney, in the county of Raleigh, this state, Herbert and/or Hobart Morris, received an injury in the left arm between the elbow and shoulder, by the tearing loose of muscle of said arm; and

WHEREAS, The employer of the said Herbert and/or Hobart Morris was, at the time of the aforesaid injury, a subscriber to the workmen's compensation fund; and,

WHEREAS, The said Herbert or Hobart Morris was paid compensation upon twenty per cent partial disability basis until May the thirty-first, one thousand nine hundred thirty-one,

at which time said compensation expired; and, it is the opinion of competent physicians and surgeons that the injury sustained by Herbert or Hobert Morris has resulted in permanent disability; and,

WHEREAS, On January eighth, one thousand nine hundred thirty-one, December fourth, one thousand nine hundred thirty-one, and December nine, one thousand nine hundred thirty-one, a request was filed by the said Herbert or Hobert Morris with the state compensation commissioner, but was declined due to the fact that the commissioner found himself without jurisdiction to further consider the claim; therefore,  
*Be it enacted by the Legislature of West Virginia:*

Section 1. The state compensation commissioner is  
2 hereby authorized to re-open the case of Herbert or  
3 Hobert Morris, notwithstanding the fact the compen-  
4 sation commissioner closed the case and refused a re-  
5 opening of same, in view of the fact that at various  
6 times application was made to have the case re-opened  
7 and to allow such compensation to said Herbert or  
8 Hobert Morris as the facts and conditions pertaining  
9 to the case may warrant.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. H. McKown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

A. Hale Watkins

Clerk of the Senate

J. Haliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within approved this the 14th  
day of March, 1941.

Matthew A. Neely  
Governor.

Filed in the office of the Secretary of State  
of West Virginia MAR 17 1941  
Wm. S. O'BRIEN,  
Secretary of State