

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 393

(By Mr. Robinson)



PASSED March 7, 1947

In Effect ninety days from Passage



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House Bill No. 393

(By MR. ROBINSON)

[Passed March 7, 1947; in effect ninety days from passage.]

AN ACT approving the payment of a certain claim to Ward Huffman, guardian of Bobby Cogar, an infant, which claim was recommended by the state court of claims, and is included in the budget bill of one thousand nine hundred and forty-seven, and setting forth a legislative finding of fact that the said claim is a moral obligation of the state of West Virginia.

Whereas, In December, one thousand nine hundred forty-five, the state court of claims of West Virginia recommended to the Legislature that the sum of three thousand dollars be paid to Ward Huffman, guardian regularly appointed and qualified, of Bobby Cogar, an infant, by virtue of a claim for damages for a serious and permanent injury (loss of the right arm) against the state board of control of West Virginia and the West Virginia children's home at Elkins, West Virginia; and

Whereas, The supreme court of appeals of West Virginia in an opinion rendered in a certain case therein pending, on the twenty-sixth day of June, one thousand nine hundred forty-five, as found in the case of State ex rel, Adkins versus Sims, Auditor, reported in thirty-four S. E. R. (second) 585, found, in said opinion that the Legislature in making an appropriation for the purpose of discharging the liability ascertained by the state court of claims, in said case, at its October term, one thousand nine hundred forty-five, and certified, should affirmatively make it appear that the obligation so ascertained and certified by said court, was and is a moral obligation on the part of the state of West Virginia, and in the opinion in said case suggested the necessity of a declaration to that effect and consequence by the Legislature should be made in an enactment separate and distinct from the appropriation bill carrying the grant and authorization of payment, therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. *Payment of Claim of Ward Huffman,*
2 *Guardian of Bobby Cogar, an Infant.*—The Legislature
3 affirms and approves the recommendation of the court

4 of claims of the state of West Virginia that there should
5 be paid the following claim, and makes the following
6 award, as a proper claim against the West Virginia
7 board of control and the West Virginia childrens home at
8 Elkins, West Virginia, viz:

9 To Ward Huffman, guardian of Bobby Cogar, an
10 infant, for permanent injuries suffered by
11 said infant, the loss of his right arm, the sum
12 and amount of three thousand dollars, and
13 authorizes the payment of the said award
14 from funds in the treasury of the state of
15 West Virginia pursuant to a valid appropria-
16 tion bill, separate and apart from this bill.

Sec. 2. *Claim a Moral Obligation of the State.*—The
2 Legislature declares hereby as a finding of fact that the
3 foregoing award, and the payment thereof, under the
4 circumstances involved in the claim and the finding of
5 the court of claims of West Virginia, constitute a moral
6 obligation of the State of West Virginia.

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

Forest L. McNeer

Chairman Senate Committee

R. L. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Stouman Hayes

Clerk of the Senate

Salp

Clerk of the House of Delegates

Arnold M. Vickers

President of the Senate

John E. Amos

Speaker House of Delegates

The within _____ this the _____

day of _____, 1947.

Governor.

I certify that the foregoing bill, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the.....day of.....**MAR 14 1947**

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SECRETARY OF STATE