

Nov 13

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 215

(By Mr. Stemple)



PASSED March 8, 1947

In Effect from Passage



215

ENROLLED

Senate Bill No. 215

(By MR. STEMPLE)

[Passed March 8, 1947; in effect from passage.]

AN ACT to compensate Lon E. Upton for personal damages sustained by him by walking in the night time off a bridge without guard rails, side walls or barriers, located upon a public road.

WHEREAS, On September twenty-ninth, one thousand nine hundred forty-one, Lon E. Upton, while traveling upon a public road, open to travel, near Ford Run, Barbour county, West Virginia, stepped off of a bridge, the floor of which was level with the road, and which bridge had no side walls, guard rails or other protective barriers thereon, on a road maintained and under the control of the State Road Commission, and thereby fell to the bottom of the stream spanned by said bridge a distance of eight feet, upon a solid rock bottom, and thereby suffered a severely lacerated lower lip; fracture of the left wrist; laceration of the left thumb; compound fracture involving the

distal one-third of the left femur and knee joint, with approximately one inch of the shaft of the femur protruding through the skin. The factured fragments showed marked commution. Following the injury, massive infection developed and at the present time, he has an active osteomyelitis. The condition from which he is now suffering is entirely the result of the accident. He has been admitted to the hospital repeatedly since the accident because of localized abscess formation; and has had three or more operations to clean up the infection, all of which have failed; and has expended in excess of eight hundred dollars for hospital treatment, and is permanently disabled. The said Lon E. Upton presented his claim for personal damages against the state road commission of West Virginia, before the West Virginia state court of claims, and was by said court awarded fifteen hundred dollars. Therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. *Reimbursing Lon E. Upton for Personal*
2 *Damages Sustained By Walking Off of a Bridge Upon a*
3 *Public Road, Level With the Grade of Said Road, and*
4 *Without Any Side Rails or Barriers.*—The auditor of the
5 State of West Virginia is hereby authorized and directed

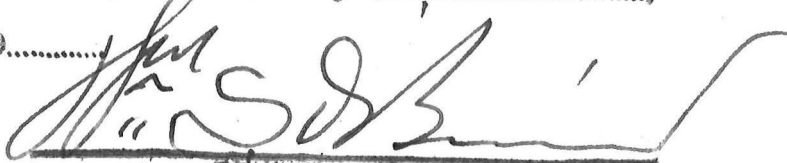
6 to issue his warrant, payable from state fund, general revenue,
7 enue, upon the treasury, in favor of Lon E. Upton for fifteen
8 hundred dollars, for personal damages sustained by
9 him by falling from a state road bridge which had no side
10 walls, barrier or guard rails, the legislative finding that
11 this appropriation is necessary to discharge a moral obligation
12 of the state.

I certify that the foregoing act, 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 13 1947

19.....


SECRETARY OF STATE

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

Forest L. McGeer

Chairman Senate Committee

R. S. Matthews

Chairman House Committee

Originated in the

Senate

Takes effect

from

passage.

Howard Angus

Clerk of the Senate

J. A. Hipp

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.

