

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 366

(By Mr. Burt)



PASSED March 11 1949

In Effect July 1, 1949 Passage



366

**ENROLLED**  
**House Bill No. 366**  
**(By MR. BURT)**

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[Passed March 11, 1949; in effect July 1, 1949.]

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AN ACT to amend and reenact section seven of an act entitled

“An act to establish a county court and a board of commissioners of Ohio county, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia”, approved December thirty-first, one thousand eight hundred seventy-two, as amended by acts of the Legislature, one thousand nine hundred nine, and as further amended, by chapter one hundred thirty-two, acts of the Legislature, one thousand nine hundred twenty-three.

*Be it enacted by the Legislature of West Virginia:*

That section seven of an act entitled “An act to establish a county court and a board of commissioners of Ohio county, under the thirty-fourth section of the eighth article of the constitution of the State of West Virginia”, approved December thirty-first, one thousand eight hundred seventy-two, as amend-

ed by the acts of the Legislature, one thousand nine hundred nine, and as further amended by chapter one hundred thirty-two, acts of the Legislature, one thousand nine hundred twenty-three, be amended and reenacted to read as follows:

Section 7. *Board of Commissioners of Ohio County;*

2 *Meetings; Compensation; Powers.*—The commissioners  
3 elected as provided in section five shall constitute a board,  
4 to be known as “the Board of Commissioners of the coun-  
5 ty of Ohio”, by which name they may sue and be sued,  
6 and make and use a common seal, and enact ordinances  
7 and by-laws not inconsistent with the laws of this state.  
8 They will meet steadily on the first Monday in every  
9 month, at the court house of their county, and may hold  
10 special and adjourned meetings at any time after their  
11 first meeting after election. They shall elect one of their  
12 number president of the board, and appoint a clerk, who  
13 shall hold his office at their pleasure, and shall keep a  
14 journal of their proceedings, including a record of their  
15 ordinances in a volume separate from the journal of their  
16 proceedings, and shall perform such other services per-  
17 taining to his office as may be by them or by law re-

18 quired; and whose compensation shall be forty-two hun-  
19 dred dollars annually, which salary shall be paid from  
20 the county treasury and no fees or additional salary  
21 shall be received by said clerk. The said board shall  
22 have the same powers now vested in the board of com-  
23 missioners of Ohio county as to the superintendence  
24 and administration of the internal police and fiscal af-  
25 fairs of the county, including the establishment and reg-  
26 ulation of roads, ways, bridges, public landings, ferries  
27 and mills, the granting of ordinary and other licenses,  
28 with authority to lay and disburse the county levies.  
29 The board shall, in all contested cases, judge of the elec-  
30 tion, qualification and returns of its own members, and  
31 of all county and district officers; and it shall exercise  
32 such other jurisdiction and perform such other duties  
33 as may be prescribed by law. The said commissioners  
34 shall each receive a compensaton of thirty-five hundred  
35 dollars annually, which salary shall be paid from the  
36 county treasury and no fees, commissions or additional  
37 salary shall be received by any of said commissioners.  
38 Any commissioner may be indicted for malfeasance, mis-

39 feaſance or neglect of official duty, and, upon conviction  
40 thereof, his office ſhall become vacant. A vacancy in the  
41 board of commissioners, whether from reſignation, re-  
42 moval from the ſubdiviſion from which he was elected,  
43 removal from office, death or other cauſe, ſhall be filled  
44 by the remaining members of the board.

45 All acts or parts of acts inſiſtent herewith are here-  
46 by repealed.

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

Forest L. McMan  
Chairman Senate Committee

R. L. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949 passage.

Howard Keyes  
Clerk of the Senate

J. Asbill  
Clerk of the House of Delegates

Francis B. Slaughter  
President of the Senate

W. C. Lamm  
Speaker House of Delegates

The within APPROVED this the 18TH

day of MARCH, 1949.



Okey L. Patton

Filed in the Office of the Secretary of State  
of West Virginia **MAR 18 1949**  
D. PITT O'BRIEN,  
SECRETARY OF STATE