WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 74

(By Mr. Bean)

PASSED February 27, 1949

In Effect From Passage
AN ACT to amend and reenact sections four and six, article one,
chapter fifty-four of the code of West Virginia, one thou­
sand nine hundred thirty-one, as amended, relating to the
condemnation of land for public use.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Restrictions as to Dwelling Houses.—No rail-
road company, or other company of internal improve-
ment, in locating and constructing its lines, shall invade
the dwelling house of any person, or any space within
sixty feet thereof, without the consent of the owner,
unless necessary so to do in passing through a narrow gorge, defile or narrow pass, or to avoid undesirable curves, angles, and grades, in the construction of its line, or to eliminate such curves, angles, and grades in any line heretofore constructed. This prohibition shall not apply to the territory within any municipal corporation, nor to the acquisition by condemnation of land for any purpose of the company other than right of ways for its main lines and transmission lines.

Sec. 6. Quantity of Land Acquired.—The land acquired by condemnation by any railroad company for its main depots, termini, buildings, machine shops, railroad yards and railroad facilities, and the land or interest therein so acquired by any company incorporated for a work of internal improvement along its line generally, or for any other public use authorized by section two (5362) of this article, shall be limited to such quantity as is necessary for the purpose or purposes for which it is appropriated.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. Mercer
Chairman Senate Committee

A. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

John E. Lipps
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 33rd day of February, 1949.

Okegy L. Patterson
Governor

Filed in the Office of the Secretary of State of West Virginia FEB 25, 1949

D. Pitt O'Brien, Secretary of State