

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 74

(By Mr. Beas)

PASSED February 22 1949

In Effect From Passage



74

ENROLLED
Senate Bill No. 74

(BY MR. BEAN)

[Passed February 22, 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 thousand 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 railroad company, or other company of internal improvement, 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,

6 unless necessary so to do in passing through a narrow
7 gorge, defile or narrow pass, or to avoid undesirable
8 curves, angles, and grades, in the construction of its line,
9 or to eliminate such curves, angles, and grades in any
10 line heretofore constructed. This prohibition shall not
11 apply to the territory within any municipal corporation,
12 nor to the acquisition by condemnation of land for any
13 purpose of the company other than right of ways for its
14 main lines and transmission lines.

Sec. 6. *Quantity of Land Acquired.*—The land acquired
2 by condemnation by any railroad company for its main
3 depots, termini, buildings, machine shops, railroad yards
4 and railroad facilities, and the land or interest therein
5 so acquired by any company incorporated for a work
6 of internal improvement along its line generally, or for
7 any other public use authorized by section two (5362)
8 of this article, shall be limited to such quantity as is
9 necessary for the purpose or purposes for which it is
10 appropriated.

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

Forest L. Mcner

Chairman Senate Committee

R. Matthews

Chairman House Committee

Originated in the Senate.

Takes effect *From* passage.

Howard Myers
Clerk of the Senate

W. S. Rapp
Clerk of the House of Delegates

W. Bayliss
President of the Senate

W. E. ...
Speaker House of Delegates

The within *approved* this the *23rd* day of *February*, 1949.

Okey L. Patton
Governor.



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

D. PITT O'BRIEN,
SECRETARY OF STATE