

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



# ENROLLED

HOUSE BILL No. 426

(By Mr. Beneke, by request)



PASSED March 6, 1951

In Effect 90 days from Passage



**ENROLLED**

**House Bill No. 426**

(By MR. BENEKE, by request)

\_\_\_\_\_  
[Passed March 6, 1951; in effect <sup>ninety days</sup> from passage.]

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; and last amended by chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine.

*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 con-

stitution of the State of West Virginia", approved December thirty-first, one thousand eight hundred seventy-two, as amended 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, last amended by chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine, 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

4 board, to be known as "the Board of Commissioners of

5 the county of Ohio", by which name they may sue and

6 be sued, and make and use a common seal, and enact

7 ordinances and by-laws not inconsistent with the laws

8 of this state. They will meet steadily on the first Monday

9 in every month, at the court house of their county, and

10 may hold special and adjourned meetings at any time

11 after their first meeting after election. They shall elect

12 one of their number president of the board, and appoint

13 a clerk, who shall hold his office at their pleasure, and  
14 shall keep a journal of their proceedings, including a  
15 record of their ordinances in a volume separate from the  
16 journal of their proceedings, and shall perform such other  
17 services pertaining to his office as may be by them or by  
18 law required; and whose compensation shall be forty-  
19 two hundred dollars annually, which salary shall be paid  
20 from the county treasury and no fees or additional salary  
21 shall be received by said clerk. The said board shall have  
22 the same powers now vested in the board of commission-  
23 ers of Ohio county as to the superintendence and adminis-  
24 tration of the internal police and fiscal affairs of the  
25 county, including the establishment and regulation of  
26 roads, ways, bridges, public landings, ferries and mills,  
27 the granting of ordinary and other licenses, with author-  
28 ity to lay and disburse the county levies. The board shall,  
29 in all contested cases, judge of the election, qualification  
30 and returns of its own members, and of all county and  
31 district officers; and it shall exercise such other jurisdic-  
32 tion and perform such other duties as may be prescribed  
33 by law. The said commissioners shall each receive a com-

34   pensation of forty-five hundred dollars annually, which  
35   salary shall be paid from the county treasury and no fees,  
36   commissions or additional salary shall be received by  
37   any of said commissioners. Any commissioner may be  
38   indicted for malfeasance, misfeasance or neglect of of-  
39   ficial duty, and, upon conviction thereof, his office shall  
40   become vacant. A vacancy in the board of commissioners,  
41   whether from resignation, removal from the subdivision  
42   from which he was elected, removal from office, death or  
43   other cause, shall be filled by the remaining members of  
44   the board.

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

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

*Robert C. Byrd*  
Chairman Senate Committee

*James M. Loop*  
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

*Howard Neely*  
Clerk of the Senate

*J. R. Cliff*  
Clerk of the House of Delegates

*Frank B. Rowland*  
President of the Senate

*W. E. Flannery*  
Speaker House of Delegates

The within approved this the 16<sup>th</sup>  
day of March, 1951.

*Chas. L. Patton*  
Governor



MADE IN THE OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES

at West Virginia MAR 16 1951

D. PITT O'BRIEN,

SECRETARY OF STATE