

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

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## ENROLLED


SENATE BILL NO. 339

(By Mr. Vassar)

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PASSED March 14 1953

In Effect July 1, 1953 Passage



**ENROLLED**

**Senate Bill No. 339**

(By MR. VASSAR)

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[Passed March 14, 1953; in effect July 1, 1953.]

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AN ACT finding and declaring a certain claim of the Colonial Glass Company of Weston, West Virginia, against the state road commission, to be a moral obligation of the state, making an appropriation out of the treasury to pay said claim and directing the auditor to issue his warrant in payment thereof.

WHEREAS, On March seventh, one thousand nine hundred forty-five, a road commission maintenance crew dynamited a slide which had clogged up the outlet to a culvert on U. S. Route 19 at Deanville, just north of Weston, West Virginia, resulting in a large amount of broken tile and small stones being thrown on the roof of a nearby factory of the Colonial

Glass Company, damaging said roof beyond repair and necessitating a new roof for which the labor and material amounted to three hundred thirty-five dollars and thirty-five cents; and

WHEREAS, Said Colonial Glass Company filed its claim with the state court of claims on August second, one thousand nine hundred forty-five, and on October sixteenth, one thousand nine hundred forty-five, the court of claims awarded the said Colonial Glass Company three hundred thirty-five dollars and thirty-five cents in its decision of case No. 486; and

WHEREAS, The Legislature of West Virginia, regular session, one thousand nine hundred forty-seven, in chapter twenty-seven of the acts of that session, appropriated the sum of three hundred thirty-five dollars and thirty-five cents for the payment of said claim, but said claim still remains unpaid; therefore

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

Section 1. *Payment of Claim of Colonial Glass Com-*  
2 *pany.*—It appearing from a statement of the revenues  
3 and appropriations for the fiscal year one thousand nine  
4 hundred fifty-two—one thousand nine hundred fifty-  
5 three, that there remains in the treasury, state fund gen-

6 eral revenue, in excess of the amount hereby appropri-  
7 ated, the sum of three hundred thirty-five dollars and  
8 thirty-five cents is hereby appropriated to the Colonial  
9 Glass Company, to compensate it for damages done by  
10 negligence of the state road commission's workmen and  
11 in satisfaction of the judgment of the state court of  
12 claims.

Sec. 2. *Finding of Moral Obligation and Directing Pay-*  
2 *ment of Claim.*—The Legislature has considered the  
3 findings of fact and recommendations reported by the  
4 court of claims concerning said claim of the Colonial  
5 Glass Company against the state road commission, and  
6 with respect to said claim the Legislature adopts such  
7 findings of fact as its own, and hereby declares it to be  
8 the moral obligation of the state to pay said claim, and  
9 directs the auditor to issue his warrant for the payment  
10 thereof out of any fund appropriated and available for  
11 the purpose.

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

*W. M. Kinley*  
Chairman Senate Committee

*W. H. Ambler*  
Chairman House Committee

Originated in the Senate.

Takes effect *July 1, 1953* passage.

*Howard Nease*  
Clerk of the Senate

*W. H. Ambler*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*W. H. Ambler*  
Speaker House of Delegates

The within *approved* this the *19th*  
day of *March*, 1953.

*William C. Maunard*  
Governor.

IN THE OFFICE OF THE SECRETARY OF STATE

OF THE VIRGINIA

MAR 19 1953

D. PITT O'BRIEN,

SECRETARY OF STATE