

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1955

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ENROLLED

SENATE BILL NO. 324

(By Mr. Jones)

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PASSED Mar 12 1955

In Effect 90 days from passage



Filed in the Office of the Secretary of State  
of West Virginia

D. PITT O'DRIEN  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 324**  
(By MR. JONES)

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[Passed March 12, 1955; in effect ninety days from passage.]

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AN ACT authorizing the board of education of the county of Putnam to reimburse Lloyd Cain for personal injuries, and for medical, hospital, and other necessary expenses incurred as a result of the negligence of said board of education of Putnam county, and to declare a moral obligation to exist on the part of said board of education in favor of said Lloyd Cain.

WHEREAS, On the twenty-third day of October, one thousand nine hundred fifty-four, Lloyd Cain attended a football game played between Buffalo high school of Putnam county, West Virginia, and Hamlin high school of Lincoln county, West Virginia; and

WHEREAS, While observing the said game at the Buffalo high

school football field in Buffalo, Putnam county, West Virginia, as a spectator, certain football players of the Buffalo high school football team and the Hamlin high school football team ran off the playing field and into and on the said Lloyd Cain, who as a spectator was standing near the playing field with other spectators where he had a right to be and where he would have ordinarily been free from danger, and seriously injured the said Lloyd Cain fracturing his right hip and leg; and

WHEREAS, The said Lloyd Cain suffered great physical pain and mental anguish, was hospitalized and was confined to bed for a long period of time, and necessarily incurred certain medical, hospital and other expenses and lost approximately six months from his employment at a salary of three hundred twenty-five dollars per month; and

WHEREAS, Said Lloyd Cain was in no sense at fault in the premises, therefore

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

Section 1. *Authorization for Reimbursement.*—*The board*


2 of education of the county of Putnam, West Virginia, is

3 hereby authorized as in its discretion it may see fit, to

4 reimburse Lloyd Cain for his personal injuries and for  
5 medical, hospital and other necessary expenses suffered  
6 by him as a result of an accident whereby he was run  
7 into and pinned beneath certain football players of the  
8 Buffalo high school and Hamlin high school teams, at the  
9 Buffalo high school football field, Buffalo, Putnam county,  
10 West Virginia, on October twenty-third, one thousand  
11 nine hundred fifty-four, which said players ran off the  
12 playing field and into the area occupied by spectators,  
13 including the said Lloyd Cain, thereby seriously injuring  
14 the said Lloyd Cain, and which said accident and injury  
15 was caused by the negligence of said county board of  
16 education for the protection of spectators at such athletic  
17 events: *Provided, however,* That the authorization hereby  
18 granted to said board of education of the county of Put-  
19 nam shall not exceed the sum of two thousand five hun-  
20 dred dollars.

Sec. 2. *Finding of Moral Obligation.*—It is hereby de-  
2 clared to be the finding of the Legislature that a moral  
3 obligation on the part of the board of education of the  
4 county of Putnam exists in favor of said Lloyd Cain.

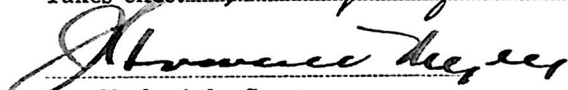
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
Chairman Senate Committee

  
Chairman House Committee

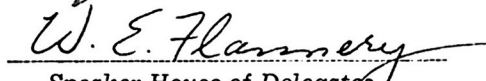
Originated in the Senate.

Takes effect 90 days from passage.

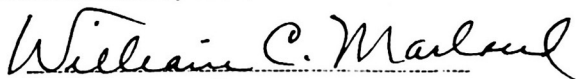
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 16  
day of March, 1955.

  
Governor.



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of West Virginia

**MAR 17 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE