

ACTS  
OF  
THE LEGISLATURE  
OF  
WEST VIRGINIA

---

REGULAR SESSION 1919

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Charleston

5 when so completed shall be returned to the commissioner of agri-  
6 culture, on or before the first day of July next ensuing.

Sec. 3. The county court of each county may allow the as-  
2 sessor a reasonable compensation, not exceeding ten per centum of  
3 his salary for such work as may be required of him under this act,  
4 by the said commissioner of agriculture, and no county court shall  
5 allow pay to assessors for performance of duties herein prescribed,  
6 until such assessor has received certificate that his reports are com-  
7 pleted and satisfactory to said commissioner.

Sec. 4. Failure to properly perform any of the duties herein  
2 set forth, or any of the requirements of the said commissioners  
3 shall be a misdemeanor, and the assessors so offending shall be  
4 subject to all the penalties set forth in chapter twenty-nine of the  
5 code of eighteen hundred and ninety-nine, concerning assessors,  
6 and may be proceeded against in the same manner as is therein  
7 prescribed.

Sec. 5. All acts or parts of acts inconsistent with this act are  
2 hereby repealed.

## CHAPTER 12.

(House Bill No. 4—Joint Committee.)

AN ACT creating a department of public safety, to provide protec-  
tion for the lives and property of the inhabitants of the state of  
West Virginia, providing for the appointment of a super-  
intendent, officers and members thereof, defining their powers  
and duties and fixing their compensation, and creating a board  
of commissioners to hear and determine charges to be filed  
against any member of the department of public safety for mis-  
conduct in office.

[Passed March 29, 1919. In effect from passage March 31, 1919.] Approved by the Governor

SEC.

1. Department of Public Safety created; superintendent the executive and administrative head; appointment by the governor; tenure of office; age requirement; annual salary.
2. Superintendent's bond; oath of office; providing suitable offices for the department.
3. Deputy—how appointed; salary; clerk—how appointed and requirements; salary; stenographer; salary.
4. Resignation of superintendent; filling of vacancy.
5. Superintendent's duty in creating,

SEC.

- appointing and equipping two companies or platoons; captains, lieutenants, sergeants, corporals, privates; their salaries; bonds with security, to be approved by board of public works.
6. Governor may at any time muster out or discharge any company or platoon; duty of those mustered out.
7. Eligibility for superintendency; superintendent to appoint all members of department; two-year tenure of office; increase in salary, with exceptions, after two years' service.

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| <p>SEC.</p> <p>8. Resignations or withdrawals from service; without consent of superintendent, and refusal to discharge duties, constitutes misdemeanor; penalty therefor.</p> <p>9. Power of superintendent to re-appoint members at end of term of service; who not eligible to re-appointment.</p> <p>10. Members of department cannot hold other office.</p> <p>11. Rules and regulations for government of department to be made by superintendent, subject to approval of the governor; members may carry weapons without license therefor.</p> <p>12. Providing of arms, weapons, horses and conveyances; uniforms; equipment property of the state; establishment of local headquarters.</p> <p>13. Jurisdiction of department.</p> <p>14. Powers and duties of superintendent and deputy, and of officers and members of the department.</p> <p>15. Prohibiting members of the department from participating in politics, or assisting at elections, or remaining near voting precincts; other prohibitory clauses.</p> <p>16. Form of oath to be subscribed to by members of the department.</p> <p>17. Duty of officers of state, county and municipality to receive prisoners taken by department of public safety; failure or refusal a misdemeanor; penalty.</p> <p>18. Molestation or interference with any member of department, or refusal to give information relating to any offense or crime, a misdemeanor; penalty therefor; provision in reference to husband or wife.</p> <p>19. Misdemeanor, with penalty for persons not members of department to represent themselves as such, or to wear or display uniform or badge of the department.</p> <p>20. Felony for any officer or member of the department to hire himself to any person, firm or corporation to guard his private property, or to accept money or</p> | <p>SEC.</p> <p>other thing of value for performance of or failure to perform duties under rules and regulations of the department.</p> <p>21. Liability of person, firm or corporation to give money or thing of value to a member of department for performance of or failure to perform duties; felony, punishable by imprisonment or fine.</p> <p>22. Superintendent may suspend or remove from service member for various reasons specified; in failure of superintendent to act, appeal may be made to board of commissioners.</p> <p>23. Appointment of board of commissioners, by the governor; members to be chosen from opposite political parties; tenure of office; hearing of charges filed against members of the department of public safety; method of procedure.</p> <p>24. Provision for third member of board of commissioners in case members cannot agree upon charges; governor the third member.</p> <p>25. Compensation of members of the board of commissioners; actual expenses in addition.</p> <p>26. Board of control to make and prescribe rules respecting payment of expenses of officers and members of the department of public safety, and for necessary equipment.</p> <p>27. Salaries to be paid monthly upon requisition and warrant.</p> <p>28. Transportation of officers and members of the department by railroads and other passenger-carrying corporations.</p> <p>29. Duty of superintendent to collect statistics, distribute information throughout the state and cooperate with educational agencies to secure Americanization of foreign-born inhabitants; to employ all available agencies to secure harmonious feeling and understanding between employer and employee; privilege relative thereto.</p> |
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*Be it enacted by the Legislature of West Virginia:*

Section 1. A department of public safety is hereby created.

2 The executive and administrative head of which shall be a superintendent, who shall be appointed by the governor by and with  
 3 the advice and consent of the senate, for a term of four years.  
 4 The superintendent shall be on the date of his appointment at  
 5 least thirty years of age and shall not be more than fifty-five years  
 6 of age. He shall receive an annual salary of three thousand dol-  
 7 lars to be paid as provided by law.

Sec. 2. The superintendent shall before entering upon the  
 2 discharge of the duties of his office execute a bond payable to the  
 3 state of West Virginia and conditioned for the faithful perform-

4 ance of his duties in the penalty of ten thousand dollars, with se-  
5 curity thereon; such bond both as to form and security shall be  
6 approved by the board of public works. Before entering upon  
7 the duties of his office the superintendent shall subscribe to the  
8 oath as hereinafter provided. Such bond when approved and such  
9 oath when duly subscribed and taken, shall be filed with the secre-  
10 tary of state and preserved by him in his office.

11 The board of public works shall provide suitable and adequate  
12 offices at the capital of the state for the use of the department of  
13 public safety.

Sec. 3. The superintendent, with the advice and consent of  
2 the governor, shall appoint a deputy who shall receive an annual  
3 salary of two thousand dollars. The superintendent shall ap-  
4 point one clerk who shall be a competent bookkeeper and who  
5 shall receive an annual salary of fifteen hundred dollars and also  
6 appoint a competent stenographer who shall receive an annual sal-  
7 ary of twelve hundred dollars.

Sec. 4. The superintendent may tender to the governor his  
2 resignation as such at any time. The governor may accept the  
3 same as soon as he can secure a person who is competent  
4 and qualified to be appointed to fill the office. The super-  
5 intendent in office shall continue as such and perform all of the  
6 duties thereof until his successor is appointed and qualified.

Sec. 5. The superintendent shall create, appoint and equip  
2 a department of public safety, which shall consist of two companies  
3 or platoons. Each company or platoon shall be composed of one  
4 captain who shall receive an annual salary of eighteen hundred  
5 dollars, one lieutenant who shall receive an annual salary of six-  
6 teen hundred dollars, one first sergeant who shall receive an annual  
7 salary of twelve hundred dollars, four sergeants who shall receive  
8 an annual salary of eleven hundred dollars each, four corporals  
9 who shall receive an annual salary of one thousand dollars each  
10 and such number of privates as the superintendent may decide to  
11 be best, but such number of privates shall not at any time be less  
12 than thirty nor more than fifty-five in any one company or platoon.  
13 Each private shall receive an annual salary of nine hundred dol-  
14 lars. Each member of the department of public safety, except the  
15 superintendent, bookkeeper and stenographer, shall before entering  
16 upon the discharge of his duties execute a bond with security in  
17 the sum of thirty-five hundred dollars payable to the state of  
18 West Virginia, conditioned for the faithful performance of his

19 duties as such, and such bond shall be approved, both as to form  
20 and security, by the board of public works and the same shall be  
21 filed with the secretary of state and preserved in his office.

Sec. 6. The governor may at any time when he deems it ad-  
2 visable muster out or discharge any company or platoon. The of-  
3 ficers and members of such company or platoon so discharged shall  
4 each be granted an honorable discharge signed by the superintend-  
5 ent. Any company or platoon mustered out or discharged, as here-  
6 in provided, shall deliver to the superintendent all of the prop-  
7 erty and equipment belonging to the state which was in the pos-  
8 session of such company, or any member thereof, and the method  
9 and manner of such delivery and receipt therefor shall be pro-  
10 vided for by regulations prescribed by the superintendent.

Sec. 7. No person shall be appointed by the superintendent  
2 as a member of the department of public safety unless he be a  
3 citizen of the United States and of the state of West Virginia,  
4 and a *bona fide* resident of this state for the period of two years  
5 next immediately preceding his appointment. He shall also be a  
6 person not less than twenty-one nor more than forty-five years of  
7 age, able to ride horseback, of sound constitution, of good moral  
8 character, and he shall be required to pass such mental and physical  
9 examinations as may be provided for by the rules and regulations  
10 promulgated by the superintendent. No person shall be barred  
11 from becoming a member of such department of public safety be-  
12 cause of his religious or political convictions. All members of the  
13 department of public safety, including the deputy, clerk and sten-  
14 ographer, shall be appointed by the superintendent for the period  
15 of two years and all the members of the department of public  
16 safety, except the superintendent, deputy, captain, lieutenants,  
17 bookkeeper and stenographer, shall receive an increase of sixty  
18 dollars per annum during continuous service after two years and  
19 an additional increase of sixty dollars per annum during con-  
20 tinuous service after four years. *Provided*, that not more than  
21 two such increases shall be made.

Sec. 8. No member of the department of public safety may  
2 withdraw or resign from the department of public safety force  
3 without the consent of the superintendent. And in the event any  
4 member should withdraw, resign or refuse to discharge the duties  
5 imposed upon him by this act, after having been duly appointed  
6 and qualified, without the consent in writing of the superintendent,  
7 he shall be deemed guilty of a misdemeanor and upon conviction

8 thereof shall be fined not less than the sum of fifty dollars nor  
9 more than the sum of one thousand dollars, or imprisoned in the  
10 county jail for a period of not more than six months, or both.

Sec. 9. The superintendent shall re-appoint any member  
2 of the department of public safety at the expiration of his term  
3 of service if in the opinion of the superintendent it is proper so  
4 to do; but no member of the department of public safety who has  
5 been removed, suspended or discharged under the provisions of  
6 this act shall be eligible to be again appointed to the department  
7 of public safety unless the consent of the governor thereto in  
8 writing is first had and obtained.

Sec. 10. No officer or member of the department of public  
2 safety shall be eligible during his term of service, or within one  
3 year thereafter, to hold any other office under the constitution and  
4 laws of the state of West Virginia, whether such office be elective  
5 or appointive.

Sec. 11. Subject to the written approval of the governor, the  
2 superintendent may make and promulgate proper rules and reg-  
3 ulations for the government, discipline and control of the depart-  
4 ment of public safety and also proper rules and regulations for the  
5 examination of all applicants for appointment thereto.

6 The members of the department of public safety shall be per-  
7 mitted and allowed to carry such arms and weapons as may be  
8 prescribed by the superintendent and no license shall be required  
9 for such privilege.

Sec. 12. The superintendent shall provide the members  
2 of the department of public safety with suitable arms and weapons,  
3 and when and where he shall deem it necessary with suitably  
4 equipped horses and other means of conveyance. He shall also  
5 provide proper uniforms for all members of the department of  
6-7 public safety.

8 The superintendent shall prescribe the kind, materials and  
9 style of all uniforms both for the officers and privates. All uni-  
10 forms and all arms, weapons and other property furnished to mem-  
11 bers of the department of public safety by the state of West Vir-  
12 ginia shall be and remain the property of the state.

13 The superintendent shall establish and maintain local head-  
14 quarters at such places in West Virginia which are in his judgment  
15 suitable and proper to render the department of public safety most  
16 efficient for the purpose of preserving the peace, protecting property,  
17 preventing crime, apprehending criminals and carrying into effect

18 all other provisions of this act. The superintendent shall provide  
19 by lease or otherwise for housing and quarters for the accommo-  
20 dation of the members of the department of public safety and shall  
21 provide all equipment and supplies necessary for them in the per-  
22 formance of the duties of their office.

Sec. 13. The jurisdiction of the department of public safety  
2 shall extend anywhere in the state of West Virginia.

Sec. 14. The superintendent and deputy, respectively, and  
2 each of the officers and members of the department of public safety,  
3 are hereby authorized and empowered as follows:

4 *First.* To make arrests anywhere within the confines of  
5 the state of any and all persons charged with the violation of  
6 any law of this state, or of the United States, and when a wit-  
7 ness to the perpetration of any offense or crime, or to the viola-  
8 tion of any law of this state, or of the United States, may arrest  
9 without warrant; to arrest and detain any and all persons sus-  
10 pected of the commission of any felony or misdemeanor when-  
11 ever complaint is made and a warrant is issued thereon for such  
12 arrest, and any and all persons so arrested shall be forthwith  
13 brought before the proper tribunal for examination and trial  
14 in the county where the offense for which any such arrest has  
15 been made, was committed.

16 *Second.* To serve criminal process issued by any court or  
17 justice of the peace anywhere within this state; *provided, how-*  
18 *ever,* that they shall not serve civil process.

19 *Third.* To co-operate with local authorities in detecting  
20 crime and in apprehending any person or persons engaged in or  
21 suspected of the commission of any crime, misdemeanor or of-  
22 fense against the law of this state, or of the United States, or of  
23 any ordinance of any municipality in this state.

24 *Fourth.* Members of the department of public safety shall be  
25 and are hereby created forest patrolmen, game and fish wardens and  
26 deputy prohibition officers throughout the state to do and perform  
27 any and all duties and exercise any and all powers of such officers,  
28 and may apprehend and bring, before any court or justice of the  
29 peace having jurisdiction of such matters, any one violating any  
30 of the provisions of chapters thirty-two-a, sixty-two and one hun-  
31 dred and fifty-three of Barnes' code of one thousand nine hundred  
32 and sixteen, and any and all amendments thereto; and the depart-  
33 ment of public safety shall at any time be subject to the call of the  
34 commissioner of prohibition to aid the prohibition department in

35 apprehending any person violating any of the provisions of chap-  
36 ter thirty-two-a; they shall serve and execute warrants for the  
37 arrest of any person and warrants for the search of any premises  
38 issued by any properly constituted authority, and shall exercise  
39 all of the powers conferred by law upon a sheriff, constable or  
40 any other peace officer of this state, except that they shall  
41 not serve any civil process or exercise any of the powers of such  
42 officers in matters of a civil nature.

43 *Fifth.* Any member of the department of public safety know-  
44 ing or having reason to believe that any one has violated the law  
45 may make complaint in writing before any court or officer having  
46 jurisdiction and procure a warrant for such offender, execute the  
47 same and bring such person before the proper tribunal having  
48 jurisdiction. Members of the department of public safety shall  
49 make return on all such warrants to said tribunals and his official  
50 title shall be "member of department of public safety." Members  
51 of the department of public safety may execute any summons or  
52 process issued by any tribunal having jurisdiction requiring the  
53 attendance of any person as a witness before such tribunal and  
54 make return thereon as provided by law and any return by a  
55 member of the department of public safety showing the manner  
56 of executing such warrant or process shall have the same force and  
56-a effect as if made by a sheriff.

57 *Sixth.* The members of the department of public safety and  
58 each of them when called by the sheriff of any county, or when the  
59 governor by proclamation so directs, shall have full power and au-  
60 thority within said county, or within the territory defined by the  
61 governor, to direct and command absolutely the assistance of any  
62 sheriff, deputy sheriff, constable, chief of police, policeman, town  
63 marshal, game and fish warden, deputy prohibition officer and  
64 any and every peace officer of the state, or of any county or mu-  
65 nicipality therein, or of any able-bodied citizen of the United  
66 States to assist and aid in accomplishing the purposes expressed  
67 in this act. When so called any officer or person shall, during the  
68 time his assistance is required, be, and be considered to be, for  
69 all purposes a member of the department of public safety force  
70 and subject to all the provisions of this act.

Sec. 15. No member of the department of public safety  
2 shall in any way interfere with the rights or property of any per-  
3 son except for the prevention of crime.

4 No member of the department of public safety shall in any



5 way become active or take part in any political contest or at any  
 6 time participate in any political party caucus, committee, primary,  
 7 assembly or convention or in any general or special election what-  
 8 soever except to cast his ballot.

9 No member of the department of public safety shall be de-  
 10 tailed or ordered to duty at or near any voting precinct where  
 11 any election or convention is held on the day of such election or  
 12 convention; nor shall any member thereof remain in, about or near  
 13 such voting precinct or place of convention, except to cast his  
 14 vote. After voting he shall forthwith retire from such voting  
 15 precinct. No member of the department of public safety shall act  
 16 as an election official. If any member of the department of public  
 17 safety be found guilty of violating any of the provisions of this  
 18 section he shall be dismissed from the force by the superintendent  
 19 as hereinafter provided.

20 No officer or member of the department of public safety shall,  
 21 while on duty, be quartered in any property in the possession or  
 22 control of any person, firm or corporation which is an employer  
 23 of labor and employs more than twenty-five persons at one time  
 24 unless no other quarters are reasonably available for their housing.

25 No officer or member of the department of public safety shall,  
 26 in any labor trouble or dispute, between employer and employee  
 27 aid or assist either party thereto, but shall in such cases see that  
 28 the statutes and laws of the state of West Virginia are enforced  
 29 in a legal way and manner.

Sec. 16. The superintendent and each of the other members  
 2 of the department of public safety before entering upon the dis-  
 3 charge of his duties shall take and subscribe to an oath which  
 4 shall be of the form and effect as follows, to wit:

5 "State of West Virginia,  
 6 County of....., to-wit:  
 7 I, ....., do solemnly  
 8 swear that I will support the constitution of the United States;  
 9 the constitution of the state of West Virginia; and I will hon-  
 10 estly and faithfully perform the duties imposed upon me under  
 11 the provisions of this act as a member of the department of public  
 12 safety to the best of my skill and judgment.

13 .....,  
 14 Taken, subscribed and sworn to before me, this the.....  
 15 day of.....  
 16 ....."

17 All such oaths, except that of the superintendent, shall be  
18 filed and preserved in the office of the department of public safety.

Sec. 17. It shall be the duty of all officers of the state, or  
2 of any county or municipality thereof, or jailors having the  
3 charge and custody of any jail or place of detention to receive  
4 any and all prisoners arrested by any officer or member of the  
5 department of public safety and to detain them in custody until  
6 ordered released by a tribunal of competent jurisdiction, and any  
7 such officer, jailor or person having custody of any jail or place of  
8 detention who shall fail or refuse to so receive and detain such  
9 prisoner or prisoners shall be deemed guilty of a misdemeanor and  
10 upon conviction thereof shall be punished by a fine of not less than  
11 twenty-five dollars nor more than two hundred dollars, or by  
12 imprisonment in the county jail for a period not exceeding sixty  
13 days, or by both such fine and imprisonment.

Sec. 18. Any person who shall at any time intercept, molest  
2 or interfere with any officer or members of the department of  
3 public safety while on duty, or any state, county or municipal  
4 officer or person then under the charge and direction of some  
5 officer or member of the department of public safety while on  
6 duty, or who shall refuse upon request to give any such officer or  
7 member any information possessed by him, relating to any offense  
8 or crime committed, or about to be committed, or of any riot, up-  
9 rising or disturbance existing or threatened shall be guilty of a  
10 misdemeanor and upon conviction thereof shall be fined not less  
11 than twenty-five dollars nor more than two hundred dollars or  
12 imprisoned in the county jail for a period not exceeding sixty  
13 days, or by both such fine and imprisonment; *provided*, nothing  
14 in this section contained shall be construed to require any person  
15 to give information tending to incriminate himself or the hus-  
16 band or wife of such person.

Sec. 19. Any person who shall falsely represent himself  
2 to be an officer or member of the department of public safety, or  
3 to be under the order or direction of any officer or member of the  
4 department of public safety, or who shall, unless an officer or  
5 member thereof, wear or display the uniform, badge or other in-  
6 signia adopted or used by the public safety department, shall be  
7 deemed guilty of a misdemeanor and upon conviction thereof shall  
8 be punished by a fine of not less than twenty-five dollars nor more  
9 than two hundred dollars, or by imprisonment in the county jail

10 for a period not exceeding six months, or by both such fine and  
11 imprisonment.

Sec. 20. If any officer or member of the department of public safety shall hire himself to any person, firm or corporation to guard his private property, or shall demand or receive from any person, firm or corporation any money or other thing of value as a consideration for the performance of, or the failure to perform his duties under the rules and regulations made by said superintendent and the provisions of this act, he shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not less than one year nor more than five years, and any such officer or member of the department of public safety who shall violate any other of the provisions of this act, unless herein otherwise expressly provided for, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment in the county jail for a period not exceeding four months, or by both such fine and imprisonment.

Sec. 21. If any person, firm or corporation shall give or offer to give any money or other thing of value to any officer or member of the department of public safety as a consideration for the performance of, or the failure to perform, any duty of such officer or member of the department of public safety under the rules and regulations of the superintendent and the provisions of this act, he or it shall be deemed guilty of a felony, and if a person, upon conviction thereof, shall be confined for a term in the penitentiary of not less than one nor more than five years, and if a firm or corporation shall be fined not less than three thousand dollars nor more than ten thousand dollars.

Sec. 22. The superintendent may suspend or remove from the service any member of the department of public safety for any of the following causes, to wit: Refusing to obey the orders of his superior officer, neglect of duty, drunkenness, immorality, inefficiency, abuse of his authority, interference with the lawful right of any person, participation in political primaries, conventions or elections or any other cause that may in the opinion of the superintendent be necessary for the good of the service. The superintendent shall act when notice of such causes shall be brought to his attention or upon charges in writing filed by any one and sup-

11 ported by proper affidavit. In the event the superintendent shall  
12 fail to suspend or dismiss any such officer or member after such  
13 matters have come to his knowledge, or such charges and proof  
14 thereof has been made and filed with him, by any person or per-  
15 sons, an appeal may be had to the board of commissioners to be  
16 hereinafter created for such purpose, and all of the original papers  
17 in such cases shall be delivered by the superintendent to the board  
18 of commissioners who shall decide such cases in the manner here-  
19 inafter provided.

Sec. 23. The governor, by and with the consent of the sen-  
2 ate shall appoint two persons who shall be residents of this state  
3 as members of the board of commissioners. The governor shall  
4 appoint one member from each of the two political parties which at  
5 the last preceding general election cast the most votes for the  
6 office of governor. The term of office of each of such commission-  
7 ers shall be for the period of two years beginning on the first day  
8 of July, 1919, and none of said commissioners shall hold any other  
9 office either elective or appointive in this state, and their succes-  
10 sors shall be appointed by the governor at the end of said period of  
11 two years. The two persons so appointed shall constitute the  
12 board of commissioners whose duty it shall be to review all cases  
13 of appeal from the findings of the superintendent on charges filed  
14 against any such member of the department of public safety or  
15 in all cases of dismissal or suspension of any member of the de-  
16 partment of public safety by the superintendent as hereinbefore  
17 provided. Charges may be preferred and filed in writing before  
18 the board of commissioners against any officer or member of the  
19 department of public safety, including the superintendent and  
20 his deputy, for any neglect of duty, inefficiency, immorality,  
21 pernicious activity in political campaigns, contests, conventions,  
22 primaries or elections, abuse of authority, or for any other mis-  
23 conduct in office without first filing such charges before the su-  
24 perintendent as hereinbefore provided. When such charges are  
25 so filed the board of commissioners shall hear, try and determine  
26 the same according to the rules and regulations governing such  
27 hearing as may be adopted by the board and according to law.

28 When charges are filed against any member of the depart-  
29 ment of public safety before the board of commissioners a copy of  
30 such charges shall be served upon the accused who shall within a  
31 reasonable time, to be fixed by the board, be required to answer  
32 the same, and the board shall give notice in writing to the accused

33 of the time and place when the said charges will be heard and  
34 considered by it. It shall be the duty of the board to adopt proper  
35 rules and regulations prescribing the manner of procedure of such  
36 hearings and so far as possible the board shall be governed by the  
37 rules of legal procedure relating to the admissibility of evidence.

38 When such charges are filed before the board, either originally  
39 or on appeal, and are supported by reasonable proof by affidavit  
40 against any officer or member of the department of public safety,  
41 the board shall as soon as possible consider the same, and if one or  
42 more members of the board shall be of the opinion that said  
43 charges and proof supporting the same constitute proper grounds  
44 for suspension, the accused shall be suspended from the depart-  
45 ment of public safety until a fair trial may be had upon such  
46 charges.

Sec. 24. In all cases before a trial shall be had the accused  
2 shall be served with a copy of the charges and given a reasonable  
3 opportunity to defend himself against such charges, and if on the  
4 hearing of such charges the members of the board shall be equally  
5-7 divided then the accused shall be suspended until a further trial  
8 is had with a third member presiding as hereinafter provided for.  
9 If upon any trial two members of the board shall be of opinion  
10 that the accused is guilty of the charges preferred then he shall be  
11 discharged from the service without further trial.

12 If at any trial the board should be equally divided as here-  
13 inbefore stated and the accused suspended, the board at such time  
14 shall fix a day for the final hearing and on said final hearing the  
15 governor of this state shall be, and is hereby created, the third  
16 member of the board and shall preside at the hearing of such  
17 charges against the accused and if in case the board should again  
18 be equally divided in their finding, the governor shall cast the de-  
19 ciding vote on all hearings on charges preferred against any officer  
20 or member of the department of public safety where the board  
21 has been equally divided. It shall require the votes of at least  
22 two of the members of the board to suspend any member on charges  
23 preferred and the votes of three of the members of the board to  
24 dismiss the accused.

Sec. 25. Each member of the board of commissioners ex-  
2 cept the governor, shall be allowed the sum of ten dollars per  
3 day for each and every day necessarily employed in the discharge  
4 of his duties as a member thereof, and in addition thereto he

5 shall be paid his necessary actual expenses in attending any  
6 meetings thereof.

Sec. 26. The board of control shall make and prescribe  
2 rules and regulations respecting the payment of the expenses  
3 of the officers and members of the department of public safety,  
4 as well as for the necessary equipment and all of the other ex-  
5 penditures provided for in connection therewith and the board  
6 of control shall approve the expenditures of the department of  
7 public safety as they are authorized by law to do for other state  
8 institutions and all expenditures of such department shall be  
9 audited in the same way and manner as the expenditures of other  
10 state departments.

Sec. 27. All salaries authorized herein to be paid to the  
2 officers and members of the department of public safety shall be  
3 paid monthly upon proper requisitions and warrants.

Sec. 28. Whenever any officer or member of the department  
2 of public safety shall present evidence of his official character to  
3 any railroad conductor, manager or officer of any corporation  
4 engaged in the business of transporting passengers, such con-  
5 ductor, manager or officer shall upon demand transport such  
6 officer or member of the department of public safety anywhere  
7 in the state of West Virginia without making any charge therefor,  
8 and such conductor, manager or officer shall also transport any and  
9 all prisoners in the charge or custody of members of the depart-  
10 ment of public safety, and all claims for such transportation of  
11 any prisoners shall be presented to, examined, audited and allowed  
12 by the superintendent and shall be paid as other claims against the  
13 state are paid.

Sec. 29. The superintendent of the department of public  
2 safety is authorized from time to time to collect statistics and dis-  
3 tribute information throughout the state, and in this co-operate  
4 with the state superintendent of public schools and other educa-  
5 tional agencies of the state, to secure the naturalization and  
6 Americanization of all foreign-born inhabitants; to employ all  
7 agencies in his power to secure a harmonious feeling and under-  
8 standing between the employers of labor and their employees;  
9 and to secure this end he may call upon the educational and  
10 other state institutions for public speakers and is authorized to  
11 hold public meetings at any point in the state where, in his  
12 judgment, such meetings will be of advantage to carry out the  
13 spirit of this law.