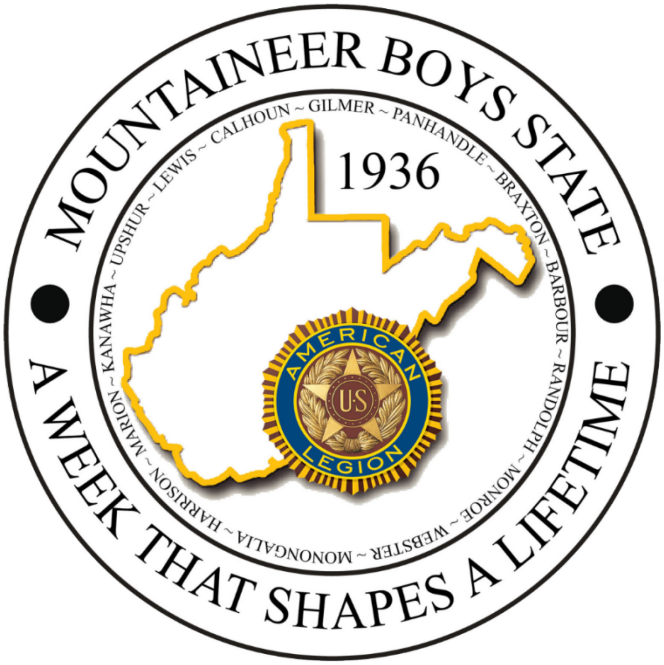
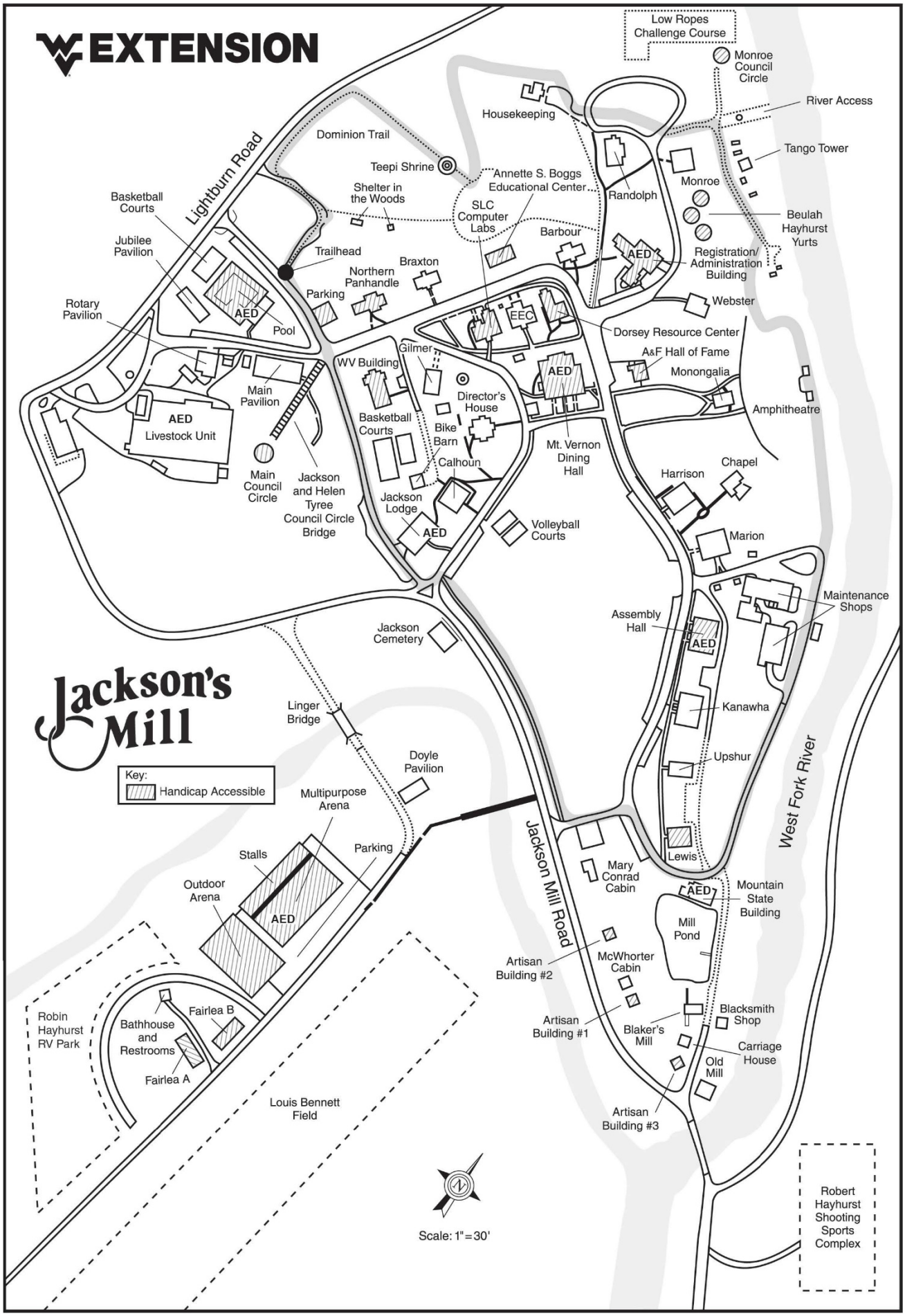
THE AMERICAN LEGION MOUNTAINEER BOYS STATE

Manual of Government



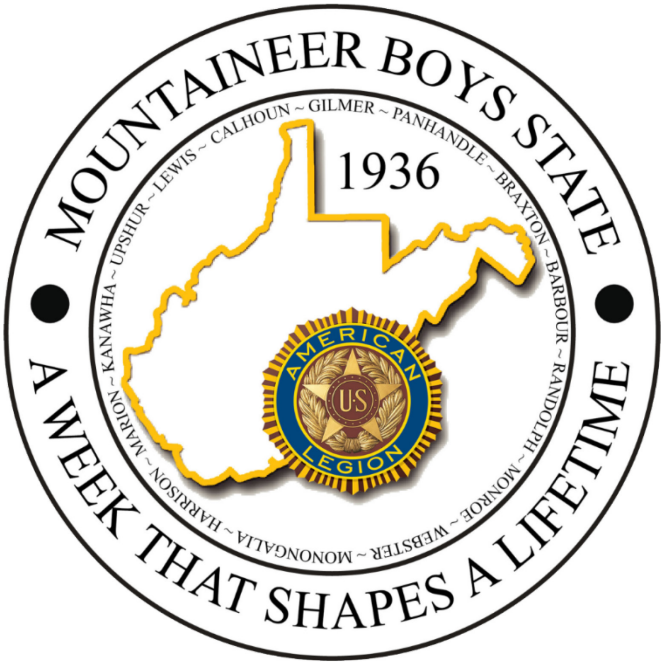
Eighty Fifth Annual Session
June 9-15, 2024
WVU Jackson's Mill
Weston, West Virginia

Name (Print) _____ County/Cottage _____


WV EXTENSION
Jackson's Mill
Key:
Handicap Accessible
Scale: 1"=30'
Low Ropes Challenge Course
Monroe Council Circle
River Access
Housekeeping
Dominion Trail
Tango Tower
Teepi Shrine
Annette S. Boggs Educational Center
Randolph
Monroe
Shelter in the Woods
Basketball Courts
Lightburn Road
SLC Computer Labs
Barbour
Beulah Hayhurst Yurts
Jubilee Pavilion
Trailhead
Braxton
Northern Panhandle
AED
Registration/ Administration Building
Parking
Webster
Rotary Pavilion
AED
Pool
EEC
Dorsey Resource Center
Gilmer
A&F Hall of Fame
WV Building
AED
Monongalia
Main Pavilion
Director's House
Amphitheatre
AED
Livestock Unit
Basketball Courts
Bike Barn
Mt. Vernon Dining Hall
Calhoun
Chapel
Harrison
Main Council Circle
Jackson and Helen Tyree Council Circle Bridge
Jackson Lodge
AED
Volleyball Courts
Marion
Maintenance Shops
Assembly Hall
AED
Jackson Cemetery
Linger Bridge
Kanawha
Upshur
Doyle Pavilion
West Fork River
Multipurpose Arena
Parking
Stalls
Jackson Mill Road
Lewis
Mary Conrad Cabin
Outdoor Arena
AED
AED
Mountain State Building
Mill Pond
Artisan Building #2
McWhorter Cabin
Robin Hayhurst RV Park
Fairlea B
Blacksmith Shop
Artisan Building #1
Blaker's Mill
Bathhouse and Restrooms
Carriage House
Old Mill
Fairlea A
Louis Bennett Field
Artisan Building #3
Robert Hayhurst Shooting Sports Complex

THE AMERICAN LEGION MOUNTAINEER BOYS STATE

Manual of Government



A Program of
The American Legion
Department of West Virginia

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Introduction

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THE AMERICAN'S CREED

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

(Authorized Version)

PLEDGE OF ALLEGIANCE TO THE FLAG

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

PREAMBLE TO THE CONSTITUTION OF THE UNITED STATES

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

PREAMBLE TO THE CONSTITUTION OF WEST VIRGINIA

Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the state of West Virginia for the common welfare, freedom and security of ourselves and our posterity.

PREAMBLE TO THE CONSTITUTION OF THE AMERICAN LEGION

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

PREAMBLE TO THE CONSTITUTION OF THE SONS OF THE AMERICAN LEGION

Proud possessors of a priceless heritage, we male descendants of veterans of all Wars, associate ourselves together as "Sons of The American Legion" for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a true spirit of Americanism; to preserve the memories of our former members and the association of our members and our forefathers in all wars; to inculcate a sense of individual obligation to the Community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy, to consecrate and sanctify our friendship by our devotion to mutual helpfulness; to adopt in letter and spirit all of the great principles for which The American Legion stands; and to assist in carrying on for God and Country.





GREETINGS FROM
THE AMERICAN LEGION DEPARTMENT OF WEST VIRGINIA

Welcome to the 2024 American Legion Mountaineer Boys State Program. For 85 years, this program has taught your fellow West Virginians the basic principles of a democratic society, from the Town Hall to the Statehouse.

You have been recommended and selected to take part as a Citizen because of the leadership qualities and the academic standards that you have exhibited and maintained. Active participation in The American Legion Mountaineer Boys State government will help you to further develop those character traits that are essential for responsible leadership. Your experience here should help you to gain knowledge, appreciation and respect for the structure and responsible operation of our state's governments.

The American Legion pledges, in part, "to inculcate a sense of individual obligation to the community, state, and nation" and "to safeguard and transmit to posterity the principles of justice, freedom and democracy." Your selection and participation in The American Legion Mountaineer Boys State will result in another very inspiring and prestigious implementation of that pledge.

We wish each of you success, enjoyment and many fond memories of your week at The American Legion Mountaineer Boys State. Remember to arrive at camp with an open mind and a willingness to learn and participate.

Sincerely,

Matthew Sampson, Commander
The American Legion
Department of West Virginia

D.L. "Robbie" Robinson, Director
The American Legion
Mountaineer Boys State



GREETINGS FROM THE GOVERNOR OF WEST VIRGINIA

As the 36th Governor, it is my pleasure to welcome you to the American Legion Mountaineer Boys State at WVU Jackson's Mill State 4-H Camp.

As the second oldest charter in the nation, Mountaineer Boys State has a longstanding reputation of excellence that continues to instill strong leadership skills and patriotism in young men from all across our great state. This unique learning experience will offer you the opportunity to participate in the political process and explore various career paths with seasoned instructors who have chosen to dedicate their careers to improving West Virginia.

You have been selected to participate in Boys State because of you contributions and dedication to not only your school, but also your community. I am extremely proud of you and hope that you will take this opportunity to develop your leadership skills, all while gaining a deeper understanding of your role in our government. The lessons that you learn this week will serve you and our state well in the future.

Once again, welcome to the 2024 session of The American Legion Mountaineer Boys State.

With warmest regards,

Jim Justice
Governor

THE AMERICAN LEGION
Veterans Strengthening America
OFFICE OF THE NATIONAL COMMANDER
PO BOX 1055, INDIANAPOLIS, IN, 46206-1055 • WWW.LEGION.ORG • P: (317) 630-1200 • F: (317) 630-1223

Dear American Legion Boys State Citizen,

Congratulations and welcome to American Legion Boys State! American Legion Boys State is among the most highly respected and selective educational programs of government instruction for U.S. high school students. I am confident that you will not be disappointed with your decision to participate in this outstanding citizenship education experience. It will influence life decisions in ways that you may not fully realize until years later.

As one of thousands of young men from throughout the nation selected to participate in American Legion Boys State each year, you will experience government in a practical sense. American Legion Boys State is a leadership action program; one that teaches government and its structure. It proves that government is just what you make it. You will find Boys State to be challenging and sometimes demanding, however, I'm certain you will undoubtedly also find it enjoyable and educational.

If this government "… of the people, by the people, and for the people" is to remain strong, it requires the involvement of its citizens. The onus of preparing for that responsibility now rests squarely upon your shoulders and those of future generations. Since 1935 American Legion Boys State has been prominent in producing young men who, just like you, stepped up to become ready for accepting that responsibility. It is possible that a future mayor, governor, congressman, or even president, may be among those in your class of American Legion Boys State citizens. I make this statement because this program has historically been the springboard for many careers in local, state and federal public service. Regardless of the future career path you follow – politics, education, business, medicine, information technology or so forth - you will develop lasting bonds of friendship with fellow Boys State citizens that will extend well after the formal program has ended.

I wish to again extend my best wishes for an interest-provoking, exciting and very fulfilling 2024 American Legion Boys State experience.



DANIEL J. SEEHAFER
National Commander



DANIEL J. SEEHAFER, NATIONAL COMMANDER OF THE AMERICAN LEGION

Daniel J. Seehafer was elected national commander of The American Legion on Aug. 31, 2023, in Charlotte, N.C., during the 104th national convention. Seehafer likes to say, "It's personal," when it comes to The American Legion's mission of serving veterans and their families. He is continuing the theme of "Be the One," to prevent veteran suicide.

An ordained minister from Wisconsin, he earned his American Legion eligibility through service in the U.S. Navy and Navy Reserve, where he served as a military chaplain. A member of American Legion Post 157 in Horicon, Wis., Seehafer served in a number of American Legion offices at every level, including national chaplain and commander of the Department of Wisconsin.

Born and raised in Merrill, Wis., he lettered in cross-country track while in high school and later received a bachelor's degree in pastoral ministry from Concordia University and a Master of Divinity at Concordia Theological Seminary in Fort Wayne, Ind.

Seehafer was installed as assistant pastor of St. Stephen Lutheran Church in Horicon in 1997 and continues to serve as administrative pastor of the church and its school. His American Legion post was recognized for "100 percent" and "All-Time High" in membership during his terms as commander and adjutant. Other honors include District Commander's New Post Achievement Award, Silver Brigade, and Post 157 Legionnaire of the Year.

In 2023, Seehafer earned an Outstanding Heroism Award for administering the Heimlich maneuver to a choking victim at an American Legion dinner.

National Commander Seehafer and his wife, Stacey, who is a member of American Legion Auxiliary Unit 157, live in Beaver Dam, Wis. Dan's son, Jacob, and daughter, Emma, are also members of the Post 157 family. Dan is the son of the late Lester Seehafer and Jean Sabatke.

Joe Manchin III
WEST VIRGINIA

United States Senate
WASHINGTON, DC

GREETINGS FROM JOE MANCHIN III
UNITED STATES SENATOR

85th American Legion Mountaineer Boys State

On behalf of the citizens of the Mountain State and as your United States Senator, it is my distinct honor to join you in celebrating the 85th year of the American Legion Boys State program. Year after year, I have proudly watched countless young men who participated in Boys State become leaders in communities across West Virginia and beyond.

The people of West Virginia are hardworking, loyal patriots who take great pride in keeping the history and values that define us alive. Truly, we are a proud people with a proud tradition –no one can ever take that away from us. As one of the most respected educational programs of government instruction for our youth, Boys State has always supported the tradition of excellence necessary to uphold the values we hold dear. American Legion Mountaineer Boys State, the second oldest charter in the nation, has been held in this same historic area since 1936 and retains a valuable connection to our state's past – all while shaping our future.

To our future leaders: the world is counting on you to create an even greater state and nation than we have today. Thank you for devoting your time to learning about our government and making a difference in our country. As you enter adulthood, remember to always be proud of where you come from and give back to the communities that shaped you.

I deeply appreciate all of the leaders, volunteers and sponsors of Boys State who have dedicated their time, energy and resources to making this event such a success every year. Your efforts to develop the leaders of tomorrow by teaching them the values of God and Country is most certainly a noble cause.

May God bless you, and may God continue to bless the Great State of West Virginia.

With warmest regards,

Joe Manchin III
United States Senator

SHELLEY MOORE CAPITO
WEST VIRGINIA

United States Senate
WASHINGTON, DC 20510-4805

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE, AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
RULES AND ADMINISTRATION

June 9, 2024

It is with great enthusiasm and pride that I extend my warmest greetings to each and every one of you on this significant occasion—the opening day of the 85th American Legion Mountaineer Boys State. As your United States Senator, I am truly honored to witness the energy, passion, and dedication that each of you bring to this remarkable program.

Boys State is not just a gathering; it is a platform where future leaders are nurtured, ideas are exchanged, and friendships are forged. Throughout this week, you will embark on a journey that will challenge your intellect, test your resilience, and inspire you to reach new heights. The experiences you gain here will undoubtedly shape the leaders of tomorrow. As you engage in debates, collaborate on projects, and immerse yourselves in the democratic process, remember that you are part of something much greater than yourselves. The principles of democracy and civic responsibility are at the core of Boys State, and I encourage you to embrace these values wholeheartedly.

I commend each of you for your commitment to civic engagement, and I am confident that Boys State will be a transformative experience for all. May this week be filled with meaningful conversations, collaborative efforts, and the joy of discovery. It is an honor to serve you in the United States Senate.

Sincerely,

Shelley Moore Capito

Shelley Moore Capito
United States Senator

WASHINGTON, DC
172 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-6472

CHARLESTON
500 VIRGINIA STREET, EAST
SUITE 950
CHARLESTON, WV 25301
(304) 347-5372

MARTINSBURG
300 FOXCROFT AVENUE
SUITE 202A
MARTINSBURG, WV 25401
(304) 262-9285

MORGANTOWN
48 DONLEY STREET
SUITE 504
MORGANTOWN, WV 26501
(304) 292-2310

www.capito.senate.gov

CAROL D. MILLER
1ST DISTRICT, WEST VIRGINIA

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON TRADE
SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives

Dear Friends,

It is an honor to welcome you to the 85th Annual American Legion Mountaineer Boys State! I am proud of each of you for choosing to dedicate a week to learn more about the rights, privileges, duties, and responsibilities of an American citizen.

This academy was created with the purpose of teaching good government through participation. There is no better way to learn and gain understanding than through first-hand experience. This week, you will each take courses learning the operation of government and the political process as you take on the role of elected officials. This is an extraordinary opportunity that will prepare you to become part of our next generation of leaders. I join with your friends and family in saying how proud we all are of your hard work that has brought you here today. The skills, tools, and knowledge you have gained through your education will serve you well this week.

I wish you all a wonderful and productive time here at Mountaineer Boys State! I encourage you to learn all that you can through this experience so that you may carry these lessons with you wherever the future takes you.

Sincerely,

Carol D. Miller

Carol D. Miller
Member of Congress

WASHINGTON, D.C. OFFICE
465 CANNON HOB
WASHINGTON, DC 20515
(202) 225-3452

BECKLEY DISTRICT OFFICE
3049 ROBERT C. BYRD DRIVE, SUITE 330
BECKLEY, WV 25801
(304) 250-6177

CHARLESTON DISTRICT OFFICE
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CHARLESTON, WV 25302
(681) 945-6556

HUNTINGTON DISTRICT OFFICE
2699 PARK AVENUE, SUITE 220
HUNTINGTON, WV 25704
(304) 522-2201

MILLER.HOUSE.GOV

ALEX X. MOONEY
2ND DISTRICT, WEST VIRGINIA

FINANCIAL SERVICES COMMITTEE
SUBCOMMITTEE ON CAPITAL MARKETS
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, DC 20515–4802

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(304) 413–1995

WASHINGTON OFFICE:
2228 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–2711

http://mooney.house.gov

Welcome to the 2024 American Legion Mountaineer Boys State!

I want to personally commend you for being selected to participate in West Virginia's leading educational program for leadership.

Among the fierce competition with numerous talented candidates, you have earned your place in the 85th Annual Mountaineer Boys State. Being selected for this program is indeed a notable achievement. Your dedication, exemplary character, and noteworthy accomplishments have brought you to this point. You should take pride in your hard work.

It is with great pleasure that the American Legion and I extend a warm welcome to you for this esteemed program. Throughout this event, your commitment, involvement, and contributions to public life and your community will be recognized and appreciated. As you participate in this program, remember to reflect on the lessons you learn here and integrate them into your life and future endeavors. What you learn here will stay with you forever.

With a rich history spanning decades, this program has shaped and nurtured West Virginia's young men to become distinguished leaders in public service. You are following in the footsteps of esteemed alumni who have gone before you. It is important to honor their legacy while also forging your own path and challenging established norms. Innovation is crucial for effective public service.

I look forward to seeing how you shape the future of West Virginia. The future is looking bright for all of you!

Sincerely,

Alex X. Mooney

Alex X. Mooney
Member of Congress

PRINTED ON RECYCLED PAPER

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
SENIOR LEADERSHIP TEAM



D.L. "Robbie" Robinson
Director



Matt Sampson
Assistant Director



Randall K. Kocsis
Program Administrator



Bob Wines
Operations Administrator



Jacob McCarty
Technology Administrator

AMERICAN LEGION BOYS STATE
CHARTER NO. 2

Second oldest charter in the Nation!

THE AMERICAN LEGION MOUNTAINEER BOYS STATE PLEDGE

As a Citizen of The American Legion Mountaineer Boys State, I voluntarily make the following pledge:

- **I will respect the rights of my fellow Citizens, and will treat all Citizens, Staff, and Guests with the utmost respect at all times.**
- I will obey all, rules, regulations, and statutes of The American Legion Mountaineer Boys State.
- I will not physically or verbally abuse any ALMBS participant and will report such abuse, if observed. I will abstain from harassment or bullying of another participant or volunteer (either in person, face-to-face, through social media or other communication venue). Any Citizen involved in any type of "Bullying" will be dismissed from The American Legion Mountaineer Boys State.
- I will report ALL violations of this pledge that I become aware of, to my counselors and if necessary to the administrators and director.
- I will stay the entire duration of The American Legion Mountaineer Boys State Program.
- I will get written permission from the Administrator before I leave the WVU Jackson's Mill grounds, for any reason.
- I will protect and conserve all property of the WVU Jackson's Mill State 4-H Camp, my host for the week.
- I will show proper respect to the Flag by reciting the Pledge of Allegiance and participate in the singing of the National Anthem.
- I will discharge my duties as a Citizen of The American Legion Mountaineer Boys State with dignity and honor to my State, County, and City.
- I will adhere to the program of the State, participating in government and recreational activities as scheduled.
- I will attend the assemblies and other group meetings which are arranged for my citizenship and social development.
- I will serve The American Legion Mountaineer Boys State with honor regardless of my office or position.
- I will make reports on time and conscientiously.
- I will respect the judgment of Counselors, Directors, and Administrators.
- I will not possess tobacco products, pornographic materials, any type of weapon, alcoholic beverages, or illegal drugs while at The American Legion Mountaineer Boys State.
- I will text, e-mail, write, call, or otherwise communicate with my homefolks twice during The American Legion Mountaineer Boys State.
- I will make a report to my sponsor of my impression of The American Legion Mountaineer Boys State soon after my return home and inform them of my activities at ALMBS.
- I understand that I will be dismissed from The American Legion Mountaineer Boys State for violating the rules of the program and or engaging in behavior that the staff believes to be disruptive and/or inappropriate and if dismissed, I understand that my school's recommending official(s) and my local American Legion Post will be notified of my dismissal.

The undersigned Citizen acknowledges that I have received the information packet and have reviewed its contents. The undersigned further agrees that I will abide by the rules of the program, which I will attend for the entire week. The undersigned further agrees that if I fail to make notification of my inability to attend five days prior to the beginning of the program, myself or my parent(s)/guardian(s) will be liable for reimbursement of the $350.00 fee. If the I leave prior to the completion of the program on Saturday, I will be required to reimburse the balance of my meal and lodging fees to The American Legion Mountaineer Boys State.

Citizen Signature: _____ Date: _____

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Schedules

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THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

SUNDAY	
7:15 a.m.	STAFF BREAKFAST – Mount Vernon Dining Hall
Immediately after breakfast – (8:30 a.m.)	REGISTRATION OF CITIZENS – Main Pavilion • Citizens will process through medical screening first, leave medical certificates, and receive the medical form that will allow admission to cottage. Citizens will proceed to West Virginia Building and be assigned to a political party and county cottage, secure supplies, and be photographed. • Check into cottage. (When writing, phoning, emailing home, advise the persons picking you up that they need to be at your cottage between 7:30 and 8:00 a.m. Saturday morning to load luggage and then proceed to the Multipurpose Arena parking area. The Commencement Ceremony will begin promptly at 9:15 a.m.; all guests should be seated in the Multipurpose Arena no later than 9:05 a.m.)
10:30 a.m. – 11:15 a.m.	ORIENTATION IN ASSIGNED COTTAGES • **Counselors will explain all available career paths (Political, Legal, Journalism, Banking, Law Enforcement (State Police and Division of Natural Resources Police), Corrections, Homeland Security/Natural Guard, Office of Emergency Services, Forensic Laboratory, and Business Management & Marketing).** All Citizens obtain and secure a **PENCIL**. • Discuss regulations, responsibilities; form County Executive Committee by Party; select State Executive Committeemen by Party; select Registrar, Poll Clerks, etc. and Athletic Directors. • **Citizens provided with Job Application forms** and begin their completion. Applications for Journalism (broadcast and newspaper), Bank, Law Enforcement, Corrections, Homeland Security/National Guard, Office of Emergency Services, Forensic Laboratory, and Business Management & Marketing positions available.
11:55 a.m. – 12:15 p.m.	Counselors will provide **BAR EXAM PREPARATION** as specified by the 19th Amendment to the ALMBS Constitution.
12:25 p.m.	IN FORMATION – Mount Vernon Dining Hall • **Bring pencil, law lecture study materials and Manual of Government**; promptly assemble. (Points will be deducted from inspection scores for late arrivals and inappropriate behavior in formation.)
12:30 p.m.	LUNCH (to be followed by bar examination) • Dismissal: Line up by cottage in front of Dining Hall, march to Assembly Hall.
After Bar Exam	EXPECTATIONS/PREPARATIONS ASSEMBLY – Assembly Hall • Pledge of Allegiance, National Anthem, Administrator's Welcome, Governor's Welcome, Mountaineer Boys State Oath of Citizenship, Remarks, Boys Nation Briefing, and career path explanations.
Immediately After Assembly	AFTERNOON ACTIVITIES • Journalism interviews (bring completed application) – Boggs Educational Center (Boggs), left. • Bank interviews (bring completed application) – Boggs Educational Center (Boggs), right. • State Police and DNR Police applicants (bring completed application) – Electric Energy Center (EEC) #5. • Corrections applicants (bring completed application) – Yurts (between Webster and Monroe.)

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	• Homeland Security/National Guard applicants (bring completed application) – Jackson Lodge basement. • Office of Emergency Services applicants (bring completed application) – Kanawha Center. • Forensic Laboratory applicants (bring completed application) – Electric Energy Center (EEC) basement. • Business Management & Marketing – Southeast Learning Center (SLC) Left. • Legal Career Path meeting (Candidates for the following positions: Supreme Court Justice, Attorney General, Circuit Court Judge, Prosecuting Attorney, Magistrate, Circuit Clerk, and Attorney) – West Virginia Building. • Political Candidates meet with advisors – Assembly Hall. • State office candidates may file for state office. • Campaign materials available for purchase using Boys State currency.
4:30 p.m.	Available band members meet with instruments - Assembly Hall.
5:00 p.m.	Citizens return to cottages.
5:10 p.m.	ALL Citizens in assigned cottage.
5:20 p.m.	IN FORMATION - Mount Vernon Dining Hall • (Promptly assemble. Points will be deducted from inspection scores for late arrivals and inappropriate behavior in formation.)
5:25 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.
5:30 p.m.	DINNER
After Dinner	• All prospective Band members and Choir members are to be dismissed first to report to the Assembly Hall (with instruments.) • Campaign advertisements (broadcast and newspaper) available for purchase using Boys State currency - Assembly Hall porch. • All other Citizens return to cottages.
BAR EXAM RESULTS POSTED AT ASSEMBLY HALL AS SOON AS AVAILABLE	
7:00 P.M.	ASSEMBLY – Assembly Hall • Posting of the Colors, Invocation, Pledge to the Flag, National Anthem, Director's Welcome, Pledge Ceremony, MIA/POW Ceremony, Taps, Pillars, and Emblem ceremonies, mechanics of Boys State Bank, Inspections/Athletics explanation, Americanism Program briefing, evening devotions explanation, announcement and explanation of evening activities, singing of Mountaineer Boys State Song. Dismissal to evening activities.
After Assembly	EVENING ACTIVITIES (Use map inside front cover for reference if needed.) • Journalism interviews (if needed – bring completed application) – Boggs left. • Bank interviews (if needed – bring completed application) – Boggs right. • State Police and DNR Police meet with advisors – EEC #5. • Corrections meet with advisors – Yurts (between Webster and Monroe.) • Homeland Security/National Guard meet with advisors – Jackson Lodge basement. • Office of Emergency Services meet with advisors – Kanawha Center. • Forensic Laboratory meet with advisors – EEC basement. • Business Management & Marketing – Southeast Learning Center (SLC) Left. • Legal Career Path Meeting – West Virginia Building.

	• Bar Exam Results – posted at Assembly Hall and West Virginia Building. • **Bar Exam Available – West Virginia Building.** • **Make-up Pictures – Director's Cottage.** • Athletic Directors meet with Athletic Staff – Harrison Front Porch. • Both State Executive Committees and State Platform Committees meet with party advisors – Assembly Hall. • Filing for ALL offices continues. • Campaign materials for primary election available for purchase using Boys State currency at Southeast Learning Center (SLC) Left. • Campaign advertisements (broadcast and newspaper) available for purchase at Boggs. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
10:30 p.m.	Devotions at Chapel.
10:50 p.m.	ALL EVENING ACTIVITIES END
11:00 p.m.	**ALL** CITIZENS shall be in their respective cottages. Individual cottage activities (meeting, devotions, etc.) left to the discretion of individual cottage Counselors and Citizens.
11:30 p.m.	**ALL** CITIZENS in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.
MONDAY	
6:45 a.m.	REVEILLE, Clean Quarters/Inspection Preparation.
7:50 a.m.	IN FORMATION - Mount Vernon Dining Hall.
7:55 a.m.	FLAG RAISING
8:00 a.m.	BREAKFAST • Note: Cottage inspections will take place during and immediately following breakfast. • Dismissal: line up by cottage in front of Dining Hall; march to Assembly Hall.
9:00 – 9:20 a.m.	COUNTY GOVERNMENT OVERVIEW - Assembly Hall (All Citizens)
9:20 – 9:30 a.m.	BREAK • File for state offices in Assembly Hall by political party.
9:30 – 9:50 a.m.	PARLIAMENTARY PROCEDURE OVERVIEW - Assembly Hall (All Citizens) • Dismiss by career paths, then by cottage.
10:00 – 11:00 a.m.	MORNING ACTIVITIES • Journalism Staff organized and working - Southeast Learning Center (SLC) right. • Campaign advertisements available for purchase using Boys State Currency. • Bank Staff organized and working - A&F Hall of Fame. • State Police and DNR Police meet with advisors - EEC #5. • Corrections meet with advisors - Yurts (between Webster and Monroe.) • Homeland Security/National Guard meet with advisors - Jackson Lodge basement. • Office of Emergency Services meet with advisors - Kanawha Center. • Forensic Laboratory meet with advisors - EEC basement. • Business Management & Marketing – Southeast Learning Center (SLC) Left. • Legal Career Path meet for advanced legal training for all Citizens pursuing legal career path, to include all Supreme Court candidates, all Circuit Court Judge candidates, all Magistrate candidates, all Attorney General candidates, all Prosecuting Attorney candidates, all Defense Attorneys – West Virginia Building. • **Bar Exam Available – West Virginia Building.**

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	• Cottage Americanism Program representatives meet with advisors - Assembly Hall porch. • File for state political offices - Assembly Hall. • File for Board of Education, county offices, city offices, Senate, House of Delegates in your respective cottage. • Campaign materials available for purchase using Boys State currency at Southeast Learning Cetner (SLC) Left / General Store. • Prepare and post campaign material. • Athletics (see Athletics Schedule.) • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
11:00 a.m.	ALL Federalists proceed to West Virginia Building (ALL Citizens present.) ALL Nationalists proceed to Assembly Hall (ALL Citizens present.)
11:10 a.m. – 12:05 p.m.	PARTY CAUCUSES: Federalists - West Virginia Building; Nationalists - Assembly Hall. • Party leadership elections, platform discussions. • File for state offices.
12:05 p.m.	Citizens return to assigned cottages.
12:15 p.m.	**FILING FOR ALL POLITICAL OFFICES ENDS** All Citizens in assigned cottages.
12:25 p.m.	IN FORMATION - Mount Vernon Dining Hall
12:30 p.m.	LUNCH • Dismissal: line up by cottage in front of Dining Hall; march to Assembly Hall.
Immediately after lunch – 2:00 p.m.	FLAG INSTRUCTION - Assembly Hall (All Citizens)
2:10 – 3:30 p.m.	PARTY CAUCUSES: Federalists - West Virginia Building; Nationalists - Assembly Hall • Parties organized with advisors, meet state office candidates. • Filed Candidates List available for review.
3:40 – 5:00 p.m.	AFTERNOON ACTIVITIES • State Superintendent of Schools applications available – Southeast Learning Center (SLC) Left (See pg. 101 for details.) • Campaign materials available for purchase using Boys State Currency – SLC Left. • Journalism Staff organized and working – SLC right. • **Campaign advertisements available for purchase using Boys State currency – SLC Left.** • Bank Staff organized and working – A&F Hall of Fame. • State Police and DNR Police meet with advisors – EEC #5. • Corrections meet with advisors – Yurts (between Webster and Monroe.) • Homeland Security/National Guard meet with advisors – Jackson Lodge basement. • Office of Emergency Services meet with advisors – Kanawha Center. • Forensic Laboratory – meet with advisors – EEC basement. • Business Management & Marketing organized and working – SLC Left. • Legal Career Path Meeting – West Virginia Building. • Athletics (see Athletics Schedule.) • Swimming. • Band Practice – Assembly Hall. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

5:00 p.m.	Citizens return to assigned cottage.
5:10 p.m.	ALL Citizens in assigned cottage.
5:20 p.m.	IN FORMATION - Mount Vernon Dining Hall
5:25 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.
5:30 p.m.	DINNER • Dismiss Citizens to evening activities.
6:30 p.m.	EVENING ACTIVITIES • Campaign materials available for purchase using Boys State currency – Southeast Learning Center (SLC) Left. • Campaign advertisements available for purchase using Boys State currency - Dining Hall porch. • Journalism Staff organized and working - SLC right. • Bank Staff organized and working – A&F Hall of Fame. • State Police and DNR Police meet with advisors - EEC #5. • Corrections meet with advisors - Yurts (between Webster and Monroe). • Homeland Security/National Guard meet with advisors - Jackson Lodge basement. • Office of Emergency Services meet with advisors - Kanawha Center. • Forensic Laboratory meet with advisors -EEC basement. • Business Management & Marketing organized and working – SLC Left. • Legal Career Path Meeting – West Virginia Building. • Athletics (see Athletics Schedule.) • Swimming. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
7:15 p.m.	Band Practice - Assembly Hall
7:30 p.m.	All Citizens (except Band members) return to assigned cottage.
7:45 p.m.	ASSEMBLY - Assembly Hall • Invocation, Pledge of Allegiance, National Anthem, Flag Presentation Ceremony, Keynote Speaker, Supreme Court Justice candidates to present - 45 seconds each, voting instruction, Mountaineer Boys State Song. • State Election workers dismissed, then full dismissal. Line up by cottage in front of Assembly Hall; march to cottage to vote.
After Assembly	All interested applicants for State Superintendent of Schools must have their application submitted to Southeast Learning Center (SLC) Left before the end of all evening activities. (See pg. 101 for details.) • **Primary and Non-Partisan Elections** - ALL CITIZENS PROCEED DIRECTLY TO THEIR COTTAGES TO VOTE. • **State Polls** will be open at Boggs left immediately after Assembly ends and will remain open until 11:00 p.m. Every Citizen in poll line at 11:00 p.m. will be permitted to vote. • State election results will be posted at Southeast Learning Center (SLC) Left when available.
After Voting	Campaign materials for general election available for purchase using Boys State currency at SLC Left. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
12:10 a.m.	ALL EVENING ACTIVITIES END

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

12:20 a.m.	**ALL** CITIZENS shall be in their assigned cottages. Individual cottage activities (meetings, devotions, etc.) left to the discretion of individual cottage Counselors and Citizens.
12:30 a.m.	**ALL** CITIZENS in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.
TUESDAY	
6:45 a.m.	REVEILLE, Clean Quarters/Inspection Preparation
7:50 a.m.	IN FORMATION - Mount Vernon Dining Hall
7:55 a.m.	FLAG RAISING
8:00 a.m.	BREAKFAST • Note: Cottage inspections will take place during and immediately following breakfast. • Three State Superintendent of Schools finalists announced. • Dismissal: line up by cottage in front of Dining Hall; march to Assembly Hall.
Immediately after Breakfast – 10:30 a.m.	PARTY CAUCUSES: Federalists – Assembly Hall; Nationalists – West Virginia Building
9:30 a.m.	Legal Advisors, Law Enforcement Advisors, Homeland Security/National Guard Advisors, OES Advisors, Corrections Advisors, Forensic Laboratory Advisors Journalism Advisors and Counselor Representatives from Lewis, Upshur, Webster, and Panhandle – meet in A&F Hall of Fame.
Citizens are encouraged to use break time to meet fellow Citizens and participate in campaign activities.	
10:40 a.m. – 12:00 p.m.	MORNING ACTIVITIES • Board of Education members meet with advisors – Boggs left. • State Candidates debate preparation – Boggs right. • Journalism Staff organized and working – SLC right. • Campaign advertisements available for purchase using Boys State currency. • Bank Staff organized and working – A&F Hall of Fame. • State Police and DNR Police meet with advisors – EEC #5. • Corrections meet with advisors – Yurts (between Webster and Monroe.) • Homeland Security/National Guard meet with advisors – Jackson Lodge basement. • Office of Emergency Services meet with advisors – Kanawha Center. • Forensic Laboratory meet with advisors – EEC basement. • Business Management & Marketing – SLC Left. • All elected Supreme Court Justices, Circuit Court Judges, and Magistrates – specialized legal instruction – West Virginia Building. • Cottage Americanism Program representatives meet with advisors – Assembly Hall porch. • Campaign materials available for purchase using Boys State currency at Southeast Learning Center (SLC) Left. • Prepare and post campaign materials. • Athletics (see Athletics Schedule.) • Band Practice – Assembly Hall. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
12:05 p.m.	All Citizens return to assigned cottages.

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

12:15 p.m.	All cottages proceed in formation to Mount Vernon Dining Hall
12:25 p.m.	IN FORMATION – Mount Vernon Dining Hall
12:30 p.m.	LUNCH • Political Convention Coin Toss. • Dismissal: Line up by cottage in front of Dining Hall; march to Assembly Hall.
Immediately After Lunch – 3:30 p.m.	PARTY CONVENTIONS – Assembly Hall • State Candidates shall be seated in the front row. Each party allotted 25 minutes to showcase State Candidates; State Candidate Debate (questions to be asked based upon party platforms); voting instruction; Mountaineer Boys State Song. • State Election workers dismissed, then full dismissal; line up by cottage in front of Assembly Hall march to cottages to vote.
Immediately after Party Conventions	**GENERAL ELECTION** – ALL CITIZENS PROCEED DIRECTLY TO THEIR COTTAGES TO VOTE. • **State Polls** will open in Boggs left immediately after Party Conventions end and will remain open for 90 minutes. All Citizens in poll line at the 90-minute mark will be permitted to vote.
5:00 p.m.	Citizens proceed to assigned cottages.
5:10 p.m.	ALL Citizens in assigned cottages.
5:20 p.m.	IN FORMATION – Mount Vernon Dining Hall
5:25 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.
5:30 p.m.	DINNER • State election results announced. • Dismiss Citizens to evening activities.
Immediately after Dinner – 7:30 p.m.	EVENING ACTIVITIES • **Formal Review practice for BAND DIRECTOR(S), SENIOR COUNSELORS, RIGHT GUIDES, COLOR GUARD, STATE POLICE, DNR POLICE, HOMELAND SECURITY/NATIONAL GUARD, LAW ENFORCEMENT PARTICIPANTS, AND ADVISORS. Meet in front of Dining Hall Flagpole.** • Band Formal Review Practice – Assembly Hall. • Journalism Staff organized and working – SLC right. • Bank Staff organized and working – A&F Hall of Fame. • Law Enforcement participants and advisors – Formal Review practice. • Homeland Security/National Guard and advisors – Formal Review practice. • Office of Emergency Services meet with advisors – Kanawha Center. • Forensic Laboratory meet with advisors – EEC basement. • Business Management & Marketing – SLC Left. • Legal Career Path Meeting – West Virginia Building. • Athletics (see Athletics Schedule.) • Swimming. • Talent Show auditions – West Virginia Building. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
7:40 p.m.	ALL CITIZENS IN COTTAGES
7:50 – 8:30 p.m.	ASSEMBLY – Amphitheatre, (weather permitting) – All Personnel • Flag Retirement Ceremony.

	• Recognition Of Female Veterans. • Post Everlasting.
Immediately After Assembly – 10:50 p.m.	EVENING ACTIVITIES • Senate and House in session – Boggs. • Board of Public Works – Boggs. • Supreme Court and Attorney General meet with advisors – Harrison rear. • Forensic Laboratory meet with advisors – EEC. • Business Management & Marketing – SLC Left. • Homeland Security/National Guard meet with advisors – Jackson Lodge basement. • Corrections meet with advisors – Yurts. • Legal and Law Enforcement: all Circuit Court Judges, Magistrates, Circuit Clerks, State Police, DNR Police, Sheriffs, Police Chiefs (appointed by Mayors), Prosecuting Attorneys and Defense Attorneys associated with scheduled court trials (for both Wednesday and Thursday) meet for specialized instruction regarding legal procedure/citation process – Assembly Hall. • City and County Officials meet for specialized instruction in the following locations: o County Commission – West Virginia Building. o City Government – Jubilee Pavilion (beyond the pool). o Assessor – Rotary Pavilion. o County Clerk – Rotary Pavilion. o Board of Education – Chapel. • Division of Motor Vehicles Commissioner and Staff – Main Picnic Pavilion. • All Office of Emergency Services Directors meet Life Safety Officer for instruction – Kanawha Center. • ALL CITIZENS WITHOUT FULL TIME EMPLOYMENT meet with GOVERNOR and Employment Programs Director and Advisors to receive employment assignments – Main Picnic Pavilion. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
10:30 p.m.	Devotions – Chapel • All attorneys and judges needing to be sworn in to practice law, report to Supreme Court – Harrison Rear.
10:50 p.m.	ALL EVENING ACTIVITIES END
11:00 p.m.	**ALL** CITIZENS shall be in their respective cottages. Individual cottage activities (meeting, devotions, etc.) left to the discretion of individual cottage Counselors and Citizens.
11:30 p.m.	**ALL** CITIZENS in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.
WEDNESDAY	
6:45 a.m.	REVEILLE, Clean Quarters/Inspection Preparation, Cabin photos (official Citizen and Staff uniforms – ALL Citizens in GOLD shirts)
7:50 a.m.	IN FORMATION – Mount Vernon Dining Hall
7:55 a.m.	FLAG RAISING
8:00 a.m.	BREAKFAST • Note: Cottage inspections will take place during and immediately following breakfast.
IMMEDIATELY after breakfast	**Camp photo as announced. (Official Citizen and Staff uniforms required; ALL Citizens in GOLD shirts.)**

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

<table>
<tr><td></td><td>

- **HEADQUARTERS STAFF PHOTO to follow full camp picture. – Chapel Porch**

</td></tr>
<tr><td>Immediately after Camp Photo</td><td>

ALL CITIZENS WITHOUT FULL TIME EMPLOYMENT meet with Employment Programs Director and Advisors to receive employment assignments – Main Picnic Pavilion

- Public Service Announcements by Educational Broadcasting Director and/or staff through remainder of week.
- Legal and Law Enforcement: all Circuit Court Judges, Magistrates, Circuit Clerks, State Police, DNR Police, Sheriffs, Police Chiefs (appointed by Mayors), Prosecuting Attorneys and Defense Attorneys associated with scheduled court trials (for both Wednesday and Thursday) meet for specialized instruction - Assembly Hall.
- State, County, and City Governments organized and working.
- Legislature, Courts organized and working.
- All career paths organized and working.
- DMV open at Main Pavilion – Driver's License testing, Motor Vehicle and Watercraft Registration, Insurance available for purchase, Motor Vehicle Inspections.
- Hunter Education and Boater Education courses available from the DNR – EEC.
- Wildlife Management Area (WMA) – (beyond Monroe) open for hunting, wildlife viewing, hiking. Licenses/permits may be purchased; Hunter Education courses may be taken at WMA.
- ALMBS General Store Open – Southeast Learning Center (SLC) Left.

</td></tr>
<tr><td>12:05 p.m.</td><td>ALL morning activities end; Citizens return to assigned cottages.</td></tr>
<tr><td>12:15 p.m.</td><td>ALL Citizens in assigned cottages.</td></tr>
<tr><td>12:25 p.m.</td><td>IN FORMATION – Mount Vernon Dining Hall; All Counselor Photo</td></tr>
<tr><td>12:30 p.m.</td><td>

LUNCH

- Dismissal: line up by cottage in front of Dining Hall; march to Court Trials.

</td></tr>
<tr><td>1:15 p.m.</td><td>

CIRCUIT COURTS IN SESSION – legal advisors present; ALL CITIZENS IN ATTENDANCE

Circuit Number	Cottage	Trial Day	Trial Location
First Circuit	Randolph Monroe	Wednesday Thursday	Assembly Hall
Second Circuit	Upshur-Harrison Lewis	Wednesday Thursday	Harrison Assembly
Third Circuit	Marion Calhoun-Gilmer	Wednesday Thursday	Chapel
Fourth Circuit	Braxton Panhandle	Wednesday Thursday	West Virginia Building
Fifth Circuit	Kanawha Monongalia-Webster	Wednesday Thursday	Kanawha Assembly

</td></tr>
<tr><td>Immediately after Circuit Court trials</td><td>

AFTERNOON ACTIVITIES

- State, County, and City Governments organized and working.
- Legislature, Courts organized and working.
- All career paths organized and working.
- Band Practice – Assembly Hall.
- DMV open at Main Pavilion – Driver's License testing, Motor Vehicle and Watercraft Registration, Insurance available for purchase, Motor Vehicle Inspections.
- Hunter Education and Boater Education courses available from the DNR – EEC.

</td></tr>
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THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	• Wildlife Management Area (WMA) – (beyond Monroe) open for hunting, wildlife viewing, hiking. Licenses/permits may be purchased; Hunter Education courses may be taken at WMA. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
ALL BOYS STATE LAWS INCLUDING MOTOR VEHICLE LAWS IN EFFECT AND ENFORCED.	
4:10 p.m.	ALL Citizens return to assigned cottages.
4:20 p.m.	ALL Citizens in assigned cottages; **CHANGE INTO OFFICIAL UNIFORM (Citizens and Staff)** • **Band members proceed to the Assembly Hall.**
4:30 p.m.	INAUGURATION – Assembly Hall; Outgoing Boys State Governor's Farewell Address
Immediately after Inauguration	ALL STATE ELECTED OFFICIALS, Party Chairmen, Speaker of the House, Senate President, State Superintendent of Schools – remain in Assembly Hall for photos and briefing of Formal Review duties. • Citizens proceed to Mount Vernon Dining Hall.
5:05 p.m.	IN FORMATION – Mount Vernon Dining Hall
5:10 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.
5:15 p.m.	DINNER • Dismissal: Band proceed to Assembly Hall; all other Citizens line up by cottage at side of Mount Vernon Dining Hall in preparation for Formal Review.
6:30 p.m.	FORMAL REVIEW – Parade Field • Families, American Legion personnel, dignitaries, distinguished guests present.
Immediately after Formal Review – 8:00 p.m.	• Visitation with parents/guests. • Business Management & Marketing organized and working.
8:10 – 10:50 p.m.	• State, County, and City Governments organized and working. • Legislature, Courts organized and working. • All career paths organized and working. • Musicians and performers gather – Marion Cottage Front Porch. • Swimming. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
10:30 p.m.	Devotions - Chapel
11:00 p.m.	All Citizens except those involved in organized scenarios, Bank staff, and Journalism staff shall be in their assigned cottages. (Sleeping permitted.)
11:30 p.m.	ALL EVENING ACTIVITIES END.
11:35 p.m.	**ALL** CITIZENS shall be in their assigned cottages. Individual cottage activities (meeting, devotions, etc.) left to the discretion of individual cottage Counselors and Citizens.
11:50 p.m.	**ALL** CITIZENS in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.
THURSDAY	
6:45 a.m.	REVEILLE, Clean Quarters/Inspection Preparation
7:50 a.m.	IN FORMATION – Mount Vernon Dining Hall
7:55 a.m.	FLAG RAISING
8:00 a.m.	BREAKFAST • Note: Cottage inspections will take place during and immediately following breakfast.

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

<table>
<tr><td>9:00 a.m. –
12:10 p.m.</td><td>MORNING ACTIVITIES
City and County officials meet in the following locations for specialized instruction:
County Commission – West Virginia Building.
City Government – Main Pavilion.
Assessor – Rotary Pavilion.
County Clerk – Rotary Pavilion.
ALL CITIZENS without full-time employment meet with Employment Programs Director and advisors to receive employment assignments – West Virginia Building.
Governor and Board of Public Works meet – Boggs Center.
Senate and House in session – Boggs Center.
County School Superintendents, Boards of Education, and State Superintendent of Schools meet – Chapel.
Journalism staff organized and working – SLC Right.
Bank staff organized and working – A&F Hall of Fame.
Office of Emergency Services organized and working – Kanawha Center.
State Police, DNR Police organized and working.
Hunter Education and Boater Education courses available – EEC.
Forensics Laboratory personnel – organized and working.
Business Management & Marketing organized and working – SLC Left.
Corrections Officers organized and working.
Homeland Security/National Guard organized and working – EEC.
Sheriffs and Police Chiefs meet with advisors – Assembly Hall.
City and County governments organized and working in cottages after initial meetings
Fire Training Academy for Office of Emergency Services Directors – details will be provided by Staff Life Safety Officer.
Magistrate and Circuit Courts organized and working in cottages.
DMV organized and working in Main Pavilion.
Wildlife Management Area (WMA) – (beyond Monroe) Open, wildlife viewing, hiking. Licenses/permits may be purchased; Hunter Education course may be taken at WMA.
ALMBS General Store Open – Southeast Learning Center (SLC) Left.</td></tr>
<tr><td>12:05 p.m.</td><td>All Citizens return to assigned cottages.</td></tr>
<tr><td>12:15 p.m.</td><td>ALL Citizens in assigned cottages.</td></tr>
<tr><td>12:25 p.m.</td><td>IN FORMATION – Mount Vernon Dining Hall</td></tr>
<tr><td>12:30 p.m.</td><td>LUNCH
Dismissal: Line up by cottage in front of Dining Hall; march to Court Trials.</td></tr>
<tr><td>1:15 p.m.</td><td>CIRCUIT COURTS IN SESSION – legal advisors present; ALL CITIZENS IN ATTENDANCE
<table>
<tr><th>Circuit Number</th><th>Cottage</th><th>Trial Day</th><th>Trial Location</th></tr>
<tr><td>First Circuit</td><td>Randolph
Monroe</td><td>Wednesday
Thursday</td><td>Assembly Hall</td></tr>
<tr><td>Second Circuit</td><td>Upshur-Harrison
Lewis</td><td>Wednesday
Thursday</td><td>Harrison Assembly</td></tr>
<tr><td>Third Circuit</td><td>Marion
Calhoun-Gilmer</td><td>Wednesday
Thursday</td><td>Chapel</td></tr>
<tr><td>Fourth Circuit</td><td>Braxton
Panhandle</td><td>Wednesday
Thursday</td><td>West Virginia Building</td></tr>
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THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	Fifth Circuit	Kanawha Monongalia-Webster	Wednesday Thursday	Kanawha Assembly
After Circuit Court Trials	• State, County, and City governments organized and working (see morning schedule for locations.) • Bank and Journalism staffs organized and working. • Business Management & Marketing staff organized and working. • State Police, DNR Police, Homeland Security/National Guard, Sheriffs, Police Chiefs meet for specialized instruction – Assembly Hall. • Forensics Laboratory organized and working. • Corrections officers organized and working. • Office of Emergency Services organized and working. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.			
3:45-5:00 p.m.	• Athletics (see Athletics Schedule.) • Swimming.			
5:00 p.m.	Citizens proceed to assigned cottage.			
5:10 p.m.	ALL Citizens in assigned cottage.			
5:20 p.m.	IN FORMATION – Mount Vernon Dining Hall			
5:25 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.			
5:30 p.m.	DINNER			
6:15 p.m. – 7:30 p.m.	EVENING ACTIVITIES • Government and Courts organized and working. • Bank and Journalism staffs organized and working. • Business Management & Marketing staff organized and working. • Office of Emergency Services organized and working. • State Police, DNR Police, and Homeland Security/National Guard organized, working, and meeting with advisors for additional instruction. • Forensics Laboratory organized and working. • Corrections officers organized and working. • Talent Show Auditions – all interested participants meet with Talent Show Coordinator – Assembly Hall. • Athletics (see Athletics Schedule.) • Swimming. • ALMBS General Store Open – Southeast Learning Center (SLC) Left. • Band Practice – 7:15 p.m.			
7:35 p.m.	All Citizens in assigned cottage.			
7:45 p.m.	TOMB OF THE UNKNOWN CEREMONY – All personnel report to Dining Hall front			
8:00 p.m.	ASSEMBLY – Assembly Hall • Four Chaplains Ceremony, Keynote Speaker(s), Mountaineer Boys State Tax Sale, Mountaineer Boys State Song. • Dismissal by career path, then cottage.			
After Assembly	**Sons of American Legion Squadron 200 Meeting and all interested Citizens** – Assembly Hall • Government and Courts organized and working.			

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	• Bank and Journalism staffs organized and working. • Business Management & Marketing staff organized and working. • State Police, DNR Police, Homeland Security/National Guard organized and working. • Forensics Laboratory organized and working. • Corrections officers organized and working. • Office of Emergency Services organized and working. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
9:00 – 10:50 p.m.	• Musicians and performers gather – Marion Cottage Front Porch. • Swimming.
10:30 p.m.	Devotions – Chapel
10:50 p.m.	ALL EVENING ACTIVITIES END
11:00 p.m.	**ALL** CITIZENS shall be in their assigned cottages. Individual cottage activities (meetings, devotions, etc.) left to the discretion of individual cottage Counselors and Citizens.
11:30 p.m.	**ALL** CITIZENS in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.
FRIDAY	
6:45 a.m.	REVEILLE, Clean Quarters/Inspection Preparation
7:50 a.m.	IN FORMATION – Mount Vernon Dining Hall
7:55 a.m.	FLAG RAISING
8:00 a.m.	BREAKFAST • Note: Cottage inspections will take place during and immediately following breakfast.
9:00 a.m. – 12:00 p.m.	MORNING ACTIVITIES • City, County, State governments, Courts, Boards of Education organized and working – see Thursday morning schedule. • Bank and Journalism staffs organized and working. • Business Management & Marketing staff organized and working. • Homeland Security/National Guard organized, working, and meeting with advisors for further instruction. • Corrections officers organized and working. • Office of Emergency Services organized and working. • Wildlife Management Area (WMA) – (beyond Monroe) open for hunting, wildlife viewing, hiking. Licenses/permits may be purchased; Hunter Education course may be taken at WMA. • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
10:00 a.m.	Sheriffs and Police Chiefs meet with advisors for specialized instruction – Assembly Hall
11:00 a.m.	• Homeland Security/National Guard and Corrections Officers meet with advisors for specialized instruction – Assembly Hall. • **Senior Counselor Meeting - Dinning Hall Porch.**
12:05 p.m.	Citizens return to assigned cottages.
12:15 p.m.	ALL Citizens in assigned cottages.
12:25 p.m.	IN FORMATION – Mount Vernon Dining Hall **(ALL CITIZENS AND STAFF IN OFFICIAL UNIFORM. GOLD shirts for ALL Citizens.)**
12:30 p.m.	LUNCH

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

	• Dismissal: to Home County photographs as announced; then proceed to College and Career Fair at Main Pavilion.
1:45 – 3:00 p.m.	COLLEGE AND CAREER FAIR – Main Pavilion
3:00 – 5:00 p.m.	AFTERNOON ACTIVITIES • State, County, and City governments organized and working. • Bank and Journalism staffs organized and working. • Business Management & Marketing staff organized and working. • State Police and DNR Police organized and working. • Forensics Laboratory organized and working. • Corrections officers organized and working. • Homeland Security/National Guard organized and working. • Office of Emergency Services organized and working. • Final Talent Show Auditions and rehearsal – Assembly Hall. • Swimming. • Athletics (see Athletics Schedule.) • ALMBS General Store Open – Southeast Learning Center (SLC) Left.
5:00 p.m.	Citizens proceed to assigned cottages
5:10 p.m.	ALL Citizens in assigned cottages
5:20 p.m.	IN FORMATION – Mount Vernon Dining Hall (ALL GOVERNMENT ACTIVITIES OFFICIALLY END – Work product packets turned in.)
5:25 p.m.	FLAG LOWERING • All news items due. Journalism staff will be on Dining Hall porch to accept submissions.
5:30 p.m.	DINNER • Citizen surveys submitted prior to entering the Dining Hall.
6:30 – 7:45 p.m.	• TUG OF WAR – grassy area in front of Harrison Cottage. • Band Practice – 7:15 p.m.
8:00 – 11:00 p.m.	THE WEST FORK RIVER REVUE – Assembly Hall • Presentation of Talent, Americanism Program, Mountaineer Boys State Song.
IMMEDIATELY AFTER ASSEMBLY, CITIZENS PROCEED DIRECTLY TO COTTAGES IN FORMATION	
Midnight	**ALL** Citizens in bed and LIGHTS OUT. NO ACTIVITY permitted. Electronic communication device use policy strictly enforced. Violators subject to disciplinary action and reduction in cottage inspection scores.

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
DAILY SCHEDULE

SATURDAY	
6:45 a.m.	REVEILLE, Clean Quarters/
7:30 – 8:00 a.m.	Parents/Guardians and Guests arrive, and load luggage then proceed to Multipurpose Arena
8:20 a.m.	IN FORMATION – Mount Vernon Dining Hall
8:25 a.m.	FLAG RAISING
8:30 a.m.	BREAKFAST • Note: Final inspection will take place during and immediately after breakfast.
9:15 a.m.	COMMENCEMENT CEREMONY – Multipurpose Arena • Parents and guardians are encouraged to attend, Citizen Honors Guard will post Colors, Invocation, Pledge of Allegiance, National Anthem, Veterans Recognition, Presentation of Awards, Honors, Keynote Speaker, and Closing Remarks.
11:00 a.m.	ADJOURNMENT • Presentation of Graduation Certificates and Award Packets by cottage at back of Multipurpose Arena.

- We encourage you to:
    - Report to your local American Legion to describe your experience this week when you return home. This will help immensely in continuing support from these local organizations.
    - Thank your sponsor.
    - Finally, reach out to the young men following you who may be interested in ALMBS next year. Share your experience and encourage them to apply.

HAVE A SAFE TRIP HOME AND BEST WISHES IN YOUR FUTURE ENDEAVORS!

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
ATHLETIC SCHEDULE

The athletic schedule will be distributed electronically to all ALMBS Staff and Citizens. This space has been left for each individual to capture what athletic events are specific for their cottage.

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General Information

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CONGRATULATIONS AND WELCOME TO THE AMERICAN LEGION MOUNTAINEER BOYS STATE

The American Legion Mountaineer Boys State (ALMBS) has been held on the grounds of WVU Jacksons Mill since 1936. You are now part of an elite group of young men who have become citizens of ALMBS.

Today and tomorrow will be busy, hectic, and confusing, but also exciting. Getting ready to run the 51st state takes a lot of work...for staff, you, and your fellow citizens. It is normal to feel unsure or nervous about what the week holds. You are not alone. It has been proven over time that those who put in the effort reap the rewards. This is a once in a lifetime opportunity, so take advantage of this week. **Take an active role and get involved in your state.**

You are encouraged to communicate home often (e-mail, text, telephone). Finally, this manual contains information to help you succeed. Your cottage counselors are also a good source of information.

Shortly, your Counselors will be having the first cottage meeting. Don't hesitate to ask any questions you may have. In all likelihood, some of your fellow Citizens have the same questions. Don't hold back. **GET INVOLVED**! After your first cottage meeting, you'll divide by political party (Nationalists and Federalists) in order to fill/elect some positions; some of which may not appear on the "Jobs List." At this time those positions will be explained.

Athletic Director (AD): One Athletic Director will be selected per cottage or combined cottage. The AD is responsible for organizing the cottage's participation at all organized athletic events and exists to assure that each cottage fields a team at the designated time. The AD is paid $2500.00 and will meet with the other Athletic Directors and the Staff Athletic Director immediately after the evening Assembly on the front porch of Harrison cottage. The athletic director is a part-time position.

State Rules Committee Member: Each county or combined county (see pg. 45 for a list of combined counties) will provide one Citizen per political party to serve on the State Executive Party Rules Committee. This person should be interested in providing direction on setting and carrying out policy for the political process. The State Executive Party Rules Committee determines the operation of the respective political party (Nationalist and Federalist) and establishes the method by which each party will operate up until the General Election. The benefit of this position is that if the Citizen's political party is successful at the state office(s) level, State Rules Committee Members, as well as State Platform Committee Members, are probable choices for state appointive offices. No compensation is provided for this (the State Rules Committee Member) position and the person holding it may run for a political office (political career path) but generally will not be able to participate in the other career paths full time. Members of the State Rules Committee will meet with the Political Party Advisors immediately after this evening's assembly in the Assembly Hall (see schedule on pg. 25). The State Rules Committee is a part-time position.

State Platform Committee Member: Each county or combined county (see pg. 45 for a list of combined counties) will provide one Citizen per political party to serve on the State Platform Committee. The State Platform Committee will be instrumental in establishing the issues, ideals, goals and objectives of the party. Like the State Rules Committee Members, the State Platform Committee Members will receive no financial compensation for this position but may recognize the benefit of being appointed to a lucrative state position if his party is successful in the state General Election on Tuesday evening. Also, a member of the State Platform Committee may run for a political office (political career path) but generally will not be able to participate in other career paths full time. Members of the State Platform Committee will meet with the Political Party Advisors immediately after this evening's assembly in the Assembly Hall (see schedule on pg. 25). The State Platform Committee is a part-time position.

County Executive Committee: Each political party in a county or combined county (see pg. 45 for a list of combined counties) will designate a Chairman and Vice-Chairman that will comprise the County Executive Committee. The County Executive Committee's primary responsibility for their respective party is to recruit candidates to fill any vacant positions that may appear on the General Ballot and to work diligently within the county to get the candidates of their party elected at the General Election. The County Executive Committee, in the event of a vacancy in a county office occupied by a member of their political party, will provide a list of qualified candidates to the County Commission for selection so that the vacancy may be filled. The members of the County Executive Committee receive no financial compensation for their efforts.

Registrar: Each political party in a county or combined county will designate a Registrar whose job is to maintain a list of all eligible voters, by party, for that county and works with the Poll Clerks to ensure that only qualified voters are allowed to vote. The Registrar will receive $100.00 per election for his services and this is considered a part-time (ancillary) position.

Ballot Commissioner: Each political party in a county or combined county will designate at least one Ballot Commissioner and the majority political party in the county will designate two Ballot Commissioners. The job of the Ballot Commissioner is to staff the ballot box and ensure the executed ballots are collected and under the supervision of the Counselors, works with the Poll Clerks, to tabulate the ballots. One of the majority party Ballot Commissioners is also tasked with providing instruction(s) to would be voters as needed. A Ballot Commissioner receives $100.00 per election and this is considered a part-time (ancillary) position.

Election Commissioner: Each political party in a county or combined county will designate an Election Commissioner who is paid $100.00 per election to certify that his party's portion of the ballot is accurate and inclusive of all candidates. The Election Commissioner is a part-time (ancillary) position.

Poll Clerks: Each political party in a county will designate one Poll Clerk whose job is to work with the Registrar to provide ballot(s) only to qualified voters and tabulates the ballots under the supervision of the Counselors. He will be paid $100.00 per election, for performing this part-time (ancillary duty).

Camp Rules

Laws and regulations of the American Legion Mountaineer Boys State, the State of West Virginia, and WVU Jackson's Mill State 4-H Camp will be enforced by ALL Staff and State, County, and Municipal officials (State Police, DNR Police, Sheriffs, county officers, etc.). "OBEDIENCE TO LAW IS LIBERTY."

1. By act of The American Legion Mountaineer Boys State Legislature, it is unlawful for citizens to bring into the camp, or use there, campaign literature, placards, or campaign material of any kind prepared before entering camp. Preparation of material must be done during free periods and not on time scheduled for regular activities. All campaign materials must be issued and approved by the materials section of the Headquarters Staff.
2. It is essential that classes and programs start and end on time. Citizens will arrive on time for all classes, programs, athletics, and career path instruction as scheduled.
3. No practicing or playing games will be permitted during government periods. Also, there shall be no loitering about the grounds prior to recreation periods.
4. There will be NO POSSSSION/CONSUMPTION OF ALCOHOLIC BEVERAGES OR GAMBLING in connection with The American Legion Mountaineer Boys State. POSSESSION and/or USE OF TOBACCO PRODUCTS (including vaping) AND POSSESSION and/or VIEWING OF PORNOGRAPHIC MATERIALS IS STRICTLY PROHIBITED. Violations of this regulation will result in a citizen's immediate dismissal from Boys State.
5. Citizens will be present for roll calls. Three or more roll calls will be made daily in every County/Cottage.
6. Every illness or injury no matter how slight, must be reported at once to a staff member, preferably one of your counselors.
7. The numerous career opportunities at Boys State are open to all Citizens on an equal basis. No member of the staff shall in any way limit or advance a citizen's desire to pursue a career opportunity.
8. Private communication/electronic devices such as cell phones, tablets, laptops, etc., are to be used only during scheduled free time. The use of these devices, at any other time, including after "lights out" and in the Dining Hall, can be disruptive and inconsiderate. The item will be confiscated if used at any time other than scheduled free time. A citizen's parents will be notified if it becomes necessary to confiscate a private communication/electronic device. All confiscated private communication/electronic devices will be turned in to GHQ and will be returned at the conclusion of the camp.

9. The resale of any item(s) purchased at the General Store is prohibited.

Emergency Management Plan

Unless otherwise indicated, The American Legion Mountaineer Boys State (ALMBS) will utilize the most current version of the West Virginia University Extension Service (WVUES) "Camping Handbook" as a guide to address emergency situations. A copy of the most current version of the WVUES "Camping Handbook" shall be located at GHQ, the EEC with the Law Enforcement Advisors, Kanawha Center with the OES Advisors, and Gilmer rear at the Clinic with the medical staff. A copy of the most current version of the WVUES "Camping Handbook" shall also be kept by the Administrator, the Director, the Operations Administrator, the Assistant Director, and the Officer of the Day.

The ALMBS will follow the **"RAT"** acronym when evaluating and responding to all emergency situations. The "RAT" acronym is as follows.

R – RECOGNIZE. Recognize that there is an emergency situation. Common emergency situations include but are not limited to medical emergencies, weather emergencies, fire emergencies, and threats being presented by individuals and/or groups.

A – ALERT. Upon recognizing the existence of an emergency situation, ANY participant in ALMBS shall make the appropriate ALERT, which may include calling 911, notifying ALMBS medical staff, law enforcement staff, ALMBS Counselors, and GHQ. The Administrator and Director shall be notified of all emergency situations in which the loss of life is possible and in all major emergency situations such as a fire, discovery of hazardous materials including illegal drugs, alcohol, tobacco, suspicious packages/substances and the presence of unauthorized individuals on the Jacksons Mill campus.

T – TREAT. Once an emergency situation has been recognized and the appropriate Alert(s) have been made, ALMBS participants shall treat the emergency situation within his/her level of training, **but at no times shall an ALMBS participant take unreasonable risks that will place him/her at risk of death and/or serious bodily injury**.

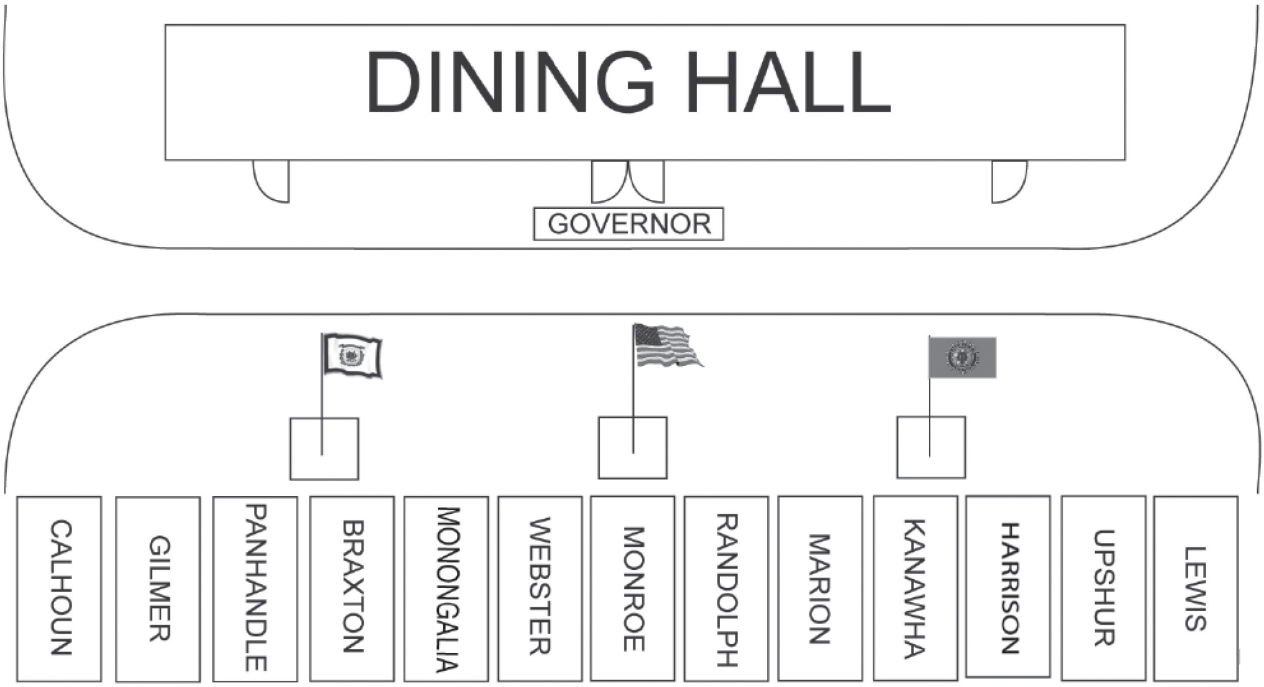
All ALMBS participants shall familiarize themselves with at least two (2) ways to exit each building in which they are located.

All ALMBS participants shall familiarize themselves with the Emergency Evacuation Plan for the building that they will be sleeping in. All Counselors and Citizens will conduct at least one (1) Emergency Evacuation Drill for their cottage before lights out on Sunday night.

Shelter-in-Place – Shelter-in-Place can be ordered by any ALMBS participant, and Shelter-in-Place means that all ALMBS participants shall promptly go to their assigned cottage, unless advised otherwise, and stay there until the Shelter-in-Place order is rescinded by a member of the ALMBS Senior Staff (Administrator, Director, Operations Administrator, Assistant Director). The Shelter in Place order will normally be given for an emergency situation such as an approaching severe weather event or when there is a need to account for every ALMBS participant.

Barricade-in-Place – Barricade-in-Place can be ordered by any ALMBS participant and Barricade-in-Place means that all ALMBS participants shall immediately stay in or go into the nearest building. When a Barricade-in-Place order is given, ALMBS participants shall not go from one building to another, and all entrances to the buildings shall be locked and barricaded to prohibit the entry of non-ALMBS participants. The highest ranking ALMBS staff member in each building shall be in charge of that building and will compile a list of all individuals who are in the building. The Barricade-in-Place order shall remain in effect until two (2) members of the Senior Leadership Team (Director, Assistant Director, Program Administrator, Operations Administrator, Technology Administrator) rescind the order and communicate the retraction of the Barricade-in-Place order by a pre-arranged procedure known to the Senior Leadership Team, Senior Counselors, Law Enforcement and OES Advisors.

Mount Vernon Dining Hall General Instructions



1. In no case will unauthorized citizens be permitted on the Dining Hall porch until the doors are opened and everyone is marching in.
2. Upon the completion of cottage reports, the blessing "grace" will occur.
3. No Citizen will be allowed to enter the Dining Hall unless in full uniform. This means trousers or appropriate short pants and Boys State shirt. No swimming trunks may be worn in the Dining Hall.
4. Each Cottage will have a leader and a rear guard on entering the Dining Hall who are responsible for seeing that their cottage enters the assigned entrance in the proper order as listed above.
5. Order of entry:
    a. Left Entrance: Braxton, Panhandle, Gilmer, Calhoun
    b. Center Entrance: Marion, Randolph, Monroe, Webster, Monongalia
    c. Right Entrance: Lewis, Upshur, Harrison, Kanawha

Note: Order of entry above remains the same, however, the second cottage in line one day will assume the lead entry for all meals the next day. The first cabins entering the Dining Hall will remain at the conclusion of the meal to police the Dining Hall.

6. No whistling, yelling, loud talking or unmannerly conduct.
7. Counselors/Staff will sit at the head of the tables and be responsible for the conduct of citizens at their tables.
8. Each citizen is responsible for taking dishes to the collection stations after eating.
9. Unless announced, it is presumed that there will be an after-meal speaker and all citizens shall return to their seats after they have deposited their plates and utensils at a collection station.

General Administration

The purpose of The American Legion Mountaineer Boys State is to teach good government through participation. The first two days will be spent in training for organization of a state government, 10 county governments and 10 city governments. The remainder of the week, Citizens govern their state as the 51st State of the Union.

1. Counties and municipalities are as follows; the political majority of the County Court is shown below (for purpose of appointing election officials).

County	**City**
Monongalia/Webster – Federalist	Webster Springs
Braxton – Federalist	Sutton
Calhoun/Gilmer – Nationalist	Glenville
Kanawha – Federalist	Charleston
Lewis – Federalist	Weston
Marion – Nationalist	Fairmont
Harrison/Upshur – Nationalist	Buckhannon
Monroe – Nationalist	Union
Panhandle – Federalist	Ellwood City
Randolph – Federalist	Elkins

2. Boys State Law Enforcement personnel (State Police, DNR Police, Sheriffs, Deputies, Police Chiefs, and Officers) have jurisdiction in Boys State on a parallel with law enforcement personnel in West Virginia.
3. All Citizens will participate in recreation of some nature as scheduled. Citizens will not be permitted to sleep or loiter around the cottages during the recreation hours or during government periods.
4. Band and Chorus exist; Citizens should join at the onset in the group in which they have an interest. These groups will perform in the Assembly programs and participants will receive compensation in Boys State currency ($100/performance).
5. Boys State is not a military camp. There will be no military drill, including for punishment purposes. However, formal flag raising and retreat will be observed. We will also march in columns of three to meals and to all assemblies. Marching is a tradition at ALMBS that allows preparation for formal review, enhances the safety as large groups move from one location to another, and serves to check attendance.
6. WVU Jackson's Mill is state property. Great care will be exercised to protect the facility. Beds, pillows, bed clothing, tables, lights, and other equipment belong to the State of West Virginia. Our permanency as an institution at WVU Jackson's Mill is determined by your actions. All equipment will be checked by cottage counselors.
7. Cottage counselors retain supervisory authority over the citizens when the citizens are scheduled to be in the cottages or involved in cottage activities such as classes, organized athletics, assemblies, voting, etc. Program advisors retain supervisory authority over the citizens when the citizens are participating in their career paths or other scheduled programs.
8. In the interest of safety, there shall be a staff Life Safety Officer who shall coordinate safety concerns with all staff members. Prior to lights out on Sunday night, the Counselors will explain to each Citizen in their Cottage the emergency evacuation plan for that Cottage and conduct at least one Emergency Evacuation drill with all Citizens participating. The Citizen State Fire Marshal and the Staff Life Safety Officer, in coordination with the Cottage Directors of Emergency Services, will conduct Fire Safety Training and Emergency Evacuation drills throughout the week. Those drill(s) will be coordinated with the Senior Counselor of a cottage before it/they occur. No Emergency Evacuation drills will be conducted between 11 p.m. and the beginning of breakfast.
9. Organized athletics is one of the rating criteria for the Fugitt Award. In this regard, each cottage team will begin the week with 100% and will retain that percentage regardless of the cottage's won-loss record. However, 5% points will be deducted for each scheduled athletic event that a cottage fails to field a complete team. An organized athletic event team can only be comprised of Citizens from the cottage scheduled to compete. The Athletic Staff has the discretion to deduct percentage points from a cottage's total athletic participation score for acts of unsportsmanlike conduct.

Citizen Uniform

1. Daily uniform consists of respectable pants (slacks or shorts), closed toed shoes, the American Legion Mountaineer Boys State (ALMBS) shirt tucked in the pants and the name tag displayed on the right side of the shirt above the logo and below the shoulder. No markings shall be on the ALMBS shirt nor campaign material attached to a Citizen's clothing. No type of head cover shall be worn, except for religious purposes.
2. All Citizens must have their nametags in their possession at all times. Citizens must present their name tags for inspection by any Staff member, upon request.
3. Formal Review uniform will be navy blue shorts, ALMBS shirt, and closed toed shoes. No non-prescription glasses or sunglasses will be worn during Formal Review. Name tags will not be worn during the Formal Review; however, Citizens must have their nametag in the pants pocket to be worn when the Formal Review ends.

Inspection

A daily inspection of quarters will be conducted by the Inspection Staff during and immediately after Breakfast Monday through Saturday. The following items will be evaluated:

lawns, porches, & cabin perimeter clean	aisle & fire escapes clear	bed uniformity
window shade uniformity	clothing stored properly	bedroom floors clean
garbage cans empty	toilet lids up	toilet paper uniform
restroom floors mopped & dry	restroom mirrors & shelves clean	restrooms clear of personal items (soap, towels, shampoo, etc.)

NOTE: Restroom sinks, showers and toilets will be cleaned and disinfected by WVU Jackson's Mill Staff and not by Citizens.

Counselors are prohibited from cleaning cabins and will incur an immediate reduction of the daily inspection score by twenty (20) percentage points if detected doing so.

Percentage point(s) will be deducted uniformly for each infraction increasing by one (1) point each day of the program, and the inspection scores will be provided to the Fugitt Award Coordinator. *The cabins will not be provided specific inspection scores throughout the week but will be provided with a Daily Evaluation Sheet that designates items that are satisfactory and those that need improvement.*

The Inspection staff will notify the Senior Counselor and involved cottage(s) of significant recurring deficiencies so that corrective action can be taken. At any time, a cottage may request the inspection staff's assistance/guidance in resolving deficiencies.

PRINCIPLES OF MARCHING

Marching is a time honored tradition at the American Legion Mountaineer Boys State and is not done for punishment but is done for the following reasons. It has been proven that the most efficient and safe way to move a group of individuals between two points is in an orderly fashion such as marching. We march at Boys State in preparation for the Formal Review (Parade) that is held to honor the newly elected State Officials and to instill in each cottage a sense of pride and teamwork. Citizens are encouraged to participate by adding their own "cadences." However, off- color, vulgar, and inappropriate cadences will not be tolerated; will result in a reduction in a cottage's Fugitt Award overall conduct score; and may result in the dismissal of the offending party from the Mountaineer Boys State. When marching, there is only one person in charge at a time. This is usually the Senior Counselor or a designated Counselor. When in formation and marching at Boys State, Citizens have restricted movement, meaning they can only move when and exactly what they are told to do. In most stances any movement and talking at all is disallowed except in the event of an emergency such as illness.

Four States of Alert are commonly used at Boys State. They are:

1. Attention: standing straight, eyes forward, chest out, knees straight but not locked, feet together at a 45-degree angle, no talking or movement permitted.
2. Parade Rest: a modified position of attention in which the left foot is moved to shoulder width and the hands are placed in the small of the back, no talking or movement permitted.
3. At Ease: A position similar to Parade Rest in which the hands are lowered to a more comfortable position behind the back. Feet are shoulder width apart and still no movement and no talking is permitted. However, the Citizen is allowed to look at the speaker. This is the position the Citizens should assume when called into formation.
4. At Rest: The Citizen is allowed to move all but the right foot. The Citizen may talk.

A formation must be brought to the position of attention before it can go to a lower state of alert.

Commands

The typical commands are spoken extremely clearly and emphatically and consist of three major parts.

1. Identifier, or who is to follow the command. This is typically the name of the cottage or "Boys State".
2. Cautionary, or the first part of what is to be done. This is commonly referred to as the "preparatory command and some common preparatory commands are "left", "right", "forward", "column left" column right".
3. Executive or execution, a single syllable on which the Citizens actually move. Command executive commands include "march", "halt". There is always a significant pause between the Cautionary and the Executive commands. The Executive command is always given a greater emphasis than the preparatory command.

Common Parade commands include:

1. Fall In - This is used to have a cottage or "Boys State" fall into formation
2. Fall Out - This is used to have a cottage or 'Boys State" fall out of formation.
3. Dis-miss - A fall-out where the Citizens have free time until their next designated period of activity (typically done at the end of a command day, although often is simply an erroneous substitution for Fall Out).

Alignment Command

Dressing right, Dress, or just Right Dress - All Citizens in the cottage, except the right guide, pause, and bring up their arms parallel to the ground in front of them and to their right in order to ensure uniform spacing by placing their right hand extremely close to the Citizen's shoulder to their right and front.

When creating the cottage's initial formation, care should be taken to position the tallest Citizen's in the front row and in decreasing height so that the shortest Citizens are in the last row. All cottage's formation shall consist of three rows.

Turning Motions While Still

1. Right Face: The body is rotated on the ball of the right foot and the left heel is brought forward to meet the right heel in the position of attention.
2. Left Face: A mirror image of Right Face.
3. About Face: The right toe is brought back to behind the left heel; the body pivots on the right toe and left heel 180 degrees.

Turning Motions While Marching

1. Column Right, MARCH - A 90 degree turn to the right done by rotating on the right heel and left ball. The cautionary and executive are both called on the left foot.
2. Column Left, MARCH - A 90 degree turn to the left, done by rotation on the right ball and the left heel.
3. About Turn, MARCH - A 180 degree turn to the right, done as an exaggerated version of the right turn.

Commands are always given on the left foot.

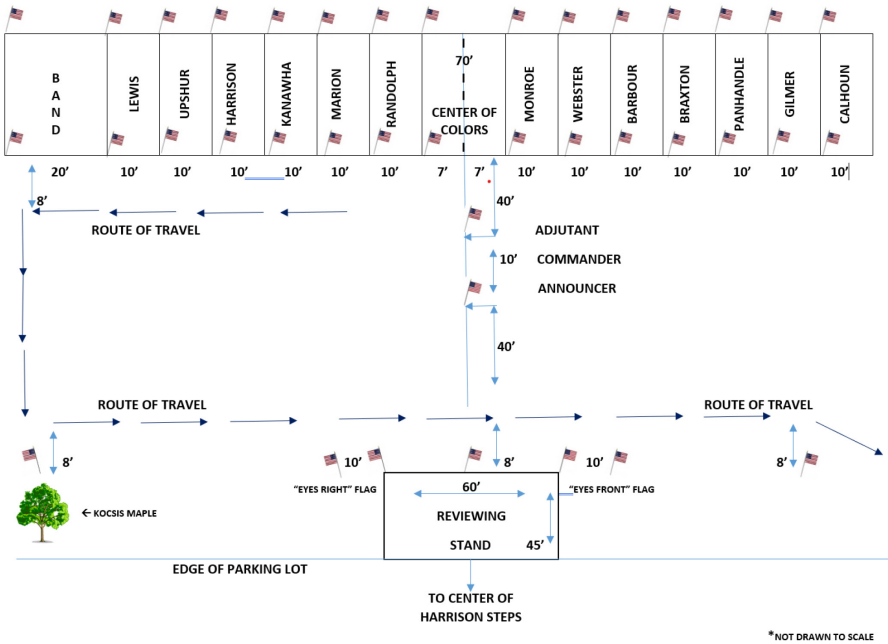
Marching Motions

1. Double Time, MARCH - This is essentially a moderate jog at approximately 180 paces per minute.
2. Mark Time, MARCH - This is essentially a stationary march with the knees coming up parallel to the ground or the foot dangling six inches off the ground. This is designed to maintain the time of large parades when portions need no forward speed.
3. Forward, March - This causes Citizens marking time or stationary to resume a normal march.

Formal Review - The Formal Review, in effect an Inauguration Parade, is held to honor the newly elected State Officials of Boys State. It follows the following Command Sequence.

1. **SOUND ADJUTANT'S CALL** (band begins to play), cottages march to parade field and assume Parade Rest position
2. **SOUND OFF** ADJUTANT (band will play and troop the line after this order)
3. **BOYS STATE, ATTENTION** ADJUTANT (after band has returned to band's position)
4. **PRESENT, ARMS** ADJUTANT (after command, band plays National Anthem)
5. **ORDER, ARMS** ADJUTANT (said after National Anthem is complete)
6. **SIR, THE AMERICAN LEGION MOUNTAINEER BOYS STATE CLASS OF 2024 IS ALL PRESENT** ADJUTANT to Commander
7. **BOYS STATE, PASS IN REVIEW** COMMANDER

FORMAL REVIEW DIMENSIONS



AWARDS

AMERICAN LEGION BOYS NATION: Two (2) ALMBS Citizens will be selected to represent West Virginia at Boys Nation. This is the highest honor bestowed upon a Citizen of the ALMBS. Only those ALMBS Citizens who are elected to: Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture, Chief Justice of the Supreme Court, Speaker of the House, President of the Senate, Federalist Pary Chairman, and Nationalist Party Chairman, are automatically eligible to apply for consideration. The American Legion Boys Nation Selection Committee may consider Citizens who did not obtain one of the above offices, but who have excelled in all aspects of the program. The American Legion National Headquarters pays for the transportation, housing, and meal costs of all delegates to Boys Nation. Alternates will be selected in the event a principal delegate is unable to attend.

Key attributes of American Legion Boys Nation attendees are policy knowledge (international/national), debate skills, charisma, self-confidence, and love of country. To participate in all activities of ALBN you must possess a government issued photo identification (e.g., driver's license, passport, identification card).

WILLIAM R. FUGITT MEMORIAL AWARD: This award, given in memory of long time Mountaineer Boys State Administrator William R. Fugitt, is given to the cottage that attains the best total score in the categories of City Government, County Government, Board of Education, Bar Examination, Legal Program, Daily Inspection, Athletics, State Election participation, and general conduct of all Citizens of that cottage during the entire week.

JAMES E. DAGUE LEGISLATOR OF THE YEAR AWARD: The Legislator of the Year award is given to a member of the Mountaineer Boys State Senate or House of Delegates who best exemplifies extraordinary character, enthusiasm for education, and a genuine devotion to the legislative process. The Legislative Advisors, chaired by the Legislative Coordinator shall select the recipient of this award.

THE RECIPIENTS OF THE FOLLOWING AWARDS ARE SELECTED IN THE FOLLOWING MANNER:

Recommendations are made by the Counselors of each cottage and in exceptional circumstances by other staff members. Candidates are then interviewed by the respective Award Selection Committee.

DR. JOHN T. DOMBROSKY AWARD: This award, given in memory of Dr. John T. Dombrosky who was a Mountaineer Boys State Citizen, Assistant Medical Officer and Chief Medical Officer, is presented to a Staff member or Citizen who has displayed the attributes of life, liberty, and the pursuit of happiness with the Legion principles as exemplified by Dr. Dombrosky. Previous recipients of the Dr. John T. Dombrosky Award shall comprise the Selection Committee.

TOMMY E. JONES AWARD: This award, given in memory of long time Mountaineer Boys State Administrator Tommy E. Jones, will be awarded to the Citizen who contributes the most to the political process. Among the criteria for this award are: enthusiasm, sincerity, honesty, organizational ability, creativity.

P. E. KERCHEVAL AWARD: This award, given in memory of longtime Mountaineer Boys State Chief Medical Officer and one of the original Founders of Mountaineer Boys' State, Dr. P. E. Kercheval, is given to a Citizen who is a participant in all of the activities of Boys State, is courteous, congenial, has high moral standards, and demonstrates leadership.

FRANK TAYLOR JR. AWARD: This award, given in memory of longtime Mountaineer Boys State Legal Advisor Frank Taylor Jr., is awarded to the Citizen of Mountaineer Boys State who exhibits an enthusiastic interest in law and displays high moral character with honor, respect, and integrity for the rights of others. In addition, the recipient must be an active participant in the programs of Mountaineer Boys State. Only Citizens who successfully passed the Mountaineer Boys State Bar Examination will be considered for this award.

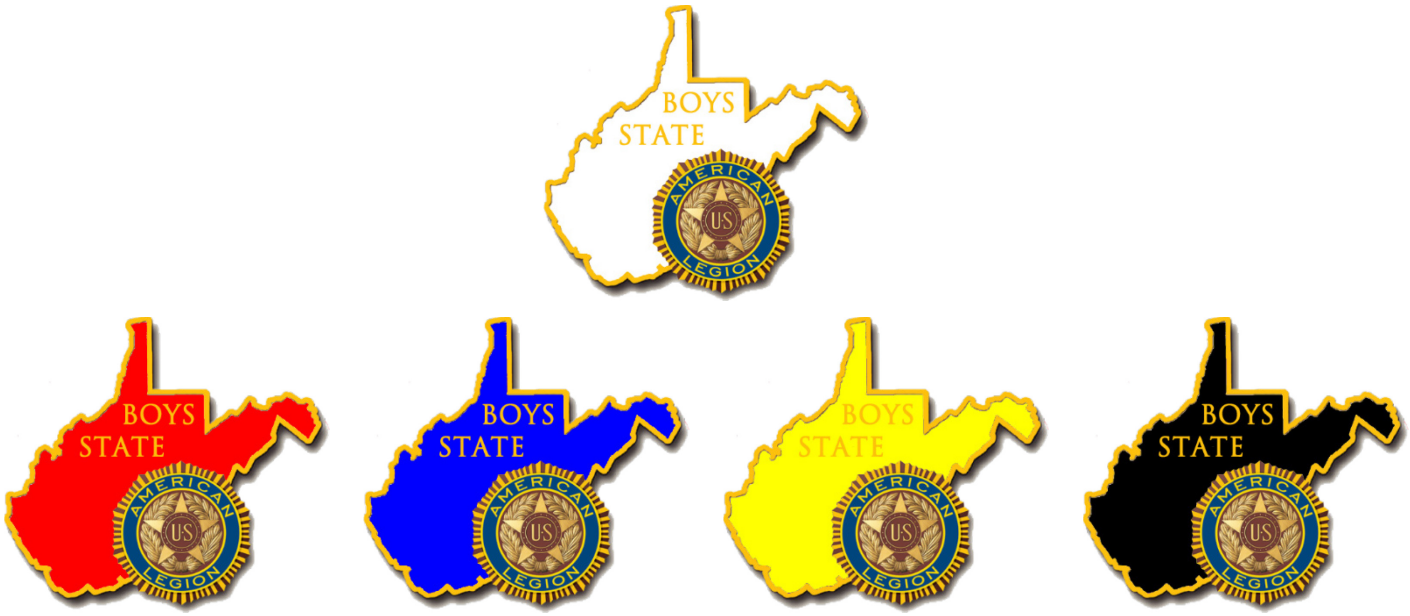
DAVID "DAVE" FARRIS AWARD: This award, given in memory of longtime Mountaineer Boys State Counselor and Headquarters Staff member, David "Dave" Farris, is presented to the Citizen who contributes significantly to the city and/or county government aspects of the Mountaineer Boys State program and exhibits the qualities of a good sense of humor, kindness, competence and fairness for all. Only those Citizens who hold an elected city or county office shall be eligible for this award.

HERSHEL "WOODY" WILLIAMS AMERICANISM AWARD: This award will be bestowed upon the graduating Citizen who has shown the most patriotism throughout the week, demonstrating respect to the flag and to ceremonies. The Citizen should demonstrate integrity, enthusiasm, service before self, honor, and love of country.

BOYS STATE COUNSELOR/STAFF: Each year a new group of Counselors and staff members are selected to fill vacancies that may exist in the Counselor/Staff rolls. Preference is given for these positions to Citizens who have been selected as Award recipients (see pg. 49) and from Citizens who have completed a Counselor/Staff application and received the highest evaluations from their cottage Senior Counselors and Counselors.

THE BOYS STATE PIN: Each Citizen who successfully completes Boys State will be given a White Boys State Pin.

- A Red Boys State Pin signifies five (5) years participation.
- A Blue Boys State Pin signifies ten (10) years participation.
- A Gold/Yellow Boys State Pin signifies twenty (20) years participation.
- A Black Boys State Pin signifies a memorial to a significant member of our staff who has passed during their time of service.
    - At this time only one (1) memorial pin has been issued and that was for Director Clarance Walton in 2011.



Employment

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THE AMERICAN LEGION MOUNTAINEER BOYS STATE EMPLOYMENT

Upon arrival at American Legion Mountaineer Boys State, you will be encouraged to pursue one or more of the available career paths: Political, Legal, Banking, Journalism, Office of Emergency Services, Lw Enforcement, Corrections, State Forensics, Homeland Security/National Guard, or Business Management & Marketing. Every Citizen will have an opportunity for full-time employment and possibly a part-time job or two as well. This section of the Manual provides information about available jobs.

All Citizens will take the Bar Examination whether interested in pursuing legal jobs or not. As Citizens of the 51st State, you should understand how your government is organized and the laws of the state. Review the Legal Systems section to prepare for the exam.

Note: Legal, Law Enforcement, Banking, Journalism, National Guard/Homeland Security, Office of Emergency Services, State Forensics, and Business Management & Marketing will be accepting applications immediately after the Bar Examination Sunday afternoon.

Salaries are paid in Boys State currency, and the pay period will be one month (1/12 of the amount listed). Boys State currency is used to:

- Make political campaign donations
- Pay political office filing fees
- Purchase campaign materials/supplies
- Pay real and personal property taxes
- Pay fines and court costs
- Pay costs of property purchased at state auction
- Purchase driving, hunting, and/or fishing license(s), vehicle registration(s), and insurance
- Pay other fees as determined by various components of ALMBS

You are highly encouraged to pursue a career path or paths that interest you, but you will only be permitted to hold one full-time position. If you are not successful in securing a job by Tuesday evening, you name will be provided to the Unemployment Office Advisor, and you will be assigned a job. You WILL have one of the full-time jobs by Wednesday morning,

THE AMERICAN LEGION MOUNTAINEER BOYS STATE JOBS LIST

POLITICAL (Elected)	SALARY
STATE LEVEL	
Governor	150,000
Secretary of State	95,000
Attorney General B	95,000
Auditor	95,000
Treasurer	95,000
Commissioner of Agriculture	95,000
Supreme Court Justices B (5)	149,600
Federalist Party Chairman	80,000
Nationalist Party Chairman	80,000
COUNTY LEVEL	
Circuit Judges B (10)	126,000
Magistrates (10)	60,000
Prosecuting Attorneys B (10)	70,000
Sheriffs (10)	60,000
Circuit Clerks (10)	50,000
County Clerks (10)	50,000
Assessors (10)	50,000
County Commissioners (30)	47,500
County Board of Education	30,000
State Senators (20)	60,000
House of Delegates (1 for every 7)	60,000
CITY LEVEL	
Mayors (10)	47,500
City Council Members (30)	35,000

LEGAL	SALARY
Lead Defense Attorney B P (10)	5,000/case
Defense Attorney B P	150/hour
Civil Attorney B P	negotiate w/client

The "Legal" program also includes: Supreme Court Justices, Attorney General, Circuit Court Judges, Prosecuting Attorneys, Magistrates, and Circuit Clerks, all of are also "Political" (Elected) positions.

BANKING	SALARY
Bank President A	100,000
Bank Vice President A	80,000
Loan Officer A	50,000
Staff, full-time A (3)	27,500
Staff, part-time A P (13)	12,500

JOURNALISM (print)	SALARY
Editor A	50,000
Staff Reporter A (3)	35,000
Photographer A (3-4)	30,000
Graphic Designer A	40,000
Layout Editor A	40,000
Sportswriter A	30,000
Cottage Reporter A P (13)	400/published story

JOURNALISM (broadcast)	SALARY
Broadcast Manager A	50,000
Video Editor A	35,000
Reporter A	30,000

OFFICE OF EMERGENCY SERVICES	SALARY
Office of Emergency Services Director A (10)	47,500

CORRECTIONS	SALARY
Corrections Officer A (13)	32,500

LAW ENFORCEMENT	SALARY
State Police A (20)	60,000
DNR Police A (14)	55,000

FORENSIC LABORATORY	SALARY
Forensic Supervisor A	67,500
Forensic Investigator A (2)	52,000
Forensic Laboratory Technician A (2)	50,000

HOMELAND SECURITY/NATIONAL GUARD	SALARY
Colonel A	60,000
Lieutenant A	50,000
Sergeant A	40,000
Private First Class (approximately 9)	28,000
National Guard Private (as needed)	24,000

BUSINESS MANAGEMENT & MARKETING	SALARY
Business Management Executive Officer A	50,000
Business Management Sales Coordinator A	40,000
Business Management & Marketing Financial Officer A	45,000
Business Marketing Executive Officer A	50,000
Business Marketing Design Officer A	40,000
Business Management Logistics Coordinator A	40,000
Lemonade Stand Operators A	24,000

APPOINTED POSITIONS	SALARY
Department of Environmental Protection Secretary	75,000
Education & Arts Secretary	75,000
Commerce Secretary	75,000
Governor's Cabinet Secretary	75,000
State Superintendent of Schools	200,000
Educational Broadcasting Director	70,000
Adjutant General - National Guard	70,000
State Fire Marshal	70,000
State Police Superintendent	70,000
Lottery Director	70,000
Division of Corrections Commissioner	70,000
Highways/Public Works Commissioner	70,000
Motor Vehicle Director	70,000
Natural Resources Director	70,000
Natural Resources Law Enforcement Chief	68,500
Employment Programs Director	70,000
Supreme Court Clerk	50,000
Supreme Court Crier	47,500
Governor's Chief of Staff	65,000
House Clerk	32,500
Senate Clerk	32,500
House Sergeant at Arms	30,000
Senate Sergeant at Arms	30,000
House Door Keeper	28,000
Senate Door Keeper	28,000
Police Chiefs (10)	30,000

OTHER FULL-TIME POSITIONS	SALARY
Dept. of Highways/Public Works Laborers	24,000
Bureau of Employment Services Laborers	26,000
Division of Motor Vehicles Laborers	24,000
Lottery Department Laborers	24,000
Division of Natural Resources Laborers	24,000

PART-TIME POSITIONS	SALARY

Part-time positions must be held along with a full-time position.

Sheriff Deputies P (20)	12,500
Circuit Clerk Deputies P (10)	12,500
County Clerk Deputies P (10)	12,500
Assessor Deputies P (10)	12,500
Magistrate Clerks P (10)	12,500
Assistant Prosecuting Attorneys B P (10)	12,500
Court Reporters P (10)	25,000
Athletic Directors P (10)	2,500
Band Member P	100/performance
Chorus Member P	100/performance
Athlete P	100/event

KEY: A *Sunday Application / Interview* B *Position requires passing the Bar Exam* P *Part-time position – full-time position also required*

Political Career Path Job Descriptions

NOTE: All candidates running for elected office must pay a filing fee. The Schedule of Filing Fees is on pg. 209.

State Government Elected Positions

Job Title	Job Overview	Salary
Governor	Oversees the operations of the State	$150,000
Secretary of State	Keeper of all records of the State and ensures election processes are followed	$95,000
Attorney General*	As the legal representative for the State, defends the State and provides legal advice	$95,000
Auditor	In addition to keeping records of receipts and disbursements, examines all requisitions for payments	$95,000
Treasurer	Manages the State's checking account and is custodian for all state monies	$95.000
Commissioner of Agriculture	Protects the health of citizens, plants, and animals	$95,000
Supreme Court Justice*	Presides over cases to ensure laws and decisions made are legal, based on the State Constitution	$149,600
Federalist Party Chairman	Oversees the operation of the Federalist political party	$80,000
Nationalist Party Chairman	Oversees the operation of the Nationalist political party	$80,000

** You must pass the ALMBS Bar Exam to be eligible to hold this position.*

County Government Elected Positions

Job Title	Job Overview	Salary
Circuit Judge*	Conducts trials, makes judgments and stays abreast of changes in the law. Conducting trials requires a judge to be impartial and make decisions based upon law.	$126,000
Magistrate	Conducts misdemeanor trials. Interacts daily with judges and superior officers of detention center.	$60,000
Prosecuting Attorney*	Serves as the county chief law enforcement official. Provides legal advice to the county commission and prosecutes crimes in magistrate and circuit courts.	$70,000
Sheriff	As the lead law enforcement officer for the county, enforces laws and court orders and keeps the peace. Serves as the bailiff in magistrate and circuit courts, transports prisoners, and collects taxes.	$60,000
Circuit Clerk	Records all lawsuits, indictments, motions, and other related papers in all cases filed in the circuit, magistrate, and county courts. Issues all processes including summonses and subpoenas.	$50,000
County Clerk	Maintains records and collects fees	$50,000
Assessor	Records and assesses value of real and personal property	$50,000
County Commissioner	Addresses issues that come before the Commission	$47,500
County Board of Education Member	Participates in decisions regarding operations of schools	$30,000
State Senator	Introduce bills and resolutions, offer amendments, and serve on committees	$60,000
House of Delegates Member	Introduce bills and resolutions, offer amendments, and serve on committees	$60,000

** You must pass the ALMBS Bar Exam to be eligible to hold this position.*

City Government Elected Positions

Job Title	Job Overview	Salary
Mayor	Appoints and removes departmental heads; drafts and proposes a budget to city council. Interacts with state officials,	$47,500
City Council Member	Introduces resolutions, offer amendments, votes on possible city ordinances	$35,000

Political Appointed Positions

Job Title	Job Overview	Salary
Secretary of Environmental Protection	Establishes and oversees recycling program	$75,000
Secretary of Education & Arts	Oversees the Educational Broadcasting Authority Director and the American Legion Mountaineer Boys State Museum	$75,000
Commerce Secretary	Oversees the ALMBS lemonade stand and works to promote and preserve the well-being of the citizens of ALMBS by providing a cooperative, interagency system that stimulates diverse economic growth, encourages the appropriate use of our state's abundant resources, improves the safety and productivity of our workforce, and promotes the beauty and desirability of ALMBS as a world-class tourism destination.	$75,000
Governor's Cabinet Secretary	Liaisons between the Governor and state agencies	$75,000
State Superintendent of Schools	Oversees state school operations	$200,000
Educational Broadcasting Director	Provides all public announcements	$70,000
Adjutant General - National Guard	The highest-ranking officer in the ALMBS National Guard who oversees and is responsible for all facets of the ALMBS National Guard	$70,000
State Fire Marshal	Implements and coordinates fire safety programs	$70,000
State Police Superintendent	Serves as the highest-ranking official in the State Police	$70,000
Lottery Director	Develops and promotes lotteries to generate revenue for the state	$70,000
Division of Corrections Commissioner	Manages ALMBS Jails and Prison	$70,000
Highways/Public Works Commissioner	Oversees all construction, reconstruction, and maintenance projects which add to the well-being of the state.	$70,000
Division of Motor Vehicles Commissioner	Oversees the accumulation of and requests for vehicle records	$70,000
Natural Resources Director	Oversees Wildlife Management Area	$70,000
Natural Resources Law Enforcement Chief	Serves as the highest-ranking official in the Division of Natural Resources Law Enforcement Section	$68,500
Employment Programs Director	Finds jobs for ALMBS Citizens who are jobless	$70,000
Supreme Court Clerk	Records activities of the Court	$50,000
Supreme Court Crier	Opens and adjourns court sessions	$47,500
Governor's Chief of Staff	Controls access to the Governor and manages the Governor's calendar; monitors the flow of information to the Governor on policy issues; manages and communicate the governor's policy agenda to the state legislature and the public	$65,000

THE AMERICAN LEGION MOUNTAINEER BOYS STATE EMPLOYMENT

Job Title	Job Overview	Salary
House Clerk	Advises delegates on matters relating to the business and procedures of the House and its committees	$34,000
Senate Clerk	Advises senators on matters relating to the business and procedures of the Senate and its committees	$34,000
House Sergeant at Arms	Maintains order in the Chamber of the House of Delegates	$32,000
Senate Sergeant at Arms	Maintains order in the Chamber of the Senate	$32,000
House Door Keeper	Announces all messages and guards the door to the Chamber of the House of Delegates	$30,000
Senate Door Keeper	Announces all messages and guards the door to the Senate Chamber	$30,000
Police Chief	Enforces all state laws and city ordinances within the boundaries of his jurisdiction	$40,000

Miscellaneous Full-Time Positions

Job Title	Job Overview	Salary
Department of Highways/Public Works Laborer	Performs various cleaning and maintenance tasks, with primary emphasis on the highways within the State	$24,000
Bureau of Employment Programs Laborer	Assists individuals seeking employment	$26,000
Division of Motor Vehicles Laborer	Assists individuals seeking their vehicle registration(s) and driver's license	$24,000
Lottery Department Laborer	Assists in operating the State's lotteries	$24,000
Division of Natural Resources Laborer	Assists in the management of the State's Wildlife Management Area for recreation, research, conservation, and education	$24,000

Legal Career Path Job Descriptions

The ALMBS operates a fully functioning legal system that is overseen by staff who are legal professionals.

Each ALMBS county will prepare and present a court trial that will be reviewed and evaluated by visiting attorneys from the Harrison County Bar Association. The lead defense attorney in this trial will be appropriately compensated, in ALMBS currency for his efforts. The ALMBS Courts also hear a variety of cases that involve ALMBS laws. Defense attorneys operating in a part-time capacity will be compensated in ALMBS currency.

All Citizens are required to take the ALMBS Bar Exam after the noon meal on Sunday. A thorough study of the "Law Lecture" is recommended to enhance your possibility of receiving a passing score on that examination.

You must pass the ALMBS Bar Exam to be eligible to hold office in the Legal Career Path, except magistrate. Each Citizen is permitted to retake the ALMBS Bar Exam by paying the $50 fee and sitting for the examination during the announced exam times.

Job Title	Job Overview	Salary
Attorney General*	As the legal representative for the State, defends the State and provides legal advice	$95,000
Supreme Court Justice*	Presides over cases to ensure laws and decisions made are legal, based on the State Constitution	$149,600
Circuit Judge*	Conducts trials, makes judgments and stays abreast of changes in the law. Conducting trials requires a judge to hear disputes and decide who should win a case	$126,000

Job Title	Job Overview	Salary
Magistrate	Interacts daily with judges and superior officers of detention center	$60,000
Prosecuting Attorney*	Provides legal advice to the County Commission and prosecutes crimes before magistrates and circuit judges.	$70,000
Lead Defense Attorney*	Ensures the accused is afforded all their protections as the law and constitutions provide; works to help the accused have the best outcome with their case, based on the evidence that has been presented against them.	$5,000 /misdemeanor case $10,000 /felony case
Defense Attorney*	Assists the lead defense attorney in the performance of his duties	$150/hr.
Civil Attorney*	Represents citizens in civil cases	Negotiated w/client

** You must pass the ALMBS Bar Exam to be eligible to hold this position.*

Banking Career Path Job Descriptions

The ALMBS Bank gives each Citizen an opportunity to learn personal financial management and responsibilities. Upon arriving at the ALMBS, each Citizen is given a checking account with $1,000 in ALMBS currency. From that account, the Citizen pays a variety of taxes, license fees, registration fees, and other costs related to maintaining a household and employment within a city, county, and state. In addition, Citizens pay taxes on their real property (bed) and personal property. Each Citizen will make deposits and withdrawals in his account by earning monies through participating in paid activities. A ledger is provided on pg. 210.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for any banking position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
Bank President	Oversees banking operations, planning, policies, and practices	$100,000
Bank Vice President	Generates profits for the bank through increases in deposits and loans among both residential and business customers	$80,000
Loan Officer	Contact for borrowers who want loans from the bank and guides the borrower through the application process for a loan	$30,000
Staff, full-time	Handles customer financial transactions	$27,500
Staff, part-time	Handles customer financial transactions	$12,500

Journalism Career Path Job Descriptions

At ALMBS, a daily newspaper (print) and nightly news (broadcast) are produced to keep citizens informed about daily events and upcoming schedules. The print and broadcast material will also be available online at https://wvboysstate.org.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for any journalism position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Journalism – Print

Job Title	Job Overview	Salary
Editor	Identifies, investigates, and relays events and happenings. Analyzes and interprets the stories and presents them to the public in an easily understood format	$50,000
Staff Reporter	Covers stories by gathering and verifying facts and writing accurate, understandable copy	$35,000
Photographer	Arranges subjects and background objects; sets up equipment and lighting; takes clear, focused images; and edits photographs using software like Adobe Photoshop	$30,000
Graphic Designer	Uses photo editing software, layout software and digital illustration to create designs	$40,000
Layout Editor	Designs the format of newspaper and online materials	$40,000
Sportswriter	Delivers engaging and informative news on sports for newspapers and website	$50,000
Cottage Reporter (part-time)	Writes informative, local information for newspaper and website	$400 /printed story

Journalism – Broadcast

Job Title	Job Overview	Salary
Broadcast Manager	In addition to overseeing other job functions, manages the station's relationships with other organizations, such as advertisers or the corporation that owns the station	$50,000
Video Editor	Manages and oversees technical aspects of video recording and editing	$35,000
Reporter	Identifies, investigates, and relays events and happenings for nightly news broadcast	$30,000

Office of Emergency Services Career Path Job Descriptions

The ALMBS operates a functioning Fire Department, 9-1-1 dispatch center, and Emergency Medical Services station throughout the week. These departments are overseen and operated by the County Emergency Services Director(s). These brave young men will participate in an Emergency Services Academy which will encompass aspects of county-based emergency medical, firefighting, and 9-1-1 communications training. (Please note: No Citizen will be asked to participate in any dangerous activity.) After participating in the academy, Citizens will take on responsibilities throughout the week to ensure safety of their fellow Citizens and respond to/participate in various scenarios that will show them how the workings of government bodies directly affect the emergency services in the state. A minimum of one (1) Citizen from each county or combined county is selected to join the ranks of this program. Those wishing to pursue this career path are encouraged to bring a flashlight and notebook.

Directors of the Office of Emergency Services (OES) will operate under the guidance of the Staff Life Safety Officer and OES Coordinators. The Directors will recommend three (3) individuals from their ranks to the Governor so that he may appoint a State Fire Marshal.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for an emergency services position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
Office of Emergency Services Director (10)	Oversees county safety with particular emphasis on fire safety and response. Attends statewide OES Director meetings and works with county and city governments to enhance fire safety and emergency services.	$47,500

Corrections Career Path Job Descriptions

The American Legion Division of Corrections (DOC) is responsible for establishing and operating The Mountaineer Boys State Jail and Prison, under the strict supervision of Staff Advisors. The DOC is comprised of Corrections Officers who receive training in a Corrections Academy. The Commissioner of the DOC is appointed by the Governor, with the advice and consent of the Senate, from the ranks of the Corrections Officers.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for the corrections position on Sunday afternoon, Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
Corrections Officer (13)	Maintains custody and security of offenders through supervision, observation, and monitoring surveillance devices	$28,500

Law Enforcement Career Path Job Descriptions

The ALMBS operates a functioning Division of Public Safety (State Police) and a Division of Natural Resources (DNR) Law Enforcement Section (DNR Police Officers) which are chaired by West Virginia State Troopers and DNR Police Officers who are assigned to ALMBS. The ALMBS DNR Police Officers and State Troopers attend a Police Academy and may perform many law enforcement responsibilities within the program. A minimum of one (1) Citizen from each county is selected to be in the State Police and most counties have one (1) Citizen who is a DNR Police Officer. Boys State Troopers, the Boys State Superintendent of the Department of Public Safety, Boys State DNR Police, and the Colonel of the DNR Law Enforcement Section will become eligible to serve in these positions on the condition they successfully pass the Public Safety tests and receive the recommendation of the law enforcement advisors. The Public Safety tests are part of the instruction conducted on Monday, Tuesday, and Wednesday by WV Department of Public Safety, Division of Natural Resources, and Law Enforcement staff. The ALMBS DNR Police Officers and State Police may be selected to participate in flag-raising and lowering, command functions during the Formal Review, and other duties. Those interested in pursuing a law enforcement career are encouraged to bring a flashlight, 8½ x 11" notebook, rain gear, and camouflage clothing/outerwear.

The Boys State Superintendent of the Department of Public Safety (Colonel) and the DNR Law Enforcement Section Colonel will be selected by the Boys State Governor with the advice and consent of the Boys State Senate.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for any law enforcement position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
State Police	Exercises statewide police power to preserve the peace, protect life and property, prevent crime, and apprehend criminals	$50,000
DNR Police Officer	Exercises statewide police power with emphasis on fish & game, boating, and environmental law enforcement	$45,000

THE AMERICAN LEGION MOUNTAINEER BOYS STATE EMPLOYMENT

Forensic Laboratory Career Path Job Descriptions

The goal of the Forensic Laboratory is to generate accurate, impartial, and timely scientific examinations and opinions for the criminal justice system of the State in the interest of public safety. Forensic experts receive evidence collected at crime scenes, conduct analysis, and provide results to law enforcement. The Laboratory analyzes controlled substances, blood alcohol content levels, collected specimens for drug presence, charred debris for ignitable liquids, gunshot residue, fingerprints, and footwear and tire tread impressions. Scientists also identify and compare tool marks and firearms.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for any forensic laboratory position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
Forensic Supervisor	Ensures the lab is staffed and the field investigation teams have their required materials. Point of contact for those seeking services from the Forensic Laboratory. Testifies as a subject matter expert in criminal trials.	$67,500
Forensic Investigator	Conducts crime scene investigations to include taking detailed photographs, preparing diagrams, and collecting and preserving evidence. May testify at criminal trials.	$45,000
Forensic Laboratory Technician	Receives and tests evidence, files test results and lab reports. May testify at criminal trials.	$42,500

Homeland Security/National Guard Career Path Job Descriptions

There exists at the ALMBS a functioning Homeland Security/National Guard component. The mission of this component is to successfully mobilize and deploy soldiers, units, and resources as necessary. The ALMBS Homeland Security/National Guard component conducts missions when required by authority of the Governor.

Members of the ALMBS Homeland Security/National Guard component may be selected to participate in flag-raising and lowering functions as well as command responsibilities during the formal review. Individuals will be selected from the applicants to be in the Homeland Security/National Guard component. Those individuals will receive specialized training beginning throughout Sunday evening and continuing through Wednesday in preparation for their duties. Additionally, the applicants selected for the Homeland Security/National Guard component on Sunday evening will receive a $1,000 signing bonus in ALMBS currency. One of the applicants will be appointed by the elected ALMBS Governor to be the Adjutant General upon successful completion of training and based upon the recommendation of the career path staff advisor(s). The positions listed below are selected by the staff advisor(s) based on their performance during the training period.

Applications are available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for any Homeland Security/National Guard position on Sunday afternoon. Interviews will take place on Sunday afternoon and continue Sunday evening, if necessary.

Job Title	Job Overview	Salary
Colonel	The second highest ranking officer in the ALMBS National Guard with direct supervisory authority of the ALMBS Lieutenant	$60,000
Lieutenant	The third highest ranking officer in the ALMBS National Guard with direct supervisory authority of the ALMBS Sergeant. Responsible for assuring the ALMBS Guardsmen have uniforms and necessary equipment	$50,000

Job Title	Job Overview	Salary
Sergeant	Responsible for the supervision, individual training, personal appearance, and cleanliness of all ALMBS National Guard Private 1st Class and Privates	$40,000
Private First Class (approximately 9)	Carries out orders issued by their commanding officers	$28,000
Private (as needed)	Carries out orders issued by their commanding officers	$24,000

Business Management & Marketing Career Path Job Descriptions

During the 2022 session of The American Legion Mountaineer Boys State (ALMBS), Citizens Jeremiah Marley Clum and Logan James McCartney found themselves jobless on Tuesday night. They did not want to become unemployed and get a job that they might not like, so they went to the ALMBS Program and Operations Administrators (Mr. Kocsis & Mr. Wines) and asked if they could run an ALMBS Lemonade Stand. Their request was accepted and authorized by Director Robinson and this started the ALMBS Business Management & Marketing Career path. In 2022, the Lemonade Stand raised enough money to cover the cost of two (2) individuals to attend ALMBS.

In 2022, ALMBS Code, Chapter V-B, Section 2 (see pg. 79) was enacted that formalized the establishment of an ALMBS Lemonade Stand and provided for the creation of four (4) ALMBS "Lemonade Stand Operator" positions at a salary of $24,000 apiece.

The Business Management & Marketing Career Path continues to evolve and in 2023 two (2) pieces of legislation were enacted related to its operation and where its proceeds should be applied (See ALMBS Code, Chapter V-B, Section 3: General Store Expansion Act pg. 80 and ALMBS Code, Chapter V-B, Section 4: The American Legion Mountaineer Boys State Memorial Garden Policy pg. 80)

The Business Management staff is comprised of an Executive Officer, Sales Coordinator, and Logistics Coordinator. The Business Marketing staff is comprised of an Executive Officer and Design Officer. A Financial Officer will also be selected. The position(s) of "Lemonade Stand Operator" will be filled, from the ranks of the unemployed, as necessary. The success of the ALMBS General Store, lemonade stand, and other approved ALMBS businesses depends on the above positions being able to work together as a team.

All profits of the General Store, lemonade stand, and other approved ALMBS businesses go to support ALMBS as designated by ALMBS law (See referenced legislation).

Applications will be available online at https://packet.wvboysstate.org or from your cottage counselors on Sunday morning and should be brought when applying for this position on Sunday afternoon. Interviews will take place on Sunday afternoon and Sunday evening, if necessary.

Job Title	Job Overview	Salary
Business Management Executive Officer	Oversees all aspects of the ALMBS approved business(es).	$50,000
Business Management Sales Coordinator	Oversees the sales related to all ALMBS businesses	$40,000
Business Management & Marketing Financial Officer	Oversees all financial aspects of the approved ALMBS businesses. Prepares a daily report detailing receipts and disbursements	$45,000
Business Marketing Executive Officer	Oversees all aspects of the business marketing plan with emphasis on maximum sales potential	$50,000
Business Marketing Design Officer	Has primary responsibility for the creation of all advertising designs (print/broadcasts)	$40,000
Business Management Logistics Coordinator	Primarily responsible for placement of all sales products	$40,000

THE AMERICAN LEGION MOUNTAINEER BOYS STATE EMPLOYMENT

Job Title	Job Overview	Salary
Lemonade Stand Operator	Operation of a lemonade stand that will sell refreshments on Thursday, Friday, and Saturday. All sales will be made in real money and will be directly used to fund Mountaineer Boys State. Participants may also assist with the operation of the ALMBS store.	$24,000

Part-Time Position Job Descriptions

Part-time positions can only be held in conjunction with a full-time job.

Job Title	Job Overview	Salary
Sheriff Deputy (20)	Assists the sheriff in the performance of his duties	$12,500
Circuit Clerk Deputy (10)	Assists the circuit clerk in the performance of his duties	$12,500
County Clerk Deputy (10)	Assists the county clerk in the performance of his duties	$12,500
Assessor Deputy (10)	Assists the assessor in the performance of his duties	$12,500
Magistrate Clerk (10)	Assists in managing court's administrative tasks (e.g., handling court filings and setting hearing dates)	$12,500
Assistant Prosecuting Attorney* (10)	Assists the prosecuting attorney in the performance of his duties; requires passage of the ALMBS Bar Exam.	$12,500
Court Reporter (10)	Captures spoken dialogue at hearings and court proceedings with specialized equipment	$25,000
Athletic Director (10)	Organizes cottage participation at all organized athletic events and ensures that the cottage fields a team at the designated time	$2,500
Band Member	Attends rehearsals to prepare for performances, performs at functions	$100 /performance
Chorus Member	Attends rehearsals to prepare for performances, performs at functions	$100 /performance
Athlete	Participates in scheduled athletic events	$100 /performance

** You must pass the ALMBS Bar Exam to be eligible to hold this position.*

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Constitution

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CONSTITUTION OF
THE AMERICAN LEGION MOUNTAINEER BOYS STATE

(ADOPTED BY CONSTITUTIONAL CONVENTION HELD JUNE 7, 1937,
AND RATIFIED AT GENERAL ELECTION JUNE 8, 1937)

Amended June 11, 1937; June 10, 1938; June 8, 1939; June 7, 1940; June 6, 1941; June 7, 1960; June 5, 1962; June 15, 1963; June 12, 1964; June 30, 1967; June 22, 1973; June 22, 1979; June 20, 1980; June 18, 1982; June 14, 1991; June 12, 1998; June 15, 2007; June 17, 2011; June 14, 2013; June 16, 2017; June 15, 2018

We, the boys of The American Legion Mountaineer Boys State, in order to develop an interest in, and promote an understanding of, the principles of democratic government; to foster the teaching of Americanism; to inspire, educate, teach and train boys to do their best for God and Country; to learn the duties, rights, and responsibilities of American citizenship by actual participation; to study the laws of the United States of America and of the State of West Virginia; to maintain law and order; to learn individual obligation to the community, state, and nation; to accept discipline; to assume responsibility; to maintain steadfastness of purpose and ideals, and to cooperate with The American Legion, Department of West Virginia, in the promotion of these axioms, do ordain and establish this Constitution for The American Legion Mountaineer Boys State.

ARTICLE I: The State

1. The American Legion territory of the following counties, located within Jackson's Mill, shall constitute and form The American Legion Mountaineer Boys State, namely, Barbour, Braxton, Calhoun, Lewis, Marion, Kanawha, Monroe, Randolph, Upshur, Webster, Gilmer, Harrison, and Panhandle.
2. All powers of government remain in the Citizens of the State and can be exercised by them only during the period of the annual encampment.
3. All persons residing in this State, under the supervision of The American Legion, Department of West Virginia, and subject to the Jurisdiction thereof, shall be Citizens of the State.
4. Every Citizen shall be entitled to equal representation in the government and shall have equal rights in the acquisition, tenure, and disposition of property.
5. The Great Seal of the State shall be as follows: Facsimile of "Stonewall" Jackson, with the motto "Build for Citizenship"; and its flag shall be as follows: a white flag with a blue border and a gold star for each of the original nine counties organized at the first Boys State in the year one thousand, nine hundred, thirty-six, such stars to be in a circle around the great seal in the Center with the motto below.
6. Writs, grants, and commissions issued under the authority of this State shall run in the name of, and official bonds shall be made payable to The American Legion Mountaineer Boys State. Indictments and warrants shall conclude, "Against the peace and dignity of The American Legion Mountaineer Boys State."
7. The official song of The American Legion Mountaineer Boys State shall be "Men of Tomorrow".

ARTICLE II: Bill of Rights

1. All power is vested in, and consequently derived from, the people, and all officers are entrusted servants of, and responsible to, the people.
2. The privilege of the writ of habeas corpus shall not be suspended. No person shall be held to answer for treason, felony, or other crime, except misdemeanors with a penalty of not more than one day in jail, unless on indictment of a grand jury. No bill of attainder ex post facto law, or law impairing the obligation of a contract shall be passed.

3. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. No search warrants shall be issued except on probable cause supported by an affidavit particularly describing the place to be searched or the person or thing to be seized.
4. No law abridging the freedom of speech or of the press shall be passed; but the Legislature may, by suitable penalties, restrain the publication, sale, or use of obscene literature, pictures, or language.
5. No religious or political test oath shall be required as a prerequisite to vote, serve as a juror, sue, plead, appeal, or pursue any profession or employment.
6. In suits, where the value in controversy exceeds one dollar, the right of trial by jury if demanded by either side shall be preserved.
7. Trials of crimes and misdemeanors, unless waived in writing, shall be by a jury of six men, public and without unreasonable delay, and in the county where committed, unless on petition of the accused and on good cause shown, it is removed to some other county.
8. The right of assembly in peaceable manner and of petition to the elected representatives shall not be abridged.
9. The court of this State shall always be open, and all persons shall have a remedy by due course of law for redress of injuries; and justice shall be administered without sale, denial, or delay.
10. No member of the Mountaineer Boys State Staff is subject to arrest or other judicial process. This provision may be waived by the Administrator of Boys State.

ARTICLE III: Legislature

1. All legislative powers herein granted shall be in a Legislature consisting of a Senate and House of Delegates, each of which shall choose its own officers.
2. Until the Senatorial Districts are altered by law, the State shall be divided into thirteen senatorial districts, each consisting of one county, and the Senate shall be composed of two senators from each district.
3. The House of Delegates shall be composed of four delegates from each county, until the Legislature otherwise prescribes by law by apportionment according to population so that there shall be at least one delegate for each twenty-five persons, or fraction thereof, after a census has been duly taken. *(*Amended by Twenty First Amendment)*
4. No person who is a state, county, or municipal officer shall be a member of the Legislature.
5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum for the doing of Business.
6. Each house shall form its own rules of proceedings, punish its members for disorderly behavior, and, with a concurrence of two-thirds, expel a member.
7. Each house shall keep a record of its own proceedings but shall not adjourn during the session for more than one day without the consent of the other house.
8. No senator or delegate, during the time for which he was elected, shall be appointed to any civil office which has been created, or the emoluments for such office have been increased, during such time.
9. Every bill passed by both houses before becoming law, shall be presented to the Governor, who if he approves may sign it, or it may become a law without his signature, but if he disapproves, he shall return it within twenty-four hours from the time it is received by him with his written objections, to the house where it originated, and if such bill is reconsidered and passed by a majority of both houses, it shall become a law.

10. The legislature shall have the power to lay and collect taxes, imposts, and licenses to pay the debts and provide for the general welfare of the State, and all taxes, imposts, or licenses shall be uniform; to borrow money on the credit of the State; to coin tokens; to constitute courts inferior to the Supreme Court of Appeals, to create such offices as may be necessary to carry out these powers, and to make all proper laws to carry into execution the foregoing powers, and all other powers vested in the government of this State and in any department or officer thereof.

ARTICLE IV: Executive Department

1. The Executive Department shall be vested in a Governor, Secretary of State, state superintendent of free schools, auditor, treasurer, commissioner of agriculture, and attorney general who ex officio, shall be reporter of the Court of Appeals. Their term of office shall be one year and until their successors are elected and qualified. They shall perform such duties as may be prescribed by law. An election for these officers shall be held at such time and place as may be prescribed by law.
2. The election or ballots of all Citizens for the above named officers shall be sealed and transmitted by the election officers to the Secretary of State, directed to the "Speaker of the House of Delegates." After the organization of the House, and before proceeding to business, the Speaker of the House of Delegates shall open and publish the same in the presence of a majority of each house of the Legislature, which for that purpose shall assemble in the hall of the House of Delegates. The person having the highest number of votes for either of said offices shall be declared duly elected thereto. If two or more have an equal and the highest number of votes for the same office, the tied candidates shall determine the winner by lot. Contested elections for the office of Governor shall be determined by both houses of the Legislature, by joint vote, in such manner as may be prescribed by law.
3. None of the executive officers mentioned in this article shall be eligible to hold any other office during the term of his service, and none shall be eligible to succeed himself in said office.
4. The chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.
5. The Governor shall, at the commencement of each session, give to the Legislature information by message of the condition of the State, and shall recommend such measures as he shall deem expedient.
6. The Governor shall nominate, and by and with the advice and consent of the Senate, by a majority of the total membership, appoint all officers whose offices are established by the constitution or may be created by law, and whose appointments or election is not otherwise prescribed, and no such officer shall be appointed or elected by the Legislature. During the recess of the Legislature, the Governor shall make such appointments, or fill vacancies therein by appointment, until the next session of the Legislature. No person after being rejected by the Senate shall be nominated again for the same office, during the same session, unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.
7. The Governor shall have power to remove any officer whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and fill the same as herein provided in other cases of vacancies.
8. The Governor shall have power to remit fines and penalties in such cases and under such conditions as may be prescribed by law, and to commute capital punishment.
9. The Governor shall be commander-in-chief of the military forces of the State (except when they are called into the service of the United States) and may call out the same to execute the laws, suppress insurrection, and repel invasion.

10. In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Delegates.
11. In case of vacancies in any other state office, supreme court or circuit court judges, members of the senate or house of delegates, they shall be filled by the Governor. In case of vacancies in any county elective office, they shall be filled by the county court. In case of vacancies in any municipal elective office, they shall be filled by the council.
12. Salaries for all elective and appointive state and county offices shall be fixed by the Legislature. Salaries for municipal elective offices shall be fixed by the municipal council.

ARTICLE V: Judicial Department

1. The judicial power of the state shall be vested in a supreme court of appeals, in circuit courts and the judges thereof, and in such inferior tribunals as may be created by law, and magistrate courts.
2. The supreme court of appeals shall consist of five justices, three of whom shall be a quorum for the transaction of business. They shall be elected by the voters of the State and hold their offices for one year or until their successors are elected and qualified.
3. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of interest, exceeds the value or amount of five dollars, in matters involving title to land, all judiciary matters, and in all cases involving freedom, or the constitutionality of a law, and also criminal cases where there has been a conviction for a felony, or misdemeanor in, or affirmed by, a circuit court and such appellate jurisdiction in civil and criminal cases as may be prescribed by law.
4. The officers of the Supreme Court of Appeals, except the reporter, shall be appointed by the court.
5. The state shall be divided into eleven circuits, as follows: First Judicial Circuit, consisting of Barbour County; Second Judicial Circuit, consisting of Braxton County; Third Judicial Circuit, consisting of Calhoun County; Fourth Judicial Circuit, consisting of Lewis County; Fifth Judicial Circuit, consisting of Marion County; Sixth Judicial Circuit, consisting of Kanawha County; Seventh Judicial Circuit, consisting of Monroe County; Eighth Judicial Circuit, consisting of Randolph County; Ninth Judicial Circuit, consisting of Upshur County; and Tenth Judicial Circuit, consisting of Webster County; Eleventh Judicial Circuit, consisting of Panhandle County; until otherwise prescribed by law. (See Chapter 1, Article I, Section 1 of the ALMBS Code.)
6. A term of circuit court shall be held in every county in the state at least once during each year until otherwise prescribed by law.
7. The circuit court shall have original jurisdiction of all civil and criminal matters, and supervision and control of all proceedings before magistrate courts by mandamus, certiorari or prohibition, and such appellate jurisdiction as may be prescribed by law.
8. The voters of each county shall elect a clerk of the circuit court for the term of one year, and his duties and compensation shall be fixed by law.
9. There shall be in each county a county court to consist of three commissioners, who shall choose one of their number as president. They shall be elected by the voters in each county for the term of one year, and their duties, except as otherwise provided herein, and their compensation shall be fixed by law.

10. The county courts through their clerks, shall have charge of all County records, the custody of all deeds and other papers presented for recording, and the preservation thereof. They shall have jurisdiction of all matters of probate, and other fiduciary matters. They shall, in all cases of contest, judge the election, qualifications, and returns of their own members, and of all county offices, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such powers and perform such other duties, not of a judicious nature, as may be prescribed by law.
11. The voters of each county shall elect a clerk of the county court for the term of one year, and his duties and compensation shall be fixed by law.
12. There shall be elected a magistrate for each magisterial district, for a term of one year and until otherwise prescribed by law there shall be only one magisterial district in each county, and his duties and compensation shall be fixed by law. He shall have jurisdiction to try all misdemeanor cases, unless otherwise specifically provided by law, and all civil matters involving ten dollars, exclusive of interest, or less; and also to hold preliminary hearings of all persons accused of a felony and of such misdemeanors as may be prescribed by law. A magistrate shall have authority to take the acknowledgment of deeds and other writings, administer oaths, and take and certify depositions.

ARTICLE VI: County Organization

1. The voters of each county shall elect a Sheriff, Prosecuting Attorney, and Assessor, who shall hold their respective offices for the term of one year.
2. The same person can be elected sheriff for two consecutive full terms.
3. The Legislature shall prescribe by law the duties and compensation of such officers, and may provide by general law the appointment of deputies or assistants for all county offices, including the clerks of the courts.

ARTICLE VII: Municipal Government

1. There shall be elected by the voters of each city one mayor and three councilmen, for the term of one year, and their duties and compensation shall be prescribed by law.
2. No local or special law shall hereafter be passed incorporating cities, towns, or villages, or amending their charters. The Legislature shall provide by general law for the incorporation and government of cities, towns, and villages and shall classify such municipal corporations, upon the basis of population, into not less than two nor more than five classes. Such general laws shall restrict the powers of such cities, towns, and villages to borrow money and contract debts, and shall limit the rate of taxes for municipal purposes. Under such general laws, the electors of each municipal corporation shall have power and authority to frame, adopt, and amend the charter of such corporation, or to amend an existing charter thereof, and through its legally constituted authority may pass all laws and ordinances relating to its municipal affairs: provided, that any such charter or amendment thereto and any such law or ordinance so adopted shall be invalid and void if inconsistent or in conflict with this constitution, or the general laws of the state then in effect, or thereafter, from time to time, enacted.

ARTICLE VIII: Education

1. The Legislature shall provide, by general law, for a thorough and efficient system of schools.
2. The Legislature may prescribe the duties of the State Superintendent of Free Schools, who is to have general supervision of the free schools.
3. There shall be elected by the voters of each county a county board of education, consisting of three members, who shall serve for the term of one year, and their duties and compensation shall be prescribed by law.

ARTICLE IX: Amendments

1. Any amendment to the Constitution of the state may be proposed in either house of the Legislature; and if the same, being read through several times after the interval of at least one hour between each reading in each house, be agreed to on its third reading by two-thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journal, and it shall be the duty of the Legislature to provide by law for submitting the same to the voters of the state for ratification or rejection, as prescribed, at a special election, or at the next primary or general election, as prescribed by law, and cause the same to be published. If a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the State. If two or more amendments are submitted at the same time, the vote on the ratification or rejection shall be taken on each separately.

First Amendment (Ratified at Special Election June 11, 1937).

Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for one day before and after the same; and for words spoken in debate, or any report, motion or proposition made in either house, a member shall not be questioned in any other place."

Second Amendment (Ratified at Special Election June 10, 1938)

"The Board of Directors of The American Legion Mountaineer Boys State, Inc., is authorized to appoint temporary officers who may serve each year from the beginning of The American Legion Mountaineer Boys State until the elected officers are qualified."

Third Amendment (Ratified at Special Election June 10, 1938)

"The Board of Directors of Boys State, Inc., is authorized to use in all elections held at The American Legion Mountaineer Boys State either voting machines or printed ballots."

Fourth Amendment (Ratified at Special Election June 8, 1939)

"The Board of Directors of The American Legion Mountaineer Boys State, Inc., is authorized to use in municipal elections held at The American Legion Mountaineer Boys State, The Proportional Representation ("P. R.") Election Plan.

Fifth Amendment (Ratified at Special Election June 7, 1940)

In Article I, Section I, "Monongalia be changed to Kanawha."

Sixth Amendment (Ratified at Special Election June 6, 1941)

In Section I, Article I, "Add Gilmer and Monongalia Counties."

Seventh Amendment (Ratified at Special Election June 7, 1960)

"All elections for state offices which result in "tie votes" shall be resolved by the Legislature sitting in joint session as provided in the enabling legislation."

Eighth Amendment (Ratified at Special Election June 7, 1960)

An amendment to make the office of State Superintendent of Free Schools appointive by the State Board of Education in the same manner as the State Superintendent of Free Schools of the State of West Virginia.

Ninth Amendment (Ratified General Election June 5, 1962)

Amendment to Article III, Section 4: "No person who holds a State elective office, or any appointive State Office is eligible to be a member of The American Legion Mountaineer Boys State Legislature."

Tenth Amendment (Ratified at Special Election June 15, 1963).

Amendment to Article I, Section 1 to grant Ohio County admittance to The American Legion Boys State and to change Ohio County officially to Panhandle County with Ellwood City as county seat.

Eleventh Amendment (Ratified at Special Election June 12, 1964).

Amendment to Article III, Section 4: "The House of Delegates shall be composed of delegates of people in each cottage with no cottage having fewer than 2 delegates and no more than 6 delegates, with one delegate for each 7 and the fraction greater than half thereof."

Twelfth Amendment (Ratified at Special Election June 30, 1967)

"In general election for officers in all magisterial, senatorial, and county offices "tied" candidates shall determine the winner by a run-off election, held immediately, and if said candidates are still tied, the winner shall then be decided by lot."

Thirteenth Amendment (Ratified at Special Election June 22,1973)

Amendment to Article III, Section 4: "The House of Delegates shall be composed of delegates elected from each county with one delegate for each seven (7) Citizens or major fraction thereof residing in the county.

Fourteenth Amendment (Ratified June 22, 1979)

"All elections which result in a tie vote shall be resolved by a run-off election between or among the tied candidates. In the event that the run-off election should also result in a tie, the winner shall be determined by some other means which shall be approved by the election board."

Fifteenth Amendment (Ratified June 20, 1980).

No Boys Stater shall be a candidate for more than one state office at any election.

Sixteenth Amendment (Ratified by special election - June 18, 1982)

Candidates for office using campaign nicknames shall do so only during their campaigns. If a nickname is desired on the ballot, it shall be written in parenthesis immediately preceding the candidate's preferred given name.

Seventeenth Amendment (Ratified by special election - June 18, 1982)

The bringing of campaign literature, cards, signs, pins, hats, or other objects that can be used for soliciting votes shall be forbidden.

Eighteenth Amendment (Ratified by special election - June 18, 1982)

The Bar exam will be based on a percentage grade whereby each person that passes said percentage will have passed the examination. Said percentage shall be 60% and shall not fluctuate. Each question shall be worth one point whether right or wrong.

Nineteenth Amendment (Ratified by special election - June 14, 1991)

"The Boys State Bar Examination's passing score is deemed to be the % of the correct answers that allows 30%, but no more than 51 %, of the Boys State Citizens to pass. All of the examinations that contain a graded score equivalent to the lowest percentage of the correct answers required to reach the 30% threshold shall be deemed to have passed. In addition, each individual Counselor shall be required to meet with the Citizens of their particular cabin for a period of no less than twenty (20) minutes prior to the administering of the bar exam for the specific purpose of bar exam preparation.'

Twentieth Amendment (Ratified by special election - June 12, 1998)

Section 1: It is hereby declared that the construction of the county/city packets should be regulated for purposes of equality.

Section 2: No completion of the packet will be assisted by use of any device or machine that has been brought by any Boys State Citizen or non-member of Boys State.

Section 3: All materials used in the construction of the packets must be provided by Headquarters.

Twenty First Amendment (Ratified by special election - June 15, 2007)

All populations of Boys State at or below 350 participants will set the number of members of the House of Delegates representatives to 1 out of every 10 Citizens. All populations at or above 351 participants will set the number of House of Delegates representatives to 1 out of every 7 Citizens.

Twenty Second Amendment (Ratified by special election - June 17, 2011)

In Article 1, Section 1, "Add Harrison County"

Twenty Third Amendment (Ratified by special Election - June 14, 2013)

The joint session of the House of Delegates and the Senate of the American Legion Mountaineer Boys State shall have the authority of impeachment concerning both elected and appointed officials of state office level upon a two-thirds consensus of the combined chambers of the legislature. Any legislation conflicting with this bill shall be considered null and void upon its passage.

Twenty Fourth Amendment (Ratified by special election - June 16, 2017)

Article I: The Governor shall be allotted one pocket veto per session of the House of Delegates and Senate.

Article II: In the event of a pocket veto, the Governor is allotted 80 minutes to make an action. The 80 minute allotment is based upon one third (1/3) of the time the House and Senate are in session.

Section I: If the session is concluded within the allotted time, the governor is required to present his action at the beginning of the next meeting of the House of Delegates and/or the Senate.

Every bill passed by both houses, before coming law, shall be presented to the Governor, who, if he approves, may sign it, or it may become a law without his signature, followed by the two articles above.

Twenty Fifth Amendment (Ratified by special election - June 15, 2018)

The main athletic field in the center of Jacksons Mill property, extending from the Dining Hall to the road between the main grounds and airfield, is to be designated as a permanent state asset and shall be named "Hershel 'Woody' Williams State Park" and shall not be subject to taxation and will be free for the enjoyment of all Citizens. The "Hershel 'Woody' Williams State Park" shall remain as a Mountaineer Boys State historic landmark which shall not be liquidated or transferred by the state.

ALMBS Code

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OFFICIAL CODE OF
THE AMERICAN LEGION MOUNTAINEER BOYS STATE

Note: For the use of members of the Legislature, the Executive and Judicial branches of the government and all Citizens, the same chapter headings that are used in the "OFFICIAL CODE OF WEST VIRGINIA, 1931" are used here.

Note: To members of the Legislature: Before preparing a BILL to introduce in the Legislature, study your Constitution and ascertain if the Legislature has power under the Constitution to legislate on the subject in mind. If you wish to amend the Constitution, study the amendment Article of the Constitution for the method of submitting an amendment to the people.

CHAPTER 1: The State and Its Subdivisions Covered in the Constitution

ARTICLE I. JUDICIAL CIRCUITS

Section 1. Sixth Judicial Circuit shall consist of Kanawha County, (1940); Eleventh Judicial Circuit, Gilmer County; and Twelfth Judicial Circuit, Monongalia County, (1941), respectively.

CHAPTER 2: Common Law, Statutes, Legal Holidays and Definitions

ARTICLE I. GREAT SEAL OF THE STATE

Passed by the Legislature and signed by the Governor in 1936. Incorporated in the Constitution adopted and ratified by the people in 1937.

ARTICLE II. THE FLAG

Same legislation and constitutional provision as for the Great Seal. Also enactment of the legislature, "shall never be used for draping, touch the ground, or be damaged or mutilated by any person." (1936).

ARTICLE III. STATE BIRD.

The Robin (1936).

ARTICLE IV. STATE SONG.

The State Song shall be sung at all general assemblies, except when in the opinion of the Administrator it shall be dispensed with (1938).

CHAPTER 3: Elections

ARTICLE I: CAMPAIGN LITERATURE. (1938)

Section 1. Bringing of campaign literature, cards, or signs forbidden.

Section 2. Campaign literature, cards, or signs must be made by Citizens of The American Legion Mountaineer Boys State and printed on The American Legion Mountaineer Boys State machines at a time not in conflict with governmental activities.

ARTICLE II: METHOD OF VOTING.

Section 1. Board of Directors of The American Legion Mountaineer Boys State Inc., authorized to use in elections either ballots or voting machines (1938).

Section 2. No voter, during the continuance of an election at which he is entitled to vote, shall be subject to arrest upon civil process. (1937).

ARTICLE III. VOTING PROCESS FOR STATE. (2011)

A bill to allow photographs to accompany with names of candidates to be posted when voting for State Elected Officials, whereas this bill would eliminate blind voting at the polls at Mountaineer Boys State. Whereas elected officials at Boys State would be a true representation of the Citizen's standpoints, whereas Citizens will recognize the faces of the candidates at the polls and the preceding votes will be based on speeches the candidate gave, campaigning performed, and views stood for; whereas votes will not be solely based on names recognition or an attractive nickname; whereas this bill would further educate voters on their candidates; therefore it be resolved that the bill regarding photographs accompanied with names of the candidates be posted at polls when voting at the same elections be amend as Article III, Chapter III of the Official Code of The American Legion Mountaineer Boys State.

CHAPTER 4: The Legislature

ARTICLE I: COMMISSION ON INTERSTATE CO-OPERATION

Section 1. There is hereby established The American Legion Mountaineer Boys State Commission on Interstate Cooperation, which shall encourage and arrange conferences with officials of The American Legion Mountaineer Boys State, and carry forward the participation of this State as a member of the Council of The American Legion Mountaineer Boys State Governments.

Section 2. There is hereby established a standing committee of three Senators, appointed by the President of the Senate.

Section 3. There is hereby established a standing committee of three members of the House of Delegates, appointed by the Speaker of the House.

Section 4. The said Commission on Interstate Cooperation shall be composed of twelve members, namely:

The three members of the committee on Interstate Cooperation of the Senate;

The three members of the committee on Interstate Cooperation of the House of Delegates;

Three private Citizens of the state named by the Governor and;

Three officials of The American Legion Mountaineer Boys State, Inc., named by the Governor, one of whom shall be designated by him as Chairman of the commission.

The Governor shall be an honorary member of the Commission. (1938).

ARTICLE II: DISASTER RELIEF ACT (2023)

Section 1. A new account titled "Disaster Relief Fund" will be created and overseen by the Board of Public Works.

Section 2. Thirty (30) Thousand Dollars ($30,000.00) will be transferred into the Disaster Relief Fund account.

Section 3. The Governor will authorize transactions with the amount in ordinance with the State Treasurer and the State Auditor. This includes pulling funds from the account for Disaster Relief, transferring money to the amount from the State Treasury to the account, and transferring funds out of the Disaster Relief Fund account.

Section 4. All transactions in the Disaster Relief Fund must be made public and accessible by any Citizen or Government Official.

ARTICLE III: WEST VIRGINIA CAPITOL FORMAL WEAR REQUIREMENT (2023)

Section 1. While going to the Capitol of West Verginia, there shall be a formal dress code.

Section 2. Within this dress code shall be but not limited to formal clothing, such as khaki's, dress pants, non-ripped jeans, formal shirts, polos, button-up shirts, and dress shirts. Optional wear includes suit jackets, dress shoes, three (3) piece suits, and ties.

Section 3. All members of the House of Delegates and Senate shall be provided polos to wear at all Legislature sessions and may be worn to the state capitol in substitution of the formal wear.

ARTICLE IV: SUIT UP CEREMONY ACT (2023)

Section 1. The Senate, House of Delegates, and Board of Public Works shall wear formal wear/nicest clothes possible at the ceremony at the end of the American Legion Mountaineer Boys State program.

CHAPTER 5: General Powers and Duties of the Governor and Other Officers, Appointments of Boards, Commissions, and Officers

ARTICLE I. LEGISLATURE AUTHORIZED OFFICERS, BOARDS, AND COMMISSIONS.

Section 1. The Governor shall appoint, consent of the Senate not being necessary, a Chief of Staff.

Section 2. The Governor shall appoint with the advice and consent of the Senate the following officers. The duties of these officers shall be the same as those appertaining to the same office in the State of West Virginia.

Department Secretaries (1 each)
- Education & Art
- Environmental Protection
- Commerce
- Governor's Cabinet Secretary

State Superintendent of Schools
Educational Broadcasting Director
State Fire Marshal
State Police Superintendent (Colonel)
Lottery Director
Division of Corrections Commissioner
Highways/Public Works Commissioner
Motor Vehicle Director
Natural Resources Director
Natural Resources Law Enforcement Chief (Colonel)
State Employment Services Director
Director Public Defenders Institute

ARTICLE II: PROPER STAMP PROPOSITION (2023)

Section 1. The Mountaineer Boys State Secretary of State shall be issued an actual state stamp, or a sticker sheet as opposed to a simple sheet printout.

CHAPTER 5-B: Commerce

ARTICLE I: MISSION OF THE DEPARTMENT OF COMMERCE

Section 1: The ALMBS Department of Commerce's mission is to promote and preserve the well-being of the citizens of West Virginia by providing a cooperative, interagency system that stimulates diverse economic growth, encourages the appropriate use of our state's abundant natural resources, improves the safety and productivity of our workforce, and promotes the beauty and desirability of our state as a world-class tourism destination.

Section 2: ALMBS will establish the operation of a lemonade stand (2022).

a. The lemonade stand will sell refreshments on Thursday, Friday, and Saturday.

b. All sales will be made in real money and will be directly used to fund Mountaineer Boys State.

c. Four jobs will be created as "lemonade stand operators" at a Boys State salary of $24,000.

Section 3: General Store Expansion Act (2023) - All American Legion Mountaineer Boys State(s) (ALMBS), beginning in 2024, will have an expanded general store, fully citizen run, which will fall under the Business Management and Marketing career path.

a. The general store will continue to be operated at ALMBS HQ with all current equipment and materials continuing to be used.

b. All profits of the general store will go directly to the ALMBS program which is also the source of funding for the general store.

c. The list of new items contains pepperoni rolls, potato chips, Doritos, chocolate bars, Skittles, Starbursts, Fritos, Cheetos, M&Ms and Twizzlers. Specific brands for potato chips and chocolate bars will be decided at the discretion of the ALMBS program.

d. Participating Citizens will learn basic business management as determined by the staff.

e. Forty (40) percent of general sales profits shall go to purchasing polos for Legislators and the Board of Public Works. Once enough funds are obtained, no more funds will go to polo shirts.

Section 4: American Legion Mountaineer Boys State Memorial Garden Policy (2023). This policy plans to create a memorial garden that would increase the beauty of Jackson's Mill and provide a space to memorialize and honor those who made significant contributions to The American Legion Mountaineer Boys State (ALMBS) through the years while also bringing money into ALMBS in the long run.

a. The goals of this memorial garden are:

   (1) Memorialize those who have made significant contributions to ALMBS.

   (2) Increase the beauty of Jacksons Mill

   (3) Provide jobs in ALMBS.

b. How this will be accomplished:

   (1) Initial funds would come from the lemonade stand profits (approximately $250 used for flowers and other resources). The plants would be perennials to ensure that we do not have to plant new plants every year. There would be an emphasis on native plants to lower maintenance while also giving resources to native pollinators. We would ask Jackson's Mill to maintain the memorial garden while the camp is not in session. While camp is in session, maintenance would be completed by DNR laborers or the unemployment office. Sustainment funds would be met by the selling of personalized bricks to honor a person with a significant impact on Boys State or an American Legion Post. (Approximately $50 per brick).

c. In conclusion this proposal would:

   (1) Provide added beauty to Jackson's Mill

   (2) Provide a space to memorialize and honor those who made significant contributions to Boys State

   (3) Native plantings would allow native pollinators to thrive.

CHAPTER 11: Taxation

ARTICLE I: METHOD OF COLLECTING CONSUMERS SALES TAX. (1938)

Section 1. Method of improving the collection and reception by the state of all Consumers Sales Tax: Tax tokens consisting of a small piece of paper divided by perforation through the middle into two parts, shall be bought and prepared by each retailer, said slips to be divided into two parts upon receipt by the retailer of any sales tax, one part of which will be given to the buyer and the other kept by himself. One token shall be given for each penny of tax.

CHAPTER 15: Public Safety

ARTICLE I. UNLAWFUL ACTIVITIES OF STATE POLICE. (1937)

Section 1. State police are forbidden from searching premises or detaining Citizens in their homes without warrants.

Section 2. PENALTY: Not less than one nor more than three hours hard labor, and suspension for one day.

ARTICLE II. REGULATION OF STATE POLICE STOPPING VISITORS' CARS. (1937)

Section 1. State police shall not stop visitors' cars and tell them to go ahead, provided visitors have not violated a law.

ARTICLE III. FINGERPRINTING OF CITIZENS. (1938)

Section 1. Department of Public Safety shall fingerprint all Citizens.

Section 2. Fingerprints shall be filed only with the Bureau of Identification at Charleston and shall be used only for the purpose of identification.

CHAPTER 16: Public Health

ARTICLE I. SYSTEM OF PUBLIC RECREATION AUTHORIZED. (1937)

Section 1. The American Legion Mountaineer Boys State or any local government sub-division thereof, may, upon its own motion, establish and operate a system of playgrounds, parks, recreation centers and other public recreation, and may levy funds, not exceeding three cents (3¢) on each $100.00 of assessed valuation, or may appropriate funds from the general budget for financing a public recreation system.

Section 2. Providing further, that if 20% of the voters who voted at the last general election shall petition a government unit, then such unit shall submit the question to the voters for approval or disapproval. In this event the ballot shall read:

____ For Public Recreation

____ Against Public Recreation

If a majority of those voting on the issue shall vote in the affirmative, the governmental unit shall then establish a system of public recreation.

Section 3. The unit establishing a recreation system may administer same, or may delegate the administration to a Board of Recreation Commissioners. Such Board shall consist of seven members, one of whom shall also be a member of the governmental unit establishing such system, the remaining six shall be Citizen members of the governmental unit establishing the recreation system. The Recreation Commissioners shall be appointed for a term of three years except the one member representing local governmental unit, who shall be appointed annually. The six members shall be appointed in such a way that terms of two members shall expire each year on a staggered plan.

ARTICLE II. RECYCLING (2011)

A resolution concerning election materials, more specifically the banners and signs, where parties should recycle all the campaign material to help preserve the world and make a solid effort to keep the environment green.

CHAPTER 17: Roads and Highways

ARTICLE I TRAFFIC LAWS

Section 1. Definitions

VEHICLE – Your person. Every Citizen is considered to be in physical control of himself (his person) which is his vehicle.

DRIVER – Any Citizen who operates a vehicle upon any public highway and who is therefore in actual control of his vehicle.

OPERATING – Moving or causing a vehicle to be moved.

HIGHWAY – All designated walkways within the state including but not limited to sidewalks and other paved areas.

BERM – The grass next to a highway, roadway or sidewalk.

SIGNAL – A gesture of the hand and arm, which indicates vehicle movements. Signals will be given from the left side of the vehicle in the following manner:

Left Turn Signal – Hand and arm extended horizontally.

Right Turn Signal – Upper arm extended horizontally and lower arm extended upward (bent at elbow)

Slow/Stop Signal – Upper arm extended horizontally and lower arm extended downward (bent at elbow)

SPEEDING – A pace that requires both feet of a vehicle to be off the ground at any given instant in order to complete a single stride (also known as running). Movement of a vehicle is not considered excessive speed or speeding when one foot remains in contact with the ground at all times. Speeding shall be permitted during approved athletic and recreational events, and for members of the journalism department on their way to potential stories..

UNDER THE INFLUENCE – Consuming alcohol (i.e., liquids) or drugs (i.e., food) of any kind or form while operating a vehicle. A common example would be drinking from a soda can or eating snacks while operating a vehicle.

DISTRACTED DRIVING – The movement of a vehicle while at the same time operating a non-hands free mobile communications device (e.g., cell phone, tablet)

REGISTRATION PLATE – A Registration Plate, commonly referred to as a license plate, is identical to a Citizen's nametag.

Section 2. Driver's License Required. Every Citizen is required to obtain and maintain a valid American Legion Mountaineer Boys State Driver's License (ALMBSDL). In order to obtain an ALBMSDL, a Citizen must score seventy (70) percent or above on a Driver's License Test administered by the Division of Motor Vehicles, and pay the Driver's License Test administration fee of $25.00. A person who fails the Driver's License Test shall be permitted to re-take the test with no additional fee until he passes.

Section 3. Vehicle Registration Required. Every vehicle operated within the boundaries of The American Legion Mountaineer Boys State must be registered by the Division of Motor Vehicles and must display a current Motor Vehicle Registration sticker which shall be displayed on the vehicle's Registration Plate. The Registration fee for all vehicles requiring registration shall be $100.00.

Section 4. Vehicle Registration Plate Display Required. All vehicles operated within the boundaries of the American Legion Mountaineer Boys State must display a vehicle Registration Plate (name tag) on the Driver's shirt on the right chest above the logo of the shirt and below the shoulder.

Section 5. Operating While Under the Influence. No Citizen shall operate a vehicle while under the influence of alcohol (i.e., liquid) or any drug (i.e., food) or the combined influence of alcohol (i.e., liquid) and any drug (i.e., food). Consuming from an open container or consuming matter (i.e., food) while operating a vehicle shall be considered operating under the influence.

Section 6. Speed Limit. No Citizen shall operate a vehicle at a speed which requires both feet to lose contact with the ground at any given time, during the stride of that vehicle (also known as running.)

Section 7. Passing. All vehicles must give a visible and audible signal to traffic being overtaken and subsequently pass on the left thereof. Traffic being overtaken shall give the right-of-way.

Section 8. Reckless Driving. All vehicles shall be operated in a safe manner so as to avoid any incidents such as collision with other vehicles, fixed object, and/or losing control (falling, tripping, etc.).

Section 9. Drive on the Right Half of Highway. All vehicles will be driven on the right half of all highways except when passing and overtaking another vehicle.

Section 10. Following Too Close. A sufficient space (at least one vehicle length) must be maintained between vehicles at all times.

Section 11. Turn and Stop Signals. All vehicles must signal an intention to turn or move right or left. No Driver shall stop or suddenly decrease the speed of his vehicle without first giving the appropriate signal.

Section 12. Stop Signs. The Driver of any vehicle shall stop at all clearly marked stop signs. After a stop, a vehicle may not be moved without due regard for the safety of crossing traffic and not before yielding the right-of-way to traffic not required to stop.

Section 13. Parking. A vehicle shall not be stopped on the traveled portion of any highway. Parking is permitted on the berm only. No vehicle travel is permitted on the berm unless said travel is during an approved athletic or recreational activity.

Section 14. Vehicle Inspection. All vehicles being operated in The American Legion Mountaineer Boys State must have a valid Safety Inspection Sticker, which will be issued by an official of the Division of Motor Vehicles after said vehicle has successfully completed the standard vehicle inspection and the owner has paid the required inspection fee of $10.00.

Section 14a. New Seatbelt Regulation Policy (2023). To pass your safety test for "driving" instead of having a belt, one must demonstrate how to tie a shoe properly in order to pass.

Section 15. Proof of Insurance. A driver must maintain valid liability insurance whenever he is in operation of a vehicle. The driver must carry in his operated vehicle proof of insurance. Proof of insurance is available for purchase at the Division of Motor Vehicles for the fee of $350.00

Section 16. Distracted Driving. A driver shall not operate a vehicle while at the same time operating a non-hands free mobile communications device (e.g., cell phone, tablet).

Section 17. Violations and Punishment. Failure to adhere to the above traffic laws shall constitute a misdemeanor violation. Each violation, upon conviction, is punishable by a fine of not less than $20.00 or more than $400.00, and imprisonment in the Boys State Jail for a period of not less than fifteen (15) minutes nor more than thirty (30) minutes, and court costs in the amount of $100.00.

CHAPTER 20: Natural Resources

ARTICLE I. NATURAL RESOURCES LAW

Section 1. Definitions

Unless indicated otherwise, all definitions in effect in Chapter 17 shall also be in effect in Chapter 20.

WATERCRAFT/BOAT – A vehicle of which any part thereof is located in the Swimming Pool located within the American Legion Mountaineer Boys State.

HUNTING – Hunting is defined as passing through a grouping of seven (7) trees or more (also known as woods) or placing oneself within fifty (50) feet of a grouping of seven (7) trees or more for a period of greater than thirty (30) seconds.

FISHING – Fishing is defined as placing oneself within one hundred (100) feet of a body of water.

BODY OF WATER – Body of Water is defined as the West Fork River, any natural or man-made pond or lake to include ornamental ponds and the Swimming Pool.

WILDLIFE MANAGEMENT AREA – A designated area consisting of approximately five (5) acres, located to the rear of Panhandle, Braxton, Barbour and Randolph counties. The Wildlife Management Area (WMA) has been established by the Mountaineer Boys State Division of Natural Resources in order to allow Citizens to have a place to participate in specified hunting, fishing, and wildlife recreational opportunities. No area of the WMA is located within seventy-five (75) feet of a dwelling, school, or church.

Section 2. Boater Education Certificate Required. Every Citizen operating a watercraft/boat is required to obtain and maintain a valid American Legion Mountaineer Boys State Boater Education Certificate (ALMBSBEC). In order to obtain an ALMBSBEC, a Citizen must take the Boater Education Course and score 70 percent or above on the Boaters Education Test administered by the Division of Natural Resources Law Enforcement Section (Natural Resources Police Officers). There is no fee for the Boater Education Course and Test, and the test may be taken as many times as needed until a passing score is obtained.

Section 3. Watercraft/Boat Registration Required. Every watercraft/boat operated within the boundaries of the American Legion Mountaineer Boys State must be registered by the Division of Motor Vehicles, and the assigned Watercraft/Boat Registration card must be displayed upon demand of any duly authorized law enforcement officer. The registration fee for all watercraft/boats is $50.00.

Section 4. Boating While Under the Influence. No Citizen shall operate a watercraft/boat while under the influence of alcohol (i.e., liquid) or any drug (i.e., food) or the combined influence of alcohol (i.e., liquid) and any drug (i.e., food). Consuming from an open container or consuming matter (i.e., food) while operating a watercraft/boat shall be considered operating under the influence.

Section 5. Hunting, Fishing, Hunting and Fishing License Required. A Citizen must possess a valid American Legion Mountaineer Boys State Hunting, Fishing, or combination Hunting and Fishing License in order to hunt and/or fish within the boundaries of the American Legion Mountaineer Boys State.

a. In order to purchase a Hunting License or Combination Hunting and Fishing License, a Citizen must take the Hunter Education Course and score 70 percent on the Hunter Education Test administered by the Division of Natural Resources Law Enforcement Section (Natural Resources Police Officers).There is no fee for the Hunter Education Course and Test, and the test may be taken as many times as needed until a passing score is obtained.

b. The County Clerk of each County is authorized to issue Mountaineer Boys State Hunting, Fishing, and combination Hunting and Fishing Licenses. The fee for a Hunting License shall be $10.00. The fee for a Fishing License shall be $10.00. The fee for a combination Hunting and Fishing License shall be $18.00.

Section 6. Reckless Operation of Watercraft/Boat. All vehicles shall be operated in a safe manner so as to avoid any incidents such as contact with other watercraft/boats and/or fixed objects.

Section 7. Special Hunting Regulations. The hunting of Bear, Whitetail Deer (Antlered and Antlerless) Turkey (Gobbler only), and Wild Boar is only permitted within the boundaries of the American Legion Mountaineer Boys State Wildlife Management Area (WMA) and nowhere else within the boundaries of The American Legion Mountaineer Boys State.

a. In order to lawfully hunt the above large game animals (Bear, Whitetail Deer (Antlered and Antlerless), Turkey (Gobbler only), and Wild Boar), a Citizen must possess a valid hunting license and a WMA hunting permit. WMA hunting permit applications are available from the Division of Natural Resources Law Enforcement Section (Natural Resources Police Officers) or DNR Director located at the WMA. If selected for a permit, a Citizen shall pay the permit fee of $25.00 before the permit is issued. Maps of the WMA are available from the Division of Natural Resources Director at the WMA.

b. Bear, Whitetail Deer (Antlered and Antlerless), Turkey (Gobbler only), Wild Boar hunting season is on Thursday and Friday of the Boys State week. Turkey hunting shall end at 1 p.m. Daily limit is one (1) each of the above game animals. Season limit is one (1) each of the above game animals.

c. Each Citizen locating and harvesting one of the aforementioned game animals must attach a completed field tag to the animal and immediately transport and return said tagged animal to the Division of Natural Resources Director, who will be located at the entrance to the WMA near Randolph Cottage.

d. The hunting with the use of bait in the WMA is strictly prohibited.

Section 8. PROTECTED SPECIES. The Black Bellied Whitetail Deer is a rare species known to be found only within the boundaries of the American Legion Mountaineer Boys State. This animal is recognizable by a black band around part or all of its underbelly, sometimes black markings on its legs, and sometimes black markings (resembling a black permanent marker mark) on the inner antler beam(s). Otherwise, the Black Bellied Whitetail Deer resembles the common Whitetail Deer in appearance. The hunting of the Black Bellied Whitetail Deer is strictly prohibited and is a felony offense. The possession of any Black Bellied Whitetail Deer and/or any of its parts such as antlers or hooves is strictly prohibited and is a felony offense. Violations of this provision is a felony offense punishable by a fine of $10,000 (ten thousand dollars) to $25,000 (twenty-five thousand dollars) and imprisonment in the Boys State Jail for a period of not less than thirty (30) minutes nor more than sixty (60) minutes.

Section 9. Violation(s) and Punishment. Failure to adhere to the above natural resources laws, unless otherwise indicated, shall constitute a misdemeanor violation. Each violation, upon conviction, is punishable by a fine of not less than $20.00 nor more than $300.00, and imprisonment in the Boys State Jail for a period of not less than fifteen (15) minutes nor more than thirty (30) minutes, and court costs in the amount of $100.00.

CHAPTER 22: Environmental Resources

ARTICLE I. LITTERING

Section 1. The intentional discarding of paper, soda containers, refuse, trash, and unsightly materials in a location other than an approved trash receptacle shall be littering.

Section 2. The public display of campaign materials after noon on Wednesday shall be littering. The name of the person on the campaign material is prima facie evidence that he displayed said campaign material and unless proved otherwise, he shall be responsible for its display after noon on Wednesday.

Section 3. Violations and Punishment. A violation of Section 1 or 2 of Chapter 22, Article 9 (Littering) shall be punishable, upon conviction, by a fine of not less than $20.00 nor more than $500.00, and imprisonment in the Boys State Jail for a period of not less than fifteen (15) minutes nor more than thirty (30) minutes, and approved community service plus court costs in the amount of $100.00. Approved community service is community service that has, prior to sentencing, been reviewed and approved by Staff Legal Advisors and generally consists of mess hall cleanup duty and/or service projects within The American Legion Mountaineer Boys State.

CHAPTER 61: Crimes and Their Punishment

Unless indicated otherwise, all laws, rules, and regulations of the State of West Virginia, as well as the "CONSTITUTION" and the "OFFICIAL CODE of the American Legion Mountaineer Boys State" are applicable and enforceable in the American Legion Mountaineer Boys State

ARTICLE I. ABSENCE FROM THE AMERICAN LEGION BOYS STATE WITH-OUT LEAVE. (1938)

Section 1. Citizens shall not leave the State without permission from GHQ. Section 2. Penalty: Prescribed by Executive Council.

ARTICLE II. GAMBLING. (1938)

Section 1. All forms of gambling are prohibited.

Section 2. Penalty: All money in the game confiscated for upkeep of the State.

ARTICLE III. TARDINESS AT ASSEMBLY. (1938)

Section 1. Unexcused tardiness at assembly constitutes a misdemeanor.

Section 2. Penalty: Convicted Citizen shall reline tennis courts under the supervision of his county sheriff.

ARTICLE IV. SMOKING IN ASSEMBLY HALL FORBIDDEN. (1937)

Section 1. All Citizens, Counselors, and guests are forbidden to smoke in Assembly Hall, when in use as a General Assembly Hall.

ARTICLE V. UNRULY CONDUCT IN MESS HALL. (1936)

Section 1. Unruly conduct in mess hall constitutes a misdemeanor.

Section 2. Penalty: Severe toil in mess hall for remainder of week.

ARTICLE VI. TENNIS PLAYING DURING RAINY WEATHER PROHIBITED. (1937)

Section 1. Tennis playing causing damage to surface of courts prohibited.

Section 2. Section 1 shall be enforced by State Police.

ARTICLE VII. RESISTING ARREST/FLEEING

Section 1. Resisting arrest and fleeing from the law is ABSOLUTELY prohibited. This is a felony offense, punishable, upon conviction, by a fine of not less than $20,000 (twenty thousand dollars) nor more than $250,000 (two hundred fifty thousand dollars), imprisonment in the Boys State Jail for at least sixty (60) minutes but no more than one hundred eighty (180) minutes, and court costs in the amount of $100.00. ADDITIONALLY, an individual committing a violation of this provision will be reported to the Law Enforcement Program Advisors and will be subject to appropriate disciplinary action as determined by the Administrative Staff (Administrator and Director).

ARTICLE VIII. PUNISHMENT

Section 1. Unless provided otherwise within the ALMBS Code, any individual shall be punishable upon conviction by mandatory imprisonment in the Boys State Jail for a period of not less than fifteen (15) minutes nor more than thirty (30) minutes, a fine of not less than $50.00 nor more than $500.00, approved community service at the discretion of the court, and court costs in the amount of $100.00. Approved community service is community service that has, prior to sentencing, been reviewed and approved by Staff Legal Advisors and generally consists of mess hall cleanup duty and/or service projects within The American Legion Mountaineer Boys State.

CHAPTER 62: Criminal Procedure

ARTICLE I. NOT GUILTY WITH INDICATION OF INSANITY LAW (2023)

Section 1. Under this law, we propose that any witness with multiple counts of obvious logical inaccuracy when recalling facts that had occurred during an incident, during testimony, and said facts had been disputed by other witnesses to the point that it would indicate perjury should instead/also have the opportunity to plead for "Not guilty with indication of insanity".

Section 2. Said pleas would entail:

- Minimum sentencing under court jurisdiction
- An indication (sticker) of American Legion Mountaineer Boys State (ALMBS) insanity
- Limitation or prevention towards acting as a witness or giving testimony at trial – would be indicated by sticker.
- The opportunity (or mandated by court) to attend a ten (10) minute rehabilitation via a court-appointed psychologist.

Section 3. The definition of ALMBS insanity would be stated to be unreliability and inaccuracy when recalling facts in a court setting, yet not to the point of lying under oath.

Section 4. The limitations of said law would include:

- Had been in at least two (2) courts where logical inaccuracy under the law could be indicated by the residing court judge.
- Second count was a Circuit Court that had found the defendant "Not guilty with indication of insanity" by rule of the jury or acting Circuit Judge
- Cannot be enacted during Official mock trials.
- Said conviction should be given only after immense consideration by jury and judge – Circuit Judge and Jury must agree.

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State Government

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The American Legion Mountaineer Boys State is generally patterned after the government of West Virginia. However, because of population and time constraints, not all West Virginia governmental positions and functions can be replicated at Mountaineer Boys State.

The Government of the State

The history of western Virginia from 1795 until 1861 is largely one of controversy with eastern Virginia, the two sections being unalike in many social, political, and economic inclinations. Nature itself had erected a barrier, having one region sloping to the ocean on the east, and the other a vast region of forest and hills that reached the waters of the Ohio on the west.

Men in public life complained that western Virginia was democratic and eastern Virginia aristocratic. In all this time, western Virginia furnished but one Governor of the State, Joseph Johnson of Harrison County. The idea of separate States reached back to the proposed "Westsylvania" in the days of the Continental Congress. The western counties complained that they were governed by the eastern counties, and citizens were not satisfied with the slow building of roads across the mountains to the Ohio and the other small evidences of public works.

The crisis came with the movement in 1861 at the opening of the Civil War. The Virginia Convention, in session in Richmond, in April 1861 passed the "ordinance of secession," with most of the delegates from the western counties opposing, and submitting it to the people. Meetings held in the western section during this time indicated that it was not in full sympathy with the cause of the south. A convention made up of representatives from twenty-six counties in Wheeling, met May 13, 1861, started a movement for a new State Government. Western Virginia counties voted forty thousand against secession and four thousand for secession. The second Wheeling Convention, made up of delegates and members of the Virginia Assembly, met June 11, 1861, and declared the "ordinance of secession" void and likewise declared the offices of the State of Virginia vacant. They then proceeded to form a "reorganized" government of Virginia with Francis H. Pierpont as Governor.

A convention was held November 25, 1861, at Wheeling, at which forty-one counties were represented, and there a new Constitution for a new State was written, the same being ratified by the people in April 1862. This new State was first called "Kanawha," but later the name of West Virginia was adopted. The "reorganized" or "restored" government of Virginia consented to the forming of a new State from its own territory. On December 31, 1862, after making provision for the gradual abolition of slavery, Congress consented to the admission of West Virginia to the Union.

On April 20, 1863, President Lincoln issued a proclamation, and on June 20, 1863, West Virginia, the thirty-fifth State, was admitted to the Union.

Our form of government is known as a constitutional form of government, and the Constitution is the basic law under which all governmental functions are regulated. It provides that the government be divided into three branches, the Executive, the Judicial, and the Legislative.

The Constitution of West Virginia provides for three departments, Legislative, Executive and Judicial, and provides that they shall be separate and distinct and that none shall perform the duties or exercise the powers of the other.

This memorandum will direct your attention only to the Executive Department and others will direct your attention to the Legislative and Judicial departments.

The Executive Department of West Virginia consists of: Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer, Attorney General, Commissioner of Agriculture.

The terms of these officers are four years, beginning on the first Monday after the second Wednesday in January after their election except State Superintendent of Free Schools.

They shall reside at the seat of government, there keep all books, records, etc., of their office, and perform such duties as are prescribed by law.

None of the above officers shall hold any other office during his term. The "Governor Succession Amendment" was ratified by the voters on November 3, 1970, which permitted, if elected by the people, the Governor to serve two consecutive terms.

These same officers form the Board of Public Works of West Virginia.

ALMBS Elective State Offices

GOVERNOR

The Governor is the chief executive of the state who sees that all laws are faithfully executed.

The Governor appoints a Director of the Budget, who under the authority of the Governor, administers the Budget.

The Governor is authorized to install a system of accrual accounting for the purpose of recording for each spending unit the collection of all income; the amounts available for expenditure and obligations; encumbrances and disbursements; and to prescribe uniform records, accounts and forms to be used by spending units, for the efficient administration of the budget.

He shall give to the legislature at the beginning of each session thereof a message giving the condition of the state, recommend such measures as he deems expedient, include a statement of all money expended, and an estimate of the money required by taxation for all purposes.

He may fill, by appointment, a vacancy in any office, not elective, until the next meeting of the Senate, when the appointment must be confirmed by majority of the Senate.

He may remove appointive officers for incompetency, neglect of duty, gross immorality, or malfeasance in office.

He may remit fines and penalties in such cases and in such manner as prescribed by law.

He is the commander-in-chief of the military forces of the State, except when called into Federal service, and he may call out all forces to execute laws, suppress insurrection, and repel invasion.

He must consider all bills passed by the Legislature and either approve, veto, or permit same to become a law without his signature. He shall consider all Legislative appropriations for money and may reject any of them with his reasons communicated to the Legislature.

A vacancy in this office is filled first by President of the Senate, then by Speaker of the House, third by selection of Legislature. If a vacancy occurs during the first three years of the term an election must be held for the unexpired term.

He receives reports from all subordinate heads of departments.

He is a member of other boards dealing with phases of State Administration.

He acts in all cases involving extradition of fugitives from justice.

He is a member of the West Virginia Board of Investments.

SECRETARY OF STATE

The Secretary of State:

- Is keeper of the seals of the state;
- Shall keep a journal of executive proceedings;
- Shall arrange and preserve all records and papers belonging to the executive department;
- Shall perform all clerical duties of his department;
- Shall render to the Governor, in the dispatch of executive business, such duties as he may require;
- Issues certificates of incorporation and keeps records of same;
- Records qualifications of all foreign corporations authorizing them to do business in West Virginia;
- Is filing officer for all candidates for office to be voted upon by voters of more than one county;
- Certifies candidates having filed with him to clerks of circuit courts of counties thirty days before the Primary.

AUDITOR

The Auditor:

- Audits and examines all requisitions for payments against the State of West Virginia;
- Honors requisitions for payment of claims when proper and forwards State warrants to Treasurer;
- Keeps concurrent accounts with Treasurer of accounts with State depositories; also of receipts and disbursements;
- Makes annual reports of all receipts and disbursements;
- Keeps records of all real estate returned delinquent for non-payment of taxes;
- Keeps records of all persons having pecuniary accounts with the State;
- Is attorney-in-fact for corporations for service of process;
- Is commissioner of speculative securities with power to regulate in accordance with statutes;
- Is charged with the collection of certain State license taxes;
- Has supervision and control over lands purchased by the State for non-payment of taxes.
- Is a member of West Virginia Board of Investments.

ATTORNEY GENERAL

The Attorney General:

- Is the legal representative for the State;
- Defends claims against State;
- Renders opinions to State and County officers and Department heads, President of Senate, and Speaker of the House;
- Publishes reports of the Supreme Court of Appeals;
- Approves all bonds, contracts, deeds, land titles, leases, etc., in which the State is interested;
- Represents the State before Supreme Court in appeals in Criminal Cases;
- Approves all proceedings in the issuance of bonds by the State or smaller political units;
- Makes annual reports to the Governor on pending causes and publishes biennial reports containing opinions, and activities of office.

TREASURER

The Treasurer:

- Is primarily the custodian of all State monies, bonds, and other securities;
- Receives funds from all collecting agencies of the State; keeps accounts with these agencies or departments;
- Deposits funds collected in State depositories which have been designated by Board of Public Works and have given a satisfactory bond;
- Keeps accounts of funds on deposit in depositories;
- May, with approval of Board of Public Works, invest surplus funds in certain kinds of bonds;
- Issues checks, for all claims against the State, after approval thereof by the Auditor's Office. When a warrant is presented to the Treasurer, if found to be drawn pursuant to appropriation made by law, it is directed to some depository for payment;
- Furnishes monthly statements, by funds, of all balances to the Board of Finance.
- IS a member of the West Virginia Board of Investments, which invests state funds in securities.

COMMISSIONER OF AGRICULTURE

The Commissioner of Agriculture:

- Devises ways and means of promoting agriculture in West Virginia;
- Promotes and encourages the organization of agricultural societies;
- Conducts cooperative work with the U.S. Department of Agriculture;
- Promotes capital investment in West Virginia by dissemination of information relative to soil, climate, natural resources, market advantages, etc.;
- Investigates and reports on kinds, conditions, and extent of mineral products of West Virginia;
- Establishes and builds up a museum of agriculture;
- Publishes and distributes reports and bulletins of all agricultural matters;
- Assists in establishment of markets for farm products;
- Establishes and promulgates rules for grading of fruits and vegetables;
- Apportions financial aid to fairs having agricultural exhibits;
- Prevents, suppresses, and controls communicable diseases of animals or poultry;
- Makes and enforces such rules as may be necessary to effectuate these things and to prohibit importation and exportation of diseased animals and poultry, declares and enforces quarantine, causes disinfection of premises and destruction of diseased animals and poultry, and to prevent the manu-facture, preparation, storage, sale, and offering for sale of food and food products derived from such diseased animals and poultry;
- Passes upon merits of the pedigree of every animal offered for breeding purposes for consideration;
- Enforces laws relating to sale of fresh eggs, milk, and milk products;
- Lists insects and diseases dangerous to plants and plant life and prescribes and enforces rules to eradicate or control such insects and diseases;
- Enforces provisions relative to labeling and sale of commercial feeding stuffs;
- Enforces labeling and sales of commercial fertilizers, agricultural lime, and agricultural seeds.

BOARD OF PUBLIC WORKS

The Board of Public Works consists of the six elective State officials and the State Superintendent of Free Schools, of which the Governor is the chairman and the Secretary of State is the Secretary.

The board hears appeals from assessments made by the State Tax Commissioner for gross sales and income taxes; and also appeals from the assessment of the Corporation license taxes made by the State Auditor.

The board approves the banks in which funds and securities of the State may be deposited; it invests the surplus, reserve, or other monies belonging to the State Compensation fund.

Annually, the board determines the valuation of the property of all public service corporations for tax assessment purposes, and the State Auditor apportions to each county, in which any such property is located, the value of the property therein, and also apportions such property among the several magisterial districts and municipalities, and certifies such apportionments to the clerk of the county court of each county.

POLITICAL PARTY CHAIRMEN

The Citizens of both the Federalist and Nationalist Political Parties will elect, through the party caucus processes, a Political Party Chairman. Each Political Party Chairman is responsible for leading his political party in creating party rules, a party platform, and electing party candidates. After the General Election, each Political Party Chairman will serve as a Lobbyist for his party with his duty as a Lobbyist being to educate members of the Legislature on issues throughout the legislative session. Each Political Party Chairman will be recognized at the Wednesday Inauguration Ceremony and shall be photographed together, at that time, with the other Political Party Chairman. The Political Party Chairman is a full time employment position.

ALMBS Appointed State Offices

Note: Citizens appointed by the Governor should review the relevant sections within this manual for more specific information related to the positions. These appointees will be guided by the Staff member assigned to state government and are limited in their duties only by their imagination, willingness to become involved, Boys State Rules & Regulations, and Staff direction.

CABINET SECRETARY

The Cabinet Secretary is appointed by the Governor with the advice and consent of the Senate to serve at the will and pleasure of the Governor. The Secretary serves as liaison between the Governor's Office and all state agencies.

SECRETARY OF DEPARTMENT OF EDUCATION AND THE ARTS

The Secretary of the Department of Education and the Arts is appointed by the Governor with the advice and consent of the Senate to serve at the will and pleasure of the Governor. The Secretary oversees the Division of Culture and History, Educational Broadcasting Director, Library Commission and Boys State Museum.

SECRETARY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Secretary of the Department of Environmental Protection is appointed by the Governor with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor. The Secretary oversees the Department of Environmental Protection, which consists of one or more employees (laborers). The primary purpose of the Mountaineer Boys State Secretary of the Department of Environmental Protection is to establish and carry out a statewide recycling program. The goal of the statewide recycling program is to have each County separate its recyclable items into the classes of paper, plastic (drink bottles), and aluminum (cans). The Department of Environmental Protection will collect all of the separated items and store them for collection and redemption by approved recycling programs. All counties that are actively involved in the statewide recycling program will be designated by the Secretary as a "Green County" and will receive five (5) bonus points towards the Fugitt Award.

SECRETARY OF COMMERCE

The Secretary of the Department of Commerce is appointed by the Governor, by and with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor.

The mission of the department is to promote and preserve the well-being of the Citizens of Mountaineer Boys State by providing a cooperative, interagency system that stimulates diverse economic growth, encourages the appropriate use of our state's abundant natural resources, improves the safety and productivity of our workforce and promotes the beauty and desirability of our state as a world-class tourism destination.

Boys State will establish the operation of a lemonade stand which will sell refreshments on Thursday, Friday, and Saturday. All sales will be made in real money and will be directly used to fund Mountaineer Boys State. Four jobs will be created as "lemonade stand operators," and they will be offered a Boys State salary of $24,000.

BUREAU OF EMPLOYMENT SERVICES DIRECTOR

The Director of the Bureau of Employment Services (commonly referred to as the Director of Unemployment Services) is appointed by the Governor, with the advice and consent of the Senate and works under the direct supervision of the Department of Commerce Secretary. This position serves at the will and pleasure of the Governor.

The purpose of the Bureau of Employment Services is to promote social and economic security by reducing, as far as possible, the hazards of unemployment. Through compulsory system of unemployment reserves, it provides measures of security to families of unemployed persons and guards against menace to health, morals and welfare arising from unemployment. To fulfill these purposes the Director, working with the Boys State Staff Advisor, will review the list of all unemployed Boys State Citizens and will find suitable employment for them based upon their background, qualifications, and other factors such as county of residency and will check on the welfare and work ethic throughout the course of their employment as well as resolve employment issues as they may arise. He may employ one individual, from the rolls of the unemployed, to assist him with his duties.

ADJUTANT GENERAL

The Adjutant General is appointed by and serves at the will and pleasure of the Governor, with the advice and consent of the Senate, from a list of individuals provided by the Staff Advisor to the Boys State National Guard/Homeland Security. He shall have the rank of Major General and is charged with the organization, administration, operation, training, supply, and discipline of the military forces of the state. The State Unemployment Director will provide the Adjutant General with an adequate number of Citizens, from the rolls of the unemployed, so as to maintain a ready and effective National Guard/Homeland Security force.

DIVISION OF PUBLIC SAFETY SUPERINTENDENT (STATE POLICE)

The Superintendent is appointed by the Governor, with the advice and consent of the Senate from a list of qualified individuals as provided by the law enforcement advisors and will have the rank of Colonel. This position serves at the will and pleasure of the Governor.

The Superintendent of The Division of Public Safety is in charge of a state police division with state-wide general police power, created to preserve the peace, protect life and property, prevent crime and apprehend criminals. With at least one detachment in each county and a fleet of two-way radio equipped vehicles, the state police handle a large share of the investigation of major crime and apprehension of dangerous criminals, and they take primary responsibility for patrolling the highways, enforcing the traffic laws and preventing motor vehicle accidents, besides many miscellaneous services in the public interest, including duty at the scene of emergencies, riots, or disaster. The Superintendent is directly supervised by the Secretary of the Department of Military Affairs and Public Safety.

DIVISION OF NATURAL RESOURCES LAW ENFORCEMENT CHIEF

The Division of Natural Resources Law Enforcement Chief is appointed by the Governor with the advice and consent of the Senate from a list of qualified individuals as provided by the law enforcement advisors and will have the rank of Colonel. This position servers at the will and pleasure of the Governor.

The Division of Natural Resources (DNR) Law Enforcement Chief is in charge of the DNR Law Enforcement Section. The DNR Law Enforcement Section has primary jurisdiction to enforce all fish and game laws, littering laws, and when necessary will assist other law enforcement agencies in the enforcement of all Boys State laws. With at least one Natural Resources Police Officer assigned to each county, the DNR Law Enforcement Section takes primary responsibility for patrolling the state's waterways and may be called to duty at the scene of emergencies, riots, or disaster.

DIVISION OF CORRECTIONS COMMISSIONER

The Commissioner is appointed by the Governor, with advice and consent of the Senate from a list of qualified individuals provided by the Director of Employment Programs. This position serves at the will and pleasure of the Governor.

The Commissioner of Corrections manages, directs and controls The Mountaineer Boys State Jail and Prison under strict supervision of the Staff Advisor to the Division of Corrections and the Secretary of the Department of Military Affairs and Public Safety. The Commissioner will be provided with at least one Corrections Officer to assist him in his duties by the Director of Employment Programs (from the rolls of unemployed individuals). He is directly supervised by the Secretary of the Department of Military Affairs and Public Safety.

DEPARTMENT OF NATURAL RESOURCES DIRECTOR

The Director is appointed by the Governor, with advice and consent of the Senate, to serve at the will and pleasure of the Governor.

The Director oversees and manages the American Legion Mountaineer Boys State Wildlife Management Area (WMA); studies administrative methods concerning forests and their maintenance and development, protection of fish and game, and beautification of the State and its highways and development of lands and natural resources; makes recommendations to the Governor relative to conservation policy; and oversees the operations of all Division of Natural Resources personnel. He may employ one individual, from the rolls of the unemployed, to assist him with his duties.

DIVISION OF MOTOR VEHICLES COMMISSIONER

The Commissioner, commonly referred to as the Motor Vehicle Director, is appointed by the Governor, with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor.

The Division of Motor Vehicles is charged with the duty, authority, and power to regulate vehicle registrations, certificates of title, protection against operation of motor vehicles (i.e., financial responsibility of owners and operators) and licensing of chauffeurs and the other motor vehicle operators. The Commissioner works under the direct supervision of the Department of Transportation Secretary and shall ensure that an adequate supply of vehicle registrations are available to Boys State Citizens. Additionally, the Commissioner shall maintain a database or repository of all active vehicle registrations and shall make same available upon a request from any duly authorized Boys State law enforcement officer. The Commissioner may be provided one employee, to assist him with his duties, from the rolls of the unemployed, as provided by the State Employment Services Director.

HIGHWAYS/PUBLIC WORKS COMMISSIONER

The Highways Commissioner is appointed by the Governor, with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor.

The Commissioner's primary function is to oversee all projects deemed by the Governor to contribute to the well-being of the state. The Department of Transportation jurisdiction extends to the construction, reconstruction and maintenance of all Mountaineer Boys State designated primary and secondary roads and the Highway Commissioner is empowered by law to supervise the fiscal affairs of the Commission to provide for such construction, reconstruction, and maintenance. In addition, the Commission regulates traffic on state roads, and outdoor advertising contiguous to its roads, operates state-owned toll bridges, engages in roadside development and maintains a department to supply highway information. The Commissioner will be provided at least one Department of Highways Public Works laborer by the Director of Employment programs, from the roll of unemployed, to carry out the duties of the Department of Highways.

EDUCATIONAL BROADCASTING AUTHORITY DIRECTOR

The Educational Broadcasting Director is appointed by the Governor with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor.

The Educational Broadcasting Director is directly supervised by the Secretary of the Department of Education and the Arts. The Educational Broadcasting Director is charged with making all public announcements at Boys State, to include announcements at all meals, assemblies, gatherings, etc.

LOTTERY DIRECTOR

The Lottery Director is appointed by the Governor with the advice and consent of the Senate. This position serves at the will and pleasure of the Governor.

The Lottery Director is directly supervised by the Secretary of the Department of Revenue. The Lottery Director shall develop, promote and operate a series of games of chance, such as the daily number drawing, and others, in order to generate revenue for the State. The Lottery Director shall work with the Boys State Operations Director who may, if available, provide prizes of value, such as Boys State t-shirts, hats, and other items, to be given to winning participating Citizens in addition to winnings of Boys State currency. All monies collected and paid out by the Lottery Director will be in Boys State currency. The Lottery Director may be provided with at least one employee, from the rolls of the unemployed as determined by the State Employment Services Director, to assist with the staffing of lottery sales offices.

FIRE MARSHAL

The State Fire Marshal is appointed by the Governor with the advice and consent of the Senate from a list of three individuals as provided by the Boys State Office of Emergency Services Directors. This position serves at the will and pleasure of the Governor.

The State Fire Marshal is responsible for the implementation of statewide fire safety programs and will conduct emergency evacuation drills and fire safety classes throughout the state under the guidance of and in coordination with the Staff Fire Marshal and Cottage Senior Counselors. The Fire Marshal will, in coordination with the Educational Broadcasting Director and the Editor of the "Mountaineer" newspaper, arrange for a series of Public Safety Announcements, in furtherance of the statewide fire safety programs. Additionally, the State Fire Marshal will conduct investigations of all fires of potential suspicious origin in coordination with other appropriate law enforcement officials.

CHIEF MEDICAL EXAMINER

The Chief Medical Examiner is appointed by the Governor from a list of coroners provided by the Coroner Advisor.

SUPREME COURT CLERK

The Supreme Court Clerk is appointed by the Chief Justice of the Supreme Court, with the advice and consent of the other Justices of the Supreme Court, from the rolls of the unemployed as provided by the State Employment Services Director. The Supreme Court Clerk serves at the will and pleasure of the Chief Justice of the Supreme Court and upon selection will report to the Supreme Court on Wednesday morning to receive training and further instruction regarding his duties. He may also serve as Supreme Court Crier.

SUPREME COURT CRIER

The Supreme Court Crier is appointed by the Chief Justice of the Supreme Court, with the advice and consent of the other Justices of the Supreme Court, from the rolls of the unemployed as provided by the State Employment Services Director. The Supreme Court Crier serves at the will and pleasure of the Chief Justice of the Supreme Court, and upon selection will report to the Supreme Court on Wednesday morning to receive training and further instruction regarding his duties. He may also serve as Supreme Court Clerk.

PUBLIC DEFENDERS INSTITUTE

Each county will send one (1) Defense Attorney to the specialized legal instruction on Wednesday morning. It is recommended that the losing Prosecuting Attorney candidate be considered for this position. These attorneys will comprise the Public Defender's Institute and will provide a list of three from their ranks to the Governor, of which one will be appointed by the Governor, with the advice and consent of the Senate, to serve as the Public Defender Institute Director. The Director will serve at the will and pleasure of the Governor. The Public Defenders Institute (comprised of the 10 members mentioned above) exist to provide representation to those charged with criminal offenses at Boys State and will assist other attorneys, retained by Boys State Citizens, in criminal cases.

WEST VIRGINIA BOARD OF EDUCATION

The West Virginia Board of Education consists of eleven members, including the State Superintendent of Schools, an ex-officio member and not entitled to vote. The other ten members must be Citizens of the state and appointed by the Governor, by and with the consent of the Senate, for overlapping terms of nine years. No more than five of the appointed members may belong to the same political party and at least two, but no more than three, members shall be appointed from each Congressional District. No person shall be eligible for appointment to membership who is a member of any political party executive committee; holds any other public office or public employment under the federal, state, or political subdivisions of government; or who is an appointee or employee of the Board. No member of the Board may be removed from office except for official misconduct, incompetence, neglect of duty, or gross immorality and then only in the manner prescribed by law for removal by the Governor of State elective officers. At least six meetings shall be held each year upon its own resolution or at the call of the president.

Subject to and in conformity with the constitution and laws of West Virginia, the Board of Education determines the educational policies of the State in relation to primary and secondary education, selects the State Superintendent of Free Schools, and makes rules for carrying into effect laws and policies of the state relating to education.

Acting as the State Board of Vocational Education, the State Board of Education administers and controls the state plans for vocational rehabilitation.

The salary of the State Superintendent of Free Schools is established by State Board of Education. By ratification of an amendment to the Constitution of West Virginia in the General Election on November 4, 1958, the office of State Superintendent of Free Schools was changed from an elective position to appointment by the West Virginia Board of Education. The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He shall be the chief school officer of the State and shall have such powers and shall perform such duties as prescribed by law. The State Superintendent of Free Schools shall be a member of the Board of Public Works as prescribed by law. The State Superintendent of Free Schools shall be a member of the Board of Public Works as prescribed by Subsection B, Section 51, Article 6 of the Constitution. In accordance with the newly adopted constitutional amendment, the West Virginia Board of Education appointed the State Superintendent of Free Schools on December 10, 1958.

MOUNTAINEER BOYS STATE BOARD OF EDUCATION

Each of the 10 counties will elect 3 members to the Board of Education (BOE). These members are elected Monday night as this is a non-partisan election. The first meeting of the BOE will be Tuesday at 3:30 in the West Virginia Building. At this meeting the three members of each county BOE will elect one member to be a representative to the State Board of Education. This one member will then remain for the rest of the meeting while the other two are dismissed. The charge of the selected representatives is to act as the State BOE for this meeting only, in the way of hiring the State Superintendent of Schools.

STATE SUPERINTENDENT OF SCHOOLS

The Governor of The American Legion Mountaineer Boys State will appoint the State Superintendent of Schools (SSS). Any Citizen can fill out an application for this position, and it must be turned into the Board of Education (BOE) Staff Advisors after the conclusion of the evening assembly on Monday. The pool of applicants will be narrowed down to three by the advisors. These three Citizens will be announced at breakfast on Tuesday and their names will be provided to the newly elected Governor who will appoint the SSS on Tuesday evening.

Duties of State Superintendent of Schools:

- Has general supervision of free schools and performs such other duties as may be prescribed by law;
- Acts upon an appeal to him by teachers for dismissal by County Boards:
- Issues teachers certificates and keeps records thereof;
- May renew and revoke teachers certificates;
- Promulgates rules and holds examinations for teachers, grades, manuscripts, and issues certificates;
- Enforces in his name the school laws of West Virginia;
- Is a member of the Board of Public Works, Board of School Fund, and State Board of Education;
- Makes reports to Governor;
- Allocates and distributes state aid.

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State Legislature

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The American Legion Mountaineer Boys State is generally patterned after the government of West Virginia. However, because of population and time constraints, not all West Virginia governmental positions and functions can be replicated at Mountaineer Boys State.

The West Virginia Legislature

The legislative power of the State of West Virginia is vested in the legislature, consisting of a Senate and House of Delegates. Regular sessions convene annually on the second Wednesday of January of each year except for nineteen hundred seventy-three and every fourth year thereafter they shall adjourn until the second Wednesday of February following. Regular sessions continue for a period of sixty days. Regular sessions may be extended by the concurrence of two-thirds of the members elected to each house. Under the constitution the Governor is authorized to convene the legislature in extraordinary session whenever in his opinion the public welfare or safety shall require it. It is his duty to convene it on the application in writing of three-fifths of the members elected to each house.

A majority of the members elected to each house constitutes a quorum. During regular and extraordinary sessions neither house may adjourn for more than three days without the consent of the other.

THE SENATE AND HOUSE OF DELEGATES

The Senate consists of thirty-four members, two being elected from each of the seventeen senatorial districts. The Senators are elected to staggered 4-year terms. The House of Delegates consists of one hundred members, representing one hundred single-delegate districts. Delegates serve 2-year terms.

Reapportionment

The Constitution provides that the legislature shall alter the senatorial districts and reapportion the membership in the House of Delegates after each federal census. The senatorial districts are supposed to be formed of contiguous territory, bounded by county lines, and as nearly as practical, equal in population. The ratio of representation for the House of Delegates is based upon the population of counties.

Election and Qualification of Members

Senators are elected for a term of four years and members of the House of Delegates for two years. The terms of the members begin on the first day of December next succeeding their election. All vacancies are filled by the Governor and are for the unexpired term. All members of the legislature receive six thousand five hundred dollars per annum for their services during the regular sixty-day session. Each day of an extraordinary session each member receives fifty dollars per day and twenty cents per mile for each mile traveled going to and returning from the seat of government. Each member is allowed one round trip per week during each session. The President of the Senate and the Speaker of the House each receive an additional compensation of fifty dollars per day for serving as presiding officers. The majority and minority leaders of each house receive an additional twenty-five dollars per day for serving as the selected legislative leaders. One senator is elected biennially from each of the seventeen senatorial districts so there are always seventeen so-called hold-over members of that body.

In the event of the death, resignation, failure to qualify, removal, or other disability of the Governor, the President of the Senate serves in that capacity until the vacancy is filled or the disability removed. If the President of the Senate, for any of these causes, cannot qualify, then the duties devolve upon the Speaker of the House of Delegates.

No person may serve as a senator or member of the House of Delegates who has not for one year next preceding his election been a resident within the district or county from which he is elected. If a senator or delegate moves from his district or county, his seat is vacated.

No person who holds a lucrative office or employment under this State, the United States, or any foreign government, no member of Congress, and no person who is a sheriff, constable, or clerk of any court of record is eligible to a seat in the legislature; likewise, no person who has been convicted of bribery, perjury, or any other infamous crime is eligible to a seat.

No senator or delegate, during the term for which he shall have been elected, may be elected or appointed to any civil office of profit under this State which has been created or the emoluments of which have been increased during such term, except offices to be filled by election by the people. No other member of the legislature may be interested in any contract with the State or any county which has been authorized by any law passed during the term for which he shall have been elected.

Each house is the sole judge of the qualifications of its own members. They may be punished for disorderly behavior, and, with the concurrence of two-thirds of the members elected, may be expelled. Members of the legislature are in all cases except treason, felony, and breach of peace privileged from arrest during the session and for ten days before and after the same. And for words spoken in debate in either house a member may not be questioned in any other place.

Each house has the power to provide for the undisturbed transaction of business and may punish by imprisonment any person not a member for disrespectful behavior in its presence, for obstructing any of its proceedings or interfering with any of its officers in the discharge of his duties or for any assault, threat, or abuse of a member for words spoken in debate. But such imprisonment may not in case extend beyond the termination of the session.

Organization

Each house determines the rules of its own proceedings. The Senate chooses from its body a president, and the House of Delegates from its body a speaker. The President of the Senate may appoint a president pro tempore, who presides during the absence of the president and performs all the duties of that office.

At the beginning of each regular session the Clerk of the Senate calls to the chair the oldest member of the Senate present, who presides until the President of the Senate is chosen and takes his seat. Likewise, the Clerk of the House of Delegates calls to the chair the oldest member of the House present, who presides until the speaker is chosen and takes his seat. At the beginning of each regular session each house elects, besides the presiding officers, a clerk, sergeant-at-arms, and doorkeeper, and each house appoints attaches necessary to conduct the business of the body.

After each house is organized and the oath of office administered to the officers and members, a message is sent to the house informing the members of that body of such organization. A concurrent resolution is then adopted directing that a committee composed of members of the Senate and House of Delegates be appointed to wait upon the Governor to inform that the legislature is in session and ready for the transaction of business.

It is the duty of the Governor to send a message to the legislature at the beginning of each session; however, in most instances he delivers the address in person before a joint session of the legislature.

Standing Committees

The presiding officer of each body chooses the members of the various standing committees, naming the chairman of each committee. There are twenty standing committees in the Senate and eighteen committees in the House. Committees usually meet during the morning hours, although toward the latter days of the session meetings are arranged for late afternoon and early evening.

Sessions

Unless some other specific time agreed to by motion, both houses usually meet in the afternoon. There is a prayer by the chaplain, followed by the reading of the journal for the previous day. The order of business in the houses varies slightly, but before bills are taken up on third, second, and first readings, communications from the executive and from the other house are disposed of, reports from standing and select committees received, bills and resolutions introduced, and petitions received.

Journals

The journal of each house has printed therein all messages from the Governor and messages front the other House, the title of all bills and the title and text of all resolutions, every vote taken by yeas and nays in each house, and a true and accurate account of the proceedings of each house.

Resolutions

Resolutions requiring concurrent action may originate in either house. There are two kinds of resolutions: Joint resolutions, which are used for proposing amendments to the state constitution and for ratifying amendments to the federal constitution, and concurrent resolutions, which are used for all purposes not covered by joint resolutions.

Enactment of Laws

Bills may originate in either house, but may be passed, amended, or rejected by the other. No bill may become a law until it has been read on three different days in each house unless this constitutional rule is dispensed with by a vote of four-fifths of the members present. Each bill becomes effective ninety days from the date of passage. To make the effective date different, it is necessary that both houses agree thereto by a vote of two-thirds of the members elected to each body. No act may embrace more than one object and that must be expressed in the title.

After a bill is passed by the legislature it is enrolled, signed by the presiding officer and the clerks of the two houses and then presented to the Governor. If he approves the bill, he signs it, and it becomes law. If he vetoes it, he returns the bill, with his objections, to the house in which it originated. A bill which has been vetoed becomes a law notwithstanding such veto if both houses re-pass it by a majority of the members elected to each body. If a bill is not returned by the Governor within five days (Sundays excepted) after it has been presented to him, it then becomes a law.

Legislative Procedure

The procedure in the two houses is substantially the same.

When a bill is introduced, it is referred by the presiding officer to the proper committee. The committee considers the bill and may report it out without recommendation, or with the recommendation that it does or does not pass. If the bill is reported out adversely, then the presiding officer immediately puts the question: "Shall the bill be rejected?" This question has precedence over all motions, except a motion to adjourn.

If the bill is reported out favorably it is on the calendar on first reading the following day. The next day it is on second reading, the amendment stage, and then the next day on third reading.

A motion may be made at any time after a bill is introduced that it may be taken up for immediate consideration, reference to committee dispensed with and that the rule which requires a bill to be read on three separate and distinct days be dispensed with and that the bill be read the required number of times and placed upon its passage. To dispense with the rule four-fifths of the members present must vote in the affirmative.

When a bill is passed it is automatically sent to the other house with the request for concurrence. If the other house passes the bill, it then goes to the Governor.

If one house amends a bill passed by the other house, the bill is returned for reconsideration by the house in which it originated. If the amendment is not accepted, then finally a conference is requested for the purpose of endeavoring to reconcile the points in difference between the two houses. A conference committee consists of like members from each house.

If a bill is signed by the Governor, two copies are retained in the office of the clerk of the house where it originated, one copy in the office of the Governor, one in the office of the Secretary of State, one in the Department of Archives and History, and one in the office of the clerk of the other house.

All Senate bills must be introduced twenty days before the end of the session, and House bills must be introduced ten days before the end of the session (this rule cannot be broken without a concurrent resolution, except in case of appropriation bills).

Executive Nominations

When nominations are made to the State by the Governor to fill offices established by the constitution or created by law, a future day is assigned for their consideration by the Senate.

All nominations are considered at the time designated. All information and remarks touching the character or qualification of any person nominated by the Governor is reported at that time.

PARLIAMENTARY PRACTICE

Where the rules of the Senate or House of Delegates do not cover specific cases, the two bodies are covered by the practice in the House of Representatives of the United States.

ALMBS Legislature

LEGISLATIVE DEPARTMENT

The Legislative Department consists of a Senate and House of Delegates.

In WV, the Senate has 34 members, elected from Senatorial Districts, for four year terms.

In WV, the House is composed of 100 members, from 100 single-delegate districts, elected for two-year terms.

In WV, current members of the legislature have a base salary of $20k per year. They also receive an expense reimbursement of about $131 per day for the 60 day session which is about $7,860.

In WV, the Legislature shall assemble annually at the seat of government, and not oftener, unless convened by the Governor. Regular sessions of the Legislature shall commence on the second Wednesday of January of each year. "Extraordinary" sessions may be called when needed, except during 1973 and every fourth year thereafter. The session convenes the second Wednesday in February.

When the Legislature meets, the Senate elects the President for the Senate and the House of Delegates the Speaker for the House. Both chambers have Clerks, Door Keepers, and Sergeants at Arms.

How a law is passed:

It must be **introduced** by a regularly elected member of one of the chambers.

It must be written and signed by at least one member of the chamber.

It must be given to the Clerk on the day previous to its introduction.

It may be introduced simultaneously in both chambers, or it may be acted upon in one chamber and then sent to the other for consideration.

The Clerk gives the bill a number, a name, and then presents it by name at the proper time on the calendar or agenda for the day.

The presiding officer then refers the bill to the committee best fitted to consider it.

In WV, no bill, other than an appropriation bill, may be introduced in the Senate after the fortieth day of the sixty day session, and in the House after the fiftieth day of the session, unless permission be given and a concurrent resolution adopted by a two-thirds vote of all the members of each House present and voting.

The committee may:

- **Report the bill out**, and recommend that it do pass.
- It may make changes in the bill, in which case all changes must be printed in the **Journal**.
- Report the bill out with recommendations that it do not pass.
- Report the bill out with no recommendations.

After the bill is reported it is taken up for consideration. All bills must be read three times, on three different days, unless **rules are suspended**.

- First reading: When bill appears on the calendar it is said to be up for 1st reading.
- Second reading: This is after the bill is printed and delivered to each member of House. Here it is now discussed, it **may be amended**. A vote is then taken on "Shall this bill be engrossed and ordered to its third reading."
- Third reading: On third reading a bill (already engrossed) must be read in full. No amendments may be added at this point. If the bill receives a majority of the votes it is said to have passed.

Such a bill then is sent to the other House where it goes through the same procedure. If it is amended or changed in any manner it must again go back to the first House for consideration. After having been passed by both Houses it goes to the Governor.

The Governor may:

- Sign it and return.
- Return without his signature, stating his objection.
- Veto it.
- Hold it for five days, and if the Legislature is still in session, it becomes a law without his signature.

A bill may be passed over the Governor's veto by a majority vote in each house.

Resolutions: Three kinds: Joint Resolution, Concurrent, and House or Senate

- Joint Resolution is used only for proposing amendments to the State Constitution or for ratifying amendments to the Federal Constitution. This resolution must be read on three successive days, go through much the same procedure as a bill and on the final day must receive a two-thirds vote.
- Concurrent resolution is used to express some sentiment of the whole body, also used to legalize minor matters.
- House or Senate Resolution is used to express most any sentiment and needs only a majority.

ALMBS Appointive State Legislature Offices

SENATE SERGEANT-AT-ARMS

It shall be the duty of the Sergeant-at-Arms to attend the Senate and the Committee of the Whole during their sittings and to maintain order under the direction of the President of the Senate. He shall execute the commands of the Senate from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the President.

Under the direction of the President, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the President for the purpose of maintaining order of the Hall of the Senate, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors and see that the Senate Chamber is properly ventilated, heated, and lighted.

SENATE DOORKEEPER

It shall be the duty of the Doorkeeper to attend the Senate during its sessions and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the Senate and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the President or the Senate may order.

HOUSE SERGEANT-AT-ARMS

It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors and see that the House Chamber is properly ventilated, heated, and lighted.

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American Legion Mountaineer Boys State is generally patterned after the government of West Virginia. However, because of population and time constraints, not all West Virginia governmental positions and functions can be replicated at Mountaineer Boys State.

County Government

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COUNTY GOVERNMENT

General:

As the Federal Government comprises fifty states banded together for the welfare of each, with the authority vested in the Federal Government as it is contained in the constitution, so is the State of West Virginia comprised of fifty-five different subdivisions created by the Legislature and known as "counties" – the difference being that the fifty states created the government of tile United States by their written act as set in the constitution of the United States, whereas the State of West Virginia has created the fifty-five counties, which comprise the State. These counties were originally created for the better administration of local government, and for the furtherance of this idea, each county must be divided by the County Court into not less than three nor more than ten divisions known as "magisterial districts". Each county is a separate unit of the State government in which the taxes are levied and collected for the use of the County, and the laws of the State are administered by the officials, duly elected, within the county. The county seat is the location of the county courthouse and is the place in the county designated where the business of the County is officially conducted. Numerous officials for the County are elected or appointed who have charge of different phases of the County government.

County Government Overview

County government as we know it today in West Virginia originated with the passage of the Judicial Amendment of 1880. The Amendment provided for a three-member, elective body; removed most of the county commissioners' judicial functions except limited ones as in settlement of accounts and appointment of guardians and committees; and retained the county court (now commission) with central authority in fiscal matters as its primary function.

West Virginia's counties do not possess inherent rights of self-government. They are under the State's complete control as its creation, and their authority to perform even local functions is spelled out in the Constitution or by legislative enactments. In addition to members of the county commission, the elective officials are sheriff, assessor, prosecuting attorney, surveyor, county clerk, and circuit clerk."

By Richard Shelton, 1913-2000
Founder of the West Virginia Association of Counties

County Government Positions

COUNTY COMMISSION

TERM: 6 years **RESIDENCE:** County

The county commission is the governing body of a county. Most West Virginia counties elect three county commissioners; however, the state constitution allows counties to elect as many as five to their governing bodies. For example, Jefferson County has a five-member commission, while Berkeley County is governed by a five-member council.

The Constitution provides certain powers to the county commission, but these powers are limited to "the manner prescribed by law." This means that the county commissions' powers must be expressly conferred by the Constitution or by Acts of the Legislature. With respect to the powers of a county commission, the West Virginia Supreme Court of Appeals has stated that "a county court (now county commission) possesses only such powers as are expressly conferred upon it by constitutional or statutory provisions, together with such powers as are reasonably and necessarily implied in the full and proper exercise of powers expressly conferred upon it."

The West Virginia Constitution, Section 11, Article 9, specifically grants the following powers and duties to county commissions:

1. The custody, through their clerks, of all deeds and other papers presented for record in their counties, with responsibility for their preservation or disposal as may be prescribed by law.
2. The administration of the internal police and fiscal affairs of their counties, with authority to lay county levies, under regulations as may be prescribed by law.
3. Serve as the judge of the election, qualification and return of their own members, and of all county and district officers, subject to regulations as may be prescribed by law.

Other duties and responsibilities are specified in Chapter 7 of the West Virginia Code, particularly in §7-1-3. These include:

- Preparation and adoption of budget for all county offices except judicial;
- Jurisdiction in all matters of probate;
- Appoint guardians for minor children, receive court settlements generally;
- Own and maintain county property;
- Sit as Board of Canvassers;
- Lay and disburse county levies based on assessed property values;
- Sit as Board of Equalization and Review in February to hear appeals on property values for assessment purposes;
- Appoint Fiduciary Commissioners to oversee and settle certain estates as required;
- Appoint members of certain county boards, authorities, and public service districts, including the county Director of Emergency Services and County Surveyor;
- Adopt ordinances and orders in areas of jurisdiction as prescribed by law;
- Approve purchase orders and payment vouchers for all elected county offices except judicial.

County commissions are required by Section 9, Article 9 of the Constitution to hold four regular sessions (meetings) each year. These meetings must be held at the courthouse. Special sessions may be held throughout the year if called by the president of the Commission with the concurrence of at least one other commissioner. The number of meetings held varies from county to county, with some commissions meeting once a month and others several times a month. Notice of all meetings must be given and meetings must be public, as required by open meetings law (WV Code §6-9A-3). Executive sessions may be held as authorized by law. Two commissioners in attendance at a meeting establish a quorum. At the first session of each year, the commissioners choose one of their members to serve as president.

CLERK OF THE COUNTY COMMISSION

TERM: 6 Years **RESIDENCE:** County

Each county elects a county clerk whose responsibilities include the management of records of the county commission and election duties. The primary responsibilities center around two basic functions; (1) to act as clerk (fiscal officer) of the county commission and (2) to act as the receiver of fees charged for the instruments filed and recorded within the county. To carry out the numerous duties, the county clerk may select deputies and other employees. The budget for the operation of the county clerk's office as a whole is determined by the county commission.

Their duties include:

- Issuance of marriage licenses, birth certificates, and death certificates
- Record births, marriages, and deaths in the county
- Serve as Chief Voter Registration Official for the county and register qualified voters
- Maintain custody and integrity of the county's voting machines, ballot boxes, and other election supplies
- Conduct training sessions for poll clerks and other election officials prior to their service
- Serve as the recorder of all documents
- Keep records of County Commission transactions
- Keep minutes of all County Commission meetings
- Oversee guardianship appointments
- Prepare and send to all heirs a Notice to Redeem and take care of publications, redemptions, or recording deeds with regard to delinquent property
- Responsible for the bookkeeping of the county including budget, accounting, and payroll
- Assist the County Commission in preparation of the budget
- Prepare the financial statement for the county
- Set up appointments for the County Commission in their absence
- Responsible for public notice of all Commission meetings
- Serve as Secretary to the Civil Service Commissions
- Issue hunting and fishing licenses
- Provide notary services
- Issue military service discharge records
- Probate wills and assist in administration of estates
- Conduct absentee voting and early voting, prepare ballots, accept candidate filings, and other election-related duties.

CLERK OF THE CIRCUIT COURT

TERM: 6 Years **RESIDENCE:** County

The Clerk of the Circuit Court is elected in each county to carry out administrative functions and to act as record-keeper for circuit court actions in that county. The office of the circuit clerk is authorized by Article 8, Section 9 of the West Virginia Constitution. The Circuit Clerk is an officer within the judicial system and plays a pivotal role in that system. The West Virginia Constitution establishes a hierarchy of administrative control that gives overall authority for the entire judicial system to the Supreme Court of Appeals. Local administrative authority lies in the circuit court, including the office of circuit clerk with regard to the clerk's judicial functions, but the clerk has autonomy to establish procedures and policies necessary to carry out statutory responsibilities. In Class I-V counties, the Clerk of the Circuit Court is a full time position.

Examples of the duties and responsibilities include:

- Serve as the Clerk to the Circuit and Family Court
- Issue mesne (during the progress of a case) process
- Issue final process to enforce and execute judgments
- Appoint a guardian ad litem where required
- Respond to other requests that do not require a court order
- Responsible for all papers filed in the office; serve as registrar, recorder, and custodian for all pleadings, documents, and funds pertaining to cases filed in circuit court and family court
- Responsible for the administration and management of the petit and grand jury systems in the county
- Create the master list of prospective jurors; select panels for attendance, qualify and summon jurors, provide juror orientation, and monitor jurors' attendance and mileage
- Serve as fee officer of the court
- Report various statistics to governmental agencies
- Appoint deputy clerks subject to the review of the court and/or county commission

ASSESSOR

TERM: 4 Years **RESIDENCE:** County

The Assessor of each county is elected every four years. The position is required to be full-time in all but Class X counties. All property shall be appraised annually as of the first day of July at its true and actual value. The Assessor shall obtain from every person who is liable to assessment a full and correct description of all personal property. In most counties, this is done by mailing an assessment form to all individuals and businesses. Assessors are required to visit all real estate at least once every three years, but all property is to be at market value on an annual basis. The Assessor shall finish the work of assessment and complete the land and personal property books not later than the 30th day of January.

Land and Personal Property books are to be completed in time to submit to the Board of Equalization and Review no later than the first day of February of that assessment year. The Assessor and assistants shall attend the Board of Equalization and Review and render any possible assistance in connection with the valuation of property.

The Assessor shall annually, not later than the third day of March, furnish to the Recorder or Clerk of Cities and Towns, Secretary to the Board of Education, State Board of Education and the County Commission, along with Public Utilities, certification of the assessed values for the current year. The levying bodies are required to use these values to prepare their budget estimates and lay the levies.

Once levy rates are certified to the Auditor, they are certified to the Assessor and are entered into the computer to allow the Sheriff to print tax tickets. Assessors determine values and in turn, the levies set by levying bodies, including excess levies, determine tax revenue.

Other responsibilities include:

- List all properties exempt from taxation, such as that owned by federal, state, county or local governments; property used for public or charitable purposes, property used for schools and hospitals and property used for worship
- Collect county and local dog taxes
- Determine eligibility of property owners for the Homestead and Disability Exemptions
- Maintain tax maps and property records and make them available for public use
- Collect farm statistics annually and report to the Commissioner of Agriculture
- Collect farm-use decal permit fees
- Collect mobile home permit fees
- Annually complete a sales ratio analysis
- Present to the tax commissioner a list of real property transfers of the prior assessment year by December 1st annually
- Supply a list of new construction and improvements exceeding $1,000 of the previous assessment year to the tax commissioner by December 1st annually
- Supply a list to the tax commissioner by December 1st annually of new businesses and businesses that have discontinued operations during the previous assessment year
- Assist the tax commissioner by providing information with respect to the taxation, classification, and valuation of non-utility and public utility property so that all property shall be more equally and uniformly assessed throughout the state
- Annually assist the tax commissioner in determining the current use of such real property in his/her county as the tax commissioner may require to accomplish a uniform appraisal and assessment of real property
- Prepare cost studies and update land values on an annual basis

Estimating Real Estate and Personal Property Tax

Appraised Value x 60% = Assessed Value

Assessed Value x Levy Rate = Tax

Property Tax Classifications

Class I - All tangible personal property employed exclusively in farming and livestock

Class II - All property owned, used and occupied by owner exclusively for residential purposes, and farms used and occupied by their owners or bona fide tenants

Class III & IV - All real and personal property exclusive of Class I & II situated outside a municipality (Class III) or within a municipality (Class IV) (rental and vacant), not used and occupied by the owner.

PROSECUTING ATTORNEY

TERM: 4 Years **RESIDENCE:** State

Must be admitted to practice law by date term begins

Every four years, all fifty-five counties elect a prosecuting attorney. In Class I & II counties, the position is full-time with outside employment prohibited. Before the primary election, county commissions in Class III, IV, & V counties may require that the position be full-time beginning with the next term, but they must then pay the salary of a Class II county. The prosecuting attorney is the chief legal officer of the county. They have areas of responsibility in both criminal and civil cases. In criminal cases, the prosecuting attorney assists in the investigation of all crimes and other law violations in the county. In civil cases, the prosecuting attorney acts as legal advisor to the County Commission and other county officials. They may also be called upon to assist the state Attorney General in state legal actions within the county. The prosecuting attorney's office must be kept open during elections and be available to advise election officials or answer questions from the public.

Other duties and responsibilities include:

- Prosecution of all crimes, both misdemeanors and felonies, within the county
- Request warrants to be issued for persons charged with felonies
- Try cases before magistrate and circuit judges
- Present information to the Grand Jury for indictment of persons in connection with criminal activity
- Represent the Department of Health and Human Resources in child abuse and neglect cases
- Represent the State in juvenile delinquency cases
- Appoint and supervise assistant prosecuting attorneys
- Represent all elected county officials and county agencies
- Prepare contracts and other documents for the county
- File civil suits for county agencies and defend county agencies in civil actions
- Serve as special prosecutors as appointed by the Prosecuting Attorneys Institute

SHERIFF

TERM: 4 Years **RESIDENCE:** County

The Sheriff of the county serves as its chief law enforcement officer, charged with the responsibility of policing the county and keeping the peace, including the power to make arrests. A sheriff may not serve more than two consecutive terms. It is required to be a full-time position in all counties except Class X. In counties that operate county jails, the Sheriff has responsibility for administration of the jail and custody of the inmates. In addition to duties related to law enforcement, the Sheriff also serves as the Treasurer of the county and collects all taxes levied by the county. To assist the Sheriff in the performance of his/her duties, law enforcement deputies, tax deputies and legal process deputies may be employed. Correctional officers may also be hired in those counties which have a county jail.

The Sheriff's duties include:

- Serve and execute all returns, notices, and processes issued by the courts which must be served in the county
- Act as bailiff in court proceedings
- Enforce court orders
- Administer transportation of prisoners, mental patients, and extraditions
- Issue licenses to Citizens who apply for a concealed weapons permit
- Administer the financial matters of adults who are unable to do so for themselves
- Collect all state, county, municipal, and school taxes; disburse money to appropriate agencies
- Maintain all tax records
- Enforce payment of delinquent taxes

OFFICE OF EMERGENCY SERVICES DIRECTOR

General duties of the Office of Emergency Services Director:

1. Responsible for the overall County safety with particular emphasis on Fire Safety and response;
2. Conduct emergency evacuation drills with the approval of the Senior Counselor;
3. Attend all meetings and training sessions of Emergency Services Directors under the direction of the Staff advisors and be available to serve as State Fire Marshal, if so appointed by the Governor; and
4. Work with the County Commission, City Council and Mayor to enact county ordinances relating to fire safety and emergency services and enforce same by citation and/or arrest, if so empowered by ordinance.

COUNTY SURVEYOR

The County Surveyor is the official surveyor of lands for the County, and executes, on order of any of the courts, surveys of lands for parties to a suit and makes a report thereof; it is also his duty to report to the Circuit Court any wild lands in the County which are not under claim of title or possession or upon which taxes have not been assessed for more than five years.

BOARD OF EDUCATION

A. Duties in general.

1. Levies direct taxes on property for school purposes.
2. Appropriates monies for certain purposes. (Note: Certain monies are paid out of school funds without appropriation by the board such as salaries fixed by law, etc., although the actual payment of these unappropriated funds must be approved by the board.)
3. Prepares an estimate and budget for each fiscal year, beginning July 1. As the budget is being prepared, it must be made available to the public and discussed with the people of the county in a public hearing.
4. Fixes salaries of the superintendent, assistant superintendents, teachers, service personnel, and other personnel.

B. Executive or administrative duties.

1. Employs and assigns school teachers upon the recommendation of county superintendent.
2. Appoints the county superintendent who acts as chief executive officer of the county board of education, secretary of the county board of education, and administrator of state educational policy in the county.
3. Manages through the respective school principals all county school buildings and other buildings used in connection with the county's schools.
4. Provides for the supervision of transportation of pupils in the county to and from the schools in school buses.
5. Exercises general supervision over all county schools through their principals.
6. Employs and, with the recommendation of the county superintendent of schools, assigns school service personnel.

C. Duties relating to grievances, hearings.

1. Hears and passes on all charges brought for the demotion, suspension, or dismissal of a teacher or service employee, the superintendent, or other school personnel for immorality, incompetency, cruelty, insubordination, intemperance, or willful neglect of duty.
2. Can hear or review grievances decided by the county superintendent of schools, subject to appeal to the Education Employees Grievance Board, or can waive its own consideration of a grievance to the grievance board.

D. Other Matters

1. Each county has a county board of education consisting of five members elected for a term of six years. Members are elected in primary elections, two years apart in even-numbered years. Not more than two members may be from the same magisterial district.
2. The board meets on the first Monday in July after the election and elects a president for a two-year term.
3. At any meeting, the board may employ such qualified teachers, or those who will qualify by the time of entering upon their duties, necessary to fill existing vacancies for the current or next ensuing school year.
4. Special meetings of the board may be called by the president or three members, the president being a voting member of the board, and three members constitute a quorum.
5. The compensation paid to board members is $80.00 (maximum) per meeting attended; however, they cannot be paid for more than fifty-two meetings each year.
6. The board of education has the right of eminent domain, and it may, by condemnation, take such property deemed necessary and desirable for school purposes for consideration deemed adequate by a court.

7. The county board of education, subject to the Policies, Rules and Regulations of the West Virginia Board of Education, has authority:
    a. To control and manage all schools.
    b. To establish needed high schools.
    c. To consolidate schools and to close any school which is deemed unnecessary — after, in either event, justifying its reasons by making them available to the public for inspection and conducting a public hearing — and to assign the pupils to other schools.
    d. To close any elementary schools whose average daily attendance for a two-months' period falls below twenty pupils (subject to the restrictions stated in item D-7-c above.)
    e. To provide, at public expense, adequate means of transportation for all children of school age who live more than two miles from their school or the nearest school bus route. (This includes children enrolled in non-public schools approved by the county board of education.)
    f. Each county board of education must purchase for each of its schools a United States Flag, four by six feet, of regulation bunting and require the flag to be displayed during the time the school is in session, except in inclement weather. Each school day begins with a Pledge of Allegiance to the Flag of the United States.
    g. The county board of education, in accordance with the State Freedom of Information Act, must give full and complete information to anyone requesting it about its affairs and the official acts of its officers and employees.
    h. The county board of education, in accordance with the State Open Governmental Proceeding Act, must conduct its meetings in public-except where private sessions are authorized by law for discussion of certain kinds of issues and must also give any person an opportunity to address the board who registers fifteen minutes prior to the time the scheduled meeting is to commence.

CORONER

The Coroner is an officer appointed and paid by the County Court; the fees are set by the commission on post-mortem examinations. In case of death without medical attendance, it is the duty of the undertaker, or person acting as local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit, inform the local health office or refer the case to him for immediate investigation and certification... Provided further that if the registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper office whose duty it is to hold an inquest on the body of any deceased person; and to make the certificate of death required for a burial permit, shall state in his certificate the cause of death.

GRAND JURY

The Grand Jury, under our present system of jurisprudence, is one of the most important and one of the most powerful institutions in the United States Government.

It is composed of sixteen persons selected from a list of good, substantial law-abiding Citizens by the Jury Commission. Each county has a Jury Commission composed of the clerk of the Circuit Court and two jury commissioners appointed for a term of four years by the chief judge of the Circuit Court or judge in a single judge circuit. Generally, a jury commissioner is not permitted to serve two consecutive terms.

The method of selecting a jury is as follows. The Jury Commission compiles and maintains a master list of residents of the county from which prospective jurors are to be chosen. The master list shall be a list of individuals compiled from whatever random key number system the commission may choose from not less than two of the following source lists:

1) Persons who filed state income tax return for previous year
2) Registered voters in the county
3) Valid motor vehicle operators or chauffeurs license holders.

At the discretion of the Circuit Court, the Jury Commission maintains a jury wheel or jury box, into which the commission shall place the names or identifying numbers of prospective jurors taken from the master list. On the day appointed, the jury commissioners shall appear and draw the names of sixteen persons from the jury wheel or jury box, and the persons so drawn shall constitute the Grand Jury. At the same time, the jury commissioners shall draw the names of a number of alternate jurors as directed by the chief judge of the circuit or the judge in a single judge circuit.

At the opening day of the Criminal Court after sixteen persons making up the Grand Jury have been chosen, they take the following oath: "From among the persons so summoned, who attend, the court shall select a foreman, who shall be sworn as follows: 'You shall diligently inquire and true presentment make of all such matters as may be given you in charge or come to your knowledge touching the present service. You shall present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor, partiality or affection, but in all your presentments you shall present the truth, the whole truth and nothing but the truth. So help you God.' The other grand jurors shall afterwards be sworn as follows: 'The same oath that your foreman has taken on his part, you and each of you shall observe and keep on your part. So help you God.' "

The presiding judge next delivers a charge which instructs them as to their responsibilities, duties, and authority enumerates and defines the list of offenses for which the Prosecuting Attorney has provided indictments, and most important, informs the Grand Jury that it is an independent body which may initiate and conduct an inquiry of any alleged law violation whether asked to do so by the court or by the Prosecuting Attorney. The Grand Jury deals with criminal matters only. It has the power after hearing witnesses testify to indict any person for the violation of any law. An indictment is a statement which sets forth in a formal charge the details of the crime the person complained of is believed to have committed. A quorum of the Grand Jury is fifteen. When at least twelve of the fifteen or sixteen vote to accuse one of a crime, they return an indictment, which is called a "True Bill." When the Grand Jury is expressing its views or taking a vote whether or not to indict a person, the proceeding is secret, not even the Prosecuting Attorney or any other officials are permitted in the room.

THE JUDICIAL SYSTEM OF THE COUNTY

Each county has a Circuit Court that has jurisdiction to try all criminal and civil cases. More judges are required in some circuits because of the large amount of court business; thus, there are varying numbers of Circuit Judges in each circuit.

Provision is made by the rules of each Circuit Court for the selection of a Chief Judge of the circuit. Each Circuit Judge is elected by the voters of the circuit, which is called a circuit because it is composed of possibly two or three counties. Vacancies in the office of judge are filled by the Governor until the next general election.

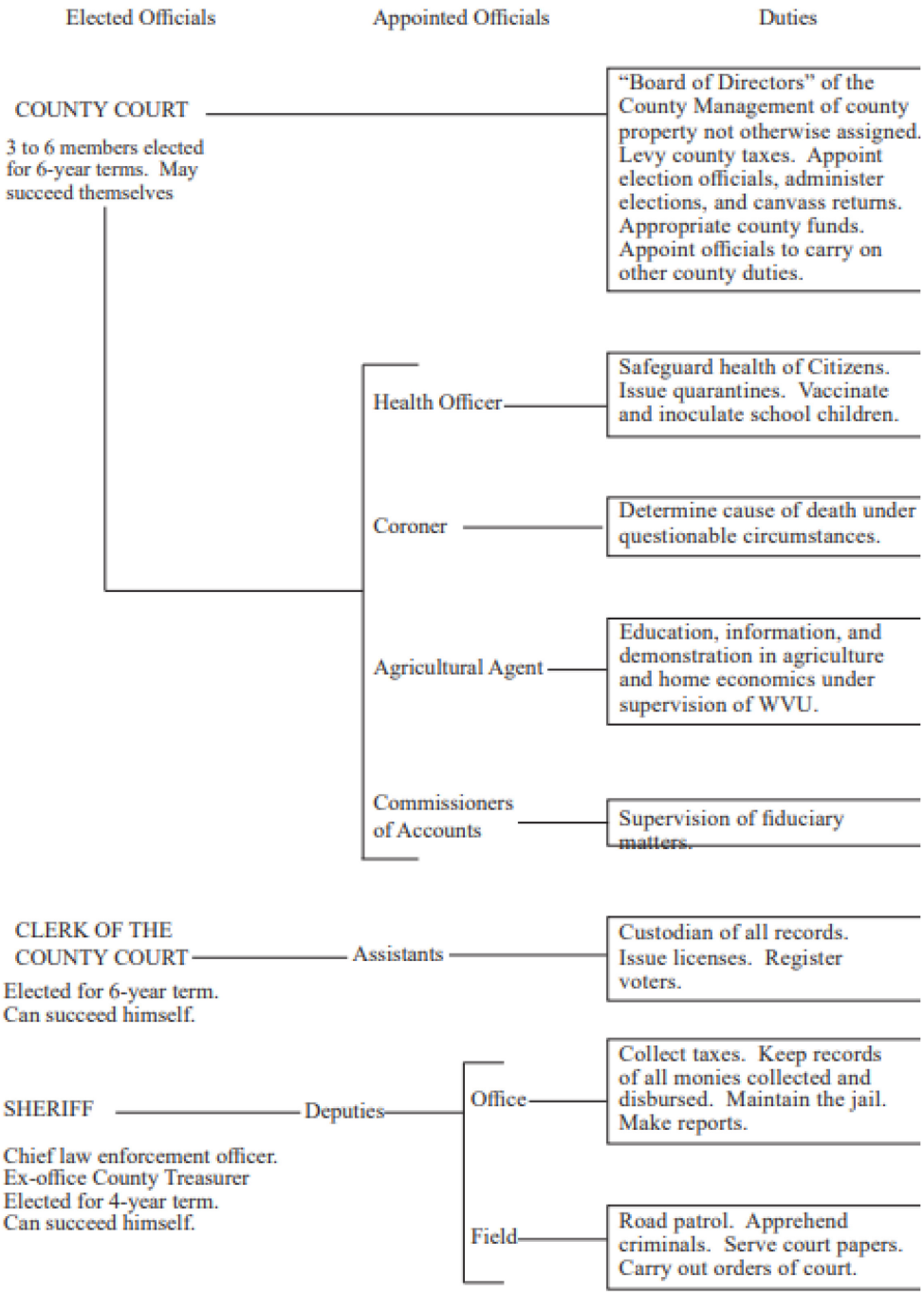
PUBLIC ASSISTANCE COUNCIL

This is a recent addition to the county government created by the Legislature, which provides that the Public Assistance Council shall consist of five members, four appointed by the Governor, the fifth being the President of the County Court. This Board has charge of all matters of public assistance in the county, including the aged, the infirm, paupers, and the blind. They direct all relief measures for such Citizens.

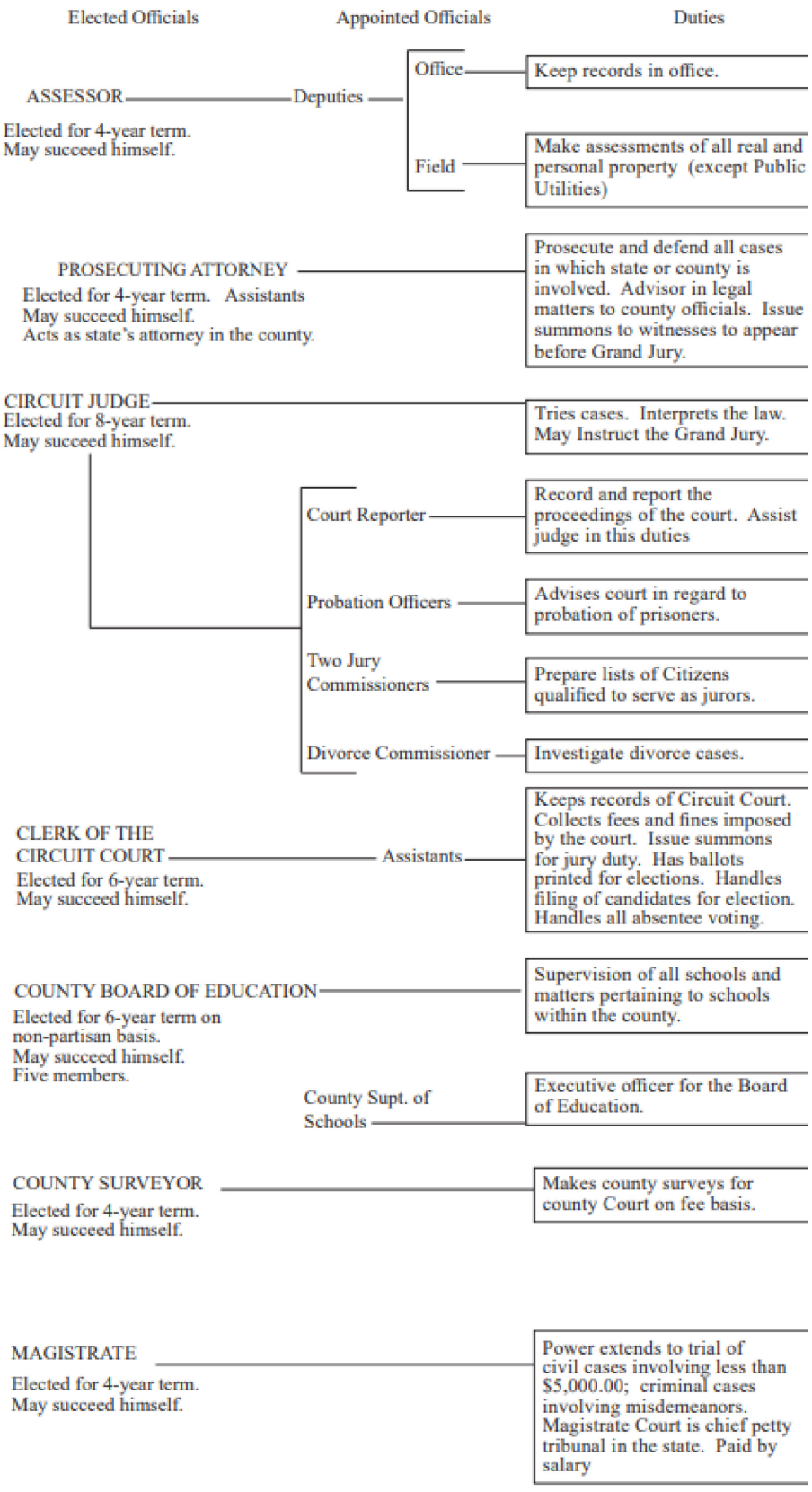
OTHER OFFICERS

There are several other commissions and officers in the county such as the mental hygiene commission, which is composed of other county officials who determine whether a person shall be committed to a mental health facility; the County Board of Health, which is also composed of county officials having to do with the enforcement of health laws in the county; coroners; and many others about which it is believed nothing need be said here.

County Government In West Virginia



County Government In West Virginia



City Government

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The City Charter

What is a City Charter?

The charter of a city is to the city what the constitution is to the state, i.e., it establishes the fundamental framework of government and outlines certain restrictions and requirements that are binding on city officials and others and is the supreme law of the city and superior to any ordinance of the city council.

The West Virginia Home Rule Law provides four different forms of municipal government, any one of which may be included in a charter. These forms of government are discussed in Part Two of this outline. Part Three of this outline discusses the charter of the cities of the Mountaineer Boys State.

Towns and villages of less than 2,000 population which are incorporated are governed under the provisions of a state law known as Chapter Eight of the Official Code, and they are exceptions to the rule that all cities and towns have charters. In brief, Chapter Eight provides for towns and villages of less than 2,000 population, that there be an elected mayor, recorder, sergeant and councilmen. The system of government is very much like the "weak mayor" system which is discussed in Part Two of this outline.

How Cities Are Incorporated

When a town or city is "incorporated" that means it has a charter or is governed under Chapter Eight of the Code, and the people have, as a whole, certain powers prescribed by the charter or by law. Such powers include the right to have a police force, the right to levy taxes to support the police force, the right to elect councilmen, etc. "Unincorporated" towns or villages, on the other hand, have no town officers at all, and do not have any of the powers of towns or cities.

Prior to 1937 all charters were granted and amended by the legislature. But now West Virginia has taken a front place among her sister states by providing what is known as the "municipal home rule", which means that the people of towns and cities of more than 2,000 population may decide their own form of government and adopt and amend their charter without any intervention of the legislature. However, most cities still operate under charters granted to them by the legislature prior to 1937.

You have all seen signs along the state roads giving the names of towns and saying "unincorporated". Such towns do not have charters or local officers; they are merely spots on the map. The people of any such "unincorporated" town, if they want to incorporate, may submit a petition to the circuit court of their county together with a survey of the territory to be included in the town and a census of its population. The circuit court then calls an election in that territory, and if the majority of the voters are in favor of becoming a town, the town comes into existence. In other words, it becomes incorporated and is governed under Chapter Eight.

How A City Gets A Charter

If the city contains more than 2,000 population, from 10 to 20 percent of the voters thereof, depending on the population of the city and whether or not a special election rather than a general election is wanted, may petition the city council to have an election to determine whether or not the people want to adopt a new charter, and in such case they do, to elect members of a charter board to write the new charter. If the people vote to elect a charter board, the members of the charter board write a new charter and then submit such charter to a vote of the people. If a majority of the votes are in favor of the new charter, then it becomes the charter of the city.

The charter of the city may contain any one of the four plans of government discussed in the Part Two of this outline. Note that the plans are very general, and do not go into detail. The details may be filled in by the charter board, but the charter board may not insert any provisions in conflict with the plan of government which is to be followed nor may it insert any provisions contrary to any general state law provided for the government of municipalities.

Some of the details which are not covered, which therefore may be determined by the charter board, are: term of office of elective officials, whether for two or four years; salaries of elective officials; manner of voting; whether to have partisan or non-partisan elections; kind of elections; number of city departments and their functions; etc.

How Charters May Be Amended

If the city contains more than 2,000 population, from 10 to 20 percent of the voters thereof, depending on the population, and whether or not a special election is wanted instead of a general election, can prepare specific amendments to one charter, and petition city council to submit such amendments to a vote of the people. If the people vote in favor, such amendments become parts of the charter.

Another method is by two-thirds of the city council writing specific charter amendments and submitting them to a vote of the people. Still another method, if a charter board has been elected, is to have the charter board write amendments and submit them to a vote of the people.

Charter amendments, like whole new charters, must not contain any provisions contrary to the form of government or state law.

The State Law For Municipalities

Although it may no longer grant or amend charters, the Legislature has power to enact laws for the government of all municipalities alike, and for the government of any class of cities alike. ("Class I" cities are cities of more than 50,000; "Class II" cities are from 10,000 to 50,000; "Class III" cities are from 2,000 to 10,000; anything under 2,000 is a town or village.)

General laws provide, among other matters, for the method of levying taxes; the limit to the amount of debt that may be contracted; financial procedures of various kinds, such as the publication of an annual report; for what purposes city licenses may be required; and, in general, what cities may do and what they may not do. No charter, charter amendment, or ordinance of a city council may be in conflict with these state laws.

Forms of Municipal Government

This outline of the forms of municipal government was prepared by the National Municipal League, whose head-quarters are in New York City. Part two has been copyrighted by the National Municipal League, and nothing herein may be quoted in writing without the League's permission. The League kindly consented to the inclusion of this material free of charge, as a courtesy to The American Legion and for the education of the Citizens of The American Legion Mountaineer Boys State. This material has been changed slightly, by the author of this outline, so as to make it applicable to West Virginia.

The Question

What forms of municipal government are there in the United States, and how have they worked?

So many times is this question asked of the National Municipal League, in its capacity as a clearing house for information on local government, that this pamphlet has been prepared to serve as succinct reply.

The League is peculiarly qualified to report on the American experience with the forms of municipal government because of its long, unique history as an organization interested in the improvement of city government. This first Model City Charter, published by the National Municipal League in 1900, rapidly became a pattern for numbers of communities seeking structural improvement. The Model City Charter had been revised periodically through the years to bring it abreast of experiences and developing thought and has maintained its place as the standard guide to the legal framework of good municipal government.

It is hoped that this brief summary of forms of city government may clarify thinking in a field where there has been much misinformation and misinterpretation.

Government For Service

Local government exists to perform functions and render service which the people of the community demand and which can be performed more cheaply by government than any other way. The usefulness of government is limited only by the character of functions which it may adequately perform.

Thus the gross cost of government, in taxes, is beside the question of how good is government. Rather, the Citizen's question should be: (1) Am I receiving all the services which government should, by reason of economy and convenience, rightfully perform? (2) Are those services being efficiently rendered? and (3) Is government sufficiently subject to democratic control, sufficiently responsible to public opinion, in performing those services?

FOUR FORMS OF GOVERNMENT

At the present time, four general types of government structures are in use in American cities. They are:

1. WEAK MAYOR FORM (WV "Plan I, Mayor-Council Plan")
2. STRONG FORM (WV "Plan II, Strong-Mayor Plan")
3. COMMISSION FORM (WV "Plan III, Commission Government")
4. COUNCIL-MANAGER FORM (WV "Plan IV, Manager Plan")

WEAK MAYOR FORM

The weak mayor form has shown itself to be the least successful of the types of municipal structure. In recent years this form has been discarded by city after city, and no new adoptions are being recorded. Its early extinction should be welcomed. It was most in vogue during the nineteenth century when a theory was current that democracy was best served by directly electing as many officials as possible.

The weak mayor plan commonly has the following characteristics:

1. A large council elected by wards, or at large, or both.
2. An elected mayor.
3. Most administrative heads elected, including treasurer, city attorney, and some or all other department heads.
4. Elected administrative boards.

The weak mayor form of government has been found undesirable because it lends itself easily to political manipulation; does not provide successfully for competent department heads or other personnel; lacks a unifying, responsible, single executive head; and is so diffused as to make effective vote control at the polls almost impossible.

WV PLAN II, STRONG MAYOR PLAN

The strong mayor form has been more successful than either the weak mayor or the commission form. It was embodied in the Model Charter of the National Municipal League forty years ago. But in practice it, too, developed serious weakness, and in 1916 the Model Charter abandoned its recommendations. Many of the cities which formerly operated under weak mayor forms turned to the strong mayor type, largely as a result of the widespread failure of the former. Since the strong mayor form is in wide use in the United States it deserves serious attention.

The strong mayor plan commonly has these characteristics:

1. A city council elected by wards, or at large, or both.
2. A mayor elected at large.
3. The mayor has power to hire and fire most or all department heads.
4. The mayor prepares the city budget for council consideration.

The chief defects of this plan are:

1. The difficulty of electing mayors who have real executive ability and knowledge of the job.
2. The opportunity provided for the mayor to build up a powerful personal political machine.

The strong mayor form automatically corrects one of the most serious defects of the commission form, lack of a single responsible executive. It also eliminates the commission plan's dangerous union of administrative and policy-making functions. The council is responsible for legislation and policy-making while the mayor's job is administrative except in his power to veto acts of council.

But the strong mayor form does not eliminate other serious defects of the commission form.

A Politician-Administrator

First of these is the lack of administrative expertness. For the same reason that trained municipal executives are not normally elected to a city commission, only by chance would a qualified administrator be elected mayor although there may be more chance of electing a single good administrator than of electing five. Nevertheless, seldom does an election produce even one good administrator. It does almost invariably produce politicians.

The experience of cities operating under the strong mayor form is that occasionally a mayor is elected who is competent to direct the complicated business of the city. When this happens, the strong mayor form of government is at its best. But such mayors are rare. There are few men who are both good enough executives to run a large city organization and good enough politicians to be elected mayor. A few such strong leaders may be found in the history of some cities. But there are only isolated instances of such continuing leadership over a period of years.

Even when a strong executive does happen to be elected mayor, there are serious obstacles in the way of successful government. The tremendous political effort which must be expended to achieve election inevitably carries with it strong political obligations. The mayor's comprehensive power to make appointments to and direct the workings of city departments provides a convenient avenue for the discharge of those obligations and for the maintenance of the political machine which is necessary to re-election. In other words, almost any mayor is forced to play politics with the administration.

Only a man of exceptional personality, capacity, determination, and ideals could avoid this necessity. So rare is this combination that it might be called the exception that proves the rule. The extent to which the American people have taken spoils politics for granted in their local governments is sad evidence of this fact.

Deadlock

Another hazard inherent in the strong mayor form is the possibility of deadlock between the mayor and the council. Since council controls the purse strings, it may stop the mayor at any point. Therefore, political differences between the mayor and the council sometimes seriously impede the day-to-day governmental functions which are so essential to the ordinary progress of city life.

In the cities where the strong mayor form is in use, it has provided good government only spasmodically. Because ways were found to correct its defects, twenty-three years ago the Model City Charter abandoned its prior recommendation of this form.

WV PLAN III, COMMISSION GOVERNMENT

The commission form of government has been a little more successful than the weak mayor form. It was first used in Galveston, Texas in 1900 when a tidal wave brought the necessity for quick governmental action. A new form of government was conceived and adopted as an emergency measure. Its apparent simplicity gave the plan a quick vogue, but later, after trial, many cities discarded it. More are doing so each year.

The commission plan has the following characteristics:

1. Three or five commissioners elected at large by the majority vote to serve as legislative body.
2. While the plan sounds simple, it has been found to have most of the defects of the weak mayor form and some others peculiar to itself. Government under this form lends itself easily to political manipulation, does not provide successfully for competent department heads or other personnel, lacks a single unifying responsible executive, provides no adequate brake on government spending, and is so conducive to buck-passing that although the voter needs to make only three or five choices at the polls he does not know whom to blame for bad government or to praise for good government.

Policy and Administration Fused

The chief fault of the commission form is that it makes no organizational distinction between the policy-making function of government and the administrative function. This is not only not workable from the practical point of view but it is also contrary to firmly established American governmental tradition, which from the beginning distinguished between the executive and legislative branches of government and attempted to keep them separate.

An even more important objection to fusing in a commission, both administrative and policy-making functions is that successful administrators and successful legislators need very different qualifications. Administration of a city department, especially in a large city, is a job which takes considerable executive ability plus knowledge of the particular specialized subject matter with which the department is concerned. A policy-maker, on the other hand, must be the kind of person who represents others and knows what they want government to do. Under the commission form of government, the elected commissioners are supposed to perform both functions, to legislate for the city and to administer a department.

Elected to the Wrong Job

Commissioners are likely to be unfit for the administrative jobs. The process of election can seldom carry to office men who have the talent for administration. Personality, connections, backing, and political organization, are the factors which produce votes. A good administrator may not and frequently does not have these attributes. Moreover, those men who have the qualities necessary to successful public administration are rarely willing to run for office under the conditions of the commission plan. A professional man is likely to refuse to face the uncertainty of tenure and possible loss of his job after two or four years for reasons which may be entirely unconnected with his ability to do his job well.

Another serious consequence of election is that commissioners inevitably have political debts to pay to the individuals or the political machine that helped elect them. This means that they may make appointments within the departments they administer, not because of the fitness of appointees for the jobs but because of their political qualifications or relationship. The number of votes a job applicant controls becomes more important than his training. Since most commissioners look forward to re-election, after past political debts are paid they must maintain their political bridges by continuing to administer their departments on a spoils basis. Sometimes political obligations may carry even further than appointments. In awarding city contracts, in the thousand transactions connected with any city department, a commissioner can easily throw business or favors in the direction of political advantage.

A frequent result of the commissioner's free access to spoils is that one commissioner eventually succeeds in building up a personal political machine so powerful that he can dominate all the other commissioners. Many such commissioner-bosses have been produced in American commission-governed cities; their names have invariably been associated with scandal and corruption.

No Executive

One of the most serious shortcomings of the commission form as an instrument of practical, democratic local government is its failure to provide an executive head for the government. History shows an impressive record of failure with the multiple executive form. Even parliamentary forms of government give one of the ministers the title and powers of executive, but while under the commission plan one official is designated mayor, he is legally no more than a chairman for the commission while it is exercising its legislative role. The mayor has no authority at all over his fellow commissioners in their administrative roles. Whatever influence he may have is moral, not legal.

The result of the lack of an executive head can be a catalogue of governmental failure. There is no brake on the activities of each department. There is no one with an over-all balanced view of the financial needs of each department. There is no one to make quick decisions, especially in an emergency. In case of some serious governmental error or misdeed, there is no one on whom the legislative body or the voters can fix blame. There is no one source of authority to whom Citizens and government employees can go with problems or complaints. There is no agent competent to devise and execute a plan for the work of the government. In short, under the commission form there is not one government but five little governments, all of which may be riding off in different directions.

A Spending Machine

One of the most serious faults of commission government in these times is its failure to provide any check whatsoever on governmental spending. Because the men who vote on the funds are the same men who spend them, there is almost no chance of government appropriations being cut down, whereas the tendency for them to rise is almost irresistible. Each commissioner is characteristically near-sighted in estimating the needs of his own department. It is inevitable that he should always ask for as much as he can possibly get. If the commissioner is trying to advance politically, he will fight for more jobs to fill and more contracts to award in order to build up his sphere of influence. Even a politically unambitious commissioner will inevitably see the needs of his own department more clearly than those of other departments and will fight for the aggrandizement of his division of the government. Executives everywhere recognize this characteristic short-sightedness on the part of a department head and commonly scrutinize department budget estimates, for instance, with an eye to paring down some in order to make them more nearly comparable to the others. But the commission form provides no one to pare down, adjust, or coordinate. Spending is the commissioner's job, and there is no executive whose job is saving. The old principle of the pork barrel is always in operation. From the financial standpoint, the commission form is a motor car with an accelerator but no brake.

WV PLAN IV, MANAGER PLAN, OR COUNCIL-MANAGER FORM

The form of government which is usually proposed to remedy the difficulties of the other forms of government is the council-manager plan. Since 1916 this form has been recommended by the Model City Charter. The first municipal use of the title "manager" occurred in Staunton, Virginia, in 1908, where the office of "general-manager" was created and continued for several years as a novel adjunct to an otherwise old-fashioned government consisting of a two-house city council and mayor. What is now known as the council-manager plan appeared first in a draft of a charter proposed by the Board of Trade of Lockport, New York, in 1911. It was never passed by the legislature but other cities gave the plan consideration, civic organizations like the National Municipal League hailed it with approval, and the actual adoption followed in 1912 in Sumter, North Carolina. Today approximately five hundred cities and counties are operating under this form of government. All but twenty-one of these communities are in the United States and political scientists ordinarily consider the form America's chief contribution to municipal administration.

Chief characteristics of the council-manager plan are:

1. A small council elected at large, preferably by proportional representation.
2. The council hires a professionally-trained city manager who is subject to dismissal by the council at any time.
3. All legislative and policy-making powers, including the decision as to how much money shall be spent, are centered in the council.
4. Responsibility for administration is given to manager who has power to appoint and dismiss department heads and other administrative employees, subject to civil service provisions. The manager also drafts the budget for presentation to council.

Most of the cities using the manager plan report no structural defects. In a very few cases, strong political machines have retained their hold on the council, a non-professional manager has been appointed, and politics have been injected into the administration. But this is the exception, not the rule. In almost all cities the experience with the manager plan has been favorable. Manager cities report increased efficiency, better public services, and easier voter control of government at the polls.

Separate Policy and Administration

The council-manager plan clearly differentiates between the policy function and the administrative function of government. The people elect the council, which makes governmental policy, controls the raising and appropriation of funds, levies taxes and contracts debts. The council also chooses the manager, whose duty it is to carry out its policies, spend the funds it has appropriated, supervise the work of the administrative departments, and make all appointments.

A distinct line is drawn between the duties of the council and the duties of the manager, and it is made illegal for councilmen to interfere with administration. The Model City Charter, which embodies the council-manager form of government, states that "Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately." The manager's duties too are clearly defined. If the council is not satisfied with the way things are being handled, it may dismiss him.

City Government Overview

These are general directions issued to direct your attention to the usual procedures in forming a city government. Adjustments should be made to fit conditions and numbers in each (county-city) cabin.

I. What we are trying to do.

1. To help Counselors understand what must be done in the cottages and to help make the procedure fairly uniform.
2. To see that every Citizen elected or appointed has some duty to perform.
3. To stress that good government results when individuals
    a. Give their services.
    b. Appreciate their privileges.
    c. Appreciate their responsibilities.
4. To have a representative city government within each cottage, city officers will be responsible for enforcement of Municipal Ordinance within the cottage.

II. City Government

1. All cottages shall use the strong mayor system.
2. Elect a mayor and three councilmen.
3. Citizens who do not intend to run for state offices are good persons to announce themselves for mayor or councilmen.
4. Duties of city officers.
    a. Mayor
        1. Is responsible for enforcement of city ordinances with the help of the Chief of Police and Fire Chief.
        2. Is responsible for peace and order in the city.
        3. Presides over council meetings.
        4. Makes appointments (Clerk, Chief of Police, Sanitary Engineer, and any other appointments the council decides upon). Note: Police Chiefs must be appointed no later than the end of Wednesday's breakfast to allow attendance at scheduled training.
        5. Will hold municipal court (i.e., police court) and serve as presiding judge whenever necessary.
    b. City Council (three members)
        1. With the Mayor, the council shall draw up any ordinances for the government of the city. Ordinances should go into effect by noon on Wednesday.
        2. Council shall come into session whenever public welfare demands.
    c. Chief of Police
        1. Enforce city ordinances, which are essentially the same as all Mountaineer Boys State laws, and other laws as enacted by city ordinance. Issue citations and make arrests, as necessary.
        2. Must appear in police court whenever the chief is citing and/or arresting officer to provide testimony in support of citations/arrests.
    d. Sanitary Engineer
        1. Is responsible for sanitary conditions and overall cleanliness of the City with specific emphasis on restroom facilities.
        2. Will work with City Council and Mayor to enact city ordinances relating to city sanitary conditions and will work with Chief of Police and Fire Chief to bring about enforcement of same.
        3. Will aid local, county, and state officials in any cases of illness or epidemic.
    e. City Clerk
        1. Must see that ordinances are posted on bulletin board.
        2. Will keep reports of council meetings, City Charter, City Ordinances, etc. and make same available for review by the public upon demand.
        3. Will notify press as to officers elected/appointed and of items of public interest.

Form of Ordinances

The city council at its meetings may enact any number of ordinances following the format below. An ordinance, prior to passage, must be read at two consecutive meetings of the City Council, and there must be a notice of the proposed ordinance posted by the City Clerk for view by the public allowing public comment in front of the Council and Mayor prior to the second reading and passage.

The usual form of ordinance is as follows:

"Ordinance relating to _____ and providing for the enforcement thereof and providing penalties and fines for violation thereof."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF _____

Sec. 1 _____

Sec. 2 _____

Sec. _____ The provisions of the ordinance are separable and several and if any act, provision, word, or clause thereof be declared invalid, the decision of the court shall not affect or impair any of the remaining provisions thereof, and it is hereby declared to the intent of the Council that this ordinance would have been adopted had such invalid part not been included herein.

Sec. _____ All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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Legal System

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The American Legion Mountaineer Boys State is generally patterned after the government of West Virginia. However, because of population and time constraints, not all West Virginia governmental positions and functions can be replicated at Mountaineer Boys State.

The ALMBS Law Lecture

The legal system of the United States and the State of West Virginia affect the lives of citizens each day. Likewise, the legal system employed at The American Legion Mountaineer Boys State impacts the Boys State citizens. Citizens are subject to jury service, may be called as witnesses, may be parties in litigation, and/or may serve as officers of the courts. Consequently, it is important that each citizen be familiar with the legal systems that affect his life. This "Law Lecture" has been prepared to provide information on the legal system that exists in the State of West Virginia and the legal system that is employed at The American Legion Mountaineer Boys State.

IMPORTANT! All citizens of The American Legion Mountaineer Boys State are required to take "The American Legion Mountaineer Boys State Bar Examination". The bar examination consists of twenty-five questions and is based on information contained in this "Law Lecture", information contained in the legal sections of The American Legion Mountaineer Boys State Manual, and information presented during a "Law Lecture" that will be given immediately prior to the administration of the "Bar Examination." The American Legion Mountaineer Boys State Manual will be provided to each citizen upon his arrival at Boys State.

Those Citizens of The American Legion Mountaineer Boys State who expect to serve in the capacity of any Judge, Attorney General, Prosecuting Attorney, or Attorneys at Law are required to pass the Bar Examination! It is important that each citizen prepare for the bar examination whether he is interested in the above positions or not because the bar examination is used as a factor to decide the recipients of individual and group awards that are presented at the end of The American Legion Mountaineer Boys State program.

Courts

West Virginia's government as well as the federal government and the other 49 states' governments have three distinct branches of government. The three branches of government are the Executive, Legislative, and Judicial Branches. In this lecture we are concerned with the Judicial Branch.

According to the West Virginia Constitution, Article VIII, Section 1, "The judicial power of the State is vested solely in a Supreme Court of Appeals and in the Circuit Courts, and in such intermediate Appellate Courts and Magistrate Courts as shall be hereafter established by the legislature, and in the justices, judges and magistrates of such courts."

Supreme Court of Appeals

The Supreme Court of Appeals consists of five justices, each elected for a term of twelve years in a statewide non-partisan election. To be eligible to run for Supreme Court Justice, a person must be a resident who has practiced law in West Virginia for at least 10 years. The Chief Justice is chosen by members of the court and to serve a one-year term.

Jurisdiction: The Supreme Court of Appeals has two kinds of jurisdiction, original jurisdiction and appellate jurisdiction. Original jurisdiction includes cases that originate in the Supreme Court of Appeals and are enumerated by the West Virginia State Constitution. Appellate jurisdiction arises when cases that originate in a lower court get to the Supreme Court of Appeals through appeal or writs of error.

West Virginia Constitution, Article III, Section 3 provides that the Supreme Court of Appeals has original jurisdiction in cases involving extraordinary writ proceedings involving habeas corpus, mandamus, quo warranto, prohibition, and certiorari.

The appellate jurisdiction includes appeals of decision over all matters decided in the Intermediate Court of Appeals; appeals from circuit courts in criminal matters, juvenile proceedings, child abuse and neglect cases, extraordinary writs involving habeas corpus and domestic violence; and cases requiring interpretation of the laws and Constitutions of WV and the United States.

Decisions of the West Virginia Supreme Court of Appeals can only be appealed to the Supreme Court of the United States. The legislature is without power to deprive a constitutional court of the authority bestowed upon it by the Constitution. A constitutional court is not subject to legislative control unless specific authority is conferred upon the legislature by the Constitution.

Additionally, the WV Supreme Court of Appeals has constitutional authority to create rules governing court procedures and practices. The Court has adopted a code of judicial conduct, rules for the admission to the practice of law, rules of professional conduct, rules of judicial disciplinary procedure, and rules of lawyer disciplinary procedure. The Court also appoints its own clerk and crier while the Attorney General is the ex-officio reporter to the Court.

Intermediate Court of Appeals

The Intermediate Court of Appeals (ICA) was signed into law on April 9, 2021, and opened on July 1, 2022. The three (3) judges of the Intermediate Court are elected to 10-year terms in a non-partisan statewide election. To be eligible for office, the individual must have practiced law for 10 years. The Chief Judge is elected by the judges of the court and serves a 1 year term.

Jurisdiction: Pursuant to Chapter 51, Article 11, Section 4 of the West Virginia Code, the ICA's jurisdiction includes appeals of the final orders or judgments in the following areas: civil matters from circuit courts, family law matters, Worker's Compensation Board of Review, Administrative, and guardianship/conservatorship.

Oral arguments are granted at judges' discretion, but all properly filed appeals within the court's jurisdiction will receive a written decision on its merits.

All ICA opinions, orders, or decisions are binding precedent for the decisions of all circuit courts, family courts, magistrate courts, and state administrative agencies unless overruled or modified by the Supreme Court of Appeals.

Circuit Courts

West Virginia's 55 counties are divided into judicial circuits overseen by circuit judges. Circuit judges are elected in non-partisan elections to eight-year terms by citizens within the circuit they will represent. Each county has a courthouse where the circuit judge presides over cases. To be eligible to run for circuit judge, a person must have practiced law for at least 5 years.

The legislature has power under the constitution to rearrange the circuits or add judges to circuits. Some circuits consist of only one county and some up to 4 counties. If there are two or more judges in a circuit, one judge is selected to be the chief judge of the circuit court.

Jurisdiction: Circuit Courts are the only general jurisdiction trial courts of record in West Virginia under Article VIII, Section 6 of the State Constitution. This means the circuit courts hear a variety of cases. They have jurisdiction of all civil cases at law over $7,500; civil cases in equity; and proceedings in habeas corpus, mandamus, quo warranto, prohibition, and certiorari. Additionally, circuit courts have jurisdiction over all felonies and certain misdemeanors.

Circuit Courts also have an appellate jurisdiction. Circuit Court Judges hear appeals from magistrate courts, municipal courts, and administrative agencies excluding workers' compensation appeals.

Circuit courts also receive recommended orders from judicial officers who hear mental hygiene and juvenile matters.

Appeals from circuit court regarding criminal matters, juvenile, abuse and neglect proceedings, and domestic violence go to the Supreme Court of Appeals while appealed civil matters go to the Intermediate Court of Appeals.

Family Courts: In 2001, the Legislature established Family Courts to hear domestic matters. Family court judges only hear cases involving divorce, annulment, separate maintenance, paternity, grandparent visitation, name change, infant guardianship, child custody, and issues involving allocation of parental responsibility and family support proceedings, except those involving abuse and neglect. There are 47 Family Court Judges in 27 family court districts throughout West Virginia. Family court judges are elected in non-partisan elections for a term of 8 years. To be eligible to run for family court judge, a person must have practiced law for at least 5 years.

Magistrate Courts

The Constitution of the State requires the Legislature to establish in each county a magistrate court or courts with the right of appeal as prescribed by law. In WV there are 159 magistrates statewide. As of 2023, each county has at least two while the largest county, Kanawha, has ten magistrates. The Legislature has the authority to adjust the number of magistrates in a jurisdiction as necessary.

Magistrates are elected in non-partisan elections for a term of 4 years. There is no requirement that a magistrate be licensed to practice the profession of law, and the Constitution expressly prohibits the Legislature, any justice, or any judge of any court from establishing any rules which would dictate or mandate that a magistrate be licensed to practice the profession of law. To be eligible to be magistrate, the following must be met:

- Must be at least twenty-one years of age;
- Must have a high school education or its equivalent;
- Must not have been convicted of any felony or any misdemeanor involving moral turpitude;
- Must reside in the county of his election;
- No person shall assume the duties of magistrate without first having attended and completed a course of instruction in the rudimentary principles of law and procedure; and
- No Magistrate shall be a member of the immediate family of any other magistrate in the county.

Magistrates who serve more than 5,000 in population shall devote themself full-time to their public duties. A magistrate may be removed from office for conviction of a felony, for conviction of a misdemeanor involving moral turpitude, or for conviction of a misdemeanor involving the duties of their office.

West Virginia Code, Chapter 50, Article I, Section 14 makes it the duty of the sheriff of each county to serve all civil and criminal processes from any magistrate court.

Jurisdiction: The magistrates preside over trial courts of limited jurisdiction. Magistrates issue arrest and search warrants, hear misdemeanor criminal cases, conduct preliminary hearings in felony cases, hear civil cases with less than $10,000 in dispute, hear emergency protective orders for domestic violence, and issue other protective orders. Magistrates have the authority to set and admit to bail for all criminal cases except capitol offenses. In a trial by jury in a magistrate's court, the jury shall consist of six jurors.

Magistrate courts DO NOT have jurisdiction over the following:

- Any criminal trial or plea for which the penalty constitutes a felony;
- Matters involving eminent domain;
- Matters in which the title to real estate is an issue;
- Proceedings seeking satisfaction of liens through the sale of real estate;
- Actions for false imprisonment;
- Actions for malicious prosecution;
- Actions for libel and slander; or
- Actions for extraordinary remedies (e.g., injunctions, habeas corpus, mandamus, and writs of quo warranto).

County Commission

There is in each county, a county commission, except in a few counties where, under authority of a provision of the constitution, a tribunal in lieu of the county commission has been organized to handle the fiscal affairs of the county. (For example, Berkeley County has a County Council.) The county commissions have jurisdiction in all matters of probate; the appointment and qualification of personal representatives, guardians, committees, curator; and the settlement of their accounts.

Municipal Courts

The Constitution of the State authorizes the Legislature to establish municipal, police, or mayor's court in incorporated cities, towns, or villages, and the Legislature is also authorized to provide for the selection of the judges of such courts.

Officers of the Courts

Several people are needed beyond the Judicial Officers or judges to effectively and efficiently run a court of law. Depending on the court and the business of the court for that day or matter, some or all the officials need to be present and do their specific job. As previously discussed, the WV Supreme Court of Appeals has a crier and a clerk.

Officers of Circuit Courts: A circuit court requires not only the circuit judge to conduct the business of the court. The court will have a clerk, who typically handles paperwork, scheduling, and administering oaths. A sheriff, deputy, or bailiff is necessary to provide security. There will be a court reporter who either types or dictates the official record of all activities within a court session. Finally, when the court's business is conducting a trial, there will be a jury present. It is the jury's responsibility to determine the factual outcome of a case based upon what evidence is presented during the trial.

Officers of Magistrate Court: A magistrate court has similar officers of the court to a circuit court. There will be a clerk and a sheriff, deputy, or bailiff. Since magistrate courts are not courts of record, they do not have a reporter. They do instead record via audio equipment for a record, when necessary. Additionally, magistrate courts can have a jury, but in practice it is not a common occurrence.

Officers of County Commissions: A county commission is composed of three commissioners, a clerk, and a sheriff or his deputy when his services are needed.

Lawyers

The average person does not know all the rights and privileges granted to him by the law. He does not know the obligations and liabilities that can be imposed on him by law. He does not know how to obtain his rights if he has been deprived of them. He does not know how to protect and maintain his rights if they are interfered with by some other person. Sometimes too, liabilities and obligations that have no sanction or authority in law are sought to be imposed on someone. Maybe someone knows they need to sue someone or worse they have been arrested and have no idea how to navigate the court system. All the above call for a lawyer, a professional who practices law.

Becoming a Lawyer

To become a lawyer there are certain requirements. First and foremost are the educational requirements. Currently, before a person can enter law school, they must obtain a bachelor's degree. It does not matter if it is a Bachelor of the Arts (BA) or a Bachelor of Science (BS), and it does not matter the field of study. Anyone with an undergraduate degree may apply to a law school whether it is an English Major or Music Major. Next, a person must go to an American Bar Associate (ABA) Accredited law school. These law schools maintain the standards of legal education as set forth by the American Bar Association, or its equivalent. Please take note, not all law schools have ABA accreditation. A person cannot sit for the WV State Bar Exam if they are a graduate of a non-ABA accredited school except under extremely rare circumstances. Law School is three years of specialized study which promotes the general education of both common and statutory law in various fields. The ABA requires all first-year law students to take specific course work such as contracts, property, constitutional law, torts, criminal law, and an element of legal research and writing. After the first year, most schools allow students to pick through certain courses, letting the

student find what area of law they prefer. Additionally, in the third year of law school in WV students can obtain a provisional student license and work directly under the supervision of a licensed attorney in a Law Clinic. This allows students a chance to practice, in a limited and supervised environment, so they are more prepared to practice after graduation. Simply graduating from law school is not enough to practice law in WV. One must be licensed to practice law, commonly referred to as being admitted to the bar.

At one time in West Virginia, a student who had graduated and was awarded their diploma from West Virginia University College of Law could be admitted to the bar without taking the State Bar Examination. However, the diploma privilege was abolished effective July 1, 1988. From that date all law school graduates from any ABA approved law school, including West Virginia University, must sit for and pass the WV State Bar examination.

Administering the Bar Examination is the responsibility of the State Board of Law Examiners. During the last year of law school, students will decide which state they wish to be licensed in initially. To acquire this license in WV, a student or recent graduate will apply to be admitted to the State Bar of WV by completing the Bar Application. This application is extensive and includes sections on past residences, schooling, credit and debt, criminal law issues including traffic tickets, work history, and more. The Board uses this extensive information to evaluate educational background, credentials, character and fitness, and competence of each applicant for admission to the Practice of Law in WV Under Supreme Court Rules for Admission. The Bar Examination itself consists of two days of examination held in July and February of each year in Charleston.

The Bar Examination is not the only exam lawyers must pass. Additionally, a person must take and pass the Multistate Professional Responsibility Examination (MPRE). This examination can be taken during law school or after but must be taken within 25 months of passing the bar and you cannot be admitted to practice without it. The MPRE covers legal ethics and rules regarding behavior as well as general responsibility lawyers have regarding those they represent and the courts they practice before.

After all this, there is one final step, being sworn before the bar. In WV, there is a swearing in ceremony held for those individuals who have accomplished all this in Charleston at the WV Supreme Court of Appeals. Those who have been found to be of good and moral character, completed educational requirements and passed both the Bar and MPRE, now stand before the WV Supreme Court Justices and swear to uphold the Constitutions and laws of both the United States and the State of WV. This is the shining moment after years of education and study, now the individual is a licensed attorney allowed to practice law in the State of WV.

One small note, if someone is licensed in another state that has reciprocity with West Virginia and has met certain requirements such as length of time practiced then that out-of-state attorney may apply to be admitted to the bar without an examination.

No matter how learned a person may be and no matter how much legal study he has pursued, if he has not been admitted to the bar in one of the modes outlined, it is unlawful for him to practice or appear as an attorney at law for another in a court of record in West Virginia, to render legal services to another, to hold himself out to the public in any manner as being entitled to practice law or to render legal services. This is so declared by statute. To disobey the statute makes one guilty of a misdemeanor and subject to a fine of not more than $1,000.00. The purpose of this statute is not to make the profession of law a closed profession but to protect the public against persons who are not prepared to render competent service.

A Lawyer's Responsibilities

As the ABA Preamble to the model rules of professional responsibility, succinctly states:

> "A Lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice."

This is paramount. Lawyers first have a duty to their clients. Almost everyone will need to hire an attorney at some point in their life. Whether they need a will drafted or are purchasing a home, they need a lawyer to draft those legal documents. If a person is injured severely by another person or their negligence, they need someone who will sue another party in a civil filing. Those people who need attorneys can consult with an attorney to determine if they can help them, what their fees will be, and together will determine if they are hiring that attorney. If the attorney is hired, they now have the attorney-client relationship which triggers certain responsibilities for the lawyer.

Now, the lawyer must wear several hats. As an advisor to his client, the attorney needs to advise the client of his legal rights and obligations and explain the practical implications of those. As an advocate, the lawyer must zealously assert the client's position within our adversarial legal system. As a negotiator, the lawyer advocates for the client's best result while remaining within the bounds of honest dealing. As the evaluator, the lawyer analyzes the situation and reports honestly back. The lawyer must work to his full potential in each situation while staying within the bounds of the law and the rules of ethics. Attorneys who violate either can and will be punished by the criminal justice system for breaking the law or by lawyer disciplinary procedures for violating the rules of ethics, which can and does lead to being disbarred.

Lawyers represent and advocate for all legal rights of their client and provide all legal defenses on every claim of every case. The legal rights and some of the defenses vary based on the specific area of law for which the client is involved. It would be impossible for any single attorney to know all the specifics of all the various areas of law, so attorneys now specialize and focus on certain areas. For example, an attorney may focus on criminal law, medical malpractice, intellectual property, contracts, or even veteran's disability law. This allows for better advising of clients of legal rights or obligations, better advocacy, and a better result often. This also allows the attorney to focus more on keeping their knowledge as current as possible and honing their skills at practice.

Practicing Law

The Basics: The attorney has been hired, the responsibilities are in full effect, but now what? First, let's define rights and liabilities. A right is that which a person is entitled to have, to do, or to receive from others as prescribed by law. A liability is an obligation, a responsibility, or a duty which is imposed by law and is enforceable by an action or suit in a court of law.

When a lawyer decides what rights his client has or to what legal liabilities he is subject to, then he must determine how to get relief for his client or how to get the liability adjusted to the client's best advantage. A lawyer could ask for property, an award for damages (MONEY!!), or attempt to assert rights such as visitation and custody in family law. A lawyer looking to limit his client's liability may be more in advisory role to prevent such liability coming to pass by adding warnings to products or negotiating better terms for money his client owes. Unfortunately, sometimes the only action that is available is to sue another party in court to ask a court of law to address the infringement of the right of a client or keep a client's legal liabilities within the prescribed measure allowable by law. In the event of a suit, the party bringing the action is the plaintiff, and the party the action is against is the defendant.

To bring the action or to enter the defense, the lawyer must present or state his client's case to the court. He does this by filing pleadings, which are written documents. All initial pleadings in a court of record must be in writing. Those on behalf of a plaintiff are called complaints. They state how the plaintiff has been wronged, who has done or caused the wrong, what the effect of the wrong is, what damage the plaintiff has suffered, and what is desired to make things right. Those on behalf of the defendant are called answers because they are answering the complaint. Answers state whether any of the claims made by the plaintiff are true and give facts and legal reasons which show why the plaintiff is not entitled to have the relief that he desires. The lawyer must know what pleadings to prepare, how to prepare them. Additional pleadings are typically handled in written form as well but may be made when both parties are in court.

The legislature passes laws called statutes of limitation, these are laws limiting the timeframe that a lawsuit or criminal charge may be filed. There is a statute of limitation for all civil actions. There is a statute of limitation for all misdemeanors, but there is not a statute of limitation for all felonies. Every case may or may not have a statute of limitation, and lawyers should be certain in every instance that their suit, complaint, or pleadings are timely filed.

The paperwork is filed, now the lawyer must prove his case. Sometimes the pleadings are enough without further proof, but often defendants will dispute facts of the complaint, will file counter pleadings, will raise a question(s) of law, deny the facts alleged by the plaintiff, give the courts additional facts, or even an entirely different set of facts. In this way the issues are made. They may be of law, of fact, or of both. The issues are points arising in a case which the court must decide. Generally, judges decide issues of law, and juries decide issues of fact. Issues of law that may be brought up are improper pleadings or filings, causes for dismissal or mistrial, or on appeal if the lower court erred on an issue of law such as allowing or overruling an objection. Issues of fact are left to the jury, the jury can weigh all the witness testimony, evidence, and determine which party wins, if both are at fault, or in criminal cases if a defendant is guilty. If a defendant waives their right to a jury trial, then and only then, a judge will also decide the issue of fact.

To maintain or dispute an issue of fact, each side must offer evidence to support his side of the issue. The lawyer must know what is necessary to prove or to disprove any fact asserted. He must know what his witnesses will say and how to get them to say it. He must know what documents exist, what those documents contain, and how to get them into evidence for the consideration of the judge and jury. He must also know what not to ask. Sometimes this is a skill often forgotten.

Over the course of the centuries, as case after case arose and was decided, certain principles or rules became established, and those principles or rules have become what we know as common law. Some principles have also, from time to time, been declared by acts of legislatures. These are called statutory laws. Still others have been ordained by charters and constitutions, which we call constitutional law. All are law. When any of them declare what are rights and liabilities, those declarations constitute substantive law. When they declare what must be done to establish rights or to defend against liabilities, those declarations constitute procedural law. It is quite necessary that the lawyer know both the substantive and procedural law. The lawyer must both know the right or responsibility of his client but also how to protect or defend those rights and responsibilities.

Final Note on Ethics

Attorneys must properly and honestly demean themselves in the practice of law. The courts have the power to punish them for their failure to do so. For improper or unethical conduct, an attorney may be deemed guilty of contempt of court and punished by fine or imprisonment. As mentioned before, the attorney may be brought before the board for disciplinary proceedings which include being suspended or disbarred.

The practice of law is an honorable profession. The courts and the lawyers try to keep the profession on a high plane so that it may be without reproach and command from the public the greatest respect. The legal profession is a part of the system for establishing and dispensing justice, and the courts and lawyers recognize that this system be so maintained that the public shall have absolute confidence in the integrity and impartiality of the administration of justice. That justice be maintained pure and unsullied. The conduct and the motives of lawyers must be such as to merit the approval of all. This is the standard which the legal profession strives to attain. Those who enter this profession must be imbued with the purpose of striving for that standard and must be determined to live up to it. The courts and the profession expect it and endeavor, though sometimes feebly, to compel all members of the profession to measure up to that standard.

May you, if you become lawyers at The American Legion Mountaineer Boys State, emulate, in every way, the conduct of the true and faithful lawyers of the profession of law.

Definitions

WRIT OF ERROR lies in a common law action or criminal case. It is awarded by a superior to an inferior court of record and operates to transfer the record of the case, but nothing else, to the superior court. In writs of error, generally, only questions of law are reviewed.

WRIT OF CERTIORARI is a common law writ issued by a superior court and directed to an inferior court commanding the latter to certify and return to the former the record in a particular case. The difference between appeals and writs of error(certiorari) is that the granting of an appeal is discretionary while the granting of a writ of error is mandatory or is an appeal as a matter of right.

HABEAS CORPUS is a writ generally directed at a jailer requiring the body of the prisoner to be brought before the court.

MANDAMUS is a writ directed to a public officer or public body requiring him or it to perform an official duty.

PROHIBITION is a writ directed to a public officer or public body requiring him or it from doing an act which is not within the scope of his or its duties.

QUO WARRANTO is a writ directed to a public officer requiring him to show by what authority he claims his office or title.

TORTS are any injuries to a person or property by another person; generally, a civil wrong as opposed to a criminal act.

COURTS OF RECORD are courts where a record is required to be kept. Circuit courts are courts of records; magistrate courts are not.

PROBATE ordinarily includes all steps necessary for the administration of a deceased's estate. Formerly the work related solely to the proof of a will; for instance, "offering a will for probate".

FELONY is a crime of a graver or more serious nature than those designated as misdemeanors. Usually, an offense punishable by death or imprisonment for a term exceeding one year.

MISDEMEANOR is a crime lower than felonies and generally punishable by fine or imprisonment for a term not exceeding one year.

EVIDENCE is any species of proof, or probative matter, legally presented at the trial of an issue, by an act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

CIRCUMSTANTIAL EVIDENCE is the proof of certain facts and circumstances in each case, from which the court or jury may infer other connected facts which usually and reasonably follow according to the common experience of mankind.

HEARSAY EVIDENCE is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. The very nature of this type of evidence shows its weakness, and it is admitted only in specified cases from necessity.

Criminal Law and Procedure

As civilization has advanced people have banded together in tribes, states, and nations for mutual protection. At first the protection sought was merely against other groups. As civilization progressed, however, they established from time to time among themselves certain rules to guide them in their conduct toward one another, to protect individuals as regards life, liberty, and property. Among these rules has grown a set of rules of conduct known as Criminal Laws. These laws, within any nation, are designed to protect individuals or groups of people, or the government, against the degradation of persons seeking to harm them, either in their person or property, through force or stealth. While these rules set forth acts that shall not be done, yet the purpose of the Code of Criminal Laws or rules is the protection of the public against the misconduct of conscienceless individuals or groups of individuals.

To find whether or not a rule has been transgressed by an individual or group of individuals, it is necessary that the individual or group of individuals be tried in a properly constituted court. This trial is called a Criminal Trial and follows a set course of procedure, like the procedure of civil trials.

The State is the plaintiff in all criminal cases because the defendant is accused of violating the law of that governmental unit known as the State and thereby has committed what we call an act "against the peace and dignity of the State". Before a person may be tried by any court having criminal jurisdiction, there must first be a charge made against him formally and in writing. In the State of West Virginia there are two such formal charges: first, a warrant; second, an indictment.

Cases triable to final conclusion before a magistrate are tried upon a warrant, which is issued upon a complaint made under oath by some person that the law has been violated. The warrant must describe specifically the offense committed to such a certainty that the defendant is advised of the charge against which he must defend himself. If the case be not triable to final conclusion before a magistrate, the defendant is given a preliminary hearing upon the warrant and held for the action of the grand jury in the county in which the offense was committed. The grand jury, if it believes he should be tried, finds and presents against him what is known as an indictment. This also must particularly describe the violation with which the defendant stands charged.

Warrants most commonly in use combine the sworn complaint with the formal warrant. For their general form and effect see the section on Procedure in Criminal Cases in Magistrates Court. (The judge of the court of record may not conduct a preliminary hearing but may issue what is known as a bench warrant returnable before a magistrate of the county who conducts the preliminary hearing thereon.)

Procedure Before Trial

A magistrate to whom complaint is made that a criminal law has been violated, reduces the complaint to writing, describing the offense, causes to be sworn to, and then issues the formal warrant, or order of arrest, again describing the offense. The complaint and warrant amount to the same thing as a statement of the complaint in a civil suit. Upon the authority contained in the warrant, the defendant is arrested and brought before the magistrate. If the case is triable before a magistrate, the defendant is permitted to plead either guilty or not guilty to the warrant. If the plea be not guilty, or in the event of his refusing to plead, the magistrate enters a plea of not guilty and proceeds to try the defendant. A jury may be had for this trial under the roles prescribed therefore, as to which see the section on Procedure in Criminal Cases in Magistrates Court. If the defendant is found guilty he is sentenced by the magistrate to an appropriate punishment, either fine or imprisonment, or both, as laid down in the law, from which trial he may appeal if the sentence be for imprisonment or fine of $10.00 or more; and in that event his appeal is certified by the magistrate, together with the warrant and all other papers, to the court of record in the county having criminal jurisdiction, where it is tried again as if it were a new case; the legal terminology for this proceeding being a 'Trial de Novo".

In the event the magistrate does not have sufficient jurisdictional power to administer sentence or reach a final determination in the case, he conducts what is known as a preliminary hearing on the warrant. At this hearing the defendant may "waive to the grand jury", by which he states that he does not want to have a preliminary hearing, in which case it becomes necessary to introduce evidence proving that he has violated the law. He has the right also to introduce evidence showing that he has not violated the law and if the magistrate believes that the law has been violated, and by the defendant, the magistrate at the conclusion of the preliminary hearing holds the defendant for the action of the grand jury. When a defendant is convicted by a magistrate and takes an appeal or is held to the grand jury, he is either placed in jail to await the next term of the circuit court and the sitting of the next grand jury or may, except in capital cases, be admitted to bail by the magistrate. If the case be a capital case, by which is meant a case involving the death penalty as a maximum punishment, bail can only be granted upon a proper showing before the judge of the court of record having criminal jurisdiction of the county, by which is meant, the circuit, upon a showing that the case, if tried, would not result in a sentence involving the death penalty. Bail may be granted either with or without surety, in the discretion of the magistrate, or the judge, whoever, fixes the bail, and is executed by the signing of what is commonly called a bail bond, the form of which may be seen by referring to the Section on Procedure in Criminal Cases in Magistrate's Court.

While it is possible, and frequently happens in the State of West Virginia, that a person is indicted by a grand jury without the preliminaries of issuing a warrant and conducting a preliminary hearing thereon, merely by placing a witness before the grand jury, this practice will not be allowed in The American Legion Mountaineer Boys State, but all cases will begin with a warrant issued by a Magistrate in the manner hereinbefore set forth.

Proceedings of the Grand Jury

On the first day of a term of court or at any subsequent date designated by the judge, the grand jury, drawn by lot from a list prepared by the jury commission of the court, is convened and impaneled by the judge of the court. In the State of West Virginia the number of persons constituting a grand jury is not more than sixteen and not less than fifteen; but in The American Legion Mountaineer Boys State, due to the small population of counties, a grand jury will consist of eight. Grand jurors also have a qualification in the State of West Virginia that they may not hold any office, national, state, county or municipal, but this rule will not be observed in The American Legion Mountaineer Boys State and such office holding will not be a disqualification. At the time of opening court the judge ascertains if all of the grand jurors summoned are present, and if not, he fills the vacancies, from the pool of alternate jurors that have previously been selected by the jury commission. When sufficient persons have been procured, they are sworn to make true answers "to such questions as may be asked them on the present occasion", and are then interrogated as to their qualifications, which are, that they must be bona fide Citizens, of good moral character, who have not been previously convicted of perjury, false swearing or other infamous crime, eighteen years of age (NOTE: not applicable at ALMBS), and a resident of the county which the grand jury is to serve. A grand juror must not have, within the preceding two years been summoned to serve as a petit juror, grand juror or magistrate court juror, must not have lost the right to vote because of a criminal conviction and must be physically and mentally capable to serve as a juror. A prospective juror sixty five years of age or older is not disqualified from serving, but shall be excused from service by the court upon the juror's request. (In West Virginia a grand juror must hold no office or position of pay under the United States, the State, or any subdivision thereof). Also, a juror is required to be able to speak and understand the English language. As soon as the jury is complete with the requisite number of qualified persons, the judge of the court appoints one of their number as foreman, who is sworn in by the clerk to the following oath:

> "You solemnly swear that you will diligently inquire into and true presentment make of all such matters as may be given you in charge, or come to your knowledge touching the present service; that you will present no one through malice, hatred or ill-will, nor leave any unrepresented through fear, favor or partiality or affection, but in all your presentments you shall present the truth, the whole truth, and nothing but the truth. SO HELP YOU GOD."

After he is sworn the other members of the grand jury are sworn as follows:

> "You solemnly swear that the same oath which your foreman has taken on his part, you and each of you shall observe and keep on your part. SO HELP YOU GOD."

The judge thereupon charges the grand jury; and by this is meant, he advises them of the definitions of the various offenses which he believes may come before them, and as to their conduct as a grand jury.

Then they retire to a separate room and interrogate all witnesses that may be brought before them, or such witnesses as they themselves may send for. While conducting their hearing, one of their number, other than the foreman, acts as clerk, notes the substance of the testimony of each witness appearing before them. Appearance by a witness before the grand jury renders him immune to punishment for any offense about which he may testify, unless he specifically waives his right to such immunity.

After hearing all the testimony of the witnesses the grand jury, in their secret session decide upon those against whom presentation of an indictment shall be made, and then they inform the prosecuting attorney of the county, who prepares the necessary formal indictments. The prosecuting attorney may be with the jury while witnesses are being heard but not during their deliberations. In order to return a presentment, it requires six affirmative votes among the eight grand jurors. After they have finished their hearings, and the indictments have been prepared, the foreman then signs his own name to the back of each indictment, and the grand jury returns into court and presents the indictments to the judge, informing him that they have completed their work, whereupon he is at liberty to discharge them from further service at that term.

Thereupon, if any of the various defendants are not in custody, the clerk of the court issues and delivers to the sheriff or other officer designated what is called a "capias", which is a command by the court in the name of the state to arrest the defendant and bring his body before the court.

Forms for an Indictment and Capias

Indictment

THE AMERICAN LEGION MOUNTAINEER BOYS STATE, Lewis County SS:
IN THE CIRCUIT COURT OF SAID COUNTY:

The Grand Jurors of The American Legion Mountaineer Boys State, in and for the body of the County of Lewis, and now attending the said court upon their oaths present that Carl Day on the _____ day of _____, 20___, in the said County of Lewis, unlawfully and feloniously did steal, take and carry away, against the peace and dignity of the State, one bay horse, of the value of one hundred dollars, of the money, goods, effects and property of Amos Ball. Found upon the testimony of Amos Ball duly sworn in open court to testify the truth and sent before the Grand Jury this the _____ day of _____, 20___.

Peter Ames
Prosecuting Attorney of _____County

On the back of the indictment must appear the following:

The American Legion Mountaineer Boys State
VS
Carl Day
Felony
Indictment for a Misdemeanor

A True Bill
Allen Ames
Foreman

Attest:

Peter Ames

Prosecuting Attorney

Found at the _____, 20___, Term

Capias

THE AMERICAN LEGION MOUNTAINEER BOYS STATE

To the Sheriff of Lewis County, greetings: We command you in the name of The American Legion Mountaineer Boys State that you take Carl Day if he be in your bailiwick and him safely keep, so that you have his body before the Judge of our Circuit Court for Lewis County, at the Court House thereof forthwith, to answer us of an indictment against him for a Misdemeanor-Felony, and have then and there this writ.

WITNESS: John Clark, Clerk of our said Court at the Court House of said County, on the _____

day of _____, 20___.

TESTE: John Clark, Clerk of Circuit Court, _____ County.

NOTE: If the indictment is for a felony, strike out the word "misdemeanor", and if for a misdemeanor, strike out the word "felony".

It is customary in West Virginia for the judge of the court having criminal jurisdiction, immediately after the Grand Jury adjourns, to designate a definite day on which the criminal cases will be set for trial. In The American Legion Mountaineer Boys State, however, all cases will be set for trial on the same day on which the Grand Jury completes its session. On the date on which a case is set, if the defendant elects to stand trial and does not care to plead guilty, the case is called and a jury is impaneled. In West Virginia twenty jurors are placed in the box. In Boys State a panel of ten will be chosen by lot from the jurors summoned for the term and will be interrogated, under oath, as to their relationship, either by blood or marriage to the defendant, the prosecuting witness, or any other party interested in the outcome of the case; upon their knowledge of the evidence in the case, and as to whether or not they have made up any opinion as to the guilt or innocence of the accused; and in capital cases they are also interrogated as to whether or not they have any conscientious convictions against the infliction of the death penalty where the evidence warrants it. If they have any opinion as to the guilt or innocence of the accused or are related in any way, either by blood or marriage, to the defendant or any other party interested in the outcome of the trial, they are disqualified and additional jurors are drawn to fill their places. When all jurors have been qualified the jury is "struck" by this is meant, in felony cases, that the State strikes the name of one juror from the list and the defendant then strikes the names of three jurors, leaving six jurors in the box. In misdemeanor cases the State and defendant strike alternately, each striking two.

When the jury has been reduced to six, the defendant enters his plea. In felony cases the clerk reads to him the indictment, and he pleads (not guilty), in person. In misdemeanor cases his plea (of not guilty) may be made by his attorney. The jury is then sworn by the clerk. For the form of oath see section on Forms of Oaths.

At the completion of this the witnesses for both sides are called to the bar and sworn: For the form of oath see the section on Forms of Oaths. The trial is then ready to proceed.

At the beginning of the trial it is customary for counsel, both for the State and defendant, to make what is known as an opening statement to the jury. In this each outlines the evidence that will be produced by them, giving a complete statement of his theory of the case. The State then introduces its "evidence in chief", as described in the Section on Evidence, and at the conclusion announces that the State rests; whereupon, if the defendant believes that the State has not proven a prima facie case, by which is meant, proven the essential elements of the crime charge, it is customary for the defendant to move the court to strike out the evidence and direct the jury to find a verdict of not guilty. The defense may, however, demur to the evidence. This last procedure is dangerous and is not recommended. If the court believes that the prima facie case has been made, the motion is overruled, and thereupon the defense puts before the jury its evidence in chief, at the conclusion of which the defense rests. After this if any new elements or new matters have been brought in by the defense, the State may put in rebuttal evidence on those points and those points alone, and if, in so doing, they should introduce any new matters the defense has the privilege of putting on surrebuttal evidence.

When both sides have rested and completed their evidence, it is customary to submit to the court instructions on the law governing the case, each side presenting instructions from its own viewpoint. These instructions are considered by the court, and objections thereto pointed out by opposing counsel, and such parts as should be given are then read by the court to the jury, together with such other instructions as the court may elect to give of its own motion. When the instructions are completed, opportunity is then afforded counsel for each side to argue its theory of the case to the jury. In this argument the State, as plaintiff, makes the opening and closing speeches and then, at the conclusion of the argument, the jurors are sent to their room, together with the indictment or warrant, as the case may be, to consider of their verdict. The verdict must be unanimously agreed upon to be a verdict, and if the court feels, after a sufficient time has been given, that it is impossible for the jury to agree, he may discharge them as having disagreed.

When the jury has agreed upon a verdict, it is written upon the back of the indictment, or warrant, or upon a separate piece of paper, signed by the foreman, and brought back into court by the jury, which delivers its verdict to the court. The verdict is read in open court, after which the jurors are asked if that is their verdict, and upon their assenting thereto, the court may discharge them. However, the defendant may, in case of a verdict of guilty, demand a poll of the jury, in which case the clerk reads to the jury the verdict, and asks each juror by name if that is his verdict, and upon completion of the poll the jurors are discharged by the judge.

Jurors are not permitted to talk to anybody with reference to the case, and it is an offense for anybody to try to talk to a juror with reference to the case on trial before the verdict is rendered.

After the finding of the jury has been accepted by the court the defense may, and usually does, move the court set aside the verdict and this motion is argued, the defendant endeavoring to show to the court that prejudicial error has been committed by the court in the giving or refusing of instructions, or permitting or refusing certain evidence to the jury. If the court sustains the motion, the case must be tried again; but if the court overrules the motion, the defense has the option of appealing, within eight months in West Virginia but within one day in Boys State, to the Supreme Court of appeals for a writ of error. This is upon written petition accompanied by the evidence in the case. In The American Legion Mountaineer Boys State the record of the case will be sufficient if it is reduced to a brief narrative of the facts produced by each witness.

There are some cardinal points in the trial of criminal cases, which differ from the trial of other cases. One point to be observed is that the defendant is always presumed to be innocent of any crime until proven guilty beyond all reasonable doubt. Another rule is that defendant's reputation cannot be questioned by the State unless he endeavors to prove a good reputation to strengthen his case, in which event the State may introduce rebuttal testimony to prove his reputation to be bad. Based upon this, it is improper to question him with reference to any offenses with which he may have been previously charged or as to any previous actions on his part which might affect his good reputation, unless he has put his reputation in issue.

Orders of the Court

When the Grand Jury finishes its session an order is entered in the Criminal Order Book of the court, listing the indictments in the names of the defendants. See the form for Law Order Book in the section on Order Book Forms.

On all actions of the court orders must be entered, showing continuance, fixing of bond, taking recognizance, or whatever the action may be. When a case is tried an order is entered, and if the case lasts longer than one day successive orders are entered showing the several steps of the trial to its final conclusion. See the Section on Order Book Forms for samples of court orders.

Evidence

In matters coming before a court the facts of the case are usually in dispute, and the proving of the facts is usually done by the introduction to the Court of evidence. Evidence has been defined as the means by which any matter of fact, the proof of which is permitted to go to a court for investigation, may be established or disproved. In other words, evidence is the testimony of witnesses, the documents, and objects submitted to the court, from which the Court determines the true facts about a disputed matter.

There must be some rules, of course, to guide the Court and the attorneys in order that the evidence be properly and fairly presented to the Court; otherwise, the trial of a case would never be finished, and these rules, which are largely based upon the decisions of courts through the years, are generally known as the law of evidence.

There must also be some order in which evidence is heard in Court, in order that the court may be conducted in an orderly manner, and the way and manner of placing the evidence before the Court is sometimes called the order of proof.

It is customary in our courts to pursue the following method in placing the evidence before the court, or court and jury, after the pleadings in the case have been completed by the filing of a declaration or bill, and the making of an answer to it, so that an issue of fact, or dispute of fact, has been made to be determined.

(1) The plaintiff, by his attorney (or in a criminal case, the State, by the prosecuting attorney), does what is called putting his evidence on in chief. They do this by placing sworn witnesses upon the stand to testify to the facts within their personal knowledge; by the introduction of documents, books of account and other written matters, photographs, maps, etc.; and by filing of exhibits, such as stolen articles, weapons, or anything that may have a proper place in the proving of what they believe to be the true state of facts. All documents and other exhibits are marked for identification and filed in the evidence. Each witness is examined by what is known as direct examination, by the attorney for the plaintiff, and at the conclusion of the direct examination the attorney for the defendant cross-examines the witness on the matters about which he has testified upon direct examination. The purpose of this cross-examination is to get at the actual truth, to determine the witness' interest in the case, if any, and what opportunity he has had to know that about which he has testified. In direct examination leading questions may not be asked, and by this is meant, questions which put the answer, or indicate to the witness the answer which he is expected to make. On cross-examination the witness may be asked leading questions by the attorney, so long as he confines his examination within the scope of time, place and subject matter brought out by the witness in the direct examination. When the plaintiff has put on all his evidence to establish his theory, he rests.

    At this time he must have proven to the satisfaction of the court what is known as a prima facie case; in other words, he must have proven and established every detail necessary to prove, if not disputed by later evidence, that his theory of the facts is the correct theory. If the defense believes that he has not done this, it may at this time move the court to strike out all the evidence and direct a verdict for the defendant.

    If the court thinks that a prima facie case not proven, the court may sustain the motion. If he believes that the plaintiffs contention has been established to a sufficient degree to require evidence to disprove it, he should overrule the motion.

(2) After all of the above acts have been done, the defendant, by his counsel, introduces his evidence in chief in the same way in which the plaintiff has done, and his witnesses may be cross-examined in the same manner. The defendant is not limited in scope to just disputing the evidence of the plaintiff, but he may prove other facts which would tend to show a different state of facts, and his evidence is introduced under the same rules as was the evidence in chief of the plaintiff.

(3) After the defense has rested from introducing its evidence in chief, the plaintiff may, if the defendant has brought in any new matter, not within the scope of the evidence of the plaintiff, introduce rebuttal evidence to meet and dispute such new matter, but is limited in rebuttal to this new matter, and may not reopen any point covered in his evidence in chief.

    All of the evidence introduced and mentioned above must, of course, be properly admissible in the trial of the case. By admissible is meant, it must conform to the rules of evidence, which in The American Legion Mountaineer Boys State, will be limited to the rules set forth below. These rules are applied by the trial judge, and their application to the evidence rests within his sound discretion, subject, of course, to appeals for mistakes that he may make.

Instructions

Since "instructions" have been mentioned above, but are not included in the forms, it is well to illustrate a typical one, which was given in an automobile accident case:

> "The court instructs the jury that under the laws of West Virginia no person shall drive a vehicle upon a highway of this state at a speed which is greater than will permit the driver to exercise proper control of the vehicle in order to decrease the speed or to stop as may be necessary to avoid colliding with another vehicle property upon the highway, and if you believe from all the evidence in this case, and by a preponderance thereof, that the defendant was operating a taxi on U. S. Route 119 at the time of the accident at a speed that was greater than would permit him to exercise proper control of the taxi and decrease the speed or stop said taxi in order to avoid colliding with the car being driven by the plaintiff, and if you further believe that the plaintiff was himself exercising due care, and that the operation of the taxi by the defendant was the proximate cause of the accident then you are instructed to return a verdict for the plaintiff."

Since the instructions must be presented to the court immediately after all the evidence is taken, the attorneys usually draw them up before they start the case or a night while it is being tried, and then use the ones that fit after the evidence is in.

Relevancy and Materiality

All evidence must be what is known as relevant and material to the issue in the case. By relevant we mean that it is properly applicable in determining the truth or falsity of actual matters at issue in the particular case, and does not bring in matters which do not tend to prove these disputed facts. Evidence which is not so admissible is called irrelevant evidence, and should be refused. By material evidence, we mean it must have such importance and value as will affect the ultimate result of the case, and not refer to some trivial thing that does not aid the court in arriving at the truth of the disputed facts in the particular case. For example: The fact that a man ate liver and onions for supper would be irrelevant in the trial of a criminal case unless it would make clear some point of evidence, such as, in a robbery case, if the witnesses testify the robbery occurred after supper and the robber had the odor of onions on his breath, and then what he ate for supper might be relevant and also material, otherwise it would be both immaterial and irrelevant.

Best Evidence Rules

By this is meant that in the trial of a case only the best and most authentic evidence available should be produced. This is the basis for the rule which will later be discussed on hearsay evidence. Under this rule the contents of a paper or document cannot be testified to if the paper or document itself is available. Another illustration is that a copy of a 'letter may not be introduced in a case if the original is available or, can reasonably be procured, and then, before the copy can be introduced, the Court must be satisfied that the original cannot be produced. Still another illustration is a mere statement of account cannot properly be produced in a case, but rather the original books of accounts must be introduced, unless it is shown they cannot be procured. Furthermore, in introducing documents and books of accounts, their correctness should be testified to by the person who is responsible for keeping them and not by some person who is just aware of their existence and where they have been kept.

Hearsay Evidence

By this is meant the testimony about something not within personal knowledge but merely something some other person has told him or he has heard of. There are, of course, exceptions to this rule, but normally, hearsay evidence is not admissible because it is not the best evidence. The best evidence is that given by parties who know the facts of their own knowledge. Certain types that would generally be classed as hearsay evidence, such as admission and character evidence, are exceptions to the rule and will be treated under later rules in this text.

Admissions and Self-Serving Declarations

Witnesses may be introduced to prove admissions against interest. By this is meant that, if prior to the testimony, either party to the suit has made statements contradictory to what he claims in the suit, these admissions against his interest may be proved by the other side by the testimony of persons who heard such party make them. He, however, may not prove by other witnesses that he has stated things at other times which are favorable to his theory of the case, on the ground that these statements would amount to what is called self-serving declarations, and if allowed, a clever person might build up evidence in a case by so doing. However, this rule is modified by a lighter rule known as the rule of the "res gestae", which will be discussed later. Witnesses in the case who have, before the trial or before testifying, made statements contradictory or in conflict with their testimony on the witness stand, may be attacked by the other side by proving these conflicting statements, but this evidence can apply only to the credibility or honesty of the witnesses who have made such conflicting statements and not to the principal facts involved in the case on trial.

Reputation or Character Evidence

This evidence will not be used in The American Legion Mountaineer Boys State except to a limited extent, as defined herein, in the trial of criminal cases. It will be proper in a trial of a case involving personal violence, such as assault, maiming, or homicide, to prove that the injured party, or deceased, had a bad reputation for being a troublemaker, if the defendant relies upon self-defense. The defendant may also, if he so elects, prove that he, himself, had a good reputation as a peaceable, law-abiding Citizen prior to the commission of the offense charged. If the defendant proves his good reputation the State may then be properly admitted to attack the reputation of the defendant by proving that his reputation was bad but unless he so does, the State may not attack his reputation, which is presumed to be good until proven otherwise. In proving the good or bad reputation of a person, the party introducing the proof first proves by the witness that he mixes and mingles generally with the person whose reputation is sought to be proven, and then so proves whether or not the witness knows the reputation, and if he states he knows it then asks him if it is good or bad. Proof of reputation is limited to these narrow bounds.

Defendant's Reputation in Criminal Cases

The defendant is presumed to be innocent until his guilt is proven beyond all reasonable doubt, to the satisfaction of the jury, in a criminal case, and no evidence may be introduced tending to attack that good reputation unless the defendant first puts his reputation in issue by trying to bolster it up and make it stronger by testimony of how good it was. For that reason, proof of previous offenses committed by the defendant may not be introduced by the State and, if introduced or even hinted at in testimony, there results a mistrial of the case, and there must be a new trial before a conviction will stand.

Res Gestae

This rule allows relevant testimony, otherwise inadmissible under the hearsay rule, to be admissible when the evidence is about what is known as part of the res gestae; that is, concerning things said and done at the time of the commission of the act testified about, or soon thereafter, that any statements made could be classed as spontaneous exclamations or simultaneous exclamations, occasioned by the occurrence; also, action of not only the principals but immediate bystanders at the time of occurrence, which would throw light on the causes and reasons for the commission of the act about which the suit is brought. For example, the exclamation of a bystander, "Look at those tires sliding", made just at the instant of collision, or just an instant before it, would be admissible to show that the car had its brakes locked and that its wheels were sliding at the time of the collision. Another example would be testimony about a woman screaming, "Don't shoot him", just before a man shot another one, because it would tend to show that she had seen the pistol and had seen it pointed at the victim; and hence it would be admissible as part of the res gestae. Material and relevant matter that are a part of the immediate occurrence and happenings simultaneously therewith are always admissible under the res gestae rule.

The above rules are the only rules that will be used in limiting testimony in The American Legion Mountaineer Boys State. While it is customary to take what is known as depositions in many civil cases by referring the case to a commissioner, or master in chancery, to hear the evidence and cause it to be reduced to writing, and to deliver to the judge to be studied by him in passing on the case, and also customary to take the evidence of absent witness in law actions triable before a jury, and the testimony of missing defense witnesses in the same manner in criminal cases, these customs will not be followed in The American Legion Mountaineer Boys State, and all testimony, whether in a jury trial or in a matter tried by the Court, as some civil suits, will be produced directly in court in the actual trial of the case. It is, of course, always necessary for the State, in a criminal case, to have the actual witnesses in court, because under our Constitution a defendant in a criminal case is entitled to be faced by his accusers and cannot waive this right.

Weight of Evidence

Another matter that might properly be considered under the rules of evidence is the weight of evidence. In all cases where a jury is involved the jurors themselves pass upon the credibility of all witnesses, and the weight to be given their testimony, and in all cases except criminal cases, the jury will decide the case in favor of the side in whose favor the evidence, in their opinion, preponderates; but in criminal cases the defendant is always presumed to be innocent until proven guilty, and therefore his guilt must be established beyond all reasonable doubt before a conviction may be had.

Court Routine

Supreme Court of Appeals

The five justices of the Supreme Court of Appeals appear in their robing room and don their robes a few minutes before time for the opening of court and at the time for their opening of court, they march into the courtroom and take their places in front of their seats at the bench and remain standing until the court crier has made the opening proclamation. In entering the courtroom, the Chief Justice leads the procession, and the other justices follow in order of their seniority, that is, length of service. The Chief Justice occupies the middle seat on the bench; on his right sits the justice longest in service; on his left sits the justice next longest in service; the next place on the right of the Chief Justice is taken by the justice whose term of service is third longest; and the place on the far left is taken by the justice who has served the shortest time.

When the justices first appear in the doorway leading from the robing room, the crier, who will be on the lookout for their appearance, arises and by three raps of his gavel causes the audience to arise, saying:

> "Arise, Please, The Justices of the Supreme Court of Appeals."

When the justices have taken their places at the bench, the crier then continues:

> "Oyez! Oyez! Oyez! Silence is commanded under penalty of fine and imprisonment while the Honorable Justices of the Supreme Court of Appeals are sitting. All persons having motions to make and appeals and writs of error to prosecute come forward, and they shall be heard. God save The American Legion Mountaineer Boys State, and this Honorable Court. Be seated."

After the justices and audience are seated, the clerk reads the minutes of the proceedings of the preceding session of the court at the term then in course and hands the record up to the Chief Justice for his signature.

If the court has any decisions to announce, they are then read briefly, the justice youngest in service speaking first, and continuing in order of their terms of service with the Chief Justice speaking last.

Then motions for admission to the bar are received and attorneys admitted, taking oath in open court and signing the roll of attorneys.

Motions of other kinds and nature are then in order and may be made. Then come applications for writs of error and appeals, called in turn by the clerk. Parties intending to take such applications must arrange with the clerk to be listed in the call for that day before court convenes, and when called make their applications by brief oral presentations and filing written petitions, accompanied by a brief or memorandum of the points of law involved.

The next business in order is the call of the docket of the cases that have been set for hearing on that day. The docket is prepared by the clerk six weeks or more in advance of the term of court, and cases are set for certain days, usually on Tuesday of each week of the term. The clerk calls for cases listed for that Tuesday, and the attorneys, as the cases are called, announce whether the cases will be argued, continued, or otherwise disposed of, and when the call of the docket is finished, the cases that are to be argued are placed in turn, in the order in which they appear on the docket. Arguments continue from day to day throughout the week until all the cases that week are completed.

After the arguments in a particular case are completed, the case is then considered as submitted for decision. The court takes the same under advisement until it is ready to announce the decision and has written an opinion, and then that decision will be announced in court in the manner stated above.

The usual time allotted for the argument of a case in the Supreme Court of Appeals of West Virginia is one and one-quarter hours, the plaintiff in error or appellate having three-quarters of an hour, and the defendant in error or appellee a half hour. The former may divide his argument into two parts, that is into an opening argument, which must fairly cover his side of the case, and a reply argument, which is given after the attorney for the other side has completed his argument.

In the Supreme Court of Appeals of The American Legion Mountaineer Boys State this procedure will be followed in the main, but the time for each case will be much less, depending upon the amount of business before the court and the time available for the handling of the same.

When the court is ready to conclude its session, the Chief Justice directs the crier to adjourn the court to a certain time, or to take a recess to a certain time, which he does in the following manner:

> "All rise. By order this court now stands adjourned until tomorrow morning at ten o'clock." (Or, if only a recess is taken: "All rise. By order this court will now recess until two o'clock.")

Circuit Court

At the time for the opening of a circuit court the sheriff, or one of his deputies who is assigned to attend court, will when the judge enters the court room and takes his place upon the bench, cause all in the courtroom to arise, and will open court with the following proclamation:

> "Oyez! Oyez! Oyez! Silence is commanded under penalty of fine or imprisonment while the Honorable Judge of the Circuit Court of Lewis County is sitting. All persons having motions to make, pleas to file, or suits to prosecute, come forward and they shall be heard. God save The American Legion Mountaineer Boys State and this Honorable Court. Be seated."

If it is the opening day of the term, a grand jury is impaneled, charged, and started upon its investigation. Sixteen men are usually drawn from grand jury service, but 15 are necessary for a quorum. The affirmative vote of 12 is necessary to indict. Because of a lack of the available number, grand juries in The American Legion Mountaineer Boys State will consist of eight, with seven as a quorum, and the affirmative vote of six will be necessary to indict.

If a sufficient number of grand jurors does not appear, the court appoints two temporary jury commissioners, who must be of opposite politics, to select a sufficient number of grand jurors to fill out the panel, and they are immediately sent for by the sheriff and brought in.

When a sufficient number of grand jurors is present the court makes a charge to them, explaining their duties and the matters that will probably be brought before them, and what will be necessary to indict. After hearing the court's charge the grand jury retires to a room provided for it to take up its work. Its foreman is selected by the court, but it may select one of its own number to act as secretary or clerk. The prosecuting attorney is permitted to be present to assist in examining witnesses, and to prepare indictments and advise on the law, but when the grand jury is voting on whether to indict or not to indict an individual no one but members of the grand jury may be present.

Witnesses before the grand jury, after the grand jury has retired, are usually called in one group before the bar of the court and sworn, ready to go before the grand jury when called.

If it is other than the first day of the term, the clerk then reads the proceedings of the preceding court day, and hands the record to the judged to be signed.

If it is the opening day of the term, and on other days after the reading of the proceedings of the previous court day, motions are then in order, usually preceded by motions for admission to the bar.

If it is the first day of the term, then the docket for that term of court is called, and the cases are set for specific days for trial, or for other proceedings.

When a case is called, a plaintiff, if he desires a trial, will ask for a day for trial, and a day will be given him, unless the defendant can show good cause for not doing so. If the defendant has not theretofore filed his answer or other defense pleadings, he will, on call of the docket, do so or have a day prior to the trial day fixed for doing so.

After the call of the docket on the opening day of a term, any other matters that the judge may be willing to handle may be called up.

On days on which a trial may be set, the procedure is much the same. After the opening of court, the reading of the proceedings, the making of motions are more or less formal and will require but little time for disposition, any other matters of a formal nature that may be presented to the court and will require but little time, the docket for the day is called, and if the parties are ready the first case on the call will go on trial.

After the parties have announced that they are ready, the judge will order the clerk to call a jury. The clerk will do this by drawing by lot from the list of names furnished by the jury commissioners ten names, and these names will be called by the sheriff. The persons called will take seats in the jury box, and will be examined on their voir dire oaths, in the method explained elsewhere in this manual, by the judge touching upon their qualifications to sit as jurors in the case about to go on trial.

If any of the jurors are not found qualified, others are put in their places after being similarly examined, and then the list of jurors is handed to the attorneys for the parties to be reduced to the number to sit in the case, six. In The American Legion Mountaineer Boys State just half the number in actual courts is used, because of the small number of persons available for service. In felony cases the Prosecuting Attorney strikes off one name and the defendant strikes off three names. In civil and misdemeanor cases the plaintiff strikes off two and the defendant two, each striking alternately.

When the jury is thus reduced to six in number, those eliminated are excused and the six are sworn to try the case. Then the plaintiff's counsel, or the prosecuting attorney in a criminal case, makes the opening statement for his side, telling the jury what the case is about and what he expects to offer in the way of evidence to prove his side of the case. He is followed by the defendant's attorney who tells the jury what the defense is and what evidence he will offer to prove his side of the case.

Evidence is then offered, first by the plaintiff, or the State if it is a criminal case, and then by the defendant. After each side has offered his evidence in chief, evidence in rebuttal may be offered by the plaintiff.

In offering evidence certain rules must be observed. In the section on "Evidence" in this manual will be found a discussion of these rules and the order of proof.

When the court is ready to adjourn or recess, the judge so instructs the sheriff or his deputy, and he causes those present all to rise, and then makes proclamation as follows:

"By order this court stands adjourned until tomorrow morning at nine thirty o'clock. (Or, if a recess: "By order this court will now recess until two o'clock.")

Magistrate Court

Proceedings in magistrate courts are quite informal, though in the main they proceed along the same general lines as a trial in the circuit court. Witness must be sworn before testifying and the same order of proof is followed as prevails in the circuit court. Cases are argued by counsel the same as in the circuit court. A jury of six may be demanded, but most cases are decided both as to facts and law by the magistrate himself. He may, and usually does, take the case under advisement for 24 hours.

In a Misdemeanor Case where such court has jurisdiction to hear, try, and determine the case:

(A) A complaint is made and sworn to, either through direct knowledge or upon information, before the magistrate. Consult the Code for proper wording of the complaint for the crime to be charged. The complaint is the allegation made to a magistrate that a person is either suspected or has been guilty of some designated crime.

(B) A warrant of arrest, in proper form, is then issued by the Magistrate.

(C) The officer, armed with the warrant, then proceeds to arrest the party or parties named in the warrant and bring them before the magistrate as directed in the warrant.

(D) The peace officer then executes his return to the warrant certifying that he has complied with its command and has the defendant before the court. Should the arrest be made without warrant, as permitted in certain cases, the above is complied with in the same manner, after the defendant is before the court.

(E) The defendant is then arraigned on the charge by the magistrate in the following manner:

The complaint is read to him.

He is informed of his rights, which are as follows:

(1) To a speedy and public trial and a trial by jury should the defendant so elect.

(2) To obtain counsel and to a reasonable adjournment for the purpose of procuring counsel.

(3) To secure witnesses on his behalf and to a reasonable adjournment for the purpose of securing such witnesses.

(4) To confront and question witnesses against him.

(5) To bail during the period of such adjournment.

(F) The defendant is then required to plead to the charge, and a plea of "Guilty" or "Not Guilty" as made is entered by the magistrate.

(G) Should he plead and waive all rights, he is then sentenced by the magistrate.

(H) Should he plead not guilty and demand a trial before the magistrate without a jury, such trial proceeds, and if the magistrate, after hearing the testimony and evidence, decides that he is guilty of the crime charged, he sentences him in accordance with the punishment prescribed. Should the magistrate decide that there is not sufficient evidence to convict him, the defendant must be discharged from custody immediately.

(I) Should the defendant plead not guilty and demand a trial by jury, the magistrate adjourns the case for a sufficient time to permit a jury to be selected. In a Magistrate Court in a criminal case, the accused shall be entitled to a trial by six jurors, under the regulations respecting such trials in civil suits before magistrates; except that the jury shall be sworn well and truly to try the case between the State and the accused, and to give a true verdict according to the evidence, and that in drawing the names of jurors four more names shall be drawn than will be required after each side has exercised its right to two preemptory challenges.

(J) Bail in misdemeanor cases is a matter of right and must be granted upon request of the defendant. In felony cases bail may be granted at the discretion of the magistrate. Bail is security in the form of money, bonds, securities, or property notes posted with a court and guaranteeing the appearing of a defendant before a court at a specified time. Should the defendant fail to appear the bail is usually declared forfeited.

(K) Appeals in Criminal Cases: Every person sentenced to imprisonment by the judgment of a magistrate, or to the payment of a fine of ten dollars or more (and in no case shall judgment for a fine of less than ten dollars be given by a magistrate if the defendant, his agent, or attorney objects thereto) shall be allowed an appeal to the circuit court of the county upon application therefore within a reasonable time after such judgment is entered. But such defendant shall not be released from custody until he shall have entered into a recognizance before the magistrate, with surety deemed sufficient, to appear before the said court on the first day of the next term, thereof, to answer the offense wherewith he is charged, and not depart thence without leave of the court.

(L) If the defendant cannot procure bail he may be committed to jail. In taking a prisoner to jail in all cases, a commitment paper should be secured from the magistrate and delivered with the prisoner to the keeper of the jail. However, in the case of State Police delivering a prisoner to jail, the keeper of said jail is required by law to take and hold all prisoners delivered to said keeper without a commitment paper.

(M) Should the defendant be found guilty and a fine imposed, the fine is to be collected by the magistrate. When a fine is imposed, whether with or without imprisonment, the magistrate if he sees fit, may adjudge the offender to be imprisoned until such fine and all costs are paid, but not exceeding ten days for that cause: if fine and imprisonment be imposed, the offender may be imprisoned for not exceeding ten days on account of the non-payment of the fine and costs, in addition to the term of imprisonment imposed for the offense. When the offender is to be imprisoned it shall be in the county jail, unless otherwise provided by law, under a warrant or commitment to be issued by the magistrate. And if he is not in custody the magistrate may issue a warrant for his arrest and commitment in such jail.

Procedure in court of magistrate in a felony case where such court has not jurisdiction to try and determine but merely, conduct a hearing, the magistrate sits as a committing magistrate rather than as a trial court, and if the magistrate decides there is reason to assume the crime as alleged was committed he is authorized to hold defendant for the action of the higher court where the case is tried by indictment.

Same as on the trial of a misdemeanor.

(N) The defendant is then arraigned on the charge by the magistrate in the following manner:

The complaint is read to him.

He is informed of his rights, which are as follows:

(1) To an examination of the charge before the magistrate to determine if there be sufficient evidence to cause such magistrate to hold the defendant for the action of the grand jury.

(2) To obtain counsel and to a reasonable adjournment for the purpose of procuring counsel.

(3) To secure witnesses on his behalf and to a reasonable adjournment for the purpose of securing such witnesses.

(4) The right to bail (if the crime is bailable) during the period of adjournment.

(5) The right to waive examination before the magistrate and have the case go before the grand jury.

(O) The defendant is then required to plead to the charge.

(P) Should he plead guilty and waive the examination, the magistrate must hold him for the action of the grand jury. If the crime charged be murder, the magistrate cannot admit him to bail. The admission must be before a magistrate before whom the crime would be tried after indictment. If bail is furnished the defendant is released from custody, if not he is committed to jail to await action of the grand jury.

(Q) Should the defendant plead not guilty and demand an examination, the examination must proceed. However, the examination is held before the magistrate and not before a jury. Whenever a magistrate has held a defendant for the action of the grand jury, the magistrate is required by law to turn over to the clerk of the court having jurisdiction to try the case, all papers pertaining to the facts of the case along with the name and address of the defendant and each witness.

Forms for Order Books

Form For Order Book of Clerk of Supreme Court of Appeals

SUPREME COURT OF APPEALS OF THE AMERICAN LEGION MOUNTAINEER BOYS STATE

A regular Term of the Supreme Court of Appeals of The American Legion Mountaineer Boys State began and held at the Supreme Court, on the _____ day of _____, 20___, and in the _____ year of The American Legion Mountaineer Boys State.

Present: The Honorable (LIST NAME) Chief Justice, and (LIST NAMES) Justices of the Supreme Court of Appeals.

Appointment of Clerk

A vacancy having occurred in the office of clerk, it is ordered that _____, Esq., of _____ (CITY), be, and he hereby is, appointed Clerk of this Court; and the said _____ appearing and taking oath prescribed by law, and filing bond as required by law, thereupon entered upon his duty as such clerk.

Admission to the Bar

On motion of James Kent, Esq., a practicing attorney before the bar of this Court, Joseph Story, Esq., who presented his certificate from the State Board of Law Examiners and a certified copy of an order from the Circuit Court of Kanawha County, showing him to be possessed of the qualifications required by law and the rules of this Court for admission to the practice of law, was admitted to practice before this court, and appeared and took the prescribed oath and signed the roll of attorneys.

Amos Ball, Plaintiff, Defendant in Error	:	On Writ of Error
	:	From the Circuit Court of
Vs.	:	_____ County.
	:	
Carl Day, Defendant, Plaintiff in Error	:	

For the reasons stated in an opinion by Judge Browning, the other judges concurring, the judgment of the Circuit Court of Lewis County is hereby reversed, and this case is remanded to that court for further proceedings in accordance with said opinion, which is this day ordered filed.

John Jones, Plaintiff, Appellant	:	On Appeal
	:	From the Circuit Court of
Vs.	:	_____ County.
	:	
Bertram Brown, Defendant, Appellee,	:	

This case was this day argued by counsel for appellant and for appellee and submitted for decision.

(Here continue with like entry for any other cases argued and submitted.)

Ordered that court be adjourned until tomorrow morning, June _____, 20___, at 10:00 o'clock.

Charles H. Haden, II
Chief Justice

Present: The same judges as heretofore.

(Continued with an entry for each item of business or case presented.)

Ordered that court be adjourned until the next regular term of this court in course.

Charles H. Haden, II
Chief Justice

Forms for Circuit Clerk's Order Books

CIRCUIT COURT OF LEWIS COUNTY, THE AMERICAN LEGION MOUNTAINEER BOYS STATE
Criminal Order Book

A regular term of the Circuit Court begun and held for the County of Lewis at the Courthouse of said County on the _____ day of _____, 20___, and in the _____ year of The American Legion Mountaineer Boys State.

Present: The Honorable Charles Judd, Judge of the Circuit Court of Lewis County.

Re Grand Jury: Upon calling the list of grand jurors drawn for this term of court, it appears that Ben Brown, John Jones, and Sam Smith, had failed to appear. Therefore the court appointed James Carson and Jesse Cane, two bona fide Citizens of this county, of opposite politics, having all the qualifications of jury commissioners, who, after taking the oath required by law of jury commissioners, selected Harry Hall, Milton Mann, and Noah Noble, three duly qualified persons, to serve on the grand jury in the place and stead of those who failed to appear. Whereupon Alien Ames, Bert Barton, Carl Curtis, David Dyer, Edward Ewing, Fred Fields, George Giles, Henry Hall, John Joyce, Lee Larson, Milton Mann, Noah Noble, Otis Odell, Peter Payne, Ralph Reed, and Scott Snell were impaneled a grand jury of inquest, and after being examined and qualified were sworn as provided by law, and after being charged by the court, retired to their room to consider of their presentments and indictments, and after a time returned into court and returned the following indictments, to wit:

An indictment against Sam Smith, for a felony. A true bill. Breaking and entering. No. 234. Alien Ames Foreman.

(Continue with all other true bills of indictment returned.)

And in addition thereto the grand jury returned the following not true bills, to wit:

An indictment against Thomas Towson, for a felony. Not a true bill. Grand larceny. No. 235. Alien Ames, Foreman.

(Continue with all other not true bills returned.)

Grand Jury Allowance: This day the court made the following allowances to grand jurors, to wit:

Name	Days	Amount
Allen Ames	1	$5.00

(Continue with all the other names.) and doth order that said amounts be certified by the clerk of this court to the County Court of this county for payment.

Allowance to Jury Commissioners: James Carson and Jesse Cane, jury commissioners, were appointed and duly sworn this day to select persons to serve on the grand jury in the place and stead of persons summoned but not attending, and after having met and made selections the court allowed them $5.00 each for their services, the amount fixed by statute, and doth now order that said amounts be certified by the clerk of this court to the County Court of this county for payment. Also, Joel Cook and Jacob Crum, the regular jury commissioners of this court having each served at this, the _____ term, 20___, of this court and also having served one day for the purpose of drawing a petit jury to serve at this, the _____ term, of 20___, making a total of two days for said jury commissioners, the court allowed them the sum of $5.00 per day, the amount fixed by statute, or a total of $10.00 for each of said commissioners, and doth now order that said amounts be certified by the clerk of this court to the County Court of this county for payment.

(Continue with any other orders that may be made by the court.)

Ordered that court be adjourned until _____ morning, _____, 20____, at 9:30 o'clock.

Charles Judd
Judge of Circuit Court

TYPICAL ORDERS PLACED IN CIVIL ORDER BOOK
MONDAY, MAY 1, 1961

At a regular term of the Circuit Court begun and held for the County of Lewis at the Courthouse of said County on the 1st day of May, 1961, and in the _____ year of The American Legion Mountaineer Boys State, the following orders were made and entered:

Present: the Honorable Charles Judd, Judge of the Circuit Court of Lewis County, West Virginia.

Amos Ball, Plaintiff
vs. ///Civil Action No. 1
Carl Day, Defendant

On the 28th day of April, 1961, came the defendant, Carl Day, by I. M. Ready, his attorney and came the plaintiff also by Earl Fair, his attorney, upon the complaint heretofore filed herein and upon the motion to dismiss the same heretofore filed by the defendant; and the Court proceeded to hear argument upon the said motion to dismiss, after which the court announced it would take the matters arising thereon under advisement. Thereafter, to-wit: on the 29th day of April, 1961, the Court announced that it was of the opinion that the said motion to dismiss should be overruled, and it is therefore considered by the Court that the said Motion to Dismiss the Complaint herein be and the same is hereby overruled and that the Defendant do within ten days from the date hereof file his answer to the said Complaint.

The Clerk of this Court will enter the foregoing order as of the 1st day of May, 1961.

John Doe
vs. ///Civil Action No. 2
Richard Roe

At a pre-trial conference held pursuant to Rule 16, Rules of Civil Procedure for West Virginia, on the 29th day of April, 1961, at which plaintiff and defendant in the above-styled action appeared by their respective counsel, James B. Retro and L. H. Fore, the following actions were taken:

STIPULATION

Plaintiff was injured on November 28, 1960 near the City of Weston, in the County of Lewis, West Virginia, on Route 19, when he was pushing the stalled car of his sister along said highway in a snowstorm to reach a filing station 1000 feet down the road, the car being a 1950 model Ford owned by the sister, Anna M. Roe. Defendant operating a 1960 pink Cadillac was traveling along the same highway toward Weston from Sutton in Braxton County, and struck the rear end of said Ford, after which the plaintiff was found in a ditch at the side of the read suffering from injuries.

ISSUES OF FACT

1. Did the car of defendant strike plaintiff or did his foot slip.
2. Could the defendant have crossed to the left of the center line and avoided the accident or was his access thereto blocked by an approaching ear as he claims.
3. Was the defendant operating his vehicle at an excessive speed as claimed by the plaintiff.
4. Was the defendant operating his car under the influence of alcohol.

ISSUES OF LAW

1. Was the defendant negligent.
2. Was the plaintiff contributorily negligent.
3. Does the doctrine of last clear chance apply since plaintiff could see the defendant's lights 1000 feet away but has no lights on the vehicle he was pushing?

MATTERS OF EVIDENCE

It is agreed that photographs may be offered without producing the photographer, but any objection other than the manner of taking same may still be urged. Plaintiff may file without objection, his itemized hospital bills, which defendant admits are reasonable.

SUMMARY

This pre-trial order is approved by both parties, this the 1st day of May, 1961. Proof will be restricted to the issues listed herein.

(Continue with any other orders made on this same day)

It is hereby ordered that Court be adjourned until tomorrow morning. May 2, 1961, at 9:30 a.m.

Charles Judd,
Judge of Lewis County Circuit Court

TUESDAY, MAY 2, 1961
THE AMERICAN LEGION MOUNTAINEER BOYS STATE, COUNTY OF LEWIS
SECOND DAY OF REGULAR MAY TERM OF CIRCUIT COURT

Present: The Honorable Charles Judd, Judge of said Court.

Amos Ball, Plaintiff,
vs. ///Civil Action No. 1
Carl Day, Defendant

This day came the defendant in the above-styled action and filed therein by permission of the judge his answer to the heretofore filed complaint of the plaintiff, there being no objection to filing by the defendant who was present in court by his attorney and acknowledged receipt of a copy of said answer; and both counsel presented to said Court a signed agreement that the case be tried Monday, May 15, 1961 by leave of the Court, and the Court grants such leave and sets the case for trial on said date.

There being no other business to come before said Court, it is hereby ordered that said Court adjourn until tomorrow morning, Wednesday, May 3, 1961 at 9:30 A.M.

Charles Judd,
Judge of Lewis County Circuit Court

(NOTE: Former practice required most papers to be filed by an order. The new Rules of Civil Procedure permit them to be filed with the clerk or with the judge if he will accept them, and a notation of the date when it came into the official's hands automatically makes the paper part of the record. The above order is merely illustrative of a form that could be used where it is desired to file in Court.)

(NOTE also that generally a case not ready for jury trial on the day at which the trial calendar is made up, usually the first day of the term, would likely go over until the next term if only one party is demanding a trial. However, Rule 83 of RCP provides that local rules may be made by a court not inconsistent with the statewide rules and will be effective if approved by the Supreme Court, and since many Circuits had rules varying from

others on local procedure such as how to conduct the daily operations of the court, the Supreme Court promulgated along with the state-wide rules a set of basis local rules called "Trial Court Rules" (T.C.R.) which allow agreements between counsel if reduced to writing; and Rule 40 RCP allows local courts to place cases on trial calendar "in such manner as the court deems expedient". Consequently, it may be done by agreement in most trial courts following a local rule, which above order illustrates.)

MONDAY, MAY 15,1961
THE AMERICAN LEGION MOUNTAINEER BOYS STATE, COUNTY OF LEWIS
FIFTEENTH DAY OF REGULAR MAY TERM OF CIRCUIT COURT

Amos Ball, Plaintiff

vs. ///Civil Action No. 1

Clay Day, Defendant

On this the 15th day of May, 1961 came the plaintiff in person and by his counsel and came the defendant in person and by his counsel, and this matter having been placed upon the trial calendar for this date by agreement of the parties, the same came on for trial upon issue joined by the plaintiffs complaint and the defendant's answer thereto.

Thereupon came a jury consisting of Minnie Dutell and eleven other good and lawful persons chosen by lot and duly sworn to well and truly try the issues raised by the pleadings herein between the plaintiff and the defendant, and the parties made opening statements before the jury and each introduced before said jury evidence to sustain his respective issues and each thereafter rested and the jury was instructed and final arguments made on behalf of the parties.

Thereupon the court directed said jury to retire to its chambers and consider of its verdict, and the jury after deliberating on the matter returned into court and rendered the following verdict:

"We the jury, upon the issues joined between the plaintiff and the defendant in this proceeding, agree and find for the plaintiff and assess his damages at $5000.00.

Minnie Dutell,
Foreman

And the jury was thereupon discharged from further consideration of the case.

Defendant then moved to set aside the verdict of the jury and award him a new trial upon the grounds that the verdict was excessive in that the evidence 'showed the plaintiff spent one day in the hospital at a cost of $25.00 for x-ray and adhesive tape and had no pains thereafter, which motion was argued by counsel and considered by the court and then by the court overruled, to which action counsel for the defendant takes exception.

Whereupon it is ordered and adjudged that the plaintiff do recover of the defendant the sum of $5000.00 with interest at 6% per annum thereon from the date of the aforesaid verdict until paid and do recover of the defendant his costs of this action, to the entry of which judgment the defendant takes exception.

The defendant having announced his intention to apply to the Supreme Court of Appeals for a writ of error, upon his motion the Court doth grant a stay of execution of sixty (60) days on the judgment entered herein from the date of this order, within which period the defendant may prepare transcript of the evidence and file the same with this court to become part of the record herein. This stay shall become effective when the defendant, or someone for him, shall execute a bond with surety approved by the clerk of this court and conditioned according to law in the penalty of $5500.00.

Dated this the 15th day of May, 1961.

Enter:

Charles Judd,
Judge

(NOTE on above order: The form given above combines in one order of illustration purposes several things which usually have some time elapse between them and are the subject of several separate orders. For instance, the motion to set aside the verdict would likely not be argued for days after the trial until the judge could find time to hear it, and he might not decide it for weeks, thus making the judgment order a considerable time after the verdict. If judgment order is separate or is on a matter tried by judge without jury, suggested forms will be found in Forms 30 and 31 in Appendix of Forms in Section 2 of this title on "Courts".)

General Instructions to Clerks

As will be seen from the samples herein, an order simply states what took place in court, and a "court of record speaks only through its orders", so care must be taken to make an order for every step taken by the court. No particular form is required, and you will note variations in language between somewhat identical matters covered in the samples given. This was done purposely to show variations that might be encountered from lawyer to lawyer and county to county. Drawing an order to cover a long process concisely without omitting something essential is a real art in the exercise of the English language. While it has the judge's name signed as if he prepared it, it is technically the duty of the clerk to record what happened. Some of the simpler ones he writes from a "library" of previous ones or consults the judge about, but the more complicated ones are usually prepared by the attorney on the winning side, presented to the judge for revision and signature, and given to the clerk to record. Each order, except general or formal ones, is separately signed by the judge and remains in the file of the case. The clerk usually puts in the Order Book all transactions of a given day into one continuous running account by cases of what happened, and the judge signs at the end of the day's record, thus authenticating all the items above. A careful lawyer will check the record to make sure the clerk copied the original correctly. Most courts require one or both attorneys to initial the order on the margin to show they agree that it states correctly what happened although the loser of course does not agree that the decision was right.

Limitations of space prevent giving very many orders here. An injunction is used to keep someone from violating another person's (or the State's) rights where the damage would be such that money can't pay for it or to compel a person to do some act which he should do to avoid violating the rights of others. An example mentioned where the defendant evidentially sold his business to the plaintiff and agreed not to compete with him: a "temporary injunction" may be granted in advance of trial, and then made permanent after the evidence is produced.

"Mandamus" is to make an official do something he has a legal duty to do. "Prohibition" is used against officials and judges who undertake to do something they have no right to do. "Quo warranto" is to oust someone from office he has usurped. These with injunction are all called "extraordinary remedies" and are controlled by statutes allowing speed up of their application.

A great deal of the routine business of courts is handled by the clerk. He keeps record of the date every step was taken. He assigns numbers to each case and in his "civil docket" has one or more pages for each case on which he notes when each paper was filed, the nature of the paper, the substance of orders entered, and the dates of returns showing papers served. When a case is finally disposed of, he issues the "execution" by which the sheriff is ordered to collect the money due the winner. Writs similar to executions, under various names, are used to seize property, money, wages, debts due the defendant before, during, or after the trial as may be necessary to protect the plaintiff and see that he collects what the courts says is due him. The clerk prepares a "trial calendar" showing cases ready for trial. RCP 77 and 79 explain the duties of the clerk, as summarized above.

Forms For Interrogation of Jurors on Voir Dire Examination

(To be asked by the Judge)

In a Criminal Case

1. "This indictment was found against John Doe at the June term, 20___, of this court. Were any of you members of the grand jury when this indictment was found? (Or if the case is an appeal case from a justice of the peace court: "This is an appeal case of The American Legion Mountaineer Boys State against John Doe.) Are any of you related by blood or marriage to John Doe?"
2. "Do any of you know anything about this case as witness or otherwise?"
3. "Are any of you sensible of any bias or prejudice in this case?"
4. "Have any of you made up or expressed an opinion as to guilt or innocence of the accused?"
5. "Have any of you a case to be tried by jury at this term of court?"
6. If a case where capital punishment may be inflicted, add: "This is a Murder case. Are your opinions such that you would not bring in a verdict of guilty if that verdict would result in the death of the prisoner, that is, where the evidence warrants it, and the law says it may be done; in other words, do you have any conscientious scruples against the infliction of the death penalty?"

In a Civil Case

1. "Are you related by blood or marriage to either the plaintiff or defendant, in this case?" (Or, if one of the parties is a corporation, add: "Are you, or any of you, stockholders, bondholders or creditors of the Plaintiff corporation?")
2. "Do you know anything about this case by having heard the evidence or otherwise?"
3. "Have you made up or expressed an opinion in this case?"
4. "Are you sensible of any bias or prejudice either for or against either party of this case?"
5. "Do you know any reason why you could not listen to the evidence and from the evidence render a fair and impartial verdict between the parties to this case?"

(To these may be added any further questions desired by the plaintiff and defendant and deemed by the judge proper to be asked.)

Forms of Oaths

Of Judge, Clerk and Sheriff

The oaths to be taken by officials shall be as follows:

> "I, James Jones, do solemnly swear that I will support the Constitution of the United States and the Constitution of The American Legion Mountaineer Boys State, and will faith-fully discharge the duties of, to the best of my skill and judgment. So help me God."

Of an Attorney on being admitted to Practice

> "You solemnly swear that you will support the Constitution of the United States and the Constitution of The American Legion Mountaineer Boys State, and that you will honestly demean yourself at Law. So help you God."

Of a Jury Commissioner

"I, Ben Brown, do solemnly swear that I will support the Constitution of the United States and the Constitution of The American Legion Mountaineer Boys State, and will faith-fully discharge the duties of jury commissioner to the best of my skill and judgment, and that I will not place any person upon the jury list in violation of law, or out of favor, or affection So help me God."

Of Foreman of the Grand Jury

(To be administered orally in open court by the Clerk.)

"You solemnly swear that you will diligently inquire into and true presentment make of all such matters as may be given you in charge, or come to your knowledge touching the present service; that you will present no person through malice, hatred or ill-will, nor leave any unpresented through fear, favor, partiality or affection, but in all your presentments you shall present the truth, the whole truth, and nothing but the truth. So help you God."

Of the Other Grand Jurors

(To be administered orally in open court by the Clerk.)

"You solemnly swear that the same oath which your foreman has taken on his part, you and each of you shall observe and keep on your part. So help you God."

Of Witness Before Grand Jury

(To be administered orally by Clerk to witness before witness is admitted to testify before the Grand Jury.)

"You solemnly swear the testimony you are about to give before the Grand Jury now in session will be the truth, the whole truth, and nothing but the truth. So help you God."

Of Petit Jurors on Voir Dire Examination

(To be administered orally by Clerk in open court.)

"You and each of you solemnly swear that you will make true and correct answers to all questions that may be propounded to you by the court or bar touching your qualifications as jurors in the case now about to come to trial. So help you God."

Of Petit Jury in Felony Case

(To be administered orally by Clerk in open court.)

"You and each of you solemnly swear that you will well and truly try, and true deliverance make, between The American Legion Mountaineer Boys State and John Doe, the prisoner at the bar, whom you shall have in charge, and a true verdict render according to the evidence. So help you God."

Of Petit Jury in Misdemeanor Case

(To be administered orally by Clerk in open court.)

"You and each of you solemnly swear that you will well and truly try the issue joined between the parties hereto, wherein The American Legion Mountaineer Boys State is the plain-tiff and John Doe is the defendant, and a true verdict render according to the evidence. So help you God."

Of Petit Jury in a Civil Case

(To be administered orally by Clerk in open court.)

"You and each of you solemnly swear that you will well and truly try the issues joined between Richard Roe, the plaintiff, and John Doe, the defendant, and a true verdict render according to the evidence. So help you God."

Of Petit Jury in an appeal from a Magistrate's Court

(To be administered orally by Clerk in open court.)

"You and each of you solemnly swear that you will well and truly try the matters in difference between Richard Roe, the Plaintiff, and John Doe, the defendant, and a true verdict render according to the evidence. So help you God."

Of Witness before testifying in any case, civil or criminal

"You (and each of you if more than one is sworn at the same time) solemnly swear that the testimony you are about to give in the case now on trial (or, if other than a trial, the matter now on hearing) will be the truth, the whole truth, and nothing but the truth. So help you God." (In Boys State change to read "will be the truth as you have been informed. So help you God.")

Of Sheriff or his Deputy in Charge of a Jury in a Felony Case

"You solemnly swear that you will well and truly keep this jury together during the trial of this case; that you will not converse with them touching this trial, nor permit anyone else to converse with them touching any matter relative to the trial of this case. So help you God."

Form of Bond or Recognizance for Appearance

Recognizance in Criminal Cases (To be given by the Clerk, in manner of an oath, of a defendant in a criminal case, who is executed to appear at a later time, and of his surety or bondsman at same time.)

"You John Doe, and Richard Roe, surety, each acknowledge yourself to owe and be indebted to The American Legion Mountaineer Boys State in the just and full sum of $500.00, of your respective goods and chattels, lands and tenements to be levied and to the use of the State rendered. Yet upon this condition, that is to say, that you, John Doe, shall make your personal appearance before the Judge of the Circuit Court of Lewis County, at the Court House thereof, on the _____ day of _____, 20___, there to answer The American Legion Mountaineer Boys leave of said court, then this recognizance to be void, otherwise to remain in full force and effect."

Procedure in Civil Cases in Magistrate's Court

Actions are commenced by summons, or by the appearance and agreement of the parties without summons, the former being the more common practice.

A party desiring to institute suit before a Magistrate appears before him and states verbally his claim, or files an account of claim, and the magistrate then issues a summons, which may be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE, LEWIS COUNTY, TO-WIT:

To any Deputy Sheriff of said County

You are hereby commanded, in the name of The American Legion Mountaineer Boys State to summon Carl Day to appear before me, Job Pace, Magistrate for Court House District of said County at my office in Weston, in said County on the _____ day of _____, 20____, at _____o'clock, a.m., to answer the complaint of Amos Ball in a civil action for the recovery of money due on contract, (or, if the action be for injuries to person or property, of damages for a wrong, in which the plaintiff will claim judgment for $250.00, with interest thereon until paid, and costs.

Given under my hand this _____ day of _____, 20____.

Job Pace
Magistrate

The deputy sheriff who receives such summons for service should note on the back thereof the time it came into his hands and serve the same as soon as possible on the party to be summoned. In actual practice, the summons must be served at least 20 days before the return day, but in The American Legion Mountaineer Boys State the summons must be served at least five hours before the time fixed for appearance. After service the deputy sheriff should make return of service by endorsement on the summons in the following form or effect:

Received this writ on _____, 20____, at _____ o'clock.

Executed the within summons in Lewis County this _____ day of _____, 20____, at _____ o'clock, _____, by delivering a copy thereof to the defendant, Carl Day, in person.

John Carr
Deputy Sheriff

The pleadings in a magistrate court may be oral or in writing. If oral, the substance of them must be entered by the magistrate in his docket. If in writing, they should be filed by him and a reference to them noted in his docket. The usual pleadings are:

1. The complaint by the plaintiff, which should be a plain and direct statement of the facts constituting the cause of action.
2. The answer by the defendant, which should be a denial of the complaint or some part thereof, or statement of facts constituting a defense or a counterclaim.

The following are forms for these pleadings:

Amos Ball, Plaintiff,	:	Before Job Pace,
	:	a Magistrate for
vs.	:	Lewis County, The American
	:	Legion Mountaineer
Carl Day, Defendant	:	Boys State.

COMPLAINT

The plaintiff complains that the said defendant is indebted to him in the sum of Two Hundred Fifty Dollars ($250.00), with interest from the _____ day of _____, 20____, on account of goods sold and delivered by plaintiff to the said defendant, and at his request, for which the plaintiff claims judgment for said amount with interest and costs.

Amos Ball, Plaintiff

Caption. Same as in complaint.

ANSWER

The defendant for answer says that he does not owe the amount claimed by the plaintiff because on the _____ day of _____, 20____, defendant tendered to the plaintiff in payment one Ford automobile and plaintiff accepted same as payment in full of said account; wherefore, defendant claims judgment accordingly.

Carl Day, Defendant

(Or, if the defense is a counterclaim, the above form down to and including the word "because" and then continue in the manner following: "on the _____ day of _____, 20____, defendant, at the request of plaintiff, sold and delivered to the latter thirty-three (33) sheep at nine dollars ($9.00) each, amounting in all to two hundred ninety-seven dollars ($297.00) which sum the plaintiff owes to the defendant, with interest from the _____ day of _____, 20____, and constitutes a counterclaim to the claim of the plaintiff, wherefore, defendant claims judgment accordingly.")

ATTENDANCE OF WITNESSES IN CASES BEFORE MAGISTRATE

The attendance of a witness in any case, civil or criminal, may be compelled by having the magistrate issue a subpoena, and having the subpoena served on the witness by an officer authorized by law to make service, or by any other person. The subpoena may be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE, COUNTY OF LEWIS, TO WIT:

To any Deputy Sheriff of said County

You are hereby commanded, in the name of The American Legion Mountaineer Boys State, to summon Will White to appear before me at my office in Court House District in said county on the _____ day of _____, 20____, at _____ o'clock _____ to give evidence on behalf of the plaintiff in a certain action now pending before me, between Amos Ball as plaintiff and Carl Day as defendant, and have them there this writ.

Given under my hand this the _____ day of _____, 20____.

Job Pace
Magistrate

The subpoena in a criminal case would read practically the same except where issued on behalf of the State the words "The American Legion Mountaineer Boys State would appear in each place where the word "plaintiff appears in the above, and if issued on behalf of the defendant, the word "defendant" would appear where the word "plaintiff" first appears and the words "The American Legion Mountaineer Boys State" would appear in place of the name "Amos Ball".

At the time appointed for the hearing, if a jury be not demanded by either party (in magistrate trials in The American Legion Mountaineer Boys State juries will not be demanded because of lack of numbers as well as lack of time), the magistrate hears the proofs and renders judgment as the law and the evidence requires.

A trial before a magistrate is conducted in the same general manner as in the circuit court. Witnesses must be sworn before testifying "to tell the truth, the whole truth, and nothing but the truth" relating to the matter in difference between the plaintiff and defendant.

The rules of evidence are in general the same as in the circuit court. These rules are covered generally in the Section of "Evidence" in this manual.

The usual order of proceedings before a magistrate is for the plaintiff, or his attorney, to state briefly his claim and what proof he expects to offer to support it; for the defendant, or his attorney, to state briefly his defense and what proof he expects to offer to support it; for the plaintiff to offer his evidence; for the defendant to offer his evidence; for the parties to offer any rebutting evidence they may have; and, finally, for the plaintiff and defendant, if they so desire, to argue the case to the magistrate.

The magistrate should announce his decision and give judgment at the conclusion of the trial, but in actual practice he may, and usually does, wait 24 hours to announce his decision. In The American Legion Mountaineer Boys State the magistrate must announce his decision and give judgment not later than one hour after the conclusion of the trial.

Any party aggrieved by the decision of the magistrate may, if the amount in controversy exceeds fifteen dollars, exclusive of interest and costs, appeal the case to the circuit court. In actual practice appeals may be taken within 20 days after judgment, but in The American Legion Mountaineer Boys State the appeals must be taken not later than the next day after entry of judgment. Appeals are taken by tendering an appeal bond, with good security, to be approved by the magistrate, in a penalty double the amount of the judgment. The appeal bond should be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE, COUNTY OF LEWIS, To-Wit:

KNOW ALL MEN BY THESE PRESENTS: That we, Carl Day, PRINCIPAL, and SAUL SHAW, SURETY, are held and firmly bound unto Amos Ball in the sum of Five Hundred dollars ($500.00), to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executor* and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION is such that whereas, on the _____ day of _____, 20____, in the County of Lewis, The American Legion Mountaineer Boys State, said Amos Ball obtained before Job Pace, a magistrate of said county, a judgment against the said Carl Day for the sum of Two Hundred Fifty and no/100 Dollars ($250.00), with interest thereon, and costs of $6.20, and the said Carl Day having obtained from said judgment to the circuit court of said county:

Now, therefore, if the said Carl Day shall perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal, then this bond to be void, other-wise to remain in full force and virtue.

Acknowledged before me and approved as sufficient this the _____ day of _____, 20____.

Job Pace
Magistrate

After the appeal bond is tendered and approved by the magistrate, the appeal is then considered as taken. Within 20 days thereafter, in actual practice, but not later than one day thereafter in The American Legion Mountaineer Boys State the magistrate must make out, certify, and file with the clerk of the circuit court a complete transcript from his docket of all the proceedings before him in the case and deliver such transcript, the bond, and all papers in the case to the clerk of the circuit court of his county.

A transcript is a copy of the magistrate's docket with reference to that case. He should copy his docket accurately and append to it a certificate as follows:

"I, Job Pace, a magistrate of Court House District, County of Lewis, The American Legion Mountaineer Boys State, do hereby certify that the foregoing is a true transcript from my docket of all the proceedings had before me in a certain civil action wherein Amos Ball was plaintiff and Carl Day was defendant."

Given under my hand this _____ day of _____, 20_____.

Job Pace
Magistrate

MAGISTRATE'S CIVIL DOCKET

Case No. 234 THE AMERICAN LEGION MOUNTAINEER BOYS STATE

COUNTY OF LEWIS, To-wit:

Amos Ball, Plaintiff
VS.
Carl Day, Defendant

Taxation Costs:	
Complaint and Summons	$3.00
Continuances	0.20
Trial	1.00
Appeal bond	0.25
Transcript	0.50
Sheriff	0.75
Filing Appeal	0.50
Total	$6.20

A civil action before Job Pace, a magistrate for Court House District of said county.

Attorneys:

Earl Fair For Plaintiff

Gary Hunt For Defendant

On this _____ day of _____, 20___, the plaintiff filed his complaint herein in writing claiming $250.00 and on the same day summons was issued bearing that date, returnable on the _____ day of _____, 20____, at _____ o'clock, _____, and delivered to John Carr, a deputy sheriff of this county.

And now on this _____ day of _____, 20____, at _____ o'clock, _____, the summons was returned, showing personal service thereof upon the defendant. Both parties appeared with their attorneys noted above, and defendant filed his answer in writing, and on application of the defendant, who made oath as to the grounds for a continuance, the trial of this action is continued until _____, at _____ o'clock, _____.

And now on this _____ day of _____, 20____, at _____ o'clock, _____, being the day to which the trial of this case was continued, came against the parties with their attorneys. And having heard the evidence and arguments of counsel, and having considered the same, I am of opinion that there is due the plaintiff, Amos Ball, from the defendant, Carl Day, the sum of Two Hundred Fifty and no/100 Dollars ($250.00).

It is therefore considered by me that the plaintiff, Amos Ball, do recover of and from the defendant, Carl Day, the sum of Two Hundred Fifty and no/100 Dollars ($250.00), with interest thereon from the _____ day of _____, 20____, till paid, and his costs about the prosecution of his action in this behalf expended.

And now, this _____ day of _____, 20____, defendant applied for an appeal from the judgment rendered herein, and filed an appeal bond with me in the penalty of Five Hundred and no/100 Dollars ($500.00), with Saul Shaw as surety, which is approved by me as sufficient, and there upon an appeal is hereby awarded the said defendant.

Job Pace
Magistrate

EXECUTION

The State of West Virginia, Kanawha County, to-wit:

TO _____ , Sheriff or Deputy Sheriff of said County:

JUDGMENT having been rendered by me, in my District of Charleston in the said County, on the _____day of _____, 20____, in favor of _____against _____for _____ Dollars, and _____ Cents, with interest thereon from _____, 20_____ , and costs, _____ you are hereby commanded in the name of the State of West Virginia, to collect the amount due on the said judgment out of the personal property of the said _____ and return this Execution to me, with your certificate thereon, showing the manner in which you have executed the same, within sixty days from this date.

Given under my hand, this _____day of _____, 20____,

_____, Magistrate

District of Charleston, in said county

Received this Execution this the _____ day of _____, 20 _____, at _____, _____ M., _____ C.K.C. and executed the same on the _____ day of _____, 20 _____, by levying on the following personal property as listed on the other side.

Taxation Costs:	
Judgment	$_____
Interest	_____
Costs Due Magistrate	_____
Costs Due Deputy Sheriff	_____
Deputy's Commissions	_____
Levy Fee	_____
Total Witness Fees	_____
	_____
Total	$_____

Procedure in Criminal Cases in Magistrate Court

A magistrate has jurisdiction of the following offenses committed in his county, or of any river or creek adjoining thereto:

(a) In cases of assault and battery, unless the offense was committed on a sheriff or other magistrate, or riotously, or with intent to commit a felony: and no compromise with the party injured shall effect or prevent the trial of such offense by the magistrate; and if a defendant be convicted of such offense he shall be fined not less than five nor more than fifty dollars;

(b) In cases of trespass to property; and, if a defendant be convicted of such offense, he shall be fined not less than five nor more than fifty dollars;

(c) In cases for the violation of section 14, article 6, chapter 61 of the West Virginia Code, (which deals with the disturbance of schools, churches, and any other meeting;) and upon the conviction of a defendant for violation of any of the provisions of said section, he shall be punished as therein provided;

(d) In cases of adultery and fornication; and, if a defendant be convicted of such offense, he shall be fined twenty dollars.

(e) In case of petit larceny; and, if a defendant be convicted of such offense, he shall be fined not less than ten nor more than thirty dollars, and may, at the discretion of the magistrate or jury trying the case, be imprisoned in the county jail not exceeding thirty days;

(f) In cases for the violation of article 7, chapter 61 of the West Virginia Code, (which deals with the carrying and displaying of dangerous or deadly weapons;) and, upon the conviction of a defendant for a violation of any of the provisions of said section, he shall be punished as therein provided;

(g) In any case where the punishment is limited to a fine not exceeding ten dollars, or to imprisonment for not more than ten days.

Provided, however, that wherever a person has been convicted in the municipal or police court of any incorporated town or city, such conviction shall be a bar to any criminal proceedings before a justice for the same offense.

The proceedings before a magistrate is by warrant of arrest issued on the information, under oath of some credible person, describing the offense alleged to have been committed, and commanding the officer forthwith to apprehend the accused, and bring him before the magistrate to be dealt with according to law. The information or complaint and warrant should be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE,
COUNTY OF LEWIS, To-Wit:

Amos Ball upon oath complains that on the _____ day of _____, 20____, within the county aforesaid, Carl Day did steal, take and carry away one tire of the value of fifteen dollars of the goods and chattels of the said Amos Ball; and he the said Amos Ball therefore prays that the said Carl Day may be apprehended and held to answer the said complaint and be dealt with in relation thereto according to law.

Amos Ball

Taken, subscribed and sworn to before me by the said Amos Ball this the _____ day of _____, 20____.

Job Pace
Magistrate

THE AMERICAN LEGION MOUNTAINEER BOYS STATE,
COUNTY OF LEWIS, To-Wit:

To any Deputy Sheriff of said County:

Whereas, Amos Ball has this day made complaint and information on oath before me. Job Pace, a magistrate of said county, that Carl Day on the _____ day of _____, 20____, did steal, take and carry away one tire of the value of fifteen dollars of the goods and chattels of the said Amos Ball.

These are, therefore, in the name of The American Legion Mountaineer Boys State to command you forth-with to apprehend and bring before me, or some other magistrate of said county, lation thereto according to law.

Given under my hand this the _____ day of _____, 20____.

Job Pace
Magistrate

The deputy sheriff who receives the warrant should execute the same by making the arrest and taking the accused before the magistrate who issued the warrant. The deputy sheriff should endorse on the warrant a return, which should be in the following form:

On this the _____ day of _____, 20____, executed the within warrant as therein commanded by arresting the within named Carl Day and bringing his body before Job Pace, a magistrate of the county of Lewis, The American Legion Mountaineer Boys State of his office in the City of Weston in said county.

John Carr
Deputy Sheriff of the County of Lewis

On the appearance of the accused, the magistrate may proceed to try the case, or he may grant continuance from time to time, if the circumstances of the case require it. If granted upon request of the accused, the magistrate may require him to enter into a recognizance, with surety deemed sufficient, conditioned for his appearance at the time and place fixed for trial, and if the recognizance be not given, may commit the accused to jail until the time fixed for trial, but the imprisonment shall not exceed five days. If the continuance is not at the instant of the accused, he shall be discharged from custody on his own recognizance, or without a recognizance, as the magistrate may deem proper. For forms of recognizance see Section 8.

When the penalty authorized by law is a fine exceeding $5.00, or imprisonment, the accused shall be entitled to a trial by twelve jurors, or a less number if demanded, in actual practice, but in The American Legion Mountaineer Boys State jury trials will not be had in magistrate's cases for lack of numbers and other reasons.

The case may be tried without plea of "not guilty", but in the absence of a plea the prosecution must prove its case just as if such plea had been entered.

The magistrate tries the criminal case in the same manner as a civil one, swearing and hearing the witnesses, and determining from the testimony offered before him the guilt or innocence of the accused of the charge made against him. The order of proof is the same as in civil cases, the State or prosecution being the plaintiff and the accused the defendant.

If the judgment is against the accused, it shall be for the costs of the proceeding in addition to the fine and term of imprisonment.

Where a criminal case is tried before a magistrate and the accused is convicted, there may be an appeal to the circuit court of the county, if the accused be sentenced to imprisonment, or to be the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine of less than ten dollars be given by a magistrate if the defendant, his agent or attorney, objects thereto.) The magistrate must allow the appeal if the application therefore is made within a reasonable time after the judgment or conviction is entered. To obtain the appeal the defendant must furnish bond to appear and answer for the offense before the circuit court of the county, and the defendant cannot be released from custody without giving such bond. The bond should be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE,
COUNTY OF LEWIS, To-Wit:

KNOW ALL MEN BY THESE PRESENTS: That we, Carl Day, PRINCIPAL, and Saul Shaw, SURETY, are held and firmly bound unto The American Legion Mountaineer Boys State in the just and full sum of Five Hundred dollars, (500.00) to the payment whereof, well and truly to be made, we obligate and bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, 20____.

The condition of the above obligation is such that whereas on the _____ day of _____, 20____, in a certain action pending before Job Pace, a Magistrate of the County of Lewis, and The American Legion Mountaineer Boys State, the said Carl Day was found guilty of misdemeanor, to wit: Larceny, and fined $300.00, and sentenced to the county jail of said county for the period of Thirty days, and to pay costs to the amount of $4.50; and whereas the said Carl Day desires to appeal from the said judgment to the circuit court of the said county.

Now, therefore, if the said Carl Day shall appear before the judge of the said circuit court on the first day of the next term thereof, and well and truly perform and satisfy any judgment which may be rendered against him on such appeal, and pay the costs on such appeal, and not depart thence without leave of said court, then this obligation to be void, otherwise to remain in full force and virtue.

Carl Day (SEAL)
Saul Shaw (SEAL)

Acknowledged before me and approved as sufficient this _____ day of _____, 20____.

Job Pace
Magistrate

If such appeal be taken the warrant of arrest, the transcript of the judgment, the recognizance or bond and other papers of the case shall be forthwith delivered by the magistrate to the clerk of the circuit court, which court will proceed to try the case as upon indictment, and render such judgment as the law and the evidence may require.

The magistrate will append to his transcript of the judgment the following certificate before delivery of the same to the clerk of the circuit court:

I, Job Pace, magistrate of Court House district, county of Lewis, The American Legion Mountaineer Boys State do hereby certify that the foregoing is a correct transcript of the judgment in the case of The American Legion Mountaineer Boys State vs. Carl Day, as appears from my docket. And I do further certify that the warrant of arrest, the appeal bond and all other papers in said case are herewith returned and accompany the said transcript.

Given under my hand this _____ day of _____, 20____.

Job Pace
Magistrate

Magistrate as Examining Magistrate

A large part of the work of a magistrate in criminal cases is that of an examining magistrate. If, when a person charged with an offense is brought before a magistrate, the case is one which the magistrate has no jurisdiction to determine, then it is the duty of the magistrate to hear the charges made against the accused, and the evidence which may be given to support them, and the evidence offered in defense, upon which the magistrate will decide not whether the accused is guilty or innocent but whether the evidence on both sides taken together is sufficient to justify holding the accused to bail, or committing him to jail, to answer the charge in the circuit court in which the charge is properly recognizable.

The procedure upon such an examination is the same as on other judicial proceedings before a magistrate.

If the magistrate holds the accused to answer an indictment in the circuit court and the accused is let out on bail, then the accused must give bond with good security in a form as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE,
COUNTY OF LEWIS, To-Wit:

KNOW ALL MEN BY THESE PRESENTS: That we, Carl Day, principal and Saul Shaw, surety, are held and firmly bound unto The American Legion Mountaineer Boys State in the just and full sum of Five Hundred Dollars ($500.00), for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, 20____.

The condition of the above obligation is such that whereas the above bound Carl Day has been arrested and brought before me, Job Pace, a magistrate of said county, charged with unlawfully and feloniously stealing, taking and carrying away five automobile tires, of the value of fifty dollars and of the goods and chattels of Amos Ball, in said county aforesaid, contrary to the laws of The American Legion Mountaineer Boys State, and upon examination of the said accused it appears that there is probably cause to believe him guilty of the offense as charged, and accordingly he has been held by me to answer any indictment therefore that may be returned by the grand jury of said county.

Now, therefore if the above bound Carl Day shall personally appear before the circuit court of said county on the first day of the next term thereof, then and there to answer The American Legion Mountaineer Boys State for the offense for which he stands charged and any indictment thereof, if one be preferred against him, and to abide by and perform the further order of said court in relation thereto, then this obligation to be void, otherwise to remain in full force and virtue.

Carl Day (SEAL)
Saul Shaw (SEAL)

Entered into before, and approved, by me this _____ day of _____, 20____.

Job Pace
Magistrate

Search Warrant Procedure

If there be complaint, on oath, that personal property has been stolen, embezzled, or obtained by false pretenses, and that it is believed to be concealed in a particular house, or other place, the magistrate to whom complaint is made, if satisfied that there is reasonable cause for such belief, issues a warrant to search such place for the property.

Every search warrant must be directed to the sheriff of the county in which the place to be searched may be, and shall command him to search the place designated, and seize such stolen property, if found, and bring the same, and the person in whose possession it is, before a magistrate or court having cognizance of the case. Such warrant may be executed either in the day or night.

If the warrant be executed by the seizure of such property, the same shall be safely kept, by the direction of the magistrate or court, to be used as evidence; and, as soon as may be afterward, such stolen property shall be restored to its owner, or be otherwise dealt with according to law.

The party who applies for a search warrant must make complaint and information on oath, the same as one applying for a warrant of arrest, and on the basis of such sworn complaint the magistrate issues the warrant. Such complaint may be in form or effect as follows:

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
COUNTY OF LEWIS, To-wit:

On the _____ day of _____, 20____, personally appeared before the undersigned, a magistrate of said county, Amos Ball, who being by the undersigned first duly sworn according to law, says: That on the _____ day of _____, 20____, in the said county and state, the following goods and chattels, to-wit, an automobile wheel and automobile tire, of the value of nineteen dollars, and of the goods and chattels of him, the said Amos Ball, were unlawfully stolen, taken and carried away by one Carl Day, and that he has reasonable and just cause to believe and does believe, that the said goods are concealed in the Garage building in the rear of the dwelling house known as Number 123 Pike Street in the City of Weston, in the county of Lewis, of The American Legion Mountaineer Boys State.

The said complaint therefore prays that the said premises be searched and if said property or any thereof is found that it be taken into possession, and the said Carl Day be apprehended and held to answer said complaint and be further dealt with according to law.

Amos Ball
Complainant

Sworn to and subscribed before me this _____ day of _____, 20____.

Job Pace
Magistrate

Note: If the value of property is $50.00 or over, the words "and feloniously" should be added following the word "unlawfully."

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
COUNTY OF LEWIS, To-wit:

To any Police Officer of said County:

Whereas, Amos Ball of said county has this day made complaint on oath, Job Pace, a magistrate of said county, that on the _____ day of _____, 20____, in said county, the following goods,, to wit: an automobile wheel and automobile tire, of the value of nineteen dollars, and of the goods and chattels of the said Amos Ball were unlawfully stolen, taken and carried away from him the said Amos Ball by one Carl Day, and that he has reasonable and just cause to believe and does believe, that the said goods and chattels are concealed in the garage building in the rear of the dwelling house known as Number 123 Pike street in the City of Weston, in the County of Lewis, of The American Legion Mountaineer Boys State.

These are, therefore, to command you, in the name of The American Legion Mountaineer Boys State, with all necessary and proper aid, to enter the said garage building and there diligently search for the said goods and chattels; and if the same, or any part thereof, shall be found upon such search that you bring the same, and also the body of the said Carl Day before me, to be disposed of and dealt with according to law.

Given under my hand this _____ day of _____, 20____.

Job Pace
Magistrate

Note: Add the words "and feloniously" if value of goods and chattels is $50.00 or over, after the word "unlawfully."

The deputy sheriff who receives the search warrant should execute the same by making search for the property and, if found, taking possession of the same, and also arresting and taking the accused into custody, and bringing the property and the accused before the magistrate named in the warrant. The deputy sheriff should endorse on the warrant a return in the following form or effect:

On this the _____ day of _____, 20____, executed the within warrant as therein commanded by finding and taking into possession the goods and chattel described in said warrant, and bringing the same, together with the body of Carl Day, the within named and by me arrested, before Joe Pace, a magistrate of the county of Lewis, in The American Legion Mountaineer Boys State at his office in the city of Weston in said county.

John Carr
Deputy Sheriff of the County of Lewis

On this return of the warrant with property and the body of the accused the case proceeds like any other criminal case.

Case No. 234 THE AMERICAN LEGION MOUNTAINEER BOYS STATE
COUNTY OF LEWIS, To-wit:

The American Legion Mountaineer Boys State, Plaintiff
VS.
Carl Day, Defendant

Taxation Costs:	
Complaint	$0.50
Warrant of Arrest	0.50
Continuances	0.20
Trial	1.00
Docketing Case	0.30
Entering Judgment	0.50
Appeal, transcript, etc.	1.00
Sheriff	0.60
Total	$4.60

A criminal action before Job Pace, a magistrate for Court House district of said county.

Attorneys:
Peter Ames, Prosecuting attorney for the state.
Gary Hunt, for defendant

On this _____ day of _____, 20___, came Amos Ball and made complaint and information on oath that Carl Day on the _____ day of _____, 20____, did steal, take and carry away one tire of the value of fifteen dollars and of the goods and chattels of said Amos Ball.

And on the same warrant of arrest, returnable forthwith, was issued to John Carr, a deputy sheriff of said county, to arrest and bring the body of said Carl Day before me to be dealt with according to law.

And on the same day John Carr, deputy sheriff, arrested and brought the said Carl Day before me. Thereupon, on motion of the defendant the trial hereof is continued until the afternoon of this day at 3:30 o'clock p.m. And being required by me so to do said Carl Day entered into a recognizance with Saul Shaw as his surety, in the penalty of $100,000, condition for his appearance before me at the time and place aforesaid.

And now this same day, at 3:30 o'clock p.m., being the time to which this case was continued, the defendant appeared with Gary Hunt, his attorney, and says that he is not guilty as in said complaint is charged against him. After hearing the evidence, both for the State and the defendant, I do find the said Carl Day guilty as charged in said complaint, and do adjudge that the said Carl Day do pay a fine of $30.00 and be imprisoned in the county jail for a period of thirty days, and to pay the costs of this prosecution in the amount of $4.60.

And the said Carl Day desiring to appeal from this judgment to the Circuit Court of said county, he, the said Carl Day, together with Saul Shaw, his surety, entered into and filed with me an appeal bond in the penalty of $500.00, upon condition that if the said Carl Day shall appear before said court on the first day of the next term thereof to answer for the offense wherewith he is charged, and not depart thence without leave of the court, then this recognizance is to be void, else to remain in' full force and virtue. Whereupon an appeal is allowed to said Carl Day from said judgment to the said Circuit Court.

Job Pace
Magistrate

Note: In cases where the magistrate acts as an examining magistrate, the magistrate's criminal docket is made out in a similar form as the foregoing down to and including the arrest and bringing of the defendant before the magistrate, and then should continue in manner following:

Thereupon, having examined into the truth of the charge made against the said Carl Day, I find that there is sufficient cause to detain him further upon such charge to answer to the circuit court therefor. It is therefore ordered that the said Carl Day be conveyed to and be confined in the jail of said county, there to await the action of the circuit court touching the charge aforesaid against the said Carl Day, and for trial by the said court. (Or if the offense is bailable and the prisoner able and willing to give bond, in place of the last sentence use the following:) And the said Carl Day desiring to give bail for his appearance before the next term of the circuit court of this county, on the first day thereof, the said Carl Day on this the _____ day of _____, 20____, and Saul Shaw, his surety, acknowledged themselves to owe and be indebted unto The American Legion Mountaineer Boys State in the just and full sum of $500.00 to be made and levied of their respective goods and chattels, lands and tenements and unto the State rendered: yet upon the condition, that said Carl Day shall make his personal appearance on the first day of the next term of the circuit court of the County of Lewis, to answer to the charge of Grand Larceny, and not depart thence without leave of said court, then this recognizance to be void, else to remain in full force and virtue.

Job Pace
Magistrate

Pretrial Motions

Counterclaims, crossclaims, and third party claims (Civil)

Assistant	Clerk
• Prepare Complaint/Summons • Collect Fee or Affidavit • Assign same Case Number • Note on Daily Activity Report • Note on Index Card →	• Record Filing on Case Number Register (Cross Reference) • Forward Summons for Service • Prepare Index Card • File Documents in Backup File • Receive Returned Summons and forward to Assistant along with Index Card

Transfer to Another Magistrate (Civil/Criminal)

Assistant	Clerk
• Note on Daily Activity Report • Remove Case History and Index Cards from File • Forward to Clerk →	• Reassign • Record on Case Number Register • Record on Case Information Sheet in Case History and Backup
• Send Notice to Appear ←	• Forward to Reassigned Magistrate
• File Case History and Index Cards	

Request for Removal to Circuit Court (Civil)

Assistant	Clerk
• Record on Daily Activity Report • Record on Case Information Sheet and Index Cards • Forward Case History →	• Record on Case Number Register • Record on Case Information Sheet in Backup File • Forward Check and Case History to Circuit Court • Keep Backup File

Request for Jury Trial (Civil)

Assistant	Clerk
• Party Request Jury Trial • Record Date of Request on Case Information Sheet • Record on Daily Activity Report • Assign Preliminary Trial Date Pending Bailiff Assignment by the Clerk • Contact Clerk for Formal Assignment →	• Assign Bailiff/Date • Record on Bailiff Schedule • Contact Bailiff by Phone & by First Class Mail
• Record Date of Trial on Case Information Sheet ← • Send Notice to Appear	

Complaint Withdrawal (Civil/Criminal)

Assistant	Clerk
• Complete Withdrawal Form (Magistrate/Complainant) • Record Withdrawal Information on Case Information Sheet • Notify Law Enforcement Agency and Defendant by Mail • Forward Case History to Clerk	

Traffic Tickets (Criminal)

Activity	Assistant	Clerk
Ticket Received	• Tickets Recorded on Daily Activity Report • Forward all Tickets Received to Clerk Daily →	• Record on Ticket Case Number Register • Put Tickets in Appropriate Dated Folder
Ticket Paid (Mail)	• Entered on Daily Activity Report →	• Payment Recorded on Case Number Register and Ticket
Ticket Paid (Appearance)	• Entered on Daily Activity Report →	• Abstract Completed and Forwarded
Ticket Contested	*Handled as if Misdemeanor*	
Defendant in Custody	*Handled as if Misdemeanor*	

Criminal Proceeding

Activity	Assistant	Clerk
Complaint Filed *NOTE: When Defendant is in Custody, Initial Appearance Activities will Occur when then Complaint is File*	• Complete Complaint/Warrant • Record on Daily Activity Report • Forward to Clerk →	• Review Daily Activity Report • Record Filing on Case Number Register and Assign Case Number • Record Case Number on Documents • Forward Warrant for Execution • Prepare Index Card • Prepare Case History • Forward Copy of: Daily Activity Report Complaint/Warrant to Prosecutor
Initial Appearance	• Complete Certification Form • Issue Plea and Trial Request/Waiver Form, if needed • Financial Affidavit, if requested by Defendant • Prepare Case Information Sheet • Record on Daily Activity Report • Forward to Clerk →	• Review Daily Activity Report • Assign Magistrate • Record Assignment • Record Return Date • Prepare Backup File • Forward Case History to Assigned Magistrate
Pretrial Judgment	*See PRETRIAL MOTIONS*	
	• File Case History • File Index Cards • Enter Judgment and Judgment Date on Case Information Sheet • Enter Date on Each Index Card • File Judgment Order in Case History • Hold in Suspension File for 20 Days →	• Receive Case History • Record Date for Judgment on Case Number Register • Purge Backup File • File Case History
	See POST-JUDGMENT MOTIONS	

Civil Proceedings

Activity	Assistant	Clerk
Complaint Filed	• Complete Complaint/Summons • Collect Fees • Record on Daily Activity Report • Prepare Case Information Sheet • Forward to Clerk →	• Review Daily Activity Report • Record on Case Number Register and Assign Case Number • Record Case Number on Documents • Assign Magistrate and Record on Appropriate Documents • Prepare Index Cards • Forward Summons to Process Server • Prepare Case History
Return to Service	• File Case History • File Index Card ←	• Note Return Date on Case Information Sheet, Complaint/Summons, Case Number Register • Prepare Backup File • Mail Complaint/Summons to Plaintiff • Forward Case History to Assistant
Pretrial Judgment	*See PRETRIAL MOTIONS*	
	• Enter Judgment and Judgment Date on Case Information Sheet • Enter Date on Index Card • Prepare Final Case History • Hold in Suspension File for 20 Days →	• Receive Case History • Record Date on Judgment on Case Number Register • Purge Backup File • File Case History
	See POST-JUDGMENT MOTIONS	

Post-Judgment Motions

Request for New Trial (Civil/Criminal)

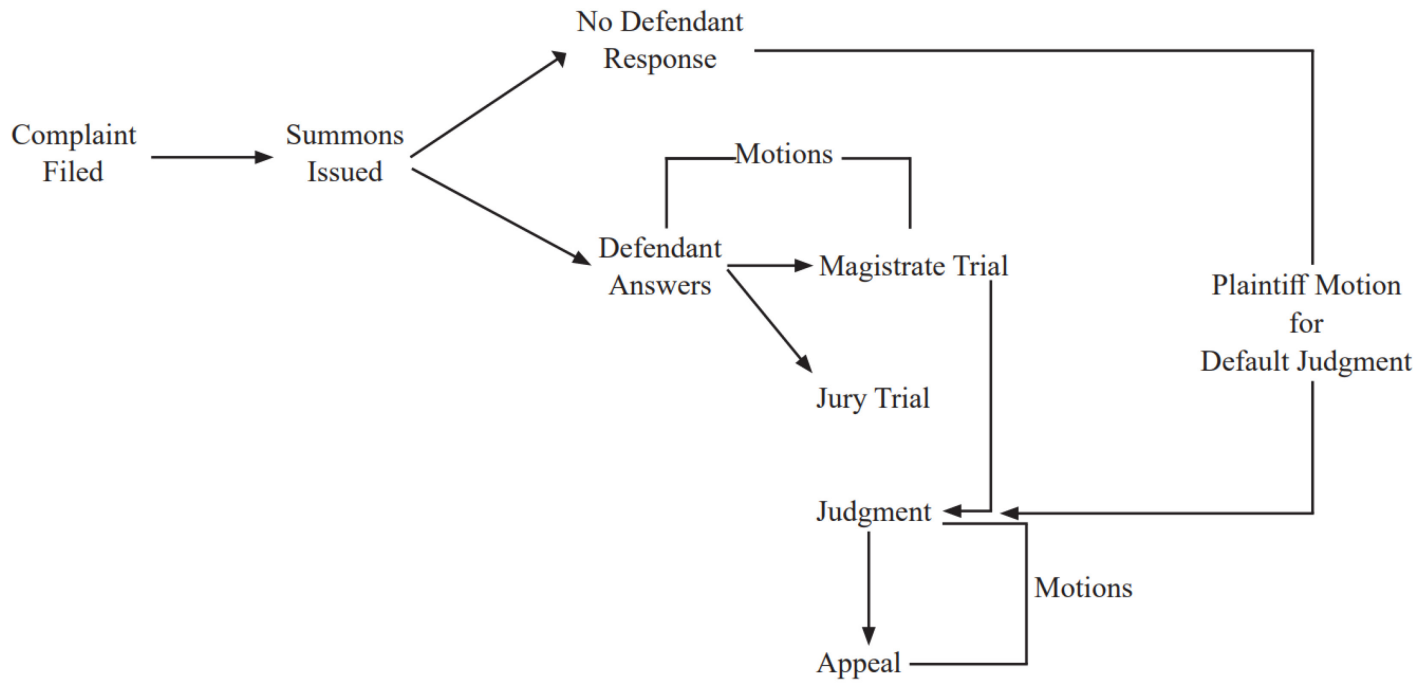
Assistant	Clerk
• Record in Case Information Sheet • In Request Granted: Contact Clerk for Bailiff if a jury is needed • If Request is Denied: Hold for 20 Days →	• Receive Folling 20 Days: If no appeal Record Date of Judgment on Case Number Register • Purge Backup Folder • File Case History

Request for Appeal (Civil/Criminal)

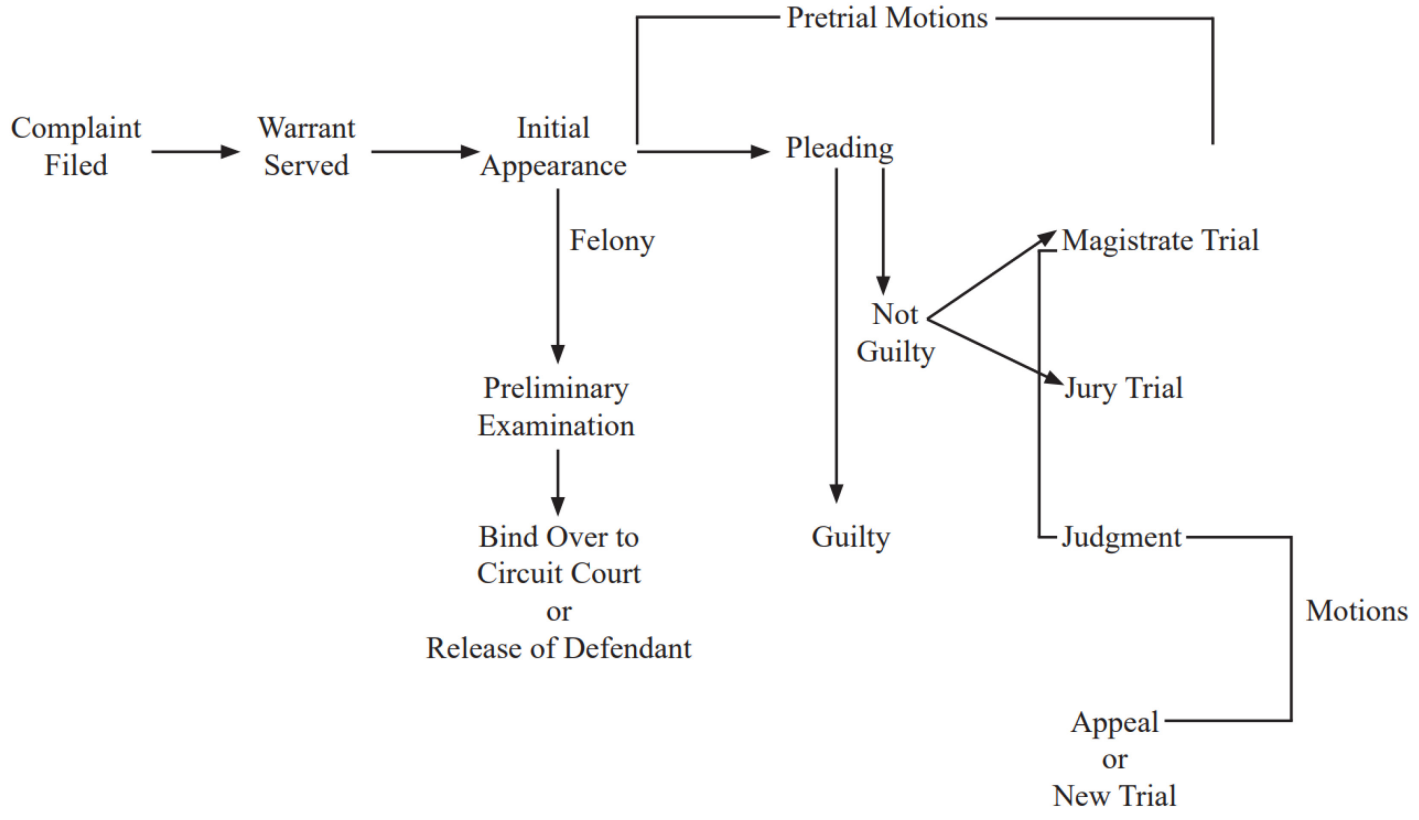
Assistant	Clerk
• Request on Daily Activity Register and Index Cards • Record on Case Information Sheet • Forward Case History to Clerk →	• Record on Case Number Register • Duplicate Case Information Sheet and Place in Backup File • File Backup File • Forward Case History to Circuit Court

Case/Trial Workflow

Civil



Criminal



Juries

GRAND JURY. This is a body of sixteen in number, drawn for each term of the criminal courts in the counties, sworn to inquire concerning crimes committed or triable in their respective county. The grand jury hears evidence as to the commission of crimes and decides whether or not the defendant shall be held for trial. When the grand jury is formed the prosecuting attorney goes before them and submits, through witnesses, such cases as are remitted there by committing magistrates. After the grand jurors hear the evidence, they decide if there is sufficient grounds to hold the defendant for trial. If they so decide they return what is called a true bill or an indictment, directing the defendant to be tried for the offense. If they report no indictment, the defendant must be discharged from custody or bail. However, there is no rule which prohibits the same evidence being submitted to a grand jury which is drawn at a future term, if such evidence is submitted before the expiration of three terms of court. Except as specifically permitted, no evidence is receivable before the grand jury in defense of the accused.

The indictment, if found, is returned to the Circuit or Magistrate Court and the defendant, if not in custody, is arrested or rearrested on a bench warrant and brought before the court where he is required to plead to the indictment. Should he plead guilty, he is sentenced by the presiding judge, but should he plead not guilty, his case is docketed for trial, and he is tried for the offense before a judge or a jury of six or twelve persons, depending upon the court involved. If the verdict of the jury is guilty, he is then sentenced, but should the jury return a not guilty verdict, he is discharged from custody.

DECLARATION OF POLICY. It is the policy of the State of West Virginia that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court and that all Citizens have the opportunity in accordance with this article to be considered for jury service and an obligation to serve as jurors when summoned for that purpose. (WV CODE 52-1-1)

JURY COMMISSION. A Jury Commission is established in each county to manage the jury selection process under the supervision and control of the Circuit Court. The Jury Commission shall be composed of the clerk of the Circuit Court and two jury commissioners appointed for a term of four years by the Chief Judge of the Circuit Court or judge in a single judge circuit No jury commissioner, after having served four years, shall be eligible to serve a successive additional term unless he meets a limited and defined exception of WV CODE 52-1-4. (WV CODE 52-1-4)

PREPARATION OF JURY LIST. In each county, the Jury Commission shall compile and maintain a master list of residents of the county from which prospective jurors are to be chosen. The master list shall be a list of individuals compiled by whatever random key number system the commission may choose from not less than two of the following source lists:

1) Persons who have filed a state personal income tax return for the previous year,
2) Persons who are registered to vote in the county,
3) Persons who hold a valid motor vehicle operators or chauffeurs license as determined from the drivers license lists provided by the Department of Motor Vehicles.

The Jury Commission shall take randomly a sample of names from each source used. The same percentage of names must be selected from each list. One source list shall be designated a primary source, and the names selected from that source shall be compared with the list of names from the second source. Duplicate names shall be removed from the second source sample, and the remaining names shall be combined with the sample of names selected from the primary source to form the master list.

At the direction of the circuit court, the Jury Commission for each county shall maintain a jury wheel or jury box, into which the commission shall place the names or identifying numbers of prospective jurors taken from the master list. The choice of employing a jury wheel or jury box shall be at the discretion of the circuit court or the chief judge thereof.

In counties having a population of less than fifteen thousand persons according to the last available census, the jury wheel or jury box shall include at least two hundred names; in counties having a population of at least fifteen thousand but less than fifty thousand, at least four hundred names; a population of at least fifty thousand but less than ninety thousand, at least eight hundred names; and a population of ninety thousand or more, at least one thousand six hundred names. From time to time a larger or additional number may be determined by the jury commission or ordered by the circuit court to be placed in the jury wheel or jury box.

The names or identifying numbers of prospective jurors to be placed in the jury wheel or jury box are selected in a random fashion by the jury commission in the manner outlined in WV CODE 52-1-6, a key number system. (WV CODE 52-1-5.52-1-6,52-1-7)

DISQUALIFICATION FROM JURY SERVICE. A prospective juror is disqualified from jury service if the prospective juror

1) Is not a Citizen of the United States, at least 18 years old and a resident of the county;
2) Is unable to read, speak, and understand the English language:
3) Is incapable, by reason of substantial physical or mental disability, of rendering satisfactory jury service;
4) Has, within the preceding two years, been summoned to serve as a petit juror, grand juror, or magistrate court juror, and has actually attended sessions of the magistrate or circuit court and been compensated as a juror,
5) Has lost the right to vote because of a criminal conviction: or
6) Has been convicted of perjury, false swearing or other infamous offense.

A prospective juror sixty five years of age or older is not disqualified from serving, but shall be excused from service by the court upon the juror's request. A prospective grand juror is disqualified to serve on a grand jury if the prospective grand juror is an office holder under the laws of the United States or of the State of West Virginia. (WV CODE 52-1-8)

SELECTION AND SUMMONING OF GRAND JURORS. The jury commissioners of any court requiring a grand jury shall, at least thirty days before the term of the court; draw and assign persons for the grand jury, but the court, or judge thereof, may require the jury commissioners to appear forthwith, or at any specified time and draw and assign grand jurors for either a regular, special, or adjourned term of court. On the day appointed, the jury commissioners shall appear and draw the names of sixteen persons from the jury wheel or jury box, and the persons so drawn shall constitute the grand jury, and at the same time the jury commissioners shall draw the names of a number of alternate jurors as directed by the chief judge of the circuit or the judge in a single judge circuit. The jury commissioners shall enter the names of all persons so drawn in a book kept for that purpose, and they shall issue summonses to the persons so drawn. (WV CODE 52-2-3)

QUORUM. Of the sixteen grand jurors chosen from the grand jurors and alternate grand jurors summoned, fifteen or more of the grand jurors attending shall be a competent grand jury. WV CODE 52-2-4)

DUTIES: PRESERVATION OF EVIDENCE. The grand jury shall inquire of and present all felonies, misdemeanors and violations of penal laws, committed in the jurisdiction of the court wherein they are sworn, except that no presentment shall be made of a matter for which there is no imprisonment, but only a fine, where the fine is limited to an amount not exceeding ten dollars and the offense is cognizable by a magistrate. They shall appoint one of their number as clerk, who shall write down the name of each witness examined by them, and the substance of the evidence given by him, and furnish the same to the prosecuting attorney. (Code 52-2-7)

FINDING. At least twelve of the grand jurors must concur in finding or making an indictment or presentment. They may make a presentment or find an indictment upon the information of two or more of their own body, and when a presentment or indictment is so made, or on the testimony of witnesses called on by the grand jury, or sent to it by me court, the names of the grand jurors giving the information, or of the witnesses, shall be written at me foot of the presentment or indictment. (Code 52-2-8).

SECOND HEARING. Although a bill of indictment may be returned not a true bill, another bill or indictment against the same person for the same offense may be sent to and acted on by the same or another grand jury. (Code 52-2-9).

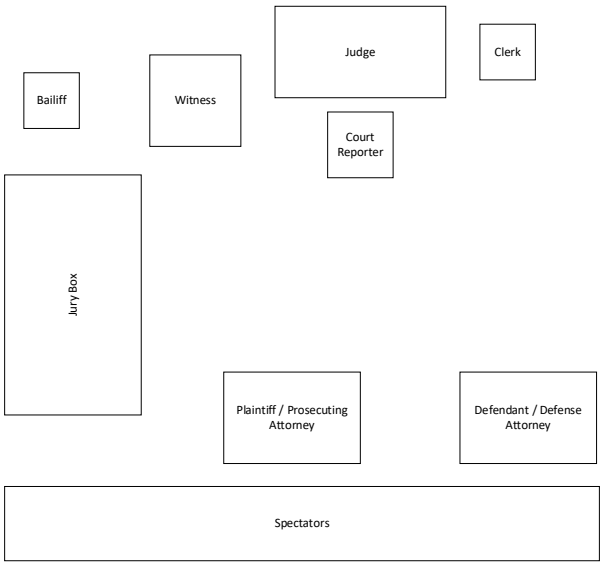
SELECTION OF TRIAL JURORS. All jurors required for the trial of cases in any circuit court, including cases of felony, shall be selected by drawing randomly from the jury wheel or jury box. (WV CODE 52-1-7)

SELECTION OF JURY IN FELONY CASES. Striking Jurors. In a case of felony, twenty jurors shall be drawn from those in attendance for the trial of the accused. If a sufficient number of jurors for such panel cannot be procured in this way, the court shall order others to be forthwith summoned and selected, until a panel of twenty jurors, free from exception, be completed, from which panel the accused may strike off six jurors, and the prosecuting attorney may strike off two jurors. The prosecuting attorney shall first strike off two jurors, and then the accused six. If the accused fails to strike from such panel the number of jurors this section allows him to strike, the number not stricken off by him shall be stricken off by the prosecuting attorney, to reduce the panel to twelve, who shall compose the jury for the trial of the case. (Code 62-3-3).

CUSTODY OF JURY. After a jury in a case of felony is impaneled and sworn, the court, in its discretion, may order the jury to be placed in the custody of the sheriff or other officer, and they shall be provided with suitable board and lodging. After a jury is impaneled no sheriff or other officer shall converse with or permit any one else to converse with a juror unless by leave of the court. (WV CODE 62-3-6)

CUSTODY OF JURY: EXPENSES. No conversation with jurors. After a jury in a case of felony is impaneled and sworn, they shall be kept together and furnished with suitable board and lodging by the Sheriff or other officer until they agree upon a verdict or number of jurors this section allows him to strike, the number not stricken off by him shall converse with, or permit any one else to converse with a juror, unless by leave of the court. (Code 62-3-6).

Courtroom Layout



Trial Overview

1. Draw panel of jurors
2. Jury voir dire
3. Jury of twelve
4. Oath of jury
5. Plaintiff (state) presents case in chief
6. Defendant presents case in chief
7. Judge instructs jurors as to law of case
8. Jury retires and reaches verdict

History

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THE AMERICAN LEGION MOUNTAINEER BOYS STATE

Post Everlasting

The American Legion Post Everlasting Ceremony honors the memory of those who offered their lives in the service of country and who have passed onto the immortal legions. Because of them our lives are free; because of them our nation lives; because of them the world is blessed.

2024

General Thomas "Tom" Bartlett III
ALMBS Graduate

Paula Jean Booth
Past American Legion Auxiliary Department of West Virginia President

Rocco Fucillo
ALMBS Staff and Supporter

Katena Svingos Karnes
Past American Legion Auxiliary Department of West Virginia President

Roger John "Kat" Michael
Past Sons of The Legion Detachment of West Virginia Commander

Jack Morgan
US Navy Veteran and ALMBS Supporter

2012
Clarence Walton

2013
Joseph Graham
Dorothy Howard
William Lancaster
Tallulah Simpson
All Sluss

2014
Paul Besaw
O. Virginia "Tootsie" Robinson
Robert Vass
Larry Yoho

2015
Donald Brown
Glenwood Burton
W. Edward Dague
Rob Johnson
Joseph S. Polinelli
Oce Smith., Jr.
H. Laban White

2016
Eugene T. Billmeyer, Sr.
Glenwood Burton
Charles E. Forsythe
Denver Gandee
Milton Hoag
Aubrey Lee
Dana Orndorff

2017
Duncan Graham
Ernest L. Kines
Wendell Erland Phillips, Jr.
Harry M. Slaughter
Charlena May Smith
Steve Wright

2018
William "Bill" Adkins
Richard D. Bental
Dennis E. Calain, Sr.
Judge Fred L. Fox II
Dale E. Hoover, Sr.
Edmund L. Reel
Robert Milton Ryman
Truman L. Sayre, Sr.
Leslie L. Shreve
Roy Harlan Turner

2019
Benjamin Rodriguez II
John E. Wines
Frederica "Elaine" Whitescarver Brown
Curt H. Tonkin
Geroge J. Kocsis
Mary Jo Fall Aire

2020
Tanner Joseph Aliff
Fletcher Raamie Barker
Ginger Chambers
John Harmison
Charles Glidden "Pete" Johnson
Kenneth Cameron Legg
Donna Lou Moats-Wagner
Art Oger

2021
Jackie Anderson
CPL. Jackey Dale Blosser
Betty Lue Burton
Charles "Kat" Conrad Cadwallader
Norma Lee Clise
Dennis Davis
John Joseph Droppleman
Robert "Greek" Fochalis
Scott Hart
Harold E. Plants
Richard Seeley
Don Ross Ship
Kenny Short
Robin Shonette Wood Stultz
Seth Allen Underwood
Brigadier General Chuck Yeager
Leslie "Hoppy" Winkie
Beulah "Madge" Wines

2022
John "Beatle" Bailey
Neil Bolyard
Robert D. "Dan" Chandler
Ruby Carrett Coberly
Wade Conner
C. William "Bill" Harris
John Bruce Nanny
Teresa Elizabeth "Betty" Rea
Charles Renou
James F. Robinson
Kenneth Eugene Smith
Jerry Williams

2023
Nick Arvon
Thane E. Chastain
Otha "Junior" Compton, Jr.
Father Gary Gummersheimer
Charles G. Hood
George J. Sinkewitz
Jeromy "Cowboy" Upton
Hershel Woodrow "Woody" Williams

THE AMERICAN LEGION MOUNTAINEER BOYS STATE GOVERNORS

Due to wartime restrictions on food and travel, ALMBS was not held during 1943 and 1945; COVID-19 Pandemic restrictions prevented ALMBS in 2020 and 2021, hence no Governor was elected for those years.



LESLIE G. REED
Governor 1936



PAUL CRONIN
Governor 1937



WILLIAM G. MILLER
Governor 1938



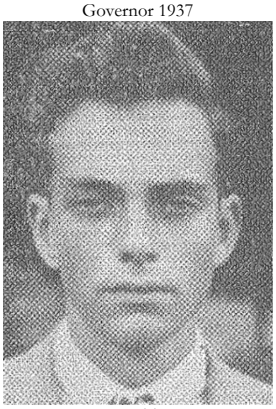
RODNEY WOLFORD
Governor 1939



JAMES H. FRESH
Governor 1940



JACK LEE
Governor 1941



RICHARD TURNER
Governor 1942



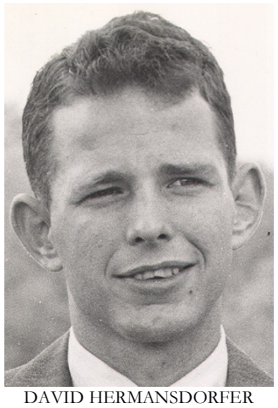
TOM LANGFIH
Governor 1944



DAVE DAUGHERTY
Governor 1946



ELMER H. FREESE
Governor 1947



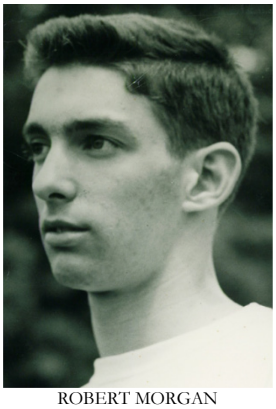
DAVID HERMANSDORFER
Governor 1948



HENRY "HOPPY" SHORES
Governor 1949



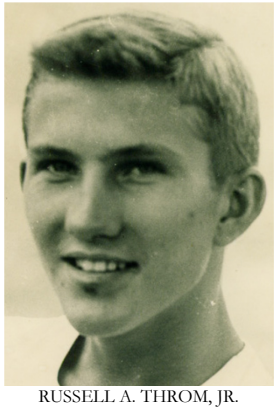
TED RAKE
Governor 1950



ROBERT MORGAN
Governor 1951



JIM ST. CLAIR
Governor 1952



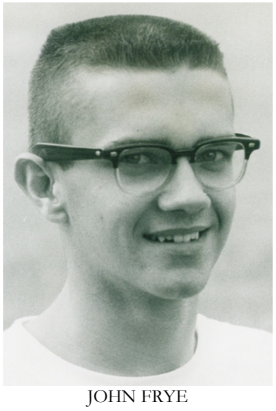
RUSSELL A. THROM, JR.
Governor 1953



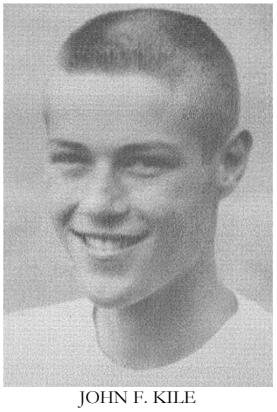
CHARLES F. LUCAS
Governor 1954



BURTON A. DUDDING
Governor 1955

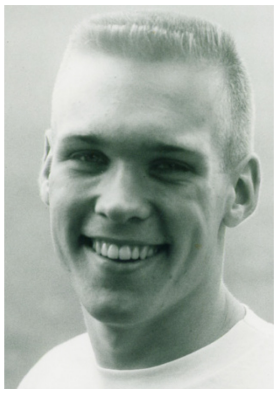


JOHN FRYE
Governor 1956



JOHN F. KILE
Governor 1957

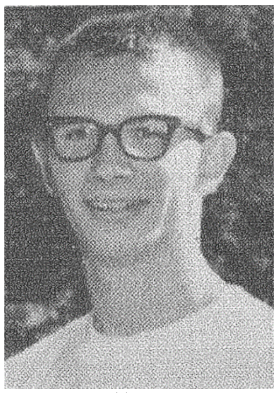
THE AMERICAN LEGION MOUNTAINEER BOYS STATE
GOVERNORS



DEAN HUNNESHAGEN
Governor 1958



WILLIAM D. SHAFFER
Governor 1959



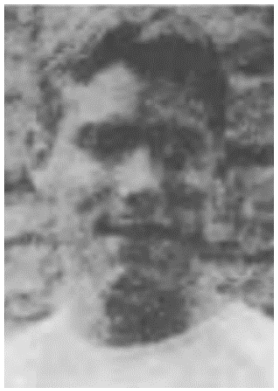
DEAN THOMPSON
Governor 1960



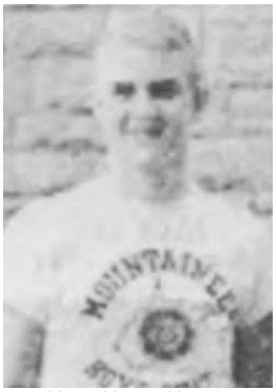
GLENN KIGER
Governor 1961



PHILLIP J. PETERS
Governor 1962



THOMAS I. CRAIG, JR.
Governor 1963



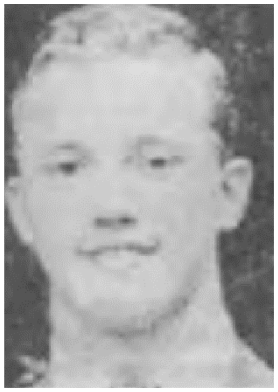
TOM STEWART WAY
Governor 1964



KERRY BETHEL JARRELL
Governor 1965



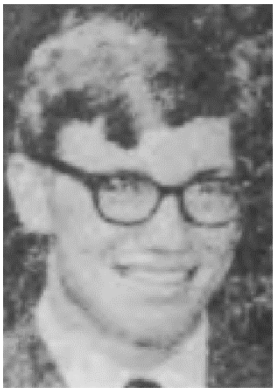
CARL MICHAEL AKERS
Governor 1966



MALCOLM B. LOUDEN
Governor 1967



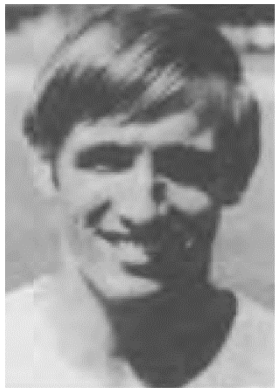
CHARLES M. CONNOR
Governor 1968



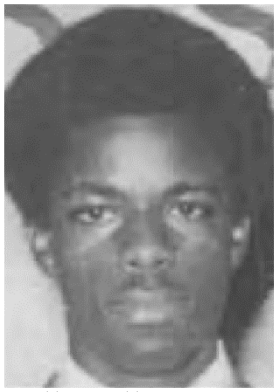
HARRY LAYNE HULL
Governor 1969



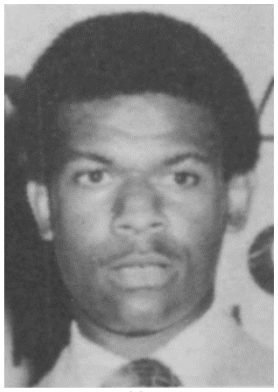
VAN JETSON DANIELS
Governor 1970



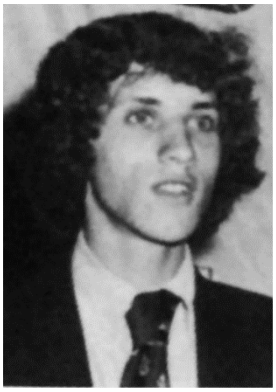
DONALD COPENHAVER
Governor 1971



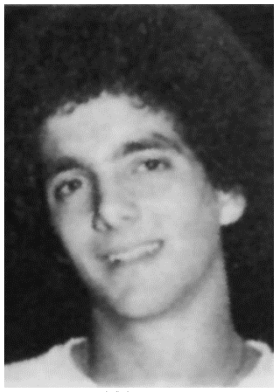
STEVE ANTHONY HILL
Governor 1972



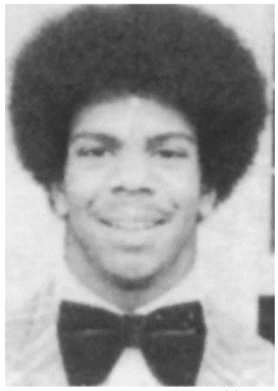
ELLIOT HICKS
Governor 1973



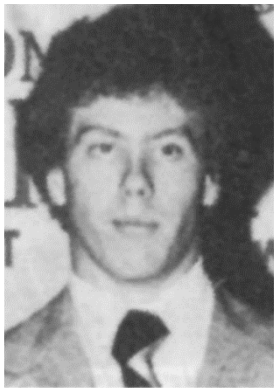
CHARLES W. LOEB, JR.
Governor 1974



SAM MATTHEW SPENIA
Governor 1975

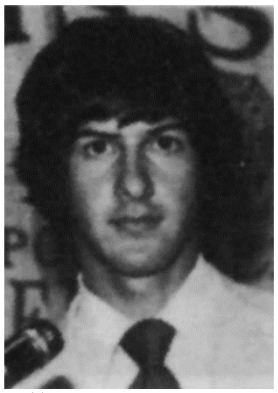


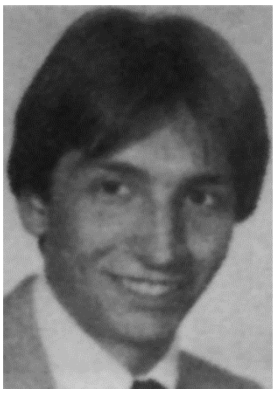
CHARLES HUGHIE SMITH
Governor 1976

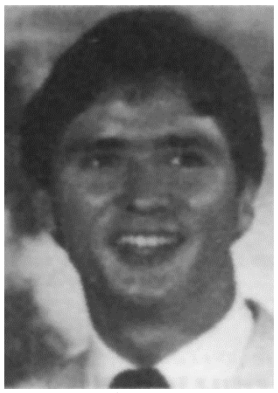


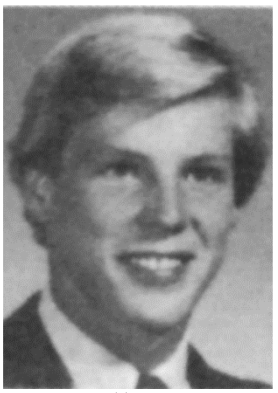
JOHN ALAN WILLIS
Governor 1977

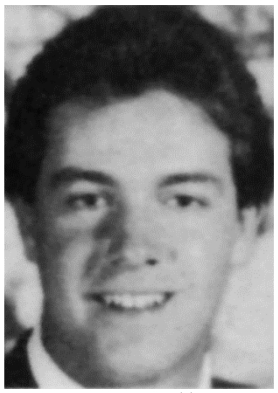
THE AMERICAN LEGION MOUNTAINEER BOYS STATE GOVERNORS

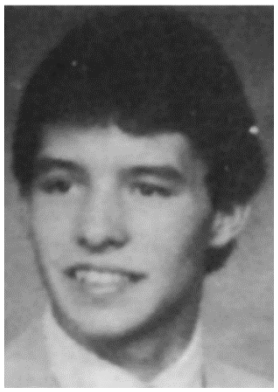

TIMMY DEAN WHEELER
Governor 1978

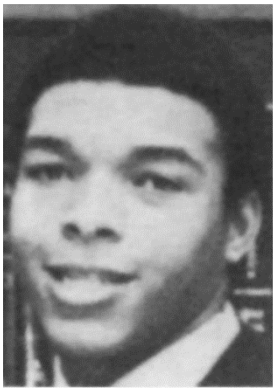

JOSEPH CARO
Governor 1979

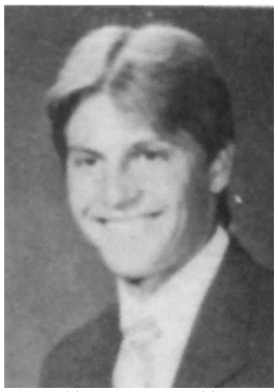

MARK ZACHWIEJA
Governor 1980

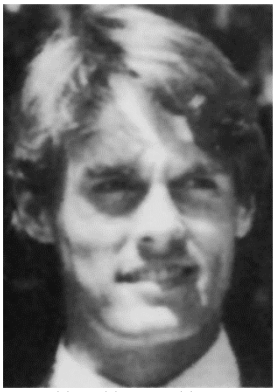

BRENT WALKER
Governor 1981

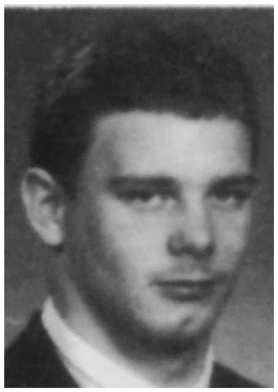

JAMES GOOTS
Governor 1982

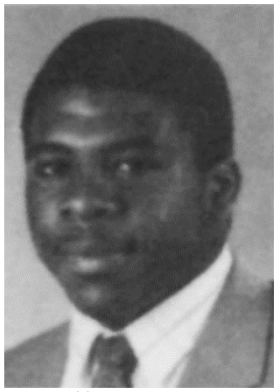

JOHN GEMONDO
Governor 1983

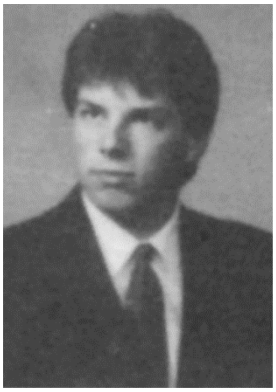

WILLIAM R. SPENCER, JR.
Governor 1984

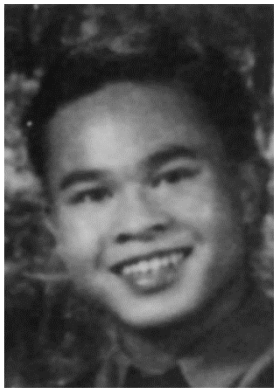

ANTHONY J. WEBSTER
Governor 1985

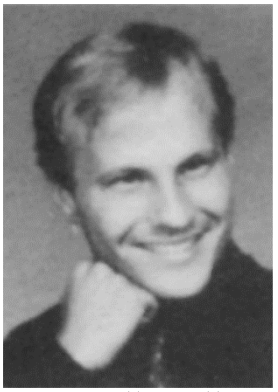

TIMOTHY ABSTEN
Governor 1986

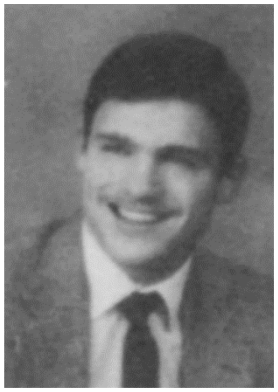

GREG LUNSFORD
Governor 1987

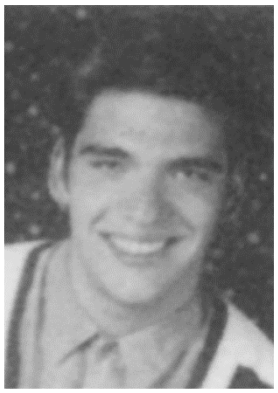

STEPHEN REDD
Governor 1988


COY FLOWERS
Governor 1989

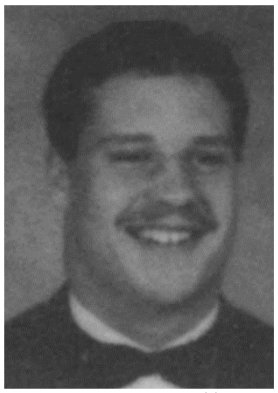

JOSEPH LIMER
Governor 1990

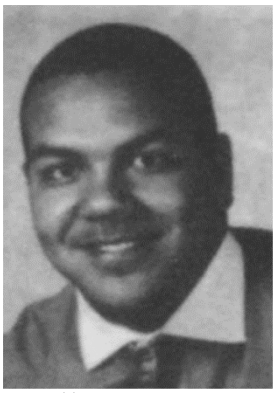

JOSEPH TENNANT
Governor 1991

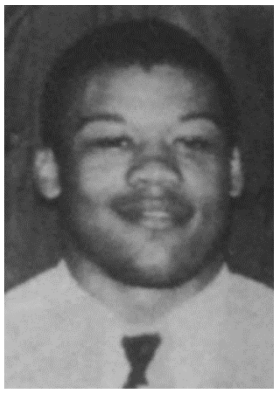

RANDALL A. CAMPBELL
Governor 1992


BLAIR BUSH
Governor 1993

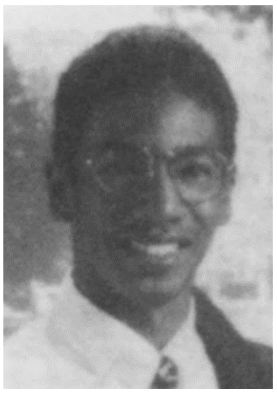

RONNIE WELLS
Governor 1994


BRANDON CRAFT
Governor 1995

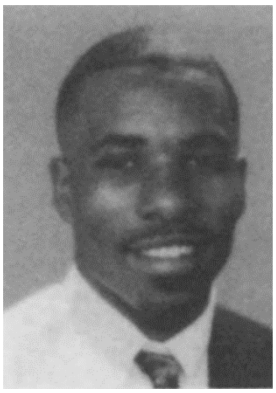

WALTER GREENHOWE, JR
Governor 1996


MAJOR NEWSOM
Governor 1997

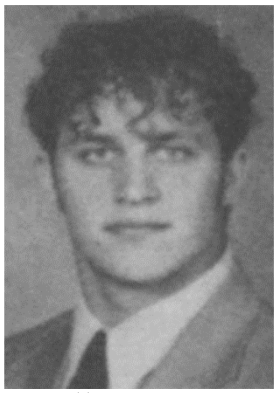
THE AMERICAN LEGION MOUNTAINEER BOYS STATE GOVERNORS



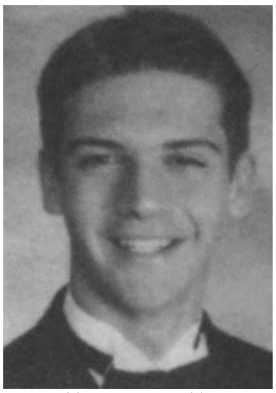
PHIL HANCOCK
Governor 1997
Installed June 8, 1998



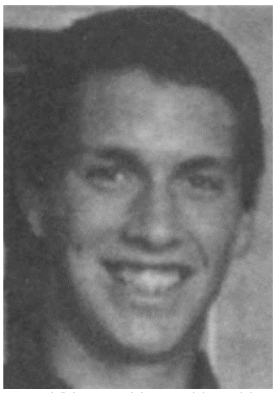
DAWN PERRY
Governor 1998



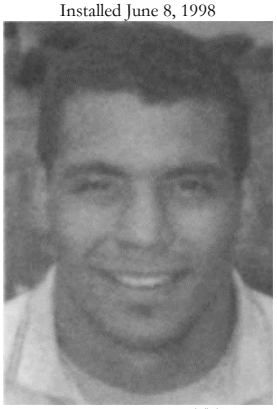
STEVEN OCHAP
Governor 1999



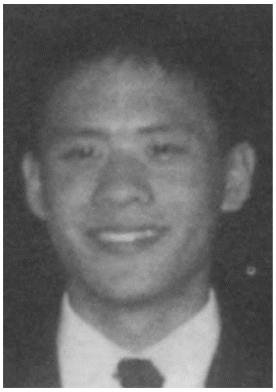
PATRICK KNIGHTON
Governor 2000



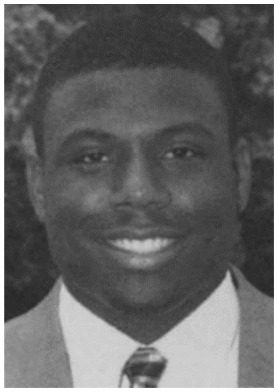
MATTHEW STONESTREET
Governor 2001



JEREMY LOCKETT
Governor 2002



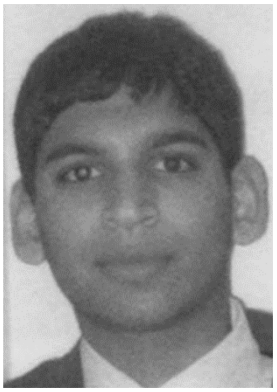
FRANK WANG
Governor 2003



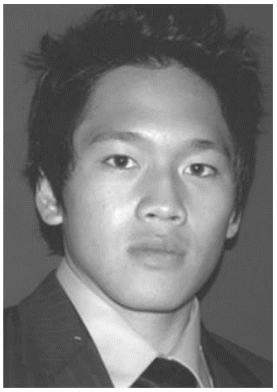
JOSEPH WELLS
Governor 2004



BOBBY HERRON
Governor 2004
Installed June 12, 2005



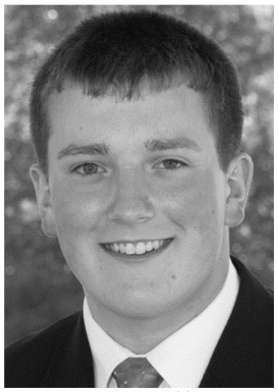
AFEEF AHMED
Governor 2005



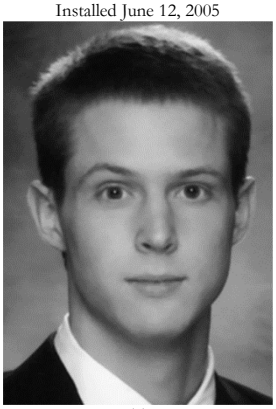
UZKAR IBRAHIM
Governor 2006



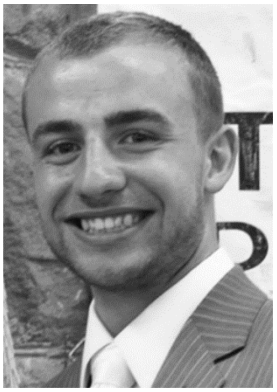
TANNER MOORE
Governor 2007



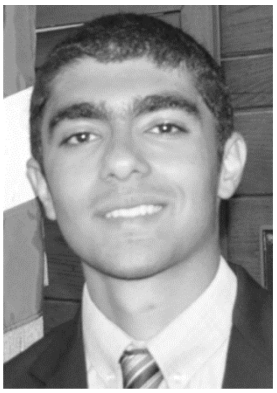
DANE HAMILTON
Governor 2008



CODY STEFFICK
Governor 2009



GEORGE CAPEL
Governor 2010



NIMA RONAGHI
Governor 2011



DAMIEN COOKE
Governor 2012



ERIC FINCH
Governor 2013



DANTE MCCARROLL, JR.
Governor 2014



CARLO PERRI
Governor 2015

THE AMERICAN LEGION MOUNTAINEER BOYS STATE GOVERNORS



NIALL DIEHL
Governor 2016



ANGELO COCCHIARO
Governor 2017



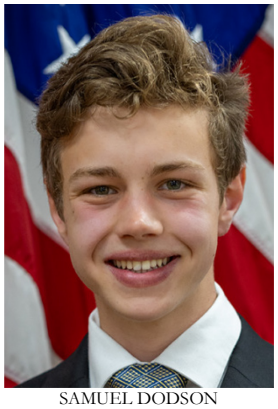
CONNOR WICKLINE
Governor 2018



CARON WINKIE
Governor 2019



WILLIAM BEHRENS
Governor 2022



SAMUEL DODSON
Governor 2023

THE AMERICAN LEGION WEST VIRGINIA BOYS STATE



During racial segregation, a separate Boys State program was conducted for young men of color. West Virginia Boys State began in 1938 at Bluefield State Teachers College in Bluefield, West Virginia. Just as Mountaineer Boys State met at WVU Jackson's Mill State 4-H Camp, West Virginia Boys State moved to the newly constructed Negro 4-H Camp at Clifftop in Fayette County, West Virginia, shortly after its completion. (The facility was later given it's present name, Camp Washington-Carver.)

In September 1954, just four months after the landmark Brown vs Board of Education decision ending state sponsored school segregation, the American Legion Department of West Virginia announced the decision to consolidate the programs and admit both white and black students to Mountaineer Boys State.

According to an article in The Evening Review of East Liverpool, Ohio, Boys State, Inc., released a statement that read in part, "Forthwith, Mountaineer Boys State shall be conducted and operated without distinction as to race, creed or color..."

The West Virginia Encyclopedia notes the program's early adoption of integration in the Mountain State.

Efforts are underway to recover as much history of West Virginia Boys State as possible. Past Governors identified thus far are:

1950 - Warren Lewis

1951 - Aubrey Lee

1953 - Richard Payne

1954 - Gordon Holt

Research into this program continues. Anyone with additional information about West Virginia Boys State is invited to share it with ALMBS Director; almbs@wvboysstate.org.

THE AMERICAN LEGION MOUNTAINEER BOYS STATE

Attendance Records

1936 300
1937 413
1938 337
1939 380

1940 404
1941 404
1942 400
1943 .....War Hiatus
1944 363
1945 .....War Hiatus
1946 298
1947 323
1948 337
1949 324

1950 331
1951 319
1952 329
1953 329
1954 339
1955 336
1956 (June 3-9)..... 347
1957 (June 2-8)..... 349
1958 345
1959 (June 7-13)..... 342

1960 346
1961 (June 4-10)..... 348
1962 (June 3-9)..... 347
1963 351
1964 348
1965 352

1966 350
1967 353
1968 .....
1969 429

1970 358
1971 360
1972 371
1973 386
1974 369
1975 362
1976 .....
1977 380
1978 .....
1979 (June 17-23) 370

1980 (June 15-21) 378
1981 (June 14-20)..... 374
1982 (June 13-19) 382
1983 (June 12-18) .....
1984 (June 17-23) .....
1985 (June 16-22) 414
1986 (June 15-20) 395
1987 (June 14-19) .....
1988 (June 12-18) 390
1989 (June 11-16) 406

1990 (June10-15) 408
1991 (June 9-14)..... 409
1992 (June 7-12) 373
1993 (June 6-12) 264
1994 (June 5-11) 410
1995 (June 11-17) 349

1996 (June 9-15) 358
1997 (June 8-14) .....
1998 (June 7-13) 403
1999 (June 6-12) .....

2000 (June 11-17).....392
2001 (June 10-16).....385
2002 (June 9-15).....405
2003 (June 8-14).....364
2004 (June 6-12).....333
2005 (June 12-18).....342
2006 (June 11-17).....318
2007 (June 10-16).....325
2008 (June 8-14).....351
2009 (June 14-20).....307

2010 (June 13-19).....295
2011 (June 12-18) 307
2012 (June 10-16).....366
2013 (June 9-15) 371
2014 (June 8-14) 352
2015 (June 7-13) 387
2016 (June 12-18).....411
2017 (June 11-17).....364
2018 (June 10-16).....372
2019 (June 9-15) 349

2020 ..... COVID-19 Hiatus
2021..... COVID-19 Hiatus
2022 (June 12-18).....198
2023 (June 11-17).....217
2024 (June 9-15).....

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
HONORS AND AWARDS RECIPIENTS

The American Legion Boys Nation

Two representatives from each Boys State travels to Washington, D.C. to represent their state as senators at Boys Nation.

The first Boys Nation – then called Boys Forum of National Government – convened at American University in Washington in August 1946. The 1946 American Legion National Convention adopted the event as an official youth activity. Three years later, it became American Legion Boys Nation.

1946 - David Daugherty and John Hancock
1947 - Elmer H. Freese and John Scott, Jr.
1948 - Bill Lohr and Howard D. Hermansdorfer
1949 - Charles S. Brown, Jr. and Frank Smith

1950 - Mike Miller and Ted A. Rake
1951 - Benjamin F. Good and Robert S. Morgan
1952 - Harrison T. Joyce, Jr. and James W. St. Clair
1953 - James Vasoti and Russell A. Thorn, Jr.
1954 - Charles F. Lucas and Frederick A. Fitch III
1955 - Forest J. Bowman and Myron R. Renick
1956 - Earland L. Lilly and John L. Frye
1957 - John F. Kile and Rex D. Adams
1958 - Dean M. Hunneshagen and Gene R. Groves
1959 - Peter A. Kerr III and William D. Shaffer, Jr.

1960 - Dean K. Thompson and John A. Blue
1961 - Glen W. Kiger and Paul D. Brown
1962 - Noel H. Eyster and William L. Meck
1963 - Leo A. Vecellio, Jr. and Thomas L. Craig, Jr.
1964 - Lee D. Cutrone, Jr. and Loren J. Fox, Jr.
1965 - John R. Hoblitzell and Kerry B. Jarrell
1966 - Carl M. Akers and Steve J. Knezovich
1967 - Charles A. Riffee II and Malcolm B. Louden II
1968 - Charles M. Connor and Mitchell C. Boswell
1969 - David F. Anderson and Stephen D. Ratcliffe

1970 - Craig N. Mills and Thomas L. Metz
1971 - Donald F. Copenhaver and Stehen V. Wehner
1972 - John T. Jessee and Timothy T. Taylor
1973 - Malcom F. Smith II and Michael E. Armentrout
1974 - Daniel A. Brailer and Homer W. Hanna III
1975 - Mark E. Spiker and William E. Dye
1976 - C. Richard Gerber, George D. Mattich, and William D. Ramsey
1977 - John A. Willis
1978 - John R. Hart
1979 - Ken A. Ramsey

1980 - Eric R. George
1981 - David O. Moye and Timothy James Stark
1982 - James Thaddeus Goots and Scott A. Duvall
1983 - Daniel P. Taylor and John J. Gemondo III
1984 - Brian D. Griffith and Michael L. Park
1985 - Anthony J. Webster and Nathan E. McBrayer
1986 - R. Allen Coffman, Jr. and Robert S. Wells
1987 - Gregory R. Lunsford and Trent A. Redman
1988 - Jon T. Hott and Stephen E. Redd
1989 - Coy Alden Flowers and Frederick Hornbuckle II

1990 - Brian S. Nelson and Scott E. Cobb
1991 - Anthony Jay Cipriani and Benjamin F. Rodriguez II
1992 - John Neuner IV and Patrick T. McCulloch
1993 - Matthew James Honaker and Patrick A. Sims
1994 - Alex F. Reneman and Andrew Crawford
1995 - Brandon Craft and Ryan Frankenberry
1996 - Christopher Malamisura and Rober Lowee III
1997 - Chad Graham and Nathan Smith
1998 - Eric Bugyis and Steve Herron
1999 - Anthony K. Gianettino and Steven L. O'Chap

2000 - James Perry and Patrick Knighton
2001 - Matthew Stonestreet and Yang Ran
2002 - Benjamin G. Davisson and Peter V. Wilmots
2003 - Austin C. Moore and Frank Wang
2004 - Corey P. Zarnoch and Robert D. Herron III
2005 - Afeef Ahmed and Brandon M. Smith
2006 - Colin Stephen Reger and Don Charles Saas
2007 - Cameron Frazier Wilson and Todd Joseph Zachwieja
2008 - Dane S. Hamilton and Jordan Anthony Simon
2009 - Robert C. Gerbo and Stephen Semmens

2010 - Jacob Merinar and Luke Miller
2011 - Nima Ronaghi and Vijay Sampath
2012 - Julian Pechora and Robert MacDonald
2013 - Blake Humphrey and James Park II
2014 - Dante Lamont McCarroll, Jr. and Bradley Austin Virchow
2015 - Travis Wayne Rawson and Andy Alexander Orellana
2016 - Keaton Rohit Cooper and Austin Ray Young
2017 - John Fencl and Kaden Stenger
2018 - Adam Cook and Jonathon Gharib
2019 - Nazar Anmar Abbas and Carson Joseph Winkie

2022 - Colin Street and Braden Whitelatch
2023 - Christian Zachary Arnold and Samuel A. Dodson

THE AMERICAN LEGION MOUNTAINEER BOYS STATE HONORS AND AWARDS RECIPIENTS

Hershel "Woody" Williams Americanism Award

This award is given to the graduating Citizen who has displayed the most patriotism during the week, showing reverence to the flag and to ceremonies. The Citizen should show honesty, passion, selflessness, dignity, and devotion to country. This award changed its name from The American Legion Mountaineer Boys State Americanism Award to the Hershel "Woody" Williams Americanism Award at the 2022 American Legion Department of West Virginia State Convention after the end of the 83rd ALMBS.

2012 - Timothy P. Metzger
2013 - Patrick Joseph Harrington (Kearneysville)
2014 - William Carl McKinney, Jr.
2015 - Hunter Lockhart
2016 - Luke Knollinger
2017 - Noah Toomey
2018 - Tyler Keifer
2019 - Noah Ephrium Jarrell

2022 - John Henry Seyle
2023 - Chase Alexzander Day

Tommy E. Jones Award

This award, named after Tommy E. Jones, a former Mountaineer Boys State Administrator, will go to the Citizen who makes the most impact on the political process. Some of the factors for this award are: passion, candor, integrity, leadership ability, inventiveness.

1980 - Eric R. George (Huntington)
1981 - John J. Tuchi (Morgantown)
1982 - James K. McGraw (Glen Daniel)
1983 - Daniel Taylor (Weirton)
1985 - John Akers (St. Albans)
1986 - Joseph Treadway (Scarbro)
1987 - Jeff Triplett (Elkins)
1989 - Scott Mayo (Huntington)

1990 - Joseph Pritt (Milton)
1991 - Harry N. Squires (Weston)
1992 - Jeremy Dunlap (Parkersburg)
1993 - Brian Moore (Beaver)
1994 - Nathan D. Raybeck (Kingwood)
1995 - Luke Martin (Griffithville)
1996 - Jason C. Trenary (Bunker Hill)
1997 - Jeremy M. Edwards (Culloden)
1998 - Dustin Hotsinpiller (Bridgeport)
1999 - Jason Pizatella (Fairmont)

2000 - Sean M. Swiger (Shinnston)
2001 - Timothy Lindsey (Bridgeport)
2002 - Tim Gladis (Scott Depot)
2003 - John R. Hartsog (Hurricane)
2004 - Bryson Karp (Weston)
2005 - Jordan Laird (Wheeling)
2006 - Danny Brody (Huntington)
2007 - Colin Henning (Calhoun)
2008 - Chase Likens (Mason)
2009 - Robert Gerbo (Kanawha)

2010 - Isaac Graham (Middlebourne)
2011 - Eric Cunningham (Parkersburg)
2012 - Zachary Lucas Massey (Arthurdale)
2013 - James Kenneth Park (Charles Town)
2014 - Andrew Sterling Butcher (Williamstown)
2015 - Nathan James Rice (Moundsville)
2016 - Ian Avis (Clendenin)
2017 - Jerry David Lacy III (Charleston)
2018 - Gunnar Seth Webb (Bridgeport)
2019 - Garrett F. Napier (Vienna)

2022 - Cameron Andrew Kearns (Red House)
2023 - Josiah Aaron Corley (Clarksburg)

THE AMERICAN LEGION MOUNTAINEER BOYS STATE HONORS AND AWARDS RECIPIENTS

William R. Fugitt Memorial Award

This award, given in memory of long time Mountaineer Boys State Administrator William R. Fugitt, is given to the cottage that attains the best total score in the categories of City Government, County Government, Board of Education, Bar Examination, Legal Program, Daily Inspection, Athletics, State Election Participation, and General conduct of all citizens of that cottage during the entire week.

1985 - Marion
1986 - Webster
1987 - Barbour
1989 - Barbour

1990 - Webster
1991 - Monroe
1992 - Monroe
1993 - Monroe
1994 - Gilmer

1995 - Panhandle
1996 - Panhandle
1997 - Marion
1998 - Panhandle
1999 - Panhandle

2000 - Upshur
2001 - Monongalia
2002 - Braxton
2003 - Upshur

2004 - Braxton
2005 - Barbour
2006 - Calhoun
2007 - Panhandle
2008 - Kanawha
2009 - Lewis

2010 - Barbour
2011 - Marion
2012 - Randolph

2013 - Randolph
2014 - Randolph
2015 - Gilmer
2016 - Randolph
2017 - Marion
2018 - Webster
2019 - Panhandle

2022 - Webster
2023 - Webster

P. E. Kercheval Award

This award, given in memory of longtime Mountaineer Boys State Chief Medical Officer and one of the original Founders of Mountaineer Boys State, Dr. P. E. Kercheval, is given to a Citizen who is a participant in all of the activities of Boys State, is courteous, congenial, has high moral standards and demonstrates leadership.

1975 - Mark Edward Spiker (Inwood)
1976 - Danny A. Copenhaver (Martinsburg)
1977 - Darren Charles Tallman (Pennsboro)
1978 - Andrew Paul Shreve (Lewisburg)
1979 - Winthrop John Merriam (Bruceton Mills)

1980 - Mark Andrew DeMoss (Huntington)
1982 - Timothy J. Gillam (Sylvester)
1983 - Garlen Collins (Parkersburg)
1984 - Mark Formella (West Preston)
1985 - Joseph B. Touma (Huntington)
1986 - Scott Moore (Red Jacket)
1987 - Michael Beckelhimer (Beckley)
1989 - Kevin Cox (Wheeling)

1990 - Eric Anger (Elkins)
1991 - Thomas Habak (Wheeling)
1992 - Brian K. Whitman (Beckley)
1993 - Mark S. Schwab (Morgantown)
1994 - Joshua Andrew Moore (Mannington)
1995 - Thomas Lacy (Roderfield)
1996 - Yubrenal Isabelle (Bluefield)
1997 - Aaron Monseau (West Liberty)
1998 - Jonathan Evans (Morgantown)
1999 - Aaron Lastoria (Follansbee)

2000 - Stephen W. Dye (Whitesville)
2001 - Ryan N. Reed (Vienna)
2002 - Dana Menello (St. Albans)
2003 - Zachary Allman (Buckhannon)
2004 - Bradley Shoulders (Philippi)
2005 - Jonathan Evans (Huntington)
2006 - Joshua Houben (Ripley)
2007 - Cameron Daniels (Monongalia)
2008 - Stan Pyle (Cabell)
2009 - Christian Martine (Braxton)

2010 - Isaiah Tipton (Fairmont)
2012 - Jacob Michael James Oliver (Shepherdstown)
2013 - Thomas G. Franks (Fairmont)
2014 - Billy Teufel (Wheeling)
2015 - Reese Charles Gillispie (St. Albans)
2016 - Zachary Hyre (Elkins)
2017 - Yaronn James Cuarteros Arciaga (Hedgesville)
2018 - Zachary Matthew Knott (Harpers Ferry)
2019 - Trey Bryce Canby (Martinsburg)

2022 - Logan James McCartney (Clarksburg)
2023 - Kenneth Alexander Powell (Welch)

THE AMERICAN LEGION MOUNTAINEER BOYS STATE HONORS AND AWARDS RECIPIENTS

Frank Taylor, Jr. Award

This award, given in memory of longtime Mountaineer Boys State Legal Adviser Frank Taylor Jr., is awarded to the citizen of Mountaineer Boys State who exhibits an enthusiastic interest in law and displays high moral character with honor, respect and integrity for the rights of others. In addition, the recipient must be an active participant in the programs of Mountaineer Boys State. Only Citizens who successfully passed the Mountaineer Boys State Bar Examination will be considered for this award.

1974 - Kevin Richard Merritt (Charleston)
1975 - Jeffery Flesher Smith (Dunbar)
1976 - Vincent Joseph Stricker (Charleston)
1977 - Phillip Meadows Stowers (Alkol)
1978 - Michael W. Saunders (Charleston)
1979 - Gregory Aaron Gellner (Wheeling)

1980 - Naren Ramakrishna (Charleston)
1982 - James L. Knapp (Vienna)
1983 - Michael Hayes (St. Marys)
1984 - Randall S. Summers (Nitro)
1985 - Carl I. Merchant (Bloomery)
1986 - Michael Purpura (Triadelphia)
1987 - Toby McCoy (Kenova)
1989 - Marshall Howard (St. Marys)

1990 - Jeff Neurman (Charleston)
1991 - Ben Fenton (Williamson)
1992 - Roy Gernhardt (Huntington)
1993 - Brian Brown (Beckley)
1994 - Edward R. Kennedy (Clarksburg)
1995 - Michael A. Brooks (Fayetteville)
1996 - Robert L. Lowe III (Martinsburg)
1997 - Michael Phillips (Clarksburg)
1998 - Scott M. Taylor (Morgantown)
1999 - Adam Miller (Fairmont)

2000 - Ash R. Guy (Union)
2001 - Darren Smith (Fairmont)
2002 - Jonathan Degenfelder (Martinsburg)
2003 - Patrick Murphy (Cross Lanes)
2004 - Michael Emery Chester
2005 - Zachary Viglianco (St. Albans)
2006 - Don Saas (Phillipi)
2007 - Edward Peters (Moundsville)
2008 - Dustin Starsick (Fairmont)
2009 - Bobby Nutter (Philippi)

2012 - Zachary Parrucci (Fairmont)
2013 - Johnathon Proctor (Arnett)
2014 - Seth Allen Underwood (Parsons)
2015 - Isaac Scott Hodge (Bluefield)
2016 - Joseph Touma (Huntington)
2017 - Seth Nathan Polk II (Scott Depot)
2018 - Vincent Joseph Pinti (Mt. Clare)
2019 - Wesley Howard Eskridge (Moundsville)

2022 - Zander C. Lamp (Rippon)
2023 - Gregory Doyle Noone (Bridgeport)

David "Dave" Farris Award

This award, given in memory of longtime Mountaineer Boys State Counselor and Headquarters Staff member, David "Dave" Farris, is presented to the Citizen who contributes significantly to the city and/or county government aspects of the Mountaineer Boys State program and exhibits the qualities of a good sense of humor, kindness, competence and fairness for all. Only those Citizens who hold an elected city or county office shall be eligible for this award.

1996 - Andrew D. Wilfong (Fairmont)
1997 - William B. Mose (Falling Waters)
1998 - Michael Day (Keyser)
1999 - Jonathan Teacoach (Wheeling)

2000 - Vincent Sweeny (Ghent)
2001 - Daniel J. Puckett (Jolo)
2002 - Douglas Barnes (Martinsburg)
2003 - Jacob Bonar (Ripley)
2004 - Joe Eagan (Cameron)
2005 - Charles Turk-Hetey (Williamson)
2006 - Paul Redden (Shady Springs)
2007 - John Brennskag (Rio)
2008 - James Akers (Evans)
2009 - Aaron Jones (Mannington)

2010 - Timothy Morris (Fairmont)
2011 - Eric Dorfner (Wheeling)
2012 - Alex Clayton Rice (Bridgeport)
2013 - Noah James Teaff (Follansbee)
2014 - David Reid Boden (Keyser)
2015 - Matthew James Lazear (Wellsburg)
2016 - Justin VanKirk (Burnsville)
2017 - Zachary Michael Meador (Daniels)
2018 - Mark Horn (Davy)
2019 - Jakob Chad Fife (Hurricane)

2022 - Trey Michael Pritt (Alum Creek)
2023 - Jack Ernest Stanislawczyk (Keyser)

THE AMERICAN LEGION MOUNTAINEER BOYS STATE HONORS AND AWARDS RECIPIENTS

James E. Dague Legislator Of The Year Award

The Legislator of the Year award is given to a member of the American Legion Mountaineer Boys State Senate or House of Delegates who best exemplifies extraordinary character, enthusiasm for education, and a genuine devotion to the legislative process. The Legislative Advisers, chaired by the Legislative Coordinator shall select the recipient of this award.

2000 - Moore Capito (Charleston)
2001 - Sean Lyons (Morgantown)
2002 - Gregory DeVito (Fairmont)
2003 - Evan M. Wolfe (Rowlesburg)
2004 - Robert Herron III (Wheeling)
2005 - Justin Farmoso (Triadelphia)
2006 - Gary Thompson (Wayne)
2007 - Todd Zachwieja (Charleston)
2008 - Brian Merinar (Moundsville)
2009 - Stephen Semmens (Morgantown)

2010 - Samuel Smith (Beckley)
2011 - Christopher Cawthon (Moundsville)
2012 - Zachary Lucas Massey (Arthurdale)
2013 - Trevor Jeffrey Kiess (Elkins)
2014 - Noah LeGrand (Huntington)
2015 - Arka Gupta (Charleston)
2016 - Jack Dudich (Wheeling)
2017 - Jaron Bragg (Beaver)
2018 - Cameron Adkins (Chapmanville)
2019 - Christian Joseph Miller (Charles Town)

2022 - Wyatt Charles DeBord (Morgantown)
2023 - Liam Patthoff McCarthy (Gerrardstown)

Dr. John T. Dombrosky Award

This award, given in memory of Dr. John T. Dombrosky who was a Mountaineer Boys State Citizen, Assistant Medical Officer and Chief Medical Officer, is presented to a Staff member or citizen who has displayed the attributes of life, liberty, and the pursuit of happiness with the Legion principles as exemplified by Dr. Dombrosky.

1989 - Dan Taylor (Weirton)
1990 - James Dague (Triadelphia)
1991 - Dr. P. E. Kercheval and Pat Kercheval (Kingwood)
1992 - David Farris and Curtis B. Trent
1993 - Randall Kocsis (Houston, TX)
1994 - Robert L. Stine (Whitesville) and Robert L. Wines (Buckhannon)
1995 - Jim Riffle (Philadelphia, PA)
1996 - Oce Smith (Fairmont) and Harry M. Slaughter
1997 - Betty Ann Williams (Whitesville) and Betsy Potterfield (Charleston)
1998 - Kenneth Legg (Charleston)
1999 - Steve Sluss (Scott Depot)

2000 - Neil Bolyard (Morgantown)
2001 - Walter R. Marria (South Charleston) and Shirley Marria (South Charleston)
2002 - John Grimes (Chester)
2003 - Art Zoeckler (Triadelphia)
2004 - Nick Arvon (Charleston)
2005 - Clarence Walton (Cameron)
2006 - Truman Sayre (Ghent)
2007 - Nathan McBrayer (Hurricane)
2008 - Melvin Williams (Roanoke, VA)
2009 - Brandon Flower (Fairmont)

2010 - Chris Sharps (Fairmont)
2011 - Jim Davis (McMechen)
2012 - Todd Morgan (Bridgeport)
2013 - Tyler Cornell (Knoxville, TN)
2014 - David Robinson (Grafton), Doug Robinson (Grafton), Debra Hoag (Grafton), David Hoag (Grafton), and Corey Robinson (Grafton)
2015 - Jacob McCarty (Weston) and Randy Lipford (Whitesville)
2016 - Gary Wolfe (McMechen)
2017 - Luke Kopp (Clarksburg)
2018 - Matt Sampson (Morgantown) and Matt Anderson
2019 - Sonja Adkins (St. Albans) , Marie Burleigh (Clarksburg), and Brooke Russell (Grafton)

2022 - Danny Staggers (Martinsburg), and Willie Poe (Shippensburg, PA)
2023 - Frank Cooley (Welch)

Miscellaneous

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Schedule of Filing Fees

Candidate For:	**Shall pay a fee of:**
Governor	$900.00
Secretary of State	$650.00
Auditor	$700.00
Treasurer	$650.00
Attorney General	$750.00
Commissioner of Agriculture	$700.00
Justice of Supreme Court	$850.00
State Senate	$150.00
Member of House of Delegates	$150.00
Sheriff	$325.00
Prosecuting Attorney	$500.00
Circuit Clerk	$375.00
County Clerk	$375.00
Assessor	$325.00
Board of Education	$50.00
Magistrate	$330.00
Any other County Office	$50.00

Transaction Register

Tran Type	Date	Description of Transaction	Payment / Debit	Deposit / Credit	Balance

Tran Type	Date	Description of Transaction	Payment / Debit	Deposit / Credit	Balance

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
Candidate's Certificate of Announcement

County of _____

I, _____ hereby certify that I am a candidate for the nomination for the office of _____ to represent the _____party and desire my name printed on the official ballot of said party to be voted at the primary election to be held on the _____ day of _____ , 20_____; that I am a legally qualified voter of the county of _____ The American Legion Mountaineer Boys State, that my residence is number _____of _____ Street, in the city (or town) of _____ in _____ county in said state, that I am eligible to hold the said office; that I am a member of and affiliated with said political party; that I am a candidate for said office is good faith

_____
(Candidate)

Signed and acknowledged before me this _____ day of _____ , 20_____

Fee $ _____ . My Commission expires on the _____ day of _____ , 20_____

_____
(Signature of Person before Whom Signed) (Official Title)
(Fee must accompany certificate of announcement; either in cash, by certified check or money order.)

THE FEE PROVIDED BY CHAP. 3, Art. 4, Sec. 6-a (Chap. 35, Acts 1937) STATE of W. Va.) MUST BE PAID BEFORE CERTIFICATE OF ANNOUNCEMENT CAN BE RECEIVED. (See schedule of fees).

This certificate of Announcement will be filed with the Secretary of State, if it be for an office to be filled by the voters of more than one County. It will be filed with the Clerk of the Circuit Court if it be for an office to be filled by the voters of one county, or a subdivision of a county. (See Chap. 3, Art. 4, Sec. 6, Code of W. Va., 1931) (West Virginia Statutes.)

The Code requires that all Certificates of Announcement be filed _____ days before the election.

If post office address is other than that given in the body of the Certificate of Announcement, give below ADDRESS WHERE IS RECEIVED.

Name _____ Street or Box _____

City _____

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
Certificate Voter's Registration

No.

This is to certify that in accordance with the
Permanent Registration Law of West Virginia

_____

(First Name) (Middle Name) (Last Name)

_____

(No. and Street or R.F.D. No.) (City) (Precinct)

has been duly registered this _____ day of_____ , 20 _____

_____

Registrar (Clerk ¨ or Deputy ¨ sign above if registration is by either)

_____

Registrar

THE AMERICAN LEGION MOUNTAINEER BOYS STATE
Oath of Office

County of _____, to wit:

I, _____ , do solemnly swear that I will support the Constitution of the United States, the Constitution of The American Legion Mountaineer Boys State, and that I will honestly and faithfully perform the duties imposed upon me under the provisions of law as

_____ to the best of my skill and judgment.
(office)

_____
(signature)

Takes, subscribed and sworn to before me, this _____ day of _____ , 20 _____

_____
Notary Public

My commission expires _____ day of_____ , 20 _____

AMERICAN LEGION AUXILIARY

THE AMERICAN LEGION FAMILY

The American Legion: Founded in 1919, The American Legion is the nation's largest and most influential veterans service organization. It is made up of 1.6 million wartime veterans who focus activities on the organization's Four Pillars: Veterans Affairs & Rehabilitation, National Defense, Americanism, and Children & Youth. **legion.org/join**

The Sons of The American Legion (SAL): Founded in 1932, the SAL honor the service and sacrifice of veterans. There are more than 378,000 members in worldwide. Members include males whose parents or grandparents served in the U.S. military and are eligible for membership in The American Legion. **legion.org/sons/join**

The American Legion Auxiliary: The Auxiliary's membership is more than 550,000 strong. With more than 7,600 units in communities, members are fiercely dedicated to serving, helping, and meeting the needs of veterans, the military, and their families. **ALAforVeterans.org**

American Legion Riders: With more than 2,500 chapters, Legion Riders have helped raise nearly $20 million for the Legacy Scholarship Fund. The Riders also perform a number of services for American Legion-supported causes and provide support at military funerals. Participants must be members of The American Legion, Auxiliary or SAL. **legion.org/riders**



JOIN THE AMERICAN LEGION FAMILY!

For nearly a century, The American Legion, American Legion Auxiliary and Sons of The American Legion have worked steadfastly, side by side, promoting patriotism and national security while supporting youth and advocating for veterans and active-duty military personnel and families.

The American Legion Family of over 2.5 million members also includes American Legion Riders. An American Legion Rider must be a member of The American Legion, Sons of The American Legion or American Legion Auxiliary in order to join a chapter at a local post.

While members of the American Legion Family are individually unique, collectively we are a multi-million member powerhouse of caring advocates dedicated to service. You'll find that getting connected to the American Legion Family is one of the best decisions you'll ever make. Please use the enclosed applications to join today.

For details on the American Legion Family, contact:

THE AMERICAN LEGION

P.O. Box 1055
Indianapolis, IN 46206
(317) 630-1321
ia@legion.org
legion.org

AMERICAN LEGION AUXILIARY

3450 Founders Road
Indianapolis, IN 46268
(317) 569-4500
alahq@ALAforVeterans.org
ALAforVeterans.org

SONS OF THE AMERICAN LEGION

P.O. Box 1055
Indianapolis, IN 46206
(317) 630-1205
sal@legion.org
legion.org/sons

Follow The American Legion online:

legion.org/facebook
twitter.com/AmericanLegion

This institution is an equal opportunity provider.

Stock# 31-005 (Revised 12/23) Artwork# 48ME M1223

AMERICAN LEGION AUXILIARY SONS OF THE AMERICAN LEGION

Join The American Legion Family







THE AMERICAN LEGION – MEMBERSHIP APPLICATION

Name _____
First Initial Last Date of Birth

Address _____
Street City State ZIP

❑Male ❑Female

_____
Membership ID# former member Post # Phone # Email Gender

Please check war era and branch of service below:

- ❑ Global War on Terror
- ❑ Gulf War
- ❑ Panama
- ❑ Lebanon/Grenada
- ❑ Vietnam
- ❑ Korea
- ❑ WWII
- ❑ Other Conflicts
- ❑ U.S. Army
- ❑ U.S. Navy
- ❑ U.S. Air Force
- ❑ U.S. Marines
- ❑ U.S. Space Force
- ❑ U.S. Coast Guard
- ❑ Merchant Marines *(WWII only)*

I certify that I have served federal active duty in the United States Armed Forces since December 7, 1941, and have been honorably discharged or I am still serving.

Signed by applicant _____ Date _____ Name of recruiter _____

If you are a new member, send this completed application with annual dues to The American Legion, Attn: Membership, P.O. Box 1055, Indianapolis, IN 46206 (check www.legion.org/join for dues amount), or take it to a local post. To locate a post near you, click on "Find a Post" at legion.org.

D17010

DUES RECEIPT
(please print)

_____
Date

_____
Received from

$_____ for 20_____ dues

_____
Recruiter's name

_____
Recruiter's signature

_____
Recruiter's phone #

SONS OF THE AMERICAN LEGION – MEMBERSHIP APPLICATION

Date _____

Detachment of _____ Squadron No. _____ Birth date _____

Name _____ Recruited by _____
First Initial Last Initial Last

Address _____
Street City State ZIP Phone

Veteran through whom eligibility is established _____

(a) Above is a member in good standing of Post No. _____ Department of _____

OR (b) Above is a deceased veteran who served honorably from _____ to _____

(c) Relationship of applicant to veteran _____

Has applicant previously been a member of the SAL? _____ Where? _____

I hereby subscribe to the Constitution of the Sons of The American Legion and apply for membership.

Email _____ Transmit $ _____ for 20 _____ annual membership dues

Signed by applicant *(or legal guardian if under 18)* _____ Eligibility certified by _____

Mail completed application to Sons of The American Legion department/state headquarters. Annual dues must accompany completed application. Ask local contact for amount due. For current detachment address, go to The American Legion department/state headquarters, or visit legion.org.

D17010

DUES RECEIPT
(please print)

_____
Date

_____
Received from

$_____ for 20_____ dues

_____
Squadron No.

_____
Department of

AMERICAN LEGION AUXILIARY – MEMBERSHIP APPLICATION

APPLICANT INFORMATION

_____
Full Name

_____
Address

_____
City State ZIP

_____
Home phone Cell phone

_____
Email Unit # and Location (if known)

_____ / _____ / _____ ❑Birth - 17 ❑18 and older
Date of Birth *(Required)*

Have you been a member previously? ❑ Yes ❑ No (If yes, fill in below, **if known.**)

_____
Previous Unit City/State ALA ID#

_____ / _____ / _____
Signature of Applicant *(or legal guardian if under 18)* Date

Submit this application to the ALA unit you wish to join. If unit is unknown, contact National Headquarters at (317) 569-4500 for assistance.

Annual dues must accompany completed application. Ask local contact for amount due.

Membership pending approval of application.

ELIGIBILITY INFORMATION

_____
Eligible Through—Name of Veteran (Female Veterans: List Your Own Name)

If Living:

_____
American Legion Member ID # (Required) Post # City State

❑ Deceased (If veteran is deceased, contact ALA unit about the necessary military records.)

Veteran served: (check all that apply)

❑WWI (4/6/1917-11/11/1918)

Anytime After 12/7/1941 (check all that apply):

- ❑ Global War on Terror
- ❑ Gulf War
- ❑ Panama
- ❑ Lebanon/Grenada
- ❑ Vietnam
- ❑ Korea
- ❑ WWII
- ❑ Other Conflicts

Applicant's relationship to the veteran:

- ❑ Male Spouse
- ❑ Female Spouse
- ❑ Mother
- ❑ Grandmother
- ❑ Sister
- ❑ Self
- ❑ Daughter
- ❑ Granddaughter

To Be Completed By The American Legion Post Adjutant/Officer

I certify that the above named individual served at least one day of active duty during the dates marked above and was honorably discharged or is still serving honorably.

_____ / _____ / _____
Post Adjutant/Officer Membership Verification Date

ALA 05/2021

DUES RECEIPT
(Please Print)

_____
Date

_____
Received From

$_____ for 20_____ dues

_____
Recruiter's Name

_____
Recruiter's Signature

_____
Recruiter's Phone #

Sons of The American Legion Membership Application

Detachment of WV Squadron No. 200 Birth Date _____ Date 06/ /2024

Name _____ (First) _____ (Initial) _____ (Last) Recruited by Mountaineer Boys State (Initial) _____ (Last)

Address _____ (Street) _____ (City) _____ (State) _____ (Zip)

E-mail Address _____ Telephone _____

Veteran through whom eligibility is established _____

(a) Above is a member in good standing of Post No. _____, Dept. of _____

OR (b) Above is a deceased veteran who served honorably from _____ to _____

(c) Relationship of Applicant to Veteran _____

I hereby subscribe to the Constitution of the Sons of The American Legion, apply for membership, and transmit $ 25.00 as annual membership dues.

Signed _____ (By Applicant or Parent)

Eligibility certified by _____ (Post Adjutant)

00-001 (2013)

RECEIPT

Date June , 2024

Received of _____

$ 25.00 in payment of dues for 20 25 in

Squadron 200, Detachment of WV

By _____

SONS OF THE AMERICAN LEGION

Sons of The American Legion (SAL) is a program of The American Legion (TAL) established at the national convention in 1932 in Portland, Ore. Since then, the SAL has assisted TAL with its programs and activities. In 2019, the SAL attained an all-time high membership of over 376,000 members. The largest detachment (state level) has more than 60,000 members. There are trophies and awards given to detachments and squadrons for the largest membership, and the largest increase in membership.

The SAL is more than just membership. SAL members have worked together with TAL to promote children and youth programs, including the American Legion Child Welfare Foundation (CWF). The SAL has raised over $9 million for the CWF.

SAL members have donated over 455,000 volunteer hours in veterans hospitals and raised over $1.6 million that has gone directly to the VA hospitals and VA homes for a variety of items including TVs, radios, medical equipment and clothes for the patients.

The SAL continues to provide services to those in need in the local communities, through programs that include fundraising events.

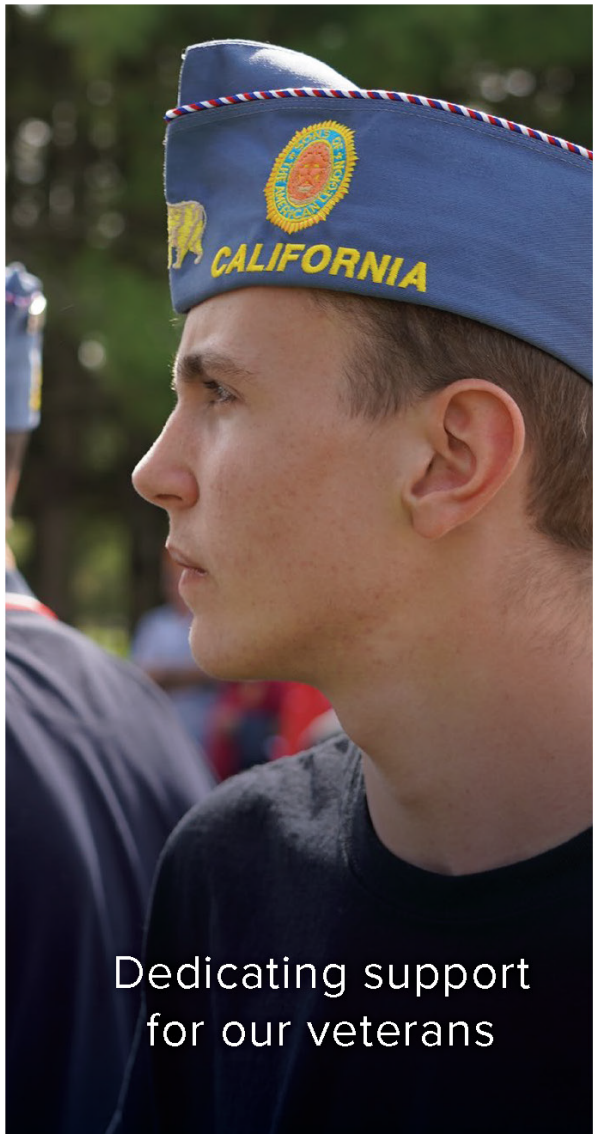
TAL, SAL and The American Legion Auxiliary (AUX) form the Legion Family.

The SAL is assisting with the Citizens Flag Alliance in their efforts to secure a constitutional amendment to protect the flag of the United States from desecration.

P.O. Box 1055
Indianapolis, IN 46206
317-630-1205
legion.org/sons

Stock #: 00-002 (Rev. 04/2023) Artwork #: 19IA0423

SONS OF THE AMERICAN LEGION



MEMBERSHIP ELIGIBILITY

All male descendants, adopted sons, and stepsons of members of The American Legion, and such male descendants of veterans who died in service during the period of April 6, 1917, through November 11, 1918, or any time from December 7, 1941, to date, who served honorably, as set forth in Article IV, Section 1, of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion (SAL).

THE EMBLEM

The design of our emblem was taken from the emblem of our parent organization, but is oval in shape so as to be easily distinguished.

The star in the center represents our country, and the five points of the star represent the five-point program of the SAL.

The sun in the background represents the SAL and the rays represent the loyalty of its membership.

The blue of the emblem, like the blue of our flag, stands for justice.

The two stars in the blue border stand for freedom and democracy.

The wreath below the star is in memory of our comrades, and those of our forefathers who willingly gave their lives for their country.

The 10 points of the emblem represent the 10 ideals of every American Legion son.

TEN IDEALS

The Ten Ideals Program is a study program recommended for school-age children which includes subjects in:

PATRIOTISM	FAITH
HEALTH	HELPFULNESS
KNOWLEDGE	COURTESY
TRAINING	REVERENCE
HONOR	COMRADESHIP

FIVE-POINT PROGRAM OF SERVICE

This is the study program for those members who have completed the Ten Ideals. This is recommended for younger members but is not limited to just them. This program includes:

PATRIOTISM: Love of the flag; love of country.

CITIZENSHIP: Individual obligation of citizenship.

DISCIPLINE: Respect for and obedience to rules.

LEADERSHIP: Participation in group activities.

LEGIONISM: Knowledge of The American Legion.

The Five-Star Award, which can be presented to SAL members who show perfection in the Five Point Program of Service, is a gold plated medal bearing the SAL emblem and the symbolism of the five points.



UNIFORM

The basic uniform of the SAL is the squadron blue cap. Dress attire is determined by the activity and by the SAL leadership conducting the event or function. Optional attire such as casual, business casual, coat and tie is determined by the squadron, district and detachment.

Uniform caps are available through the National Emblem Sales Division of The American Legion. Also available are jackets, shirts and other items for purchase. For a catalog write to: National Emblem Sales, P.O. Box 1050, Indianapolis, IN 46206.
Or visit emblem.legion.org.

SAL Uniform Cap

All caps have red, white and blue piping. Caps include state and squadron number. All additional lettering is $1 per character. District and detachment orders must be routed through American Legion department headquarters for approval. Special state insignia is available at extra charge.

Squadron (French Blue)

(See National Emblem Sales catalog)



Cap: Standard SAL in the following colors:

Squadron:	French blue with red, white and blue piping.
District:	French blue base, white top, piping same as squadron cap.
Detachment:	French blue base, gold top, piping same as squadron cap.
National:	Solid gold, piping same as squadron cap.

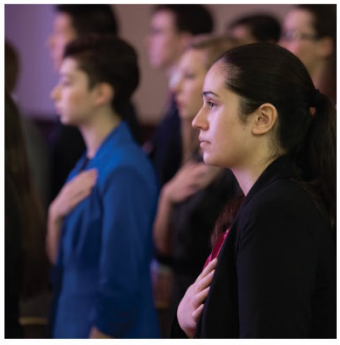
AMERICAN LEGION | Oratorical Contest











"A CONSTITUTIONAL SPEECH CONTEST"

Over $203,000 in National American Legion Scholarships



SCAN TO LEARN MORE

AMERICAN LEGION | Junior Shooting Sports







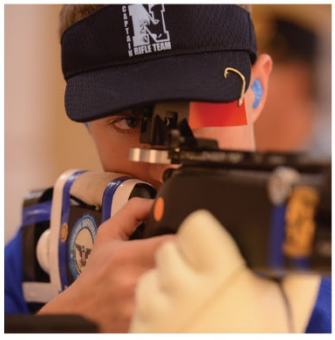






SKILLS – COMPETITION – SAFETY





SCAN TO LEARN MORE

AMERICAN LEGION BASEBALL















CITIZENSHIP THROUGH SPORTSMANSHIP



SCAN TO LEARN MORE

AMERICAN LEGION | BE THE ONE

BeTheOne.org

HOW YOU CAN BE THE ONE

WE CAN ALL BE THE ONE

The American Legion's Be the One initiative encourages American Legion Family members, veterans, servicemembers and others to take action when they believe a veteran is at risk of suicide.

We all must work together to reduce the alarming number of veteran suicides. Our goal is to destigmatize asking for mental health support, provide peer-to-peer support and resources, and educate everyone on how they can Be the One.

VETERANS

- Talk with fellow veterans about how you are feeling.
- Ask for help when you think you need it.
- Know there are millions of people ready to help you.
- Remember your family and friends care.

NON-VETERANS

- Ask veterans in your life how they are doing.
- Listen when a veteran needs to talk.
- Reach out when a veteran is struggling.

AMERICAN LEGION POSTS AND SONS OF THE AMERICAN LEGION SQUADRONS

- Educate members, other veterans and civilians on the campaign.
- Display resources at your post or in your community.
- Share events or success stories at legiontown.org

988 SUICIDE & CRISIS LIFELINE

RESOURCES:

American Legion Support: Stories, videos and promotional items related to this initiative are available for posts, members and others. Visit betheone.org.

For urgent help: Veterans experiencing a crisis can call **988** and press **1** for mental health assistance. Counselors are available 24/7. They may also text **838255** or visit the VA crisis line website **vetreanscrisisline.net**.

Notes

Notes

ALMBS Websites

ALMBS WEBSITE



ALMBS DAILY



ALMBS Social Media





"WE ARE ALL TRAVELERS IN THE WILDERNESS OF THIS WORLD,
AND THE BEST THAT WE FIND IN OUR TRAVELS IS AN HONEST FRIEND."

Robert Louis Stevenson



MOUNTAINEER BOYS STATE PIN

Here is a Mountaineer Boys State Pin
You only get it by EARNING it,
And you only earn it by being here.
SO DO YOU THINK THEY HAVE EARNED IT?
YES!

CITIZEN

A person who owes allegiance to a government
and is entitled to government protection.

AMERICAN LEGION MOUNTAINEER BOYS STATE CITIZENS OATH

I hereby declare an oath
That I will support and defend
The Constitution and laws of The American Legion Mountaineer Boys State
Against all enemies foreign and domestic;
That I will bear true faith an allegiance to the same;
And that I take this obligation freely
Without any mental reservations or purpose of evasion,
So help me God.

MEN OF TOMORROW

Lyrics by Roy Lee Harmon *Music by Margaret Nicely Leidig*

Some day the State we love will call for leaders strong and bold
To solve the problems great or small and we'll be enrolled
For service to our fellowmen, and we won't be afraid,
We're training now for service, then we'll lead the big parade.

Oh we're the...
Men of Tomorrow, we march along in happy ranks today.
We never borrow a bit of care or grief along the way.
Gladly we're learning the things a good American should know.
Gladly we're yearning to chart the way a patriot should go.

With lessons done, objectives won, good Citizens we'll be.
We'll proudly stand, in our homeland, where Mountaineers are free.

Men of tomorrow, good fellowship each one of us enjoys.
Men of tomorrow, a group of all American boys.

Edward Jones®

> edwardjones.com | Member SIPC

What matters most to you matters to us

At Edward Jones, we deliver candid guidance and personalized investment strategies to help you plan for and realize the possibilities of your future — for you, your family and generations to follow.



Robin K Bailey
Financial Advisor
5461 A Big Tyler Road
Cross Lanes, WV 25313
304-776-5110

Larry Cann Jr
Financial Advisor
1514 Buckhannon Pike
Clarksburg, WV 26301
304-622-2801

Scott A Kinty
Financial Advisor
724 East Park Avenue
Fairmont, WV 26554
304-368-2643

Doug Kramer, AAMS™
Financial Advisor
139 E Main St
Frostburg, MD 21532
301-689-1819

Thomas J Newbrough ChFC®
Financial Advisor
150 John Street Suite A
Weston, WV 26452
304-269-5903

Jessica M Sowers
Financial Advisor
323 Polish Pines Loop
Keyser, WV 26726
304-788-7597

Jeff Boyles, AAMS™
Financial Advisor
1000 Technology Dr Suite 1200
Fairmont, WV 26554
304-816-0103

Brooks H Farmer AAMS™, CRPC™
Financial Advisor
1018 Kanawha Blvd East Suite 107
Charleston, WV 25301
304-346-2625

Evan M Kliethermes
Financial Advisor
1224 Country Club Road Suite E
Fairmont, WV 26554
304-363-0787

Michele K Kroll, AAMS™
Financial Advisor
201 W Main
Clarksburg, WV 26301
304-622-5800

Tarrell L Ries CFP®, ChFC®, AAMS™
Financial Advisor
201 East Main Street
Kingwood, WV 26537
304-329-6088

Mattie Kliethermes-Trefz
Financial Advisor
419 Fairmont Avenue Suite 2
Fairmont, WV 26554
304-363-7300

Scott Bumgardner
Financial Advisor
6007 U S Rte 60 E Suite 250
Barboursville, WV 25504
304-736-4349

Jason A Graser
Financial Advisor
724 East Park Avenue
Fairmont, WV 26554
304-368-2643

Tom Kliethermes
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