

ENROLLED BILL

House Bill No. 143.

(By Mr. Barnhart)

Passed March 6, 1931

In Effect Ninety days from Passage

Originated in the House
R. H. Hild
Clerk.
Ninety days from passage.
Takes effect
R. H. Hild
Clerk of the House of Delegates.

CORRECTLY ENROLLED

Chairman Senate Committee
Lawrence W. Madison
Chairman House Committee

ENROLLED BILL

(H. B. No. 143)

[Passed March 6, 1931 : in effect ninety days from passage.]

AN ACT to amend and re-enact sections eight and eleven of article seven, of chapter thirty-eight, of the code of West Virginia, of nineteen hundred thirty-one, in relation to bonds in attachment cases.

Be it enacted by the Legislature of West Virginia:

That sections eight and eleven, of article seven, chapter thirty-eight, of the code of West Virginia of nineteen hundred thirty-one, be amended and re-enacted so as to read as follows:

Section 8. If the plaintiff shall, at the time of suing out an attachment, or afterwards, give bond with good security, approved by the clerk issuing the attachment, in a penalty of at least double the estimated value of the property to be attached, as shown by the affidavit of the plaintiff or some reliable person, with condition to pay all costs and damages which may be awarded against him, or sustained by any officer or other person by reason of the suing out of the attachment or levying the same,

CORRECTLY ENROLLED

Joseph D. Smith

Chairman Senate Committee.

Samuel M. Mendenhall

Chairman House Committee.

9 and to pay, to any claimant of any property seized or sold under
10 or by virtue of such attachment, all damages which he may sus-
11 tain in consequence of such seizure or sale, such officer shall
12 take possession of the personal property levied upon by virtue
13 of such attachment. But the clerk shall in no case accept such
14 bond, the penalty of which shall be less than five hundred
15 dollars.

Sec. 11. Any defendant in the case, or any person interested
2 in the property so attached, who shall consider the bond so given
3 not proper in form, or the penalty or security insufficient, may
4 apply at once, by petition to the court from which the attachment
5 issued, if in session, and if not, to the judge thereof, in vaca-
6 tion, and shall be permitted to except to such bond, on any or
7 all grounds aforesaid, and if any of such exceptions be sustained,
8 the attached property shall be returned to the person from whom
9 it was taken by the officer and the attachment shall be quashed
10 unless the plaintiff shall within such time as the court shall pre-
11 scribe, give a proper bond, in a sufficient penalty and with surety
12 sufficient, all to be approved by the court or judge hearing the
13 exceptions. If such new bond be not given, the principal and
14 surety in such original bond, who signed the same, shall be

15 liable to any person who shall suffer any damage by reason of
16 the suing out and levy of such attachment, to the extent of the
17 penalty thereof.

Jacob D. Smith
Chairman Senate Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

T. H. Kidd
Clerk of the House of Delegates.

M. R. White
President of the Senate.

M. S. Hodges
Clerk of the Senate.

The within is *Approved*
this *11th* day of *March* 1931.

Wm. G. Feeley
Governor.

Charles C. Meadows
Chairman House Committee.

Filed in the office of the Secretary of State
of West Virginia. **MAR 12 1931**
GEORGE W. STARR,
Secretary of State.