

Rec., Jan. 19, 1934

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# ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 64

By Mr. NEALE

PASSED JANUARY 17, 1934

IN EFFECT 7 FROM        PASSAGE

Originating in the SENATE Takes effect FROM Passage.

Clerk. Clerk House of Delegates.

CORRECTLY ENROLLED

James L. Smith Chairman House Committee. Chairman Senate Committee.

## ENROLLED BILL

(S. B. No. 64)

[Passed January 17, 1934; in effect from passage.]

AN ACT to amend and reenact section two, chapter four, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to county depositories, and providing for the execution of bonds and/or the hypothecation of securities as security for deposits.

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

That section two, chapter four, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Sec. 2. No such designation shall be binding on such county, 2 nor shall any public money be deposited thereunder, until the

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*James A. Hyatt*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

3 banking institution designated shall execute bond with good  
4 and sufficient sureties, to be accepted and approved by the  
5 county court, payable to the state of West Virginia, in such  
6 sum as the county court shall direct, and which shall not be  
7 less than the maximum sum that shall be deposited in the  
8 depository at any one time. Such bond shall be executed by  
9 at least four resident freeholders as sureties owning in the  
10 aggregate unencumbered real estate having an assessed valua-  
11 tion thereon equal to the penalty of the bond, or by a fidelity  
12 or indemnity company authorized to do such business within  
13 the state, satisfactory to, and acceptable by the county court,  
14 and having not less than six hundred thousand dollars capital;  
15 and such bond shall be conditioned for the receipt, safekeeping  
16 and payment over of all money which may be deposited in or  
17 come under the custody of the banking institution designated a  
18 county depository under the provisions hereof, together with  
19 the interest thereon at the rate specified by this article; and  
20 such bond shall be further conditioned for the faithful perform-  
21 ance, by the banking institution so designated, of all the duties  
22 imposed by this article upon a depository of public moneys:  
23 *Provided, however,* That the clerk of the county court shall

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*Henry D. Rogers*

*Chairman Senate Committee.*

*James E. Smith*

*Chairman House Committee.*

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24 keep a record of each surety on all personal bonds given as  
25 hereinbefore provided for, and the clerk shall notify the county  
26 court of every recorded conveyance of real estate made by any  
27 surety on said personal bond.

28 An action shall lie on such bond at the instance of the county  
29 court, or the sheriff, for the recovery of any money deposited  
30 in the depository, upon failure or default of the depository to  
31 fully and faithfully account for and pay over any and all  
32 public moneys deposited by the sheriff and of all interests  
33 earned and accrued thereon as required by this article. Such

34 bond shall not be accepted by the county court until it shall  
35 have been submitted to the prosecuting attorney, and certified  
36 by him to be in due and legal form, and conformable to the  
37 provisions of this article, which certificate shall be indorsed  
38 thereon: *Provided, however,* That the county court may, in  
39 lieu of the bond provided for hereinbefore, accept as security  
40 for money deposited as aforesaid, interest-bearing securities of  
41 the United States, or of a state, county, district or municipal  
42 corporation, or of the home owners' loan corporation, or in-  
43 dorsed county and district warrants of the county in which the  
44 depository is located; the face value of which securities shall

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*James L. Smith*  
*James D. Hays*

*Chairman House Committee.*

*Chairman Senate Committee.*

45 not be less than the sum hereinbefore specified as the amount  
46 to be named in the bond in lieu of which such securities are  
47 accepted; or the county court may accept such securities as  
48 partial security to the extent of their face value for the money  
49 so deposited, and require bond for the remainder of the full  
50 amount hereinbefore specified, to be named in the bond, and in  
51 the bond so required, such acceptance of securities as partial  
52 security, and the extent thereof, shall be set forth. The  
53 hypothecation of such securities shall be by proper legal transfer  
54 as collateral security to protect and indemnify by trust any  
55 and all loss in case of any default on the part of the banking  
56 institution in its capacity as depository as aforesaid, and such  
57 collateral security shall be released only by order of record of  
58 the county court when satisfied that full and faithful account-  
59 ing and payment of all the moneys has been made under the  
60 provisions hereof. The county court shall make ample provision  
61 for the safekeeping of such hypothecated securities, and the  
62 interest thereon when paid shall be turned over to the banking  
63 institution, so long as it is not in default as aforesaid.

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*[Signature]*  
Chairman Senate Committee.

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Clerk of the Senate

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*[Signature]*  
Chairman House Committee.

The within is.....

this.....day of....., 1934.

.....  
Governor

Filed in the office of the Secretary of State  
of West Virginia. **JAN 25 1934**  
Wm. S. O'BRIEN,  
Secretary of State