

Rec., Mar. 11, 1933

#15

ENROLLED BILL

Regular Session

SENATE BILL NO. 15

By Mr. Wiseman

PASSED March 11, 1933

IN EFFECT ninety days from PASSAGE

Originating in the Senate Takes effect ninety days from Passage.

Samuel H. Hall
Clerk of the House of Delegates.

CORRECTLY ENROLLED

James A. Smith
Chairman House Committee.

James A. Smith
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 15)

[Passed March 11, 1933; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to nonpayment of orders by the sheriff, ex officio county treasurer in the several counties of the state.

Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 7. If, when an order is presented to the sheriff, there are no funds to pay the same, the person entitled to receive the sum of money specified in such order may require the sheriff to indorse thereon, or write across the face thereof, the words "presented for payment," with the proper date, and sign the same; and the order, if it was due at the time of presentment,

Chairman Senate Committee.

7 shall in such case be payable with legal interest from such date:
 8 *Provided, however,* That any such order not paid when pre-
 9 sented as aforesaid shall again be presented to the sheriff for
 10 payment by the person entitled to receive the money thereon
 11 not later than the first day of December after such indorse-
 12 ment, and if not so presented, no further interest shall be al-
 13 lowed or paid on such order thereafter, unless such order shall
 14 be so presented and indorsed as aforesaid a second time by the
 15 sheriff: *Provided, however,* That in no event shall any such
 16 order issued subsequent to January one, one thousand nine hun-
 17 dred thirty-three, bear interest for a longer period than one
 18 year and six months from the date of its issue: *And provided*
 19 *further,* That as to all such orders issued on or before January
 20 one, one thousand nine hundred thirty-three, such interest-
 21 bearing period shall not exceed three years six months from the
 22 date of the issue thereof. But if the sheriff, having funds to
 23 pay the same, fail to pay any county order properly endorsed,
 24 when presented to him during business hours by a person en-
 25 titled to receive the money therein specified, if the same be
 26 then due and payable, he and his sureties, and the personal
 27 representatives of such of them as are dead, shall be liable to

Chairman House Committee.

James L. Smith

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

Anna D. Hyatt

Chairman Senate Committee.

Enrolled S. B. No. 15]

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28 the person entitled to receive the money due on such county
29 order, for the whole amount due thereon at the time of such
30 presentation, with legal interest on such amount from that time
31 until payment, and ten per cent on the same amount as dam-
32 ages.

Oliver M. Spier
 Speaker of the House of Delegates.

Wm. S. Hall
 Clerk of the House of Delegates.

W. S. M. ...
 President of the Senate.

James L. Smith
 Clerk of the Senate.

The within is.....

this.....day of....., 1933.

Filed in the office of the Secretary of State
 of West Virginia. **MAR 18 1933**
 Wm. S. O'BRIEN,
 Secretary of State

 Governor.

CORRECTLY ENROLLED

James L. Smith
 Chairman Senate Committee.

James L. Smith
 Chairman House Committee.