

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935



ENROLLED

HOUSE BILL No. 81

(By Mr. Van Dickle)



PASSED March 9 1935

In Effect from Passage

81

ENROLLED
House Bill No. 81

(BY MR. VAN SICKLER)

[Passed March 7, 1935; in effect from passage.]

AN ACT to amend and reenact section four, article one, chapter forty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the remedy of bail, surety, guarantor, etc., making payment.

Be it enacted by the Legislature of West Virginia:

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

Section 4. If any person liable as bail, surety, guarantor or endorser, or any sheriff liable for not taking sufficient bail, or the committee, heir, or personal representative of any so liable, shall pay, in whole or in part, any judgment, decree or execu-

5 tion rendered or awarded on account of such liability, the per-
6 son having right of action for the amount so paid, may, by
7 motion in the court in which said judgment, decree, or execu-
8 tion was rendered or awarded, obtain judgment or decree
9 against any person against whom such right of action exists
10 for the amount so paid, with interest from the time of payment,
11 and five per cent damages on said amount; and said person so
12 paying in whole or in part, any such judgment, decree or execu-
13 tion rendered or awarded on account of such liability, or any
14 such note, bond or other demand, in whole or in part, shall by
15 operation of law, in addition to the remedy above provided,
16 be substituted to and become the owner of all of the rights and
17 remedies of the creditor for the enforcement and collection of
18 the amount or amounts so paid, and shall be deemed the as-
19 signee thereof; executions, or other legal process to which the
20 principal creditor was entitled, may be issued on any such
21 judgment or decree in the name of the original creditor against
22 the person primarily liable for the benefit of the person second-
23 arily liable to the extent to which he has satisfied the original
24 creditor; but nothing in this act shall be construed to impair or
25 affect in any way the security of the original creditor, or his

26 rights and remedies as to any balance which may be due him.
27 The provisions of this section are cumulative, and are intended
28 to protect the rights of any person secondarily liable to the
29 extent to which he has satisfied the obligation of the person
30 primarily liable. All assignments heretofore made of judg-
31 ments and decrees to persons secondarily liable are hereby
32 validated, and upon the same executions may be issued as here-
33 inbefore provided.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton Howard
.....
Chairman Senate Committee

Arnold D. Dickens
.....
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Marion M. ...
.....
Clerk of the Senate

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

Chas. E. Hodges
.....
President of the Senate

John Peltz
.....
Speaker House of Delegates.

The within *is approved* this the *11th*

day of *March*, 1935.

H. S. ...
.....
Governor.

Filed in the office of the Secretary of State of West Virginia. *MAR 15 1935*

Wm. S. O'BRIEN,
Secretary of State