

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 49

(By Mr. Ward)



PASSED March 1, 1943 1943

In Effect July 1, 1943 Passage

ENROLLED
House Bill No. 49

(BY MR. WARD)

[Passed March 1, 1943; in effect July 1, 1943.]

AN ACT to amend and reenact section twenty-one, article one, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-six, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to compensation of petit jurors.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article one, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-six, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Article 1. Petit Juries.*Section 21. Compensation of Jurors; Taxation of Jury*

2 *Fees as Costs; Disposition thereof.*—Any person sum-
3 moned as aforesaid, by virtue of a venire facies or other-
4 wise, to serve as a petit juror, and actually attending upon
5 the court, or attending at the courthouse, at the time sum-
6 moned, whether he be called to serve on a jury or not,
7 shall, for each day he so attends, be entitled to receive
8 the sum of not less than two and not more than five
9 dollars to be fixed by order entered of record and the
10 same mileage allowed to witnesses, to be paid out of
11 the county treasury: *Provided*, That the per diem afore-
12 said shall be paid out of the state treasury for the day or
13 days any person serves as a juror on a felony case; that
14 for each day he shall not actually attend at the court-
15 house he shall receive nothing, and that he shall be
16 allowed mileage but once during the term: *Provided fur-*
17 *ther*, That when a jury in a case of felony shall be placed
18 in the custody of the sheriff, he shall provide for and
19 furnish such jury with regular meals at a reasonable cost
20 not to exceed two dollars a day, while they are in his

21 custody, and such meals shall be paid for out of the state
22 treasury, as provided for above, for jury service in
23 felony cases. There shall be taxed in the costs against
24 any person against whom a judgment on the verdict of
25 a jury may be rendered in a case of misdemeanor, and
26 against any person against whom judgment on the ver-
27 dict of a jury may be rendered in a civil action, and
28 against any person on whose motion the verdict of a
29 jury is set aside and a new trial granted, eight dollars
30 for jury costs, which, when collected from the party,
31 shall be paid into the county treasury. All money so re-
32 ceived by the clerk shall be forthwith paid by him to the
33 sheriff, and the clerk and his surety shall be liable therefor
34 on his official bond as for other money coming into his
35 hands by virtue of his office.

36 The clerk of the circuit court of each county in this
37 state shall annually certify to the county court a list of
38 all money so paid to him, and by him paid to the sheriff,
39 and, in addition thereto, a correct list of all the cases
40 in which jury fees have been taxed, and are, at the time,
41 properly due and payable in the county treasury, and the

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42 sheriff of the county shall be held to account in his annual

43 settlement for all such moneys collected by him.

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

Ray Zinnison
Chairman Senate Committee

Frank P. Hoff
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1943 passage.

Carlale Watkins
Clerk of the Senate

Phillips
Clerk of the House of Delegates

James Paue
President of the Senate

James E. Cannon
Speaker House of Delegates

The within approved this the 10
day of March, 1943.

Matthew M. Neely,
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 10 1943

Wm. S. O'BRIEN,
Secretary of State