

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 104

(By Mr. Davis)

PASSED July 17 1945

In Effect 90 days Passage

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House Bill No. 104

(By MR. DAVIS)

[Passed February 17, 1945; in effect ninety days from passage.]

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 fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-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 fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:

Section 21. *Compensation of Jurors; Taxation of Jury Fees as Costs; Disposition thereof.*—Any person sum-

3 moned as aforesaid, by virtue of a venire facias or other-
4 wise, to serve as a petit juror, and actually attending
5 upon the court, or attending at the courthouse, at the
6 time summoned, whether he be called to serve on a jury
7 or not, shall, for each day he so attends, be entitled to
8 receive the sum of not less than two and not more than
9 five dollars to be fixed by order entered of record and
10 the 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 al-
16 lowed mileage but once during the term: *Provided further*,
17 That when a jury in case of felony shall be placed in the
18 custody of the sheriff, he shall provide for and furnish
19 such jury necessary meals and lodging while they are in
20 such sheriff's custody, at a reasonable cost to be determined
21 by an order of the court, and such meals and lodging shall
22 be paid for out of the state treasury, as provided for above,
23 for jury service in felony cases. There shall be taxed in

24 the costs against any person against whom a judgment
25 on the verdict of a jury may be rendered in a case of mis-
26 demeanor, and against any person against whom judg-
27 ment on the verdict of a jury may be rendered in a civil
28 action, and against any person on whose motion the ver-
29 dict of a jury is set aside and a new trial granted, eight
30 dollars for jury costs, which, when collected from the
31 party, shall be paid into the county treasury. All money
32 so received by the clerk shall be forthwith paid by him
33 to the sheriff, and the clerk and his surety shall be liable
34 therefor on his official bond as for other money coming
35 into his hands by virtue of his office.

36 The clerk of the circuit court of each county in this state
37 shall annually certify to the county court a list of all
38 money so paid to him, and by him paid to the sheriff, and,
39 in addition thereto, a correct list of all the cases in which
40 jury fees have been taxed, and are, at the time, properly
41 due and payable in the county treasury, and the sheriff of
42 the county shall be held to account in his annual settle-
43 ment for all such moneys collected by him.

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

Charles C. Morris

Chairman Senate Committee

Jade Gruyter
Chairman House Committee

Originated in the *House*

Takes effect *90 days from* passage.

Thomas H. Rife
Clerk of the Senate

John H. Hoff
Clerk of the House of Delegates

Donald M. Tucker
President of the Senate

John E. Quinn
Speaker House of Delegates

The within *Approved* this the *24th*
day of *February*, 1945.

Clarence M. ...
Governor.



Filed in the office of the Secretary of State
of West Virginia **FEB 24 1945**
Wm. S. O'BRIEN,
Secretary of State