WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 104

(By Mr. Daniel)

PASSED July 17, 1945

In Effect 90 days from Passage
ENROLLED

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-
moned as aforesaid, by virtue of a venire facias or other-
wise, to serve as a petit juror, and actually attending
upon the court, or attending at the courthouse, at the
time summoned, whether he be called to serve on a jury
or not, shall, for each day he so attends, be entitled to
receive the sum of not less than two and not more than
five dollars to be fixed by order entered of record and
the same mileage allowed to witnesses, to be paid out of
the county treasury: Provided, That the per diem afores-
said shall be paid out of the state treasury for the day or
days any person serves as a juror on a felony case; that
for each day he shall not actually attend at the court-
house he shall receive nothing, and that he shall be al-
lowed mileage but once during the term: Provided further,
That when a jury in case of felony shall be placed in the
custody of the sheriff, he shall provide for and furnish
such jury necessary meals and lodging while they are in
such sheriff’s custody, at a reasonable cost to be determined
by an order of the court, and such meals and lodging shall
be paid for out of the state treasury, as provided for above,
for jury service in felony cases. There shall be taxed in
the costs against any person against whom a judgment
on the verdict of a jury may be rendered in a case of mis-
demeanor, and against any person against whom judg-
ment on the verdict of a jury may be rendered in a civil
action, and against any person on whose motion the ver-
dict of a jury is set aside and a new trial granted, eight
dollars for jury costs, which, when collected from the
party, shall be paid into the county treasury. All money
so received by the clerk shall be forthwith paid by him
to the sheriff, and the clerk and his surety shall be liable
therefor on his official bond as for other money coming
into his hands by virtue of his office.

The clerk of the circuit court of each county in this state
shall annually certify to the county court a list of all
money so paid to him, and by him paid to the sheriff, and,
in addition thereto, a correct list of all the cases in which
jury fees have been taxed, and are, at the time, properly
due and payable in the county treasury, and the sheriff of
the county shall be held to account in his annual settle-
ment for all such moneys collected by him.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles E. Morris
Chairman Senate Committee

Jade Fugate
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor.

Filed in the office of the Secretary of State of West Virginia FEB 24 1945

Wm. S. O'Brien, Secretary of State