

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

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ENROLLED

SENATE BILL No. 136

(By Mr. Jackson)

PASSED March 9 1945

In Effect 90-days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



136

**ENROLLED**  
**Senate Bill No. 136**  
(BY MR. JACKSON)

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[Passed March 9, 1945; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to nonpayment of orders issued by boards of education and liability of sheriff.

*Be it enacted by the Legislature of West Virginia:*

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

Section 4. *Nonpayment of Order; Liability of Sheriff.*—

- 2 If, when an order of any board of education of his county
- 3 is presented to the sheriff, there are no funds to pay the

4 same, the person entitled to receive the sum of money  
5 specified in such order may require the sheriff to endorse  
6 thereon, or write across the face thereof, the words "pre-  
7 sented for payment", with the proper date, and sign the  
8 same; and the order, if it was due at the time of present-  
9 ment, shall in such case be payable with legal interest  
10 from such date.

11 Any such order not paid when presented as aforesaid  
12 shall again be presented to the sheriff for payment by the  
13 person entitled to receive the money thereon not later  
14 than the first day of December after such endorsement,  
15 and if not so presented, no further interest shall be al-  
16 lowed or paid on such order thereafter, until such order  
17 shall be so presented and endorsed as aforesaid a second  
18 time by the sheriff, and in no case shall interest be allowed  
19 or paid on such order for the period of time elapsed from  
20 the first day of December following the first endorsement  
21 of such order by the sheriff and the date when such order  
22 is presented for payment or endorsement by the sheriff a  
23 second time.

24 In no event shall any such order issued subsequent to  
25 July one, one thousand nine hundred forty-five, bear in-  
26 terest for a longer period than one year and six months  
27 from date of its issue. But if the sheriff, having funds to  
28 pay the same, fails to pay any proper order of any board  
29 of education of his county, properly endorsed, when pre-  
30 sented to him during business hours by a person entitled  
31 to receive the money therein specified, if the same be then  
32 due and payable, he and his sureties, and the personal  
33 representatives of such of them as are dead, shall be  
34 liable to the person entitled to receive the money due on  
35 said order for the whole amount due thereon at the time  
36 of such presentation, with legal interest on such amount  
37 from that time until payment, and ten per cent on the  
38 same amount as damages.

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

Charles C. Morris  
Chairman Senate Committee

John C. Stryker  
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Howard Meigs  
Clerk of the Senate

Phillip  
Clerk of the House of Delegates

Arnold W. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 14<sup>th</sup>  
day of March, 1945.

[Signature]  
Governor.

Filed in the office of the Secretary of State  
of West Virginia MAR 15 1945  
Wm. S. O'BRIEN,  
Secretary of State

