

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 19

(By Mr. Love)

PASSED February 13 1953

In Effect ninety days from Passage

FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF WEST VIRGINIA
FEB 18 1953
D. PITT O'BRIEN,
SECRETARY OF STATE

ENROLLED

Senate Bill No. 19

(By MR. LOVE)

[Passed February 13, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article six, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the affidavit and bond to be filed by plaintiff in detinue actions.

Be it enacted by the Legislature of West Virginia:

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

Section 1. *Plaintiff's Affidavit and Bond in Detinue*
2 *Actions; Contents thereof.*—If the plaintiff in an action of
3 detinue shall desire to have immediate possession of the
4 property for the recovery of which such action is brought,

5 he may, at the commencement of the action, or at any
6 time thereafter and before judgment, file with the clerk
7 of the court in which the action is brought, or, if the ac-
8 tion is brought before a justice, with the justice before
9 whom the same is brought or is pending, an affidavit
10 stating the kind, quantity, and value of the property
11 claimed by the plaintiff in such action, and that the af-
12 fiant verily believes the plaintiff is entitled to recover the
13 same therein. He shall also, in such case, execute a bond,
14 with good security, to be approved by the clerk or justice,
15 in a penalty at least double the value of the property
16 claimed, payable to the defendant with condition to pay
17 all costs and damages which may be awarded against
18 him, or sustained by any person by reason of such suit,
19 and to have the property so claimed forthcoming to an-
20 swer any judgment or order of the court or justice re-
21 specting the same made at any time during the pendency
22 of the action, and shall file such bond with the clerk or
23 justice.

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

A. M. Kinley
Chairman Senate Committee

A. Reubler
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

Thomas Myers
Clerk of the Senate

J. D. Hill
Clerk of the House of Delegates

Paul J. Bean
President of the Senate

W. D. DeLoach
Speaker House of Delegates

The within *approved* this the *18th* day of *February*, 1953.

William C. Mauloud
Governor.

