

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 21

(By Mr. Love.....)

PASSED March 12.....1953

In Effect next day from.....Passage



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ENROLLED

Senate Bill No. 21

(By MR. LOVE)

[Passed March 12, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article ten, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, relating to interpleaders and procedure thereon.

Be it enacted by the Legislature of West Virginia:

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

Section 1. *Interpleaders; Procedure Thereon.*—A defendant in an action brought against him for the recovery of money which he does not wish to defend, but which money is claimed by some third person, or for the

5 recovery of the possession of personal property to which
6 he makes no claim, but which is claimed by a third per-
7 son, may file his affidavit stating the facts in relation
8 thereto, and that he does not collude with such third
9 person but is ready to pay the money claimed, or deliver
10 the property, to the owner thereof, as the court may
11 direct, and the court may thereupon make an order re-
12 quiring such third person to appear and state the nature
13 of his claim, and maintain or relinquish the same, and
14 may in the meantime stay the proceedings in such action.
15 If such third person, on being served with a copy of such
16 order, shall not appear, the court may, on proof of the
17 plaintiff's right, render judgment for him, and declare
18 such third person to be forever barred of any claim in
19 respect of the subject matter, either against the plaintiff
20 or the original defendant, or his personal representative.
21 If such third person, on being so served, shall appear, the
22 court shall allow him to make himself defendant in the
23 action and, either in such action or otherwise, cause such
24 issue or issues to be tried as it may prescribe, and may
25 direct which party shall be considered the plaintiff in

26 the issues; and shall give judgment upon the verdict
 27 rendered or, if a jury be waived by the parties interested,
 28 shall determine their claims in a summary way. The
 29 court may also make such order for the disposition of the
 30 money or property which is the subject matter of the
 31 action, pending the same, as to it may seem proper, and
 32 may enter judgment as to costs as may be just and
 33 proper.

[Handwritten signature]

SECRETARY OF STATE
 STATE OF ILLINOIS
 MAR 10 1893
 CHAS. F. O'BRIEN

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

R. M. Kinley

Chairman Senate Committee

C. H. Humber

Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

Bonnie Miller

Clerk of the Senate

R. H. Hiff

Clerk of the House of Delegates

Ralph Beau

President of the Senate

W. E. [Signature]

Speaker House of Delegates

The within *approved* this the *19th*
day of *March*, 1953.

William C. Mallard

Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF VIRGINIA **MAR 19 1953**

D. PITT O'BRIEN,
SECRETARY OF STATE