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ENROLLED BILL

Senate Bill No. 61

(By Mr. Smith)

Passed March 11, 1931

In Effect Ninety days from Passage

Originated in the Senate Takes effect thirty days from passage
M. S. Logan Clerk of the Senate. W. S. Logan Clerk of the House of Delegates.

CORRECTLY ENROLLED

Charles W. Meadows
Chairman House Committee.

James A. Smith
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 61)

[Passed March 11, 1931; in effect ninety days from passage.]

AN ACT to provide for a uniform system of fees of clerks of circuit courts; providing rates and manner of collection of such fees, and relating to fees, costs and accounts of other officers and parties.

Be it enacted by the Legislature of West Virginia:

That section eleven, of article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred and thirty-one, be amended and re-enacted so as to read as follows:

Section 11. The clerk of a circuit court shall charge and
2 collect for services rendered as such clerk the following fees,
3 and such fees shall be paid in advance by the parties for whom

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Joseph D. Spruill
Chairman Senate Committee.

Benjamin Madison
Chairman House Committee.

4 such services are to be rendered :

5 For instituting or docketing any action, suit or other pro-
6 ceeding, by original process, removal or otherwise, and for any
7 services the clerk may perform therein except as hereinafter
8 set out, where there are not more than five defendants and not
9 more than five witnesses, the fee of the plaintiff shall be,

10 For confession of judgment, motion for judgment, civil ap-
11 peal to such court (appellant—to accompany transcript), ac-
12 tion on suggestion, or any summary proceeding at law, five
13 dollars;

14 For any condemnation proceeding, ten dollars;

15 For any action at law not otherwise herein provided for,
16 ten dollars;

17 For any interpleader, five dollars;

18 For any summary proceeding in chancery, five dollars;

19 For any divorce suit, ten dollars;

20 For any suit in equity not otherwise herein provided for,
21 fifteen dollars;

22 For entering appearance or for any services the clerk may
23 perform therein except as hereinafter set out, where there are
24 not more than five witnesses, the fee of the defendant or of all

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Emmett Madawell

Chairman House Committee.

Joseph D. Smith

Chairman Senate Committee.

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25 defendants (appellees on civil appeal) in any such action, suit
26 or other proceeding, shall be three dollars.

27 In addition to the foregoing fees the following fees shall like-
28 wise be charged and collected :

29 For each additional defendant more than five there shall be
30 added to the fee of the plaintiff for institution or for services
31 as provided for above, fifty cents ;

32 For each additional witness more than five, on the part of
33 either plaintiff or defendant, to be paid by the party requesting
34 such witness, fifty cents ;

35 For any transcript, copy or paper made by the clerk for use
36 in any other court or otherwise to go out of the office, for each
37 one hundred words, ten cents ;

38 Minimum fee, fifty cents ;

39 (Where copy is made of checks, notes, bills of lading, or
40 other matter the character of which warrants a different rate,
41 a reasonable fee ;)

42 For proof-reading or comparison of records made outside the
43 office, for each one thousand words, ten cents ;

44 For annexing seal of the court to any paper and adding
45 certificate thereto, fifty cents ;

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Joseph D. Smith
Chairman Senate Committee.

Samuel May Jr.
Chairman House Committee.

- 46 For taking a bond, one dollar ;
- 47 For issuing an execution, one dollar ;
- 48 For issuing an execution on a transcript of judgment from
- 49 a justice's court, one dollar and fifty cents ;
- 50 For entering an order of probation, three dollars ;
- 51 For arranging the papers in a certified question, writ of
- 52 error, appeal or removal to any other court, three dollars ;
- 53 For any retrial, fees in the same amount as for the same
- 54 services rendered on original institution and trial ;
- 55 For postage and express and for sending or receiving de-
- 56 crees, orders or records, by mail or express, three times the
- 57 amount of the postage or express charges ;
- 58 For additional services (plaintiff or appellant) where any
- 59 case remains on the docket longer than three years, for each
- 60 additional year or part year, five dollars.
- 61 The clerk shall tax the following fees for services in any
- 62 criminal case against any defendant convicted in such court :
- 63 In the case of any misdemeanor, ten dollars ;
- 64 In the case of any felony, twenty dollars ;
- 65 For any service not provided for above, the same fee as a
- 66 clerk of a county court for service of similar nature or extent.

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Samuel M. Mason

Chairman House Committee.

Joseph D. Smith

Chairman Senate Committee.

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67 No such clerk shall be required to handle or accept for dis-
68 bursement any fees, costs or accounts, of any other officer or
69 party not payable into the county treasury, except it be on
70 order of the court or in compliance with the provisions of law
71 governing such fees, costs or accounts.

CORRECTLY ENROLLED

Joseph P. Smith
Chairman Senate Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

P. H. Kirtland
Clerk of the House of Delegates.

M. J. White
President of the Senate.

M. S. Hayes
Clerk of the Senate.

Samuel M. Davis
Chairman House Committee.

The within is *Approved*
this *17th* day of *March*, 1931.

Wm. G. Sewell
Governor.

Filed in the office of the Secretary of State
of West Virginia. *MAR 18 1931*
GEORGE W. STAPF,
Secretary of State.