

# WEST VIRGINIA LEGISLATURE

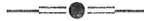
REGULAR SESSION, 1935



# ENROLLED

HOUSE BILL No. 65

(By Mr. Proctor)



PASSED January 17 1935

In Effect from Passage

65

**ENROLLED**  
**House Bill No. 65**

(BY MR. PROCTOR)

[Passed January 17, 1935; in effect from passage]

AN ACT to provide for the fees of justices in criminal cases by amending and reenacting sections eleven and fourteen, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one.

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

That sections eleven and fourteen, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read, respectively, as follows:

Section 11. Every justice shall be entitled to a fee of one dollar in each criminal case and proceeding before him, which fee shall constitute his compensation for all official services performed by him in connection with any single case, including affidavit for warrant, warrant of arrest, trial, examination, recognizance, issuing subpoenas and copies thereof, warrants summoning and swearing a jury when required, swearing and certifying attendance of witnesses, entering judgment and taxing costs, issuing execution and any return thereon, granting an appeal, including the taking of bond or recognizance, and all other acts in connection therewith. Except, that he shall be allowed an additional fee of fifty cents for making and certifying a transcript of his docket in any particular case and transmitting the same to the clerk of the circuit court, the state road commission, or any other office to which he may be by law required to certify such transcript. The fees herein provided shall cover any particular case and all proceedings thereon, whether there be one defendant or more than one de-

19 fendant. And no other fees shall be taxed or charged by any  
20 justice in such cases and proceedings.

Sec. 14. In all cases and proceedings before a justice in re-  
2 lation to both felonies and misdemeanors, not triable on the  
3 merits of the case, the fees provided by section eleven shall be  
4 audited and paid by the county court as other claims against  
5 the county. Fees in misdemeanor cases, triable on the merits  
6 thereof, may be paid as provided by section fifteen, article  
7 five, chapter seven of the code.

8 The justice may issue executions for all fines and costs im-  
9 posed by him in criminal proceedings which are not paid by  
10 the parties, and shall deliver such executions to a constable  
11 of his district of the county and such constable shall collect the  
12 same by levy or otherwise if the same can be collected, and shall  
13 return such executions to the justice issuing the same, showing  
14 how he has executed the same, and the justice shall note such  
15 returns on his docket. All costs collected by the justice by ex-  
16 ecutions or otherwise shall be paid by him to the sheriff in  
17 like manner as the justice is required by section fifteen of this  
18 article to pay to the sheriff all fines collected by him.

19 No payment of fees or costs shall be made to any justice as  
20 provided herein until the claim shall have been submitted to  
21 the prosecuting attorney and the approval or disapproval of  
22 the prosecuting attorney shall have been noted thereon.

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

*Clinton H. Mayard*  
Chairman Senate Committee

*Orville M. Pickers*  
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

*Thomas A. Smiley*  
Clerk *of the Senate*  
~~Clerk of the House of Delegates~~

Clerk of the House of Delegates

*Chas. E. Hodge*  
Speaker House of Delegates  
President of the Senate

The within *is approved* this the *21<sup>st</sup>*

day of *January*, 1935.

*H. S. Kump*  
Governor.

Filed In the office of the Secretary of State  
of West Virginia. **JAN 23 1935**  
Wm. S. O'BRIEN,  
Secretary of State