

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 166

(By Mr. Lowe.....)

PASSED March 12.....1949

In Effect 90 days from.....Passage



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Senate Bill No. 166
(By MR. LOVE)

[Passed March 12, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and eleven, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to fees of justices in civil and criminal cases.

Be it enacted by the Legislature of West Virginia:

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

Section 1. *Fees of Justices in Civil Cases.*—A justice of
2 the peace shall charge and shall collect in advance from
3 the party or parties requesting such services the follow-
4 ing fees:

- 5 (1) For entering suit and issuing summons not to
6 exceed two, docketing the cases, indexing and
7 filing papers, receiving confessions of judgment
8 or rendering judgment by default and entering
9 same together with satisfaction on docket, in-
10 cluding the taxing of justice's and constable's
11 costs\$3.50
- 12 (2) For each summons in excess of two25
- 13 (3) For each subpoena issued25
- 14 (4) For swearing each witness, arbitrators or party .15
- 15 (5) For appointing special constables at request of
16 either party25
- 17 (6) For trying cases (defense interposed), and en-
18 tering judgment and satisfaction 1.50
- 19 (7) For issuing order of attachment or suggestion
20 order and necessary copies thereof, executing
21 affidavit and bond in addition to item No. 1 1.00
- 22 (8) For each additional attachment to recover on
23 original judgment, executing affidavit and bond,
24 in addition to item No. 1 1.00

25	(9) For issuing second summons together with cop-	
26	ies thereof, for nonresidents as provided by sec-	
27	tion ten, article nine of this chapter .....	.75
28	(10) For issuing civil order of arrest or order of com-	
29	mitment, civil cases .....	.50
30	(11) For trial and judgment of any case of contempt	1.50
31	(12) For taking and certifying any affidavit in writ-	
32	ing, except to commence suit .....	.50
33	(13) For each continuance .....	.50
34	(14) For settling and allowing interrogatories .....	.50
35	(15) For entering agreement for arbitration .....	.50
36	(16) For summons of arbitrators .....	.30
37	(17) For each bond filed in a case, appeal bond, stay-	
38	of-execution bond, bail bond, civil order of ar-	
39	rest, detenure bond, except bond in attachment	
40	case and docketing same	1.00
41	(18) For ordering a jury, including the drawing of	
42	same .....	.50
43	(19) For abstract of judgment for docketing in the	
44	office of the clerk of the county court .....	.50
45	(20) For issuing execution and entering return there-	

46	of on docket .....	.50
47	(21) For entering stay of execution .....	.25
48	(22) For trying right of property levied on or at-	
49	tached	1.50
50	(23) For transcript from docket	1.00
51	(24) For transmitting or delivering papers to the	
52	clerk of the circuit court in case of appeal .....	.50
53	(25) For taking and certifying acknowledgement of	
54	deed or other instrument of writing .....	.50
55	(26) For taking depositions of witnesses if done in	
56	an hour or less	1.00
57	(27) If not completed in an hour, for additional time	
58	at the rate, per hour of	1.00
59	(28) For appointing a guardian for the suit of an in-	
60	fant plaintiff or defendant .....	.50
61	(29) For taking an inquest on a dead body, to be aud-	
62	ited and paid from the treasury of the county	5.00
63	(30) For each distress warrant issued, docketing the	
64	case and indexing and filing papers	1.00
65	(31) For each suggestee execution issued, docketing	
66	and indexing same	1.50

67	(32) For mailing each suggestee execution by reg-	
68	istered mail and return receipt requested .....	.35
69	(33) For each renewal of suggestee execution issued	
70	docketing and indexing same	1.50
71	(34) For issuing each temporary release, modifying	
72	order or permanent release .....	.50
73	(35) Order of appraisalment, appointing appraisers,	
74	swearing of the same and docketing same, to be	
75	paid by plaintiff	1.00
76	(36) <i>Provided, however,</i> That in an action brought	
77	before a justice to recover a sum of money	
78	where an attachment, garnishment, suggestion	
79	order or suggestee execution is issued against	
80	the wages of a defendant and the claim is not	
81	contested, the maximum total for covering all	
82	costs to be charged by the justice in each case	
83	shall not exceed \$5.50, and if the claim is con-	
84	tested, the maximum total fee covering all costs	
85	to be charged by the justice shall not exceed.....	7.00

Sec. 11. *Fees of Justices in Criminal Cases.*—(1) Every

2 justice shall be entitled to a fee of three dollars and fifty

3 cents in each criminal case and proceeding before him,
4 which fee shall constitute his compensation for all official
5 services performed by him in connection with any single
6 case, including affidavit for warrant, search and seizure
7 warrant, warrant for arrest, trial examination, issuing sub-
8 poenas and copies thereof, warrant summoning and swear-
9 ing a jury when required, swearing and certifying at-
10 tendance of witnesses, entering judgment and taxing costs
11 and all other acts in connection herewith ... except, that he
12 shall be allowed an additional fee of \$.50 for making and
13 certifying a transcript of his docket in any particular case
14 and transmitting the same to the clerk of the circuit court,
15 the state road commission, or any other office in which
16 he may be by law required to certify such transcript, and
17 two dollars for bond recognizance, to be paid by defend-
18 ant. And no other fees shall be taxed or charged by any
19 justice in such cases and proceedings: *Provided, however,*
20 That under the provisions of this section the justice shall
21 be entitled to such fees theretofore earned, as were au-
22 thorized by law at the time such fees were earned, and
23 the prosecuting attorneys and county courts may approve

24 and pay such accrued costs in the same manner as was
25 provided by the code of West Virginia, one thousand nine
26 hundred thirty-one prior to the enactment of chapters
27 thirty-one and thirty-two, acts of the Legislature, regu-
28 lar session, one thousand nine hundred thirty-five.

29 (2) For issuing sheep warrant, appointing and swear-

30 ing appraisers and docketing same 1.00

31 (3) Bond or recognizance 2.00

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

Forrest L. McMan
 Chairman Senate Committee

R. L. Matthews
 Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Steyer
 Clerk of the Senate

James
 Clerk of the House of Delegates

W. E. Hummer
 President of the Senate *Speaker House of Delegates*

W. Randolph Johnston
 Speaker House of Delegates
President of the Senate

The within APPROVED this the 18th
 day of MARCH, 1949.

Okey L. Patton
 Governor.

Filed in the Office of the Secretary of State
 of West Virginia MAR 18 1949

D. PITT O'BRIEN,
 SECRETARY OF STATE

