

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 365

(By Mr. Yancey & Mr. Welch)

PASSED March 11 1959

In Effect July 1, 1959 Passage

Filed in Office of the Secretary of State
of West Virginia MAR 19 1959
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
House Bill No. 365
(By MR. YANCEY and MR. WELLS)

[Passed March 11, 1959; in effect July 1, 1959.]

AN ACT to amend article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections eighteen and nineteen, relating to the collection of fees in advance by justices of the peace and constables.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections eighteen and nineteen, to read as follows:

Section 18. *Fees to be Collected in Advance by Justices*
2 *in Civil Cases; Penalty.*—It shall be unlawful for any
3 justice of the peace to perform any of the services for
4 which he is entitled to a fee under section one of this

5 article and for which thereunder he is required to charge
6 and collect in advance from the party or parties request-
7 ing such service or services the fee or fees therein set
8 forth, or to issue any civil process or summons in or
9 commencing any civil action, without charging and col-
10 lecting such fee or fees from the party or parties request-
11 ing such service or services in advance of and before
12 performing such service or services and before issuing
13 any civil process or summons in or commencing any civil
14 action in connection therewith.

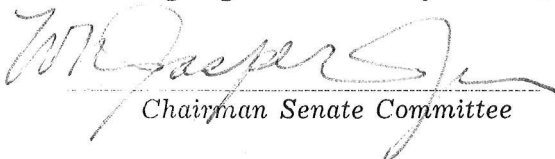
15 Any person violating any provisions of this section
16 shall be guilty of a misdemeanor and, upon conviction
17 thereof, shall be fined not more than five hundred dollars
18 or confined in the county jail not more than sixty days,
19 or both.

Sec. 19. *Fees to be Collected in Advance by Constables*
2 *in Civil Cases; Penalty.*—It shall be unlawful for any
3 constable or special constable to perform any of the
4 services set forth in this article in section two, subsections
5 one through seven, inclusive, and subsections nine through
6 fourteen, inclusive, for which he is entitled to a fee there-

7 under and for which thereunder he is required to charge
8 and collect in advance from the party or parties request-
9 ing such service or services the fee or fees therein set
10 forth, or to serve or in any manner execute any civil
11 process or summons in or commencing any civil action,
12 without charging and collecting such fee or fees from
13 such party or parties in advance of and before performing
14 such service or services and before serving or in any
15 manner executing any civil process or summons in or
16 commencing any civil action in connection therewith.

17 Any person violating any provisions of this section shall
18 be guilty of a misdemeanor and, upon conviction thereof,
19 shall be fined not more than five hundred dollars or con-
20 fined in the county jail not more than sixty days, or both.

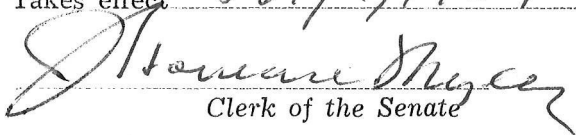
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

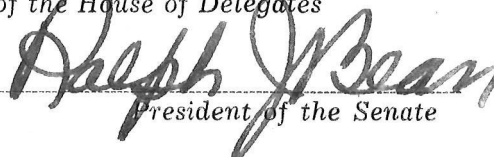

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1959 passage.

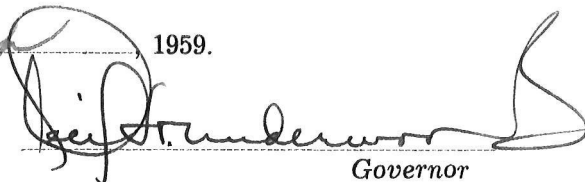

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate

Speaker, House of Delegates

The within approved this the 18th
day of March, 1959.


Governor