WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 365

(By Mr. Yancey and Mr. Webb)

PASSED March 11, 1959

In Effect July 1, 1959

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 in Civil Cases; Penalty.—It shall be unlawful for any justice of the peace to perform any of the services for which he is entitled to a fee under section one of this
article and for which thereunder he is required to charge
and collect in advance from the party or parties request-
ing such service or services the fee or fees therein set
forth, or to issue any civil process or summons in or
commencing any civil action, without charging and col-
lecting such fee or fees from the party or parties request-
ing such service or services in advance of and before
performing such service or services and before issuing
any civil process or summons in or commencing any civil
action in connection therewith.

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

Sec. 19. Fees to be Collected in Advance by Constables
in Civil Cases; Penalty.—It shall be unlawful for any
constable or special constable to perform any of the
services set forth in this article in section two, subsections
one through seven, inclusive, and subsections nine through
fourteen, inclusive, for which he is entitled to a fee there-
under and for which thereunder he is required to charge
and collect in advance from the party or parties request-
ing such service or services the fee or fees therein set
forth, or to serve or in any manner execute any civil
process or summons in or commencing any civil action,
without charging and collecting such fee or fees from
such party or parties in advance of and before performing
such service or services and before serving or in any
manner executing any civil process or summons in or
commencing any civil action in connection therewith.
Any person violating any provisions of this section shall
be guilty of a misdemeanor and, upon conviction thereof,
shall be fined not more than five hundred dollars or con-
finement 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.

W. Jasper
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1959 passage.

J. Thomas McCoy
Clerk of the Senate

C.R. Blankenship
Clerk of the House of Delegates

Joseph J. Barham
President of the Senate

Speaker, House of Delegates

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

Ralph J. Underwood
Governor