

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 256

(By Mr. Lohr)



PASSED March 8, 1963

In Effect ninety days from Passage



Filed in Office of the Secretary of State
of West Virginia 3-15-63
JOE F. BURDETT
SECRETARY OF STATE

#256

ENROLLED

House Bill No. 256

(By MR. LOHR)

[Passed March 8, 1963; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

Article 17. Fees, Fines and Costs.

Section 2. Fees of Constables in Civil Cases.—Every
2 constable shall charge and collect in advance from the

3 party or parties requesting such services the following

4 fees in civil cases:

- 5 (1) For service and return of summons ^{to} ~~and~~ com- *Entirely paid*
6 mence a suit \$2.75, and for every additional
7 summons in same suit..... .75
- 8 (2) For servicing and returning order of attach-
9 ment, for each garnishee summoned..... 1.00
- 10 (3) For taking property under order of attach-
11 ment, including inventory and appraisement,
12 besides the reasonable expenses of removing,
13 securing and keeping the property attached... 2.50
- 14 (4) For subpoenas, for each person served there-
15 with50
- 16 (5) For summoning and returning a jury..... 1.50
- 17 (6) For levying an execution on personal prop-
18 erty and return 2.00
- 19 (7) For posting notices of sale (3) for suggestee
20 execution, suggestion order, attachment, dis-
21 tress warrant, each40
- 22 (8) For money collected and paid to justice, con-
23 stable or plaintiff, after levy, under execution,

24	suggestee execution, suggestion order, dis-	
25	tress warrant or attachment, sale or no sale	5%
26	(9) For executing a writ of possession under sec-	
27	tion ten, article one of this chapter.....	4.00
28	(10) For summoning the jury and witnesses for in-	
29	quest on a dead body, to be audited and paid	
30	from the treasury of the county.....	3.00
31	(11) <i>Provided, however,</i> That in an action brought	
32	before a justice to recover a sum of money	
33	where an attachment, garnishment or sugges-	
34	tion order is issued against the wages of a	
35	defendant, the maximum fee to be charged by	
36	the constable for said attachment, garnish-	
37	ment, or suggestion order shall be two dollars	
38	and fifty cents.....	2.50
39	(12) Second summons in attachment, each.....	1.00
40	(13) Extra time necessary in taking and removing	
41	property under attachment order, and eviction	
42	execution, distress warrant or writ of detinue	1.00
43	(14) For delivering a temporary or permanent	
44	release50

Sec. 12. Fees of Constables in Criminal Cases.—Every

2 constable shall be entitled to the following fees in crimi-
3 nal cases:

4 1. For an arrest in case of felony..... 3.50

5 2. For an arrest in cases other than felony..... 3.00

6 3. For serving a subpoena..... .50

7 4. For executing a search warrant..... 2.50

8 5. For summoning a jury in criminal action..... 1.50

9 6. Witness fee constable..... .50

10 7. In cases of search warrants and proceedings under
11 article one, chapter sixty-two of this code, the fees of the
12 constable shall be chargeable to the county, shall be
13 audited and paid as other claims of like nature by the
14 county court.

15 8. In criminal cases, other than felony, such fees shall
16 be charged and paid as provided in section fifteen, article
17 five, chapter seven of this code, and section eight, article
18 eighteen of this chapter.

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

O. Ray Parker
Chairman Senate Committee

Ethel L. Randall
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas Meyer
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard Robinson
President of the Senate

Julius W. Engleton Jr.
Speaker House of Delegates

The within approved this the 14th
day of March, 1963.

Wm. Barron
Governor

