WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 256

(By Mr. John)

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
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 constable shall charge and collect in advance from the
party or parties requesting such services the following fees in civil cases:

(1) For service and return of summons to commence a suit $2.75, and for every additional summons in same suit $0.75

(2) For servicing and returning order of attachment, for each garnishee summoned $1.00

(3) For taking property under order of attachment, including inventory and appraisement, besides the reasonable expenses of removing, securing and keeping the property attached $2.50

(4) For subpoenas, for each person served therewith $0.50

(5) For summoning and returning a jury $1.50

(6) For levying an execution on personal property and return $2.00

(7) For posting notices of sale (3) for suggestee execution, suggestion order, attachment, distress warrant, each $0.40

(8) For money collected and paid to justice, constable or plaintiff, after levy, under execution,
suggestee execution, suggestion order, distress warrant or attachment, sale or no sale 5% 

(9) For executing a writ of possession under section ten, article one of this chapter 4.00 

(10) For summoning the jury and witnesses for inquest on a dead body, to be audited and paid from the treasury of the county 3.00 

(11) Provided, however, That in an action brought before a justice to recover a sum of money where an attachment, garnishment or suggestion order is issued against the wages of a defendant, the maximum fee to be charged by the constable for said attachment, garnishment, or suggestion order shall be two dollars and fifty cents 2.50 

(12) Second summons in attachment, each 1.00 

(13) Extra time necessary in taking and removing property under attachment order, and eviction execution, distress warrant or writ of detinue 1.00 

(14) For delivering a temporary or permanent release .50
Sec. 12. Fees of Constables in Criminal Cases.—Every constable shall be entitled to the following fees in criminal cases:

1. For an arrest in case of felony.................. 3.50
2. For an arrest in cases other than felony.......... 3.00
3. For serving a subpoena.................................. .50
4. For executing a search warrant.................. 2.50
5. For summoning a jury in criminal action........ 1.50
6. Witness fee constable.................................. .50
7. In cases of search warrants and proceedings under article one, chapter sixty-two of this code, the fees of the constable shall be chargeable to the county, shall be audited and paid as other claims of like nature by the county court.
8. In criminal cases, other than felony, such fees shall be charged and paid as provided in section fifteen, article five, chapter seven of this code, and section eight, article eighteen of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

A. Ray Parker
Chairman Senate Committee

Estelle L. Crandall
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Nesby
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

Julius W. Sington, Jr.
Speaker House of Delegates

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

Governor