

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 339

(By Mr. Brotherton)

PASSED March 10, 1967

In Effect July 1, 1967 Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

339

ENROLLED

Senate Bill No. 339

(By MR. BROTHERTON)

[Passed March 10, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact section fourteen, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to fees to be charged by sheriffs.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-14. Fees to be charged by sheriffs.

A sheriff shall charge and collect the following fees:

- 2 For serving on any person a declaration in eject-

3	ment, or an order, notice, summons or other proc-	
4	ess, where the body is not taken, except a subpoena	
5	served on a witness, and making return thereof.....	\$1.50
6	For summoning a witness	1.50
7	For serving on any person an attachment or other	
8	process under which the body is taken.....	1.50
9	For levying an attachment on real estate and making	
10	the return	3.00
11	For making any other levy	1.50
12	For conveying a prisoner to or from jail, for each	
13	mile of necessary travel either in going or return-	
14	ing05
15	For taking any bond60
16	When a jury is sworn in court, for summoning and	
17	impaneling such jury	1.00
18	For serving a writ of possession	1.50
19	For issuing receipt to purchaser at delinquent tax	
20	sale25
21	The county court, giving due regard to the cost thereof,	
22	may from time to time prescribe the amount which the	
23	sheriff may charge for keeping any property or in re-	

24 moving any property. When, after distraining or levying,
25 he neither sells nor receives payment, and either takes
26 no bond or takes one which is not forfeited, he shall, if
27 guilty of no default, have (in addition to the sixty cents
28 for a bond, if one was taken) a fee of three dollars, unless
29 this be more than half of what his commission would have
30 amounted to if he had received payment; in which case
31 he shall (whether a bond was taken or not) have a fee
32 of sixty cents at the least, and so much more as is neces-
33 sary to make the said half of his commissions. The com-
34 mission to be included in a forthcoming bond (when one
35 is taken) shall be five per cent on the first three hundred
36 dollars of the money for which the distress or levy is
37 made, and two per cent on the residue of such money;
38 but such commission shall not be received, in whole or
39 in part, except as hereinbefore provided, unless the bond
40 be forfeited, or the amount (including the commission)
41 be paid to the plaintiff. An officer receiving payment in
42 money, or selling property, shall have the like commission
43 of five per cent on the first three hundred dollars of the
44 money paid or proceeds from such sale, and two per cent

45 on the residue, except that when such payment or sale
46 is on an execution on a forthcoming bond, his commission
47 shall be only half what it would be if the execution were
48 not on such bond.

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

William Temper
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Howard Myers
Clerk of the Senate

L. G. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Stuart C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 2:50 PM