

**REVISION OF TITLE 14 OF THE CODE OF VIRGINIA**

**REPORT OF  
THE VIRGINIA CODE COMMISSION  
to  
THE GOVERNOR  
and  
THE GENERAL ASSEMBLY OF VIRGINIA**



140 7, 1964

**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1963**



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REVISION OF TITLE 14 OF THE CODE OF VIRGINIA

REPORT OF  
THE VIRGINIA CODE COMMISSION  
TO  
THE GOVERNOR  
AND THE  
GENERAL ASSEMBLY OF VIRGINIA

Richmond, Virginia, November 18, 1963

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The General Assembly directed the Virginia Code Commission, by Chapter 611 of the Acts of Assembly of 1962, to undertake the revision of Title 14 of the Code of Virginia, relating to costs, fees, salaries and allowances, and to report its recommendations together with suggested legislation necessary to carry such recommendations into effect.

Extracts from Chapter 611 follow:

"§ 1. The Code of Virginia shall be gradually revised by revising one title at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested persons and their comments solicited.

"§ 2. The Commission shall make the study referred to above; undertake the revision of Title 14, and submit to the Governor and the General Assembly, on or before October one, nineteen hundred sixty-three, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect."

The Commission retained Hugh R. Thompson, Jr., an attorney at law, Richmond, as Counsel to assist in this revision.

Counsel has met or corresponded with and invited the suggestions of representatives of all interested groups and organizations. The Commission has conferred with Counsel on numerous occasions and discussed in detail changes recommended by members of the Commission, by Counsel, and by the interested groups and organizations.

Present Title 14 of the Code represents a great deal of salutary legislative effort, a large portion of which was originally well conceived and remains currently valid; however, other portions, though proper when

enacted, are confusing or obsolete in the light of changed conditions and administrative experiences. Other portions were enacted without sufficient consideration of general policy or their effect on existing legislation and administrative practices, which has resulted in duplications, inconsistencies and uncertainties.

Because of the numerous changes necessary to improve the orderliness and accessibility of the provisions of the Title, it was found advisable to recommend the repeal of the present Title 14 and the substitution therefor of new Title 14.1 dealing with costs, fees, salaries and allowances.

## SUMMARY OF MAJOR CHANGES

Several of the major changes, and the reasons therefor, are hereinafter pointed out.

1. § 14.1-1 is a combination and redraft of §§ 14-1 and 14-27. It is designed to serve as a uniform, general provision for the authority, manner and time of payment of salaries, expenses and other allowances by the State.

2. §§ 14.1-20 and 14.1-21, formerly §§ 14-6 and 14-7, which provide a special method for the computation of mileage, have been moved from Article 1 to Article 3 of Chapter 1, and limited in application to members of the General Assembly.

3. § 14.1-12, a new section, provides simply: "The Governor and all officers of the Commonwealth shall receive annually for their services such salaries as shall be fixed by law." This one section supersedes the numerous provisions of §§ 14-9 through 14-26 relating to salaries of State officers, some of which provisions are obsolete and most of which are unnecessarily repetitive. However, its primary purpose is to obviate conflicts with the Biennial Appropriation Acts.

4. § 14.1-13 is new. Based on § 14-11, it provides a uniform, basic authority for the staffing of the offices of the Governor, the Attorney General and the State Corporation Commission, as well as the payment of the basic expenses in connection therewith.

5. §§ 14.1-46 and 14.1-46.1 would replace § 14-56.1, relating to annual compensation allowed members of county boards of supervisors. § 14-56.1 names each county and provides compensation limitations therefor. § 14.1-46 provides a single minimum and maximum applicable to the several counties, thus authorizing the board of the individual county to establish such compensation within these limits. § 14.1-46.1 provides for supplemental compensation to supervisors charged with certain additional duties, which provision is presently included in § 14-56.1.

6. § 14.1-48 relates to the composition, appointments, terms of office and compensation of the Compensation Board. This is taken from § 14-60. Although the two members other than the chairman receive no compensation under either § 14-60 or § 14.1-48, the chairman's compensation would be "as shall be fixed by law" under the new section, whereas § 14-60 provides a maximum of \$4,500. The current Appropriation Act which was enacted subsequent to and takes precedence over § 14-60, provides a salary of \$5,000. The revision of this section is intended to obviate this and other similar apparent conflicts.

7. §§ 14.1-105 and 14.1-111, formerly §§ 14-116 and 14-122, both of which relate to fees and allowances of sheriffs, sergeants and criers, have been substantially amended. These changes are based upon the recommendations of the Virginia State Sheriffs' and Sergeants' Association. Particular attention is invited to the fact that the recommended adjustment in fees to more realistically offset the cost of services benefits the State almost exclusively, the Sheriff of the city of Richmond being the only officer still having a personal interest in such fees. The remainder of the officers affected, being upon a salary basis, have no personal interest therein.

There are many other changes which might be included in this brief review, but space does not permit. The attention of interested parties is directed to the attached bill and the explanatory notes following each section, and to Mr. Thompson's Report, which is included herein.

Throughout the Title three types of minor conforming changes have been accomplished without special annotation thereof: first—references to obsolete titles, chapters, articles and sections of the Code of Virginia have been changed to proper current references; second—references to former departments, divisions and bureaus have been deleted and the names of the proper current department, division or bureau substituted therefor; third—obvious typographical errors, etc., have been corrected.

#### RECOMMENDATION

The Code Commission submits this report, and recommends that the legislature enact the attached bill at its 1964 Session.

Respectfully submitted,

ARMISTEAD L. BOOTHE, Chairman

JAMES M. THOMSON, Vice-Chairman

JOHN B. BOATWRIGHT, JR.

W. MOSCOE HUNTLEY

KENNETH C. PATTY

POOLE, MONCURE & THOMPSON

Attorneys & Counselors At Law

Richmond, Virginia, October 11, 1963

*The Honorable Armistead L. Boothe, Chairman*

*The Honorable Robert Y. Button*

*The Honorable John B. Boatwright, Jr.*

*The Honorable W. Moscoe Huntley*

*The Honorable James M. Thomson*

Virginia Code Commission

State Capitol

Richmond, Virginia

*Gentlemen:*

Pursuant to Chapter 611 of the Acts of Assembly of 1962 and your instructions, I submit herewith a draft of revision of Title 14 of the Code of Virginia, designated "Counsel's Second Draft", in which I have attempted to conform with the Commission's desires as expressed during its several conferences upon the subject. The draft is in the nature of a bill for introduction at the 1964 session of the General Assembly of Virginia. It provides for the enactment of a new Title 14.1 in lieu of Title 14. Following each section of counsel's draft of Title 14.1 the source thereof is identified and the changes therein explained.

In addition to the draft mentioned, I am transmitting a number of alternate section drafts for consideration, as well as several aids for use with Title 14.1, including a table of contents, a table of comparable sections and certain population classification aids.

Upon considering the draft of revision submitted herewith and other recommendations relating to Title 14 to be forwarded to the Governor and the General Assembly pursuant to Chapter 611, your attention is invited to the two principal objectives of Chapter 611, both of which are found in Sec. 2 of the act:

First—"The Commission shall make the study referred to above", which reference is found in the preamble to the act: "Whereas, it is most desirable that a study be undertaken to recommend such changes in the Constitution as may be necessary to make it possible to enact legislation involving localities by the names of localities, provided, however, such recommendations shall be limited to those situations wherein localities are now described by means of classification."

Second—"undertake the revision of Title 14"—

In pursuit of the first objective counsel has examined into what Constitutional changes, if any, should be recommended and has heretofore reported with respect to Secs. 63, 64, 65, 110 and 117. The mechanics of such changes could be routine. However, the vast majority of the officers of the Commonwealth consulted are of the opinion that abandonment of the Constitutional requirement of general law in such cases would be tantamount to abandonment of the Commonwealth's control over the salaries



of its principal officers in the several localities. Additionally, it has been pointed out that this would invite more inequities, greater diversity of performance standards and render the statutory status of compensation limitations even more incomprehensible.

Although only salaries are mentioned in the foregoing paragraph, they constitute only one subject of legislation which might be affected by a change in the principal of government by general law—a pillar of fair and stable government.

In addition to the foregoing, the proviso that “such recommendations shall be limited to those situations wherein localities are now described by means of classification” virtually precludes any recommendations of Constitutional changes. Based upon the idea that no general law ordinarily is vitiated by a reasonable classification, the limitation appears to distinguish between those general statutes in which classification has, in fact, been employed. It is the opinion of counsel that any constitutional amendment based upon such a limitation would be confusing and undesirable.

Having considered the foregoing and other cogent reasons, the Commission heretofore has expressed its reluctance to recommend any Constitutional changes. Therefore none accompany this report.

In pursuit of the second objective named, counsel has prepared the draft of Title 14 mentioned in the first paragraph of this report. Although numerous substantive changes occur in this draft, they have been minimized and are, primarily, incidental to counsel's attempt to reduce obsolescence, redundancy and repetition. Counsel has endeavored to avoid making any substantive changes affecting individuals without the concurrence of such persons, or affecting any group without the concurrence of representatives of such group. In this respect, counsel gratefully acknowledges the assistance of many State officials, and is particularly grateful for the generous aid of the State Compensation Board and its entire staff.

Although no attempt will be made here to repeat the materials contained in counsel's Second Draft, there are three articles which should receive some additional explanation. These are Articles 6, 8 and 9 of Chapter 1. All pertain to salaries and all have been considered with respect to the constitutional requirements for general laws. However, their treatment differs.

Article 6 of Chapter 1 (§§ 14.1-45 to 14.1-47), relating to the salaries of county supervisors has received a complete overhauling. See § 14.1-46: Whereas § 14-56.1 names each county and provides salary limitations therefor, § 14.1-46 authorizes county boards of supervisors to establish their own salary, and provides a single set of broad limitations. Special attention is invited to the notes following §§ 14.1-46 and 14.1-46.1.

Article 8 of Chapter 1 is concerned with the compensation of attorneys for the Commonwealth, treasurers and commissioners of the revenue. An attempt has been made to conform with the general principles approved by the Commission throughout this article. Because of its complex nature, a brief explanation of the sections therein follows:

§ 14.1-53 is the basic section for the salaries of both city and county Commonwealth's attorneys. It represents a revision and combination of the provisions of §§ 14-66 and 14-66.2 so as to conform, as nearly as may be, with the policies approved by the Commission. In preparing this draft, consideration was given to the following: (1) The 1960 United States Census; (2) the minimum and maximum brackets for each county and city under existing law, (3) the actual salary paid by the State to each principal

in 1962, (4) the statutory exceptions affecting each county and city and (5) the status of counties and cities with respect to the several modes by which they were classified, as of January 1, 1963, taking into account annexations, mergers and consolidations.

On first reading the draft of this section, it may appear to have the effect of reducing the maximum salaries allowable in some counties and cities. However, there are no reductions. Particular attention is invited to the fact that provisions of § 14-75 (14.1-62) have been retained and should be applied, in addition to the provisions of § 14.1-53, in appropriate cases.

§ 14.1-54 contains, in effect, the provision that attorneys for the Commonwealth will continue to collect the fees heretofore collected by them. No part of these fees is retained by the Commonwealth attorney. They are paid over to the State and local treasurers as provided in former § 14-67.

§ 14.1-55 is the basic section relating to salaries of city treasurers. It combines the provisions of §§ 14-68, 14-68.1, 14-68.2 and 14-68.3. Currently, the basic salary provisions are found in § 14-68, with §§ 14-68.1, 14-68.2 and 14-68.3 providing successive increases. These increases have been combined. As in the case of § 14.1-53, the provisions of § 14.1-62 (§ 14-75) should, in addition, be applied to appropriate cases.

§ 14.1-56 is the basic section with respect to the salaries of county treasurers. The treatment of §§ 14-69, 14-69.1, 14-69.2, and 14-69.3 corresponds with that afforded § 14.1-55, the basic section and successive increases being combined. Here also § 14.1-62 must, in appropriate cases, be applied.

§ 14.1-57 is the basic section relating to salaries of city commissioners of the revenue. The first sentence of this section could have been combined with § 14.1-55. However, its identity as a separate section was retained for two purposes: (1) for ease of identification and (2) in the event a scheduling different from that for treasurers be found desirable at some future time. Attention is invited to the fact that county commissioners of the revenue have a distinctive scheduling in § 14.1-58. Too, the provisions of the second sentence of § 14.1-57 for clarity should not be combined with § 14.1-55.

§ 14.1-58 is the basic section relating to the salaries of county commissioners of the revenue. Its treatment corresponds with that of § 14.1-53. It combines the provisions of §§ 14-71, 14-71.1, 14-71.2 and 14-71.3. As is the case with each other section of this article, the additional provisions of § 14.1-62 should be applied in appropriate cases.

No other major changes have been attempted in this article.

In Article 9 of Chapter 1 the key section with respect to the salaries of sheriffs and sergeants is 14.1-73. This has been substantially revised to conform in principle with the revisions in Articles 6 and 8.

Respectfully submitted,

Hugh R. Thompson, Jr.

## AIDS TO CLASSIFICATION BY POPULATION

	Population Group	Population Order Numbers of Counties	Number of Counties in Group
A	0— 9,999	1—25	25
B	10,000—19,999	26—54	29
C	20,000—29,999	55—73	19
D	30,000—39,999	74—85	12
E	40,000—49,999	86—89	4
F	50,000—59,999	90—91	2
G	60,000—69,999	92	1
H	70,000—79,999	93	1
I	80,000—89,999		0
J	90,000—99,999		0
K	100,000—199,999	94—95	2
L	200,000 and over	96	1
TOTAL .....			96

	Number	County	Population
D	74	Accomack	30,635
D	75	Albemarle	30,969
B	32	Alleghany	12,128
A	20	Amelia	7,815
C	62	Amherst	22,953
A	23	Appomattox	9,148
K	95	Arlington	163,401
D	84	Augusta	37,363
A	5	Bath	5,335
D	76	Bedford	31,028
A	9	Bland	5,982
B	48	Botetourt	16,715
B	54	Brunswick	17,779
D	83	Buchanan	36,724
B	28	Buckingham	10,877
D	81	Campbell	32,958
B	35	Caroline	12,725
C	63	Carroll	23,178
A	7	Charles City	5,492
B	39	Charlotte	13,368
H	93	Chesterfield	71,197
A	21	Clarke	7,942
A	2	Craig	3,356
B	43	Culpeper	15,088
A	12	Cumberland	6,360
C	55	Dickenson	20,211
C	61	Dinwiddie	22,183
A	14	Essex	6,690
L	96	Fairfax	275,002
C	65	Fauquier	24,066
B	27	Floyd	10,462

	Number	County	Population
A			7,227
C		Franklin	25,925
C	59	Frederick	21,941
B	52	Giles	17,219
B	31	Gloucester	11,919
A	25	Goochland	9,206
B	53	Grayson	17,390
A	4	Greene	4,715
B	47	Greensville	16,155
D	82	Halifax	33,637
C	73	Hanover	27,550
K	94	Henrico	117,339
E	86	Henry	40,335
A	1	Highland	3,221
B	51	Isle of Wight	17,164
B	30	James City	11,539
A	8	King and Queen	5,889
A	18	King George	7,243
A	19	King William	7,563
A	24	Lancaster	9,174
C	68	Lee	25,925
C	66	Loudoun	24,549
B	38	Louisa	12,959
B	34	Lunenburg	12,523
A	22	Madison	8,187
A	16	Mathews	7,121
D	79	Mecklenburg	31,428
A	11	Middlesex	6,319
D	80	Montgomery	32,923
D	78	Nansemond	31,366
B	36	Nelson	12,752
A	3	New Kent	4,504
B	50	Northampton	16,966
B	26	Northumberland	10,185
B	44	Nottoway	15,141
B	37	Orange	12,900
B	46	Page	15,572
B	45	Patrick	15,282
F	91	Pittsylvania	58,296
A	15	Powhatan	6,747
B	41	Prince Edward	14,121
C	56	Prince George	20,070
F	90	Prince William	50,164
C	72	Pulaski	27,258
A	6	Rappahannock	5,368
A	13	Richmond	6,375
G	92	Roanoke	61,693
C	64	Rockbridge	24,039
F	87	Rockingham	40,485
C	70	Russell	26,290
C	67	Scott	25,813
C	58	Shenandoah	21,825
D	77	Smyth	31,066
C	71	Southampton	27,195
B	40	Spotsylvania	13,819
B	49	Stafford	16,876

	Number	County	Population
A	10	Surry	6,220
B	33	Sussex	12,411
E	89	Tazewell	44,791
B	42	Warren	14,655
D	85	Washington	38,076
B	29	Westmoreland	11,042
E	88	Wise	43,579
C	60	Wythe	21,975
	57	York	21,583

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## TITLE 14.1

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#### Chapter 1.

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7. Compensation Board Generally, §§ 14.1-48 through 14.1-52
8. Commonwealth's Attorneys, Treasurers and Commissioners of Revenue, §§ 14.1-53 through 14.1-67
9. Sheriffs and Sergeants, §§ 14.1-68 through 14.1-84

#### Chapter 2.

##### Fees.

- Article 1. General Provisions, §§ 14.1-85 through 14.1-102
2. Amounts of Fees, §§ 14.1-103 through 14.1-135
3. Maximum Compensation of Certain Fee Officers, §§ 14.1-136 through 14.1-167
4. Fee Books, Fee Bills, Collections, etc., §§ 14.1-168 through 14.1-176

#### Chapter 3.

##### Costs Generally.

§§ 14.1-177 through 14.1-201



*A BILL To revise, rearrange, amend and recodify the general laws of Virginia relating to costs, fees, salaries and allowances; to that end to repeal Title 14 of the Code of Virginia, which title includes Chapters 1 to 3 and §§ 14-1 to 14-197, inclusive, of the Code of Virginia as amended, which title relates to costs, fees, salaries and allowances; to amend the Code of Virginia by adding thereto in lieu of the foregoing title, chapters and sections of the Code repealed by this act a new title numbered 14.1, which title included three new chapters numbered 1 to 3, inclusive, and new sections numbered 14.1-1 to 14.1-201, inclusive, relating to costs, fees, salaries and allowances; to prescribe when such revision and recodification shall become effective; and to repeal all acts and parts of acts in conflict with the provisions of this act.*

Be it enacted by the General Assembly of Virginia:

1. That Title 14 of the Code of Virginia, which title includes Chapters 1 to 3, inclusive, §§ 14-1 to 14-197, inclusive, of the Code of Virginia, as amended, is repealed.
2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 14.1, three new chapters numbered 1 to 3, inclusive, and new sections numbered 14.1-1 to 14.1-201, inclusive, which new title, chapters and sections are as follows:

## CHAPTER 1.

### Salaries and Expenses of Office

#### ARTICLE 1.

##### *General Provisions*

##### 14.1-1 through 14.1-11

§ 14.1-1. The salaries, expenses and other allowances, including mileage, mentioned in this chapter shall, except where otherwise specifically provided, be paid out of the State treasury after being duly audited, and the Comptroller shall draw his warrants on the State Treasurer for the payment thereof. Salaries shall be paid every two weeks, semi-monthly or monthly, at the discretion of the Comptroller, upon such dates as the Comptroller may prescribe. Expenses shall be paid when they shall have been incurred, and the other allowances shall be paid when the services shall have been rendered or the travel shall have been performed; but members of the General Assembly and others traveling to the seat of government who would be entitled to mileage for traveling home may receive such mileage before going home.

Source: §§ 14-1 and 14-27.

Note: This section has been completely rewritten. The version appearing here combines the principal provisions of §§ 14-1 and 14-27. The wording "salaries, expenses and other allowances" is substituted here and throughout this title for "salaries and other expenses" and other similar terminology.

§ 14.1-2. The salary of no State officer or employee which is payable by the State and which is not specifically fixed by law and the salary of no officer or employee of any State institution, board, commission or agency which is not specifically fixed by law, shall be hereafter increased, or authorized to be increased, without prior authorization of such board or commission and the consent of the Governor first obtained in writing

in each case. Any violation of this section shall constitute misfeasance in office. Nothing herein contained shall apply to teachers in the elementary or high schools of the Commonwealth or to employees receiving compensation not in excess of one hundred dollars per month.

**Source:** § 14-2.

**Note:** No change.

§ 14.1-3. Whenever any officer, other than one whose office is created by the Constitution of this State, is indebted to the State for money collected by him or improperly drawn by him or upon his order from the State treasury during his term of office and, after payment of such indebtedness is demanded by the Comptroller, such officer continues in default, the Comptroller shall not issue his warrant for, nor shall the State Treasurer pay, any part of the salary due, or to become due, to such officer until he shall have made good his default. He may, however, file his petition in the Circuit Court of the city of Richmond against the Comptroller, asserting his claim to his salary, and praying for payment thereof. The Comptroller shall make answer to the petition, and thereupon the proceedings shall be according to the provisions of chapter 34 of Title 8. If it be found that the petitioner is indebted as aforesaid, the State shall be credited on his salary then due with the amount of such indebtedness and if, after such credit is thus given, there is a balance in his favor, judgment therefor shall be rendered in his behalf. If the indebtedness exceeds his salary then due, judgment for the excess shall be rendered against him and the amount thereof, unless sooner paid, shall be credited to the State on his salary thereafter becoming due. The Comptroller shall issue his warrant on the State Treasurer for the payment of any judgment thus rendered in behalf of the petitioner. In the proceeding by petition the Attorney General shall represent the State, unless he be interested; and if he be interested, the Comptroller shall employ other counsel to represent the State in the case.

**Source:** § 14-3.

**Note:** No change.

§ 14.1-4. If such officer fails to file a petition under the preceding section within twelve months after payment of any installment of his salary is withheld as aforesaid, his right to file the same shall be barred; and in such case the Comptroller shall credit the State on the officer's salary with the amount of his indebtedness, and make that fact appear on the books of his office.

**Source:** § 14-4.

**Note:** No change.

§ 14.1-5. Any person traveling on State business shall be entitled to reimbursement for such of his actual expenses as are necessary and ordinarily incidental to such travel. If conveyance is by public transportation, reimbursement shall be at the actual cost thereof. If conveyance is by private transportation reimbursement shall be at the rate of seven cents per mile. The provisions of this section shall not, however, affect the provisions of section 14.1-19.

**Source:** § 14-5.

**Note:** No change.

§ 14.1-6. Travel shall be over the most direct and practical route. Reimbursement for the cost of conveyance shall not be certified to the

Comptroller for payment by State agencies in excess of the reimbursement allowed in § 14.1-5 except in an emergency or, when in the interest of the State, a greater expense is justified, the facts in each such instance to be stated in the expense account.

Source: § 14-5.1.

Note: No change.

§ 14.1-7. Any person traveling on business of any county, except as hereinafter provided, wherein no part of the cost is borne by the State may be reimbursed by such county on a basis not in excess of that provided in § 14.1-5, and any person traveling on business of any town, city, or any county operating under the county manager or county executive form of organization and government provided for in chapters 13 (§ 15.1-582 et seq.) or 14 (§ 15.1-669 et seq.) of Title 15.1 of this Code, may be reimbursed by any such town, city or county on a basis and in a manner that the governing body of such to

Source: § 14-5.2.

Note: No change.

§ 14.1-8. Any person traveling on business of any county, except as hereinafter provided wherein the State is required to bear a portion of the expenses may be reimbursed by any such county on a basis not in excess of that provided in § 14.1-5 but the portion to be borne by the State shall be subject to the approval of the State Compensation Board, and any person traveling on business of any town, city or any county operating under the county manager or county executive form of organization and government provided for in chapters 13 (§ 15.1-582 et seq.) or 14 (§ 15.1-669 et seq.) of Title 15.1 of this Code, wherein the State is required to bear a portion of the expenses may be reimbursed by any such town, city or county on a basis and in a manner that the governing body of such town, city or county may provide, but the portion to be borne by the State shall be subject to the approval of the State Compensation Board.

Source: § 14-5.3.

Note: No change.

§ 14.1-9. Mileage of seven cents per mile allowed under § 14.1-5 shall be construed to include all costs incident to the maintenance and operation of private conveyance except ferry and bridge tolls.

Source: § 14-5.4.

Note: No change.

§ 14.1-10. All travel expense accounts shall be submitted on forms prescribed or approved by the Comptroller. They shall be in adequately explanatory detail and shall state the purpose of or reason for such travel expense. The Comptroller shall withhold issuance of warrants on accounts which do not comply with this section.

Source: § 14-5.5.

Note: No change.

§ 14.1-11. Notwithstanding any other provisions of this title, the governing body of any county having a population of more than four thousand per square mile may, in its discretion, supplement the compensation of the treasurer, clerk, commissioner of the revenue, attorney for the

Commonwealth and sheriff of such county, or any of their employees, above the salary of any such officer or employee established in this title, in such amounts as it may deem expedient. Such additional compensation shall be wholly payable from the funds of any such county and shall not exceed one-half of the amount of participation by the State in the amount of the salary of the officer or employee.

Source: § 14-8.1.

Note: No change.

## ARTICLE 2.

### *State Officials and Assistants*

#### §§ 14.1-12 through 14.1-16

§ 14.1-12. The Governor and all officers of the Commonwealth shall receive annually for their services such salaries as shall be fixed by law.

Source: §§ 14-9, 14-10, 14-12, 14-14, 14-15, 14-16, 14-18, 14-19, 14-20, 14-21, 14-22, 14-23, 14-24, 14-25 and 14-26.

Note: This section has been completely rewritten. It combines the basic provisions of the sections referred to above.

§ 14.1-13. The Governor, the Attorney General and the State Corporation Commission each may appoint such clerical force as may be deemed necessary to the efficiency of their respective offices, but the aggregate amount paid such clerks shall not exceed the sum provided by law; and they may expend for the contingent expenses of their respective offices such sums as may be provided by law. The Governor may employ such help at the Executive Mansion as may be provided by law, payable semi-monthly on the certificate of the Governor.

Source: § 14-11.

Note: Formerly this section applied only to the Governor. This section has been amended to consolidate provisions of a portion of the sections referred to in the note to § 14.1-12.

§ 14.1-14. All fees mentioned in § 14.1-103, and all other fees of office and commissions accruing, shall be collected by the Secretary of the Commonwealth, and shall be paid by him into the State treasury.

Source: § 14-13.

Note: No change.

§ 14.1-15. All fees of office and commissions accruing to the State Treasurer shall be paid into the State treasury.

Source: § 14-16.

Note: This section has been completely rewritten. Those portions deleted are superseded by § 14.1-12.

§ 14.1-16. The whole time of the Commissioner of Mental Hygiene and Hospitals shall be devoted to the duties of his office. In addition to his salary he shall receive his necessary traveling expenses, not to exceed the amount provided by law, while engaged in the duties of his office. The superintendents and other officers and employees of the respective hospitals shall each annually receive such salaries as shall be fixed from time to time

in the general appropriation acts, and when they occupy buildings on the grounds or belonging to the respective institutions, they shall pay therefor such rental as may be fixed in accordance with law.

Source: § 14-22.

Note: This section has been rewritten to conform with the revised version of § 14-9. The requirement of specific approval by the Board of the Commissioner's travel expenses has been deleted.

### ARTICLE 3.

#### *General Assembly*

#### §§ 14.1-17 through 14.1-28

§ 14.1-17. The President of the Senate and the Speaker of the House of Delegates shall each receive the sum of twelve hundred sixty dollars, and the other members of the General Assembly shall each receive the sum of one thousand eighty dollars, for attendance and services at each regular session of the General Assembly; and at all extra sessions the President of the Senate and the Speaker of the House of Delegates shall each receive that proportion of six hundred and thirty dollars which the actual number of days in session is to thirty days, and the other members of the General Assembly shall each receive that proportion of five hundred and forty dollars which the actual number of days in session is to thirty days, for attendance upon the duties of their respective houses. Such salaries shall be paid in the following manner: To the President of the Senate and the Speaker of the House of Delegates, each at the rate of one hundred forty-seven dollars per week, and the other members of the General Assembly, each at the rate of one hundred twenty-six dollars per week, until their respective salaries are exhausted, or until the General Assembly adjourns; at which time the whole amount of their salaries remaining unpaid, if any, shall then be paid. Any sick member, or one who shall have obtained leave of absence, shall receive such salary as is due him in the same manner as if he had been in his seat. If, during any session of the General Assembly, any member shall die, or otherwise vacate his seat, and his successor be elected, the personal representative of the deceased member shall receive the uncollected compensation up to the date of the death of such deceased member and the successor of the deceased member shall receive the per diem beginning from the date of his election.

Each member of the General Assembly shall receive in addition to the salary provided hereinabove seven hundred and twenty dollars for regular sessions and for extra sessions that proportion of three hundred and sixty dollars which the actual number of days in session is to thirty days, as an allowance for expenses incurred while in attendance upon the duties of their respective houses.

Source: §§ 14-28.1 and 14-28.2.

Note: This section combines the provisions of §§ 14-28.1 and 14-28.2. No substantive change.

§ 14.1-18. Members of legislative committees which may sit during any recess of the General Assembly may receive compensation at a rate not exceeding eighteen dollars per day for the time actually employed in the discharge of their duty.

Source: § 14-29.1.

Note: No change.

§ 14.1-19. The members of the General Assembly and officers and employees of each house thereof, and members of legislative committees which may sit during any recess of the General Assembly, each shall receive as and for their mileage seven cents per mile for every mile of necessary travel to and from the place of meeting, to be computed according to the nearest mail route, but shall not be reimbursed for other expenses.

Source: § 14-30.

Note: No change.

§ 14.1-20. For the purpose of this article only, the following shall be computed as the number of miles between the city of Richmond and the respective courthouses of the following counties: Accomack, one hundred and seventy-seven; Albemarle, ninety-seven; Alexandria, one hundred and nine; Alleghany, two hundred and five; Amelia, thirty-six; Amherst, one hundred and forty-five; Augusta, one hundred and thirty-six; Appomattox, one hundred and twenty-four; Bath, two hundred and thirty-five; Bedford, one hundred and seventy-two; Bland, three hundred; Botetourt, two hundred and twelve; Brunswick, eight-six; Buchanan, three hundred and seventy-seven; Buckingham, eighty-four; Campbell, one hundred and thirty-nine; Caroline, forty-four; Carroll, two hundred and ninety-nine; Charles City, thirty; Charlotte, eighty-six; Chesterfield, fourteen; Clarke, two hundred and eleven; Craig, two hundred and thirty-nine; Culpeper, one hundred; Cumberland, fifty-five; Dickinson, four hundred and twenty-five; Dinwiddie, forty; Elizabeth City, eighty-two; Essex, seventy; Fairfax, one hundred and twenty-nine; Fauquier, one hundred and thirty-three; Fluvanna, seventy; Floyd, two hundred and fifty-two; Franklin, two hundred and six; Frederick, two hundred and three; Giles, two hundred and seventy-two; Gloucester, eighty; Greene, one hundred and ten; Goochland, twenty-eight; Grayson, three hundred and six; Greensville, sixty-three; Halifax, one hundred and fourteen; Hanover, twenty; Henry, one hundred and eighty-three; Highland, one hundred and eighty-two; Isle of Wight, ninety; James City, forty-eight; King and Queen, forty; King George, eighty-three; King William, thirty-six; Lancaster, one hundred and forty-nine; Lee, four hundred and sixty; Loudoun, one hundred and fifty; Louisa, sixty-two; Lunenburg, seventy-five; Madison, one hundred and six; Mathews, one hundred and nineteen; Middlesex, eighty-three; Mecklenburg, ninety-nine; Montgomery, two hundred and thirty-two; Nansemond, eighty-one; Nelson, one hundred and thirty-one; New Kent, thirty; Northampton, one hundred and forty-six; Northumberland, one hundred and sixty-one; Nottoway, sixty-six; Orange, eighty-five; Page, one hundred and seventy-nine; Patrick, two hundred and sixteen; Pittsylvania, one hundred and sixty; Powhatan, thirty-two; Prince Edward, ninety-two; Prince George, thirty; Prince William, one hundred and thirty-five; Pulaski, two hundred and fifty-nine; Rappahannock, one hundred and twenty-five; Richmond, one hundred and twelve; Roanoke, two hundred and six; Rockbridge, one hundred and seventy-two; Rockingham, one hundred and sixty-two; Russell, three hundred and seventy-nine; Scott, three hundred and eighty-three; Shenandoah, two hundred and eight; Smyth, three hundred and six; Southampton, ninety-two; Spotsylvania, seventy; Stafford, seventy-three; Surry, sixty-seven; Sussex, fifty; Tazewell, three hundred and twenty-six; Warren, one hundred and eighty-six; Washington, three hundred and thirty-seven; Westmoreland, one hundred and twelve; Wise, four hundred and seventeen; Wythe, two hundred and sixty-nine; York, sixty-three. And the following shall be computed as the number of miles between the city of Richmond and the respective courthouses, of the following cities: Norfolk, ninety-one; Portsmouth, ninety-one; Petersburg, twenty-three; Williamsburg, forty; Lynchburg, one hundred and forty-seven; Danville, one



hundred and forty-one; Alexandria, one hundred and nine; Roanoke, one hundred and ninety-nine; Radford, two hundred and forty-three; Newport News, seventy-five; Bristol, three hundred and fifty-one.

Source: § 14-6.

Note: This section has been revised and relocated so as to apply only to Article 3 of Chapter 1. Also, references to the counties of Norfolk, Princess Anne and Warwick have been deleted.

§ 14.1-21. For the purpose of this article only, the distance of the city of Richmond from any place in any county or city other than the courthouse thereof, shall be ascertained by adding to or deducting from the number of miles between the city of Richmond and such courthouse, as declared by law, so many miles as such place may be farther from or nearer to such city than such courthouse may be.

Source: § 14-7.

Note: This section has been revised and related so as to apply only to Article 3 of Chapter 1.

§ 14.1-22. The Clerk of the Senate and the Clerk of the House of Delegates shall each receive such salaries as shall be fixed from time to time by the general appropriation acts.

Source: § 14-31.

Note: No change.

§ 14.1-23. The assistant clerks of the Senate and House of Delegates, and the journal and reading clerks of the Senate and House of Delegates shall receive the sum of ten dollars per day during the session of the General Assembly.

Source: § 14-32.

Note: No change.

§ 14.1-24. An Enrolling Clerk and an Engrossing Clerk, each to be appointed by the Clerk of the House of Delegates, shall receive ten dollars per day during the session of the General Assembly.

Source: § 14-33.

Note: No change.

§ 14.1-25. Such clerks of the several standing committees as may be prescribed by the rules of the Senate and the House of Delegates, respectively, shall each receive the sum of eight dollars per day during the session of the General Assembly and the joint committee clerks for the Senate and House of Delegates shall each receive the sum of eight dollars per day during the session of the General Assembly and, without any additional compensation, each of such clerks shall perform the duties of clerks of any other committees in their respective houses and other services that may be required of them.

Source: § 14-34.

Note: No change.

§ 14.1-26. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Delegates shall each receive the sum of ten dollars per day during the session of the General Assembly; and in addition thereto

for taking any person into custody by order of their respective houses, two dollars; for each day such person is detained in custody, two dollars; and for the travel of such Sergeant-at-Arms or messenger under such order, eight cents per mile in going to the place of arrest; but no allowance shall be made for the arrest or custody of members who may be taken in the city of Richmond under a call of either house.

Source: § 14-35.

Note: No change.

§ 14.1-27. The first and second doorkeepers of the two houses shall each receive the sum of ten dollars per day during the session of the General Assembly and a gallery doorkeeper each for the Senate and the House of Delegates shall receive such per diem as may be fixed by the respective houses.

Source: § 14-36.

Note: No change.

§ 14.1-28. Seven pages to be appointed in the Senate and fourteen pages in the House of Representatives shall each receive the sum of five dollars per day during the session of the General Assembly.

Source: § 14-37.

Note: No change.

## ARTICLE 4.

### *Judiciary*

#### §§ 14.1-29 through 14.1-39

§ 14.1-29. The judges of the Supreme Court of Appeals shall receive such salaries as shall be fixed from time to time in the general appropriation acts.

Source: § 14-38.

Note: Last sentence has been deleted as obsolete. See § 14.1-1.

§ 14.1-30. The Clerk of the Supreme Court of Appeals shall receive an annual salary in such amount as shall be provided by law. Each deputy clerk of the court shall receive an annual salary, the amount of which shall be fixed by the court at not to exceed the amount appropriated for such purpose. The salaries prescribed in this section for the Clerk and deputy clerks of the Supreme Court of Appeals shall be the entire compensation for all services rendered by them, respectively, and shall be in lieu of any and all fees and other emoluments of their offices, prescribed by any other statutes or acts; but the Clerk of the court may, with the consent of the court, act as secretary and treasurer of the Board of Law Examiners and receive the compensation allowed therefor. A reasonable sum, or sums, shall be allowed for the necessary expenses of maintaining the offices of the Clerk, which sum, or sums, shall be expended only upon the orders of the court.

Source: § 14-39.

Note: No change.

§ 14.1-31. The Clerk of the Supreme Court of Appeals shall keep an accurate account of all fees and costs collected by him and shall make monthly remittances thereof to the State Treasurer, transmitting with each remittance a detailed statement showing each and every item covered thereby. All such fees and costs shall be credited by the Comptroller to the general fund of the State treasury.

Source: § 14-40.

Note: No change.

§ 14.1-32. The reporter of the Supreme Court of Appeals shall receive an annual salary of thirty-five hundred dollars.

Source: § 14-41.

Note: No change.

§ 14.1-33. The judges of the circuit courts and the judge of the corporation courts and city courts of record of cities of the first class shall each receive such salary as shall be fixed from time to time in the general appropriation acts. The whole of such salaries shall be paid out of the State treasury, but the State shall be reimbursed to the extent of one-half thereof by the respective counties and cities served by such courts except that of the salary of the judge of the Circuit Court of the city of Richmond the State shall pay the proportion which would otherwise fall to the city of Richmond; and it is hereby made the duty of the Comptroller, on or before the first day of June, of each year, to apportion between the counties and cities served by such courts the salaries of the judges thereof for the year beginning the first day of February, of the succeeding year, and transmit a statement of such apportionment to the clerk of the council of each city and the clerk of the board of supervisors or other governing body of each county served by such courts and to the treasurer of each such county and city.

Source: § 14-43.

Note: No change.

§ 14.1-34. The board of supervisors or other governing body of each county and the council of each city shall provide funds for the payment of so much of such salary as such statement shows to have been apportioned to its county or city; but the treasurer of such county or city shall pay the same into the State treasury on or before the first day of December of each year, out of the funds of his county or city in his hands, and to this end, he shall retain of the funds collected by him, a sum sufficient to pay such portion of such salary, and the apportionment shall be the first and superior charge against such funds.

Any treasurer failing to make such payment within the time prescribed therefor shall be liable to the Commonwealth on his official bond, for the part of such salary apportioned to his county or city, and a penalty thereon of ten per centum.

Source: § 14-44.

Note: No change.

§ 14.1-35. Whenever a vacancy exists in the office of judge of a corporation court of a city of the first class in which there is no circuit court and the judge of another court is designated to hold a term or terms of such corporation court until such vacancy is filled as provided in § 17-7,

such judge so designated shall receive, in addition to his regular compensation, the same compensation for holding such term or terms as it is provided by law shall be paid to the judge of such corporation court when there is no vacancy. The annual compensation for such position shall be prorated in proportion to the time during which such judge is holding the term or terms of such corporation court; provided, however, that in no case shall such additional compensation be based on an annual rate higher than one thousand dollars per year.

Source: § 14-45.

Note: No change.

§ 14.1-36. Whenever a vacancy exists in the office of the judge of a corporation court of a city of the second class in which there is no circuit court and the judge of another court is designated to hold a term or terms of such corporation court until said vacancy is filled as provided in § 17-7, such judge so designated shall receive, in addition to his regular compensation, the same compensation for holding said term or terms as it is provided by law shall be paid to the judge of said corporation court when there is no vacancy.

Source: § 14-45.1.

Note: No change.

§ 14.1-37. In determining the reimbursement to which circuit judges are entitled under § 14.1-5, judges who do not reside in the county seats of the counties in which they reside shall be reimbursed for travel between their residences and such county seats.

Source: § 14-47.

Note: No change.

§ 14.1-38. Any city may, by ordinance, increase the salaries of its corporation, city and circuit court judges, or any one or more of them, as it may deem proper. The increase shall be paid wholly by the city and shall not be diminished during the term of office of the judge whose salary is so increased.

Source: § 14-48.

Note: No change.

§ 14.1-39. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation court.

Source: § 14-49.

Note: No change.

## ARTICLE 5.

### *County Judges*

#### §§ 14.1-40 through 14.1-44

§ 14.1-40. The committee of three circuit judges, heretofore established by Chapter 376 of the Acts of the General Assembly of nineteen hundred and forty-two, and subsequently amended and re-enacted, is continued,

and the circuit court judges heretofore appointed and constituting the committee are continued as members of the committee, to serve at the pleasure of the Governor. When a vacancy shall occur in the membership of the committee, the Governor shall appoint a circuit judge to fill such vacancy, to serve at the pleasure of the Governor.

The committee shall meet at such times and places as the committee may from time to time designate for the purpose of fixing the salaries of the county judges and associate judges of the counties of the State, appointed under the provisions of Chapter 1 (§ 16.1-1 et seq.) of Title 16.1 of this Code, within the limits and upon the basis prescribed by law. The committee shall, except in cases otherwise prescribed by law, also fix the salaries of the clerks, deputy clerks and clerical assistants of the county courts in which the committee is of opinion that the employment of such clerks, deputy clerks and clerical assistants is necessary. The members of the committee shall receive such compensation as may be appropriated out of the revenues of the State for that purpose, and, in addition to such compensation, shall be reimbursed out of the money appropriated for the payment of the criminal expenses of the State for their actual expenses incurred in the performance of their duties hereunder.

The committee shall meet at such place or places as they may agree upon in December of every year, for the purpose of fixing such salaries for the ensuing year. The committee may call upon any county judge and associate judge for information with respect to the operation of his office and shall, as soon as may be practicable after such meeting, certify to the Comptroller a detailed statement of the amounts of the salaries fixed by them for the several county judges and associate judges, their clerks, deputy clerks and clerical assistants, for the ensuing calendar year.

Source: § 14-50.

Note: No change.

§ 14.1-41. The annual salaries of trial justices, now known as county court judges, in counties of the Commonwealth shall be within the limits hereinafter prescribed, that is to say:

In counties having a population of ten thousand inhabitants or less, such salaries shall be not less than eighteen hundred dollars nor more than three thousand dollars.

In counties having a population of more than ten thousand inhabitants but not more than twenty thousand inhabitants, such salaries shall be not less than three thousand dollars nor more than forty-five hundred dollars.

In counties having a population of more than twenty thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall be not less than thirty-three hundred dollars nor more than five thousand dollars.

In counties having a population of more than twenty-five thousand inhabitants but not more than thirty thousand inhabitants and, without regard to population, in counties having an area of more than two hundred thirteen square miles and not more than two hundred twenty-three square miles, such salaries shall not be less than thirty-eight hundred dollars nor more than fifty-eight hundred dollars.

In counties having a population of more than thirty thousand inhabitants but not more than forty thousand inhabitants, such salaries shall not be less than forty-five hundred dollars nor more than sixty-two hundred dollars.

In counties having a population of more than forty thousand inhabitants but not more than fifty thousand inhabitants, such salaries shall not be less than five thousand dollars nor more than seventy-five hundred dollars.

In counties having a population of more than fifty thousand inhabitants, such salaries shall not be less than six thousand dollars nor more than nine thousand dollars.

In counties having a population of more than ninety-nine thousand but less than one hundred twenty-five thousand, such salaries shall not be less than seventy-five hundred nor more than nine thousand dollars.

Whenever a county court judge is such for two or more counties, or for a county and city combined, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the classification of such county court judge under the provisions of this section.

For the purpose of this section, the population of each county shall be according to the last preceding United States census; provided that in any case in which it shall be shown to the satisfaction of the committee that the adoption of such census will result in an injustice to any county court judge, the committee may accept an estimate of such population based upon evidence satisfactory to the committee.

Provided, however, the committee of judges shall have the power and authority in their discretion, when it shall be made to appear to them that because of the case load, time devoted to travel, expense of travel, and type of cases disposed of, an injustice is imposed upon the county court judge, to increase the maximum salary of the county court judge, regardless of the maximum otherwise provided, to such sum as the said committee shall deem adequate but in no case shall such adjustments be in excess of fifteen hundred dollars above the maximum such county court judge may be paid under the foregoing provisions of this section and under § 14.1-42.

Source: § 14-51.

Note: No change.

§ 14.1-42. The maximum limits of the salaries provided by § 14.1-41 are hereby increased to the extent of fifteen hundred dollars in the case of judges of counties adjoining one or more cities of more than twenty-five thousand inhabitants, whether such cities be within or without this State or in the case of judges of any county having within its boundaries a United States Marine Base, United States Army Base or Camp, United States Naval Base or Station, or United States Air Force Base, or part of an arterial highway which crosses the State; provided that in no case shall the maximum salary of any county court judge exceed the sum of twelve thousand dollars.

Source: § 14-52.

Note: No change.

§ 14.1-43. The salaries fixed in accordance with the provisions of this article shall be paid in equal monthly installments, within the limits fixed by the committee.

The State shall pay all of the salaries of the judges, substitute judges, clerks, deputy clerks and clerical assistants provided under the provisions

of this article out of the appropriations in the general appropriation act for criminal charges.

Source: § 14-53.

Note: "Judges" has been substituted for "trial justices" where applicable.

§ 14.1-44. All fees paid to and collected by a judge, substitute judge, clerk, deputy clerk or a substitute clerk of a county or municipal court, but not including fees belonging to officers other than the judge, his clerk or clerks, shall be paid promptly to the clerk of the circuit court, who shall pay same into the State treasury. If a fee is collected for services of the attorney for the Commonwealth, one-half of such fee shall be paid into the treasury of the county or city in which the offense for which warrant issued was committed, and the other one-half of the fees collected for the services of the attorney for the Commonwealth shall be paid promptly to the clerk of the circuit court, who shall pay same into the State treasury. Fines collected for violations of city, town or county ordinances shall be paid promptly into the treasury of the city, town or county whose ordinance has been violated. All fines collected for violations of the laws of the Commonwealth shall be paid promptly to the clerk of the circuit court, who shall pay the same into the State treasury.

Source: § 14-54.

Note: Reference is made to judges of county and municipal courts in lieu of "trial justices."

## ARTICLE 6.

### *Boards of Supervisors*

#### §§ 14.1-45 through 14.1-47

§ 14.1-45. Each member of the board of supervisors of each county shall be allowed and paid out of the county levy an annual salary, to be fixed as herein provided, for his services in attending the meetings of the board and in discharging the duties imposed by law upon him.

Source: § 14-55.

Note: No change.

§ 14.1-46. The annual compensation to be allowed each member of the board of supervisors of each county shall be determined by the board but such compensation shall be not less than two hundred and fifty dollars nor more than three thousand dollars.

Source: § 14-56.1 (Also see new § 14.1-46.1)

Note: This section represents a complete change in policy with respect to supervisors' salaries. Compare with § 14-56.1. Not only does this treatment conform with criteria prescribed by the Code Commission (i.e. general law) but also assigns local responsibility for necessary changes. In no case has a county been further restricted by the provisions of this section.

§ 14.1-46.1. In addition to his regular compensation, any member of the board of supervisors of any county who is responsible for the management of any county lake may receive such compensation as may be determined by the board, not to exceed one thousand dollars.

Source: § 14-56.1.

Note: This section is designed as a substitute for the special provisions of § 14-56.1 relating to Bedford and Campbell Counties. No special section is considered necessary as a substitute for the special provision of § 14-56.1 relating to Fairfax County, as authorization for such expense and secretarial service has otherwise been provided by law.

§ 14.1-47. Nothing in this article shall apply to any county which has adopted or may hereafter adopt any form of county organization and government provided for in §§ 15.1-669 to 15.1-694, both inclusive.

Source: § 14-59.

Note: No change.

## ARTICLE 7.

### *Compensation Board Generally*

#### §§ 14.1-48 through 14.1-52

§ 14.1-48. The Compensation Board shall consist of the Auditor of Public Accounts, the State Tax Commissioner, as ex-officio members, and one member, who may or may not be an officer or employee of the Commonwealth, who shall be appointed and designated as chairman of the board by the Governor and who shall hold office at the pleasure of the Governor. The ex-officio members of the board shall not receive any compensation for their services as such members. The member designated by the Governor as chairman shall receive such compensation as shall be fixed by law. The Compensation Board shall function as a separate board within the framework of the Department of Accounts.

Source: § 14-60.

Note: In the third sentence the wording "as shall be fixed by law" has been substituted for the former specific limitation, which had been superseded. In the last sentence "and Purchases" has been deleted.

§ 14.1-49. The Chairman of the Board shall supervise the administrative work of the Board, shall receive, file, collate and classify the reports of the respective officers required to report to the Board, call meetings of the Board whenever any matters arise requiring its consideration or action and have available for and lay before the Board all information necessary for the decision of questions coming before it. He shall conduct all correspondence with the various officers within the jurisdiction of the Board and institute and supervise investigations into the affairs and conduct of all such officers, as and when the board may direct. He shall preside at all meetings of the Board and cause to be prepared and recorded proper minutes of the action taken at all such meetings, and keep and preserve all papers, books, correspondence and records of the Board.

Source: § 14-61.

Note: No change.

§ 14.1-50. On or before the fifteenth day of October in every year, except the year in which they are elected and on or before November fifteenth in any such year, or at any time after June first in any year whenever requested by the Chairman of the Board and within ten days after such request, every attorney for the Commonwealth, every city and county treasurer and commissioner of the revenue, every county sheriff and every city sergeant of a city which operates a jail and also the sergeants of the cities of Martinsville and Suffolk shall file with the Chairman of the Board, upon forms prescribed by it, a written request for the allowance of such officer's salary, and the expense of his office, stating the amount of salary requested, and itemizing each item of expense for which allowance is sought, and every such officer shall concurrently file



a copy of the request with the governing body of the county if the officer be a county officer or with the governing body of the city if the officer be a city officer.

The Chairman of the Board may, at any time, submit to any officer a written questionnaire concerning the affairs of his office, to ascertain all facts relevant to the determination of the proper allowance to be made with respect to the officer's salary and the expenses of his office. Every officer shall answer fully and completely all questions so propounded and shall return the questionnaire to the chairman within five days.

Source: § 14-62.

Note: The reference to "South Norfolk", which appeared after the word "Suffolk", has been deleted.

§ 14.1-51. All salaries, expenses and other allowances of all such officers shall, if possible, be fixed and determined on or before December thirty-first of each year for the following year. The Board shall, at meetings duly called by the Chairman, carefully consider the questionnaires and written requests filed as required by § 14.1-50 and consider the work involved in the discharge of the duties of the respective officers, the amount expended or proposed to be expended by each for clerks, deputies and other assistants, the efficiency with which the affairs of each such office are conducted, and such other matters as the Board may deem pertinent and material, and after such consideration the Board shall fix and determine what constitutes a fair and reasonable salary which is to be paid to each such officer and to his clerks, assistants and deputies, and all other expense items requested. Prior to holding any such meeting for the fixing of salaries and expenses as provided in this article, ten days' written notice of the time, place and purpose of such meeting shall be given every officer affected and to the mayor or city manager of the city or to the chairman of the governing body of the county affected.

When the salaries, expenses and other allowances for the several counties and cities have been tentatively fixed by the Board they shall notify the governing body of each city and county of the amounts so fixed. Within thirty days thereafter, but not later, the governing body may file with the Compensation Board any objection it may have to such allowances so fixed. When such objection is filed the Board shall fix a time for a hearing on such objection, of which time the governing body as well as the officer affected shall have at least fifteen days' notice. For the purpose of determining the merits of such protest the governing body may designate two members of such body to serve as additional members of the Compensation Board and such additional members shall each have one vote on the Board.

The Chairman of the Board shall record the salary of each such officer, his clerks, assistants and deputies, and the allowances made for other items, and shall promptly notify each such officer of the same with respect to his office.

Source: §§ 14-63 and 14-64.

Note: The terminology "salaries, expenses and other allowances" is new. In the third sentence of the second paragraph, "thirty days' notice," has been changed to "fifteen days' notice."  
Paragraphs 2 and 3 from the old § 14-64 have been converted and partially rewritten.

§ 14.1-52. Any officer whose salary, expenses or other allowances are affected by any decision of the Board under this article, or any county

or city affected thereby, or the Attorney General as representative of the Commonwealth, shall have the right to appeal from any such decision of the Board, within forty-five days from the date of such decision. Such appeal shall lie to the circuit court of the county or corporation court of the city wherein the officer making the appeal resides. The court shall be presided over by the judge of the court to which the appeal is taken and two judges of circuit or corporation courts remote from that to which the appeal is taken, designated by the Chief Justice of the Supreme Court of Appeals and the clerk of the court to which the appeal is taken shall notify the Chief Justice of such appeal. Notice of such appeal shall be given within the time above specified by any such officer to the Compensation Board and the Attorney General. The appeal shall be heard within thirty days from the date the same is taken. At least fifteen days' notice of the time and place set for the hearing shall be given the officer noting such appeal, the Compensation Board and the Attorney General. On such appeal all questions involved in said decision shall be heard de novo by the court, and its decision on all questions shall be certified by the clerk thereof to the officer affected and to the Chairman of the Compensation Board. From the decision of the court there shall be no right of further appeal.

Source: § 14-65.

Note: At the beginning of the paragraph "salary, expenses or other allowances" has been substituted for "salary or expenses of office."

## ARTICLE 8.

### *Commonwealth's Attorneys, Treasurers and Commissioners of Revenue.*

#### §§ 14.1-53 through 14.1-67

§ 14.1-53. The annual salaries of attorneys for the Commonwealth shall be within the limits hereinafter prescribed, that is to say:

In counties having a population of ten thousand inhabitants, or less, such salary shall be not less than twenty-four hundred dollars nor more than forty-four hundred dollars.

In counties having a population of more than ten thousand inhabitants but not more than twenty thousand inhabitants, such salaries shall not be less than twenty-four hundred dollars nor more than fifty-five hundred dollars.

In counties having a population of more than twenty thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall not be less than three thousand dollars nor more than sixty-six hundred dollars.

In counties having a population of more than twenty-five thousand inhabitants but not more than thirty thousand inhabitants, such salaries shall be not less than three thousand dollars nor more than seventy-nine hundred and twenty dollars.

In counties having a population of more than thirty thousand inhabitants but not more than fifty thousand inhabitants, such salaries shall not be less than thirty-six hundred dollars nor more than ninety-two hundred and forty dollars.

In counties having a population of more than fifty thousand inhabitants but not more than one hundred thousand inhabitants, such salaries shall not be less than five thousand dollars nor more than ten thousand five hundred and sixty dollars.

In counties having a population of more than one hundred thousand inhabitants or more than two thousand inhabitants per square mile, such salaries shall not be less than six thousand dollars nor more than thirteen thousand seven hundred and fifty dollars.

In cities having a population of ten thousand inhabitants, or less, such salaries shall not be less than twenty-four hundred dollars nor more than forty-four hundred dollars.

In cities having a population of more than ten thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall not be less than three thousand dollars nor more than seventy-seven hundred dollars.

In cities having a population of more than twenty-five thousand inhabitants but not more than fifty thousand inhabitants, such salaries shall not be less than five thousand dollars nor more than ninety-nine hundred dollars.

In cities having a population of more than fifty thousand inhabitants but not more than one hundred thousand inhabitants, such salaries shall not be less than six thousand dollars nor more than twelve thousand one hundred dollars.

In cities having a population of more than one hundred thousand inhabitants, such salaries shall not be less than six thousand dollars nor more than thirteen thousand seven hundred and fifty dollars.

But nothing herein contained shall prevent the governing body of any county or city having a population of more than one hundred and twenty-five thousand inhabitants from supplementing the salary of the attorney for the Commonwealth in such county or city for additional services not required by general law, provided that any such supplemental salary shall be paid wholly by such county or city.

Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the classification of such attorney for the Commonwealth under the provisions of this section.

Each assistant attorney for the Commonwealth, authorized by law, if his services shall be deemed necessary by the Compensation Board, shall receive an annual salary which shall not equal or exceed the salary received by the attorney for the Commonwealth of his county or city.

Notwithstanding any of the foregoing provisions of this section, the Compensation Board may, with the consent of the attorney for the Commonwealth affected thereby, fix the salary of any attorney for the Commonwealth at an amount less than the minimum provided hereinbefore.

**Source:** §§ 14-66 and 14-66.2.

**Note:** This section is new. It represents a revision and combination of the provisions of old §§ 14-66 and 14-66.2. In preparing this foregoing draft, consideration was given to the following: (1) The 1960 United States Census (2) The minimum and maximum brackets for each county and city under existing law, (3) The actual salary paid by the State to each principal in 1962, (4) The statutory exceptions affecting each of the counties and cities, and (5) The status of counties and cities as of January 1, 1963 with respect to annexations, mergers and consolidations.

On first reading the draft may appear to have the effect of reducing the maximum salaries allowable in some counties and cities. However, this reduction is more apparent than real. Particular attention is invited to the fact that the provisions of § 14-75 (14.1-62) have been retained and should be applied, in addition to the foregoing provisions, in appropriate cases.

§ 14.1-54. Every such attorney for the Commonwealth, shall, however, continue to collect all fees which he may be entitled to receive by or under the laws, other than from the Commonwealth and any political subdivision, and shall dispose of the same as in this section provided. One-half of all fees to which attorneys for the Commonwealth are entitled for the performance of official duties or functions, shall be paid by them or such official as may collect the same, not later than the tenth day of the month following their receipt, into the treasuries of their respective counties and cities, and the remaining one-half of all such fees shall be paid by such official as may collect the same into the State treasury, not later than the tenth day of the month following their receipt.

Source: § 14-67.

Note: No change.

§ 14.1-55. The annual salaries of city treasurers under this article shall be within the limits hereinafter prescribed, that is to say:

In cities having populations of not more than ten thousand inhabitants such salary shall not be less than thirty-eight hundred and forty dollars nor more than seventy-three hundred and eighteen dollars.

In cities having population of more than ten thousand but not more than seventy-five thousand inhabitants such salaries shall not be less than six thousand dollars nor more than ten thousand eight hundred and ninety dollars.

In cities having populations of more than seventy-five thousand inhabitants such salary shall not be less than seventy-two hundred dollars nor more than thirteen thousand and sixty-eight dollars.

Source: §§ 14-68, 14-68.1, 14-68.2, 14-68.3.

Note: This section has been completely rewritten combining and bringing up to date the provisions of §§ 14-68, 14-68.1, 14-68.2 and 14-68.3.

§ 14.1-56. The annual salaries of county treasurers under this article shall be within the limits hereinafter prescribed, that is to say:

In counties having a population of five thousand inhabitants or less, such salaries shall not be less than twenty-one hundred dollars nor more than fifty-two hundred and fifty dollars.

In counties having a population of more than five thousand inhabitants but not more than ten thousand inhabitants, such salaries shall not be less than twenty-four hundred dollars nor more than sixty-one hundred dollars.

In counties having a population of more than ten thousand inhabitants but not more than fifteen thousand inhabitants, such salaries shall not be less than three thousand dollars nor more than seven thousand dollars.

In counties having a population of more than fifteen thousand inhabitants but not more than twenty thousand inhabitants, such salaries shall not be less than thirty-six hundred dollars nor more than seventy-eight hundred and fifty dollars.

In counties having a population of more than twenty thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall not be less than forty-one hundred dollars nor more than ninety-four hundred and fifty dollars.

In counties having a population of more than twenty-five thousand inhabitants but not more than thirty thousand inhabitants, such salaries shall not be less than forty-eight hundred dollars nor more than ninety-four hundred and fifty dollars.

In counties having a population of more than thirty thousand inhabitants but not more than forty thousand inhabitants, such salaries shall not be less than forty-eight hundred dollars nor more than ninety-eight hundred dollars.

In counties having a population of more than forty thousand inhabitants, such salaries shall not be less than fifty-four hundred dollars, nor more than ten thousand five hundred and fifty dollars.

Source: §§ 14-69, 14-69.1, 14-69.2, 14-69.3.

Note: This section has been completely rewritten combining and bringing up to date the provisions of §§ 14-69, 14-69.1, 14-69.2 and 14-69.3.

§ 14.1-57. The annual salaries of city commissioners of the revenue shall be within the limits prescribed for the several city treasurers by § 14.1-55. Nothing herein contained shall prevent the council of any city having a population of more than one hundred and twenty-five thousand people from supplementing the salary of the commissioner of the revenue in such city for additional services not required by general law, provided, however, that any such supplemental salary shall be paid wholly by such city.

Source: §§ 14-70, 14-70.1 and 14-70.2.

Note: At the end of the first sentence, "and 14-68.1" has been deleted. In the second sentence, the words "according to the nineteen hundred and thirty United States census" have been deleted.

§ 14.1-58. The annual salaries of county commissioners of the revenue under this article shall be within the limits hereinafter prescribed, that is to say:

In counties having a population of five thousand inhabitants or less, such salaries shall not be less than twenty-one hundred dollars nor more than fifty-two hundred and fifty dollars.

In counties having a population of more than five thousand inhabitants but not more than ten thousand inhabitants, such salaries shall not be less than twenty-four hundred dollars nor more than sixty-one hundred dollars.

In counties having a population of more than ten thousand inhabitants but not more than fifteen thousand inhabitants, such salaries shall not be less than three thousand dollars nor more than seven thousand dollars.

In counties having a population of more than fifteen thousand inhabitants but not more than twenty thousand inhabitants, such salaries shall not be less than thirty-six hundred dollars nor more than seventy-eight hundred and fifty dollars.

In counties having a population of more than twenty thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall not be less than forty-two hundred dollars nor more than nine thousand and seventy-five dollars.

In counties having a population of more than twenty-five thousand inhabitants but not more than thirty thousand inhabitants, such salaries shall not be less than forty-eight hundred dollars nor more than nine thousand and seventy-five dollars.

In counties having a population of more than thirty thousand inhabitants, but not more than forty thousand inhabitants, such salaries shall not be less than forty-eight hundred dollars nor more than ninety-eight hundred dollars.

In counties having a population of more than forty-thousand inhabitants, such salaries shall not be less than fifty-four hundred dollars nor more than ten thousand five hundred and fifty dollars.

Source: §§ 14-71, 14-71.1, 14-71.2, 14-71.3.

Note: This section has been rewritten to combine and bring up to date the provisions of §§ 14-71, 14-71.1, 14-71.2 and 14-71.3.

§ 14.1-59. The clerks of the courts of record of the counties shall continue to collect the fees provided for commissioners of the revenue for making real estate transfer fees and shall pay ninety per centum thereof into the treasuries of their respective counties not later than the tenth day of the month following their receipt. The treasurers of the several counties shall hereafter collect the license fees and any other fees of the county commissioners of the revenue and shall pay the county fees into the county treasury and the State fees into the State treasury.

Source: § 14-72.

Note: No change.

§ 14.1-60. The clerks of the courts of record of the cities shall collect fees payable for making real estate transfers and pay ninety per centum thereof into the treasuries of their respective cities not later than the tenth day of the month following their receipt. Such officers as may be authorized by law to collect city licenses shall collect all such license fees and apply them to the credit of their respective city treasuries. The treasurers of the several cities shall hereafter collect all State license fees and apply them to the credit of the State.

Source: § 14-73.

Note: No change.

§ 14.1-61. For the purpose of this article, the population of each county and city shall be according to the last preceding United States census; provided, if the area of any city has, since the last preceding United States census, been increased by annexation, the population of such city, for the purpose of this article, shall be the population thereof as shown by the last preceding United States census, plus the increase resulting from such annexation; provided, that whenever it is made to appear to the satisfaction of the Compensation Board that the population of any county or city has, since the last preceding United States census, increased so as to entitle such county or city to be placed in a higher bracket prescribing the minimum and maximum salaries, then such county or city shall be considered as being within such higher brackets in fixing the salaries provided by this article.

Source: § 14-74.

Note: No change.

§ 14.1-62. The maximum limits of the salaries provided by this article are hereby increased to the extent of fifteen hundred dollars in the case of officers in counties adjoining one or more cities of more than twenty-five thousand inhabitants, whether such cities be within or without

this State, and in case of cities adjoining or within one mile of another city or county of more than one hundred thousand inhabitants.

Source: § 14-75.

Note: No change.

§ 14.1-63. The salaries fixed in accordance with this and the preceding article shall be paid in equal monthly installments. The expenses and other allowances of office within the limits fixed by the Board shall be paid monthly on the submission of satisfactory evidence that such expenses and other allowances were actually incurred.

Source: § 14-76.

Note: This section formerly was one sentence. The only changes are to divide the section into two sentences and add the words "and other allowances" as they appear.

§ 14.1-64. The salaries, expenses and other allowances of attorneys for the Commonwealth in counties and cities shall be paid in the proportion of one-half by the respective counties and cities and one-half by the Commonwealth.

The salaries, expenses and other allowances of treasurers and commissioners in the counties and cities shall be paid in the proportion of one-half by the respective counties and cities and one-half by the Commonwealth, except as hereafter in this section provided.

The salary, expenses and other allowances of any city treasurer who neither collects nor disburses local taxes or revenues shall be paid entirely by the Commonwealth and the salary, expenses and other allowances of any city treasurer who disburses local revenues but does not collect the same shall be paid in the proportion of one-third by the city and two-thirds by the Commonwealth.

In the case of each county and city treasurer except a city treasurer who neither collects nor disburses local taxes or revenues, and in the case of each county and city commissioner of the revenue, the cost of such office furniture, office equipment and office appliances as may be specifically authorized by and included in the then current expense allowance made to such officer under the provisions of articles 7 and 8 of this chapter, shall be paid in the proportion of two-thirds by the county or city and one-third by the Commonwealth. The prices paid for such office furniture, office equipment and office appliances shall not be in excess of the prices available to the State if such purchases were made through the Department of Purchase and Supplies. The words "office furniture, office equipment and office appliances," as used in this paragraph, mean such items of this character as have a useful life of more than one year; and the word "cost", as used in this paragraph, may include a rental cost, in the discretion of the Compensation Board, in any case in which, in the opinion of the Board, such rental cost, in whole or in part, is properly includible in the expense allowance.

If any county or city commissioner of the revenue or county or city treasurer uses any forms, sheets or books of any kind for the assessment or collection of State or local taxes or levies, or in connection with the assessment or collection of such taxes or levies, in lieu of the standard forms, sheets or books furnished by the State, no part of the cost of such forms, sheets or books shall be paid by the State, but their entire cost shall be paid out of the treasury of the county or city whose governing body,

required, authorized or consented to their use. This paragraph shall not be construed as enlarging the existing powers of local governing bodies to require, authorize or consent to the use of such forms, sheets or books.

The cost of all forms, sheets and books of all kinds used for the assessment or collection of local license and local excise taxes or used in connection with the assessment or collection of local license and local excise taxes, shall be paid entirely out of the local treasury, including the cost of any tags, stamps, stickers, or other devices intended to evidence the payment of any such local license or local excise taxes.

The cost of all forms, sheets and books of all kinds used in the ascertainment, billing or collection of charges for utility or other special services rendered by a county or city, or by any district or agency thereof shall be paid entirely by the locality, although it may be the duty of the treasurer or the commissioner of the revenue to ascertain or collect such charges under applicable provisions of law.

The governing body of each county and city shall provide suitable office space for the treasurer and commissioner of the revenue, together with the necessary heat, light, water and janitorial service. The entire cost of providing such office space, heat, light, water and janitorial service shall be paid out of the local treasury.

Source: § 14-77.

Note: The words "and other allowances" have been added where they appear. In the third paragraph "Division of Purchase and Printing" has been changed to "Department of Purchase and Supplies."

§ 14.1-65. Whenever a county or city treasurer or a county or city commissioner of the revenue purchases office furniture, office equipment, office appliances, tax tickets for State and local taxes collectible by county and city treasurers, stationery, office supplies, printing, advertising, telephone or telegraph service, or repairs to office furniture and equipment in conformity with and within the limits of allowances duly made and contained in the then current budget of any such officer under the provisions of articles 7 and 8 of this chapter, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the State shall monthly pay the county or city the State's proportionate part of the cost of such items on submission by such officer to the Compensation Board of duplicate invoices and such other information or evidence as the Compensation Board may deem necessary. This section shall also apply to the payment of the premiums on the official bonds of such officers, their deputies and employees, and to the premiums on burglary and other insurance, except the premium on the bond of a treasurer the payment of which is governed by other provisions of law. Duly authorized postage necessary for any such officer shall be purchased by the county or city for his official use on certification by him of his need therefor to the appropriate county or city authorities from time to time, and the State shall monthly reimburse the county or city for the State's proportionate part of the cost of such postage on submission of satisfactory evidence to the Compensation Board. This section shall not apply to any city treasurer whose city is not required to pay any part of the cost of such items.

Source: § 14-77.1.

Note: No change.

§ 14.1-66. The State's proportion of the salaries, expenses and other allowances of the treasurers and commissioners of the revenue under this



article shall be paid out of the appropriations in the general appropriation act for assessing property for taxation and collecting and distributing records of assessments and for collecting State taxes and the State's proportion of the salaries, expenses and other allowances of the attorneys for the Commonwealth shall be paid out of the appropriation in the general appropriation act for criminal charges. The cost for administering this article shall be paid out of the fees paid into the State treasury pursuant to the provisions of this article. Such payments shall be made by the State Treasurer on warrants of the Comptroller, issued on vouchers signed by the Chairman of the Compensation Board.

The several salaries originally fixed by the Compensation Board in accordance with this and the preceding article to be paid for the year during which this act takes effect shall continue as so fixed for succeeding years at the same amounts; provided, however, that the Compensation Board may thereafter increase or decrease the salary of any particular officer, within the limits fixed by this article, when in its opinion, changed circumstances so require or when so requested in writing prior to July first of the calendar year preceding the year for which such change is requested by council, board of supervisors or other governing body having jurisdiction, or by the officer whose compensation is affected. Such request by the local governing body or by the officer affected shall set forth in detail the facts and circumstances upon which such request for a change is based.

All provisions of charters of cities and towns inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.

Source: § 14-78.

Note: At the beginning of the first paragraph "salaries, expenses and other allowances" has been substituted for "salaries and expenses." In the second paragraph, "during which this act takes effect" has been substituted for "nineteen hundred and thirty-five."

§ 14.1-67. The Compensation Board shall, in the manner hereinbefore provided, determine the compensation and expense allowances for the Commonwealth's attorney, the treasurer and the commissioner of the revenue for each county which adopts any form of county organization and government provided for in §§ 15.1-582 to 15.1-668, both inclusive, in the same manner as if such county had not adopted such form of county organization and government and had continued to have all of such officers; and thereafter the portion of such compensation and such expense allowances payable by the Commonwealth shall be paid into the general fund of the treasury of the county. The actual compensation and expense allowances to be paid the attorney for the Commonwealth, the treasurer and the commissioner of the revenue, or the officers, agents or employees performing the duties and exercising the powers thereof, of any such county shall be fixed and determined as provided in said §§ 15.1-582 to 15.1-668, inclusive, without regard to the limits provided for in this article.

Source: § 14-79.

Note: No change.

## ARTICLE 9.

### *Sheriffs and Sergeants*

#### §§ 14.1-68 through 14.1-84

§ 14.1-68. The sheriffs of the counties and the sergeants of the cities of the Commonwealth and their full-time deputies shall be paid salaries for their services and allowances for the necessary expenses incurred in the performance of their duties, to be determined as hereinafter provided.

Source: § 14-81.

Note: The words "of the cities" have been added. The words "including the cost of clerical assistance, office facilities and supplies, telephone, telegraph and necessary travel," which appeared after the word "duties", were deleted.

§ 14.1-69. Every sheriff and sergeant, and every deputy of either, shall, however, continue to collect all fees and mileage allowances provided by law for the services of such officer, other than such as he would have been entitled to receive from the Commonwealth or from the county or city for which he is elected or appointed and fees and mileage allowances provided for services in connection with the prosecution of any criminal matter. Such fees and mileage allowances accruing in connection with any criminal matter shall be collected by the clerk of the court in which the prosecution is had. Such fees as are collected by the clerk of the court shall be paid by him into the treasury of the county or city for which the sheriff or sergeant, on account of whose services such fees are collected, is elected or appointed. All fees collected by or for every sheriff, sergeant and deputy of either shall be paid into the treasury of the county or city for which he is elected or appointed, on or before the tenth day of the month next succeeding that in which the same are collected. The treasurer of each county and city shall credit one-third of such amounts to the general fund of his county or city and credit two-thirds thereof to the account of the Commonwealth to be remitted to the State Treasurer along with other funds due to the Commonwealth.

Source: § 14-82.

Note: No change.

§ 14.1-70. The respective number of both full-time and part-time deputies appointed by the sheriff of a county or the sergeant of a city shall be fixed by the Compensation Board after receiving such recommendation of the board of supervisors of the county or the council of the city, as the case may be, as the board of supervisors or city council may desire to make. Such recommendation, if any, shall be made to the Compensation Board on or before the first day of October of each year.

From any such action of the Compensation Board, the sheriff or sergeant, or the board of supervisors or city council, as the case may be, shall have the right to appeal to the circuit court of such county or the corporation court of such city, where the proceedings shall be the same, mutatis mutandis as are provided for appeals in § 14.1-52.

Source: § 14-83.

Note: The last full sentence of the former section has been deleted.

§ 14.1-71. The provisions of this article with respect to compensation and expense allowances of sheriffs and their deputies shall not apply to

deputies appointed especially for service in and about manufacturing, industrial or defense establishments operated by or for the United States government but such deputies shall promptly pay into the treasury of the county for which they are appointed and qualified all fees and mileage allowances collected by them in the execution of all civil and criminal processes.

Source: § 14-84.

Note: No change.

§ 14.1-72. There shall be paid out of the State treasury to sheriffs and sergeants, after the same are duly certified to the Comptroller, the following fees: For attending any circuit court engaged in the trial of civil or criminal cases, or both, or for attending the Law and Equity Court, the Chancery Court, or the Circuit Court, all of the city of Richmond, four dollars for each day's attendance. And the judge of any such court may allow any deputy, whose attendance he deems advisable and requires as an assistant to the principal officer, such compensation as he may deem proper and just, not exceeding five dollars a day. The above named courts, however, shall make the allowances authorized by this section for one deputy in attendance upon the court as well as to the sheriff. This section shall not apply to any sheriff or sergeant who is on a salary basis nor to any deputy of any sheriff or sergeant whose principal is on a salary basis.

Source: § 14-85.

Note: This section has been amended by deleting obsolete wording. The sheriff of the city of Richmond is the only remaining sheriff to whom this section applies.

§ 14.1-73. The annual salaries of the sheriffs of the several counties and cities and of the sergeants of the several cities of the Commonwealth shall be within the limits hereinafter prescribed, that is to say:

(1) In counties having a population of less than 10,000 inhabitants, such salary shall be not less than \$3,600.00 nor more than \$6,000.00.

(2) In counties having a population of more than 10,000 inhabitants, but less than 20,000 inhabitants, such salary shall be not less than \$3,600.00 nor more than \$8,000.00.

(3) In counties having a population of 20,000 or more inhabitants, but less than 100,000 inhabitants, such salary shall be not less than \$4,500.00 nor more than \$9,500.00.

(4) In counties having a population of 100,000 or more inhabitants, such salary shall be not less than \$5,000.00 nor more than \$10,000.00.

(5) In cities having a population of less than 10,000 inhabitants, such salary shall be not less than \$3,600.00 nor more than \$6,000.00.

(6) In cities having a population of 10,000 or more inhabitants, but less than 20,000 inhabitants, such salary shall be not less than \$3,000.00 nor more than \$7,000.00.

(7) In cities having a population of 20,000 or more inhabitants but less than 30,000 inhabitants, such salary shall be not less than \$4,500.00 nor more than \$9,000.00.

(8) In cities having a population of 30,000 or more inhabitants, such salary shall be not less than \$5,000.00 nor more than \$10,000.00.

Notwithstanding the foregoing limitations, any county or city having a population of 90,000 or more inhabitants and having two or more courts of record or two or more judges of the same court of record, the Compensation Board, in its discretion, may make an additional allowance not to exceed \$1,000.00.

Source: § 14-86.

Note: This section has been completely revised to eliminate numerous inconsistencies and obsolete provisions. In no instance has any provision of the section as revised reduced the salary of any officer.

§ 14.1-74. The maximum limits of the salaries provided by this article are hereby increased to the extent of fifteen hundred dollars in the case of officers in counties adjoining one or more cities of more than twenty-five thousand inhabitants, whether such cities be within or without this State, and in case of officers in cities adjoining or within one mile of another city or county of more than one hundred thousand inhabitants.

Source: § 14-86.1.

Note: No change.

§ 14.1-75. Each sheriff and each sergeant, and such full-time deputy of either, shall keep a record of all expenses incurred by him including expenses for traveling, telephone, telegraph, clerical assistance, office facilities and supplies, bond premiums, cook hire, maintenance and repair cost of automobile police radio equipment including radio transmitter system and all accessories thereto, and any other expense incident to his office. Each such full-time deputy shall file a monthly report with his principal showing in detail the expenses incurred by him.

Source: § 14-87.

Note: No change.

§ 14.1-76. Each sheriff and each sergeant shall submit a statement of all expenses incurred by him, and by each of his full-time deputies, to the Compensation Board monthly on forms provided by the Board. Each officer shall at the same time transmit a copy of such statement to the board of supervisors or other governing body of the county or the council of the city for which he is elected or appointed. The Compensation Board shall examine the statement of expenses incurred, and in the event it is of opinion that the annual expense allowance which it has made to any such officer is greater or less than necessary to defray the proper expenses of such officer, then the annual expense allowance theretofore made to such officer shall be reduced or increased to conform to the findings of the Compensation Board. From any such reduction or increase in such allowances the board of supervisors, the city council or the officer affected shall, however, have the same right of appeal as is provided in the case of other salaried officers of the counties and cities by § 14.1-52.

Source: § 14-88.

Note: No change.

§ 14.1-77. Notwithstanding the provisions of the foregoing section, the governing body of any county or city may, with the approval of the Compensation Board, enter into such agreement with the sheriff or sergeant of such county or city with respect to the traveling expenses, including the use of privately owned vehicles, of such sheriff or sergeant and his deputies as the governing body may deem proper. And with the consent of the

Compensation Board, in any county having a regular police force authorized by law and in which the jail of another county or city has been adopted as the jail of such county, the police officers who transport any persons charged with violation of a State law under order of the trial justice of such county or the judge of the circuit court of such county, in place of the sheriff, to the jail so adopted as the jail of such county shall receive the same mileage as the sheriff of such county would have received had he so transported such persons. Any such police officer so transporting any such person shall make claim for mileage on the same forms the sheriff uses for such claims and in the same manner. When any such mileage is collected by any such police officer he shall pay the same into the county treasury and the payment of such mileage shall be made in the manner provided for the payment of mileage to sheriffs.

Source: § 14-89.

Note: No change.

§ 14.1-78. The part-time deputies of sheriffs and sergeants shall not receive fixed salaries, but shall be entitled to receive reasonable compensation for their services and allowances for their expenses, to be determined and paid as hereinafter provided. Each such part-time deputy shall keep a record of all services performed by him as such, which shall be reported to the sheriff or sergeant whose deputy he is. The sheriff or sergeant shall likewise keep a record of all services performed by each part-time deputy. Each sheriff and sergeant shall file a monthly report with the board of supervisors or other governing body of the county or city council, as the case may be, on or before the fifth day of the month next succeeding that in which such services are performed, showing in detail all services rendered by part-time deputies. The board of supervisors or other governing body or the city council shall recommend to the Compensation Board what in its judgment is a fair compensation to pay each individual part-time deputy of a sheriff or of a sergeant on the basis of such reports, except that in no case shall the allowance for compensation and expenses exceed the sum of ten dollars and mileage for any one day. If in the judgment of the board of supervisors or other governing body or the city council such limit of ten dollars would work a hardship on a particular part-time deputy sheriff or sergeant, each sum may be increased with the written approval of the judge of the circuit court or of the corporation or hustings court of the county or city for which such officer is appointed.

Source: § 14-90.

Note: No change.

§ 14.1-79. The Commonwealth shall pay two-thirds of the salaries and expense allowances of such sheriffs and sergeants and their full-time deputies, and of the compensation and expense allowances of their part-time deputies, fixed as hereinbefore provided. The other one-third of the salaries and expense allowances of such sheriffs and sergeants and full-time deputies, and of the compensation and expense allowances of their part-time deputies, shall be paid by the respective counties or cities for which they are elected or appointed. Such salaries shall be paid in equal monthly installments and the expense allowances shall be paid monthly when the amount thereof is established as hereinabove provided.

Source: § 14-91.

Note: No change.

§ 14.1-80. Whenever a sheriff or sergeant purchases office furniture, office equipment, stationery, office supplies, telephone or telegraph service, or repairs to office furniture and equipment in conformity with and within the limits of allowances duly made and contained in the then current budget of any such officer under the provisions of this chapter, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the State shall monthly pay the county or city and the State's proportionate part of the cost of such items on submission by such officer to the Compensation Board of duplicate invoices and such other information or evidence as the Compensation Board may deem necessary. This action shall also apply to the payment of the premiums on the official bonds of such officers, their deputies and employees, and to the premiums on burglary and other insurance. Duly authorized postage necessary for any such officer shall be purchased by the county or city for his official use on certification by him of his need therefor to the appropriate county or city authorities from time to time, and the State shall monthly reimburse the county or city for the State's proportionate part of the cost of such postage on submission of satisfactory evidence to the Compensation Board.

Source: New.

Note: This section is new.

§ 14.1-81. The payment of the Commonwealth's share of such salaries and expense allowances shall be made by the State Treasurer, out of funds appropriated in the general appropriation act for criminal costs, on warrants of the Comptroller issued upon vouchers approved and signed by the Chairman of the Compensation Board, or by such other person or persons as may be designated by the Compensation Board for such purpose.

Source: § 14-92.

Note: No change.

§ 14.1-82. The Compensation Board shall, in the manner hereinbefore provided, determine the compensation and expense allowances for the sheriff, and his deputies, of each county which has adopted or shall hereafter adopt any form of county organization and government provided for in §§ 15.1-582 to 15.1-668, both inclusive, so long as such county shall continue such form of county organization and government in effect in such county, as if such county had not adopted any such form of government; but the portion of the salaries and expense allowances, determined as aforesaid and payable by the Commonwealth, shall be paid into the general fund of the treasury of such county. The actual compensation and expense allowance to be paid the sheriff, and his deputies, of any such county shall be fixed as provided in the form of county organization and government adopted by such county, without regard to the limits provided for in this article, and shall be paid by such county.

The provisions of this section shall also be applicable to any county which adopts and has in effect in such county any other optional form of county organization and government which may be provided by law, if such form of county organization and government shall provide that the entire compensation of the sheriff of such county shall be fixed by authorities of the county and paid by the county.

Source: § 14-93.

Note: No change.

§ 14.1-83. Whenever it is necessary for a sheriff or sergeant to pay for the board and lodging of juries, he shall obtain a receipt for the funds so spent and on or before the fifth day of the month next succeeding he shall present such bill to the board of supervisors or other governing body of the county or to the city council, as the case may be, which shall, if it is found correct, reimburse the sheriff or sergeant for the amount so spent by him for such purpose. The county or city shall be reimbursed by the Commonwealth for all sums so expended on account of any criminal trial involving an offense against the Commonwealth.

Source: § 14-94.

Note: No change.

§ 14.1-84. The provisions of this article except § 14.1-72 shall not apply to any city which does not operate a jail, nor to the sergeant of such city, but they shall, however, apply in every respect to the cities of Chesapeake, Colonial Heights, Martinsville, Norton, Staunton, Suffolk, Winchester and Virginia Beach and to the sergeants thereof, respectively. All of the provisions of this article shall, however, apply in every respect to each city which operates a jail, and to the sergeant thereof. In every such case the sergeant shall have supervision and control of the jail and the custody of all prisoners confined therein, any other provisions of law, general, special or local, to the contrary notwithstanding.

Source: § 14-95.

Note: South Norfolk has been deleted, Norton and Chesapeake have been added.

## CHAPTER 2.

### Fees

#### ARTICLE 1.

##### *General Provisions*

##### §§ 14.1-85 through 14.1-102

§ 14.1-85. Fees prescribed by law for services of clerks of courts, and justices of the peace, and fees and mileage prescribed by law for game wardens and all other law enforcement officers, whether regular or special, other than sheriffs, deputy sheriffs, sergeants and deputy sergeants, in all cases of felony and in every prosecution for a misdemeanor, if not paid by the prosecutor, or in cases of conviction by the defendant, and in cases in which there is no prosecutor and the defendant shall be acquitted, or convicted and unable to pay the costs, shall be paid out of the State treasury unless now or hereafter otherwise provided by law, when certified as prescribed by § 19.1-317, subject, however, to the following restrictions and limitations:

One-half the fee prescribed by law to the officers heretofore mentioned, except the clerk of court and justice of the peace, who shall have the full fee; provided, however, in no case shall such fee be paid out of the State treasury, unless the judge of the court allowing the account shall certify to the Comptroller that the Auditor of Public Accounts has reported to him that he has actually examined through one of his auditors the papers upon which the account is founded and is satisfied that warrant was issued,

trial had or examination made, as shown in the account; and provided, further, that in no case, either felony or misdemeanor, except it be a case in which the defendant was acquitted and no prosecutor was liable for payment of the costs, shall the account be allowed, or such fee paid unless the judge of the court allowing the account shall certify to the Comptroller that the Auditor of Public Accounts had reported to him that reasonable effort has been made to collect such costs. In so far as this section relates to game wardens and other law enforcement officers, regular and special, not enumerated herein, it shall apply only to fees for making arrests, summoning witnesses and mileage.

Source: § 14-96.

Note: No change.

§ 14.1-86. No justice of peace, judge, constable, sergeant, or captain or sergeant of police who receives a salary or allowance for general service out of the treasury of his county or corporation shall receive any fees for services in a criminal case from the State, city or county, but all such fees to such officers shall be paid by the party against whom judgment is rendered. But the judge of any city or corporation court may make an allowance not exceeding six hundred dollars a year to each of two constables, sergeants or policemen of such city or corporation, to be paid in lieu of all fees for serving criminal process of any kind, which allowances shall be paid out of the treasury. When any incorporated community has become a city of the second class under chapter 22 of Title 15.1, then the allowance above provided for shall be made by the circuit court of such city.

Source: § 14-97.

Note: In the first sentence, "judge" has been substituted for "trial justice."

§ 14.1-87. No clerk, sheriff, sergeant or other officer shall receive payment out of the State treasury for any services rendered in cases of the Commonwealth, except when it is allowed by statute.

Source: § 14-98.

Note: The word "statute" has been substituted for "this or some other chapter."

§ 14.1-88. No costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of any city or county in any case, unless he in person, or by a duly authorized assistant, actually appears and prosecutes the proceedings before the court.

Source: § 14-99.

Note: No change.

§ 14.1-89. No sheriff or sergeant shall charge for serving any public orders, nor for summoning and impaneling grand juries, nor for any services in elections except as provided under Title 24 of this Code.

Source: § 14-100.

Note: No change.

§ 14.1-90. No clerk shall charge for taking bond from, administering oath to, or making or copying orders as to the appointment or qualification of any judge, justice of the peace, sheriff, sergeant, treasurer, coroner, commissioner of the revenue, superintendent of the poor, surveyor, or of a deputy or assistant of any of them, or of any escheator, supervisor, con-



stable, or militia officer, or of a guardian, when his bond is in a penalty not exceeding one thousand dollars, or for making or copying orders as to binding out poor children, or as to county allowances, or grand juries, and administering the necessary oaths.

Source: § 14-101.

Note: The word "judge" has been substituted for "trial justice."

§ 14.1-91. The court clerks of the several counties and the Registrar of the Bureau of Vital Statistics, when requested so to do by any honorably discharged member of the military or naval forces of the United States, his dependents, authorized representatives in his behalf, the Commissioner of Pensions of the United States, the Director of the United States Veterans' Bureau shall furnish without charge or fee therefor duly certified copies of any decree of divorce, marriage license, certificate of marriage, birth certificate, certificate of death, order appointing administrator or guardian, report of administrator or guardian, order discharging administrator or guardian or other judgment, decree or document required by law or by any rule or regulation of the Bureau of Pensions or the United States Veterans' Bureau to be furnished as evidence to establish a claim on behalf of such honorably discharged member of the military or naval forces of the United States, or his dependents, for a pension, compensation, family allowance, bonus or other money or monies claimed to be due and payable by or through such Bureau of Pensions or United States Veterans' Bureau.

Source: § 14-102.

Note: No change.

§ 14.1-92. No officer shall be entitled to payment out of the State treasury for services rendered in a proceeding against any person for disobedience of the process of a court.

Whenever more than one indictment shall be made against the same person or persons, at any term of a court for offenses growing out of the same transaction, when all of such offenses could have been properly included in a single indictment, no payment shall be made out of the State treasury to the clerk for services rendered in connection with the trial on, or other disposition of, any of such indictments in excess of one.

Source: § 14-103.

Note: No change.

§ 14.1-93. Whenever on any decree of judgment in a civil case any fieri facias issued by the clerk of any court or a trial justice or trial justice's clerk is placed in the hands of any officer and no levy is made or forthcoming bond is taken thereon, and a return is made by the officer, the officer so making a return thereon shall be allowed a fee of fifty cents for making the return.

Source: § 14-104.

Note: No change.

§ 14.1-94. In any case in which such officer makes a levy and advertises property for sale and by reason of a settlement between the parties to the claim or suit the officer is not permitted to sell under such levy, such officer shall not be entitled to any commissions, but shall in addition to his fees for making the levy and return and the fee provided by § 14.1-

95, be entitled to recover from the party for whom the services were performed the expenses incurred by such officer in and about the advertisement of the proposed sale of the property.

Source: § 14-105.

Note: No change.

§ 14.1-95. When, after distraining or levying on tangible property the officer neither sells nor receives payment and either takes no forthcoming bond or takes one which is not forfeited, he shall, if not in default, have in addition to the sixty cents for a bond if one was taken a fee of three dollars, unless this is more than one-half of what his commission would have amounted to if he had received payment, in which case he shall, whether a bond was taken or not, have a fee of at least one dollar and so much more as is necessary to make such half.

Source: § 14-106.

Note: No change.

§ 14.1-96. Whenever a sheriff, sergeant or constable shall be required to serve a declaration in ejectment or an order, notice, summons or other process in a civil case and make return thereon and shall after due effort and without fault be unable to locate such person or make service of such process in some method provided by law, there shall be paid to such officer the same fee provided by law for serving an order, notice or other process and making return thereof, to be taxed as other costs are, in any pending case. When such service is required in a proceeding not pending in a court then the service shall be paid for by the party at whose instance it is had. But no such fee shall be paid unless such officer when he returns such paper unexecuted shall make and file therewith an affidavit setting forth the fact that he has made diligent effort to execute such paper and without avail.

Source: § 14-107.

Note: No change.

§ 14.1-97. Unless otherwise provided, the fees mentioned in this chapter shall be chargeable to the party at whose instance the service is performed, except that fees for entering and certifying the attendance of witnesses and the proceedings to compel payment for such attendance shall be charged to the party for whom the witness attended.

Source: § 14-108.

Note: No change.

§ 14.1-98. A notary or other officer returning affidavits or depositions of witnesses and a commissioner returning a report shall state at the foot thereof the fees therefor, to whom charged and, if paid, by whom.

Source: § 14-109.

Note: No change.

§ 14.1-99. An officer or witness to whom, for fees or attendance, anything is due that is taxed in the costs for which there is a judgment or decree may, within one month after such judgment or decree, lodge in the clerk's office of the court wherein the name was rendered his fee bills for such fees or certificate for such attendance. The amount due each officer

or witness for what is so lodged shall, and the amount due the clerk himself for fees so included may, within such month, be noted in the margin of the order or execution book, opposite the entry of the case. An officer or witness whose fees or certificates are so noted shall be paid the same out of the costs by the person against whom the judgment or decree is; and the right to such payment shall be valid against any assignee of the judgment or decree. When the clerk issues execution in such case, he shall endorse thereon how much of the costs is for each officer or witness whose fees or certificates are so noted; and the officer collecting the costs shall pay the same accordingly to those entitled thereto.

Source: § 14-110.

Note: No change.

§ 14.1-100. All costs in a criminal case, if there be a judgment for same against the defendant, or the prosecutor, other than the Commonwealth shall, when collected, be paid by the officer collecting the same to the clerk of the court in which the judgment was rendered or to whom the judge has certified costs in cases in which costs are not paid the judge, and shall be paid by such clerks as follows: such of the costs as have been allowed and paid out of the State treasury shall be paid by such clerk into the State treasury, and such costs as have not been allowed and paid out of the State treasury shall be disbursed by the clerk to the several parties entitled thereto.

A judge shall disburse costs collected by him to the parties entitled to the same.

Source: § 14-111.

Note: The word "judge" has been substituted for "trial justice."

§ 14.1-101. Whenever any judge of a court not of record, clerk of a court, sheriff, sergeant or constable shall receive or collect any money for or on account of the Commonwealth or any county, city, town or person, he shall, within a reasonable time, deposit the same, except so much thereof as may be necessary for the payment in cash of fees collected for other officers and for the payment of witnesses, in such bank or banks as may be selected by him, to the credit of an official account, and in the event of the failure or insolvency of such bank, he shall not be responsible for any loss of funds so deposited resulting from such failure or insolvency.

Any such officer who shall deposit any such money in his personal account or knowingly intermingle any of the same with his personal funds; or otherwise violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Source: § 14-112.

Note: The words "judge of a court not of record" have been substituted for "trial justice."

§ 14.1-102. Nothing in this chapter contained shall be construed as repealing or in any way affecting § 15.1-19 relating to boards of supervisors and councils furnishing commissioners of the revenue, county treasurers and certain clerks with certain supplies and equipment necessary for the conduct of their offices.

Source: § 14-113.

Note: No change.

## ARTICLE 2.

### *Amounts of Fees.*

#### §§ 14.1-103 through 14.1-135

§ 14.1-103. The Secretary of the Commonwealth shall charge for services rendered in his office the following fees, to be paid by the person for whom the service is rendered at the time it is done:

For a testimonial .....	\$1.50
For a copy of any paper, if on one sheet .....	1.00
And for each sheet after the first .....	.75
For issuing a commission to a commissioner in another state .....	5.00
For issuing a commission to each notary and inspector appointed by the Governor .....	3.00
For making a requisition for a fugitive from justice demanded of another state .....	2.00
For issuing a warrant for the arrest of a fugitive demanded by the executive authority of another state .....	2.00

And for filing in his office any paper required by law to be filed, the same fee is allowed by law for recording similar papers. But no fee shall be charged for filing a notice of candidacy or other paper required by law of a candidate for any office.

Source: § 14-114.

Note: No change.

§ 14.1-104. The clerk of the House of Delegates shall charge for a copy of an Act of Assembly, if on one sheet..... \$1.00

And for each sheet after the first ..... .75

Source: § 14-115.

Note: No change.

§ 14.1-105. The fees of sheriffs, sergeants and criers shall be as follows:

(1) For service on any person, firm or corporation, a declaration in ejectment, order, notice, summons or any other civil process, except as herein otherwise provided, and for serving on any person, firm, or corporation any process when the body is not taken and making a return thereof, the sum of one dollar.

(2) For summoning a witness or garnishee on an attachment, one dollar.

(3) For serving on any person an attachment or other process under which the body is taken and making a return thereon, five dollars.

(4) For receiving and discharging a person in jail, one dollar.

(5) For carrying a prisoner to or from jail and every mile of necessary travel, an amount equivalent to the necessary toll and ferry charges incurred by the officer, if any, and eight cents per mile, which shall be charged and taxed as a part of the court cost.

(6) For taking any bond, one dollar.

(7) When a petit jury is sworn in court, for swearing and impaneling each such jury, one dollar and fifty cents.

(8) For serving any order of court not otherwise provided for, one dollar.

(9) For serving a writ of possession, two dollars.

(10) For levying an execution or distress warrant or an attachment,

(11) For serving any papers returnable out of State, six dollars.

Source: § 14-116.

Note: This section has been revised to more realistically provide compensation for the service required. Some recommendations sent to the Code Commission would have provided much more substantial increases.

§ 14.1-106. The circuit court of any county or the corporation court of any city may, at any time, fix or alter the rates to be thenceforth paid in such county or corporation for keeping and supporting any horse or livestock, but the rates so fixed or altered shall never exceed those mentioned in § 14.1-105.

Source: § 14-117.

Note: No change.

§ 14.1-107. The officer shall be paid any necessary expense incurred by him in keeping property not mentioned in § 14.1-105 or in removing any property.

Source: § 14-118.

Note: No change.

§ 14.1-108. The commission to be included in a forthcoming bond, when one is taken, shall be ten per centum of the first one hundred dollars of the money for which the distress or levy is, five per centum on the next four hundred dollars and two per centum on the residue of such money. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest accrues on such bond, or the execution of judgment thereon, the officer shall be entitled to his proportionable share, on account of his fees included in such bond.

Source: § 14-119.

Note: No change.

§ 14.1-109. An officer receiving payment under an execution or other process in money, or selling goods, shall receive the like commission of ten per centum of the first one hundred dollars of the money paid of proceeds from sale, five per centum on the next four hundred dollars, and two per centum on the residue; except that when such payment or sale is on execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

Source: § 14-120.

Note: No change.

§ 14.1-110. In cities of a population of one hundred thousand and more, however, the commission to be included in a forthcoming bond, when

one is taken, shall be ten per centum on the first one hundred dollars of the money for which the distress or levy is and two per centum on the residue of such money. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest may accrue on such bonds, or the execution of judgment thereon, the officer shall be entitled to his proportionate share, on account of his fees included in the sale. An officer in any such city receiving payment in money or selling goods shall receive the like commission of ten per centum on the first one hundred dollars of the money paid or proceeding from the sale and two per centum on the residue; except that when such payment or sale is on an execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

**Source:** § 14-121.

**Note:** No change.

§ 14.1-111. The fees and allowances of sheriffs, sergeants and criers in criminal cases shall be as follows:

For serving a warrant or summons other than on a witness when no arrest is made, one dollar.

For an arrest in a case of a misdemeanor or felony, one dollar and fifty cents.

For executing a search warrant, two dollars.

For summoning a witness in a felony or misdemeanor case, one dollar.

But when two or more persons are arrested under one warrant, or are jointly charged or tried, the officer shall be entitled only to such fee for summoning witnesses as if only one person was arrested, charged or tried.

For carrying a prisoner to jail under the order of a justice, for each mile traveled of himself going and returning, eight cents.

For each mile traveled of the prisoner in carrying him to jail, when the distance is over ten miles, eight cents.

For executing the first writ of venire facias at a term, ten dollars and five dollars for executing every other writ of venire facias at the same term, provided that when an officer goes out of his city or county to execute a writ of venire facias, he shall receive ten dollars for executing the writ, and his actual necessary expenses, to be set out in a sworn account to be approved by the court.

**Source:** § 14-122.

**Note:** This section has been amended substantially. The fees generally have been increased. References to the following have been deleted as obsolete (reimbursements for such costs have been otherwise provided by statute): board of prisoners while under arrest, persons employed in making the arrest of any person charged with a felony, guards in felony cases and travel by guards.

§ 14.1-112. A clerk of a circuit or other court of record shall, for services performed by virtue of his office, charge the following fees, to wit:

(1) When writing is admitted to record under chapter 2 of Title 17, or chapter 5 or 6 of Title 55, for everything relating to it, except the recording in the proper book, to wit: for receiving proof of acknowledge-

ments, entering orders, endorsing clerk's certificate, and when required, embracing it in list for the commissioner of the revenue, fifty cents.

(2) For recording a plat of not more than six courses or lines, or for a copy thereof, one dollar.

(3) For each other distinct line or course above six, five cents.

(4) For recording in the proper book such writing, and all matter therewith, except plats, or for recording anything not otherwise provided for, every twenty words, three cents.

(5) In lieu of such allowance of three cents for every twenty words the clerk may elect to charge a minimum fee of two dollars and fifty cents.

(6) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, ten dollars, except that for appointing and qualifying any fiduciary when the estate is of a value of one hundred dollars or less no charge shall be made; and when the estate is of a value of over one hundred dollars and does not exceed five hundred dollars, the total fee shall be five dollars.

(7) For entering and copying an order granting, and for issuing, a license to sell soft drinks or any other license, other than a marriage license or hunter's license, and administering an oath when necessary, seventy-five cents.

(8) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, two dollars.

(9) For making out an injunction bond, administering all necessary oaths, writing proper affidavits, making out release of errors, copying the same and endorsing on the summons that such bond and release are filed, one dollar and fifty cents.

(10) For making out any other bond, administering all necessary oaths and writing proper affidavits, seventy-five cents.

(11) For issuing a writ in the nature of an ad quod damnan, fifty cents.

(12) On receiving a copy of a caveat, for entering such copy, twenty-five cents.

(13) For issuing a summons to answer a bill or in any common law action, forty cents.

(14) For issuing each summons for witnesses, twenty-five cents.

(15) For each copy of any process which goes out of the office with such process to be used in serving it, one-half of the fee for issuing such process.

(16) For noting in the process book any decree, order or process, except a summons for a witness and taking a receipt therefor, twenty-five cents.

(17) For postage paid by the clerk on a decree, order or process and putting in or taking out of the post office the same, double the amount of such postage.

(18) For entering in any suit or in a motion for judgment for money all the attorneys for each party or the appearance in proper person of a party having no attorney who so appears, ten cents.

(19) For endorsing and filing a petition, declaration, bill, answer or other written pleading, a bill of exceptions, demurrer to the evidence, special verdict or case agreed or a motion for judgment, for money, set of depositions, or report of a commissioner and for entering each plea, replication or other pleading which is not written, twenty cents.

(20) For endorsing and filing an affidavit, written interrogatories, an answer or exceptions to a commissioner's report, fifteen cents.

(21) If papers be filed on the side of the plaintiff for which no particular fee is allowed, a fee (not for each, but for the whole) of twenty-five cents.

(22) So also if papers be filed on the side of the defendants for which no particular fee is allowed, a fee (not for each, but for the whole) of twenty-five cents.

(23) For issuing an attachment, with a copy of the rule or order for the same, if sent out therewith, and recording the returns thereof when proper to do so, fifty cents.

(24) For issuing a scire facias and recording the return thereof or for issuing a commission to examine witnesses, administering oath when necessary as the foundation thereof, and writing affidavit, fifty cents.

(25) For all the rules entered in any case on the same side, at any rules, when anything is done on such side, at rules, besides entering or filing a pleading or continuing the case, fifty cents.

(26) When no proceedings are had in a case during any rules except to continue it, for every quarter of a year the case is so continued, and no more, twenty-five cents.

When a jury is impaneled, if witnesses be examined by the court, for swearing such jury and witnesses, seventy-five cents.

(28) When no jury is impaneled, if witnesses be examined by the court, for swearing such witnesses for either party, twenty-five cents.

(29) When a witness claims for his attendance, for administering an oath to him and entering and certifying such attendance, thirty cents.

(30) For administering an oath not before provided for and writing a certificate thereof when the case requires one, twenty-five cents.

(31) For all judgments, decrees, orders and proceedings, except entries of pleading and matters otherwise provided for, which are entered on the same day, for the same person, at the election of the clerk, three cents for every twenty words actually written on the minute or order book or upon the rule book when final judgments are entered therein or a specific fee of fifty cents.

(32) For docketing under chapter 18 of Title 8 a judgment, decree, bond or recognizance, fifty cents.

(33) For entering satisfaction on any judgment, twenty-five cents.

(34) For taxing costs in any case one side, twenty-five cents.

(35) And if the case has been pending more than a year, then for every additional year, ten cents.

(36) When an execution is returned by an officer in a case wherein there is no appeal from a trial justice's judgment, for filing the papers, ten cents.



(37) And if the clerk issue execution in the case, for such execution, including the record of the return of said execution if it be returned before another issue, fifty cents.

(38) For making out the transcript of the record and proceedings in any case, in due form, so that the same may be used in the Supreme Court of Appeals, for every twenty words, three cents.

(39) And for making out, in any other manner than copying, any paper to go out of the office, which is not otherwise provided for, the same, or in lieu thereof, if the clerk elect, a specific fee of twenty-five cents.

(40) For any copy to go out of the office if it be not otherwise provided for, for every twenty words, three cents, or in lieu thereof, if the clerk elect, a specific fee of twenty-five cents.

(41) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it and writing the certificate of the judge, if the clerk be requested so to do, fifty cents.

(42) For making a statement, calculating interest and receiving payment of taxes on any tract of land returned delinquent for first three years, fifty cents. And for each additional year, ten cents.

(43) For each tract of land entered in the delinquent land book to be paid out of the treasury of the county or city, as the case may be, such an amount as may be prescribed by the board of supervisors or other governing body of the county, or the council of the city, not to exceed the sum of ten cents for each tract of land so entered in the delinquent land book.

(44) For any other writ not hereinbefore provided for, fifty cents.

(45) For making out the bond upon issuing any such writ, administering necessary oaths and writing proper affidavits, seventy-five cents.

(46) Upon any such writ, for endorsing the same and filing the petition therefor or, when the writ is returned, for filing it, with the return thereon, twenty cents.

(47) For filing the record upon an appeal or on such writ, twenty cents.

(48) When the clerk of the Supreme Court of Appeals issues process on an appeal, writ of error or supersedeas, for making out the bond, administering necessary oaths, writing proper affidavits and endorsing on the process a certificate of the execution of the bond and of the names of the sureties therein, one dollar.

(49) For docketing any case, a fee of twenty-five cents.

(50) Or, if the clerk elect, in lieu thereof three cents for every twenty words entered on the rule book when it is first docketed, this fee for docketing to be charged but once, except that when any case, either at law or in equity, is on the court docket, if at any term it be left undecided, without an order of continuance, there shall be a fee for putting it on the docket at the next term of twenty-five cents.

(51) After a decision by the circuit, corporation or hustings court or the Supreme Court of Appeals, as an appellate court, for issuing an execution, making entry thereof in the execution book and recording the return, seventy-five cents.

(52) Unless the decision be by the Supreme Court of Appeals in a case wherein the first judgment or decree was in a circuit or city court, in which case the fee shall be one dollar.

(53) For taxing the damages to which a party may be entitled by reason of an injunction, appeal, writ of error or supersedeas, fifty cents.

(54) For reporting marriage licenses under § 20-35, to be paid out of the State treasury, for each marriage reported, ten cents.

(55) For reporting divorces under § 20-123, to be paid out of the State treasury, for each divorce reported, twenty-five cents.

(56) For services required of the clerk under §§ 58-1040 and 58-1068, the clerk shall be entitled for each name on each copy of the reports required to be made by said sections, to be paid out of the State treasury upon certification of the court, five cents.

(57) Upon conviction in felony cases, in lieu of any fees otherwise allowed by this section the clerk shall charge the accrued ten dollars.

(58) Upon conviction in all other criminal cases, in lieu of any fees otherwise allowed by this section the clerk shall charge the accrued five dollars.

(59) In all actions at law the clerk's fee chargeable to the plaintiff shall be ten dollars to be paid by the plaintiff at the time of instituting the action; this fee to be in lieu of any other fee allowed by this section, except in action involving not more than five hundred dollars the fee shall be five dollars in lieu of any other fee.

(60) For the services required of them by § 17-54 the clerks shall receive fees, payable out of their respective county, incorporated town and city treasuries, as follows, viz.: For making and certifying a complete list of officers, one dollar; for certifying a vacancy, twenty cents; and for certifying an election or appointment and qualification to fill a vacancy, twenty cents.

Source: § 14-123.

Note: In the first sentence, "shall" has been substituted for "may". Charges accruing to the benefit of the Commonwealth should not be discretionary with the collecting officer.

§ 14.1-113. A clerk of a circuit or other court of record shall, for services performed by the virtue of his office in chancery cases, charge the following fees, to wit:

(1) For issuing an attachment or a summons, with an endorsement of an order of attachment or injunction .....\$0.50

(2) For process for which no higher fee is allowed ..... .25

(3) When more than three exhibits are returned with a commissioner's report, but not annexed thereto, for endorsing and filing such exhibits a fee, not for each, but for all filed with the same report, of .... .25

(4) If papers be filed on the side of the plaintiff or defendant, for which no fee is before provided, a fee, not for each but for the whole of such papers, of ..... .25

(5) And if papers be filed on the side of defendants, for which no fee is before provided, a fee, not for each but for the whole of such papers, of ..... .25

(6) For entering in the rule book the return of all process returnable to the same rule day, a fee, not for each defendant named therein nor for every such process but for the whole of the defendants named in all such process, of ..... .35

(7) For all rules entered in any case on the same side at the rules for one month, when anything is done on such side at such rules besides entering or filing a pleading or continuing the case ..... .50

(8) For any execution, the entry of the case in the execution book and the record of the return, unless a higher fee be allowed therefor .. .50

In lieu of the fees hereinabove set forth:

(a) For all services rendered in any chancery case, to be paid by the plaintiff at the time of instituting the suit, including furnishing a duly certified copy of the final decree .....15.00

(b) In divorce cases, where there is a merger of a decree of separation from bed and board into a decree of divorce a vinculo, the fee prescribed by (a) above shall include the furnishing of duly certified copies of both such decrees.

Source: § 14-124.

Note: As in § 14.1-122 "shall" has been substituted for "may", and for the same reason.

§ 14.1-114. Notwithstanding any other provision of law to the contrary, only one fee, which shall be in the amount of ten dollars, shall be required by the clerk to be paid by the petitioner or petitioners for all services rendered in an adoption proceeding.

Source: § 14-124.1.

Note: No change.

§ 14.1-115. For each case of felony tried in his court, to be charged only once, the clerk of such court shall be entitled to the sum of two dollars and fifty cents. But this section shall not apply to the clerk of the Hustings Court of the city of Richmond.

Source: § 14-125.

Note: No change.

§ 14.1-116. In any court of record in which electronic devices are used for the purpose of recording testimony, for each case of felony tried in his court, the clerk of such court shall tax as costs a sum not to exceed ten dollars for each day or part of a day of the trial of such felony. Such fees shall be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices.

Source: § 14-125.1.

Note: No change.

§ 14.1-117. The clerk shall be entitled to and paid from the funds of his county or city a fee of not to exceed fifty cents for copying in the Induction and Discharge Record, World War II, the information obtained from the draft boards as to each such resident, but in no case shall any charge be made the resident who has served in the armed forces for recording his discharge papers.

Source: § 14-126.

Note: No change.

§ 14.1-118. For furnishing each certified copy of any recorded discharge of any person who served in the military and naval forces of the

United States or its associates in World War I, the clerk shall be entitled, subject to the provisions of § 14.1-91, to a fee of fifty cents. Such fee shall be payable by the person desiring the certified copy. No tax shall be charged on the recordations of such discharges, nor shall any tax be charged for the seal annexed to such certified copies.

Source: § 14-127.

Note: No change.

§ 14.1-119. The clerk of any court of record of any city in the State having a population in excess of one hundred ninety thousand shall receive out of the treasury of such city, for services rendered to the public of the city, such sum as the council may prescribe, not exceeding twenty-five hundred dollars in one year.

Source: § 14-128.

Note: No change.

§ 14.1-120. The Clerk of the Supreme Court of Appeals shall charge the following fees:

In every case in which a petition and record is presented one dollar and a half, which shall be collected at the time such petition and record is presented and which shall include all fees chargeable up to the time the petition is granted or refused.

In every case in which a writ of error or appeal is granted or docketed, three dollars and one-half, which shall be collected at the time the estimated cost of printing is collected and which shall include all fees chargeable from the time of granting or docketing the writ until the case is finally disposed of by the court.

For more than one copy of a writ, twenty-five cents each.

For making and certifying a copy of any record or document in the clerk's office, ten cents per one hundred words.

For verifying and certifying any record or document not actually copied by the clerk, one-half of the fee for copying and certifying, which shall not however be applied to the certification of a copy of the record which has already been printed.

For authentication of any record, document or paper under the seal of the court, fifty cents.

For copying and certifying any document or paper of less than two hundred and fifty words, twenty-five cents.

For administering an oath and entering an order qualifying an attorney to practice in the court, one dollar and a half.

For certificate of such qualification under seal of the court, one dollar.

For entering an order and licensing an attorney from another state, under the reciprocity statute, ten dollars.

For binding records and briefs as provided by § 8-501, fifty cents.

For all other services not specifically mentioned above, the same fee would be charged by a clerk of a circuit court in similar cases.

Source: § 14-129.

Note: No change.

§ 14.1-121. The fees of attorneys for the Commonwealth in all felony and misdemeanor cases in which there is a conviction and sentence not set aside on appeal or a judgment for costs against the prosecutor, and for expenditures made in the discharge of his duties shall be as follows:

For each trial of a felony case in his circuit or corporation court, in which only one person is tried at a time, if the punishment prescribed may be death, twenty dollars; if the punishment prescribed is less than death, ten dollars; but where two or more persons are jointly indicted and jointly tried for a felony, in addition to the fees above provided, ten dollars for each person more than one so jointly tried. For each person prosecuted by him at a preliminary hearing upon a charge of felony before any court or judge of his county or city, five dollars.

For each person tried for a misdemeanor in his circuit or corporation court, five dollars, and for each person prosecuted by him before any court of his county or city for a misdemeanor, which he is required by law to prosecute, or upon an indictment found by a grand jury, five dollars, and in every misdemeanor case so prosecuted the court or judge shall tax in the costs and enter judgment for such misdemeanor fee.

No attorney for the Commonwealth shall receive a fee for appearing in misdemeanor cases before a court not of record, except in those particular violations of the law when he is expressly required to appear by statutory enactment and provision is made for the taxing of his fees in the costs.

Source: § 14-130.

Note: All references to trial justices have been deleted. The exception in the third paragraph reducing certain fees for certain trial justices has been deleted.

§ 14.1-122. In every scire facias or other proceeding upon a forfeited recognizance where a judgment is awarded in behalf of the Commonwealth there shall be taxed in the costs an attorney's fee of ten dollars and five per centum of the amount of the judgment, which when recovered shall be paid to the attorney for the Commonwealth.

Source: § 14.131.

Note: No change.

§ 14.1-123. Fees for services performed by the judges or clerks of courts not of record in criminal actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

(1) For issuing a warrant of arrest, or a warrant for violation of an ordinance, including the issuing of all subpoenas, one dollar; provided that when such fee is collected for the defendant or other person for him, such fee shall be two dollars.

(2) For issuing a search warrant, one dollar.

(3) For trying or examining a case of misdemeanor, including swearing witnesses and taxing costs, two dollars.

(4) For examining a charge of felony, including swearing witnesses and taxing costs, two dollars.

(5) For admitting any person to bail, including the taking of the necessary bond, one dollar, which shall, notwithstanding other provisions to the contrary, be collected at the time of admitting the person to bail, but which shall in no case be paid out of the State treasury.

(6) For filing and indexing all papers connected with any criminal action in a county or municipal court, one dollar and twenty-five cents, which when collected shall be transmitted to the clerk of the circuit or corporation court with such papers in the manner prescribed by § 19.1-335, when such papers are required by law to be transmitted to a court of record.

Source: § 14-132.

Note: No change.

§ 14.1-124. Notwithstanding the provisions of § 14.1-123, in any city having a population of not less than forty-five thousand nor more than sixty thousand, according to the last preceding United States census, the governing body thereof may, by resolution duly adopted, waive the provisions of such section, and not charge any fees which go into the city treasury for services performed hereunder, and direct the court and the clerk thereof not to tax such fees as costs.

Source: § 14-132.1.

Note: No change.

§ 14.1-125. Fees in civil cases for services performed by the judges or clerks of county courts, municipal courts and police justice courts, or by justices of the peace in the event any such services are performed by such justices in civil cases, shall be as follows, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided:

(1) For all court and justice of the peace services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, \$3.00 unless otherwise provided in this section, which shall include the fee prescribed by § 16.1-115. No such fee shall be collected in any tax case instituted by any county, city or town.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any justice of the peace or other issuing officer shall collect the foregoing fee at the time of issuing process. He may deduct therefrom a justice of the peace (or other issuing officer) fee of \$1.25 for his services in the case. He shall remit the remainder promptly to the court to which such process is returnable, or to its clerk. Any sheriff, city sergeant, or other officer serving process shall collect the foregoing court fee before serving any notice of motion of judgment, which fee he shall remit on or before the return day of such motion to the court to which such motion is returnable, or to its clerk, except that no fee shall be collected in tax cases until after process has been served. When no service of process is had as to any defendant served by notice of motion for judgment, the officer serving process shall return such notice of motion and the court fee collected by him to the plaintiff or his counsel. The foregoing fee shall not include the service fee of any sheriff, city sergeant, or other officer serving process, but the person issuing process shall accept and forward any such service fees when tendered at the time of issuing process. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; provided however, reissuance of such process shall be within three months after the original return day and regardless of whether the original process was issued before or after June 27, 1960.

(2) For granting each continuance except the first of any warrant or other proceeding pending before the court, fifty cents, but if the continuance is at the instance and for the convenience of the judge, the fee shall not be charged. Such fee shall be paid by the party requesting the continuance, and shall not be taxed as a part of the costs.

The fees prescribed in this section shall be the only fees charged in cases for services performed by such judges and clerks, and when the services referred to herein are performed by justices of the peace such fees shall be the only fees charged by such justices for the prescribed services.

Source: § 14-133.

Note: No change.

§ 14.1-126. Enumeration of the foregoing fees shall not relieve any judge or clerk of a county or municipal court from performing any duty imposed upon him by law, although no fee be herein set forth covering the services required. In all proceedings the judge or clerk shall tax as costs all charges properly constituting the same.

Source: § 14-134.

Note: No change.

§ 14.1-127. A justice of the peace may, for the following services performed by him by virtue of his office, charge and collect the following fees only:

(1) For taking and certifying the acknowledgement of any deed or other writing, one dollar.

(2) For administering and certifying an oath or affirmation, unless it be that of a witness, fifty cents.

(3) For taking and certifying affidavits or depositions of witnesses, when done in an hour, one dollar, but if not done in an hour, then at the rate of twenty-five cents per hour for any additional time.

Source: § 14-135.

Note: No change.

§ 14.1-128. A justice of the peace shall charge for services rendered by him in criminal actions and proceedings the following fees only:

(1) For issuing a warrant of arrest, or a warrant for violation of any ordinance, including the issuing of all subpoenas, one dollar; provided, that when such fee is collected from the defendant or other person for him, such fee shall be two dollars.

(2) For issuing a search warrant, one dollar.

(3) For admitting any person to bail, including the taking of the necessary bond, two dollars, which shall, notwithstanding other provisions to the contrary, be collected at the time of admitting the person to bail, but which shall in no case be paid out of the State treasury.

Source: § 14-136.

Note: No change.

§ 14.1-129. The fees allowed by § 14.1-128 shall be in full for all services rendered in each case by a justice of the peace but shall not be

allowed or paid by the Comptroller without a certificate of the judge of the court, allowing the account, that he has actually examined the papers upon which the account is founded and is satisfied that the warrant was issued and trial had or examination made as shown in the account.

Source: § 14-138.

Note: No change.

§ 14.1-130. The police justice or other justice having similar jurisdiction and receiving a salary of a city shall not be entitled to receive out of the State treasury the fees provided in § 14.1-128, but every such justice shall be paid by the city for which he is employed.

Source: § 14-139.

Note: No change.

§ 14.1-131. If any warrant or arrest for a misdemeanor or felony, or a search warrant, be had or procured at the instance of a prosecutor (other than a public officer charged with the enforcement of the laws) and be dismissed or the accused discharged from accusation, the judge before whom the proceeding is may give judgment against the prosecutor in favor of the accused for his cost, and must do so, if the judge believe from the evidence that the proceeding was procured by the prosecutor through malice or without reasonable and probable cause.

Source: § 14-140.

Note: No change.

§ 14.1-132. The fee of a justice of the peace for issuing a subpoena for a witness or witnesses in a case pending before a judge of a court not of record shall be twenty-five cents for each such subpoena and there shall be no additional fee when there are more than one witness on one side of the case.

Source: § 14-141.

Note: The words "judge of a court not of record" have been substituted for "trial justice".

§ 14.1-133. A commissioner in chancery may, for services rendered by virtue of his office, charge the following fees, to-wit:

For services which might be performed by notaries, the like fees for like services; for any other service such fees as the court by which the commissioner is appointed may from time to time prescribe.

A commissioner shall not be compelled to make out or return a report until his fees therefor be paid or security given him to pay so much as may be adjudged right by the court to which the report is to be returned or by the judge thereof in vacation, unless the court or judge see cause to order it to be made out and returned without such payment or security and shall so order.

Source: § 14-142.

Note: No change.

§ 14.1-134. A notary may, for services performed by him by virtue of his office, charge the following fees, to-wit:

(1) When there is a protest by a notary, for the record thereof, making out instrument of protest under his official seal, and notice of



dishonor to one person besides the maker of a note or acceptor of a bill .....	\$1.00
(2) For every additional notice .....	.10
(3) For taking and certifying the acknowledgment of any deed or other writing .....	1.00
(4) For administering and certifying an oath, unless it be the affidavit of a witness .....	.50
(5) For taking and certifying affidavits or depositions of witnesses, when done in an hour .....	.75
(6) If not done in an hour, for any additional time, at the rate per hour of .....	.75
(7) For other services a notary shall have the same fees as the clerk of a circuit or city court for like services.	

Source: § 14-143.

Note: No change.

§ 14.1-135. A surveyor may, for services performed by him by virtue of his office, charge the following fees, to-wit:

(1) For all surveying actually done, for the first one hundred poles, or any less distance, long measure, per pole .....	\$0.01
After the first one hundred poles, long measure, per pole .....	.001½
(2) For calculating the quantity of less than six courses or lines .....	.50
(3) When land is divided, for calculating each division of less than six courses .....	.50
(4) For every course or line more than six .....	.03
(5) For making a plat of six courses, or less .....	.50
(6) For every course more than six .....	.03
(7) For recording a plat and certificate, if not more than six courses .....	.50
(8) For every course above six .....	.03
(9) For a copy of a plat and certificate, where there are not more than six courses .....	.50
(10) For every course above six .....	.03
(11) For making an entry .....	.50
(12) For a copy of an entry .....	.15
(13) For every search, when no copy is required .....	.10
(14) For giving a receipt for a warrant or any other paper .....	.15
(15) For traveling to the place of surveying and returning, per mile .....	.05

If surveying be done at different places on the same tour, the mileage shall be apportioned among the different surveys according to their distance from the residence of the surveyor or deputy and each other, so that the surveyor shall not receive more than five cents a mile for going and returning for any one trip.

Source: § 14-144.

Note: No change.

### ARTICLE 3.

#### *Maximum Compensation of Certain Fee Officers*

##### §§ 14.1-136 through 14.1-167

§ 14.1-136. Every clerk of a court of record except the clerk of the Supreme Court of Appeals, the sheriff of the city of Richmond, and the sergeant of every city which does not operate a jail, except the sergeants of the cities of Martinsville, Suffolk, and Winchester shall annually, within fifteen days after the close of each anniversary of the beginning of the term of his office, file with the State Compensation Board a full and accurate statement showing all such fees, allowances, commissions, salaries or other emolument of office, derived from the State or any political subdivision thereof, or from any other source whatever, collected or received by him and a like statement of all such fees, allowances, commissions and salaries, chargeable under the law, but not collected by him, during the year ending December thirty-first next preceding. Such statements shall be verified by affidavit.

Source: § 14-145.

Note: The beginning of the section has been rearranged. Reference to high constables and to the sergeants of the city of South Norfolk have been deleted.

§ 14.1-137. Every justice of the peace, constable, civil justice, clerk of a civil justice court and justice of a juvenile court, other than a juvenile court who is such by virtue of his being a judge or justice of a county or municipal court, shall annually, within fifteen days after the close of each anniversary of the beginning of the terms of their respective offices, report under oath to the clerk of the circuit court of the county, and in cities to the clerk of the corporation or hustings court, and if the city has no corporation or hustings court then to the circuit court of the city, on forms provided by the local governing body, all fees, allowances, commissions, salary or other compensation or emolument of office derived from the State or any political subdivision thereof, or from any other source whatever, collected by him, also charged and not collected by him during the year ending December thirty-first next preceding. But nothing in this article shall apply to any such officer when the total compensation received by such officer from all sources is paid by a city, town or county.

Source: § 14-146.

Note: The first sentence has been amended to conform with revised Title 16.1. Also, "constable" has been added and "local governing body" has been substituted for "State Compensation Board".

§ 14.1-138. The reports required by the two preceding sections shall show in detail all sums actually paid for necessary office expenses, premiums on official bond of the principal and deputies, name and amount of compensation to each deputy or assistant, and a detailed statement of every other expense in connection with the administration of the office actually paid out.

Source: § 14-147.

Note: No change.

§ 14.1-139. Every officer mentioned in §§ 14.1-136 and 14.1-147 shall keep in a book a true and accurate record of all fees, allowances,

commissions, salary or other compensation or emolument of office to which he is entitled under the law, the amount of the same actually collected by him and the date of collection and sources from which the collections were made. Such book shall at all times be open to public inspection.

Source: § 14-148.

Note: No change.

§ 14.1-140. In determining the excess, if any, to be paid into the State treasury by the officers mentioned in § 14.1-136 and to be paid into the treasury of the locality by the officers mentioned in § 14.1-137, all fees, allowances, commissions, salary or other compensation or emolument of office derived from the State or any political subdivision thereof, or from any source whatever, shall be included and enter into the determination of the excess to be paid. In the event the same individual is clerk of one or more courts, such clerk shall make one report for all the courts and include therein all the fees, allowances, commissions, salaries or other compensation or emolument of office derived from the State or any political subdivision therein and from any other source whatever; and in like manner the expenses with respect to all of the courts of which he is clerk; and such clerk shall be entitled to the annual allowance prescribed by this article as if he were clerk of only one court.

Source: § 14-149.

Note: No change.

§ 14.1-140.1. Each of the officers mentioned in § 14.1-136, at the time of filing the annual report required by § 14.1-136, shall pay into the State treasury the amount in excess of the annual allowance to which he is entitled by this article and the expenses incurred authorized by the Compensation Board. The officers mentioned in § 14.1-137 shall at the same time of filing the annual report required by § 14.1-137 pay into the treasury of the locality the amount in excess of the annual allowance to which he is entitled by this article and the expense incurred, authorized by the board of supervisors or other governing body of the county or council of the city and two-thirds of all excess paid into the State treasury by the officers named in § 14.1-136 respectively, shall, by warrant of the Comptroller on the State Treasurer, be paid into the treasuries of the counties and cities of such officers, respectively, except that all of the excess paid into the State treasury by the Clerk of the Supreme Court of Appeals of Virginia shall be retained therein.

Source: § 14-150.

Note: No change.

§ 14.1-141. The State Compensation Board shall determine: (1) how many deputies and assistants, if any, are necessary to the efficient performance of the duties of the office of the officer filing a report required by § 14.1-136, (2) what should be the compensation of such deputies and assistants, (3) what allowance, if any, should be made for office expenses and premiums on official bonds, and (4) the manner in which such compensation should be paid or such allowance made. Each of such officers shall, on or before the first day of November in each year, report to the Board, on official estimate blanks, furnished for such purpose, an estimate in itemized form showing the amount of expenses expected to be incurred in the operation and maintenance of his office for the ensuing year, and all such

expenses must be approved in advance by the Board in order to be deductible under § 14.1-140; provided, however, that nothing in this section shall be construed as prohibiting the State Compensation Board from increasing at any time in the year allowances for such expenses as provided in § 14.1-142. The State Compensation Board shall report annually to the Governor on the expenses of such office.

**Source:** § 14-151.

**Note:** The last sentence in the foregoing draft has been substituted for the former requirement relating to studies of reports and subsequent actions thereon by the State Compensation Board.

§ 14.1-142. The State Compensation Board may adjust equitably all questions of the division of compensation, allowances for deputies and assistants, office expenses and premiums on bonds which may arise under this article by reason of the change of incumbents in any such offices or from any other cause; provided, however, that all adjustments shall be made as nearly as possible in accordance with the intent of this article. And the Board may, on written application from any of the officers mentioned in § 14.1-136, and on good cause shown, increase the allowance made to such officers for deputies and assistants, office expenses and premiums on bonds. The board of supervisors or other governing body of a county or the council of a city may by resolution adopted and certified lay before the State Compensation Board any recommendation it may desire to make with respect to the expense account of any officer mentioned in § 14.1-136 as to increase or decrease of expense.

**Source:** § 14-152.

**Note:** Former internal reference to § 14-146 has been deleted. In the second sentence "and in case the Board grants any increase of allowance hereunder, it shall set out in its report its reasons therefor," has been deleted.

§ 14.1-143. The total annual compensation, exclusive of expenses authorized by the State Compensation Board, of any officer mentioned in § 14.1-136 shall not exceed the sums hereinafter named, to-wit:

In cities or counties having a population of one hundred thousand or more, such compensation shall not exceed the sum of seventy-five hundred dollars per annum; with a population between thirty-eight thousand and forty thousand such compensation shall not exceed eight thousand five hundred dollars per annum; with a population between fifty thousand and one hundred thousand and in counties adjoining cities having a population of fifty thousand or more, such compensation shall not exceed seven thousand dollars per annum; with a population between twenty-five thousand and fifty thousand, such compensation shall not exceed six thousand seven hundred fifty dollars per annum; with a population between fifteen thousand and twenty-five thousand, such compensation shall not exceed sixty-five hundred dollars per annum; and with a population of fifteen thousand or less, such compensation shall not exceed four thousand five hundred dollars per annum except in cities of the first class in which it shall not exceed five thousand dollars per annum exclusive of any compensation allowed by the respective city councils; and provided, however, that in determining the compensation allowed to such officer by his city council or county board of supervisors, other than commissions allowed by State law for the discharge of any duties imposed upon such officer by the council of the city, board of supervisors of the county, or laws of this State shall be disregarded to the extent of: (a) not more than five thousand dollars in cities having a population of two hundred thousand or more and in counties adjoining cities having a population of two hundred thousand or

more, and in cities having a population of more than eighty thousand but not more than eighty-six thousand and adjoining a city having a population of two hundred thousand or more, and (b) not more than twenty-five hundred dollars in cities or counties having a population of less than two hundred thousand and not included in section (clause) (a) above. Provided that when, in any city having a population in excess of one hundred thousand, any person serves as clerk of more than one court of record in such city he shall annually receive, in addition to the compensation to which he is entitled as clerk of any court of record in such city, not to exceed one thousand dollars additional for each other such court of which he is clerk. Provided that in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred such compensation shall not exceed six thousand five hundred dollars. Provided, further, that in any county having a density of population in excess of four thousand persons to a square mile or in any county or city adjoining such county, or in any city having more than two hundred thousand population, or in any city having a population of more than eighty thousand but not more than eighty-six thousand and adjoining a city having a population of two hundred thousand or more, any person who serves as clerk of any court of record having two or more regularly appointed or elected judges and/or serves as clerk of more than one court, whether the same be a court of record or otherwise, he shall receive annually, in addition to the compensation to which he is entitled as court clerk in such county or city not to exceed one thousand dollars additional for each judge, in excess of one, of a court of record for which he acts as clerk and one thousand dollars additional for each other statutory court of which he is clerk, whether the same be a court of record or otherwise. Provided, further, that in any county having a population in excess of ninety-nine thousand and containing an even number of magisterial districts, such compensation shall not exceed eight thousand five hundred dollars. Provided, further, that in any county having a population in excess of fifty thousand and adjoining a city lying wholly within this State and having a population in excess of three hundred thousand such compensation shall not exceed eight thousand five hundred dollars (, and) provided, further, that in any city with a population of more than sixty thousand but less than eighty-five thousand the compensation of the clerk of the circuit court shall not exceed eight thousand five hundred dollars.

Nothing herein shall be construed to alter or affect in any manner the increases heretofore provided and now in effect.

Source: § 14-155.

Note: No change.

§ 14.1-144. In each city of this Commonwealth having a population of over ninety-two thousand and not exceeding one hundred thousand inhabitants, the clerks of courts shall each be paid a salary, not less than eight thousand dollars per annum but not to exceed ten thousand dollars per annum, and in each city of this Commonwealth having a population of over one hundred fourteen thousand and not exceeding one hundred fifty thousand inhabitants the clerks of courts shall each be paid a salary not less than twelve thousand dollars per annum but not to exceed fourteen thousand dollars per annum, and in each city of this Commonwealth having a population of over seventy thousand and not exceeding seventy-five thousand inhabitants, the clerk of the corporation court shall be paid a salary not less than ninety-five hundred dollars per annum but not to exceed twelve thousand five hundred dollars per annum, and the clerk of the circuit court shall be compensated as provided in § 14.1-143. Nothing

in this paragraph shall be construed to prevent such clerks from receiving any future salary increases that may be allowed from time to time by the General Assembly.

Such salary shall be in full compensation for services and shall be in lieu of the retention by such clerk of any and all official fees and commissions of whatever kind of character, and from whatever source derived; and the city council of each such city shall provide for the payment of such salary out of the city treasury in equal monthly installments. The expenses of office of such clerk, including the compensation of deputies and employees, shall be likewise paid to each such clerk out of the city treasury on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable, or at least monthly. The maximum amount of such expenses shall be fixed by the State Compensation Board, and the Board shall fix the number and compensation of the deputies and employees of each such officer.

All fees and commissions of every kind or character received or collected by such clerk, and from whatever source derived, shall be paid into the city treasury by him monthly. All fees and commissions of every kind and character, whether payable by the State, the United States, or by private persons, firms or corporations, now or hereafter made receivable by laws or ordinance by such clerk, shall continue to be paid to and collected by him, and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay any such clerk any fees or commissions for services performed for such city.

**Source:** § 14-155.1.

**Note:** No change. Last amended 1962. City with population of 92,000-100,000 is Roanoke; city with 114,000-150,000 is Portsmouth; city with 70,000-75,000 is Chesapeake.

§ 14.1-145. Notwithstanding the provisions of §§ 14.1-136 to 14.1-143, 14.1-144, and 14.1-156 to 14.1-161, the maximum compensation thereby authorized for the clerks of courts of record is increased by twenty per centum for those clerks authorized by law to retain, from fees and commissions, a maximum of fifty-five hundred dollars or less; and by ten per centum and not exceeding five hundred dollars for those clerks authorized by law to retain, from fees and commissions, a maximum in excess of fifty-five hundred dollars, provided, however, that no increase authorized hereunder shall exceed the sum of one thousand dollars, and provided further that no clerk shall receive a total net compensation exceeding ten thousand dollars, excepting such clerk who is the clerk of two or more courts.

**Source:** § 14.1-155.2.

**Note:** No change.

§ 14.1-146. Notwithstanding the provisions of §§ 14.1-136 to 14.1-149, and 14.1-156 to 14.1-161 in any city having a population in excess of one hundred eighty thousand inhabitants, the compensation, exclusive of expenses, of the high constable of such city may exceed the sum of seven thousand five hundred dollars but shall not exceed the sum of eight thousand five hundred dollars.

**Source:** § 14-155.3.

**Note:** The words "authorized by the Compensation Board" have been deleted.

§ 14.1-147. All fees and commissions of every kind or character received or collected by each of the officers mentioned in the preceding sec-

tion, and from whatever source derived, shall be paid into the city treasurer by each of such officers monthly. All fees and commissions of every kind and character, whether payable by the State, the United States, or by private persons, firms or corporations, now or hereafter made receivable by law or ordinance by any such officer as is mentioned in the preceding section, shall continue to be paid to and collected by him, and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay any such officer any fees or commissions for services performed for such city.

Source: § 14-155.5.

Note: No change.

§ 14.1-148. Notwithstanding any provisions contained in this article, the maximum compensation authorized for the clerks of courts of record is increased by ten per centum.

Source: § 14-155.7.

Note: No change.

§ 14.1-149. In each city of this Commonwealth having a population of not less than thirty-five thousand inhabitants nor more than thirty-seven thousand five hundred inhabitants, according to the last preceding United States census, for which there is both a court of hustings and a circuit court, the clerk of the courts of record shall be paid a salary of not less than six thousand dollars nor more than seven thousand five hundred dollars per annum.

Said salary shall be in full compensation for services and shall be in lieu of the retention by any such officer of any and all official fees, commissions or compensation of whatever kind or character, and from whatever source derived; and the city council of each such city shall provide for the payment of such salary out of the city treasury in equal monthly installments. The expenses of office of each such officer, including the compensation of deputies and employees, shall be likewise paid out of the city treasury on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable, or at least twice monthly. The maximum amount of such expenses in the case of each such officer shall be fixed by the State Compensation Board, and the State Compensation Board shall fix the number and compensation of the deputies and employees of each such officer.

All fees and commissions of every kind or character received or collected by each of the officers mentioned in this section, and from whatever source derived, shall be paid into the city treasury by each of such officers monthly. All fees and commissions of every kind and character, whether payable by the State, the United States, or by private persons, firms or corporations, now or hereafter made receivable by law or ordinance by any such officer as is mentioned in this section, shall continue to be paid to and collected by him, and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay any such officer any fees or commissions for services performed for such city.

Source: § 14-155.8.

Note: No change.

§ 14.1-150. Notwithstanding provisions of § 14-155 and subject to provisions of §§ 14.1-145 and 14.1-148, the total annual compensation of

clerks of courts of record of any city having a population of more than thirty-five thousand and sixty but less than forty thousand according to the last preceding decennial census but whose population has increased due to annexation since nineteen hundred and fifty, shall not exceed seven thousand dollars.

Source: § 14-155.9.

Note: No change.

§ 14.1-151. Reserved.

§ 14.1-152. Notwithstanding any other provisions contained in this article, the maximum compensation authorized for the clerks of courts of record is increased by twenty per centum. Nothing herein shall be construed to alter or affect in any manner increases heretofore provided.

Source: § 14-155.11.

Note: No change.

§ 14.1-153. Compensation of clerks of certain courts of limited jurisdiction. Any clerk of a court the jurisdiction of which is limited to cases wherein the Commonwealth is a party as set forth in § 17-163 shall receive from the Commonwealth an annual salary of thirty-five hundred dollars.

Source: § 14-155.12.

Note: No change.

§ 14.1-154. In any county adjoining a city having a population of more than two hundred thousand and in any county adjoining another county having a population of more than one thousand per square mile, the clerk of a court of record in any such county which court has jurisdiction in a city shall receive a sum of one thousand dollars for each additional city served by such court and clerk.

Source: § 14-155.13.

Note: No change.

§ 14.1-155. Notwithstanding any other provisions contained in this article, the maximum compensation authorized for the clerks of courts of record is hereby increased by ten per centum. Nothing herein shall be construed to alter or affect in any manner increases heretofore provided.

This section shall apply notwithstanding the provisions of any other law which places any such clerk on a salary basis.

Source: § 14-155.14.

Note: No change.

§ 14.1-156. The total annual compensation, exclusive of expenses authorized by the board of supervisors or other governing body of the county or the council of the city, of an officer mentioned in § 14.1-137 shall not exceed the sums hereinafter named, to-wit:

In cities or counties having a population in excess of one hundred and fifty thousand such compensation of any such officer shall not exceed seventy-five hundred dollars; with a population between fifty thousand and one hundred and fifty thousand, such compensation of any officer shall not exceed the sum of six thousand dollars per annum; with a popu-



lation between twenty-five thousand and fifty thousand, such compensation shall not exceed five thousand dollars per annum; with a population between fifteen thousand and twenty-five thousand, such compensation shall not exceed thirty-six hundred dollars per annum; provided, however, that in any county having a population in excess of twenty-two thousand five hundred but not in excess of twenty-three thousand, such compensation for a justice of the peace shall not exceed forty-five hundred dollars; with a population below fifteen thousand, such compensation shall not exceed twenty-four hundred dollars per annum.

Such total compensation of a high constable shall be within the limits specified in § 14.1-143.

Source: § 14-156.

Note: The last paragraph is entirely new. This section and §§ 14.1-136 and 14.1-137 relieve the State Compensation Board of all responsibility for high constables.

§ 14.1-157. For the purposes of this article, the population of each county and city shall be as shown from time to time by the last decennial United States census report, but in any case in which it shall be shown to the satisfaction of the State Compensation Board that the adoption of such census report will result in an injustice to any officer, the State Compensation Board may accept an estimate of such population based upon evidence, satisfactory to the Board.

Source: § 14-157.

Note: No change.

§ 14.1-158. The State Compensation Board shall as soon as practicable annually furnish the board of supervisors or other governing body of each county with the statement showing receipts and expenses of office and of officers making report under this article, which statement shall be published once a week for two weeks in a newspaper having a general circulation, to be selected by the board of supervisors or other governing body, published in the county, and in like manner shall furnish such a statement to the auditors or comptroller of each city to be published in one or more daily newspapers having a general circulation in the city, in the discretion of such auditor or comptroller. The expense of these publications shall be borne by the locality.

Source: § 14-158.

Note: No change.

§ 14.1-159. The provisions of §§ 14.1-136 to 14.1-158 shall not apply to any officer mentioned in § 14.1-136 whose total of all fees, allowances, commissions, salary or other compensation or emolument of office from the State or any political subdivision thereof, or from any other source whatever, did not amount to as much as two thousand five hundred dollars for the calendar year for which the report is required, but every such officer shall within fifteen days after the close of each anniversary of the beginning of the term of his office, file with the Comptroller a statement under oath, on forms prescribed by the Comptroller, certifying that the total gross compensation of such officer did not equal or exceed the sum of twenty-five hundred dollars.

Source: § 14-159.

Note: No change.

§ 14.1-160. The provisions of §§ 14.1-136 to 14.1-158 shall not apply to any officer mentioned in § 14.1-137 whose total of all fees, allowances, commissions, salary or other compensation or emolument of office derived from the State or any political subdivision thereof, or from any person or corporation, does not amount to as much as two thousand five hundred dollars per calendar year for which the report is required, but every such officer shall within fifteen days after the close of each anniversary of the beginning of the term of his office, file with the clerk of the circuit court of the county or the clerk of the corporation or hustings court of the city or the clerk of the circuit court of a city having no other court of record, under oath, a statement of the total amount of fees, allowances, commissions, salary or other compensation or emolument of office derived from the State or any political subdivision thereof, or from any person or corporation, received by him during the calendar year ending December thirty-first next preceding, which affidavit shall remain on file in the clerk's office.

Source: § 14-160.

Note: No change.

§ 14.1-161. All State funds collected by county and city treasurers and clerks of courts shall be paid into the State treasury without deduction on account of their compensation or on account of expenses; and the Comptroller shall promptly forward to such officers his warrants on the State Treasurer for the compensation due them and the estimated amount allowed them out of such funds for expenses.

Source: § 14-161.

Note: No change.

§ 14.1-162. Subject to the approval of the State Compensation Board, the council of any city may enter into contracts with officers providing for salaries for the maximum amount allowed in §§ 14.1-143 and 14.1-156 and for the city's pro rata part of the expense of the office approved by the State Compensation Board, in lieu of fees and commissions prescribed by law for services performed for the city and such contracts may relieve the officer from collecting such fees and commissions. In the event such contract is entered into and approved by the State Compensation Board the officer and the city shall not be liable to the State for the failure of such officer to collect fees and commissions prescribed by law for services rendered the city. A copy of every such contract, certified by the clerk of the city council, shall be filed with the Comptroller.

Source: § 14-162.

Note: No change.

§ 14.1-163. Any officer failing to comply with the duties imposed upon him by the provisions of §§ 14.1-136 to 14.1-162 shall forfeit to the Commonwealth not less than twenty-five dollars nor more than five hundred dollars for each such failure, such forfeiture to be enforced by the circuit court of the city of Richmond at the instance of the Attorney General.

Source: § 14-163.

Note: The former exception has been deleted.

§ 14.1-164. The governing body of every county is empowered to determine what annual allowances, payable out of the county treasury, shall be made to the county clerk of such county so that, in counties having a population less than ten thousand, the allowance to the county clerk shall not be less than three hundred nor more than six hundred, dollars; in counties having ten, and less than fifteen, thousand, not less than four hundred, nor more than seven hundred, dollars; in counties having fifteen, and less than twenty, thousand, not less than five hundred, nor more than eight hundred, dollars; in counties having twenty, and less than thirty, thousand, not less than six hundred, nor more than nine hundred, dollars; in counties having thirty, and less than forty, thousand, not less than seven hundred, nor more than one thousand, dollars; in counties having forty, but not more than fifty, thousand, not less than one thousand, nor more than fifteen hundred, dollars; and in counties having over fifty thousand, not less than twelve hundred, nor more than fifteen hundred, dollars; provided that the minimum and maximum amounts of the annual allowances to the clerks in the following named counties shall be the amounts in dollars immediately following the names of the counties, to-wit: Accomack: one thousand-fifteen hundred; Albemarle: twelve hundred-fifteen hundred; Arlington: maximum one thousand; Alleghany: seven hundred-fifteen hundred; Amelia: six hundred-eighteen hundred; Appomattox: one thousand-fifteen hundred; Amherst: twelve hundred-two thousand; Bath: seven hundred fifty-seventeen hundred fifty; Bedford: seven hundred-twelve hundred; Bland: four hundred-eight hundred; Botetourt: fifteen hundred-twenty-five hundred; Brunswick: one thousand-fifteen hundred; Buchanan: one thousand-fifteen hundred; Buckingham: one thousand-fifteen hundred; Campbell: one thousand-fourteen hundred; Caroline: eight hundred-two thousand; Carroll: seven hundred-twelve hundred; Charlotte: seven hundred-two thousand; Charles City: six hundred-fifteen hundred; Chesterfield: one thousand-fifteen hundred; Clarke: five hundred-eight hundred; Craig: five hundred-twelve hundred; Culpeper: eight hundred-eighteen hundred; Cumberland: eight hundred-fifteen hundred; Dickenson: one thousand-fifteen hundred; Dinwiddie: six hundred-twelve hundred; Essex: one thousand-two thousand; Franklin: maximum twelve hundred; Fairfax: one thousand-two thousand; Fauquier: one thousand-fifteen hundred; Floyd: three hundred-eight hundred; Fluvanna: five hundred-fifteen hundred; Frederick: seven hundred-one thousand; Grayson: eight hundred-twelve hundred; Greene: five hundred-fifteen hundred; Greenville: eight hundred-twelve hundred; Giles: seven hundred-twelve hundred; Gloucester: seven hundred fifty-two hundred; Goochland: five hundred-fifteen hundred; Hanover: eight hundred-two thousand; Halifax: fifteen hundred-twenty-five hundred; Henrico: nine hundred-eighteen hundred; Henry: seven hundred-fifteen hundred; Highland: seven hundred fifty-two hundred fifty; Isle of Wight: maximum fifteen hundred; James City: eight hundred-fifteen hundred; King and Queen: one thousand-two thousand; King George: seven hundred-fifteen hundred; King William: seven hundred fifty-two thousand; Lancaster: minimum nine hundred; Lee: twelve hundred-fifteen hundred; Loudoun: twelve hundred-sixteen hundred; Lunenburg: six hundred-one thousand; Louisa: seven hundred-twelve hundred; Madison: twelve hundred-two thousand; Mathews: eleven hundred-twenty-two hundred; Mecklenburg: twelve hundred-eighteen hundred; Middlesex: one thousand-twenty-two hundred; Montgomery: seven hundred-twelve hundred; Nansemond: fifteen hundred-twenty-five hundred; Nelson: five hundred-twelve hundred; New Kent: six hundred-fifteen hundred; Northumberland: seven hundred-fifteen hundred; Northampton: eight hundred-twelve hundred; Nottoway: six hundred-fifteen hundred; Orange: twelve hundred-two thousand; Page: twelve hundred-fifteen hundred; Patrick: seven hundred-twelve hundred;

Pittsylvania: eight hundred-one thousand; Powhatan: seven hundred-twelve hundred; Prince Edward: eight hundred-fifteen hundred; Prince George: one thousand-fifteen hundred; Prince William: one thousand-fifteen hundred; Pulaski: seven hundred-twelve hundred; Tappahannock: eight hundred-fifteen hundred; Richmond: minimum seven hundred; Roanoke: seven hundred-twelve hundred; Rockbridge: seven hundred-fifteen hundred; Rockingham: one thousand-eighteen hundred; Russell: one thousand-fifteen hundred; Scott: one thousand-fifteen hundred; Smyth: twelve hundred-fifteen hundred; Sussex: eight hundred-twelve hundred; Spotsylvania: fifteen hundred-two thousand; Surry: one thousand-fifteen hundred; Stafford: one thousand-twelve hundred; Southampton: nine hundred-twenty-five hundred; Tazewell: one thousand-fifteen hundred; Warren: twelve hundred-fifteen hundred; Washington: one thousand-fifteen hundred; Wise: eighteen hundred-twenty-four hundred; Westmoreland: seven hundred-fifteen hundred; Wythe: seven hundred-twelve hundred; York: eight hundred-fifteen hundred.

Provided, further, that none of the provisions of this section shall apply to any county operating under any form of county organization and government provided for in §§ 15.1-669 to 15.1-721.

Source: § 14-163.1.

Note: This section has been revised to delete references to Norfolk and Princess Anne Counties.

§ 14.1-165. The council of any city of the first class, having over forty thousand population and a separate clerk for the circuit court, may allow to the clerk of such court such sums, not exceeding the sum of twelve hundred dollars per annum, payable out of the treasury of the city as may be approved by such council.

Source: § 14-164.1.

Note: No change.

§ 14.1-166. The governing body of any county having a population of less than twenty-five thousand may contribute from funds derived from the general county levy such sum or sums as, in its discretion, it deems proper towards the salary or compensation of the deputy clerk of the circuit court of the county.

Source: § 14-164.2.

Note: No change.

§ 14.1-167. The governing body of any county having a population of less than twenty-three thousand may contribute from funds derived from the general county levy such sum or sums as, in its discretion, it deems proper towards the salary or compensation of the deputy clerk and other employees of the circuit court of the county.

Source: § 14-164.3.

Note: No change.

## ARTICLE 4.

### *Fee Books, Fee Bills, Collections, etc.*

#### §§ 14.1-168 through 14.1-176

§ 14.1-168. Every officer to whom §§ 14.1-31, 14.1-105, 14.1-112, 14.1-113, 14.1-120, 14.1-127, 14.1-133 to 14.1-135 apply shall keep a fee book, wherein shall be entered the fees for every service performed by him and the fact of such fees being paid, or of a bill being made out therefor, whichever shall happen first. The fee books of a clerk shall be submitted to the inspection of the commissioners appointed to examine the clerk's office.

Source: § 14-165.

Note: No change.

§ 14.1-169. No person shall be compelled to pay any fees before mentioned for services already performed until there be produced to him a fee bill signed by the officer to whom the fees are due, expressing the particulars for which such fees are charged; nor shall such officer be compelled to perform any service unless his fees, if demanded, be paid or tendered or otherwise satisfactorily secured him, except in criminal cases and in the case of persons suing as provided by § 14.1-183, or unless performance of such services be directed by a court. And when bills are made out for services to be performed there shall be mentioned the nature of the service and the fact that it is to be performed.

Source: § 14-166.

Note: No change.

§ 14.1-170. No officer shall for any service make out a fee bill for more than is allowed therefor or charge full fees to more than one party for the same service, but in such case the payment of the fees by any party shall be a satisfaction for such service.

Source: § 14-167.

Note: The second paragraph of old § 14-167, which defined "constructive fees", has been deleted. Also, that portion of the first paragraph of old § 14-167 relating to constructive fees has been deleted.

§ 14.1-171. If any officer violate any of the provisions of the two preceding sections he shall forfeit five dollars to any person prosecuting therefor. The circuit court of a county or the circuit or city court of a city in which an officer resides may, on motion after reasonable notice to him, quash any fee bill made out by him contrary to law.

Source: § 14-168.

Note: No change.

§ 14.1-172. When a clerk dies, his successor shall charge, in the fee books of the clerk's office, such lawful fees as do not appear to have been charged therein for services performed by the decedent and make out fee bills for such fees and also for any fees charged on such books by the decedent for which he does not appear to have made out fee bills in his lifetime; except that such of these as appear to the successor to be

for more than is allowed by law shall be reduced by him so far as, in his judgment, is necessary to make them legal.

Source: § 14-169.

Note: No change.

§ 14.1-173. The fee bills made out under the preceding section shall show on their face that they are for fees due the decedent and shall be signed by his successor and delivered to the personal representative of such decedent as soon as practicable. Such successor shall receive for his services under this and the preceding section such compensation as the court, whereof he is clerk, shall adjudge to be reasonable, which shall be paid by the personal representative or by the officer who may collect such fee bills, out of the first proceeds of such collection.

Source: § 14-170.

Note: No change.

§ 14.1-174. Any officer mentioned in this chapter or personal representative of a deceased clerk may deliver fee bills duly signed within two years from the time such fee bills became due to any sheriff in any magisterial district or high constable of any city, who shall receive and endeavor to collect the same. Such sheriff or high constable may distrain for such fee bills, and the sheriff for any fee bills due to him, such property of the person to whom the fee bills are charged as might be levied on under a writ of fieri facias against him, and §§ 58-1010 to 58-1012 shall apply to such fee bills in like manner as to taxes.

Source: § 14-171.

Note: No change.

§ 14.1-175. Every sheriff or high constable to whom such fee bills are so delivered shall, within twelve months after such delivery, account therefor with the officer or personal representative entitled thereto by returning such as he may not have collected, with an endorsement thereon that the person charged with the fees has no estate in his county or corporation out of which the same could be made and by paying to such officer or personal representative the amount of all not so returned, deducting a commission for himself of ten per centum on such amount. If he fails so to do, judgment may be obtained on motion against him and his sureties or his and their personal representatives or, if he be a sheriff, against any deputy who may have signed the receipt for the fee bills and his sureties or his and their personal representatives for the amount with which such sheriff or high constable is chargeable and damages thereon not exceeding fifteen per centum per annum from the expiration of such period of twelve months. Such judgment may be, on motion, after notice, in the circuit court of the county or the circuit or city court of the city wherein such sheriff or high constable resides.

Source: § 14-172.

Note: No change.

§ 14.1-176. No fee bill shall be collected by distress, warrant or suit after five years from the end of the year in which the service was performed that is charged therein, unless within five years before the institution of such proceedings it was returned by an officer, with such endorsement thereon, properly dated, as is mentioned in the preceding section; and, after five years from the date of such endorsement first made, no fee bill shall be collected by distress, warrant or suit.

Source: § 14-173.

Note: No change.

## CHAPTER 3.

### *Costs Generally*

#### §§ 14.1-177 through 14.1-201

§ 14.1-177. The laws of costs shall not be interpreted as penal laws; nor shall anything in this chapter take away or abridge the discretion of a court of equity over the subject of costs, except as provided in § 14.1-181.

Source: § 14-174.

Note: No change.

§ 14.1-178. Except when it is otherwise provided, the party for whom final judgment is given in an action or motion, whether he be plaintiff or defendant, shall recover his costs against the opposite party; and when the action is against two or more and there is a judgment for, or discontinuance as to, some, but not all of the defendants, unless the court enter of record that there was reasonable cause for making defendants those for whom there is such judgment, or as to whom there is such discontinuance and shall order otherwise, they shall recover their costs.

Source: § 14-175.

Note: No change.

§ 14.1-179. In any personal action not on contract, if a verdict be found for the plaintiff, on an issue or otherwise, for less damages than ten dollars, he shall not recover in respect to such verdict any costs, unless the court enter of record that the object of the action was to try a right, besides the mere right to recover damages for the trespass or grievance in respect to which the action was brought, or that the trespass or grievance was wilful or malicious.

Source: § 14-176.

Note: No change.

§ 14.1-180. When a suit is in the name of one person for the benefit of any other, if there be judgment for the defendant's costs, it shall be against such other.

Source: § 14-177.

Note: No change.

§ 14.1-181. In every case in the Supreme Court of Appeals, costs shall be recovered in such court by the party substantially prevailing.

Source: § 14-178.

Note: No change.

§ 14.1-182. Any party in whose favor costs are allowed in the Supreme Court of Appeals shall have taxed as part of the cost the sum of forty dollars for printing his brief if a brief was filed by him.

Source: § 14-179.

Note: No change.

§ 14.1-183. Any person who, on account of his poverty is unable to pay fees or costs may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel

whom the court may assign him, and from all officers, all needful services and process, without any fees to them therefor, except what may be included in the costs recovered from the opposite party.

Source: § 14-180.

Note: No change.

§ 14.1-184. When a judge of the circuit court of a county or city or a corporation or hustings court of a city appoints an attorney to defend a poor person charged with an offense that may be punishable by death, or by confinement in the penitentiary for a period of more than ten years, he may direct that not to exceed one hundred fifty dollars shall be paid out by the Commonwealth to the attorney so appointed to defend such person as compensation for such defense, and when such person is charged with the commission of a felony other than those mentioned the court may in its discretion direct the payment of a sum not to exceed fifty dollars payable as aforesaid. When such direction is entered upon the order book of the court, the Commonwealth shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of the prosecution, and if collected, the same shall be paid to the Commonwealth. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court.

Source: § 14-181.

Note: No change.

§ 14.1-185. In any suit or action, except when such poor person is plaintiff, there may be a suggestion on the record in court, or, if the case be at rules, on the rule docket, by a defendant, or any officer of the court, that the plaintiff is not a resident of this State and the security is required of him. After sixty days from such suggestion, the suit or action shall, by order of the court, be dismissed, unless, before the dismissal, the plaintiff be proved to be a resident of the State or security be given before the court, or the clerk thereof, for the payment of the costs and damages in the court in which the suit or action is instituted which may be awarded to the defendant, and of the fees due, or to become due, in such suit or action to the officers of the court. The security shall be by bond, payable to the Commonwealth, but there need only be one obligor therein, if he be sufficient and a resident of the State. The court before whom, or before whose clerk, such bond is given, may, on motion by a defendant or officer, give judgment for so much as he is entitled to by virtue of such bond.

Source: § 14-182.

Note: No change.

§ 14.1-186. On the motion of an obligor in such bond, after reasonable notice to the plaintiff, his attorney at law or agent, the court may order bond to be given, with sufficient surety, in a penalty equal to the penalty of the former bond, payable to the applicant and with condition to indemnify and save harmless the applicant against all loss or damage, in consequence of executing the former bond. If the bond required under this section be not given within such time as the court may prescribe, it may order the suit to be dismissed.

Source: § 14-183.

Note: No change.



§ 14.1-187. Upon any motion, other than for a judgment for money, or upon any interlocutory order or proceeding, the court may give or refuse costs, at its discretion, unless it be otherwise provided. It may, when a demurrer is sustained to a plea in abatement, give judgment for the plaintiff for his full costs, to the time of sustaining it; an attorney's fee only excepted; and when any other part of the pleading is adjudged insufficient, order all costs occasioned by such insufficient pleading to be paid by him who committed the fault.

Source: § 14-184.

Note: No change.

§ 14.1-188. The party to whom a new trial is granted shall, prior to such new trial, pay the costs of the former trial, unless the court enter that the new trial is granted for misconduct of the opposite party, who, in such case, may be ordered to pay any costs which seem to the court reasonable. Such costs shall include the allowances to witnesses as provided in § 14.1-190. If the party who is to pay the costs of the former trial fail to pay the same at or before the next term after the new trial is granted, the court may, on the motion of the opposite party, set aside the order granting it, and proceed to judgment on the verdict or award execution for the costs, as may seem to it best.

Source: § 14-185.

Note: The word "prior" has been substituted for the word "previous" in the first sentence.

§ 14.1-189. All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance fifty cents, all necessary ferriage and tolls, and seven cents per mile over five miles going and returning to the place of trial or before a grand jury. All allowances to witnesses summoned on behalf of the Commonwealth shall be paid by the treasurer of the county or corporation in which the trial is had or in which the grand jury is summoned and the amount so paid by such treasurer shall be refunded to him out of the State treasury, on a certificate of the clerk of the court in which the trial was had or before which the grand jury was summoned.

Source: § 14-186.

Note: No change.

§ 14.1-190. A person attending as a witness under a summons not covered by § 14.1-189, whether he be a witness from within or without the State, shall have one dollar for each day's attendance and seven cents per mile for each mile beyond ten miles necessarily travelled to the place of attendance and the same for returning, besides the tolls at the bridges and ferries which he crosses or turnpike gates he may pass. On his oath an entry of the sum he is entitled to and for what and by what party it is to be paid shall be made: (1) When the attendance is before either house or a committee of the General Assembly by the clerk of such house or committee and (2) in other cases by the clerk of the court in which the case is or the person before whom the witness attended except that when the attendance was on behalf of the Commonwealth before a court the entry shall be made upon the minutes of the court in which the case is or to whose clerk the certificates mentioned in § 19.1-335 are transmitted. A witness from without the State in any civil action may be allowed the same mileage and attendance fee as any other witness in any such action; provided, that no such sums for attendance and mileage shall be allowed a witness

from without the State, in any civil action, unless the judge of the court shall determine and certify such witness to be a material witness in the matter for which he appeared; and the court may allow such mileage and attendance fee or any portion thereof as the court may determine to be reasonable under the circumstances of the case. A witness summoned to attend in several cases may have the entry made against either of the parties by whom he is summoned, but no witness shall be allowed for his attendance in more than one case at the same time.

Source: § 14-187.

Note: No change.

§ 14.1-191. The sum to which a witness is entitled shall be paid out of the State treasury in any case of attendance before either house or a committee of the General Assembly and in any other case in which the attendance is for the Commonwealth except when it is otherwise specially provided. In all other cases it shall be paid by the party for whom the summons issued. The payment shall be on a certificate of the person required by the preceding section to make the entry or the clerk of the court in whose minutes the entry is made. The certificate shall express by letters and not by figures the separate amount to which the witness is entitled for his attendance, travelling, and tolls and ferriages which he may have to pay and the aggregate thereof. No clerk or other person authorized to make such entry or give such certificate shall become interested by purchase in any claim payable out of the State treasury which by law he is authorized to certify.

Source: § 14-188.

Note: No change.

§ 14.1-192. Such clerks shall, immediately after the adjournment of any court, make out two lists of all entries made on behalf of witnesses attending for the Commonwealth, and certify one to the Comptroller and the other to the county or city treasurer, to which lists shall be attached a certificate to the correctness of the allowances therein and the aggregate amount thereof signed by the judge of the court and the clerk. Any dispute before or after issuing the certificate between the witness and the party against whom his claim is made as to its justice or amount may when the case is in a court be determined by such court. The Comptroller shall preserve in his office all such lists which shall be forwarded to him. He shall not issue a warrant for any claim allowed by a court to a witness unless it appears upon the list certified as herein provided, and upon the payment of any such claim the date of payment shall be noted on such list.

Source: § 14-189.

Note: Two references to "trial justice" have been deleted from the second sentence.

§ 14.1-193. No payment out of the State treasury shall be made to witnesses unless their claims are presented within two years from the time of rendering the service.

Source: § 14-190.

Note: No change.

§ 14.1-194. The court may restrict the taxation in the costs for witnesses to so many as may be deemed just. No entry for a witness shall be made against a party recovering costs, after execution has issued

for such party; and in no case shall there be an entry of a witness for attendance at a term, after sixty days from the end of such term.

Source: § 14-191.

Note: The words "or trial justice" have been deleted at the beginning of the first

§ 14.1-195. Not more than the maximum number of witnesses provided for herein shall be paid out of the State treasury in criminal cases:

The maximum number that may be recognized by any justice of the peace to go before the grand jury in any one case — three.

The maximum number that may be caused to be summoned by a Commonwealth's attorney in any one case to go before a grand jury — five.

The maximum number that may be used before a trial justice in the trial of any criminal case — five.

The maximum number that may be caused to be summoned by a Commonwealth's attorney for the trial of any criminal case — ten.

Provided, that nothing herein shall be construed to limit the number of witnesses that may be authorized by any court or the judge thereof in vacation to be used when the necessity for additional witnesses is made to appear to the court or the judge thereof and the consent of the court or the judge thereof in vacation is first obtained, or to limit the number of witnesses that a grand jury may of its own motion cause to be summoned.

Source: § 14-192.

Note: No change.

§ 14.1-196. The clerk of the court wherein any party recovers costs shall tax the same. He shall include therein for the fee of such party's attorney, if he has one:

(1) In a case of the Commonwealth, if no higher fee be allowed \$ 5.00

(2) In a chancery cause other than a motion, when the matter in controversy exceeds one hundred dollars in amount or value ..... 15.00

(3) In the Supreme Court of Appeals ..... 50.00

But in no case shall more than one fee be taxed against the same party, unless the court otherwise direct.

Source: § 14-193.

Note: No change.

§ 14.1-197. Although the party recovering may have had more than one attorney, only the fees of one shall be taxed in the same court.

Source: § 14-194.

Note: No change.

§ 14.1-198. The clerk shall tax in the costs all taxes on process, and all fees of officers which the party appears to be chargeable with in the case wherein the recovery is, except that when in any court, on the same side, more than one copy of anything is obtained or taken out, there shall be taxed only the fee for one copy of the same thing. He shall also tax the costs of executing any order of publication made in the case for such party

and of any advertisement from him in the case, made in pursuance of law, allowing the amount charged by the publisher, provided such publisher shall file with his certificate of publication or account a printed copy of his fixed rates of advertising, and his charge shall not exceed them; fifty cents for each legal notice from him therein, which is served in this State, and not otherwise taxed; and the allowances to his witnesses, and every further sum which the court may deem reasonable and direct to be taxed for depositions taken out of the State, or for any other matter.

Source: § 14-195.

Note: No change.

§ 14.1-199. In case of any attachment or any levy pursuant to a judgment, where the attaching or judgment creditor is required to give bond to indemnify and save harmless the officer executing such attachment or levy, the clerk shall tax in the costs of the proceeding wherein such attachment is had or judgment is entered the reasonable cost of such bond, such costs to be recovered as provided in § 14.1-178.

Source: § 14-195.1.

Note: The word "indemnify" has been substituted for the word "indemnity", the

§ 14.1-200. In a case wherein there is judgment or decree on behalf of the Commonwealth for costs, there shall be taxed in the costs the charge actually incurred to give any notice, although it be more than fifty cents; and the fees of attorneys and other officers for services, and allowances for attendance, as if such fees and allowances were payable out of the State treasury. What is so taxed for fees of, or allowance to, any person, shall be paid by the sheriff or officer who may receive such costs into the State treasury.

Source: § 14-196.

Note: No change.

§ 14.1-201. In no case, civil or criminal, except when otherwise specially provided, shall there be a judgment for costs against the Commonwealth.

Source: § 14-197.

Note: No change.

3. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

4. This act shall become effective July 1, 1964.