ENROLLED BILL
(REGULAR SESSION, 1933)

House Bill No. 110

(By Mr. Randolph)

Passed February 22, 1933

In Effect From Passage
ENROLLED BILL
(H. B. No. 110)

(Passed February 22, 1933; in effect from passage.)

AN ACT to amend and reenact sections two, three, four, five, six and eight, article one, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, relating to proceedings in prohibition and mandamus.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, six and eight, article one, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. Jurisdiction of writs of mandamus and prohibition, (except cases whereof cognizance has been taken by the supreme court of appeals or a judge thereof in vacation) shall be in the circuit court of the county in which the record or proceeding is to which the writ relates. A rule to show cause as
6 hereinafter provided for may be issued by a judge of a circuit
7 court or of the supreme court of appeals in vacation. A writ
8 peremptory may be awarded by a circuit court or a judge there-
9 of in vacation, or by the supreme court of appeals in term.

Sec. 3. Application for a writ of mandamus or a writ of pro-
2 hibition shall be on verified petition.

Sec. 4. The petition shall state plainly and concisely the
2 grounds of the application, concluding with a prayer for the
3 writ.

Sec. 5. The court or judge to whom the petition in mandamus
2 or prohibition is presented shall, if the petition makes a prima
3 facie case, issue a rule against the defendant to show cause why
4 the writ prayed for should not be awarded. A copy of the peti-
5 tion shall accompany service of the rule. Such rule shall be
6 returnable at a time to be fixed by the court or judge.

Sec. 6. If the defendant appear and make defense, such de-
2 fense may be by demurrer, or answer on oath, to the petition,
3 or both, such answer to be subject to demurrer by the petitioner
4 or relator. Reply may be made when proper. The court or
5 judge may permit amendments as in other cases.

Sec. 8. The writ peremptory shall be awarded or denied ac-
According to the law and facts of the case, and with or without costs, as the court or judge may determine.
CORRECTLY ENROLLED

[Enrolled H. B. No. 110

[Signature]
Chairman Senate Committee.

[Signature]
Speaker of the House of Delegates.

[Signature]
Clerk of the House of Delegates.

[Signature]
President of the Senate.

[Signature]
Clerk of the Senate.

The within is
Approved

this 25th day of February, 1933.

[Signature]
Governor.

Filed in the office of the Secretary of State of West Virginia FEB 25 1933
GEORGE W. SHARP,
Secretary of State.