WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

HOUSE BILL No. 319

(By Mr. Roberto)

PASSED March 7, 1935

In Effect from Passage
AN ACT to amend and reenact section twenty-four, chapter one hundred sixty-seven, acts of the Legislature of West Virginia, one thousand nine hundred twenty-one, and as the same was amended by chapter one hundred one, acts of the Legislature of West Virginia, one thousand nine hundred thirty-one; section three, chapter twenty-eight, acts of the Legislature of West Virginia, one thousand eight hundred ninety-three, as the same relates to the term of office of the judge, the jurisdiction and the salary of the judge of the common pleas court of Cabell County.

Be it enacted by the Legislature of West Virginia:

That section three, chapter twenty-eight, acts of the Legislature of West Virginia, one thousand eight hundred ninety-three; and section twenty-four, chapter one hundred sixty-seven, acts of the
Legislature of West Virginia, one thousand nine hundred twenty-one, as amended by chapter one hundred one, acts of the Legislature of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 3. There shall, at the general election to be held in this state on the Tuesday after the first Monday of November, one thousand nine hundred thirty-six, and every eight years thereafter, be elected by the legal voters of said county, a judge of the common pleas court of Cabell County, who shall be a resident member of the bar of said county and shall be disqualified from practicing law in all the courts of this state during his continuance in office, who shall preside over said court for the term of eight years from the first day of January, succeeding his election, and shall be, except as to his term of office and jurisdiction, subject to the laws in force governing circuit judges. The judge of said court may be removed from office for the same reasons and in the same manner as judges of circuit courts. And if from any cause the office shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of the judge of the circuit court.
Sec. 24. The said court shall also have common and con-
current with the circuit court of Cabell County, supervision
and control of all proceedings before justices and other inferior
tribunals by mandamus, prohibition and certiorari; original
and general jurisdiction of all cases of habeas corpus, manda-
mus, quo warranto and prohibition; of all cases in equity in-
cluding jurisdiction in equity to remove any cloud on the title
to real property, or any part thereof, or any estate, right or
interest therein, and to determine questions of title with re-
spect thereto, without requiring allegations or proof of actual
possession of the same; of all crimes and misdemeanors; and
shall have appellate jurisdiction in all cases, civil and criminal,
where an appeal, writ of error or supersedeas may be allowed
to the judgment or proceedings of any inferior tribunal, and all
such other authority and jurisdiction within the said Cabell
County as is now or may hereafter be given or granted to the
circuit court of Cabell County, except original jurisdiction in
matters of law where the amount in controversy, exclusive of
interest and costs, exceeds fifty dollars.

The judge of the common pleas court shall receive for his
services six thousand dollars annually, payable in monthly in-
22 stallments, beginning on the first day of January, one thousand
23 nine hundred thirty-seven, which amount shall be provided for
24 and paid by the county court out of the treasury of said Cabell
25 County, and which provision as to salary shall not repeal the
26 existing provisions until the said first day of January, one
27 thousand nine hundred thirty-seven.
28 All acts or parts of acts inconsistent or in conflict with this
29 act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates.

The within is approved this the 11th day of March, 1935.

Governor

Filed in the office of the Secretary of State of West Virginia, MAR 15 1935.

Wm. S. O'Brien,
Secretary of State