

11<sup>th</sup>

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

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## ENROLLED

HOUSE BILL No. 319

(By Mr. Roberts)

—●—

PASSED March 7 1935

In Effect from Passage

319

**ENROLLED**

**House Bill No. 319**

(BY MR. ROBERTS, by request)

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[Passed March 7, 1935; in effect from passage.]

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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  
2 in this state on the Tuesday after the first Monday of November, one thousand nine hundred thirty-six, and every eight  
3 years thereafter, be elected by the legal voters of said county, a  
4 judge of the common pleas court of Cabell County, who shall  
5 be a resident member of the bar of said county and shall be  
6 disqualified from practicing law in all the courts of this state  
7 during his continuance in office, who shall preside over said  
8 court for the term of eight years from the first day of January,  
9 succeeding his election, and shall be, except as to his term of  
10 office and jurisdiction, subject to the laws in force governing  
11 circuit judges. The judge of said court may be removed from  
12 office for the same reasons and in the same manner as judges  
13 of circuit courts. And if from any cause the office shall be-  
14 come vacant, the vacancy shall be filled in the same manner as  
15 in the case of a vacancy in the office of the judge of the cir-  
16 cuit court.  
17

Sec. 24. The said court shall also have common and con-  
2 current with the circuit court of Cabell County, supervision  
3 and control of all proceedings before justices and other inferior  
4 tribunals by mandamus, prohibition and certiorari; original  
5 and general jurisdiction of all cases of habeas corpus, manda-  
6 mus, quo warranto and prohibition; of all cases in equity in-  
7 cluding jurisdiction in equity to remove any cloud on the title  
8 to real property, or any part thereof, or any estate, right or  
9 interest therein, and to determine questions of title with re-  
10 spect thereto, without requiring allegations or proof of actual  
11 possession of the same; of all crimes and misdemeanors; and  
12 shall have appellate jurisdiction in all cases, civil and criminal,  
13 where an appeal, writ of error or supersedeas may be allowed  
14 to the judgment or proceedings of any inferior tribunal, and all  
15 such other authority and jurisdiction within the said Cabell  
16 County as is now or may hereafter be given or granted to the  
17 circuit court of Cabell County, except original jurisdiction in  
18 matters of law where the amount in controversy, exclusive of  
19 interest and costs, exceeds fifty dollars.

20 The judge of the common pleas court shall receive for his  
21 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

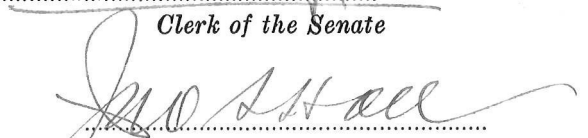


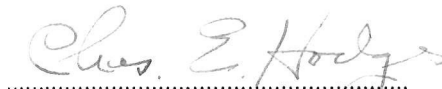
Takes effect



passage.

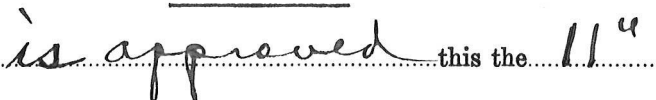
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

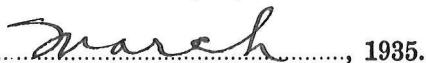
  
Speaker House of Delegates.

The within



this the 11<sup>th</sup>

day of

, 1935.

  
Governor.

Filed in the office of the Secretary of State  
of West Virginia.

**MAR 15 1935**  
Wm. S. O'BRIEN,  
Secretary of State