

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 135

(By Mr. Paul)



PASSED March 9 1935

In Effect 90 days from Passage

135

ENROLLED

Senate Bill No. 138

(BY MR. PAULL) (by request)

[Passed March 9, 1935; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article four, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to partition of lands owned in common by several persons, or persons and the state, providing for jurisdiction of courts to try such cases, and permitting the state to be made a party thereto.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Tenants in common, joint tenants and copar-
2 ceners, shall be compellable to make partition, and the circuit
3 court of the county wherein the land or estate, or any part
4 thereof, may be, shall have jurisdiction, in cases of partition,
5 and in the exercise of such jurisdiction, may take cognizance
6 of all questions of law affecting the legal title, that may arise
7 in any proceedings.

8 The state hereafter shall, whenever it is an owner of an
9 undivided interest in any land or real estate together with
10 other persons, become a party plaintiff in any proceeding by
11 any person entitled to demand partition under the first sen-
12 tence of this section. Before instituting suit for partition the
13 person entitled to demand it shall notify the proper official
14 who has supervision of such state land and thereafter they
15 shall proceed as they deem best. In all such cases resulting
16 in partition or sale the costs of suit shall come from the pro-
17 ceeds of sale. No state official in charge of state lands shall
18 refuse to perform his duty in any case where any person is
19 entitled to demand a partition, or sale under this article.

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

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage.

Phonetic

Clerk of the Senate

No Sale

Clerk of the House of Delegates

Chas. E. Hoops

President of the Senate

Wm. S. O'Brien

Speaker House of Delegates

The within.....this the..... 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

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March,
1935.


SECRETARY OF STATE