WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

▼

ENROLLED

SENATE BILL No. 210

(By Mr. Matthews)

▼

PASSED March 9, 1935

In Effect 90 days from Passage
AN ACT to amend and reenact section four, article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, providing for the regulation by the supreme court of appeals of pleading, practice and procedure in the courts of West Virginia.

Be it enacted by the Legislature of West Virginia:

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

Section 4. The supreme court of appeals may, from time to
time, make and promulgate general rules and regulations
governing pleading, practice and procedure in such court and
in all other courts of record of this state. All statutes relat-
ing to pleading, practice and procedure shall have force and
effect only as rules of court and shall remain in effect unless
and until modified, suspended or annulled by rules promul-
gated pursuant to the provisions of this section. Such rules
and regulations shall be uniform for all courts of the same
grade or class; but any court of the state other than the su-
preme court of appeals may adopt rules of court governing
its local practice, but such rules of local practice shall not be
inconsistent with any general rule of court then in existence
or thereafter promulgated, and shall be effective only after
approval by the supreme court of appeals.

The judicial council of West Virginia is hereby designated
as advisory committee to make observation and report to the
supreme court of appeals, from time to time, such recommen-
dations as may, in its judgment, be proper; and all rules pro-
mulgated by the supreme court of appeals under the authority
of this section shall, before taking effect, be referred to the
chairman of the judicial council, the president of the West
23 Virginia bar association and to the judge of every court af-
24 fected thereby. In the event a hearing is requested, within
25 twenty days after such reference, by any five of the persons
26 so designated, the supreme court of appeals shall thereupon
27 designate a day when a hearing on the matter of the adoption
28 of such rules shall be held. In the event no hearing is re-
29 quested or, if requested, after such hearing, the supreme court
30 of appeals shall be free to adopt or reject the proposed rules.
31 General rules and regulations governing pleading, practice
32 and procedure, and local rules, shall from time to time be
33 published as an appendix to the official reports of the supreme
34 court of appeals and bound therewith.
35 All acts and parts of acts inconsistent with this act are
36 hereby repealed.

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.

[Signature]

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

Clinton L. Howard
Chairman Senate Committee

Arnold M. Tucker
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage.

W. S. Holmes
Clerk of the Senate

R. D. Steele
Clerk of the House of Delegates

George E. Hodges
President of the Senate

John W. Butler
Speaker House of Delegates

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

day of................................................., 1935.

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

Wm. S. O'Brien, Secretary of State