

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 220

(By Mr. Matthews)



PASSED March 9 1935

In Effect 90 days from Passage

270

ENROLLED
Senate Bill No. 220

(BY MR. MATHEWS)

[Passed March 9, 1935; in effect ninety 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

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

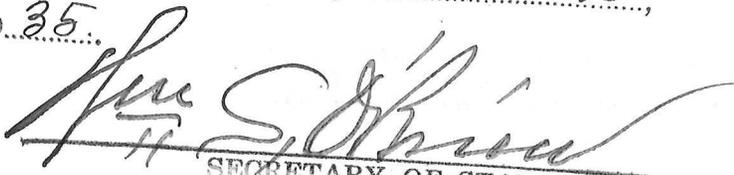
16 The judicial council of West Virginia is hereby designated
17 as advisory committee to make observation and report to the
18 supreme court of appeals, from time to time, such recommen-
19 dations as may, in its judgment, be proper; and all rules pro-
20 mulgated by the supreme court of appeals under the authority
21 of this section shall, before taking effect, be referred to the
22 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 pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 15th day of March,
1935.


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.

Phurshott

Clerk of the Senate

W. S. Hall

Clerk of the House of Delegates

Chas. E. Hoelges

President of the Senate

John S. Belton

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