

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 291

(By Mr. Amos, by request)



PASSED March 11, 1939

In Effect from Passage

ENROLLED

House Bill No. 291

(BY MR. AMOS, by request)

[Passed March 11, 1939; in effect from passage.]

AN ACT to amend and reenact sections one and two, article nine, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, relating to the removal of civil causes.

Be it enacted by the Legislature of West Virginia:

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

Article 9. Removal of Causes.

Section 1. *Removal of Causes in General; Notice; Motion.*

2 A circuit court, or any court of limited jurisdiction estab-
3 lished pursuant to the provisions of section nineteen, article
4 eight of the constitution of this state, wherein an action,
5 suit, motion or other civil proceeding is pending, or the judge

6 thereof in vacation, may, on the motion of any party, after
7 ten days' notice to the adverse party or his attorney, and
8 for good cause shown, order such action, suit, motion or other
9 civil proceeding to be removed, if pending in a circuit court,
10 to any other circuit court, and if pending in any court of
11 limited jurisdiction hereinbefore mentioned to the circuit
12 court of that county: *Provided*, That the judge of such other
13 circuit court in a case of removal from one circuit to an-
14 other may decline to hear said cause, if, in his opinion, the
15 demands and requirements of his office render it improper
16 or inconvenient for him to do so.

Sec. 2. Removal Where It is Impossible for Judge to Hear
2 *Case.* If the judge of any circuit or other court mentioned
3 in the next preceding section, wherein an action, suit, motion
4 or other civil proceeding is pending, is so situated as to
5 render it improper, in his opinion, for him to decide such
6 case or preside at the trial thereof, such court or the judge
7 thereof in vacation may, without motion or notice, order
8 the case to be removed to any court to which it might be
9 removed, on motion and notice, under the preceding section:
10 *Provided*, That the judge of such other circuit court may

11 decline to hear said cause, if, in his opinion, the demands
 12 and requirements of his office render it improper or incon-
 13 venient for him to do so.

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 17th day of March,

1939

Amos S. Brown

SECRETARY OF STATE

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

E. O. Wiseman

Chairman Senate Committee

Depe B. Walker

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Charles H. Miller

Clerk of the Senate

Geo. S. Pace

Clerk of the House of Delegates

Wm. W. Wood

President of the Senate

James Tay Thomas

Speaker House of Delegates

The within this the

day of *March*, 1939.

Governor.

Wm. W. Wood
SECRETARY OF STATE