

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1939

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**ENROLLED**

*Comm. Sub. for*

**SENATE BILL No. 193**

(By Mr. *Moler*.....)

PASSED *March 10<sup>th</sup>*..... 1939

In Effect *From*..... Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**Senate Bill No. 193**  
**(BY MR. MOLER)**

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[Passed March 10, 1939; in effect from passage.]

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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 real estate.

*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, as amended by chapter ninety, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 1. *Who Entitled to Partition; Jurisdiction.* Ten-  
2 ants in common, joint tenants and coparceners of real prop-  
3 erty, including minerals, and lessees of mineral rights other  
4 than lessees of oil and gas minerals, shall be compelled to  
5 make partition, and the circuit court of the county wherein  
6 the land or estate, or any part thereof, may be, shall have  
7 jurisdiction, in cases of partition, and in the exercise of such  
8 jurisdiction, may take cognizance of all questions of law affect-  
9 ing the legal title, that may arise in any proceedings.

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

*E. Q. Wiseman*

Chairman Senate Committee

*W. B. Walter*

Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage

*Charles B. Miller*

Clerk of the Senate

*Geo. S. Hance*

Clerk of the House of Delegates

*James M. McPherson*

President of the Senate

*James T. House*

Speaker House of Delegates

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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.

Governor

This the *17th* day of *March*,

19*39*

*Wm. S. Hance*

SECRETARY OF STATE