WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED
Comm. Sub. for
SENATE BILL No. 193

(By Mr. Males)

PASSED March 10-26, 1939
In Effect from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 193
(By Mr. Moler)

[Passed March 10, 1939; in effect 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 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. Tenants in common, joint tenants and coparceners of real property, including minerals, and lessees of mineral rights other than lessees of oil and gas minerals, shall be compelled to make partition, and the circuit court of the county wherein the land or estate, or any part thereof, may be, shall have jurisdiction, in cases of partition, and in the exercise of such jurisdiction, may take cognizance of all questions of law affecting the legal title, that may arise in any proceedings.

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect upon passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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 17th day of March

Secretary of State