

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 386

(By Mr. Hodgins)



PASSED March 12 1949

In Effect From Passage



386

ENROLLED
House Bill No. 386

(By MR. HUDGINS, by request)

[Passed March 12, 1949; in effect from passage.]

AN ACT to amend and reenact section twenty-six, article three, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rehearing after judgment or decree in cases involving service by publication or non-personal service.

Be it enacted by the Legislature of West Virginia:

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

Section 26. *Rehearing in Case of Non-Personal Service.*

2 —Any unknown party or other defendant who was not
3 served with process in this state, and did not appear
4 in the case before the date of such judgment, decree
5 or order or the representative of such, may, within two
6 years from that date, if he be not served with a copy
7 of such judgment, decree or order more than eight

8 months before the end of such two years, and if he
9 was so served, then within eight months from the time
10 of such service, file his petition to have the proceed-
11 ings reheard in the manner and form provided by sec-
12 tion forty-three, article seven, chapter thirty-eight of
13 this code, and not otherwise; and all the provisions of
14 that section are hereby made applicable to proceed-
15 ings under this section: *Provided, however,* That nothing
16 contained in that section or in this section shall be
17 so construed as to authorize any court or judge to in-
18 clude, in the decree granted in a divorce suit, any pro-
19 hibition against the remarriage of either party thereto,
20 except such prohibition as may be authorized by the
21 provisions of section twenty-two, article two, chapter
22 forty-eight of this code.

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

Frank L. Johnson
Chairman Senate Committee

R. Brantner
Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

Howard Myers
Clerk of the Senate

J. H. Hoff
Clerk of the House of Delegates

W. H. H. H. H.
President of the Senate

W. C. H. H. H.
Speaker House of Delegates

The within APPROVED this the 18TH day of MARCH, 1949.

Chas. R. Patterson
Governor.



Filed in the Office of the Secretary of State
of West Virginia MAR 18 1949
D. PITT O'BRIEN,
SECRETARY OF STATE