

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 83

(By Mr. Benke & Hubbard)



PASSED February 27 1953

In Effect from Passage



FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF WEST VIRGINIA MAR 5 1953
D. PITT O'BRIEN,
SECRETARY OF STATE

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ENROLLED

House Bill No. 83

(By MR. BENEKE and MR. HUBBARD)

[Passed February 27, 1953; in effect from passage.]

AN ACT to amend and reenact section twenty-four, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to divorce commissioner, by adding a provision pertaining to Ohio county.

Be it enacted by the Legislature of West Virginia:

That section twenty-four, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 24. *Divorce Commissioner; Duties; Fees.*—The circuit court of each county, or the judge thereof in vacation, may in his discretion, appoint a competent attorney in each county as a commissioner in chancery, to investigate divorce cases, who shall be designated as "Divorce Commissioner". He shall be a man of good moral charac-

7 ter, of standing in his profession, and a resident of the
8 county for which he is appointed, and shall, before assum-
9 ing the duties of such commissioner, take the oath re-
10 quired of other commissioners in chancery; such commis-
11 sioner shall discharge his duties and hold his office at the
12 pleasure of the court, and may be removed at any time
13 by the court. It shall be the duty of the divorce commis-
14 sioner to investigate all divorce suits; to appear at all
15 trials and examine witnesses when necessary, and defend
16 the interests of the state; to bring before the court, at the
17 trial, all witnesses necessary to develop the true facts, and
18 generally take all steps to prevent fraud and collusion in
19 divorce cases. For which services he shall be allowed the
20 sum of not less than five dollars nor more than fifteen
21 dollars, to be fixed by the court, which amount shall be
22 taxed as a part of the costs of the case. In Ohio county,
23 however, each judge of the circuit court may respectively
24 appoint a divorce commissioner who shall be so designated
25 and shall meet the qualifications herein set forth. The
26 clerk of the circuit court of Ohio county, West Virginia,
27 shall make reference of divorces and other matters as

28 may be proper from time to time to said commissioners
29 in rotation, so as to effect an equitable distribution of
30 work between and among them.

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

H. M. Kuley
Chairman Senate Committee

C. H. Mueller
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

Howard Meyer
Clerk of the Senate

D. R. Clipp
Clerk of the House of Delegates

Kay B. Bunn
President of the Senate

W. E. Ham
Speaker House of Delegates

The within *approved* this the *3rd*
day of *March*, 1953.

William C. Marland
Governor

