

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 148

(By Mr. Scoville - Foster)



PASSED Mar 11 1955

In Effect 90 days after Passage



Filed in the Office of the Secretary of State
of West Virginia. MAR 17 1955

D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 148

(By MR. SCANES and MR. KEISTER)

[Passed March 11, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article five, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hearings and procedures in injunction cases.

Be it enacted by the Legislature of West Virginia:

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

Section 8. *Notice and Showing on Application for In-*
2 *junction.*—No injunction shall be awarded in vacation nor
3 in court, in a case not ready for hearing, unless the court
4 or judge be satisfied by affidavit or otherwise of the
5 plaintiff's equity; and any court or judge may require
6 that reasonable notice shall be given to the adverse party,

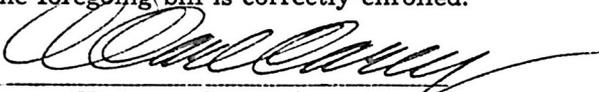
7 or his attorney at law, or in fact, of the time and place
8 of moving for it, before the injunction is awarded, if in
9 the opinion of the court or judge it be proper that such
10 notice should be given.

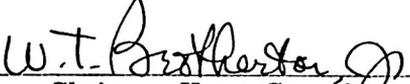
11 After an injunction is awarded or denied in any such
12 case, at any time prior to final adjudication, any party to
13 the proceedings, after reasonable notice to all other parties
14 of record, which notice shall not in any case exceed five
15 days, may move for a hearing on any particular issues
16 or phases of the case which may properly be heard inter-
17 locutorily. Such hearing may, in the discretion of the
18 court or judge, be had at the time the motion is made
19 but shall be commenced within the ten days next there-
20 after, unless by consent of all parties appearing the hear-
21 ing is continued until a later date. At any such hearing,
22 in term time or in vacation, any party to the proceedings
23 may be present in person or by counsel and may present
24 such witnesses, cross-examine witnesses and offer such
25 testimony and evidence as may be pertinent to the issues
26 then before the court or judge, as the case may be. The
27 court or judge, upon such hearing and the record in the

28 case, shall render a decision without delay, and may con-
29 tinue or dismiss the injunction or may enlarge or modify
30 the same, as may be warranted.

31 Questions may be certified and appeals may be taken in
32 injunction proceedings as in any other cases in equity.

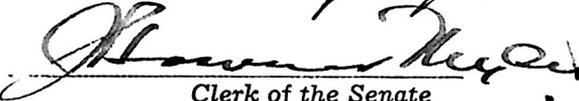
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

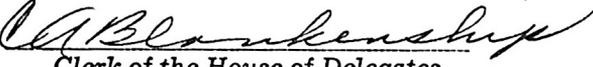

Chairman Senate Committee


Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

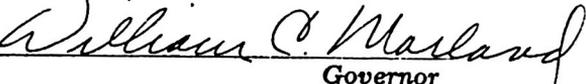

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 16
day of March, 1955.


Governor



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of West Virginia **MAR 17 1955**
D. PITT O'BRIEN
SECRETARY OF STATE