

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 337

(By Mr.)

PASSED March 7 1957

In Effect From Passage



ENROLLED

Senate Bill No. 337

(Originating in the Committee on the Judiciary)

[Passed March 7, 1957; in effect from passage.]

AN ACT to amend and reenact sections four and twenty-one, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article two by adding thereto a new section, designated section thirty-two, all relating to grounds for and procedures concerning divorce.

Be it enacted by the Legislature of West Virginia:

That sections four and twenty-one, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted and that said article two be further amended by adding thereto a new section, designated section thirty-two, all to read as follows:

Section 4. *Grounds for Divorce from Bond of Matri-*

2 *mony*.—A divorce from the bond of matrimony may be
3 decreed:

4 (a) For adultery; or

5 (b) When either of the parties subsequent to the mar-
6 riage has, in or out of this state, been sentenced to im-
7 prisonment for the commission of a crime which under
8 the laws of this state is a felony, and such sentence has
9 become final, if suit for divorce be commenced while such
10 party is actually imprisoned under such sentence, or be-
11 fore the parties have again cohabited; and no pardon
12 granted to the party so sentenced, if suit for divorce shall
13 have been commenced before the granting of such par-
14 don, shall restore such party to his or her conjugal rights;
15 or

16 (c) To the party abandoned, when either party wil-
17 fully abandons or deserts the other for one year; or

18 (d) For cruel or inhuman treatment, or reasonable ap-
19 prehension of bodily hurt, and a charge of prostitution
20 made by the husband against the wife shall be deemed
21 cruel treatment within the meaning of this paragraph;

22 cruel and inhuman treatment shall also be deemed to
23 exist when the treatment by one spouse of another, or
24 the conduct thereof, is such as to destroy or tend to destroy
25 the mental or physical well being, happiness and welfare
26 of the other and render continued cohabitation unsafe or
27 unendurable; or

28 (e) For habitual drunkenness of either party subse-
29 quent to the marriage; or

30 (f) For the addiction of either party, subsequent to
31 the marriage, to the habitual use of opium, morphine,
32 cocaine or other like drug.

Sec. 21. *Former Name of Wife; Restoration.*—The court,
2 upon granting a divorce to the husband or wife, may, if
3 there are no children of such marriage, allow the wife
4 to resume her maiden name, or the name of a former hus-
5 band if she has any living child or children, then under
6 the age of twenty-one years and unmarried, by her mar-
7 riage to him.

Sec. 32. *Answer Seeking Affirmative Relief or Cross-*
2 *Bill; Proceedings Thereon; Time Allowed after Filing.*—
3 The defendant, in any suit for divorce, may file an answer

4 seeking affirmative relief, or a cross-bill, and said suit
5 shall thereafter be proceeded with to final adjudication,
6 without remanding the same to rules, and without the
7 service of further process upon the adverse party: *Pro-*
8 *vided, however,* That such adverse party shall have a
9 period of thirty days from and after the date of the filing
10 of any such answer seeking affirmative relief or cross-
11 bill for pleading thereto, but may, by order entered of
12 record, waive any part or all of such period of time for
13 pleading and may thereby expedite proceedings in the
14 suit.

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

E. H. McCourt
Chairman Senate Committee

W. C. Johnston and
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

J. Brown Hughes
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. C. Johnston
Speaker House of Delegates

The within approved this the 15th
day of March, 1957.

Jeff H. Henderson
Governor



Filed In the Office of the Secretary of State
of West Virginia. MAR 15 1957

D. PITT O'BRIEN
SECRETARY OF STATE