

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

## ENROLLED

HOUSE BILL No. 541

(By Mr. Baker and Mr. Painealter)

PASSED March 8, 1963

In Effect ninety days from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-16-63

JOE F. BURDETT  
SECRETARY OF STATE

# 541

**ENROLLED**

**House Bill No. 541**

(By MR. BAKER and MR. POINDEXTER)

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AN ACT to amend and reenact sections one, two and four, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, as amended by chapter one hundred fifty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, as amended by chapter one hundred forty, acts of the Legislature, regular session, one thousand nine hundred forty-nine, as amended by chapter one hundred eighty-one, acts of the Legislature, regular session, one thousand nine hundred fifty-three, as amended by chapter one hundred eighty, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, relating

to the creation and establishment in the county of Cabell of a court to be known as the "Domestic Relations Court", the jurisdiction of said court, and the salary of the judge thereof.

*Be it enacted by the Legislature of West Virginia:*

That sections one, two and four, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, as amended by chapter one hundred fifty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, as amended by chapter one hundred forty, acts of the Legislature, regular session, one thousand nine hundred forty-nine, as amended by chapter one hundred eighty-one, acts of the Legislature, regular session, one thousand nine hundred fifty-three, as amended by chapter one hundred eighty, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, be amended and reenacted to read as follows:

**Section 1. Cabell County Domestic Relations Court**

**2 Created.**—There is hereby created and established in and  
**3** for the county of Cabell, with authority and jurisdiction  
**4** coextensive with the county, a court to be known as the

5 "Domestic Relations Court" of Cabell county, for the  
6 trial of annulment of marriages, separate maintenance  
7 suits, divorces, alimony causes, the care and disposition  
8 of delinquent, defective, neglected and dependent chil-  
9 dren, and desertion and nonsupport of wives and legiti-  
10 mate and illegitimate children, reciprocal dependency,  
11 adoption, change of name, and for the enforcement of  
12 the general school laws, arising within the said county  
13 or coming within the jurisdiction of the court as provided  
14 by the general laws of this state and as hereinafter pro-  
15 vided; and independent of the foregoing for the trial of  
16 certain causes heretofore recognized as being in chancery  
17 and as hereinafter limited and defined, it being the intent  
18 and purpose of this act to create a court of limited juris-  
19 diction for the purposes herein set forth.

**Sec. 2. Jurisdiction.**—The said domestic relations  
2 court shall have jurisdiction within the said county  
3 of Cabell, concurrent with the circuit court, of all  
4 matters and causes arising out of or pertaining  
5 to annulment of marriages, separate maintenance  
6 suits, divorce, alimony, the custody and mainten-

7   ance of children of litigants and the adjudication  
8   of property rights arising out of the same, and all  
9   other matters and causes coming within the pur-  
10  view of chapter forty-eight of the code of West  
11  Virginia, one thousand nine hundred thirty-one, and all  
12  amendments and reenactments thereof concerning do-  
13  mestic relations; of all matters and causes coming within  
14  the purview of chapter forty-nine of the code of West  
15  Virginia, one thousand nine hundred thirty-one, as en-  
16  acted by chapter one, acts of the Legislature of West  
17  Virginia, one thousand nine hundred thirty-six, and of  
18  all amendments and reenactments thereof commonly  
19  known as the child welfare law; of all matters and causes  
20  coming within the purview of chapter eighteen of the  
21  code of West Virginia, one thousand nine hundred  
22  thirty-one, and all amendments and reenactments thereof,  
23  commonly called the general school law; of all matters  
24  and causes coming within the purview of chapter forty-  
25  eight of the code of West Virginia, one thousand nine  
26  hundred thirty-one, and of all amendments and reenact-  
27  ments thereof, commonly known as the reciprocal de-

28 pendency law; of all matters and causes coming within  
29 the purview of chapter forty-eight of the code of West  
30 Virginia, one thousand nine hundred thirty-one, and all  
31 amendments and reenactments thereof commonly known  
32 as the adoption law; and of all matters and causes coming  
33 within the purview of chapter forty-eight of the code  
34 of West Virginia, one thousand nine hundred thirty-one,  
35 and of all amendments and reenactments thereof,  
36 commonly known as the change of name law; and of all  
37 matters and causes coming within the purview of chap-  
38 ter forty-eight of the code of West Virginia, one thousand  
39 nine hundred thirty-one, and of all amendments and re-  
40 enactments thereof, commonly known as the mainten-  
41 ance of illegitimate children law; and of all matters and  
42 causes coming within the purview of all other or future  
43 acts of the Legislature touching the subject matter and  
44 of any and all said laws, laws and acts of the amend-  
45 ments and reenactments thereof, and of the common law  
46 of said state relating to the subject matter thereof. Inde-  
47 pendently of any of the foregoing matters, the said do-  
48 mestic relations court shall also have and is hereby given

49 what was heretofore recognized as general equity juris-  
50 diction concurrent with the circuit court, excepting in  
51 cases involving the enforcement of criminal laws and  
52 labor disputes, and excepting cases where it shall appear  
53 from the pleadings that matter or thing in controversy  
54 exceeds in value the sum of one hundred fifty thousand  
55 dollars. The proceedings and modes of procedure and  
56 power and jurisdiction conferred by law upon the circuit  
57 court or the common pleas court in any and all of said  
58 matters and causes are hereby conferred upon and shall  
59 be exercised by said domestic relations court.

**Sec. 4. Salary of Judge.**—The judge of the domestic  
2 relations court of Cabell county shall receive for his  
3 services thirteen thousand five hundred dollars, annually,  
4 payable monthly in installments beginning on the first  
5 day of July, one thousand nine hundred sixty-three,  
6 which amount shall be provided for and paid by the  
7 county court, out of the treasury of said county, which  
8 provision as to salary shall not repeal the existing provi-  
9 sion until the said first day of July, one thousand nine  
10 hundred sixty-three.

11 All acts or parts of acts inconsistent or in conflict with  
12 this act are hereby repealed.



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

*A. Ray Parker*  
Chairman Senate Committee

*Ethel L. Randall*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within approved this the 16<sup>th</sup>  
day of March, 1963.

*W. W. Barron*  
Governor

