

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 702

(By Mr. Smith and Mrs. Paul)



PASSED February 22, 1965

In Effect from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 2-27-65

#702

ENROLLED

House Bill No. 702

(By MR. SMITH and MRS. PAUL)

[Passed February 22, 1965; in effect from passage.]

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, as amended by

chapter one hundred ninety-eight, acts of the Legislature, regular session, one thousand nine hundred sixty-three, 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, as amended by chapter one hundred ninety-eight, acts of the Legislature, regular session, one thousand nine hundred sixty-three, be amended and re-enacted 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 trial
6 of annulment of marriages, separate maintenance suits,
7 divorces, alimony causes, the care and disposition of de-
8 linquent, defective, neglected and dependent children,
9 and desertion and nonsupport of wives and legitimate
10 and illegitimate children, reciprocal dependency, adoption,
11 change of name, the approval of the compromising of
12 infants’ claims for damages, the issuance of a marriage li-
13 cense in case of emergency or extraordinary circumstances,
14 the approval of the sale, lease or mortgage of infants’
15 lands, and for the enforcement of the general school laws,
16 arising within the said county or coming within the juris-
17 diction of the court as provided by the general laws of
18 this state and as hereinafter provided; and independent
19 of the foregoing for the trial of certain causes heretofore
20 recognized as being in chancery and as hereinafter limited
21 and defined, it being the intent and purpose of this act

22 to create a court of limited jurisdiction for the purposes
23 herein set forth.

Sec. 2. Jurisdiction.—The said domestic relations court
2 shall have jurisdiction within the said county of Cabell,
3 concurrent with the circuit court, of all matters and
4 causes arising out of or pertaining to annulment of mar-
5 riages, separate maintenance suits, divorce, alimony, the
6 custody and maintenance of children of litigants and
7 the adjudication of property rights arising out of the
8 same, and all other matters and causes coming within the
9 purview of chapter forty-eight of the code of West Vir-
10 ginia, one thousand nine hundred thirty-one, and all
11 amendments and reenactments thereof concerning do-
12 mestic relations; of all matters and causes coming within
13 the purview of chapter forty-nine of the code of West
14 Virginia, one thousand nine hundred thirty-one, as en-
15 acted by chapter one, acts of the Legislature of West
16 Virginia, one thousand nine hundred thirty-six, and of
17 all amendments and reenactments thereof commonly
18 known as the child welfare law; of all matters and causes
19 coming within the purview of chapter eighteen of the

20 code of West Virginia, one thousand nine hundred thirty-
21 one, and all amendments and reenactments thereof, com-
22 monly called the general school law; of all matters and
23 causes coming within the purview of chapter forty-eight
24 of the code of West Virginia, one thousand nine hundred
25 thirty-one, and of all amendments and reenactments
26 thereof, commonly known as the reciprocal dependency
27 law; of all matters and causes coming within the purview
28 of chapter forty-eight of the code of West Virginia, one
29 thousand nine hundred thirty-one, and all amendments
30 and reenactments thereof commonly known as the adop-
31 tion law; and of all matters and causes coming within
32 the purview of chapter forty-eight of the code of West
33 Virginia, one thousand nine hundred thirty-one, and of
34 all amendments and reenactments thereof, commonly
35 known as the change of name law; and of all matters and
36 causes coming within the purview of chapter forty-eight
37 of the code of West Virginia, one thousand nine hundred
38 thirty-one, and of all amendments and reenactments
39 thereof, commonly known as the maintenance of illegiti-
40 mate children law; and of all matters and causes coming

41 within the purview of chapter forty-four, article ten, sec-
42 tion fourteen of the code of West Virginia, one thousand
43 nine hundred thirty-one and of all amendments and re-
44 enactments thereof commonly known as the approval of
45 the compromising of infants' claims for damages; and of
46 all matters and causes coming within the purview of
47 chapter forty-eight, article one, section six-c of the code
48 of West Virginia, one thousand nine hundred thirty-one,
49 and of all amendments and reenactments thereof com-
50 monly known as the issuance of marriage license in case
51 of emergency or extraordinary circumstances, and of all
52 matters and causes coming within the purview of chapter
53 thirty-seven of the code of West Virginia, one thousand
54 nine hundred thirty-one, and of all amendments and re-
55 enactments thereof commonly known as the approval of
56 the sale, lease or mortgage of infants' lands, and of all
57 matters and causes coming within the purview of all
58 other or future acts of the Legislature touching the sub-
59 ject matter of any and all said laws and acts and the
60 amendments and reenactments thereof, and of the
61 common law of said state relating to the subject matter

62 thereof. Independently of any of the foregoing matters,
63 the said domestic relations court shall also have and is
64 hereby given what was heretofore recognized as general
65 equity jurisdiction concurrent with the circuit court, ex-
66 cepting in cases involving the enforcement of criminal
67 laws and labor disputes, and excepting cases where it
68 shall appear from the pleadings that matter or thing in
69 controversy exceeds in value the sum of one hundred
70 fifty thousand dollars. The proceedings and modes of
71 procedure and power and jurisdiction conferred by law
72 upon the circuit court or the common pleas court in any
73 and all of said matters and causes are hereby conferred
74 upon and shall be exercised by said domestic relations
75 court.

Sec. 4. Salary of Judge.—The judge of the domestic
2 relations court of Cabell county shall receive for his serv-
3 ices fifteen thousand five hundred dollars, annually, pay-
4 able monthly in installments beginning on the first day
5 of July, one thousand nine hundred sixty-five, which
6 amount shall be provided for and paid by the county
7 court, out of the treasury of said county, which provision

8 as to salary shall not repeal the existing provision until
9 the said first day of July, one thousand nine hundred
10 sixty-five.

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. Roy Parker
Chairman Senate Committee

James W. Lipp
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas Keyser
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard W. Hanson
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *27*
day of *February*, 1965.

Hubert C. Smith
Governor



Presented to the Governor's office
Feb. 24, 1965
1:14 p.m.