

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 855

(By Mr. Nicely and Mr. Krotts)



PASSED March 1, 1965

In Effect July 1, 1965 Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-5-65

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House Bill No. 855

(By MR. NICELY and MR. KNOTTS)

[Passed March 1, 1965; in effect July 1, 1965.]

AN ACT to amend and reenact sections two and five, chapter one hundred ninety-nine, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, relating to the jurisdiction of the intermediate court of Wood county and the salary of the judge thereof.

Be it enacted by the Legislature of West Virginia:

That sections two and five, chapter one hundred ninety-nine, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, be amended and reenacted to read as follows:

Section 2. Jurisdiction.—The court shall have jurisdiction within Wood county, concurrent with the circuit

3 court of said county, of actions, causes, matters, proceed-
4 ings and suits relating to (a) those matters within the
5 purview of chapter forty-eight, article one of the official
6 code of West Virginia, and of all amendments and re-
7 enactments thereof, of which the circuit court now has
8 exclusive jurisdiction, including the issuance of a mar-
9 riage license in an emergency or under extraordinary
10 circumstances as now provided in section six-c of said
11 chapter and article; (b) affirmation of marriages, annul-
12 ment of marriages, separate maintenance, divorce, ali-
13 mony, the care, custody, maintenance and education of
14 children of litigants and the adjudication of property
15 rights arising out of same, and all other causes and mat-
16 ters arising within the provisions of chapter forty-eight,
17 article two of the official code of West Virginia, commonly
18 known as “the divorce law”, and of all amendments and
19 reenactments thereof; (c) adoption proceedings arising
20 out of article four of the chapter last aforesaid, and of
21 all amendments and reenactments thereof; (d) proceed-
22 ings for a change of name arising out of article five of
23 the chapter last aforesaid, and of all amendments and re-

24 enactments thereof; (e) the enforcement of support of
25 dependents arising out of article nine of the chapter last
26 aforesaid, and of all amendments and reenactments
27 thereof; (f) the care and disposition of delinquent, de-
28 fective, neglected and dependent children and juvenile
29 offenders arising out of chapter forty-nine, articles five,
30 six, and seven of the official code of West Virginia, and
31 of all amendments and reenactments thereof; (g) all
32 proceedings arising out of chapter forty-nine, article eight
33 of the official code of West Virginia, known as the "Inter-
34 state Compact on Juveniles", and of all amendments and
35 reenactments thereof; (h) compulsory school attendance
36 and truancy arising out of chapter eighteen, article eight
37 of the official code of West Virginia, and of all amend-
38 ments and reenactments thereof; (i) habeas corpus pro-
39 ceedings involving the award and custody of children
40 under the age of twenty-one years; (j) the collection
41 of recognizances and bonds taken by said court, or of
42 bonds taken by the clerk thereof in vacation, to secure
43 the payment of judgments for fines and costs rendered
44 by said court; (k) the approval of the compromising of

45 infants' claims for damages in accordance with the pro-
46 visions of chapter forty-four, article ten, section fourteen
47 of the official code of West Virginia, and all amendments
48 and reenactments thereof; (l) the approval of the sale,
49 lease, mortgage or deeding in trust of infants' lands in
50 accordance with the provisions of chapter thirty-seven,
51 article one of the official code of West Virginia, and all
52 amendments and reenactments thereof; and (m) any and
53 all other matters arising under the present and future
54 laws of the state of West Virginia, common or statutory,
55 incidental to the foregoing, including, but not limited to,
56 the disposition of property and property interests in-
57 volved in any such matters, and, as well, the adjudication
58 of any and all rights, titles and interests necessary or
59 incidental to a full determination of all such matters
60 pending in said court.

61 Said court shall have general equity jurisdiction in
62 actions, causes, matters, proceedings and suits before it
63 within its jurisdiction with power to grant injunctions
64 and to require and take recognizances.

65 The proceedings, modes of procedures, power and juris-
66 diction conferred by law upon the circuit court of Wood

67 county in any and all said actions, causes, matters, pro-
68 ceedings and suits, are hereby conferred upon and shall
69 be exercised by said court.

70 The judge of said court shall have the same powers in
71 vacation as to any and all of said actions, causes, matters,
72 proceedings and suits that are conferred upon the judge
73 of the circuit court of said county.

74 It shall not be necessary in any such actions, causes,
75 matters, proceedings or suits to set forth upon the record
76 the facts authorizing said court to take jurisdiction there-
77 of, but jurisdiction shall be presumed unless the contrary
78 plainly appears from the record.

Sec. 5. Salary.—The judge of said court shall, for his
2 services, receive the sum of twelve thousand dollars per
3 annum, payable monthly in installments, beginning on
4 the first day of July, one thousand nine hundred sixty-
5 five, which amount shall be provided for and paid by
6 the county court, out of the treasury of Wood county,
7 which provision as to salary shall not repeal the existing
8 provision until the said first day of July, one thousand
9 nine hundred sixty-five. The county court shall annually
10 make provision by appropriate levy and appropriation for
11 the payment of said salary.

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

O. Roy Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect July 1, 1965.

J. Howard Keeler
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harold Gibson
President of the Senate

H. Graham White
Speaker House of Delegates

The within approved this the 5
day of March, 1965.

Frederic C. Smith
Governor



Presented to Governor's Office

March 4, 1965

11:10 a.m.