

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 285

(By Mr. Montgomery and Mr. Capugan)

PASSED March 3 1965

In Effect thirty days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65

1982#

ENROLLED

Senate Bill No. 285

(By MR. MONTGOMERY and MR. CARRIGAN)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and six, chapter thirty-six, acts of the Legislature, regular session, one thousand nine hundred sixty-four, and to further amend said chapter by adding thereto a new section, designated section fourteen, relating to the common pleas court of Marshall county, which provides for the enlargement of its jurisdiction and for a probation officer; salary of clerk.

Be it enacted by the Legislature of West Virginia:

That sections two and six, chapter thirty-six, acts of the Legislature, regular session, one thousand nine hundred sixty-four, be amended and reenacted; and that said chapter be further amended by adding thereto a new section, designated section fourteen, all to read as follows:

Section 2. Jurisdiction.—The court shall have jurisdiction within Marshall county, concurrent with the circuit court of said county of causes, matters, proceedings and suits relating to (a) affirmation of marriages, annulment of marriages, separate maintenance, divorce, alimony, the care, custody, maintenance and education of children of litigants and the adjudication of property rights arising out of same, and all other causes and matters arising within the provisions of chapter forty-eight, article two of the official code of West Virginia, commonly known as “the divorce law”, and of all amendments and reenactments thereof; (b) adoption proceedings arising out of article four of the chapter last aforesaid, and of all amendments and reenactments thereof; (c) proceedings for a change of name arising out of article five of the chapter last aforesaid, and of all amendments and reenactments thereof; (d) the enforcement of support of dependents arising out of article nine of the chapter last aforesaid, and of all amendments and reenactments thereof; (e) of all civil actions or proceedings at law, except where it shall appear from the pleadings that the matter in con-

22 troversy exceeds the value of one hundred thousand
23 dollars; (f) of all proceedings of eminent domain arising
24 out of chapter fifty-four of the official code of West Vir-
25 ginia and all amendments and reenactments thereof; (g)
26 of all cases arising under chapter forty-nine, articles five,
27 six and seven of the official code of West Virginia and all
28 amendments and reenactments thereof; (h) appellate
29 jurisdiction in all cases, civil and criminal, from judg-
30 ments of justices of the peace in said county, police judges
31 or mayors of any incorporated city, town or village, or of
32 any inferior tribunal therein, wherein an appeal, writ of
33 error, supersedeas or writ of certiorari may be allowed;
34 (i) all proceedings under article one, chapter thirty-seven
35 of the official code of West Virginia and all amendments
36 and reenactments thereof; (j) all proceedings by prohi-
37 bition, mandamus, quo warranto, habeas corpus or certio-
38 rari; (k) proceeding under section six-c, article one, chap-
39 ter forty-eight of the official code of West Virginia, as
40 amended; (l) all proceedings under article seven, chapter
41 forty-eight of the official code of West Virginia, as amend-
42 ed; (m) all proceedings under section four, article ten, chap-

43 ter fifty-six and sections eight through fifteen, inclusive,
44 article ten, chapter forty-four of the official code of West
45 Virginia, as amended; (n) any and all other matters aris-
46 ing under the present and future laws of the state of
47 West Virginia, common or statutory, incidental to the
48 foregoing, including, but not limited to, the disposition of
49 property and property interests involved in any such
50 matters, and, as well, the adjudication of any and all
51 rights, titles and interests necessary or incidental to a
52 full determination of all such matters pending in said
53 court.

54 Said court shall have general equity jurisdiction in
55 causes, matters, proceedings and suits before it within its
56 jurisdiction with power to grant injunctions and to re-
57 quire and take recognizances.

58 The proceedings, modes of procedures, power and juris-
59 diction conferred by law upon the circuit court of Mar-
60 shall county in any and all said causes, matters, pro-
61 ceedings and suits, are hereby conferred upon and shall
62 be exercised by said court.

63 The judge of said court shall have the same powers in

64 vacation as to any and all of said causes, matters, pro-
65 ceedings and suits that are conferred upon the judge of
66 the circuit court of said county.

67 It shall not be necessary in any such causes or pro-
68 ceedings to set forth upon the record the facts author-
69 izing said court to take jurisdiction thereof, but jurisdic-
70 tion shall be presumed unless the contrary plainly appears
71 from the record.

Sec. 6. Clerk; Powers, Duties and Compensation.—The
2 clerk of the circuit court of Marshall county shall, ex
3 officio, be, act as and perform the duties of the clerk of
4 the said court and shall exercise the same power and
5 duties arising within the jurisdiction of said court as are
6 performed by him as clerk of the circuit court. All
7 processes, rules and orders of the court, in the exercise of
8 its jurisdiction, shall be signed by the clerk thereof to be
9 directed to the sheriffs of the proper counties wherein
10 the same are to be executed in like manner and with the
11 same effect as processes issuing from the circuit court of
12 Marshall county. For his services under and pursuant to
13 this act, said clerk shall receive an annual salary of

14 twelve hundred dollars payable in equal monthly pay-
15 ments of one hundred dollars each.

Sec. 14. Probation Officer: Same as Circuit Court.—The
2 probation officer for the circuit court shall also be and
3 act as the probation officer for the common pleas court
4 for which he shall receive no additional compensation.

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

A. Kayfacher
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* Passage.

J. Brown
Clerk of the Senate

C. Q. Blankenship
Clerk of the House of Delegates

Nathan Wilson
President of the Senate

H. Lebau White
Speaker House of Delegates

The within *approved* this the *18*
day of *March*, 1965.

Herbert C. Smith
Governor



Presented to the Governor's Office

March 18, 1965

4:30 P.M.