

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



## ENROLLED

HOUSE BILL No. 1013

(By Mr. Nelson, of Cabell)



PASSED March 8 1967

In Effect from Passage



FILED IN THE OFFICE  
OF THE CLERK  
OF THE HOUSE OF DELEGATES  
SECRETARY OF STATE  
THIS DATE 3-16-67

1013

**ENROLLED**

**House Bill No. 1013**

(By MR. NELSON, of Cabell)

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[Passed March 8, 1967; in effect from passage.]

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AN ACT to amend and reenact sections two and four, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, and as last amended by chapter one hundred sixty-five, acts of the Legislature, regular session, one thousand nine hundred sixty-five, relating to the domestic relations court of Cabell county.

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

That sections two and four, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, and as last amended by chapter one

hundred sixty-five, acts of the Legislature, regular session, one thousand nine hundred sixty-five, be amended and re-enacted to read as follows:

**§2. Jurisdiction.**

1 The said domestic relations court shall have juris-  
2 diction within the said county of Cabell, concurrent with  
3 the circuit court, of all matters and causes arising out  
4 of or pertaining to annulment of marriages, separate  
5 maintenance suits, divorce, alimony, the custody and  
6 maintenance of children of litigants and the adjudica-  
7 tion of property rights arising out of the same, and all  
8 other matters and causes coming within the purview  
9 of chapter forty-eight of the code of West Virginia, one  
10 thousand nine hundred thirty-one, and all amendments  
11 and reenactments thereof concerning domestic relations,  
12 habeas corpus proceedings involving the award and cus-  
13 tody of children under the age of twenty-one years;  
14 of all matters and causes coming within the purview of  
15 chapter forty-nine of the code of West Virginia, one  
16 thousand nine hundred thirty-one, as enacted by chap-  
17 ter one, acts of the Legislature of West Virginia, one

18 thousand nine hundred thirty-six, and of all amendments  
19 and reenactments thereof commonly known as the child  
20 welfare law; of all matters and causes coming within  
21 the purview of chapter eighteen of the code of West  
22 Virginia, one thousand nine hundred thirty-one, and  
23 all amendments and reenactments thereof, commonly  
24 called the general school law; of all matters and causes  
25 coming within the purview of chapter forty-eight of  
26 the code of West Virginia, one thousand nine hundred  
27 thirty-one, and of all amendments and reenactments  
28 thereof, commonly known as the reciprocal dependency  
29 law; of all matters and causes coming within the pur-  
30 view of chapter forty-eight of the code of West Virginia,  
31 one thousand nine hundred thirty-one, and all amend-  
32 ments and reenactments thereof commonly known as  
33 the adoption law; and of all matters and causes coming  
34 within the purview of chapter forty-eight of the code  
35 of West Virginia, one thousand nine hundred thirty-one,  
36 and of all amendments and reenactments thereof, com-  
37 monly known as the change of name law; and of all  
38 matters and causes coming within the purview of chap-

39 ter forty-eight of the code of West Virginia, one thousand  
40 nine hundred thirty-one, and of all amendments and re-  
41 enactments thereof, commonly known as the maintenance  
42 of illegitimate children law; and of all matters and causes  
43 coming within the purview of chapter forty-four, arti-  
44 cle ten, section fourteen of the code of West Virginia,  
45 one thousand nine hundred thirty-one, and of all amend-  
46 ments and reenactments thereof commonly known as the  
47 approval of the compromising of infants' claims for dam-  
48 ages; and of all matters and causes coming within the  
49 purview of chapter forty-eight, article one, section six-c  
50 of the code of West Virginia, one thousand nine hundred  
51 thirty-one, and of all amendments and reenactments  
52 thereof commonly known as the issuance of marriage  
53 license in case of emergency or extraordinary circum-  
54 stances, and of all matters and causes coming within  
55 the purview of chapter thirty-seven of the code of West  
56 Virginia, one thousand nine hundred thirty-one, and of  
57 all amendments and reenactments thereof commonly  
58 known as the approval of the sale, lease or mortgage  
59 of infants' lands, and of all matters and causes coming

60 within the purview of all other or future acts of the  
61 Legislature touching the subject matter of any and all  
62 said laws and acts and the amendments and reenact-  
63 ments thereof, and of the common law of said state re-  
64 lating to the subject matter thereof. Independently of  
65 any of the foregoing matters, the said domestic relations  
66 court shall also have and is hereby given what was  
67 heretofore recognized as general equity jurisdiction con-  
68 current with the circuit court, excepting in cases in-  
69 volving the enforcement of criminal laws and labor dis-  
70 putes, and excepting cases where it shall appear from  
71 the pleadings that matter or thing in controversy exceeds  
72 in value the sum of three hundred fifty thousand dollars.  
73 The proceedings and modes of procedure and power and  
74 jurisdiction conferred by law upon the circuit court or  
75 the common pleas court in any and all of said matters  
76 and causes are hereby conferred upon and shall be exer-  
77 cised by said domestic relations court.

78 The court is authorized and empowered to appoint  
79 and discharge one probation officer at a yearly salary  
80 of six thousand five hundred dollars, which said salary

81 shall be paid by the county court monthly, and in addi-  
82 tion thereto the said county court shall reimburse the  
83 said probation officer of his or her necessary expenses  
84 actually incurred monthly in the performance of official  
85 duties including an allowance of ten cents per mile for  
86 his or her automobile driven in the performance of offi-  
87 cial duties. The court is further authorized and empow-  
88 ered to appoint and discharge such medical, clerical and  
89 secretarial assistance as shall enable it to discharge all  
90 of the duties required of it under the provisions of this  
91 act and the general laws of the state and such person  
92 or persons shall be paid by the county court monthly upon  
93 the written approval of the judge of the said court.

**§4. Salary of judge.**

1 The judge of the domestic relations court of Cabell  
2 county shall receive for his services seventeen thousand  
3 five hundred dollars, annually, payable monthly in install-  
4 ments beginning on the first day of January, one thousand  
5 nine hundred sixty-nine, which amount shall be pro-  
6 vided for and paid by the county court, out of the treas-  
7 ury of said county, which provision as to salary shall

8 not repeal the existing provision until the said first day  
9 of January, one thousand nine hundred sixty-nine.

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



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

William J. Tompkins  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Hughes  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Barker  
President of the Senate

H. Kaban White  
Speaker House of Delegates

The within approved this the 15  
day of March, 1967.

Hullett C. Smith  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/3/67

Time 4:32pm.