

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 159

(By Mr. Carugen)

PASSED Feb. 12, 1970 1970

In Effect July 1, 1970 Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-19-70

159

ENROLLED
Senate Bill No. 159
(By MR. CARRIGAN)

[Passed February 12, 1970; in effect July 1, 1970.]

AN ACT to amend and reenact sections two and six, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred sixty-five, and to amend and reenact section five, chapter two hundred nineteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven, all relating to the jurisdiction and salary of the judge of the common pleas court of Marshall county, and the powers, duties and compensation of the clerk of the common pleas court of Marshall county.

Be it enacted by the Legislature of West Virginia:

That sections two and six, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine

hundred sixty-five, be amended and reenacted; and that section five, chapter two hundred nineteen, acts of the Legislature, regular session, one thousand nine hundred sixty-seven, be amended and reenacted, all to read as follows:

COMMON PLEAS COURT OF MARSHALL COUNTY.

§2. Jurisdiction.

1 The court shall have jurisdiction within Marshall coun-
2 ty, concurrent with the circuit court of said county, of
3 causes, matters, proceedings and suits relating to (a)
4 affirmation of marriages, annulment of marriages, separ-
5 ate maintenance, divorce, alimony, the care, custody,
6 maintenance and education of children of litigants and
7 the adjudication of property rights arising out of same,
8 and all other causes and matters arising within the pro-
9 visions of chapter forty-eight, article two of the official
10 code of West Virginia, commonly known as "the divorce
11 law," and of all amendments and reenactments thereof;
12 (b) adoption proceedings arising out of article four of
13 the chapter last aforesaid, and of all amendments and re-
14 enactments thereof; (c) proceedings for a change of name
15 arising out of article five of the chapter last aforesaid, and

16 of all amendments and reenactments thereof; (d) the
17 enforcement of support of dependents arising out of
18 article nine of the chapter last aforesaid, and of all amend-
19 ments and reenactments thereof; (e) of all civil actions
20 or proceedings at law, except where it shall appear from
21 the pleadings that the matter in controversy exceeds the
22 value of two hundred thousand dollars; (f) of all cases
23 arising under chapter forty-nine, articles five, six and
24 seven of the official code of West Virginia, and all amend-
25 ments and reenactments thereof; (g) appellate jurisdiction
26 in all cases, civil and criminal, from judgments of justices
27 of the peace in said county, police judges or mayors of
28 any incorporated city, town or village, or of any inferior
29 tribunal therein, wherein an appeal, writ of error, super-
30 sedeas or writ of certiorari may be allowed; (h) all pro-
31 ceedings under article one, chapter thirty-seven of the
32 official code of West Virginia, and all amendments and
33 reenactments thereof; (i) all proceedings by prohibition,
34 mandamus, quo warranto, habeas corpus or certiorari; (j)
35 proceeding under section six-c, article one, chapter forty-
36 eight of the official code of West Virginia, as amended; (k)

37 all proceedings under article seven, chapter forty-eight
38 of the official code of West Virginia, as amended; (l) all
39 proceedings under section four, article ten, chapter fifty-
40 six and sections eight through fifteen, inclusive, article
41 ten, chapter forty-four of the official code of West Vir-
42 ginia, as amended; (m) compulsory school attendance
43 and truancy arising out of chapter eighteen, article eight
44 of the official code of West Virginia, and of all amend-
45 ments and reenactments thereof; (n) the release of per-
46 sons from jail, as provided by chapter sixty-two, article
47 ten, section four of the official code of West Virginia, and
48 of all amendments and reenactments thereof; (o) any
49 and all other matters arising under the present and future
50 laws of the state of West Virginia, common or statutory,
51 incidental to the foregoing, including, but not limited to,
52 the disposition of property and property interests involved
53 in any such matters, and, as well, the adjudication of any
54 and all rights, titles and interests necessary or incidental
55 to a full determination of all such matters pending in said
56 court.

57 Said court shall have general equity jurisdiction in
58 causes, matters, proceedings and suits before it within
59 its jurisdiction with power to grant injunctions and to
60 require and take recognizances.

61 The proceedings, modes of procedures, power and juris-
62 diction conferred by law upon the circuit court of Mar-
63 shall county in any and all said causes, matters, proceed-
64 ings and suits, are hereby conferred upon and shall be
65 exercised by said court.

66 The judge of said court shall have the same powers
67 in vacation as to any and all of said causes, matters, pro-
68 ceedings and suits that are conferred upon the judge of
69 the circuit court of said county.

70 It shall not be necessary in such causes or proceedings
71 to set forth upon the record the facts authorizing said
72 court to take jurisdiction thereof, but jurisdiction shall
73 be presumed unless the contrary plainly appears from
74 the record.

§5. Salary of judge.

1 The judge of said court shall, for his services, receive
2 the sum of seventeen thousand dollars per annum, to be

3 paid in monthly installments out of the treasury of
4 Marshall county, from and after the first day of July, one
5 thousand nine hundred seventy. The salary of said judge
6 shall continue, as provided in chapter two hundred nine-
7 teen, acts of the Legislature, regular session, one thousand
8 nine hundred sixty-seven, until the first day of July, one
9 thousand nine hundred seventy. The county court shall
10 annually make provision by appropriate levy and appro-
11 priation for the payment of said salary.

§6. Clerk; powers, duties and compensation.

1 The clerk of the circuit court of Marshall county shall,
2 ex officio, be, act as and perform the duties of the clerk
3 of the said court and shall exercise the same power and
4 duties arising within the jurisdiction of said court as are
5 performed by him as clerk of the circuit court. All proc-
6 esses, rules and orders of the court, in the exercise of its
7 jurisdiction, shall be signed by the clerk thereof to be di-
8 rected to the sheriffs of the proper counties wherein the
9 same are to be executed in like manner and with the same
10 effect as processes issuing from the circuit court of Mar-
11 shall county. For his services under and pursuant to this

12 act, said clerk shall receive an annual salary of eighteen
13 hundred dollars payable in equal monthly payments.

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

William Tompax
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1970.

William Thomas
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Leah G. Jackson
President of the Senate

Ivan F. Boushey
Speaker House of Delegates

The within

day of

approved this the *18th*
February, 1970.

Mich. A. Thorne Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/17/70

Time 2:15 p.m.