

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1117

(By Mr. CALENDINE AND MR FARLEY)



PASSED MARCH 11 1971

In Effect JULY 1, 1971 Passage



1117

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[Passed March 11, 1971; in effect July 1, 1971.]

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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:

**INTERMEDIATE COURT OF WOOD COUNTY.**

**§2. Jurisdiction.**

- 1 The court shall have jurisdiction within Wood county,
- 2 concurrent with the circuit court of said county, of ac-

3 tions, causes, matters, proceedings and suits relating to  
4 (a) those matters within the purview of article one,  
5 chapter forty-eight of the official code of West Virginia,  
6 and of all amendments and reenactments thereof, of  
7 which the circuit court now has exclusive jurisdiction,  
8 including the issuance of a marriage license in an emer-  
9 gency or under extraordinary circumstances as now pro-  
10 vided in section six-c of said article and chapter; (b) af-  
11 firmation of marriages, annulment of marriages, separate  
12 maintenance, divorce, alimony, the care, custody, main-  
13 tenance and education of children of litigants and the  
14 adjudication of property rights arising out of same, and  
15 all other causes and matters arising within the provisions  
16 of article two, chapter forty-eight of the official code of  
17 West Virginia, commonly known as "the divorce law,"  
18 and of all amendments and reenactments thereof; (c)  
19 adoption proceedings arising out of article four of the  
20 chapter last aforesaid, and of all amendments and re-  
21 enactments thereof; (d) proceedings for a change of  
22 name arising out of article five of the chapter last afore-  
23 said, and of all amendments and reenactments thereof;

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

45 abilities where acting as guardian for an infant in ac-  
46 cordance with the provisions of section seven, article  
47 five, chapter forty-four of the official code of West Vir-  
48 ginia, and of all amendments and reenactments thereof;  
49 (l) concerning the transfer of securities the property  
50 of an infant in the name of a fiduciary in accordance  
51 with the provisions of section eight, article five, chapter  
52 forty-four of the official code of West Virginia, and of  
53 all amendments and reenactments thereof; (m) direc-  
54 tion to fiduciaries concerning moneys belonging to a  
55 minor in accordance with the provisions of section one,  
56 article six, chapter forty-four of the official code of West  
57 Virginia, and of all amendments and reenactments there-  
58 of; (n) authority for investment by a fiduciary when the  
59 beneficiary of trust funds is the property of a minor in  
60 accordance with the provisions of section three, article  
61 six, chapter forty-four of the official code of West Vir-  
62 ginia, and of all amendments and reenactments thereof;  
63 (o) instruction of fiduciaries where minor is beneficiary  
64 of an estate or trust as provided in section four, article  
65 six, chapter forty-four of the official code of West Vir-

66 ginia, and of all amendments and reenactments thereof;  
67 (p) authorization of disbursements by guardians from  
68 income and corpus of the estate of infant wards as pro-  
69 vided in section eight, article ten, chapter forty-four of  
70 the official code of West Virginia, and of all amendments  
71 and reenactments thereof; (q) sale of personal estate  
72 by guardian in accordance with the provisions of section  
73 nine, article ten, chapter forty-four of the official code  
74 of West Virginia, and of all amendments and reenact-  
75 ments thereof; (r) proceedings between guardians and  
76 wards in accordance with the provisions of section thir-  
77 teen, article ten, chapter forty-four of the official code of  
78 West Virginia, and of all amendments and reenactments  
79 thereof; (s) the approval of compromising an infant's  
80 claim for damages in accordance with the provisions of  
81 section fourteen, article ten, chapter forty-four of the  
82 official code of West Virginia, and of all amendments and  
83 reenactments thereof; (t) the transfer of property of  
84 nonresident infant to foreign guardian in accordance  
85 with the provisions of section three, article eleven, chap-  
86 ter forty-four of the official code of West Virginia, and

87 of all amendments and reenactments thereof; (u) the  
88 transfer of proceeds of sale belonging to nonresident  
89 infant to foreign guardian in accordance with section  
90 four, article eleven, chapter forty-four of the official  
91 code of West Virginia, and of all amendments and re-  
92 enactments thereof; (v) the approval of the sale, lease,  
93 mortgage or deeding in trust of infants' lands in ac-  
94 cordance with the provisions of article one, chapter  
95 thirty-seven of the official code of West Virginia, and  
96 of all amendments and reenactments thereof; (w) release  
97 of dower of an infant in accordance with the provisions  
98 of section nine, article one, chapter thirty-seven of the  
99 official code of West Virginia, and of all amendments and  
100 reenactments thereof; (x) all matters coming within the  
101 purview of section one, article one, chapter forty-eight  
102 of the official code of West Virginia, relating to the age  
103 of consent, and of all amendments and reenactments  
104 thereof; (y) all matters and causes coming within the  
105 purview of section two, article seven, chapter sixty-one  
106 of the official code of West Virginia, commonly known as  
107 "license to carry weapons", and of all amendments and

108 reenactments thereto; and (z) any and all other matters  
109 arising under the present and future laws of the state of  
110 West Virginia, common or statutory, incidental to the  
111 foregoing, including, but not limited to, the disposition of  
112 property and property interests involved in any such  
113 matters, and, as well, the adjudication of any and all  
114 rights, titles and interests necessary or incidental to a  
115 full determination of all such matters pending in said  
116 court.

117 Said court shall have general equity jurisdiction in ac-  
118 tions, causes, matters, proceedings and suits before it  
119 within its jurisdiction with power to grant injunctions  
120 and to require and take recognizances.

121 The proceedings, modes of procedures, power and  
122 jurisdiction conferred by law upon the circuit court of  
123 Wood county in any and all said actions, causes, matters,  
124 proceedings and suits, are hereby conferred upon and  
125 shall be exercised by said court.

126 The judge of said court shall have the same powers in  
127 vacation as to any and all of said actions, causes, matters,



128 proceedings and suits that are conferred upon the judge  
129 of the circuit court of said county.

130 It shall not be necessary in any such actions, causes,  
131 matters, proceedings or suits to set forth upon the record  
132 the facts authorizing said court to take jurisdiction there-  
133 of, but jurisdiction shall be presumed unless the contrary  
134 plainly appears from the record.

**§5. Salary of judge.**

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

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

*Samuel M. Bruce*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

*Howard T. Rogers*  
Clerk of the Senate

*W. A. Blankenship*  
Clerk of the House of Delegates

*Edmund S. Campbell*  
President of the Senate

*Lewis T. McManus*  
Speaker House of Delegates

The within *approved* this the *31<sup>st</sup>*  
day of *March*, 1971.

*Arch A. Starnes Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/16/71

Time 1:25 p.m.