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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



# ENROLLED

HOUSE BILL No. 956

(By Mr. Rogers and Mr. Polen)



PASSED March 11 1972

In Effect July 1, 1972 Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-28-72

956

**ENROLLED**

**House Bill No. 956**

(By MR. ROGERSON and MR. POLEN)

[Passed March 11, 1972; in effect July 1, 1972.]

AN ACT to amend and reenact sections two and five, chapter forty, acts of the Legislature, regular session, one thousand nine hundred seventy, relating to the jurisdiction and salary of the judge of the common pleas court of Marshall county.

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

That sections two and five, chapter forty, acts of the Legislature, regular session, one thousand nine hundred seventy, 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 or  
20 proceedings at law, except where it shall appear from the  
21 pleadings that the matter in controversy exceeds the value  
22 of two hundred twenty-five thousand dollars; (f) of all  
23 cases 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 jurisdic-  
26 tion in all cases, civil and criminal, from judgments of  
27 justices of the peace in said county, police judges or may-  
28 ors of any incorporated city, town or village, or of any  
29 inferior tribunal therein, wherein an appeal, writ of error,  
30 supersedeas or writ of certiorari may be allowed; (h) all  
31 proceedings 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 proceedings 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 (o) all matters and causes coming within the purview of  
49 section two, article seven, chapter sixty-one of the official  
50 code of West Virginia, commonly known as the "license  
51 to carry weapons statute," and of all amendments and  
52 reenactments thereof; (p) any and all other matters aris-  
53 ing under the present and future laws of the state of West

*(of all amendments  
and reenactments  
thereof;  
ok  
@ a. d. [unclear]  
[unclear]*

54 Virginia, common or statutory, incidental to the fore-  
55 going, including, but not limited to, the disposition of  
56 property and property interests involved in any such  
57 matters, and, as well, the adjudication of any and all  
58 rights, titles and interests necessary or incidental to a full  
59 determination of all such matters pending in said court.

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

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

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

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

## §5. Salary of judge.

1 The judge of said court shall, for his services, receive  
2 the sum of twenty thousand dollars per annum, to be paid  
3 in monthly installments out of the treasury of Marshall  
4 county, from and after the first day of July, one thousand  
5 nine hundred seventy-two. The salary of said judge shall  
6 continue, as provided in chapter forty, acts of the Legis-  
7 lature, regular session, one thousand nine hundred  
8 seventy, until the first day of July, one thousand nine hun-  
9 dred seventy-two. The county court shall annually make  
10 provision by appropriate levy and appropriation for the  
11 payment of said salary.

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

Russell H. Brall  
Chairman Senate Committee

Phyllis J. Rutledge  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1972.

Howard W. Carson  
Clerk of the Senate

C. Blankinship  
Clerk of the House of Delegates

E. H. McCourt  
President of the Senate

Louis H. W. Manna  
Speaker House of Delegates

The within approved this the 27th  
March, 1972.

Arch A. Shaw, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/20/12

Time 10:17 a.m.