

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1101

(By Mr. Carey and Mr. Brenda)

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PASSED February 28, 1974

In Effect July 1, 1974 Passage



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FILED IN THE OFFICE
FRANK F. WILSON III
SECRETARY OF STATE
THIS DATE 3-11-74

ENROLLED

H. B. 1101

(By MR. CAREY and MR. BRENDA)

[Passed February 28, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact sections two, five and twelve, chapter thirty-five, acts of the Legislature, regular session, one thousand nine hundred seventy, relating to the jurisdiction of the common pleas court of Hancock County and the salary of the judge thereof and manner of compensation of judge's secretary.

Be it enacted by the Legislature of West Virginia:

That sections two, five and twelve, chapter thirty-five, acts of the Legislature, regular session, one thousand nine hundred seventy, be amended and reenacted to read as follows:

HANCOCK COUNTY COMMON PLEAS COURT.

§2. Jurisdiction.

1 The court shall have jurisdiction within Hancock County,
2 concurrent with the circuit court of said county of causes,
3 matters, proceedings and suits relating to: (a) Those matters
4 within the purview of article one, chapter forty-eight of the
5 official code of West Virginia, as amended; (b) adoption pro-
6 ceedings arising out of article four, chapter forty-eight of the
7 code of West Virginia, one thousand nine hundred thirty-one,
8 as amended; (c) proceedings ^{for} ~~for~~ a change of name arising out
9 of article five, said chapter forty-eight, as amended; (d) main-
10 tenance of illegitimate children proceedings arising out of arti-
11 cle seven, chapter forty-eight of the official code of West
12 Virginia, as amended; (e) desertion and nonsupport of wife

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13 or child proceedings arising out of article eight, chapter forty-
14 eight of the official code of West Virginia, as amended; (f)
15 the enforcement of support of dependents arising out of article
16 nine, said chapter forty-eight, as amended; (g) all civil actions
17 or proceedings at law, except where it shall appear from the
18 pleadings that the matter in controversy exceeds the value of
19 seventy-five thousand dollars; (h) all cases arising under article
20 five, six, seven and eight, chapter forty-nine of the code of
21 West Virginia, one thousand nine hundred thirty-one, as
22 amended; (i) appellate jurisdiction in all cases, civil and crim-
23 inal, from judgments of justices of the peace in said county,
24 police judges or mayors of any incorporated city, town or vil-
25 lage, or of any interior tribunal therein, wherein an appeal, writ
26 of error, ¹⁹supersedes or writ of certiorari may be allowed; (j) all
27 proceedings under article one, chapter thirty-seven of the code
28 of West Virginia, one thousand nine hundred thirty-one, as
29 amended; (k) the approval of compromising an infant's claim
30 for damages in accordance with section fourteen, article ten,
31 chapter forty-four of the official code of West Virginia, as
32 amended; (l) any and all other matters arising under the pre-
33 sent and future laws of the state of West Virginia, common or
34 statutory, incidental to the foregoing, including, but not limited
35 to, the disposition of property and property interests involved
36 in any such matters, and, as well, the adjudication of any and
37 all rights, titles and interests necessary or incidental to a full
38 determination of all such matters pending in said court.

39 The court shall have general equity jurisdiction in causes,
40 matters, proceedings and suits before it within its jurisdiction
41 with power to grant injunctions and to require and take recog-
42 nizances.

43 The proceedings, modes of procedures, power and jurisdic-
44 tion conferred by law upon the circuit court of Hancock County
45 in any and all said causes, matters, proceedings and suits are
46 hereby conferred upon and shall be exercised by the court of
47 common pleas of Hancock County.

48 The judge of said court shall have the same powers in vaca-
49 tion as to any and all of said causes, matters, proceedings and
50 suits that are conferred upon the judges of the circuit court of
51 Hancock County.

52 It shall not be necessary in any such causes or proceedings
53 to set forth upon the record the facts authorizing said court to
54 take jurisdiction thereof, but jurisdiction shall be presumed un-
55 less the contrary plainly appears from the record.

§5. Salary.

1 The judge of the common pleas court of Hancock County,
2 shall, from and after the first day of July, one thousand nine
3 hundred seventy-four, receive for his services a salary in the
4 amount of twenty-five thousand dollars per annum, to be
5 paid in monthly installments out of the treasury of Hancock
6 County, out of the funds of said treasury, in the manner
7 prescribed by statute. The salary of said judge shall continue
8 as provided in chapter thirty-five, acts of the Legislature,
9 regular session, one thousand nine hundred seventy, until the
10 first day of July, one thousand nine hundred seventy-four.
11 The county court shall annually make provision by appropriate
12 levy and appropriations for the payment of said salary.

§12. Supplies, finances, seal, courtrooms and offices.

1 It shall be the duty of the county court of Hancock County
2 to provide all records and other books and stationery, postage
3 and supplies that may be necessary for said court. Likewise
4 a seal for said court shall be provided and full faith and
5 credit shall be given to the records of the court and certificates
6 of its judge or clerk in like manner and with the same effect
7 as if the same were records of the circuit court similarly
8 authenticated. The county court of Hancock County shall
9 likewise furnish rooms, furniture and equipment for the proper
10 conduct and administration of said court and shall, through
11 annual levy and appropriations, make provision for the
12 payment for all such rooms, supplies and equipment. It shall
13 be the duty of the county court of Hancock County to pay the
14 salary of a full-time secretary in the office of the judge of
15 said court, to be appointed by him, whose compensation shall
16 be set annually by the county court of Hancock County.

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

H. Darrell Darby
Chairman Senate Committee

Barbara M. Thurston
Chairman House Committee

Originated in the House.

Takes effect July 1, 1974.

Howard Wilson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Th. T. Brotherton Jr.
President of the Senate

Lewis G. M. Hanes
Speaker House of Delegates

The within approved this the 11th
March
day of _____, 1974.

Arch A. Hanes Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/5/74

Time 4:38 p.m.