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The Time When A Motion for Judgment May be Heard in West Virginia.—The proceeding for obtaining judgment by motion, in lieu of an action at law, adopted in chapter 121 of the West Virginia Code from the Code of Virginia, is recognized as a plain instance of code pleading, although prevailing in essentially common-law states. In the Virginia Code of 1849, the provisions of which received construction in the leading case of Hale v. Chamberlain, the statute provided that the defendant should have sixty days' notice of the time when the motion would be made. The statute further provided that the notice should be returned to the clerk's office forty days before the motion should be heard. In Hale v. Chamberlain the court emphasizes the fact that the primary object of the statute was "to simplify and shorten pleadings and other proceedings," but not necessarily to shorten the time within which a case might go on the docket for a hearing. In fact, it is said that "the legislature, from analogy to the time usually required to get an action on the docket, fixed the time of the notice at sixty days,

1 Burks, Pleading and Practice, 159.
2 18 Grat. 658 (Va. 1857).