

Rec., Feb. 22, 1934

193

**ENROLLED BILL**  
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 190

(By Mr. Curl)

Passed February 21, 1934

In Effect Ninety Days from Passage

Passage

Takes effect 9 days from passage

Originated in the House of Delegates

Clerk of House of Delegates

Clerk

CORRECTLY ENROLLED

Chairman Senate Committee

Chairman House Committee

## ENROLLED BILL

(H. B. No. 190)

[Passed February 21, 1934; in effect 90 days from passage.]

AN ACT to amend and reenact section two, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, specifying what instruments are recordable.

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

That section two, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 2. The clerk of the county court of any county in 2 which any deed, contract, power of attorney, or other writing is 3 to be, or may be, recorded, shall admit the same to record in his 4 office, as to any person whose name is signed thereto, when it 5 shall have been acknowledged by him, or proved by two wit- 6 nesses as to him, before such clerk of the county court.

CORRECTLY ENROLLED

*James D. Smith*

*James D. Smith*

Chairman Senate Committee.

Chairman House Committee.

2 [Enrolled H. B. No. 190

7 But notwithstanding such acknowledgment or proof, such  
8 clerk shall not admit to record any contract, deed, deed of trust,  
9 mortgage or other instrument that secures the payment of any  
10 debt, unless such contract, deed, deed of trust, mortgage, or  
11 other instrument sets forth therein who, at the time of the execu-  
12 tion and delivery thereof, is the beneficial owner of the debt  
13 secured thereby, and where he resides: *Provided, however,* That  
14 in the case of a mortgage or a deed of trust securing an issue  
15 of negotiable notes or bonds exceeding five in number and pay-  
16 able to bearer, it shall not be necessary that the mortgage or deed  
17 of trust show who are the beneficial owners of such notes or bonds,  
18 but in such case such mortgage or deed of trust shall show the  
19 name and address of the person or corporation with or by whom  
20 the notes or bonds have been, or are to be, first negotiated.  
21 All acts or parts of acts inconsistent with this act are hereby  
22 repealed.

CORRECTLY ENROLLED

*A. B. Abbott*  
Chairman Senate Committee.  
acting

*A. S. Shines*  
Speaker of the House of Delegates.

*W. C. Stace*  
Clerk of the House of Delegates.

*A. G. M. Atkins*  
President of the Senate.

*James D. Smith*  
Clerk of the Senate.

*James D. Smith*  
Chairman House Committee.

The within is.....

this.....day of....., 1934.

.....  
Governor.