

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 307

(By Mr. Martin)



PASSED March 13, 1937

In Effect 90 days from Passage

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House Bill No. 307

(By MR. MARTIN)

[Passed March 13, 1937, in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the issuance of licenses for marriage, and to provide for the filing and recordation of applications therefor, and making it a misdemeanor for any person to make a false entry as to the date of filing such applications.

Be it enacted by the Legislature of West Virginia:

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

Section 6. *By Whom Marriage License Issued; Application for License in Writing Three Days Prior to Granting; Judge to Act in Emergencies.* Every license for a marriage

4 shall be issued by the clerk of the county court of the county
5 in which the female to be married usually resides: *Provided*,
6 *however*, That such license shall be issued not sooner than
7 three days after the filing with said clerk of a written appli-
8 cation therefor. The day upon which such application is filed
9 shall be counted as the first day, but two full days shall
10 elapse after the day of such filing before the license shall be
11 issued: *Provided further*, That in cases of emergency or ex-
12 traordinary circumstances a judge of the circuit court for
13 the county in which such application is filed may direct the
14 clerk, by order duly entered in the circuit court clerk's office
15 of the said county, to issue such license at any time before the
16 expiration of said three days. The entry of such order shall
17 be conclusive evidence of such emergency, or extraordinary
18 circumstances, and such order need not recite the existence,
19 character or nature of such emergency, or extraordinary
20 circumstances. In the absence or incapacity to act of the
21 judge of the circuit court of the county in which said appli-
22 cation is filed, such direction to the clerk may be by the judge
23 of any judicial circuit adjoining the circuit in which such
24 county is situate. Such application for a marriage license

25 shall contain a statement of the full names of both parties,
26 their respective ages and their places of birth and residence.
27 It shall be signed by one or the other of the parties to the
28 contemplated marriage and shall be verified by such party
29 to be true to the best of his or her knowledge and belief, and
30 shall be recorded in the register of marriages provided for
31 in section eleven of this article, and the date of its filing shall
32 be noted in said register, which notation or a certified copy
33 thereof shall be legal evidence of the facts therein stated.
34 Any person making a false entry as to the date of such filing
35 shall be guilty of a misdemeanor and, upon conviction, shall
36 be fined not to exceed one hundred dollars, and, in the dis-
37 cretion of the court trying the case, may, in addition thereto,
38 be confined in the county jail for not exceeding three months.

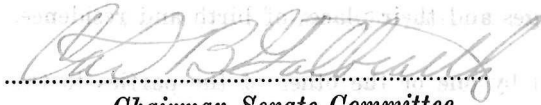
I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 19th day of March

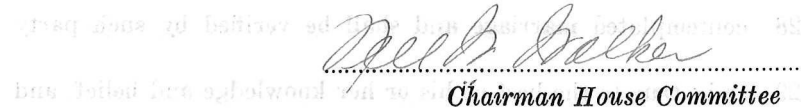
1937


SECRETARY OF STATE

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



Chairman Senate Committee



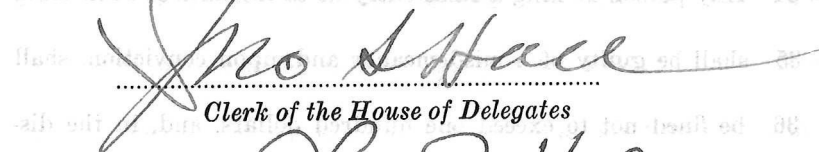
Chairman House Committee

Originated in the.....

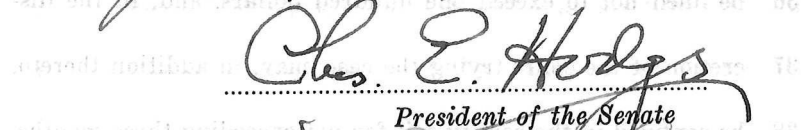
Takes effect..... passage.



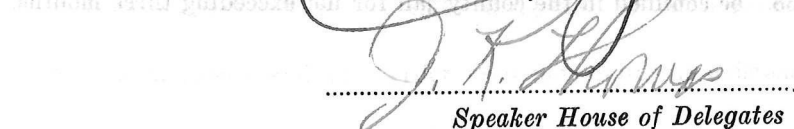
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within.....this the.....

day of....., 1937.

Governor.

Filed in the office of the Secretary of State
of West Virginia.

MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State