

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 40

(By Mr. _____.)



PASSED March 12th 1937

In Effect from **Passage**

ENROLLED

SENATE COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 40

(Originating in the Committee on the Judiciary)

[Passed March 12, 1937; in effect from passage.]

AN ACT to amend and reenact sections twenty, twenty-one and twenty-two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended by sections twenty, twenty-one and twenty-two, chapter thirty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to divorce.

Be it enacted by the Legislature of West Virginia:

That sections twenty, twenty-one and twenty-two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended by sections twenty, twenty-

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

Section 20. All bed and board divorces not heretofore
2 (before passage of this law) made final in the manner pre-
3 scribed by the code or otherwise, shall, from the date this
4 law becomes effective, be deemed to be and hereby are
5 declared to be divorces from the bonds of matrimony and
6 a decree shall be entered on the petition of either party
7 without any notice. All proceedings of every kind or
8 character now pending in our court for the purpose of
9 converting a bed and board divorce into a divorce from
10 the bonds of matrimony shall be dismissed forthwith by
11 order of the court having jurisdiction of any such pro-
12 ceeding or suit, and notice thereof shall be given the de-
13 fendant in the manner provided for service of original
14 process: *Provided*, That any decree of divorce from bed
15 and board entered before the passage of this law may be
16 revoked at any time within sixty days after this law
17 becomes effective by the same court by which it was pro-
18 nounced, under such regulations and restrictions as the

19 court may impose, upon the joint application of the parties,
20 and upon their producing satisfactory evidence of their
21 reconciliation.

Sec. 21. The court, upon granting a divorce to a woman,
2 may allow her to resume her maiden name or the name
3 of a former deceased husband.

Sec. 22. When a divorce is decreed, neither party to the
2 marriage so dissolved shall in any case again marry within
3 sixty days from the date of the decree, or pending an appeal
4 of the case in the supreme court: *Provided, however, That*
5 either party to any divorce in which either a decree *a vinculo*
6 *matrimoni* or a *mensa et thoro* was granted in this state
7 for any cause whatsoever prior to the 9th day of March,
8 one thousand nine hundred thirty-five, may again marry at
9 any time after this law becomes effective without obtaining
10 the consent of the court by decree or in any other manner.
11 The foregoing shall not prevent the divorced parties from
12 being remarried to each other at any time. The periods
13 within which both parties are prohibited from marrying
14 again, whether prescribed by law or by the court, shall be
15 stated in the decree; and any marriage contracted by any

16 divorced party, except a remarriage to the person from
17 whom divorced, within the prohibited period shall be void,
18 and the party shall be criminally liable to the same extent
19 as if no divorce had been granted.

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

Carl B. Gault
 Chairman Senate Committee

Wm. S. O'Brien
 Chairman House Committee

Originated in the.....

Takes effect.....passage.

Franklin
 Clerk of the Senate

Wm. S. Hall
 Clerk of the House of Delegates

Chas. E. Hays
 President of the Senate

J. F. Thomas
 Speaker House of Delegates

The within *is approved* this the *15th*
 day of *March*, 1937, *for no more original in vet*
many have attended.

James A. Holt
 Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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

MAR 19 1937

Wm. S. O'BRIEN,
 Secretary of State