WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 325

(By Mr. [Signature])

PASSED March 10 1945

In Effect from Passage

3/16
AN ACT to amend article nine, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section one-a, relating to presumptive findings of death.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by the addition thereto of a new section designated section one-a, to read as follows:

Section 1-a. Presumptive findings of death of any person engaged in any service or activity of, or employment by the United States in any war in which the United States is engaged, by an official or officer of the United States, who is authorized to make such presumptive findings by any act of congress, shall create a presumption of
the death of such person in the state of West Virginia. Proceedings under section two of this article may be commenced at any time after such finding is made.

No administrator, executor or personal representative of any person who is presumed to be dead under this section shall make final distribution of the assets of any such person until the expiration of three years after the termination of the present World War by presidential proclamation: Provided, however, that assets in the estate of any such person, which are exempt from attachment by creditors, including moneys paid by the United States of such nature, and other assets of any such estate which would otherwise be available for support of the wife, children and other dependents of such person, if he were alive after allowance for debts and costs of administration, may be paid by the personal representative for the support of the wife and children and dependents of such person upon order of the circuit or other similar court of the county which has jurisdiction in probate proceedings until such time as distribution may be made or administration terminated, and such sums shall be treated
for all purposes of law as expenditures legally chargeable
against such person, as if he were living to the time a
final presumption of death becomes effective in this state.
In case any such person presumed to be dead as a result
of a finding, as aforesaid, is not heard from as provided
in section one of this article, for a period of three years
after the termination of the present World War by presi-
dential proclamation, the presumption provided in section
one of this article shall become effective to permit final
distribution of his estate.
No surviving spouse of any person who is presumed to
be dead under this section shall marry another until
after the expiration of two years following the finding
aforesaid, unless proceedings for divorce were commenced
by such spouse or the missing person prior to the date
such presumptive finding was made by an official of the
United States; and after such two-year period the sur-
viving spouse shall be free to remarry, or at any time un-
less the other spouse be heard from prior to the actual
date of remarriage.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris  
Chairman Senate Committee

J. A. Brugler  
Chairman House Committee

Originated in the House

Takes effect upon passage.

Howard McGee  
Clerk of the Senate

William Duff  
Clerk of the House of Delegates

Arnold W. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within bill is hereby approved this the 16th day of March, 1945.  

Governor.

Filed in the office of the Secretary of State of West Virginia  
MARCH 19, 1945  
Wm. S. O'Brien,  
Secretary of State