

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 10

(By Mr. Harmer)

PASSED February 19 1945

In Effect From Passage



#10

ENROLLED
Senate Bill No. 10

(BY MR. HARMER)

[Passed February 19, 1945; in effect from passage.]

AN ACT to amend and reenact section nine, article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to who may administer an oath and take an affidavit, by adding thereto a new paragraph providing for the administration of oaths to and taking of affidavits by members of the military service of the United States by commissioned officers in the military service of the United States, and providing for the validation of oaths and affidavits heretofore taken by persons in the military service.

Be it enacted by the Legislature of West Virginia:

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

Section 9. *Who May Administer an Oath or Take an Affidavit; How Affidavit Made in Another State Authenticated.*—Any judge of this State may administer any oath that is or may be lawful for any person to take, including oaths of office, and also may swear any person to an affidavit, and administer an oath to any person in any proceeding.

Any oath or affidavit required by law, which is not of such a nature that it must be made otherwise or elsewhere may, unless otherwise provided, be administered by, or made before, a county commissioner, notary public, or a commissioner appointed by the governor, or by the clerk of any court, or, in case of a survey directed by a court in a case therein pending, by or before the surveyor directed to execute said order of survey.

An affidavit may also be made before any officer of another state or country authorized by its laws to ad-

18 minister an oath, and shall be deemed duly authenticated
19 if it be subscribed by such officer, with his official seal
20 annexed, and if he have none, the genuineness of his sig-
21 nature, and his authority to administer an oath, shall
22 be authenticated by some officer of the same state or
23 country under his official seal.

24 Any oath or affidavit required of a person in the mili-
25 tary service of the United States (including the Women's
26 Army Corps, Women's Appointed Volunteers for Emer-
27 gency Service, Army Nurse Corps, Spars, Women's Re-
28 serve, or similar women's auxiliary unit officially con-
29 nected with such military service of the United States),
30 may be administered by or made before any commissioned
31 officer of any branch of the military service of the
32 United States, or any auxiliary unit officially connected
33 with such military service. Such oath may be taken or
34 affidavit made at any place either within or outside the
35 United States of America, or any territory, possession
36 or dependency thereof. The jurat to such oath and cer-
37 tificate to such affidavit need not state the place where
38 the same is taken and shall require no seal to be affixed

39 thereto. The certificate of the officer before whom such
40 oath is taken or affidavit is made must state his rank,
41 branch of military service, and identification number,
42 and such certificate may be substantially in form and
43 effect as follows:

44 IN THE MILITARY SERVICE OF THE UNITED
45 STATES:

46 I, _____, being duly sworn on
47 oath (affirmation), do swear (affirm) that I am a member
48 of the military service of the United States (or of _____
49 _____, an auxiliary to the military
50 forces of the United States); that * * *, etc.

51 _____

52 Taken, subscribed and sworn to before me, _____,
53 a commissioned officer in the _____ service of the
54 United States, by _____, a member of the military
55 service of the United States (or of _____,
56 an auxiliary to the military forces of the United States),
57 this the _____ day of _____, 19_____.

58 _____

59

(Signature of officer)

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61

(Rank)

(Identification Number)

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Any oath or affidavit heretofore taken or made by any

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person in the military service in substantial compliance

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with this section shall be deemed valid.

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

Charles C. Morris
Chairman Senate Committee

J. A. [Signature]
Chairman House Committee

Originated in the Senate

Takes effect From passage

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within Approved this the 22nd
day of February, 1945.

[Signature]
Governor.



Filed in the office of the Secretary of State
of West Virginia **FEB 22 1945**

Wm. S. O'BRIEN,
Secretary of State