WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 10

(By Mr. Harmer)

PASSED February 19, 1945

In Effect From Passage
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-
minister an oath, and shall be deemed duly authenticated if it be subscribed by such officer, with his official seal annexed, and if he have none, the genuineness of his signature, and his authority to administer an oath, shall be authenticated by some officer of the same state or country under his official seal.

Any oath or affidavit required of a person in the military service of the United States (including the Women's Army Corps, Women's Appointed Volunteers for Emergency Service, Army Nurse Corps, Spars, Women's Reserve, or similar women's auxiliary unit officially connected with such military service of the United States), may be administered by or made before any commissioned officer of any branch of the military service of the United States, or any auxiliary unit officially connected with such military service. Such oath may be taken or affidavit made at any place either within or outside the United States of America, or any territory, possession or dependency thereof. The jurat to such oath and certificate to such affidavit need not state the place where the same is taken and shall require no seal to be affixed
thereto. The certificate of the officer before whom such
oath is taken or affidavit is made must state his rank,
branch of military service, and identification number,
and such certificate may be substantially in form and
effect as follows:

IN THE MILITARY SERVICE OF THE UNITED
STATES:

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

Taken, subscribed and sworn to before me, .................,
a commissioned officer in the ........................ service of the
United States, by................, a member of the military
service of the United States (or of..............................),
an auxiliary to the military forces of the United States),
this the ____ day of ........................, 19....

..........................................................

(Signature of officer)
Any oath or affidavit heretofore taken or made by any person in the military service in substantial compliance with this section shall be deemed valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Norris
Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage

John W. Helg
Clerk of the Senate

Clerk of the House of Delegates

David R. Rockefeller
President of the Senate

John E. Crump
Speaker House of Delegates

The within approved this the 23rd
day of February, 1945.

Governor.

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

Wm. S. O'Brien,
Secretary of State

FEB 22 1945