

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 118

(By Mr. Love)

PASSED March 12 1949

In Effect from Passage



118

ENROLLED
Senate Bill No. 118

(BY MR. LOVE)

[Passed March 12, 1949; in effect from passage.]

AN ACT to amend article four, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section designated section fourteen-a, relating to proof of the location of reservations or exceptions contained in the instruments of title offered as evidence in any action, suit or other judicial proceeding, wherein the title to land is in controversy.

Be it enacted by the Legislature of West Virginia:

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

Section 14-a. *Proof of the Location of Reservations or*
2 Exceptions Contained in the Instruments of Title Offered

3 *As Evidence in Any Action, Suit or Other Judicial Pro-*
4 *ceeding, Wherein the Title to Land is in Controversy.—*

5 In any action, suit or other judicial proceeding involving
6 the title to land embraced in the exterior boundaries of
7 any patent, deed, or other writing, which reserves or ex-
8 cepts one or more parcels of land from the operation of
9 such patent, deed or other writing, if there be no claim
10 made by a party to the proceedings that the land in con-
11 troversy, or any part thereof, lies within such reservation
12 or exception, such patent, deed, or other writing, shall be
13 construed, and shall have the same effect, as if it con-
14 tained no such reservation or exception; and if any party
15 to such proceeding claims that the land in controversy, or
16 any part thereof, lies within such reservation or excep-
17 tion, the burden shall be upon him to prove the fact, and
18 all land not shown by a preponderance of the evidence to
19 lie within such reservation or exception shall be deemed
20 to lie without the same.

21 This act shall apply in cases involving the right to the
22 proceeds of any such land when condemned or sold, as
23 well as in cases where the title to land is directly involved,

24 and shall apply in any case in which the title to any part
25 of the land, or its proceeds, but for this act, would or
26 might be in the state.

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

Joseph M. Guinn
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Howard Myers
Clerk of the Senate

J. A. Schiff
Clerk of the House of Delegates

Franklin D. Hunter
President of the Senate

W. E. Lawrence
Speaker House of Delegates

The within *approved* this the *17th*
day of *March*, 1949.

Okey L. Patton
Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 18 1949**

D. PITT O'BRIEN,
SECRETARY OF STATE