ENROLLED

SENATE BILL No. 118

(By Mr. Love)

PASSED March 12, 1949

In Effect from Passage
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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 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.—

In any action, suit or other judicial proceeding involving the title to land embraced in the exterior boundaries of any patent, deed, or other writing, which reserves or excepts one or more parcels of land from the operation of such patent, deed or other writing, if there be no claim made by a party to the proceedings that the land in controversy, or any part thereof, lies within such reservation or exception, such patent, deed or other writing, shall be construed, and shall have the same effect, as if it contained no such reservation or exception; and if any party to such proceeding claims that the land in controversy, or any part thereof, lies within such reservation or exception, the burden shall be upon him to prove the fact, and all land not shown by a preponderance of the evidence to lie within such reservation or exception shall be deemed to lie without the same.

This act shall apply in cases involving the right to the proceeds of any such land when condemned or sold, as well as in cases where the title to land is directly involved,
and shall apply in any case in which the title to any part
of the land, or its proceeds, but for this act, would or
might be in the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor.

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

D. Pitt O'Brien, Secretary of State