

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 130

(By Mr. File Ed McBallard)



PASSED March 4 1953

In Effect Thirty days from Passage



021

ENROLLED
House Bill No. 130

(By MR. LILE and MR. BALLARD)

[Passed March 4, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article one, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to proof of public records not pertaining to a court; proof of schedules, classifications and tariffs, and supplements thereto, filed with the interstate commerce commission; authentication and credit to be given such records.

Be it enacted by the Legislature of West Virginia:

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

Section 13. *Public Records Not Pertaining to a Court;*

2 *How Authenticated; Full Faith and Credit.*—All records
3 and exemplifications of books, which may be kept in any
4 public office of the United States, or of any state, or terri-
5 tory, or of any country subject to the jurisdiction of the

6 United States, nor appertaining to a court, shall be proved
7 or admitted in any court or office in this state by the
8 attestation of the keeper of the said records or books, and
9 the seal of his office annexed, if there be a seal, together
10 with a certificate of the presiding justice of the court of
11 the county, parish or district in which such office may be
12 kept, or of the governor, or secretary of state, the chan-
13 cellor or keeper of the great seal, of the state or territory
14 or country, that the said attestation is in due form, and
15 by the proper officer. If the said certificate is given by
16 the presiding justice of a court, it shall be further authen-
17 ticated by the clerk or prothonotary of the said court,
18 who shall certify, under his hand and the seal of his
19 office, that the said presiding justice is duly commissioned
20 and qualified; or, if given by such governor, secretary,
21 chancellor, or keeper of the great seal, it shall be under
22 the great seal of the state, territory, or country, aforesaid,
23 in which it is made: *Provided, however,* That printed
24 copies of schedules and classifications and tariffs of rates,
25 fares and charges, and supplements thereto, filed with the
26 interstate commerce commission, which show respectively

27 an interstate commerce commission number, which may
28 be stated in abbreviated form, as I.C.C. No....., and an
29 effective date, may be received in evidence without cer-
30 tification, and shall be presumed to be correct copies of
31 the original schedules, classifications, tariffs and supple-
32 ments on file with the interstate commerce commission.
33 And the said records and exemplifications, so authenti-
34 cated, shall have such faith and credit given to them in
35 every court and office within this state as they have by
36 law or usage in the courts or offices of the state, territory,
37 or country, as aforesaid, from which they are taken.

MAR 11 1873

U. S. DEPT. OF COMMERCE

RECORDS & COMM. DIV.

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

H. M. Kinley
Chairman Senate Committee

C. H. Ambler
Chairman House Committee

Originated in the House of Delegates

Takes effect *ninety days from* passage.

Shepard M. Lee
Clerk of the Senate

R. D. [unclear]
Clerk of the House of Delegates

Ralph Brown
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *11th* day of *march*, 1953.

William C. Maland
Governor



Filed in the Office of the Secretary of State
of West Virginia
MAR 11 1953
D. PITT O'BRIEN,
SECRETARY OF STATE