

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 44

(By Mr. Kessel)



PASSED February 19, 1957

In Effect 90 days from Passage



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House Bill No. 44

(By MR. KESSEL)

[Passed February 19, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact sections six, nine and ten, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to application for and issuance of marriage license.

Be it enacted by the Legislature of West Virginia:

That sections six, nine and ten, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. *Application for License; Requirements for*
2 *Issuance of License.*—Every license for marriage shall be
3 issued by clerk of the county court of the county in which
4 the female to be married usually resides except, in cases
5 of a female who is a nonresident of the state of West Vir-

6 ginia, by the clerk of the county court of the county in
7 which application is made: *Provided, however,* That such
8 license shall be issued not sooner than three days after
9 the filing with said clerk of a written application therefor.
10 The day upon which such application is filed shall be
11 counted as the first day, but two full days shall elapse
12 after the day of such filing before the license shall be
13 issued: *Provided, further,* That before any such license
14 is issued each applicant therefor shall file with the clerk
15 a certificate or certificates from any physician duly
16 licensed in the State, stating that each party thereto has
17 been given such examination, including a standard sero-
18 logical test, as may be necessary for the discovery of
19 syphilis, made not more than thirty days prior to the date
20 of such application, and stating that in the opinion of the
21 physician the person therein named either is not infected
22 with syphilis or, if so infected, is not in the state of the
23 disease which is or may later become communicable. Such
24 examinations and tests as are required hereunder may be
25 given as provided by section nineteen, article four, chap-
26 ter sixteen of this code.

27 The application for a marriage license shall contain a
28 statement of the full names of both parties, their respec-
29 tive ages and their places of birth and residence. It shall
30 be signed by one or the other of the parties to the contem-
31 plated marriage, and shall be verified by such party to be
32 true to the best of his or her knowledge and belief; and
33 shall be recorded in the register of marriages provided for
34 in section eleven of this article. The date of its filing shall
35 be noted in said register, which notation or a certified copy
36 thereof shall be legal evidence of the facts therein con-
37 tained.

38 To the extent otherwise provided by section six-c of
39 this article, the provisions of this section shall not apply.
40 No application for license shall be received nor any license
41 issued on any Sunday, or before the hours of eight o'clock
42 A. M. and after five o'clock P. M. on any week day.

Sec. 10. *Endorsement and Return of Licenses by Person*
2 *Solemnizing Marriage; Duties of Clerk Pertaining There-*
3 *to.*—Every person solemnizing a marriage shall take up
4 the license authorizing such marriage, and on or before
5 the fifth day of each month shall forward to the county

6 clerk issuing such license the original of all such licenses
7 in his possession, with an endorsement thereon of the fact
8 of such marriage and the time and place of celebrating
9 the same. In the event that the marriage authorized by
10 such license is not solemnized within sixty days from the
11 date of its issuance, then such license shall become null
12 and void. Should the county clerk not receive the said
13 original within sixty days after its issuance, he shall by
14 regular mail notify either of the applicants of that fact.

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

Don H. Marshall
Chairman Senate Committee

J. F. Deem
Chairman House Committee

Originated in the House of Delegates

Takes effect *ninety days from* passage.

Horace Keyser
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Hoffman
Speaker, House of Delegates

The within *approved* this the *28th* day of *February*, 1957.

Leif T. Henderson
Governor



Filed in the Office of the Secretary of State
of West Virginia **MAR 1 - 1957**

D. PITT O'BRIEN
SECRETARY OF STATE