WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

HOUSE BILL No. 257

(By Mr. Bratton)

PASSED March 11, 1961

In Effect Ninety Days from Passage

Filed in Office of the Secretary of State of West Virginia MAR 17, 1961

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to repeal section twelve, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections nine and eleven of said article; and to further amend said article by adding thereto four new sections, designated sections twelve, twelve-a, twelve-b and twelve-c, relating to the form of marriage license, registrar of marriages, persons authorized to celebrate marriages, qualifications of a minister, priest and rabbi for celebrating marriages, judge's ritual for ceremony of marriage, minister's, priest's or rabbi's ritual for ceremony of marriage and record of marriage.

Be it enacted by the Legislature of West Virginia:

That section twelve, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one,
as amended, be repealed; that sections nine and eleven of said article be amended and reenacted; and that said article be further amended by adding thereto four new sections, designated sections twelve, twelve-a, twelve-b and twelve-c, all to read as follows:

Section 9. Form of Marriage License.—The marriage license shall be in form substantially as follows:

Marriage License.

State of West Virginia, County of ________________, to-wit:

To any person authorized to celebrate marriages:

You are hereby authorized to join together in matrimony ________________ and ________________

Given under my hand, as clerk of the county court of

the county of ________________, this__ day of ________________, 19__

______________________________

Clerk as aforesaid.

Sec. 11. Register of Marriages.—The county court of each county shall furnish to the clerk of such county court a suitable book to be used as a register of marriages, which such clerk shall keep in his office among his records, and in which he shall promptly enter a complete
record of all matters which he is required by this article
to ascertain relative to the right of any person to obtain
a marriage license, of each marriage license issued by
him, and of the minister's, priest's, rabbi's, or judge's en-
dorsement certifying that such marriage was solemnized.
Such register of marriages shall be properly indexed by
the clerk in the names of both parties to the marriage.

Sec. 12. Persons Authorized to Celebrate Marriages.—
Any minister, priest or rabbi, who has complied with the
provisions of section twelve-a of this article, or a judge of
any court of record in this state, is authorized to celebrate
the rites of marriage in all the counties of the state. No
person, other than a minister, priest or rabbi, who has
complied with the provisions of section twelve-a of this
article, or a judge of any court of record in this state,
shall hereafter celebrate the rites of marriage in this state,
anything in any act of the Legislature or of any court to
the contrary, notwithstanding.

Sec. 12-a. Minister; Priest; Rabbi, Qualifications for
Celebrating Marriages.—When any minister, priest or
rabbi shall, before the circuit or county court of any county
in this state, or the clerk of any county court therein when
neither of such courts shall be in session, produce proof
that he is duly licensed as such, and of his being in regu-
lar communion with the religious society of which he is
a member, and give bond in the penalty of fifteen hun-
dred dollars, such court or clerk may make an order
authorizing him to celebrate the rites of marriage in all
the counties of the state: Provided, however, That any
minister, priest or rabbi who gives proof before the circuit
or county court of any county in this state, or the clerk of
any county court therein, when neither of such courts
shall be in session, of his ordination by his respective
church, denomination or synagogue, shall be exempted
from the giving of such bond.

Sec. 12-b. Judge; Ritual for Ceremony of Marriage.—
The ritual for the ceremony of marriages by judges of
courts of record in this state may be as follows: At the
time appointed, the persons to be married, being quali-
fied according to the law of the state of West Virginia,
standing together facing the judge, the man at the judge's
left hand and the woman at the right, the judge shall say:
“We are gathered here, in the presence of these witnesses, to join together this man and this woman in matrimony. It is not to be entered into unadvisedly but discreetly, sincerely, and in dedication of life.

(Then shall the judge say to the man, using his Christian name:)

“N., wilt thou have this woman to be thy wedded wife, to live together in the bonds of matrimony? Wilt thou love her, comfort her, honor and keep her in sickness and in health?

(Then the man shall answer:)

“I will.

(Then the judge shall say to the woman, using her Christian name:)

“N., wilt thou have this man to be thy wedded husband, to live together in the bonds of matrimony? Wilt thou love him, comfort him, honor and keep him in sickness and in health?

(The woman shall answer:)

“I will.

(Then may the judge say:)

"Who giveth this woman to be married to this man?
(The father of the woman, or whoever giveth her in marriage, shall answer:)
"I do.
(Then the judge shall ask the man to say after him.)
"I, N., take thee, N., to be my wedded wife, to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love, and to cherish, as long as life shall last, and thereto I pledge thee my faith.
(Then the judge shall ask the woman repeat after him:)
"I, N., take thee, N., to be my wedded husband, to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, as long as life shall last, and thereto I pledge thee my faith.
(Then, if there be a ring, the judge shall say:)
"The wedding ring is an outward and visible sign—signifying unto all, the uniting of this man and this woman in matrimony."
(The judge then shall deliver the ring to the man to put on the third finger of the woman's left hand. The man shall say after the judge:)

"In token and pledge of the vow between us made, with this ring, I thee wed."

(Then, if there be a second ring, the judge shall deliver it to the woman to put upon the third finger of the man's left hand; and the woman shall say after the judge:)

"In token and pledge of the vow between us made, with this ring I thee wed."

(Then shall the judge say:)

"Forasmuch as N. and N. have consented together in wedlock, and have witnessed the same each to the other and before these witnesses, and thereto have pledged their faith each to the other, and have declared the same by giving (and receiving) a ring; by virtue of the authority vested in me as judge of this court, I pronounce that they are husband and wife together."

Sec. 12-c. Minister; Rabbi; Priest; Ritual for Ceremony of Marriage; Record of Marriage.—A minister, priest or rabbi authorized to celebrate the rites of marriage shall
4 perform the ceremony of marriage according to the rites
5 and ceremonies of his religious denomination, church, or
6 synagogue and the laws of the state of West Virginia.
7 A record of each marriage performed, with the names
8 of the parties, their respective places of residence prior
9 to marriage, and the date of marriage, shall be kept by
10 the officiating minister, priest or rabbi in the permanent
11 record of the church or synagogue which he serves.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect _______ days from _______ passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature] Howard M. Morrison
President of the Senate

[Signature] Julius W. Suddeth, Jr.
Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______ , 1961.

[Signature] W. B. Barr
Governor

Filed in Office of the Secretary of State

of West Virginia 1961 2 17 MAR 1 7 1961

JOE F. BURDETT
SECRETARY OF STATE