

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



ENROLLED

HOUSE BILL No.. *287*....

(By Mr. *Beatherton*.....)



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

ENROLLED
House Bill No. 287

(By MR. BROTHERTON)

[Passed March 11, 1961; in effect ninety days from passage.]

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as amended, be repealed; that sections nine and eleven of said article be amended and reenacted; and that said article be further amended by adding thereto four new sections,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

2 license shall be in form substantially as follows:

3 Marriage License.

4 State of West Virginia, County of _____, to-wit:

5 To any person authorized to celebrate marriages:

6 You are hereby authorized to join together in matrimony

7 _____ and _____

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

9 the county of _____, this ____ day of _____, 19 ____

10

11

Clerk as aforesaid.

Sec. 11. *Register of Marriages*.—The county court of

2 each county shall furnish to the clerk of such county

3 court a suitable book to be used as a register of marriages,

4 which such clerk shall keep in his office among his rec-

5 ords, and in which he shall promptly enter a complete

6 record of all matters which he is required by this article
7 to ascertain relative to the right of any person to obtain
8 a marriage license, of each marriage license issued by
9 him, and of the minister's, priest's, rabbi's, or judge's en-
10 dorsement certifying that such marriage was solemnized.
11 Such register of marriages shall be properly indexed by
12 the clerk in the names of both parties to the marriage.

Sec. 12. *Persons Authorized to Celebrate Marriages.*—

2 Any minister, priest or rabbi, who has complied with the
3 provisions of section twelve-a of this article, or a judge of
4 any court of record in this state, is authorized to celebrate
5 the rites of marriage in all the counties of the state. No
6 person, other than a minister, priest or rabbi, who has
7 complied with the provisions of section twelve-a of this
8 article, or a judge of any court of record in this state,
9 shall hereafter celebrate the rites of marriage in this state,
10 anything in any act of the Legislature or of any court to
11 the contrary, notwithstanding.

Sec. 12-a. *Minister; Priest; Rabbi, Qualifications for*

2 *Celebrating Marriages.*—When any minister, priest or
3 rabbi shall, before the circuit or county court of any county

4 in this state, or the clerk of any county court therein when
5 neither of such courts shall be in session, produce proof
6 that he is duly licensed as such, and of his being in regu-
7 lar communion with the religious society of which he is
8 a member, and give bond in the penalty of fifteen hun-
9 dred dollars, such court or clerk may make an order
10 authorizing him to celebrate the rites of marriage in all
11 the counties of the state: *Provided, however,* That any
12 minister, priest or rabbi who gives proof before the circuit
13 or county court of any county in this state, or the clerk of
14 any county court therein, when neither of such courts
15 shall be in session, of his ordination by his respective
16 church, denomination or synagogue, shall be exempted
17 from the giving of such bond.

Sec. 12-b. *Judge; Ritual for Ceremony of Marriage.*—

2 The ritual for the ceremony of marriages by judges of
3 courts of record in this state may be as follows: At the
4 time appointed, the persons to be married, being quali-
5 fied according to the law of the state of West Virginia,
6 standing together facing the judge, the man at the judge's
7 left hand and the woman at the right, the judge shall say:

8 "We are gathered here, in the presence of these wit-
9 nesses, to join together this man and this woman in
10 matrimony. It is not to be entered into unadvisedly but
11 discreetly, sincerely, and in dedication of life.

12 (Then shall the judge say to the man, using his Chris-
13 tian name:)

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

18 (Then the man shall answer:)

19 "I will.

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

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

26 (The woman shall answer:)

27 "I will.

28 (Then may the judge say:)

29 "Who giveth this woman to be married to this man?

30 (The father of the woman, or whoever giveth her in
31 marriage, shall answer:)

32 "I do.

33 (Then the judge shall ask the man to say after him.)

34 "I, N., take thee, N., to be my wedded wife, to have
35 and to hold, from this day forward, for better, for worse,
36 for richer, for poorer, in sickness and in health, to love,
37 and to cherish, as long as life shall last, and thereto I
38 pledge thee my faith.

39 (Then the judge shall ask the woman ^{to}~~to~~ repeat after
40 him:)

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41 "I, N., take thee, N., to be my wedded husband, to have
42 and to hold, from this day forward, for better, for worse,
43 for richer, for poorer, in sickness and in health, to love
44 and to cherish, as long as life shall last, and thereto I
45 pledge thee my faith.

46 (Then, if there be a ring, the judge shall say:)

47 "The wedding ring is an outward and visible sign—
48 signifying unto all, the uniting of this man and this wo-
49 man in matrimony.

50 (The judge then shall deliver the ring to the man to
51 put on the third finger of the woman's left hand. The man
52 shall say after the judge:)

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

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

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

60 (Then shall the judge say:)

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

Sec. 12-c. *Minister; Rabbi; Priest; Ritual for Ceremony*
2 of *Marriage; Record of Marriage*.—A minister, priest or
3 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.

Thomas Davis, Jr.
Chairman Senate Committee

Mrs. M. M. Withrow
Chairman House Committee

Originated in the House.

Takes effect thirty days from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

W. W. Barron
Governor

Filed in Office of the Secretary of State

of West Virginia

1961 MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE

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