

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

## ENROLLED

*Judiciary Comm Sub for*  
SENATE BILL NO. 34

(By Mr. *Kaufman original sponsor*)

PASSED March 12 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-18-65

**ENROLLED**

JUDICIARY  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 34**

(By MR. KAUFMAN original sponsor)

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[Passed March 12, 1965; in effect ninety days from passage.]

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

*Be it enacted by the Legislature of West Virginia:*

That section six, 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 the clerk of the county court of the county in  
4 which the female to be married usually resides except,  
5 in cases of a female who is a non-resident of the state of  
6 West Virginia, by the clerk of the county court of the  
7 county in which application is made: *Provided*, That  
8 such license shall be issued not sooner than three days  
9 after the filing with said clerk of a written application  
10 therefor. The day upon which such application is filed  
11 shall be counted as the first day, but two full days shall  
12 elapse after the day of such filing before the license shall  
13 be issued: *Provided, however*, That before any such li-  
14 cense is issued each applicant therefor shall file with the  
15 clerk 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 serol-  
18 ogical test, as may be necessary for the discovery of  
19 syphilis, made not more than thirty days prior to the date  
20 on which such license is issued, and stating that in the  
21 opinion of the physician the person therein named either  
22 is not infected with syphilis or, if so infected, is not in  
23 the state of the disease which is or may later become

24 communicable. Such examinations and tests as are re-  
 25 quired hereunder may be given as provided by section  
 26 nineteen, article four, chapter 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 both of the parties to the contemplated mar-  
 31 riage, under oath before the clerk of the county court or  
 32 before a person authorized to administer oaths under the  
 33 laws of this state. At the time of the execution of such  
 34 application, the clerk, or the person administering the  
 35 oath to the applicants, shall require some evidence of the  
 36 age of each of the applicants. Evidence of the age of  
 37 each applicant may be in the form of a certified or photo-  
 38 static copy of a birth certificate, a voter's registration  
 39 certificate, an operator's or chauffeur's license, an affidavit  
 40 of both parents of the applicant or other good and suf-  
 41 ficient evidence of such age. Where such an affidavit is  
 42 relied upon as evidence of the age of an applicant, and  
 43 one parent is dead, the affidavit of the surviving parent  
 44 or of the guardian of the applicant shall suffice; if both

45 parents are dead, the affidavit of the guardian of the ap-  
46 plicant shall suffice. If the parents of the applicant are  
47 living separate and apart, the affidavit of the parent having  
48 the custody of the applicant shall suffice. Such applica-  
49 tion shall be recorded in the register of marriages pro-  
50 vided for in section eleven of this article. The date of  
51 the filing of the application shall be noted in said register,  
52 which notation, or a certified copy thereof, shall be legal  
53 evidence of the facts therein contained.

54 To the extent otherwise provided by section six-c of  
55 this article, the provisions of this section shall not apply.  
56 No application for license shall be received nor any li-  
57 cense issued on any Sunday, or before the hours of eight  
58 o'clock A. M. and after five o'clock P. M. on any week day.

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

*C. Ray Parker*

Chairman Senate Committee

*James E. Loop*

Chairman House Committee

Originated in the Senate.

Takes effect

*ninety days from*

Passage.

*Howard H. Keiser*

Clerk of the Senate

*C. G. Blankenship*

Clerk of the House of Delegates

*Howard H. Keiser*

President of the Senate

*H. Laban White*

Speaker House of Delegates

The within

*approved*

this the

*18*

day of

*March*

, 1965.

*Herbert C. Smith*

Governor

