ENROLLED BILL

House Bill No. 364:____

(By Mr.______)
Passed______March 14, 1931____

In Effect Ninety days from Passage
AN ACT to amend and re-enact section five, article seven, chapter fifty-five, of the revised code of West Virginia, one thousand nine hundred thirty-one, relating to actions for wrongful death.

Be it enacted by the Legislature of West Virginia:

That section five of article seven of chapter fifty-five of the revised code of West Virginia of one thousand nine hundred thirty-one, relating to actions for wrongful death be amended and re-enacted so as to read as follows:

Section 5. Whenever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action to recover damages in respect thereof, then, and in every such case, the person who, or the corporation which, would have been liable if death had not ensued, shall be liable to an ac-
tion for damages, notwithstanding the death of the person
injured, and although the death shall have been caused under
such circumstances as amount in law to murder in the first
or second degree, or manslaughter. No action, however, shall
be maintained by the personal representative of one who, not
an infant, after injury, has compromised for such injury and
accepted satisfaction therefor previous to his death. [Any
right of action which may hereafter accrue by reason of such
injury done to the person of another shall survive the death
of the wrong-doer, and may be enforced against his executor
or administrator, either by reviving against such personal
representative a suit which may have been brought against
the wrong-doer himself in his lifetime, or by bringing an
original suit against his personal representative after his death,
whether or not the death of the wrong-doer occurred before
or after the death of the injured party.

All acts or parts of acts inconsistent herewith are hereby
repealed.
Enrolled H. B. No. 364

[Signature]
Speaker of the House of Delegates.

Clerk of the House of Delegates.

[Signature]
President of the Senate.

Clerk of the Senate.

The within is approved.

this 20th day of March 1931.

Governor.

P. E. Corley

Pled in the office of the Secretary of State of West Virginia MAR 20, 1931.

GEORGE W. SHARP,
Secretary of State.