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364

## ENROLLED BILL

House Bill No. 364.

(By Mr. Hines)

Passed March 14, 1931

In Effect Ninety days from Passage

Originated in the House  
.....  
Takes effect Fifty days from Passage.  
.....  
Clerk of the House of Delegates.

CORRECTLY ENROLLED

Chairman House Committee.  
.....  
Chairman Senate Committee.

## ENROLLED BILL

(H. B. No. 364)

[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  
2 by wrongful act, neglect, or default, and the act, neglect or  
3 default is such as would (if death had not ensued)  
4 have entitled the party injured to maintain an action  
5 to recover damages in respect thereof, then, and in every such  
6 case, the person who, or the corporation which, would have  
7 been liable if death had not ensued, shall be liable to an ac-

CORRECTLY ENROLLED

*Joseph D. Smith*

*Chairman Senate Committee.*

*Samuel M. Reed*

*Chairman House Committee.*

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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.

CORRECTLY ENROLLED

*Jacob D. Smith*  
Chairman Senate Committee.

*Raymond Meadows*  
Chairman House Committee.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*R. H. Thomas*  
Clerk of the House of Delegates.

*W. B. White*  
President of the Senate.

*W. S. Hodges*  
Clerk of the Senate.

The within is... *Approved* .....

this... *20th* ... day of... *March* ... 1931.

*W. E. Cawley*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 20 1931**  
**GEORGE W. STARR,**  
Secretary of State.