ENROLLED
House Bill No. 345
(BY MR. KURTZ)

[Passed March 11, 1937; in effect from passage.]

AN ACT to amend and reenact section one, article three, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the competency of witnesses.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Competency of Party or Interested Person to Testify; Transactions With Decedent or Lunatic. No person offered as a witness in any civil action, suit or proceeding, shall be excluded by reason of his interest in the event of the action, suit or proceeding, or because he is a party thereto, except as follows: No party to any action, suit or proceeding,
nor any person interested in the event thereof, nor any person from, through or under whom any such party or interested person derives any interest or title by assignment or otherwise, shall be examined as a witness in regard to any personal transaction or communication between such witness and a person at the time of such examination, deceased, insane or lunatic, against the executor, administrator, heir-at-law, next of kin, assignee, legatee, devisee or survivor of such person, or the assignee or committee of such insane person or lunatic. But this prohibition shall not extend to any transaction or communication as to which any such executor, administrator, heir-at-law, next of kin, assignee, legatee, devisee, survivor or committee shall be examined on his own behalf, nor as to which the testimony of such deceased person or lunatic shall be given in evidence: Provided, however, That where an action is brought for causing the death of any person by any wrongful act, neglect or default under article seven, chapter fifty-five of this code, the person sued, or the servant, agent or employee of any firm or corporation sued, shall have the right to give evidence in any
case in which he or it is sued, but he may not give evidence

of any conversation with the deceased.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect

passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within 18th day of 1937.

Governor.

Filed in the office of the Secretary of State of West Virginia on MAR 19 1937

Wm. S. O'Brien,
Secretary of State