

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 345

(By Mr. Kurtz)



PASSED March 11, 1937

In Effect from Passage

**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*

2 *Testify; Transactions With Decedent or Lunatic.* No person  
3 offered as a witness in any civil action, suit or proceeding,  
4 shall be excluded by reason of his interest in the event of  
5 the action, suit or proceeding, or because he is a party thereto,  
6 except as follows: No party to any action, suit or proceeding,

7 nor any person interested in the event thereof, nor any  
8 person from, through or under whom any such party or  
9 interested person derives any interest or title by assignment  
10 or otherwise, shall be examined as a witness in regard to  
11 any personal transaction or communication between such  
12 witness and a person at the time of such examination, de-  
13 ceased, insane or lunatic, against the executor, administrator,  
14 heir-at-law, next of kin, assignee, legatee, devisee or survivor  
15 of such person, or the assignee or committee of such insane  
16 person or lunatic. But this prohibition shall not extend to  
17 any transaction or communication as to which any such  
18 executor, administrator, heir-at-law, next of kin, assignee,  
19 legatee, devisee, survivor or committee shall be examined on  
20 his own behalf, nor as to which the testimony of such de-  
21 ceased person or lunatic shall be given in evidence: *Provided,*  
22 *however,* That where an action is brought for causing the  
23 death of any person by any wrongful act, neglect or default  
24 under article seven, chapter fifty-five of this code, the person  
25 sued, or the servant, agent or employee of any firm or cor-  
26 poration sued, shall have the right to give evidence in any

27 case in which he or it is sued, but he may not give evidence  
28 of any conversation with the deceased.

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

*Chas. B. Gathbath*

Chairman Senate Committee

*Neil D. Becker*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Thomas G. Smith*

Clerk of the Senate

*Geo. S. Hall*

Clerk of the House of Delegates

*Chas. E. Holz*

President of the Senate

*J. H. Thomas*

Speaker House of Delegates

The within *Approved* this the *18<sup>th</sup>*

day of *March*, 1937.

*James A. Smith*

Governor.

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

Wm. S. O'BRIEN,  
Secretary of State