

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



## ENROLLED

SENATE BILL No. 177

(By Mr. Johnston of Meren

PASSED March 6th 1939

In Effect Then Passage



ENROLLED  
Senate Bill No. 177

(BY MR. JOHNSTON, of Mercer, by request)

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[Passed March 6, 1939; in effect from passage.]

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AN ACT to amend and reenact section twenty-three, article three, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to insurance for the benefit of married women; and the assignment of an insurance policy by a married woman.

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

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

Section 23. *Insurance for Benefit of Married Women.* Any

2 married woman may, in her own name, or in the name of any

3 third person, with his assent, as her trustee, cause to be in-  
4 sured for her sole use the life of her husband, for any definite  
5 period or for the term of his natural life; and any person,  
6 whether her husband or not, effecting any insurance on his  
7 own life, or on the life of another, may cause the same to be  
8 made payable to, or assign the policy to, a married woman,  
9 or to any person in trust for her or her benefit; and every  
10 such policy, when expressed to be for the benefit of, or assigned  
11 or made payable to, any married woman or any such trustee,  
12 shall be the property of such married woman, and shall inure  
13 to her own use and benefit, and in case of her surviving the  
14 period or term of such policy the amount of insurance shall  
15 be payable to her or her trustee for her own use and benefit,  
16 free from the control, disposition or claims of her husband,  
17 and of the person effecting or assigning such insurance, and  
18 from the claims of their respective representatives and credit-  
19 ors: *Provided, however,* That if the annual premium on any  
20 such policy shall exceed the sum of three hundred dollars and  
21 is paid by any person with intent to defraud his creditors, an  
22 amount equal to the premium so paid in excess of such sum,  
23 with interest thereon, shall inure to the benefit of such credit-

24 ors, subject, however, to the statute of limitations: *Provided*  
25 *further*, That the company issuing the policy shall be dis-  
26 charged of all liability thereon by payment of its proceeds  
27 in accordance with its terms, unless before such payment the  
28 company shall have written notice, by or in behalf of a credit-  
29 or, of a claim to recover for premiums paid with intent to  
30 defraud creditors, with specifications of the amount claimed.  
31 The amount of any such insurance may be made payable, in  
32 case of the death of such married woman before the period at  
33 which it became due, to her children, or her husband's chil-  
34 dren, or to their guardian if under age, for their use, as shall  
35 be provided in the policy: *Provided further*, That nothing here-  
36 in contained shall be so construed as to preclude a married  
37 woman from validly assigning all her right, title or interest in  
38 any such policy of insurance, either absolutely or as collateral  
39 security, to any person for a valuable consideration which  
40 inures either to said married woman, the person whose life  
41 is insured, or the person effecting such insurance.

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

*Edl. Wiseman*  
Chairman Senate Committee

*Wesley Barker*  
Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage

*W. S. Hall*  
Clerk of the Senate

*Wm. S. Hall*  
Clerk of the House of Delegates

*Wm. S. Hall*  
President of the Senate

*James R. Thomas*  
Speaker House of Delegates

The within *approved* this the *13<sup>th</sup>*  
day of *March*, 1939.

*Thomas G. Hall*  
Governor