WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED
SENATE BILL No. 285

(By Mr. [Signature])

PASSED March 8, 1947

In Effect from Passage
ENROLLED

Senate Bill No. 285
(By Mr. Love)

[Passed March 8, 1947; in effect from passage.]

AN ACT to amend and reenact section four, article ten, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compromise of actions and suits in behalf of infants and insane persons and the disbursement of funds arising therefrom.


Be it enacted by the Legislature of West Virginia:

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

Section 4. Compromise of Actions and Suits in Behalf of Infants and Insane Persons and the Disbursement of Funds Arising Therefrom.—In any action or suit wherein an infant or insane person is a party, the court in which the same is pending, or the judge thereof in vacation,
shall have the power to approve and confirm a compro-
mise of the matters in controversy on behalf of such in-
fant or insane person, if such compromise shall be deemed
to be to the best interest of the infant or insane person.
Such approval or confirmation shall never be granted
except upon written application therefor by the guar-
dian, committee, curator, or next friend of the infant or
insane person, setting forth under oath all the facts of
the case and the reasons why such compromise is deemed
to be for the best interest of the infant or insane person.
And the court or judge, before approving such compro-
mise, shall, in order to determine whether to approve or
disapprove the compromise, hear the testimony of wit-
nesses relating to the subject matter of the compromise,
and cause said testimony to be reduced to writing and
filed with the papers in the case. The court or judge, upon
approving and confirming such compromise, shall enter
judgment or decree accordingly. Such judgment or de-
cree shall bind the respective parties thereto, including
such infant or insane person, with like force and effect,
and shall be subject to review, modification or reversal
to the same extent only, as if it were a consent judgment
or decree, entered under similar circumstances, in a case
in which all the parties were adults and sane. In any such
compromise wherein the amount paid to the guardian or
committee does not exceed the sum of one thousand dol-
lars, the court or judge approving and confirming the
compromise and entering judgment or decree thereon
may, in its or his discretion, dispense with or withdraw
a reference to a commissioner of accounts, authorize the
disbursement of the fund so created by the compromise
and may discharge the guardian or committee and the
surety on his bond, and in all such cases a certified copy
of the order of the court or judge, as the case may be,
shall be recorded in the office of the clerk of the county
court wherein the guardian or committee was appointed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 13 day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia.  
WM. S. O'Brien, 
Secretary of State.