

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 285

(By Mr. Love)



PASSED March 8, 1947

In Effect from Passage



285

**ENROLLED**

**Senate Bill No. 285**

(By MR. LOVE)

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

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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.

**Article 10. Miscellaneous Provisions Relating to Procedure.**

*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  
2 of Infants and Insane Persons and the Disbursement of  
3 Funds Arising Therefrom.*—In any action or suit wherein  
4 an infant or insane person is a party, the court in which  
5 the same is pending, or the judge thereof in vacation,

6 shall have the power to approve and confirm a compro-  
7 mise of the matters in controversy on behalf of such in-  
8 fant or insane person, if such compromise shall be deemed  
9 to be to the best interest of the infant or insane person.  
10 Such approval or confirmation shall never be granted  
11 except upon written application therefor by the guar-  
12 dian, committee, curator, or next friend of the infant or  
13 insane person, setting forth under oath all the facts of  
14 the case and the reasons why such compromise is deemed  
15 to be for the best interest of the infant or insane person.  
16 And the court or judge, before approving such compro-  
17 mise, shall, in order to determine whether to approve or  
18 disapprove the compromise, hear the testimony of wit-  
19 nesses relating to the subject matter of the compromise,  
20 and cause said testimony to be reduced to writing and  
21 filed with the papers in the case. The court or judge, upon  
22 approving and confirming such compromise, shall enter  
23 judgment or decree accordingly. Such judgment or de-  
24 cree shall bind the respective parties thereto, including  
25 such infant or insane person, with like force and effect,  
26 and shall be subject to review, modification or reversal

27 to the same extent only, as if it were a consent judgment  
28 or decree, entered under similar circumstances, in a case  
29 in which all the parties were adults and sane. In any such  
30 compromise wherein the amount paid to the guardian or  
31 committee does not exceed the sum of one thousand dol-  
32 lars, the court or judge approving and confirming the  
33 compromise and entering judgment or decree thereon  
34 may, in its or his discretion, dispense with or withdraw  
35 a reference to a commissioner of accounts, authorize the  
36 disbursement of the fund so created by the compromise  
37 and may discharge the guardian or committee and the  
38 surety on his bond, and in all such cases a certified copy  
39 of the order of the court or judge, as the case may be,  
40 shall be recorded in the office of the clerk of the county  
41 court wherein the guardian or committee was appointed.

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

Forest L. McKeer  
Chairman Senate Committee

B. G. Matthews  
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

J. R. Clipp  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

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

Clarence Meadows  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia MAR 13 1947  
WM. S. O'BRIEN,  
SECRETARY OF STATE