

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 200

(By Mr. Bean.....)

PASSED March 12..... 1949

In Effect Ninety days from passage



200

ENROLLED
Senate Bill No. 200
(By MR. BEAN)

[Passed March 12, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to official court reporters.

Be it enacted by the Legislature of West Virginia:

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

Section 4. *Transcript of Notes; Fee; Authenticity;*
2 *Transcript for Judge in Criminal Cases.*—The reporter
3 shall furnish, upon request, to any party to a case, a type-
4 written transcript of his shorthand notes of the testimony
5 or other proceedings, and shall certify the same as being

6 correct, and shall be paid therefor, by the party request-
7 ing such transcript, at the rate of twenty-four cents for
8 each one hundred words so transcribed and certified; and
9 for each carbon copy of such transcript, ordered at the
10 same time, he shall be paid seven cents for each one hun-
11 dred words so furnished.

12 A transcript of such testimony or proceedings, when
13 certified by the official reporter and by the judge of the
14 court, shall be authentic for all purposes, and shall be used
15 by the parties to the cause in any further proceedings
16 therein wherein the use of the same may be required. It
17 may be used, without further authentication, in making
18 up the record on appeal, as provided in sections thirty-six
19 and thirty seven, article six, chapter fifty-six of this Code;
20 and in all cases of appeal such reporter shall also make a
21 carbon copy of such transcript, which copy shall be filed
22 in the office of the clerk of the court in which the trial or
23 proceedings were had, to be used, if necessary, in making
24 up the record on appeal, and, if so used, the clerk shall not
25 be entitled to any fee for that part of the record. If, upon
26 appeal or writ of error, the judgment, decree or order

27 entered in the cause be reversed, the cost of such tran-
28 script shall be taxed as other costs; and if such transcript
29 be requested or required for the purpose of demurring
30 to the evidence, the cost thereof shall be taxed in favor
31 of the party prevailing on the demurrer.

32 It shall also be the duty of such reporter in any crim-
33 inal case, upon the request of the court or the judge there-
34 of, and for his use, to furnish a transcript of his notes of
35 the testimony and proceedings without extra charge.

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

Frank L. Menden

Chairman Senate Committee

R. Brantley

Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

Howard Meyer

Clerk of the Senate

J. Ashby

Clerk of the House of Delegates

Frank B. Rowland

President of the Senate

W. E. Lammie

Speaker House of Delegates

The within APPROVED this the 18th
day of MARCH, 1949.

Okey S. Patton

Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 18 1949**
D. PITT O'BRIEN,
SECRETARY OF STATE