

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 72

(By Mr. Davis)



PASSED February 6, 1951

In Effect from Passage



72

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**House Bill No. 72**

(By MR. DAVIS)

[Passed February 6, 1951; in effect from passage.]

AN ACT to amend and reenact section seventeen, article five, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to printing record by clerk; distribution; deposit; felony cases.

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

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

Section 17. *Printing Record by Clerk; Distribution; Deposit; Costs; Felony Cases.*—Eighteen copies of the record shall be printed, containing the petition, so much of the record as the counsel for any party interested or the court may direct, and the table of contents, in octavo form, on book paper of good quality, ten point type, the title on the cover to be in the center, preserving on the margin of the printed record the paging of the record

9 from the court below. The printed matter on the pages of  
10 such record shall be four inches by seven and one-fourth  
11 inches in size, and each page shall contain thirty-eight  
12 lines of such type exclusive of folio number. Such pages  
13 shall not be more than single leaded, and not more than  
14 a twelve point slug shall be used around heads. In meas-  
15 uring such printing and estimating the number of pages,  
16 no unnecessary space at the top, bottom or elsewhere on  
17 a page shall be reckoned or counted, and only the actual  
18 printing done by measuring on the face of the type shall  
19 be charged, except that the blank portions of pages at the  
20 end of the petition, record and index may be counted as  
21 full pages. No entirely blank pages shall be counted, and  
22 only two pages shall be counted for cover. The rate which  
23 may be charged for such printing shall not be more than  
24 one dollar and sixty cents per page, which includes  
25 page insertion of tabular work, maps, blueprints, photo-  
26 stats and other exhibits. And the cost of printing, photo-  
27 stating and blueprinting, if any, shall be included at the  
28 end of the printed record together with the date the rec-  
29 ord was printed.

30 The clerk shall have the record printed when the party  
31 obtaining the appeal, writ of error or supersedeas shall  
32 deposit with him a sufficient sum to pay for such print-  
33 ing. The clerk shall deliver one copy of the printed rec-  
34 ord to the judge and clerk of the trial court, two copies  
35 to counsel on each side, and retain the remaining copies  
36 in his office. He shall cause all copies of the printed  
37 record remaining in his office to be compared with the  
38 typewritten transcript certified to the supreme court of  
39 appeals and correct all errors that may appear therein.  
40 The cost of such printing, unless otherwise ordered by  
41 the court, shall be taxed against the unsuccessful party,  
42 if the judgment, decree or order appealed from be re-  
43 versed. And should the appellant or plaintiff in error fail  
44 for three months after his case has been docketed in the  
45 court of appeals to deposit with the clerk of the said court,  
46 the sum estimated by said clerk, to pay for the printing  
47 of the record, he shall be deemed to have abandoned his  
48 appeal or writ of error and the same shall be dismissed;  
49 but it may be renewed at any time within eight months  
50 from the date of the judgment, order or decree appealed

51 from, according to the provisions of section four of this  
52 article. In every felony case, the clerk shall have the  
53 usual number of records printed at a cost not exceeding  
54 the amount fixed by this section, and dispose of the same  
55 as in other cases; and upon the certificate of the presi-  
56 dent of the supreme court of appeals stating that such  
57 record has been printed, and the amount said clerk is  
58 entitled to, the cost of printing the same shall be paid to  
59 said clerk out of the treasury of the state, and the auditor  
60 shall draw his warrant on the treasury for the payment  
61 thereof out of the fund for criminal charges.

62 The increased rate for printing records as provided  
63 herein shall apply to all cases now docketed in the  
64 Supreme Court of Appeals, pending printing of the rec-  
65 ord. Such latter cases, however, shall not be subject to  
66 dismissal because of said increased rate, where statement  
67 for estimated costs has been rendered and paid as pro-  
68 vided in this section, but they shall not be placed upon  
69 the argument docket until the increased cost of printing  
70 provided for herein shall have been paid in full.

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

*Robert C. Byrd*  
Chairman Senate Committee

*James W. Goff*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

*J.R. Aliff*  
Clerk of the Senate

*Thomas Meyer*  
Clerk of the House of Delegates

*Langston Hunter*  
President of the Senate

*W.E. Hamner*  
Speaker House of Delegates

The within *APPROVED* this the *14th* day of *FEBRUARY*, 1951.

*Chas. L. Patton*  
Governor



Filed in the Office of the Secretary of State of West Virginia **FEB 14 1951**  
**D. MITT O'BRIEN,**  
SECRETARY OF STATE