

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1961

**ENROLLED**

SENATE BILL NO. 172

(By Mr. Martin)

PASSED February 11<sup>th</sup> 1961

In Effect from Passage

Filed in Office of the Secretary of State  
of West Virginia March 1, 1961  
JOE F. BURDETT  
SECRETARY OF STATE

172

**ENROLLED**

**Senate Bill No. 172**

(By MR. MARTIN)

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[Passed February 21, 1961; effective from passage.]

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AN ACT to amend and reenact section four, article four, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removal of court records and papers out of the county and prescribing penalty for unlawful removal.

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

That section four, article four, 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. *Removal of Records or Papers Out of County; Penalty.*—None of the records or papers of a court shall be removed by the clerk, nor allowed by him or by

4 the court to be removed, out of the county wherein the  
5 clerk's office is kept, except on an occasion of invasion or  
6 insurrection, actual or threatened, when, in the opinion of  
7 the court, or, in a very sudden case, of the clerk, the same  
8 will be endangered, after which they shall be returned  
9 as soon as the danger ceases; and except in such other  
10 cases as are specifically provided by law, or by general  
11 order of the court permitting the removal or transfer  
12 thereof to counties within his circuit; or to another circuit  
13 in cases being heard by a visiting or special judge. In such  
14 cases of removal or transfer the clerk of the court from  
15 which such papers and records are removed shall take  
16 and preserve an appropriate written receipt therefor. Any  
17 clerk violating this section shall forfeit six hundred dol-  
18 lars. However, this section shall not be construed as to  
19 prevent a judge of a circuit court from taking files of  
20 papers from any county of his circuit, or directing the  
21 clerk to send such files to him, when he needs to use the  
22 same.

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

*James Davis, Jr.*  
Chairman Senate Committee

*Mrs. H. H. Withers*  
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

*Herbert Meyer*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Henry Roberson*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within *approved* this the *first* day of *March*, 1961.

*W. W. Barron*  
Governor