

Received May 15

26

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 921

(By Mr. Paling)

Passed May 11 1933

In Effect from Passage

Originated in the House Takes effect. Frank passage

Clerk of the House of Delegates.

CORRECTLY ENROLLED

Chairman House Committee.

Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 92)

[Passed May 11, 1933; in effect from passage.]

AN ACT to amend and reenact section ten, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to vacancy in office of prosecuting attorney, sheriff, surveyor or assessor.

Be it enacted by the Legislature of West Virginia:

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

Section 10. A vacancy in the office of prosecuting attorney, 2 happening after the last general election before the expiration 3 of the term of office of such attorney, shall be filled by the circuit court of the county, or judge thereof, for the unexpired 5 term, except that in any county wherein there has been or may 6 hereafter be created a court of limited jurisdiction vested with

CORRECTLY ENROLLED

James L. Smith
H. H. Hays

Chairman House Committee.

Chairman Senate Committee.

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[Enrolled H. B. No. 92

7 criminal jurisdiction throughout the county, said last named
8 court, or the judge thereof, shall fill such vacancy; otherwise
9 it shall be filled by said court or judge until the next general
10 election: *Provided, however,* That said appointee shall be a
11 member of the same political party as was his immediate pre-
12 decessor and a vacancy so happening in the office of sheriff,
13 surveyor of lands or assessor shall be filled by the county court
14 for the unexpired term; otherwise it shall be filled by the said
15 county court until the next general election, at which general
16 election every vacancy shall be filled by a vote of the people,
17 where an appointment has been made, as aforesaid, from the
18 next general election, for the unexpired term. A notice of every
19 such election of prosecuting attorney shall be given by order of
20 such circuit court or court of limited jurisdiction, or the judge
21 thereof in vacation, and of the election of a sheriff, surveyor of
22 lands or an assessor by the order of the county court or the
23 president thereof in vacation, as prescribed in the eighth section
24 of this chapter.

CORRECTLY ENROLLED

James L. Smith
Chairman Senate Committee.

James L. Smith
Chairman House Committee.

R. M. Hiner
Speaker of the House of Delegates.

Geo. Wallace
Clerk of the House of Delegates.

P. G. Mainwaring
President of the Senate.

Frank Amley
Clerk of the Senate.

The within is... *approved*...

this... *19th*... day of... *May*..., 1933.

H. B. Stump
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAY 19 1933**
Wm. S. O'BRIEN,
Secretary of State