

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

Com. Sub. For
HOUSE BILL No. 150

By Com. on Judiciary,
(By ~~Mr.~~.....)



PASSED March 13, 1937

In Effect from Passage

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 150

(Originating in the Committee on the Judiciary)

[Passed March 13, 1937; in effect from passage]

AN ACT to amend and reenact section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to assistants and stenographers or clerks for prosecuting attorney; salaries, and when the court may appoint attorney to prosecute.

Be it enacted by the Legislature of West Virginia:

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

Section 6. *Assistants and Stenographers or Clerks for*

2 *Prosecuting Attorney; Salaries; When Court May Appoint*

3 *Attorney to Prosecute.* Any prosecuting attorney may, with
4 the assent of the county court of his county, entered of rec-
5 ord, appoint one (and in Ohio and Kanawha counties two
6 each) practicing attorney to assist him in the discharge of
7 his official duties for and during his term of office, and such
8 assistant shall take the same oath and may perform the same
9 duties as his principal; and he may be removed from office
10 as such at any time by his principal; and further he may be
11 removed from his office as such assistant by the circuit court
12 of the county in which he is appointed, for any cause for
13 which his principal might be so removed. The compensa-
14 tion of such assistant shall be paid by the principal, except
15 in the counties of Barbour, Berkeley, Boone, Brooke, Cabell,
16 Calhoun, Fayette, Harrison, Hancock, Kanawha, Lewis,
17 Logan, Marion, Marshall, McDowell, Mercer, Mineral, Mingo,
18 Monongalia, Nicholas, Ohio, Putnam, Raleigh, Randolph,
19 Summers, Taylor, Wayne, Wetzel, Wood and Wyom-
20 ing, and in said counties the county court thereof shall
21 allow annually to such assistants such compensation to be
22 paid out of the county treasury as is deemed reasonable by
23 the court; in Ohio county for the first assistant, three thou-

24 sand dollars, and for the second assistant not to exceed fif-
25 teen hundred dollars; in Kanawha county for the first as-
26 sistant, not less than four thousand nor more than five thou-
27 sand dollars; and for the second assistant not less than three
28 thousand nor more than four thousand dollars; in Marion
29 county not less than two thousand nor more than three thou-
30 sand dollars; in Harrison, McDowell, Mercer, Mingo and
31 Raleigh counties, not less than fifteen hundred nor more than
32 three thousand dollars; in Cabell, Fayette, Logan, Summers,
33 and Wood counties, not less than one thousand nor more
34 than two thousand dollars; in Boone and Wyoming counties,
35 not less than twelve hundred nor more than eighteen hun-
36 dred dollars; in Barbour county, one thousand dollars; in
37 Monongalia county, two thousand dollars; in Berkeley and
38 Wayne counties, not to exceed one thousand two hundred dol-
39 lars; in Lewis, Lincoln, Marshall, Mineral, Nicholas and Ran-
40 dolph counties, not to exceed nine hundred dollars; in Wetzel
41 county, not less than six hundred nor more than nine hun-
42 dred dollars; in Taylor and Tucker counties, not to ex-
43 ceed six hundred dollars; in Putnam and Calhoun counties,
44 three hundred dollars. In each case such compensation shall

45 include the compensation provided by law for such assist-
46 ant's services as attorney for boards of education and other
47 administrative boards and officers of the county.

48 In any case in which it would, in the opinion of the court,
49 be improper for the prosecuting attorney and his assistant
50 (if he has one) to act; or if the prosecuting attorney and his
51 assistant be unable to act, such court shall appoint some
52 competent practicing attorney to prosecute such case, and
53 upon the performance of the service for which he was ap-
54 pointed, the court shall certify that fact, with its opinion of
55 what would be a reasonable allowance to such attorney for
56 the service rendered, to the county court of the county, and
57 such sum, or a different sum, when allowed by the county
58 court, shall be paid out of the county treasury: *Provided,*
59 That nothing in this section shall be construed to prohibit
60 the employment by any person of a competent attorney or
61 attorneys to assist in the prosecution of any person or cor-
62 poration charged with crime.

63 In each of the counties herein named except Har-
64 rison, and including Greenbrier, Lewis, Hampshire, Poca-
65 hontas, Preston, Putnam, Ritchie, Roane, Tucker and Up-

66 shur, the prosecuting attorney may employ a stenographer
67 for his office at a salary payable out of the county treasury
68 of not less than nine hundred nor more than two thousand
69 dollars per annum; except, the annual salary of such sten-
70 ographer in Barbour, Lewis, Pocahontas, Preston and Taylor
71 counties shall not exceed twelve hundred dollars; in Upshur
72 and Calhoun counties shall not exceed nine hundred dollars;
73 in Berkeley, Hampshire, Roane and Wetzel counties shall
74 not exceed six hundred dollars; in Putnam and Ritchie coun-
75 ties shall be seven hundred dollars; in Boone county shall be
76 twelve hundred dollars; in Tucker and Webster counties shall
77 be six hundred dollars; and in Braxton and Jefferson counties
78 shall not exceed nine hundred dollars: *Provided*, That in each
79 of the last three named counties the prosecuting attorney may
80 not employ a stenographer except with the consent of the
81 county court entered of record.

82 In the county of Harrison the prosecuting attorney may
83 employ two stenographers for his office at a salary for each
84 stenographer of not less than nine hundred nor more than
85 twelve hundred dollars per annum, payable out of the county
86 treasury.

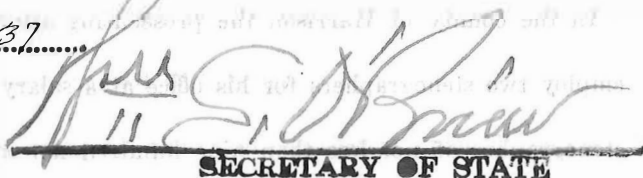
87 In the county of Clay the prosecuting attorney may em-
88 ploy a clerk or a stenographer for his office at a salary of
89 twelve hundred dollars per annum, payable out of the county
90 treasury.

91 In the county of Mingo the prosecuting attorney may em-
92 ploy one stenographer for his office at a salary not to exceed
93 fifteen hundred dollars per annum, payable out of the county
94 treasury.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of Representatives in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 19th day of March,

1937


H. S. BROWN
SECRETARY OF STATE

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

Carl B. Smith

Chairman Senate Committee

Dee B. Baker

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Charles D. Smith

Clerk of the Senate

Mo. H. H. H.

Clerk of the House of Delegates

Ch. E. Hodge

President of the Senate

J. K. Thomas

Speaker House of Delegates

The within..... this the.....

day of....., 1937.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia **MAR 19 1937**

Wm. S. O'BRIEN,
Secretary of State