

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1937**



**ENROLLED**

**SENATE BILL No.** 236

(By Mr. Paul)



PASSED March 6 1937

In Effect 90 days from Passage

236

**ENROLLED**  
**Senate Bill No. 236**

(BY MR. PAULL) (by request)

---

[Passed March 6, 1937; in effect ninety days from passage.]

---

AN ACT to amend and reenact section two, article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, relating to duties of the attorney general.

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

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

Section 2. He shall appear as counsel for the state in all  
2 causes pending in the supreme court of appeals, or in any

3 federal court, in which the state is interested; he shall ap-  
4 pear in any cause in which the state is interested that is  
5 pending in any other court in the state, on the written  
6 request of the governor, and when such appearance is en-  
7 tered he shall take charge of and have control of such  
8 cause; he shall defend all actions and proceedings against  
9 any state officer in his official capacity in any of the courts  
10 of this state or any of the federal courts, when the state  
11 is not interested in such cause against such officer, but  
12 should the state be interested against such officer, he shall  
13 appear for the state; he shall institute and prosecute all  
14 civil actions and proceedings in favor of or for the use of  
15 the state which may be necessary in the execution of the  
16 official duties of any state officer, board or commission, on  
17 the written request of such officer, board or commission;  
18 he may consult with and advise the several prosecuting  
19 attorneys in matters relating to the official duties of their  
20 office, and may require a written report from them of the  
21 state and condition of the several causes, in which the state  
22 is a party, pending in the courts of their respective coun-

23 ties; he may require the several prosecuting attorneys to  
24 perform, within the respective counties in which they are  
25 elected, any of the legal duties required to be performed  
26 by the attorney general, which are not inconsistent with  
27 the duties of the prosecuting attorneys as the legal repre-  
28 sentatives of their respective counties; when the perform-  
29 ance of any such duties by the prosecuting attorney con-  
30 flict with his duties as the legal representative of his county,  
31 or for any reason any prosecuting attorney is disqualified  
32 from performing such duties, the attorney general may  
33 require the prosecuting attorney of any other county to  
34 perform such duties, in any county other than that in which  
35 such prosecuting attorney is elected, and for the perform-  
36 ance of which duties outside of the county in which he is  
37 elected the prosecuting attorney shall be paid his actual  
38 traveling and other expenses out of the appropriation for  
39 contingent expenses for the department for which such  
40 services are rendered; he shall keep, in proper books, a  
41 register of all causes prosecuted or defended by him in be-  
42 half of the state or its officers and of the proceedings had

43 in relation thereto, and deliver the same to his successor  
44 in office; he shall preserve in his office all his official opin-  
45 ions and publish the same in his biennial report.

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

*Carl B. Galbraith*

Chairman Senate Committee

*Diego B. Baker*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Chambers*

Clerk of the Senate

*Mo Hall*

Clerk of the House of Delegates

*Geo. E. Hoyle*

President of the Senate

*James Ray Thomas*

Speaker House of Delegates

The within *Approved* this the *13<sup>th</sup>*

day of *March*, 1937.

*Frank A. Stahl*

Governor

Filed in the office of the Secretary of State of West Virginia. **MAR 15 1937**  
Wm. S. O'BRIEN,  
Secretary of State