

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 345

(By Mr. Ballard)



PASSED March 10, 1943

In Effect ninety days from Passage

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House Bill No. 345

(BY MR. BALLARD)

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AN ACT to amend and reenact section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter sixteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to assistants and stenographers or clerks for prosecuting attorneys; 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, as last amended and reenacted by chapter sixteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 6. Assistants and Stenographers for Prosecut-

2 *ing Attorney; Salaries; When Court May Appoint At-*
3 *torney to Prosecute.*—Any prosecuting attorney may,
4 with the assent of the county court of his county, en-
5 tered of record, appoint one (and Ohio, Harrison, Ka-
6 nawha, Fayette, Raleigh, Cabell and McDowell counties
7 two each) practicing attorney to assist him in the dis-
8 charge of his official duties for and during his term of
9 office, and such assistant shall take the same oath and
10 may perform the same duties as his principal; and he
11 may be removed from office as such at any time by his
12 principal; and further he may be removed from his of-
13 fice as such assistant by the circuit court of the county
14 in which he is appointed, for any cause for which his
15 principal might be so removed. The compensation of
16 such assistant shall be paid by the principal, except
17 in the counties of Barbour, Berkeley, Boone, Brooke,
18 Cabell, Calhoun, Fayette, Harrison, Hancock, Kanawha,
19 Lewis, Lincoln, Logan, Marion, Marshall, McDowell,
20 Mercer, Mineral, Mingo, Monongalia, Nicholas, Ohio,
21 Putnam, Raleigh, Randolph, Summers, Taylor, Upshur,
22 Wayne, Wetzel, Wood and Wyoming, and in said coun-

23 ties the county court thereof shall allow annually to
24 such assistants such compensation to be paid out of the
25 county treasury as it deemed reasonable by the court;
26 in Ohio county for the first assistant, three thousand
27 dollars, and for the second assistant not to exceed two
28 thousand four hundred dollars; in Kanawha county for
29 the first assistant, not less than four thousand nor more
30 than five thousand dollars, and for the second assistant
31 not less than four thousand nor more than five thousand
32 dollars; in Cabell county, not more than twenty-four
33 hundred dollars for each assistant; in McDowell county,
34 not less than one thousand eight hundred dollars nor
35 more than two thousand four hundred dollars for each
36 assistant; in Marion county, not less than two thousand
37 nor more than three thousand dollars; in Raleigh county,
38 not more than three thousand dollars; in Mingo county,
39 not to exceed two thousand four hundred dollars; in
40 Harrison, Logan and Mercer counties, not less than one
41 thousand five hundred nor more than three thousand
42 dollars; in Summers and Wood counties, not less than
43 one thousand nor more than two thousand dollars; in

44 Fayette county for the first assistant, not less than two
45 thousand four hundred nor more than three thousand
46 two hundred dollars, and for the second assistant not
47 to exceed one thousand eight hundred dollars; in Boone
48 and Wyoming counties, not less than one thousand two
49 hundred nor more than one thousand eight hundred
50 dollars; in Barbour county, one thousand dollars; in
51 Monongalia county, two thousand four hundred dollars;
52 in Wayne county, two thousand dollars; in Berkeley
53 county, not to exceed one thousand two hundred dollars;
54 in Lewis, Lincoln, Marshall, Mineral, Nicholas, Ran-
55 dolph and Upshur counties, not to exceed twelve
56 hundred dollars; in Wetzel county, not less than six
57 hundred nor more than nine hundred dollars; in Taylor
58 county, not to exceed six hundred dollars; in Putnam
59 and Calhoun counties, three hundred dollars. In each
60 case such compensation shall include the compensation
61 provided by law for such assistant's services as attorney
62 for boards of education and other administrative boards
63 and officers of the county.

64 In any case in which it would, in the opinion of the

65 court, be improper for the prosecuting attorney and his
66 assistant (if he has one) to act, or if the prosecuting
67 attorney and his assistant be unable to act, such court
68 shall appoint some competent practicing attorney to
69 prosecute such case, and upon the performance of the
70 service for which he was appointed, the court shall certify
71 that fact, with its opinion of what would be a reasonable
72 allowance to such attorney for the service rendered, to
73 the county court of the county, and such sum, or a dif-
74 ferent sum, when allowed by the county court, shall be
75 paid out of the county treasury: *Provided*, That nothing
76 in this section shall be construed to prohibit the em-
77 ployment by any person of a competent attorney or at-
78 torneys to assist in the prosecution of any person or cor-
79 poration charged with crime.

80 In each of the counties herein named, except Harrison,
81 and including Greenbrier, Lewis, Hampshire, Pocahontas,
82 Putnam, Ritchie, Roane and Upshur, the prosecuting
83 attorney may employ a stenographer for his office at
84 a salary, payable out of the county treasury, of not
85 less than nine hundred nor more than two thousand

86 dollars per annum; except, the annual salary of such
87 stenographer in Barbour, Lewis, Pocahontas, and Taylor
88 counties shall not exceed one thousand two hundred
89 dollars; in Upshur and Calhoun counties, shall not exceed
90 nine hundred dollars; in Hampshire, Roane, and Monroe
91 counties, shall not exceed six hundred dollars, however,
92 for the county of Monroe, no payment of salary shall be
93 made as herein provided after January first, one thou-
94 sand nine hundred forty-five; in Berkeley county, shall
95 not be less than six hundred dollars nor exceed one
96 thousand two hundred dollars; in Putnam and Ritchie
97 counties, shall be seven hundred dollars; in Boone county,
98 shall be one thousand two hundred dollars; and in Brax-
99 ton county, shall be seven hundred and twenty dollars;
100 in Webster county, shall be six hundred dollars; in Jef-
101 ferson county, shall not exceed nine hundred dollars:
102 *Provided, That* in each of the last two named counties
103 the prosecuting attorney may not employ a stenographer
104 except with the consent of the county court entered of
105 record.

106 In the county of Harrison, the prosecuting attorney

107 may employ two stenographers for his office at a salary
108 for each stenographer of not less than nine hundred
109 nor more than one thousand two hundred dollars per
110 annum, payable out of the county treasury.

111 In the counties of Clay and Wetzel, the prosecuting at-
112 torney may employ a clerk or a stenographer for his of-
113 fice at a salary of one thousand two hundred dollars per
114 annum, payable out of the county treasury.

115 In the counties of Mingo and Preston, the prosecuting
116 attorney may employ one stenographer for his office at
117 a salary not to exceed one thousand five hundred dollars
118 per annum, payable out of the county treasury.

119 In the county of Jackson, the prosecuting attorney may
120 employ one stenographer or clerk for his office at a sal-
121 ary of six hundred dollars per annum, payable out of the
122 county treasury.

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

Roy Z. Johnson
Chairman Senate Committee

Frank F. Patton
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Arthur Wadkins
Clerk of the Senate

J. Aschiff
Clerk of the House of Delegates

Jane Ruel
President of the Senate

John E. Cawser
Speaker House of Delegates

The within approved this the 18th
day of March, 1943.

Matthew M. Neely
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 18 1943

Wm. S. O'BRIEN,
Secretary of State