WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 76

(By Mr. Martin and Mr. Trone)

PASSED March 8, 1947

In Effect Thirty days from Passage
ENROLLED

Senate Bill No. 76
(By Mr. Winters and Mr. McKown)

[Passed March 8, 1947; in effect ninety days 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, as last amended and reenacted by chapter thirty-six, acts of the Legislature, regular session, one thousand nine hundred forty-five, 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 thirty-six, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:
Article 7. Salaries: Deputies and Assistants and Their Salaries.

Section 6. Assistants, Stenographers and Clerks for Prosecuting Attorney; Salaries; When Court May Appoint Attorney to Prosecute.—Any prosecuting attorney may, with the assent of the county court of his county, entered of record, except as hereinafter provided, appoint one (and Ohio, Harrison, Kanawha, Fayette, Raleigh, Cabell and McDowell counties two each) practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath and may perform the same duties as his principal; and he may be removed from office as such at any time by his principal; and further he may be removed from his office as such assistant by the circuit court of the county in which he is appointed, for any cause for which his principal might be removed. The compensation of such assistant shall be paid by the principal, except in the counties of Barbour, Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fayette, Harrison, Hancock, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Nicholas, Ohio, Putnam, Raleigh, Randolph, Sum-
mers, Taylor, Upshur, Wayne, Webster, Wetzel, Wood and
Wyoming, and in said counties the county court thereof
shall allow annually to such assistants such compensation
to be paid out of the county treasury as is deemed reason-
able by the court, except that in Hancock county the sal-
ary of such assistant shall not be less than one thousand
two hundred dollars nor more than one thousand eight
hundred dollars; in Ohio county for the first assistant, three
thousand dollars, and for the second assistant not to exceed
two thousand four hundred dollars; in Kanawha county
for the first assistant, not less than five thousand and not
more than six thousand dollars, and for the second as-
sistant not less than five thousand nor more than six
thousand dollars; in Cabell county for the first assistant,
not less than twenty-four hundred and not more than
thirty-six hundred dollars, and for the second assistant
not more than twenty-four hundred dollars; in McDowell
county, not less than three thousand dollars nor more
than three thousand six hundred dollars for each assist-
ant; in Marion county, not less than three thousand nor
more than three thousand six hundred dollars; in Raleigh
county, not more than three thousand dollars; in Mingo county, not to exceed three thousand dollars; in Harrison county, not less than one thousand five hundred nor more than four thousand five hundred dollars; in Mercer county, four thousand two hundred dollars; in Summers and Wood counties, not less than one thousand nor more than two thousand dollars; in Logan county, not less than three thousand dollars nor more than three thousand six hundred dollars; in Fayette county for the first assistant, not less than three thousand six hundred nor more than four thousand two hundred dollars, and for the second assistant not to exceed two thousand eight hundred dollars; in Boone and Wyoming counties, not less than one thousand two hundred nor more than two thousand four hundred dollars; in Barbour county, one thousand dollars; in Monongalia county, two thousand four hundred dollars; in Wayne county, two thousand five hundred dollars; in Berkeley county, not to exceed one thousand eight hundred dollars; in Lewis, Lincoln, Marshall, Mason, Mineral, Nicholas and Upshur counties, not to exceed twelve hundred dollars, and in Randolph county not to exceed one thousand five hun-
dred dollars; in Webster and Wetzel counties, not less
than six hundred nor more than nine hundred dollars;
in Taylor county, not to exceed six hundred dollars; in
Putnam and Calhoun counties, three hundred dollars. In
each case such compensation shall include the compen-
sation provided by law for such assistant's services as
attorney for boards of education and other administra-
tive boards and officers of the county.

In any case in which it would, in the opinion of the
court, be improper for the prosecuting attorney and his
assistant (if he has one) to act, or if the prosecuting at-
torney and his assistant be unable to act, such court shall
appoint some competent practicing attorney to prosecute
such cases; and upon the performance of the service for
which he was appointed, the court shall certify that fact,
with its opinion of what would be a reasonable allowance
to such attorney for the service rendered, to the county
court of the county, and such sum, or a different sum,
when allowed by the county court, shall be paid out of
the county treasury: Provided, That nothing in this sec-
tion shall be construed to prohibit the employment by
any person of a competent attorney or attorneys to assist
in the prosecution of any person or corporation charged
with crime.
In each of the counties herein named, except Harrison
and Fayette and including Greenbrier, Lewis, Hampshire,
Pocahontas, Putnam, Ritchie, Roane and Upshur, the pros-
ecting attorney may employ a stenographer for his office
at a salary, payable out of the county treasury, of not less
than nine hundred nor more than two thousand dollars per
annum; except, the annual salary of such stenographer in
Barbour, Lewis, Pocahontas, Taylor and Roane counties
shall not exceed one thousand two hundred dollars; in
Calhoun, Putnam, Ritchie and Upshur counties, shall not
exceed nine hundred dollars; in Hampshire county shall
not be less than one thousand dollars nor more than twelve
hundred dollars; in Berkeley county, shall not be less than
six hundred dollars nor exceed one thousand five hundred
dollars; in Boone county, shall be one thousand eight hun-
dred dollars; and in Braxton county, shall be twelve hun-
dred twenty dollars; in Webster county, shall be nine hun-
dred dollars; in Jefferson, Tyler and Gilmer counties, shall
not exceed nine hundred dollars:  *Provided*, That in each of the last four named counties the prosecuting attorney may not employ a stenographer except with the consent of the county court entered of record.

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

In the counties of Clay and Wetzel, the prosecuting attorney may employ a clerk or stenographer for his office at a salary of one thousand two hundred dollars per annum, payable out of the county treasury; except, that in the county of Clay, in lieu of the appointment of such clerk or stenographer, the prosecuting attorney may employ a practicing attorney of said county as his assistant at a salary of not less than one thousand nor more than one thousand five hundred dollars per annum, payable out of the county treasury.

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

In the county of Jackson, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of six hundred dollars per annum, payable out of the county treasury.

In the county of Mercer, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed the sum of two thousand four hundred dollars per annum, payable out of the county treasury.

In the counties of Hardy and Grant, the prosecuting attorney may employ one stenographer or clerk for his office with the consent of the county court, at a salary not to exceed five hundred dollars per annum, payable out of the county treasury as salaries of county officials are paid. The amount of said salary for one thousand nine hundred forty-five for Hardy and Grant counties, shall be fixed by the county court of each of said counties at its first regular meeting after the effective date of this
act and annually thereafter at its first regular meeting in each year.

In the counties of Mason and Wyoming, the prosecuting attorney may employ one stenographer at a salary to be fixed by the county court and payable out of the treasury of said county.

In the county of Kanawha the prosecuting attorney may employ one stenographer at a salary not to exceed two thousand five hundred dollars per annum to be fixed by the county court and payable out of the treasury of said county.

In the county of Hancock the prosecuting attorney may employ one stenographer at a salary of not more than two thousand four hundred dollars per annum, payable out of the treasury of said county.

In the county of Randolph the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars per annum and not more than two thousand dollars per annum to be fixed by the county court and payable out of the treasury of said county.
In the county of Fayette the prosecuting attorney may employ one stenographer at a salary of not to exceed twenty-four hundred dollars per year to be fixed by the county court and payable out of the treasury of said county.

In the county of McDowell, the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars nor more than two thousand four hundred dollars per year to be fixed by the county court and payable out of the treasury of such county.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. O'Neal
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage.

Howard Meyers
Clerk of the Senate

Clerk of the House of Delegates

Arnold M. Dick
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 13th day of ______, 1947.

Elwood W. Meador
Governor.

Filed in the Office of the Secretary of State of West Virginia.

WM. S. Clemen,
SECRETARY OF STATE