

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 272

(By Mr. Stemple)

PASSED March 9 1951

In Effect July 1, 1951 Passage



272

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Senate Bill No. 272

(By MR. STEMPLE)

[Passed March 9, 1951; in effect July 1, 1951.]

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 amended, relating to assistants, stenographers and clerks for prosecuting attorney.

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 amended, be amended and reenacted to read as follows:

Section 6. *Assistants, Stenographers and Clerks for*
2 *Prosecuting Attorney; Salaries; When Court May Appoint*
3 *Attorney to Prosecute.*—Any prosecuting attorney may,
4 with the assent of the county court of his county, entered
5 of record, except as hereinafter provided, appoint one
6 (and Ohio county, three and Harrison, Kanawha, Fayette,

7 Raleigh, Cabell and McDowell counties two each) prac-
8 ticing attorney to assist him in the discharge of his of-
9 ficial duties for and during his term of office, and such
10 assistant shall take the same oath and may perform the
11 same duties as his principal; and he may be removed
12 from office as such at any time by his principal; and fur-
13 ther he may be removed from his office as such assistant
14 by the circuit court of the county in which he is ap-
15 pointed, for any cause for which his principal might be
16 removed. The compensation of such assistant shall be
17 paid by the principal, except in the counties of Barbour,
18 Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fay-
19 ette, Harrison, Hancock, Kanawha, Lewis, Lincoln, Lo-
20 gan, Marion, Marshall, Mason, McDowell, Mercer, Min-
21 eral, Mingo, Monongalia, Nicholas, Ohio, Putnam, Raleigh,
22 Randolph, Summers, Taylor, Upshur, Wayne, Webster,
23 Wetzel, Wood and Wyoming, and in the said counties
24 the county court thereof shall allow annually to such
25 assistants such compensation to be paid out of the county
26 treasury as is deemed reasonable by the court, except
27 that in Hancock county the salary of such assistant shall

28 not be less than one thousand two hundred dollars nor
29 more than one thousand eight hundred dollars; in Ohio
30 county for the first assistant, three thousand six hundred
31 dollars, for the second assistant three thousand dollars
32 and for the third assistant two thousand dollars; in Kan-
33 awha county for the first assistant, not less than five
34 thousand nor more than six thousand dollars, and for
35 the second assistant not less than five thousand nor more
36 than six thousand dollars; in Cabell county for the first
37 assistant four thousand dollars, and for the second assist-
38 ant three thousand dollars; in McDowell county, not less
39 than three thousand dollars nor more than four thousand
40 two hundred dollars for each assistant; in Marion county,
41 not less than four thousand two hundred nor more than
42 four thousand eight hundred dollars; in Raleigh county,
43 four thousand two hundred dollars; in Mingo county, not to
44 exceed four thousand dollars; in Harrison county, not less
45 than one thousand five hundred nor more than four thou-
46 sand five hundred dollars; in Mercer county, four thousand
47 two hundred dollars; in Summers and Wood counties, not
48 less than one thousand nor more than two thousand dollars;

49 in Logan county, not less than three thousand dollars nor
50 more than three thousand six hundred dollars; in Fayette
51 county for the first assistant, not less than three thousand
52 six hundred nor more than four thousand two hundred
53 dollars, and for the second assistant not to exceed two
54 thousand eight hundred dollars; in Boone county not less
55 than two thousand dollars nor more than three thousand
56 dollars; in Wyoming county, not less than one thousand
57 five hundred nor more than two thousand seven hundred
58 dollars; in Barbour county, one thousand dollars; in Mon-
59 ongalia county, three thousand dollars; in Wayne county,
60 two thousand five hundred dollars; in Lincoln county,
61 not to exceed one thousand eight hundred dollars; in
62 Berkeley county, not to exceed two thousand dollars; in
63 Lewis, Marshall, Mineral, Nicholas and Upshur counties,
64 not to exceed twelve hundred dollars, and in Randolph
65 county not to exceed two thousand seven hundred dollars;
66 in Webster and Wetzel counties, not less than six hun-
67 dred nor more than nine hundred dollars; in Taylor
68 county, not to exceed six hundred dollars; in Putnam
69 county, one thousand two hundred dollars; and Calhoun

70 county, three hundred dollars. In each case such compen-
71 sation shall include the compensation provided by law for
72 such assistant's services as attorney for boards of educa-
73 tion, and other administrative boards and officers of the
74 county.

75 In any case in which it would, in the opinion of the
76 court, be improper for the prosecuting attorney and his
77 assistant (if he has one), to act, or if the prosecuting
78 attorney and his assistant be unable to act, such court
79 shall appoint some competent practicing attorney to
80 prosecute such cases; and upon the performance of the
81 service for which he was appointed; the court shall certify
82 that fact, with its opinion of what would be a reasonable
83 allowance to such attorney for the service rendered, to
84 the county court of the county, and such sum, when al-
85 lowed by the county court, shall be paid out of the
86 county treasury: *Provided*, That nothing in this section
87 shall be construed to prohibit the employment by any
88 person of a competent attorney or attorneys to assist in
89 the prosecution of any person or corporation charged
90 with crime.

91 In each of the counties herein named, except Harrison,
92 Cabell, Wayne and Fayette and including Greenbrier,
93 Hampshire, Pocahontas, Putnam, Ritchie and Upshur,
94 the prosecuting attorney may employ a stenographer for
95 his office at a salary, payable out of the county treasury,
96 of not less than nine hundred nor more than two thousand
97 dollars per annum; except, the annual salary of such
98 stenographer in Greenbrier county shall not exceed two
99 thousand three hundred and forty dollars; except, the
100 annual salary of such stenographer in Pocahontas county
101 shall not exceed one thousand two hundred dollars; in
102 Calhoun, Putnam and Upshur counties, shall not exceed
103 nine hundred dollars; in Hampshire and Ritchie counties
104 shall not be less than one thousand dollars nor more than
105 twelve hundred dollars; in Lewis county, shall not be
106 less than six hundred dollars, nor exceed one thousand
107 five hundred dollars; in Berkeley county, shall be not less
108 than eighteen hundred dollars nor more than two thou-
109 sand dollars in the discretion of the county court; in
110 Monongalia county, shall be two thousand one hundred
111 dollars; in Boone county, shall be two thousand four

112 hundred dollars; and in Braxton county, shall be four-
113 teen hundred dollars; in Taylor county, shall not be less
114 than one thousand two hundred dollars nor more than
115 one thousand eight hundred dollars; in Webster county,
116 shall be nine hundred dollars; in Gilmer county, shall
117 not exceed nine hundred dollars: *Provided*, That in each
118 of the last two named counties the prosecuting attorney
119 may not employ a stenographer except with the consent
120 of the county court entered of record.

121 In the county of Jefferson the prosecuting attorney
122 may employ a stenographer for his office at a salary of
123 not more than one thousand dollars per annum, payable
124 out of the county treasury to be fixed by the said prose-
125 cuting attorney of said county of Jefferson.

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

131 In the county of Cabell the prosecuting attorney may
132 employ two stenographers for his office, one at a salary
133 of two thousand four hundred dollars per year and one

134 at a salary of one thousand eight hundred dollars per
135 year, payable out of the county treasury.

136 In the county of Clay, the prosecuting attorney may
137 employ a clerk or stenographer for his office at a salary
138 of one thousand two hundred dollars per annum, pay-
139 able out of the county treasury; except, that in lieu of the
140 appointment of such clerk or stenographer, the prosecut-
141 ing attorney may employ a practicing attorney of said
142 county as his assistant at a salary of not less than one
143 thousand nor more than one thousand five hundred dol-
144 lars per annum, payable out of the county treasury.

145 In the counties of Mingo and Preston, the prosecuting
146 attorney may employ one stenographer for his office at
147 a salary not to exceed three thousand six hundred dol-
148 lars per annum for the county of Mingo and one thou-
149 sand eight hundred dollars per annum for the county of
150 Preston, payable out of the county treasury.

151 In the county of Jackson, the prosecuting attorney may
152 employ one stenographer or clerk for his office at a salary
153 of not to exceed nine hundred dollars per annum, pay-
154 able out of the county treasury.

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

160 In the counties of Hardy, Pendleton and Grant, the
161 prosecuting attorney may employ one stenographer or
162 clerk for his office at a salary not to exceed eight hundred
163 forty dollars per annum, payable out of the county treas-
164 ury as salaries of county officials are paid. In the county
165 of Pendelton, the prosecuting attorney may employ one
166 stenographer or clerk for his office at a salary not to ex-
167 ceed seven hundred eighty dollars per annum, payable
168 out of the county treasury as salaries of county officials
169 are paid.

170 In the county of Wyoming, the prosecuting attorney
171 may employ one stenographer at a salary to be fixed
172 by the county court and payable out of the treasury
173 of said county, and in the counties of Mason and Roane
174 the prosecuting attorney may employ one stenographer
175 at a salary of not less than eleven hundred dollars nor

176 more than fifteen hundred dollars per annum, payable
177 out of the treasury of said county.

178 In the county of Kanawha, the prosecuting attorney
179 may employ two stenographers, one at a salary not to
180 exceed three thousand dollars per annum, and one at a
181 salary not to exceed two thousand seven hundred dol-
182 lars per annum, to be fixed by the county court and pay-
183 able out of the treasury of said county.

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

188 In the county of Wayne, the prosecuting attorney may
189 employ one stenographer at a salary of not less than
190 twenty-four hundred dollars nor more than twenty-
191 seven hundred dollars per annum, to be fixed by the
192 county court and payable out of the treasury of the
193 county.

194 In the county of Randolph, the prosecuting attorney
195 may employ one stenographer at a salary of not less
196 than one thousand five hundred dollars per annum and

197 not more than two thousand four hundred dollars per
198 annum to be fixed by the county court and payable out of
199 the treasury of said county.

200 In the county of Fayette, the prosecuting attorney may
201 employ one stenographer at a salary of not to exceed
202 twenty-seven hundred dollars per year to be fixed by the
203 county court and payable out of the treasury of said
204 county.

205 In the county of McDowell, the prosecuting attorney
206 may employ one stenographer at a salary of not less than
207 one thousand five hundred dollars nor more than three
208 thousand dollars per year to be fixed by the county court
209 and payable out of the treasury of such county.

210 The prosecuting attorney may employ a clerk or a
211 stenographer for his office in the counties of Tyler, Wet-
212 zel and Marshall at an annual salary not to exceed the
213 following: In the county of Tyler, nine hundred dollars;
214 in the county of Wetzel, eighteen hundred dollars; in
215 the county of Marshall, not less than two thousand dol-
216 lars nor more than twenty-four hundred dollars, payable
217 out of the treasury of the respective counties.

218 In the county of Lincoln, the prosecuting attorney may
219 employ one stenographer or clerk for his office at a sal-
220 ary of not to exceed the sum of two thousand two hun-
221 dred dollars per annum, payable out of the county treas-
222 ury.

223 In the county of Logan, the prosecuting attorney may
224 employ one stenographer for his office at a salary of
225 not to exceed the sum of two thousand seven hundred
226 dollars per annum, payable out of the county treasury.

227 In the county of Marion, the prosecuting attorney may
228 employ one stenographer at a salary not to exceed two
229 thousand eight hundred dollars per annum, payable out
230 of the county treasury.

231 In the county of Raleigh, the prosecuting attorney may
232 employ one stenographer at a salary not to exceed three
233 thousand dollars per annum, payable out of the county
234 treasury.

235 In the county of Ohio, the prosecuting attorney may
236 employ one stenographer for his office at a salary of not
237 to exceed two thousand four hundred dollars per annum,
238 payable out of the county treasury.

239 In the county of Barbour, the prosecuting attorney may
240 employ a stenographer for his office at a salary of not
241 less than one thousand two hundred nor more than one
242 thousand eight hundred dollars per annum, to be fixed
243 by the county court of said county, payable out of the
244 county treasury.

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

Robert C. Byrd

Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1957. passage.

Howard Meyer
Clerk of the Senate

W. R. Cluff
Clerk of the House of Delegates

F. Douglas Hunter
President of the Senate

W. E. Flamm
Speaker House of Delegates

The within approved this the 16th
day of March, 1951.

Okay L. Patton
Governor.



of West Virginia **MAR 16 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE