

# WEST VIRGINIA LEGISLATURE


REGULAR SESSION, 1957

*Committee Substitute for*  
**ENROLLED**

SENATE BILL NO. 55

*Sumner or Counties, Districts & Municipalities*  
(By Mr. ....)

PASSED March 9 1957

In Effect July 1, 1957 Passage  


**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 55**

(Originating in the Committee on Counties and Municipal  
Corporations)

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[Passed March 9, 1957; in effect July 1, 1957.]

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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 amended, and to amend said article seven by adding thereto fifty-five new sections, designated sections six-(one) through six-(fifty-five), inclusive, all relating to the employment, duties and compensation of assistants, stenographers and clerks for prosecuting attorneys.

*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, and that said article seven be amended by adding thereto fifty-five new sections, designated sections six-(one) through six-(fifty-five), inclusive, all to read as follows:

Section 6. *Assistants, Stenographers and Clerks for*  
*Prosecuting Attorney; Salaries; When Court May Appoint*  
*Attorney to Prosecute.*—The prosecuting attorneys of the  
several counties of the state may, with the assent of the  
county courts of their respective counties, entered of  
record, appoint to assist them in the discharge of their  
official duties for and during their respective terms of  
office, the number of practicing attorneys, stenographers  
and clerks set forth in section six-(one) through six-  
(fifty-five), inclusive, of this article. Each such assistant  
prosecuting attorney shall take the same oath and may  
perform the same duties as his principal. Each assistant  
shall serve at the will and pleasure of his principal and  
he may be removed from office by the circuit court of  
the county in which he is appointed for any cause for  
which his principal might be removed.

17 If in any case the prosecuting attorney and his assistant  
18 be unable to act, or if in the opinion of the court it would  
19 be improper for him or his assistant to act, the court  
20 shall appoint some competent practicing attorney to act  
21 in such case. The court shall certify to the county court  
22 the performance of such service when completed and  
23 recommend to the county court a reasonable allowance  
24 for such attorney for such service, and such sum, when  
25 allowed by the county court, shall be paid out of the  
26 county treasury. No provision of this section shall be con-  
27 strued to prohibit the employment by any person of a  
28 competent attorney or attorneys to assist in the prosecu-  
29 tion of any person or corporation charged with crime.

30 The county courts of the several counties shall com-  
31 pensate the assistant prosecuting attorneys, stenogra-  
32 phers and clerks of their respective counties in accord-  
33 ance with the following annual salary provisions:

34 (1) In counties for which definite salaries are fixed by  
35 provisions of sections six-(one) through six-(fifty-five),  
36 inclusive, of this article, such definite salaries shall be  
37 paid.

38 (2) In counties for which minimum and maximum sal-  
39 ary limits are fixed by provisions of sections six-(one)  
40 through six-(fifty-five), inclusive, of this article, the sal-  
41 aries shall be fixed and paid within such limits.

42 (3) In the counties for which salaries are not fixed and  
43 limited by provisions of sections six-(one) through sec-  
44 tion six-(fifty-five), inclusive, of this article, reasonable  
45 salaries shall be fixed and paid by the respective county  
46 courts.

47 Such salaries and compensation shall be paid monthly,  
48 semi-monthly or otherwise as provided by law. In any  
49 case wherein provision is not made in this article for pay-  
50 ment of the salary of an assistant prosecuting attorney,  
51 the principal shall pay and compensate such assistant for  
52 services rendered. The compensation and salaries to be  
53 paid assistant attorneys as provided in this article shall  
54 include compensation provided by law for such assistant's  
55 services as attorney for the county board of education  
56 and other administrative boards and officers of his county.

Sec. 6-(1). *Barbour County*.—For the county of Bar-  
2 bour, one assistant attorney, one thousand dollars; one

3 stenographer, not less than one thousand two hundred  
4 nor more than one thousand eight hundred dollars.

Sec. 6-(2). *Berkeley County*.—For the county of Berke-  
2 ley, one assistant attorney, not more than two thousand  
3 four hundred dollars; one stenographer, not more than  
4 two thousand four hundred dollars.

Sec. 6-(3). *Boone County*.—For the county of Boone,  
2 one assistant attorney, not less than two thousand nor  
3 more than three thousand dollars; one stenographer at  
4 two thousand four hundred dollars.

Sec. 6-(4). *Braxton County*.—For the county of Brax-  
2 ton, one assistant attorney; one stenographer at one thou-  
3 sand four hundred dollars.

Sec. 6-(5). *Brooke County*.—For the county of Brooke,  
2 one assistant attorney; one stenographer, not less than  
3 nine hundred nor more than two thousand five hundred  
4 dollars.

Sec. 6-(6). *Cabell County*.—For the county of Cabell,  
2 two assistant attorneys, six thousand five hundred dol-  
3 lars each; two stenographers, not more than four thous-  
4 and dollars each.

Sec. 6-(7). *Calhoun County*.—For the county of Calhoun, one assistant attorney, three hundred dollars; one stenographer, at not more than twelve hundred dollars.

Sec. 6-(8). *Clay County*.—For the county of Clay, one assistant attorney; one clerk or stenographer or in lieu thereof one practicing attorney, not less than one thousand nor more than one thousand eight hundred dollars.

Sec. 6-(9). *Doddridge County*.—For the county of Doddridge, one assistant attorney; one stenographer, not more than one thousand eight hundred dollars.

Sec. 6-(10). *Fayette County*.—For the county of Fayette, first assistant attorney, five thousand dollars; second assistant attorney, four thousand four hundred dollars; one stenographer three thousand dollars.

Sec. 6-(11). *Gilmer County*.—For the county of Gilmer, one assistant attorney; one stenographer, not more than one thousand two hundred dollars.

Sec. 6-(12). *Grant County*.—For the county of Grant, one assistant attorney; one stenographer or clerk, not more than one thousand two hundred dollars.

Sec. 6-(13). *Greenbrier County*.—For the county of

2 Greenbrier, one assistant attorney; one stenographer, not  
3 more than two thousand nine hundred forty dollars.

Sec. 6-(14). *Hampshire County*.—For the county of  
2 Hampshire, one assistant attorney; one stenographer, not  
3 less than one thousand two hundred nor more than two  
4 thousand dollars.

Sec. 6-(15). *Hancock County*.—For the county of Han-  
2 cock, one assistant attorney, not less than one thousand  
3 eight hundred nor more than three thousand dollars; one  
4 stenographer, not more than two thousand eight hundred  
5 dollars.

Sec. 6-(16). *Hardy County*.—For the county of Hardy,  
2 one assistant attorney; one stenographer or one clerk at  
3 salary fixed by prosecuting attorney, not to exceed one  
4 thousand twenty dollars.

Sec. 6-(17).—*Harrison County*.—For the county of Har-  
2 rison, first assistant attorney, six thousand five hundred  
3 dollars; second assistant attorney, five thousand five hun-  
4 dred dollars; two stenographers, not less than nine hun-  
5 dred dollars nor more than three thousand six hundred  
6 dollars for each.



Sec. 6-(18). *Jackson County*.—For the county of Jackson, one assistant attorney; one stenographer, not more than one thousand eight hundred dollars and not less than one thousand two hundred dollars.

Sec. 6-(19). *Jefferson County*.—For the county of Jefferson, the prosecuting attorney may employ a stenographer for his office at a salary of not less than one thousand and five hundred dollars nor more than two thousand one hundred dollars per annum, payable out of the county treasury to be fixed by the said prosecuting attorney of said county of Jefferson.

Sec. 6-(20). *Kanawha County*.—For the county of Kanawha, three assistant attorneys, not less than six thousand nor more than seven thousand six hundred dollars each; three stenographers, at a salary not to exceed three thousand and six hundred dollars each.

Sec. 6-(21). *Lewis County*.—For the county of Lewis, one assistant attorney, not more than one thousand two hundred dollars; one stenographer, not less than six hundred nor more than one thousand eight hundred dollars.

Sec. 6-(22). *Lincoln County*.—For the county of Lincoln, one assistant attorney, not more than three thousand six hundred dollars; one stenographer or clerk, not more than three thousand dollars.

Sec. 6-(23). *Logan County*.—For the county of Logan, one assistant attorney, at five thousand five hundred dollars; one stenographer, not more than three thousand nine hundred dollars; second stenographer, not more than three thousand three hundred dollars.

Sec. 6-(24). *Marion County*.—For the county of Marion, two assistant attorneys, not less than four thousand two hundred nor more than four thousand eight hundred dollars for each; one stenographer, not more than two thousand eight hundred dollars.

Sec. 6-(25). *Marshall County*.—For the county of Marshall, one assistant attorney at two thousand four hundred dollars; one stenographer or clerk, not less than two thousand eight hundred nor more than three thousand dollars.

Sec. 6-(26). *Mason County*.—For the county of Mason, one assistant attorney; one stenographer, not less than

3 one thousand one hundred nor more than one thousand  
4 five hundred dollars.

Sec. 6-(27). *McDowell County*.—For the county of Mc-  
2 Dowell, two assistant attorneys, not less than three thou-  
3 sand nor more than four thousand eight hundred dollars  
4 for each; one stenographer, not less than one thousand  
5 five hundred nor more than three thousand dollars.

Sec. 6-(28). *Mercer County*.—For the county of Mercer,  
2 one assistant attorney, at five thousand dollars; one ste-  
3 nographer or clerk, not more than three thousand dollars.

Sec. 6-(29). *Mineral County*.—For the county of Min-  
2 eral, one assistant attorney, not more than one thousand  
3 two hundred dollars; one stenographer, not less than three  
4 thousand dollars.

Sec. 6-(30). *Mingo County*.—For the county of Mingo,  
2 one assistant attorney, not more than four thousand dol-  
3 lars; one stenographer, not more than three thousand six  
4 hundred dollars.

Sec. 6-(31). *Monongalia County*.—For the county of  
2 Monongalia, one assistant attorney, at four thousand dol-  
3 lars; one stenographer, not less than two thousand four

4 hundred nor more than three thousand six hundred dol-  
5 lars.

Sec. 6-(32). *Monroe County*.—For the county of Mon-  
2 roe, one assistant attorney; one stenographer, not more  
3 than six hundred dollars.

Sec. 6-(33). *Morgan County*.—For the county of Mor-  
2 gan, one assistant attorney.

Sec. 6-(34). *Nicholas County*.—For the county of Nich-  
2 olas, one assistant attorney, not more than one thousand  
3 two hundred dollars.

Sec. 6-(35). *Ohio County*.—For the county of Ohio, first  
2 assistant attorney, at four thousand five hundred dollars;  
3 second assistant attorney, at four thousand dollars; third  
4 assistant attorney, at three thousand five hundred dollars;  
5 one stenographer, not more than two thousand seven  
6 hundred dollars; second stenographer, not more than one  
7 thousand two hundred dollars.

Sec. 6-(36). *Pendleton County*.—For the county of  
2 Pendleton, one assistant attorney; one stenographer or  
3 clerk, not more than one thousand eighty dollars.

Sec. 6-(37). *Pleasants County*.—For the county of

2 Pleasants, one stenographer, not more than one thousand  
3 dollars.

Sec. 6-(38). *Pocahontas County*.—For the county of  
2 Pocahontas, one assistant attorney; one stenographer, not  
3 more than one thousand eight hundred dollars.

Sec. 6-(39). *Preston County*.—For the county of Pres-  
2 ton, one assistant attorney at a salary not exceeding two  
3 thousand seven hundred dollars; one stenographer, not  
4 more than two thousand seven hundred dollars.

Sec. 6-(40). *Putnam County*.—For the county of Put-  
2 nam, one assistant attorney, not more than two thousand  
3 dollars; one stenographer, not more than two thousand  
4 four hundred dollars.

Sec. 6-(41). *Raleigh County*.—For the county of Ra-  
2 leigh, one assistant attorney, at five thousand dollars; one  
3 stenographer, not more than three thousand three hun-  
4 dred dollars.

Sec. 6-(42). *Randolph County*.—For the county of Ran-  
2 dolph, one assistant attorney, not more than two thousand  
3 seven hundred dollars; one stenographer, not less than

4 one thousand five hundred nor more than two thousand  
5 four hundred dollars.

Sec. 6-(43). *Ritchie County*.—For the county of Ritchie,  
2 one assistant attorney; one stenographer, not less than  
3 one thousand nor more than one thousand five hundred  
4 dollars.

Sec. 6-(44). *Roane County*.—For the county of Roane,  
2 one assistant attorney; one stenographer, not less than  
3 one thousand five hundred nor more than two thousand  
4 four hundred dollars.

Sec. 6-(45). *Summers County*.—For the county of Sum-  
2 mers, one assistant attorney, not less than one thousand  
3 nor more than two thousand dollars; one stenographer, not  
4 less than one thousand five hundred nor more than two  
5 thousand four hundred dollars.

Sec. 6-(46). *Taylor County*.—For the county of Taylor,  
2 one assistant attorney; one stenographer, not less than  
3 one thousand two hundred nor more than three thousand  
4 dollars.

Sec. 6-(47). *Tucker County*.—For the county of Tucker,  
2 one assistant attorney.

Sec. 6-(48). *Tyler County*.—For the county of Tyler,  
2 one assistant attorney; one stenographer, not more than  
3 one thousand eight hundred dollars.

Sec. 6-(49). *Upshur County*.—For the county of Upshur,  
2 one assistant attorney, not more than one thousand two  
3 hundred dollars; one stenographer, not more than nine  
4 hundred dollars.

Sec. 6-(50). *Wayne County*.—For the county of Wayne,  
2 one assistant attorney, at three thousand six hundred dol-  
3 lars; one stenographer, not less than two thousand seven  
4 hundred nor more than three thousand dollars.

Sec. 6-(51). *Webster County*.—For the county of Web-  
2 ster, one assistant attorney, not less than six hundred nor  
3 more than nine hundred dollars; one stenographer, one  
4 thousand five hundred dollars.

Sec. 6-(52). *Wetzel County*.—For the county of Wetzel,  
2 one assistant attorney, not less than nine hundred dollars  
3 nor more than one thousand two hundred dollars; one  
4 stenographer, not more than two thousand eight hundred  
5 dollars.

Sec. 6-(53). *Wirt County*.—For the county of Wirt, one  
2 assistant attorney.

Sec. 6-(54). *Wood County*.—For the county of Wood,  
2 one assistant attorney, at two thousand five hundred  
3 dollars; one stenographer, not less than nine hundred nor  
4 more than two thousand dollars.

Sec. 6-(55). *Wyoming County*.—For the county of  
2 Wyoming, one assistant attorney, not less than one thou-  
3 sand five hundred nor more than two thousand seven  
4 hundred dollars; one stenographer at salary fixed by  
5 county court.



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

E. H. McCourt

Chairman Senate Committee

W. H. Hatcher (2nd)

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1957 passage.

J. Howard Myers

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Ralph J. Bean

President of the Senate

W. E. Hearn

Speaker House of Delegates

The within approved this the 15th  
day of March, 1957.

Jeff H. Hudner

Governor



Filed In the Office of the Secretary of State  
of West Virginia

MAR 15 1957

D. PITT O'BRIEN

SECRETARY OF STATE