WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

HOUSE BILL No. 445

(By Mr. of Miss)

PASSED March 16, 1961

In Effect July 1, 1961

Filed in Office of the Secretary of State of West Virginia MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section six, sections six-(one) through six-(fifty-five), inclusive, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to salaries of assistant prosecuting attorneys, stenographers and clerks for prosecuting attorneys.

Be it enacted by the Legislature of West Virginia:

That section six, sections six-(one) through six-(fifty-five), inclusive, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

Section 6. Assistants, Stenographers and Clerks for
2 Prosecuting Attorney; Salaries; When Court May Appoint
3 Attorney to Prosecute.—The prosecuting attorneys of the
4 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 sections 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.

If in any case the prosecuting attorney and his assistant be unable to act, or if in the opinion of the court it would be improper for him or his assistant to act, the court shall appoint some competent practicing attorney to act in such case. The court shall certify to the county court the performance of such service when completed and recommend to the county court a reasonable allowance for such attorney for such service, and such sum, when allowed by the county court, shall be paid out of the county treasury.
No provision of this section 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.

The county courts of the several counties shall compensate the assistant prosecuting attorneys, stenographers and clerks of their respective counties in accordance with the following annual salary provisions:

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

2. In counties for which minimum and maximum salary limits are fixed by provisions of sections six-(one) through six-(fifty-five), inclusive, of this article, the salaries shall be fixed and paid within such limits.

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

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

Sec. 6- (1). Same—Barbour County.—For the county of Barbour, one assistant attorney, one thousand dollars; one stenographer, not less than one thousand two hundred nor more than one thousand eight hundred dollars.

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

Sec. 6- (3). Same—Boone County.—For the county of Boone, one assistant attorney, three thousand four hundred dollars; one stenographer at two thousand eight hundred dollars.
Sec. 6-(4). *Same—Braxton County.*—For the county of Braxton, one assistant attorney; one stenographer at one thousand eight hundred dollars.

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

Sec. 6-(6). *Same—Cabell County.*—For the county of Cabell, three assistant attorneys, not more than six thousand five hundred dollars each; two stenographers not more than four thousand dollars each.

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

Sec. 6-(8). *Same—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). *Same—Doddridge County.*—For the county
of Doddridge, one assistant attorney; one stenographer, not more than one thousand eight hundred dollars.

Sec. 6-(10). Same—Fayette County.—For the county of Fayette, first assistant attorney, five thousand three hundred dollars; second assistant attorney, four thousand four hundred dollars; one stenographer at a salary to be fixed by the county court.

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

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

Sec. 6-(13). Same—Greenbrier County.—For the county of Greenbrier, one assistant attorney; one stenographer, not more than two thousand nine hundred forty dollars.

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

Sec. 6-(15). Same—Hancock County.—For the county
Hancock, one assistant attorney, not less than three thousand nor more than three thousand nine hundred dollars; one stenographer, not more than three thousand dollars.

Sec. 6-(16). Same—Hardy County.—For the county of Hardy, one assistant attorney; one stenographer or one clerk at a salary fixed by the prosecuting attorney, not to exceed one thousand five hundred dollars.

Sec. 6-(17). Same—Harrison County.—For the county of Harrison, first assistant attorney, six thousand five hundred dollars; second assistant attorney, five thousand five hundred dollars; two stenographers, not less than nine hundred dollars nor more than three thousand six hundred dollars for each.

Sec. 6-(18). Same—Jackson County.—For the county of Jackson, one assistant attorney, not less than six hundred nor more than one thousand two hundred dollars; one stenographer, not less than one thousand six hundred dollars nor more than two thousand two hundred dollars.

Sec. 6-(19). Same—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 eight hundred dollars nor more than two thousand eight 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). _Same—Kanawha County._—For the county of Kanawha, first assistant attorney, not less than six thousand nor more than nine thousand six hundred dollars, three assistant attorneys, not less than six thousand nor more than nine thousand dollars each, and stenographers and clerks at a salary to be fixed by the county court payable out of the county treasury of said county of Kanawha.

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

Sec. 6-(22) _Same—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). _Same—Logan County._—For the county of
Logan, one assistant attorney, at six 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). Same—Marion County.—For the county of Marion, two assistant attorneys, not less than four thousand six hundred nor more than five thousand two hundred dollars for each; one stenographer, not more than three thousand dollars.

Sec. 6-(25). Same—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). Same—Mason County.—For the county of Mason, one assistant attorney, not less than one thousand five hundred nor more than two thousand dollars; one stenographer, not less than one thousand five hundred nor more than two thousand dollars.

Sec. 6-(27). Same—McDowell County.—For the county of McDowell, first assistant attorney, not less than three thousand dollars.
3 thousand nor more than five thousand four hundred dol-
4 lars; second assistant attorney, not less than three thou-
5 sand nor more than five thousand dollars; one stenog-
6 rapher, not less than three thousand three hundred nor
7 more than three thousand six hundred dollars.

Sec. 6- (28). Same—Mercer County.—For the county of
2 Mercer, one assistant attorney, at five thousand five hun-
3 dred dollars; one stenographer or clerk, not more than
4 three thousand three hundred dollars.

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

Sec. 6- (30). Same—Mingo County.—For the county of
2 Mingo, one assistant attorney, not more than four thou-
3 sand five hundred dollars; one stenographer, not more
4 than four thousand two hundred dollars.

Sec. 6- (31). Same—Monongalia County.—For the coun-
2 ty of Monongalia, one assistant attorney, at four thousand
3 dollars; one stenographer, not less than two thousand four
hundred nor more than three thousand six hundred dollars.

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

Sec. 6-(33). Same—Morgan County.—For the county of Morgan, one assistant attorney.

Sec. 6-(34). Same—Nicholas County.—For the county of Nicholas, one assistant attorney, not more than one thousand two hundred dollars; one stenographer or clerk, at a salary to be fixed by the county court.

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

Sec. 6-(36). Same—Pendleton County.—For the county of Pendleton, one assistant attorney; one stenographer
or clerk, not more than one thousand five hundred dollars.

Sec. 6-(37). Same—Pleasants County.—For the county of Pleasants, one stenographer, not more than two thousand four hundred dollars.

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

Sec. 6-(39). Same—Preston County.—For the county of Preston, one assistant attorney at a salary not exceeding three thousand dollars; one stenographer, not more than three thousand dollars.

Sec. 6-(40). Same—Putnam County.—For the county of Putnam, one assistant attorney, not more than three thousand dollars; one stenographer, not more than three thousand dollars.

Sec. 6-(41). Same—Raleigh County.—For the county of Raleigh, one assistant attorney, at five thousand four hundred dollars; one stenographer, not more than three thousand six hundred dollars.

Sec. 6-(42). Same—Randolph County.—For the county
of Randolph, one assistant attorney, not more than three thousand six hundred dollars; one stenographer, not less than two thousand seven hundred nor more than three thousand six hundred dollars.

Sec. 6-(43). Same—Ritchie County.—For the county of Ritchie, one assistant attorney; one stenographer, not less than one thousand two hundred dollars nor more than one thousand eight hundred dollars.

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

Sec. 6-(45). Same—Summers County.—For the county of Summers, one assistant attorney, not less than one thousand nor more than two thousand dollars; one stenographer, not less than one thousand five hundred nor more than three thousand dollars.

Sec. 6-(46). Same—Taylor County.—For the county of Taylor, one assistant attorney; one stenographer, not less than one thousand two hundred nor more than three thousand dollars.
Sec. 6-(47). *Same—Tucker County.*—For the county of Tucker, one assistant attorney.

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

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

Sec. 6-(50). *Same—Wayne County.*—For the county of Wayne, one assistant attorney, at four thousand dollars; one stenographer, three thousand three hundred dollars.

Sec. 6-(51). *Same—Webster County.*—For the county of Webster, one assistant attorney, not less than six hundred nor more than nine hundred dollars; one stenographer, one thousand eight hundred dollars.

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

Sec. 6-(53). Same—Wirt County.—For the county of Wirt, one stenographer or clerk at not more than one thousand dollars.

Sec. 6-(54). Same—Wood County.—For the county of Wood, one assistant attorney, at four thousand dollars; one stenographer, at three thousand six hundred dollars.

Sec. 6-(55). Same—Wyoming County.—For the county of Wyoming, one assistant attorney, not less than two thousand nor more than four thousand two hundred dollars; one stenographer at a salary fixed by the county court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

John Davis, 29
Chairman Senate Committee

W. S. Withrow
Chairman House Committee

Originated in the House.


Howard McFarland
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Sington, Jr.
Speaker House of Delegates

The within approved this the 17th day of March, 1961.

Governor

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JOE F. BURDET
SECRETARY OF STATE