

Article 1.

Relations to the Government of the United States.

1. The State of West Virginia is, and shall remain, one of the United States of America.

The Constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

2. The government of the United States is a government of enumerated powers, and all powers not delegated to it, nor inhibited to the States, are reserved to the States or to the people thereof. Among the powers so reserved by the States, is the Exclusive regulation of their own internal government and police;

2  
and it is the high and solemn duty of the several departments of government, created by this constitution, to guard and protect the people of this State, from all encroachments upon the rights so reserved.

3. The provisions of the constitution of the United States, and of this State, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.

4. For the election of representatives to

congress, the state shall be divided into districts, corresponding in number with the representatives to which it may be entitled; which districts shall be formed of contiguous counties, and be compact.

Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the Constitution of the United States.

24  
Article 2.

The State.

1. The territory of the following counties, formerly parts of the Commonwealth of Virginia, shall constitute and form the State of West Virginia, viz:

The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, M<sup>c</sup>Sowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio,



5

Pendleton, Pleasants, Pocahontas, Preston,  
Putnam, Raleigh, Randolph, Ritchie, Roane,  
Summers, Taylor, Tucker, Tyler, Upshur,  
Wayne, Webster, Wetzel, Wirt, Wood and  
Wyoming. The State of West Virginia  
includes the bed, bank and shores of the  
Ohio river, and so much of the Big Sandy  
river, as was formerly included in the Com-  
monwealth of Virginia; and all territorial  
rights and property in, and jurisdiction  
over, the same, heretofore reserved by, and  
vested in, the Commonwealth of Virginia,  
are vested in, and shall hereafter be ex-  
ercised by, the State of West Virginia.

And such parts of the said beds, banks and shores, as lie opposite, and adjoining the several counties of this State, shall form parts of said several counties respectively.

2. The powers of government reside in all the citizens of the State, and can be rightfully Exercised only in accordance with their will and appointment.

3. All persons residing in this State, born, or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this State.

4. Every citizen shall be entitled to

equal representation in the government, and, in all apportionments of representation, equality of numbers of those entitled thereto, shall as far as practicable, be preserved.

5. No distinction shall be made between resident aliens and citizens, as to the acquisition, tenure, disposition, or descent of property.

6. Treason against the State, shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort.

No person shall be convicted of treason, unless on the testimony of two witnesses

to the same overt act, or on confession in open court. Treason shall be punished according to the character of the acts committed, by the infliction of one, or more, of the penalties, of death, imprisonment or fine, as may be prescribed by law.

7. The present seal of the State, with its motto, "Montani Semper Liberi," shall be the great seal of the State of West Virginia, and shall be kept by the Secretary of State, to be used by him, officially as directed by law.

8. Writs, grants and commissions, issued under the authority of this State,

shall run in the name of, and official  
bonds shall be made payable to, the State  
of West Virginia. Indictments shall  
conclude, "Against the peace and dignity  
of the State."

## Article 3.

### Bill of Rights

1. All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or direct their posterity, namely: the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

2. All power is vested in, and consequently derived from, the people. Magistrates are their trustees and

servants, and at all times amenable  
to them.

3. Government is instituted for  
the Common benefit; protection and  
security of the people, Nation or Community.  
Of all its various forms that is <sup>the</sup> best,  
which is capable of producing the greatest  
degree of happiness and safety, and  
is most effectually secured against  
the danger of Mal-administration;  
and when any government shall  
be found inadequate or contrary to  
these purposes, a majority of the Com-  
munity, has an indubitable, inalienable

and indefeasible right to reform, alter or abrogate it in such manner as shall be judged most conducive to the public good.

4. The privilege of the writ of habeas Corpus shall not be suspended. No person shall be held to answer for treason, felony or other crime not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed.

5. Excessive bail shall not be



required; nor excessive fines imposed,  
nor cruel and unusual punishments  
inflicted. Penalties shall be proportionate  
to the character and degree of the offense.  
No person shall be transported out of,  
or forced to leave the State, for any  
offense committed within the same;  
nor shall any person, in any criminal  
case, be compelled to be a witness  
against himself, or be twice put in  
jeopardy of life or liberty for the same  
offense.

6. The right of the citizens to be  
secure in their houses, persons,

papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

7. No law abridging the freedom of speech, or of the press, shall be passed; but the legislature may, by suitable penalties, restrain the publication or sale of obscene books, papers or pictures, and provide for

the punishment of libel, and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation.

8. In prosecutions, and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury, that the matter charged as libelous, is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

9. Private property shall not be taken or damaged for public use,

without just Compensation; nor shall  
the same be taken by any Company,  
incorporated for the purposes of internal  
improvement, until just compensation  
shall have been paid, or secured to be  
paid, to the owner; and when private  
property shall be taken, or damaged,  
for public use, or for the use of such  
Corporations, the Compensation to the  
owner shall be ascertained in such  
manner, as may be prescribed by  
general law: Provided, that when  
required by either of the parties,  
such Compensation shall be ascertained

17  
by an impartial jury of free-  
holders.

10. No person shall be deprived of  
life, liberty or property, without due  
process of law, and the judgment of his  
peers.

11. Political tests, requiring  
persons, as a prerequisite to the enjoy-  
ment of their civil and political rights,  
to purge themselves by their own oaths,  
of past alleged offenses, are repug-  
nant to the principles of free government,  
and are cruel and oppressive. No  
political religious or political

test oath shall be required as a prerequisite or qualification to vote, serve as a juror, ~~serve as a juror~~, sue, plead, appeal, or pursue any profession or employment. Nor shall any person be deprived by law, of any right, or privilege, because of any act done prior to the passage of such law.

12. Standing Armies in time of peace, should be avoided, as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be

1.  
tried or punished by any Military  
Court, for any offense that is cognizable  
by the Civil Courts of the State. No  
soldier shall, in time of peace, be  
quartered in any house, without the  
consent of the owner; nor in time of  
war, except in the manner to be pre-  
scribed by law.

13. In suits at Common Law,  
where the value in controversy, exclusive  
of interest and costs, exceeds twenty  
dollars, the right of trial by jury  
of free men, if required by either  
party, shall be preserved; except

20  
That in appeals from the judgments  
of justices, a jury of a less number  
may be authorized by law; but in  
trials of civil cases, before a justice,  
no jury shall be allowed. No fact  
tried by a jury, shall, in any case,  
be otherwise re-examined, than ac-  
cording to the rules of the Common Law.

14. Trials of Crimes, and of Mis-  
demeanors, unless herein otherwise  
provided, shall be by a jury of twelve  
men, public, without unreasonable  
delay, and in the County where the  
alleged offense was committed,



unless upon petition of the accused,  
and for good cause shown, it is re-  
moved to some other County. In all  
such trials, the accused shall be  
fully and plainly informed of the  
character and cause of the accusa-  
tion, and be confronted with the wit-  
nesses against him, and shall have  
the assistance of counsel, and a  
reasonable time to prepare for his  
defense; And there shall be awarded  
to him, compulsory process for obtaining  
witnesses in his favor.

15. No man shall be compelled.

22  
to frequent or support any religious  
worship, place or Ministry whatsoever;  
nor shall any Man be enforced, restra-  
ined, molested or burthened, in his body  
or goods, or otherwise suffer, on acco-  
unt of his religious opinions or belief;  
but all Men shall be free to profess,  
and, by argument, to maintain their  
opinions in matters of religion;  
and the same shall, in no wise,  
affect, diminish, or enlarge their  
Civil Capacities; and the Legislature  
shall not prescribe any religious  
test whatever, or confer any peculiar

privileges or advantages on any sect  
or denomination, or pass any law  
requiring or authorizing any religious  
society, or the people of any district  
within this State, to lay on themselves,  
or others, any tax for the erection or  
repair of any house for public worship,  
or for the support of any Church or  
ministry, but it shall be left free,  
for every person to select his religious  
instructor, and to make for his sup-  
port, such private contract, as he  
shall please.

16. The right of the people to assemble

in a peaceable manner, to Ensuit for  
the Common good, to instruct their  
representatives, or to apply for redress  
of grievances, shall be <sup>made</sup> inviolate.

17. The Courts of this State shall be  
open, and every person, for an injury  
done to him, in his person, ~~or~~ property, or  
reputation, shall have remedy by  
due Course of Law; and Justice shall  
be administered without Sale, denial  
or delay.

18. No Conviction shall work  
Corruption of blood or forfeiture of  
estate.

19. No hereditary emoluments,  
honors or privileges, shall ever be  
granted or conferred in this State.

20. Free government, and the  
blessings of liberty, can be preserved  
to any people, only by a firm adherence  
to justice, moderation, temperance,  
frugality and virtue, and by a frequent  
recurrence to fundamental principles.

Article 4.

Elections and Officers.

1. The male citizens of the State, shall be entitled to vote at all elections held within the counties, in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote, for sixty days next preceding such offer, shall be permitted to vote, while

Such disability continues; but no person in the military, naval, or marine service of the United States, shall be deemed a resident of this State by reason of being stationed therein.

2. In all elections by the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot as he may elect.

3. No voter, during the continuance of an election at which he is entitled to vote, or during the time necessary and convenient for going to, and returning

from the same, shall be subject to arrest upon civil process, or be compelled to attend any court, or judicial proceeding, as juror, juror or witness; or to work upon the public roads, or, except in time of war or public danger, to render military service.

4. No person, except citizens entitled to vote, shall be elected or appointed to any State, county, or municipal office; but the Governor and Judges, must have attained the age of thirty, and the Attorney General and Senators, the age of twenty five years, at the beginning of their respective terms of service; and



must have been citizens of the State, for five years next preceding their election, or appointment, or be citizens at the time this Constitution goes into operation.

5. Every person elected, or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath, or affirmation, that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office, to the best of his skill and judgement, and no other oath, declar-

-ation, or test, shall be required as a qualification, unless herein otherwise provided.

6.

All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office, for official misconduct, incompetence, neglect of duty, or gross immorality, in such manner as may be prescribed by general laws, and unless so removed, they shall continue to discharge the duties of their respective offices, until their successors are elected, or appointed

and qualified.

§. The general elections of State and County officers, and of members of the Legislature, shall be held on the Second Tuesday of October, until otherwise provided by law. The terms of such officers, not elected or appointed to fill a vacancy, shall unless herein otherwise provided, begin on the first day of January, and of the members of the legislature, on the ~~first~~ first day of November ~~next~~ next succeeding their election. Elections to fill vacancies shall be for the unexpired term. When vacancies occur prior to

any general election, they shall be filled by appointments in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election, as the person so elected to fill such vacancy shall be qualified.

8. The Legislature, in cases not provided for in this Constitution, shall prescribe by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed, and removed.

9. Any officer of the State, may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments, and no person shall be convicted without the concurrence of two-thirds of the members elected there to. When sitting as a court of impeachment, the President of the Supreme Court of Appeals, or, if from any cause, it be improper for him to act, then any

other judge of that Court, to be designated by it, shall preside; and the Senators shall be on oath, or affirmation, to do justice according to law and evidence.

Judgement in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under the State; but the party convicted.

shall be liable to indictment, trial, judgment, and punishment, according to law.

The Senate may sit during the recess of the Legislature, for the trial of impeachments.

10. Any citizen of this State, who

shall, after the adoption of this Constitution, either in, or out of the State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in such duel, shall, ever thereafter, be incapable of holding any office of honor, trust, or profit in this State.

11. The Legislature shall prescribe the manner of conducting, and making returns of elections, and of determining contested elections; and shall pass such laws, as may be necessary and proper to prevent intimidation, disorder, or violence.

at the polls, and corruption or fraud  
in voting, counting the vote, ascertaining  
or declaring the result, or fraud, in any  
manner, upon the ballot,

12. No citizen shall ever be denied, or  
refused the right or privilege of voting at  
an election, because his name is not, or  
has not been registered, or listed, as a  
qualified voter.



## Article 5.

## Division of Powers.

The Legislative, Executive, and Judicial ~~powers~~ <sup>Departments</sup>, shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that Justices of the Peace shall be eligible to the Legislature.

## Article 6.

### Legislature.

1. The Legislature power shall be vested in a Senate and House of Delegates. The style of their acts shall be, "Be it enacted by the Legislature of West Virginia".

2. The Senate shall be composed of twenty-four, and the House of Delegates, of sixty-five members, subject to be increased according to the provisions hereinafter contained.

3. Senators shall be elected for the term of four years, and Delegates, for the term of two years.

The Senators first elected, shall divide themselves into two classes, one Senator from every district being assigned to each class; and of these classes, the first, to be designated by lot, in such manner as the Senate may determine, shall hold their <sup>seats</sup> ~~offices~~ for two years; and the second, for four years, so that after the first election, one half of the Senators, shall be elected biennially.

4. For the election of Senators, the State shall be divided into ~~three~~ Senatorial Districts, which number

shall not be diminished, but may be increased, as hereinafter provided.

Every district shall elect two Senators, but, where the district is composed of more than one County, both shall not be chosen from the same County.

The districts shall be compact, formed of contiguous territory, bounded by County lines, and, as nearly as practicable, equal in population, to be ascertained by the Census of the United States. After every such Census, the Legislature shall alter the Senatorial Districts, so far as may be necessary to make them

Conform to the foregoing provisions.

3. Until the Senatorial Districts shall be altered, by the Legislature as herein prescribed, the counties of Hancock, Bucks and Ohio, shall constitute the first Senatorial District; Marshall, Hitzell and Marion, the second; Ritchie, Doddridge, Harrison, Gilmer and Calhoun, the third; Tyler, Pleasants, Wood and Mirt, the fourth; Jackson, Mason, Putnam and Boone, the fifth; Kanawha, Clay, Nicholas, Braxton and Webster, the sixth;

Cabell, Wayne, Lincoln, Boone, Logan,  
Wyoming, McDowell and Mercer,  
the seventh; Monroe, Greenbrier, Sum-  
mers, Pocahontas, Fayette and  
Raleigh, the eighth; Lewis, Ran-  
dolph, Wapshut, Marlinton, Taylor  
and Tucker, the ninth; Preston  
and Monongalia, the tenth; Hamp-  
shire, Mineral, Hardy, Grant and  
Pendleton, the eleventh; Berkeley,  
Morgan and Jefferson, the twelfth.

6. For the election of Delegates,  
every county containing a popula-  
tion of less than three-fifths of

the ratio of representation for the House of Delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a Delegate District.

7. After every census the Delegates shall be apportioned as follows: The ratio of representation for the House of Delegates, shall be ascertained, by dividing the whole population of the State, by the number of which the House is to consist, and rejecting the fraction of a unit, if any, resulting from such division. Dividing

the population of every Delegate  
 and of every county not included in a Delegate District,  
 District, by the ratio thus ascertained,  
 there shall be assigned to  
 each, a number of Delegates equal  
 to the quotient obtained by this  
 division, including the fractional  
 remainder. The additional Dele-  
 gates necessary to make up the  
 number of which the House is to  
 consist, shall then be assigned  
 to those Delegate Districts, and  
 counties not included in a Dele-  
 gate District, which are & other-  
 wise, have the largest fractions



unrepresented; but every Delegate District, and county not included in a Delegate District, shall be entitled to at least one Delegate.

8. Until a new apportionment shall be declared, the counties of Pleasants and Wood shall form the first Delegate District, and elect three Delegates; Ritchie and Calhoun, the second, and elect two Delegates; Parbour, Harrison and Taylor, the third, and elect one Delegate; Randolph and Tucker, the fourth, and elect

one Delegate; Nicholas, Clay and  
Webster, the fifth, and elect one  
Delegate; McFarrall and Wyoming,  
the sixth, and elect one Delegate.

9. Until a new apportionment  
shall be declared, the apportionment  
of Delegates to the counties not in-  
cluded in Delegate Districts, and  
to Barbour, Harrison and Taylor  
counties, embraced in such Districts,  
shall be as follows:

To Barbour, Boone, Bradford, Brooke,  
Cabell, Doddridge, Fayette, Hamp-  
shire, Hancock, Jackson, Lincoln,

Solan, Greenbrier, Monroe, Mercer,  
Mineral Morgan, Grant, Hardy,  
Lincoln, Pendleton, Putnam, Roane,  
Gilmer, Taylor, Tyler, Wepshur, Wayne,  
Witzel, Wirt, Pocahontas, Summers  
and Raleigh counties, one Delegate  
each.

To Berkeley, Harrison, Jefferson,  
Monroe, Marshall, Mason, Monro-  
galia, and Preston counties, two  
Delegates each.

To Kanawha county, three Delegates.

To Ohio county, four Delegates.

10. The arrangement of the Senate

ational and Delegate Districts, and apportionment of Delegates, shall hereafter be declared by law, as soon as possible, after each succeeding census, taken by authority of the United States. When so declared, they shall apply to the first general election for members of the Legislature, to be thereafter held, and shall continue in force unchanged, until such Districts shall be altered, and Delegates apportioned, under the succeeding census.

11. Additional territory may be

admitted into, and become part of  
 this State, with the consent of the  
 Legislature and a majority of the  
 qualified voters of the State, voting  
 on the question. And in such case,  
 provision shall be made by law, for  
 the representation thereof in the Sen-  
 ate and House of Delegates, in con-  
 formity with the principles set forth  
 in this Constitution. And the number  
 of members of which each House  
 of the Legislature is to consist,  
 shall thereafter be increased, by  
 the representation assigned to such

additional territory.

12. No person shall be a Senator or Delegate, who has not for one year next preceeding his election, been a resident within the district or county from which he is elected; and if a Senator or Delegate remove from the district, or county, for which he was elected, his seat shall be thereby vacated.

13. No person holding a lucrative office under this State, the United States, or any foreign government; no member of Congress; no person who is

a salaried officer of any railroad company, or who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

14. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, shall be eligible to a seat in the Legislature. No person who may have collected, or been entrusted with public money, whether State, county, township, district, or other municipal organization, shall be eligible to the Legislature, or to any

office of honor, trust, or profit in this State, until he shall have duly accounted for, and paid over such money according to law.

15. No Senator or Delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by elections by the people. Nor shall any member of the Legislature be



interested, directly or indirectly, in  
 contract, with the State, or any county thereof, authorized by any  
 any law passed during the term  
 for which he shall have been elec-  
 ted.

16. Members of the Legislature,  
 before they enter upon their duties,  
 shall take and subscribe the  
 following oath, or affirmation:  
 "I do solemnly swear (or affirm) that  
 I will support the Constitution of  
 the United States, and the Con-  
 stitution of the State of West  
 Virginia, and faithfully discharge  
 the duties of Senator (or Delegates)  
 according to the best of my ability;"

and they shall also take this further oath, to wit: "I will not accept or receive directly or indirectly, any money <sup>or other</sup> valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, as Senator (or Delegate,) on any bill, resolution or appropriation, or for any act I may do or perform as Senator (or Delegate?)" These oaths shall be administered in the Hall of the House to which the member is elected, by a Judge of the Supreme Court of Appeals, or of a Circuit

Court, or by any other person authorized  
 by law to administer an oath; and  
 the Secretary of State shall record  
 and file said oaths subscribed  
 by each member; and no other oath  
 or declaration shall be required as a  
 qualification. Any member who  
 shall refuse to take the oath herein  
 prescribed, shall forfeit his seat;  
 and any member who shall be con-  
 victed of having violated the oath  
 last above required to be taken,  
 shall forfeit his seat, and be dis-  
 qualified thereafter from holding

any office of profit or trust in this State.

17. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or any report, motion or proposition, made in either House, a member shall not be questioned in any other place.

18. The Legislature shall assemble at the Seat of Government biennially, and not oftener, unless

convened by the Governor. The first session of the Legislature, after the adoption of this Constitution, shall commence on the <sup>third Tuesday</sup> ~~day~~ of November, 1872, and thereafter the regular biennial session of the Legislature shall commence on the <sup>second Wednesday</sup> ~~day~~ of January, 1875, and every two years thereafter, on the same day.

19. The Governor may convene the Legislature by proclamation whenever, in his opinion, the public safety or welfare shall require it. It shall be his duty to convene it,

on application in writing, of three-fifths of the members elected to each house.

20. The Seat of Government shall be at Charleston, until otherwise provided by law.

21. The Governor may convene the Legislature at another place, when, in his opinion, ~~they~~<sup>it</sup> cannot safely assemble at the Seat of Government; and the Legislature may, when in session, adjourn to some other place, when in ~~their~~<sup>its</sup> opinion, the public safety or welfare, or the safety of the members, or their health shall require it.

22. No session of the Legislature, after the first, shall continue longer than forty-five days, without the concurrence of two-thirds of the members elected to each House.

23. Neither House shall, during the session, adjourn for more than three days, without the consent of the other. Nor shall either, without such consent, adjourn to any other place than that in which the Legislature is sitting.

24. A majority of the members, elected to each House of the

Legislature, shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each House may provide. Each House shall determine the rules of its proceedings, and be the judge of the elections, returns and qualifications, of its own members. The Senate shall choose, from ~~their~~<sup>its</sup> own body, a President; and the House of Delegates, from ~~their~~<sup>its</sup> own body, a Speaker. Each House shall appoint



its own officers, and remove them at pleasure. The oldest Delegate present, shall call the House to order; at the opening of each new House of Delegates, and preside over it, until the Speaker thereof shall have been chosen, and have taken his seat. The oldest member of the Senate present at the commencement of each regular session thereof, shall call the Senate to order; and preside over the same until a President of the Senate shall have been chosen, and have taken his seat.

25. Each House may punish its own members for disorderly behaviour, and with the concurrence of two-thirds of the members elected thereto, expel a member, but not twice for the same offence.

26. Each House shall have power to provide for its own safety, and the undisturbed transaction of its business, and may punish by imprisonment, any person not a member, for disrespectful behaviour in its presence; for obstructing any of its proceedings, or any of its officers in

the discharge of his duties, or for any assault, threat or abuse of a member, for words spoken in debate. But such imprisonment shall not extend beyond the termination of the session, and shall not prevent the punishment of any offence, by the ordinary course of law.

27. Laws shall be enacted and enforced, by suitable provisions and penalties, requiring sheriffs, and all other officers, whether State, county, district or municipal, who shall collect or receive,

or whose official duty it is, or shall be, to collect, receive, hold, or pay out any money belonging to, or which is, or shall be, for the use of the State or of any county, district, or municipal corporation, to make annual account and settlement therefor. Such settlement, when made, shall be subject to inspection, and take such direction, and have only such force and effect, as may be provided by law; but in all cases, such settlement shall be recorded, and be open to the examination of the people at such convenient

place or places as may be appointed by law.

28. Bills and resolutions may originate in either House but may be passed, amended or rejected by the other.

29. No bill shall become a law until it has been fully and distinctly read, on three different days in each House, unless, in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with: Provided, in <sup>all</sup> cases, that an engrossed bill shall be fully and distinctly read in each House.

30. No Act hereafter passed, shall embrace

more than one object, and that shall be expressed in the title. But if any object shall be embraced in an act, which is not so expressed, the act shall be void only as to so much thereof, as shall not be so expressed, and no law shall be revived, or amended, by reference to its title only; but the law revived, or the section amended, shall be inserted at large, in the new act. And no act of the such as may be passed by the Legislature, except, at the first session under this Constitution, shall take effect, until the expiration of ninety days after its passage, unless the Legislature shall, by a vote of two thirds of the members elected to each

House, taken by yeas and nays, otherwise direct.

31. When a bill, or joint resolution, passed by one House, shall be amended by the other, the question on agreeing to the bill, or joint resolution, as amended, shall be again voted on, by yeas and nays, in the House by which it was originally passed, and the result entered upon ~~the~~<sup>its</sup> journal; in all such cases, the affirmative vote of a majority of all the members elected to such House shall be necessary.

32. Whenever the words, "a majority of the members elected to either House of the

Legislature," or words of like import, are used in this Constitution; they shall be construed to mean a majority of the whole number of members to which each House is, at the time, entitled, under the apportionment of representation, established by the provisions of this Constitution.

33. The members of the Legislature shall <sup>each</sup> receive for their services, the sum of four dollars per day, and ten cents for each mile traveled in going to, and returning from, the Seat of Government, by the most direct route. The Speaker of the House



of Delegates, and the President of the Senate, shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument ~~directly or indirectly~~ <sup>directly or indirectly</sup> than that by this section provided, shall be made or paid to the members of either House, for postage, stationery, newspapers, or any other purpose whatever.

34. The Legislature shall provide by law, that the fuel, stationery and printing paper, furnished for the use of the State; the copying, printing, binding

and distributing the laws and journals;  
and all other printing ordered by the  
Legislature, shall be let by contract to  
the lowest responsible bidder, bidding  
under a maximum price to be fixed by  
the Legislature; and no member or officer  
thereof, or officer of the State, shall be in-  
terested, directly or indirectly, in such  
contract, but all such contracts shall  
be subject to the approval of the Governor,  
and in case of his disapproval of  
any such contract; there shall be a  
re-letting of the same in such manner  
as may be prescribed by law.

35. The State of West Virginia shall never be made defendant in any Court of law or equity.

36. The Legislature shall have no power to authorize lotteries, or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery, or gift enterprise tickets in this State.

37. No law shall be passed after the election of any public officer, which shall operate to extend the term of his office.

38. No Extra Compensation shall be granted or allowed to any public officer,

agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any Legislature authorize the payment of any claim or part thereof, hereafter created against the State, under any agreement or contract made, without Express authority of law; and all such unauthorized agreements shall be null and void, Nor shall the salary of any public officer be increased, or diminished, during his term of office, nor shall any such officer, or his or their sureties, be released from any debt or liability due to the State: Provided, The Legislature

may make appropriations for expenditures hereafter incurred, in suppressing insurrection, or, repelling invasion.

39. The Legislature shall not pass local or special laws, in any of the following enumerated cases; that is to say, for

Granting divorces;  
Laying out, opening, altering and  
working roads or highways;

Vacating roads, town plats, streets,  
alleys, and public grounds;

Locating, or changing County seats;

Regulating or changing County,  
~~and~~ <sup>or</sup> district affairs;

Providing for the sale of church property,  
or property held for charitable uses;

Regulating the practice in Courts of justice;

Incorporating cities, towns or villages,  
or amending the charter of any city,  
town or village, containing a population  
of less than two thousand;

Summoning, or impaneling grand or  
petit juries;

The opening, or conducting of any election,  
or designating the place of voting;

The sale, or mortgage of real estate,  
belonging to minors, or others under disability;

Chartering, licensing, or establishing,

ferry, or toll bridges;

Remitting fines, penalties, or forfeitures;

Changing the law of descent;

Regulating the rate of interest;

Authorizing deeds to be made for land  
sold for taxes;

Relieving taxes;

Releasing title to forfeited lands.

The Legislature shall provide, by general laws, for the foregoing and all other cases for which provision can be so made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case, nor

in any other case in which the courts have jurisdiction, and are competent to give the relief asked for.

40. The Legislature shall not confer upon any court, or judge, the power of appointment to office, further than the same is herein provided for.

41. Each House shall keep a journal of its proceedings, and cause the same to be published from time to time, and all bills and joint resolutions, shall be described therein, as well by their title as their number, and the yeas and nays on any question, if called for by one-tenth



of those present, shall be entered on the journal.

42. Bills making appropriations for the pay of members, and officers of the Legislature, and for salaries for <sup>the</sup> officers of the Government, shall contain no provision ~~in any~~ <sup>on</sup> any other subject.

43. The Legislature shall never authorize or establish any board, or court of registration of voters.

44. In all elections to office which may hereafter take place in the Legislature, or in any county, or municipal body, the vote shall be viva voce, and be entered on its journals.

45. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide, by law, for the punishment by imprisonment in the penitentiary, of any person who shall bribe, or attempt to bribe, any Executive or judicial officer of this State, or any member of the Legislature in order to influence him, in the performance of any of his official or public duties; and, also, to provide, by law, for the punishment by imprisonment in the penitentiary, of any of said officers, or any member of the Legislature, who shall demand, or receive, from any

Corporation, Company, or person, any money, testimonial, or other valuable thing, for the performance of his <sup>or public</sup> ~~public~~ official duties, or for refusing, or failing to perform the same, or for any vote or influence, a member of the Legislature, may give or withhold as such member; and, also, to provide by law, for compelling any person, so bribing or attempting to bribe, or so demanding, or receiving a bribe, fee, reward, or testimonial, to testify against any person or persons, who may have committed any of said offences:

Provided, that any person so compelled to testify, shall be exempted from trial

and punishment for the offence of which, he may have been guilty, and concerning which he is compelled to testify; and any person convicted of any of the offences specified in this section, shall, as a part of the punishment thereof, be forever disqualified from holding any office, or position of honor, trust, or profit in this State.

46. Laws may be passed regulating or prohibiting the sale of intoxicating liquors within the limits of this State.

47. No charter of incorporation shall be granted to any church, or relig-

-ous denomination. Provision may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church, or religious denomination.

48. Any husband or parent, residing in this State, or the infant children of deceased parents, may hold a Homestead and personal property to the value of two hundred dollars, of the value of one thousand dollars, exempt from forced sale subject to such regulations as shall be prescribed by law: Provided that such Homestead Exemption

shall in no wise affect debts or liabilities existing at the time of the adoption of this Constitution: and ~~further~~ <sup>further</sup> provided, that no property shall be exempt from sale for taxes due thereon, or for the payment of purchase money due upon said property, or for debts contracted for the erection of improvements thereon.

49. The Legislature shall pass such laws as may be necessary to protect the property of married women from the debts, liabilities, and control of their husbands.

50. The Legislature may provide for submitting to a vote of the people at

53  
the general election to be held in 1876,  
or at any general election thereafter, a  
plan or scheme of proportional represen-  
tation in the Senate of this State; and  
if a majority of the votes cast at such  
election be in favor of the plan submitted  
to them, the Legislature shall at its session  
succeeding said election, re-arrange  
the Senatorial Districts in accordance  
with the plan so ~~so~~ approved by the  
people.

## Article 7

## Executive Department

1 The Executive Department shall consist of a Governor, Secretary of State, State Superintendent of Free Schools,

Auditor, Treasurer, and Attorney General,

who shall be, ex officio Members of the

Court of Appeals. Their terms of office,

respectively, shall be four years, and

shall commence on the fourth day

of March, next, after their election.

They shall, except the Attorney General, reside at the Seat of Government during

their terms of office, and keep

there the public records, books <sup>and</sup> papers,



pertaining to their respective offices, and shall perform such duties as may be prescribed by law.

### Election

2. An election for Governor, State Superintendent of Free Schools, Auditor, Treasurer, and Attorney General, shall be held at such times and places as may be prescribed in this Constitution, or by general law.

3. The returns of every election for the above named officers, shall be sealed up and transmitted by the returning officers, to the Secretary of State, directed to the Speaker of the House of Delegates, who

shall, immediately after the organization of the House and before proceeding to business, open and publish the same, in the presence of a majority of each House of the Legislature, <sup>which</sup> ~~and~~ shall, for that purpose, assemble in the ~~hall~~ of the House of Delegates. The person having the highest number of votes for either of said offices, shall be declared duly elected thereof; but if two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of Governor,

shall be determined by both Houses of the  
Legislature, by joint vote, in such man-  
ner as may be prescribed by law.

The Secretary of State shall be appointed  
by the Governor, by and with the advice  
and Consent of the Senate, and shall  
continue in office, unless sooner removed,  
until the expiration of the official term  
of the Governor, by whom he shall have  
been appointed.

#### Eligibility.

4. Neither the Governor, State Superin-  
tendent of Free Schools, Auditor, Treasurer,  
nor Attorney General, shall hold any  
other office, during the term of his service.

The Governor shall be ineligible to said office, for <sup>the</sup> four years, next succeeding the term for which he was elected.

5. The chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

6. The Governor shall, at the commencement of each session, give to the Legislature information by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall accompany his message with a statement of all money received and paid out by him, from any funds, subject to

his order, with vouchers therefor; and, at the commencement of each regular session, present estimates of the amount of money required by taxation for all purposes.

7. The Governor may, on extraordinary occasions, convene, at his own instance, the Legislature; but, when so convened, it shall enter upon no business, except that stated in the proclamation by which it was called together.

8. The Governor shall nominate, and by and with the advice and consent of the Senate, (a majority of all the Senators elected or re-elected by yeas and nays) appoint and discontinue whose offices are established by

this Constitution, or shall be created by law,  
and whose appointment or election is not  
otherwise provided for; and no such officers  
shall be appointed or elected by the Legislature.

9. In case of a vacancy, during the recess of  
the Senate, in any office which is not elective,  
the Governor shall by appointment, fill such  
vacancy, until the next meeting of the Senate,  
when he shall make a nomination for such  
office, and the person so nominated, when  
confirmed by the Senate, (a majority of all  
the senators present concerning by Yeas <sup>and</sup> Nays,)  
shall hold his office during the remainder  
of the term, and until his successor shall

be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office, during the same session, unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.

10. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant, and fill the same, as herein provided in other cases of vacancy.

11. The Governor shall have power to remit fines and penalties, in such Cases, and under such regulations, as may be prescribed by law; to ~~Commute~~ Capital punishment, and; except when the prosecution has been carried out by the House of Delegates, to grant reprieves, and pardons, after Conviction; but he shall communicate to the Legislature, at each session, the particulars of every Case of fine or penalty remitted, of punishment commuted, and of reprieve or pardon granted, with his reasons therefor.

12. The Governor shall be Commander in Chief of the military forces of the State, (except



when they shall be called into the service of the United States) and may call out the same, to execute the laws, suppress insurrection, and repel invasion.

13. When any State officer has executed his official bond, the Governor shall, for such Causes, and in such manner as the Legislature may direct, require of such officer reasonable additional security; and if the security is not given as required, his office shall be declared vacant, in such manner as may be provided by law.

14. Every bill passed by the Legislature shall, before it becomes a law, be presented

to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its Journal, and proceed to reconsider it.

If, after such reconsideration, a majority of the members elected to that House, agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall, likewise, be reconsidered, and if approved by a majority of the members elected to that House, it shall become a law, notwithstanding the

objections of the Governor. But in all such cases, the vote of each House shall be determined by yeas and nays, to be entered on the journal. Any bill, which shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case, it shall be filed, with his objections, in the office of <sup>the</sup> Secretary of State, within five days after such adjournment, or become a law.

15. Every bill passed by the Legislature, making appropriations of money, embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapprove the bill, or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill originated; but all items not disapproved shall have the force and effect of law, according to the original provisions of the bill.

Any item, or items, so disapproved shall be void, unless re-passed by a

Majority of each House, according to the rules and limitations prescribed in the preceding section in reference to other bills.

16. In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the Governor, the President of the Senate shall act as Governor, until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above named causes, shall <sup>become</sup> ~~be~~ incapable of performing the duties of Governor, the same shall

devolve upon the Speaker of the House of Delegates; and in all other cases, where there is no one to act as Governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of Governor, before the first three years of the term shall have expired, a new election for Governor shall take place to fill the vacancy,

17. If the office of Auditor, Treasurer, State Superintendent of Free Schools, or Attorney General, shall become vacant by death, resignation, or otherwise,

it shall be the duty of Governor to fill the same by appointment, and the appointee shall hold his office, until his successor shall be elected and qualified, in such manner as may be provided by law.

The subordinate officers of the Executive Department, and the officers of all public institutions of the State, shall keep an account of all moneys received or disbursed by them respectively, from all sources, and for every service performed, and make a semiannual report thereof to the

Governor, under oath or affirmation; and any officer who shall wilfully make a false report, shall be deemed guilty of perjury.

18. The subordinate officers of the Executive Department, and the officers of all the public institutions of the State, shall, at least ten days preceding each regular session of the Legislature, severally, report to the Governor, who shall transmit such report to the Legislature; and the Governor may, at any time require information in writing, under oath,



from the officers of his department,  
and all officers and managers  
of State institutions, upon any  
subject relating to the condition,  
management, and expenses, of their  
respective offices.

19. The Governor shall receive for  
his services a salary of twenty seven  
hundred dollars per annum, and  
no additional emolument, allowance,  
or perquisite, shall be paid or made  
to him, on any account. Any  
person, acting as Governor, shall  
receive the emoluments of that office.

The Secretary of State shall receive one thousand; the State Superintendent of Free Schools, fifteen hundred; the Treasurer, fourteen hundred; the Auditor, two thousand; and the Attorney General, thirteen hundred dollars per annum; and no additional emolument or allowance, except as herein otherwise provided, shall be paid or made out of the treasury of the State to any of the foregoing executive officers, on any account.

Judiciary Department

1. The judicial power shall be vested in a Supreme Court of Appeals, and in Circuit Courts, and the Judges thereof; in County, and Corporation Courts, and in Justices of the Peace.

Supreme Court of Appeals.

2. The Supreme Court of Appeals shall consist of four Judges, any three of whom shall be a quorum. They shall be elected by the voters of the

State, and shall hold their office for the term of twelve years, unless sooner removed in the manner prescribed by this Constitution; except, that of those first elected, two, to be designated by lot in such manner as they may determine, and in the presence of the Governor, shall hold their offices for four years; a third, to be designated in like manner, for eight years, and the fourth, for twelve

Years; so that one or more shall be elected every four years.

3. It shall have original jurisdiction in Cases of habeas Corpus, Mandamus, and Prohibition.

It shall have appellate jurisdiction in Civil Cases, where the Matter in Controversy, exclusive of costs, is of greater value, or amount than one hundred dollars; in Controversies concerning the title or boundaries of land, the Probate of wills, the appointment or qualification

of a Personal Representative,  
guardian, Committe, or Curator;  
or Concerning a Mill, Road, way,  
ferry, or landing; or The Right  
of a Corporation, or County to levy  
tolls, or Taxes; and, also, in Cases  
of quo warranto, habeas Corpus,  
Mandamus and prohibition,  
and in Cases involving freedom,  
or The Constitutionality of a law.

It shall have appellate juris=  
diction, in Criminal Cases, where  
there has been a Conviction  
for felony, or Misdemeanor, in

a Circuit Court, and where a conviction has been had in any inferior court, and been affirmed in a Circuit Court.

4. No decision rendered by the Supreme Court of Appeals, shall be considered as binding authority upon any of the inferior courts of this State, except in the particular case decided, unless such decision is concurred in, by at least three judges of said Court.

5. When a judgment, or decree is

Reversed, or affirmed, by The  
Supreme Court of Appeals,  
every point fairly arising upon  
The Record of The Case, shall  
be Considered, and decided;  
and the Reasons therefor shall  
be Concisely Stated in writing,  
and preserved with The record  
of The Case; and it shall be  
The duty of The Court to prepare  
a Syllabus of The points adjudi-  
-cated in each Case concurred  
in by three <sup>of the</sup> judges <sup>thereof</sup> ~~of the Court~~;  
which shall be prefixed to The



Published report of The case

6. A writ of error, Supersedeas, or appeal shall be allowed only by the Supreme Court of Appeals, or a Judge thereof, or by a Judge of a Circuit Court, upon a petition assigning error in the judgment, or proceedings of the inferior Court, and then only after the said Court or Judge shall have examined, and considered the record and assignment of errors, and is satisfied, that there is error in

§

110

The same, or that it presents a point, proper for the consideration of the Court of Appeals.

1/ If a vacancy shall occur in said Court, from any cause, the Governor shall issue a writ of election, to fill such vacancy for the residue of the term: Provided ~~that if the~~ <sup>that if the</sup> unexpired term, be less than two years, the Governor shall appoint a Judge to fill such vacancy.

8 The officers of the Supreme Court of Appeals, except the

III

2

Reporter, shall be appointed by the Court, or, in vacation, by the Judges Thereof, with the power of Removal; Their duties and Compensation shall be prescribed by Law.

9. There shall be at least two terms of The Court of Appeals' held annually, at such times and places, as may be prescribed by Law.

### Circuit Courts.

10. The State shall be divided into Nine Circuits; for each

Circuit a Judge shall be elected by the voters thereof, who shall hold his office for the term of eight years, unless sooner removed in the manner prescribed by this Constitution.

During his continuance in office, he shall reside in the Circuit of which he is Judge.

11 A Circuit Court shall be held in every County, twice a year. But provision may be made by law for special terms; and a judge of any

Circuit may hold the Court, in another Circuit.

12. The Circuit Courts shall have the supervision of all proceedings before the County Courts, and other inferior tribunals, by Mandamus, prohibition, or Certiorari. They shall, except in cases confided by this Constitution exclusively to some other tribunal, have original, and general jurisdiction of all matters at law, where the amount in controversy, exclusive of

interest, exceeds fifty dollars:  
in Cases of quo warranto, habeas  
Corpus, Mandamus, or Prohibition;  
and in all Cases of equity, and  
of all felonies, and Misdemeanors.  
They shall have appellate jurisdic-  
= tion, upon petition and assignment  
of error, in all Cases of  
judgments, decrees, and final  
orders, rendered by The County  
Court, and such other inferior  
Courts of Record as may be  
hereafter established by law.  
under the provisions of this

article, where the matter is  
controversy, exclusive of costs,  
is of greater value or amount,  
than twenty dollars; in controversies  
respecting the title, or boundaries  
of land; the probate of wills,  
the appointment, or qualification  
of a personal representative,  
guardian, committee, or curator;  
or concerning a mill, road, way,  
ferry, or landing, or the right of  
a Corporation, or County to levy  
tolls, or taxes; and also in cases  
of habeas Corpus, quo warranto,

Mandamus, prohibition, and  
Certiorari, and in cases involving  
freedom, or the Constitutionality  
of a law; and in all cases  
of Conviction, under Criminal  
prosecutions in said Court. It  
shall have such other original  
jurisdiction, as may be  
prescribed by law.

13. The Legislature may authorize  
by general law, any indictment  
for a Misdemeanor found by the  
grand jury of any Circuit Court,  
to be Certified by said Court



to the County Court of the County,  
in which the indictment shall  
be found, for further proceedings  
to be had Thereon, in such  
manner, and under such  
regulations, as may be proscribed  
by law.

14. The State shall be arranged  
into the following Circuits:—The  
Counties of Hancock, Brooke, Ohio  
and Marshall, shall constitute  
the first Circuit; The Counties  
of Wetzel, Marion, Monongalia,  
Taylor, Doddridge and Harrison, The

Second; the counties of Jefferson,  
Berkeley and Morgan, the third;  
the counties of Hampshire, Mineral,  
Grant, Hardy and Pendleton, the  
fourth; the counties of Tyler, Pleasant,  
Richie, Wood, West and Calhoun,  
the fifth; the counties of Randolph,  
Tucker, Barbour, Lewis, Webster, Gilmer,  
Preston and Upshur, the sixth; the  
Counties of Jackson, Roan, Putnam  
Kanawha, and Mason, the seventh;  
the Counties of Greenbrier, Monroe,  
Fayette, Summers, Clay, Nicholas,  
Pocahontas and Braxton, the eighth;

and the counties of Cabell, Wayne, Lincoln,  
Boone, Logan, Wyoming, Mercer, Raleigh  
and McDowell, the ninth.

15

The Legislature may, after the  
expiration of five years from the time  
this constitution goes into operation,  
re-arrange the circuits, but the number  
of circuits shall not then be increased;  
and no re-arrangement of the circuits  
shall have the effect of removing a  
Judge from office. After the census  
of 1880, it may increase the number  
of circuits, so as not to exceed one

circuit, for every fifty-five thousand inhabitants of the State.

- 16 The Legislature shall provide by law for holding Circuit Courts where, from any cause, the Judge shall fail to attend, or if in attendance, cannot properly preside.

#### General Provisions.

17. All Judges shall be commissioned by the Governor. The salary of the Judges of the Court of Appeals shall be twenty-two hundred and fifty dollars per annum, and that of the

Judges of the Circuit Court shall be two thousand dollars; and each shall receive the same allowance for necessary travel, as members of the Legislature. No judge, during his term of office, shall practice the profession of law, or hold any other office, appointment, or public trust, under this, or any other government, and the acceptance thereof shall vacate his judicial office; nor shall he, during his continuance therein, be eligible to any political office.

18.

Judges may be removed from office by a concurrent vote of both

Houses of the Legislature, where from age, disease, or mental or bodily infirmity, they are incapable of discharging the duties of their offices. But two-thirds of the members elected to each House, must concur in such vote; and the cause of removal shall be entered upon the journal of each House. The Judge, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which either House of the Legislature

19 The voters of each county shall elect a Clerk of the Circuit court, whose term of office shall be six years; his duties and compensation, and the mode of removing him from office, shall be prescribed by law; and when a vacancy shall occur in the office, the Judge of the Circuit Court shall appoint a Clerk, who shall discharge the duties of the office, until the vacancy shall be filled by election. In any case in respect to which the Clerk shall be so situated as to make it improper for him to act, the Court shall appoint a substitute.

20 The Clerks of the Circuit Courts, and the Clerk of the Supreme Court of Appeals, shall, under such regulations as may be prescribed by law, make an annual report to the Auditor, exhibiting the number of suits commenced, pending, and decided in their respective Courts, and the number of days the Courts were in session during the year, which shall be condensed by said Auditor, and made a part of his annual report to the Legislature.

21 Wherever the Legislature is expressly prohibited by this Constitution, from doing



any particular act, and the same shall be done, in violation of such prohibition, it shall be the duty of the courts, upon a proper case presented before them, to declare such act null and void.

22. The Legislature may establish courts of limited jurisdiction within any incorporated town or city, subject to such appeal as now is, or may hereafter be, prescribed by law.

### County Courts.

23. There shall be in each county of the State, a County Court, which shall be composed of a President and two Justices.

of the Peace, except when, by this Constitution,  
the presence of a greater number is required.

It shall hold six sessions during the year,  
at times to be prescribed by law; two of which  
shall be limited to matters connected with  
the police and fiscal affairs of the county;  
the other four shall be held for the trial  
of causes, and for the transaction of all  
other business, within the general jurisdiction  
of the Court, except an assessment or levy  
upon the property of the county. In all  
cases where a levy of the county is laid,  
a majority of all the Justices elected in the  
County, shall be necessary to constitute

a quorum for the transacting <sup>that</sup> of business.

- 24 The President of the Court shall be elected by the voters of the county, and shall hold his office for the term of four years. It shall be his duty to attend each term of the said Court; and he shall receive for such service, four dollars for every day he presides in Court, to be paid from the county treasury. He shall also perform such other duties, and receive such compensation therefor, as may be prescribed by law; except that he shall not be authorized to try causes out of Court. When from any cause he is unable to attend as President of the Court,

Any Justice may be added to make the Court, who, in conjunction with the other two, may designate one of their own number to preside in his absence.

25 Each county shall be laid off into districts, not less in number than three, nor more than ten, as nearly equal as may be in territory and population. In each district there shall be elected by the voters thereof, one, and not more than two, Justices of the Peace, who shall reside in their respective districts, and hold their office for the term of four years.

The present subdivisions of the counties by

townships, shall constitute such districts until changed by a court constituted  $\frac{4}{3}$  of a majority of the Justices of the county.

2.6 The Justices of the Peace shall be classified by law, for the performance of their duties in Court; they shall receive a compensation of three dollars per day, for their services in Court, to be paid out of the county treasury, and they may receive fees for other official duties, to be prescribed by law, and paid by the parties, for whom the service shall be rendered.

2.7 The County Court shall have original

jurisdiction, in all actions at law,  
where the amount in controversy exceeds  
Twenty dollars; and also in all cases of  
habeas corpus, quo warranto, mandamus,  
prohibition, certiorari, and in all suits ~~of~~ in  
equity. It shall have jurisdiction in all  
matters of probate; the appointment and  
qualification of personal representatives,  
guardians, committees, and curators, and  
the settlement of their accounts, and in  
all matter relating to apprentices; and of  
all criminal cases under the grade of  
felony, except as hereinbefore provided.  
But the jurisdiction of the County Court



shall be subject to such limitations as  
may be prescribed by law. They shall <sup>have</sup> the  
custody, through their clerks, of all wills,  
deeds, and other papers presented for probate,  
or record in said county, which shall  
be disposed of, or preserved, as required  
by law.

28. It shall also have the  
superintendence and administration  
of the internal police and fiscal  
affairs of the County, including  
the establishment and regula-  
-tion of roads, ways, bridges,  
public landings, ferries, and mills,

132 30

with Authority to lay, and disburse  
the County levies: Provided, That no  
license shall be granted in any city,  
town, or village without the consent of  
the authorities of the same first had  
and obtained. It shall, in all  
contested cases, judge of the election,  
qualification and returns of its own  
members, and of all County and  
district officers; and it shall  
exercise such other jurisdiction,  
and perform such other duties, as  
may be prescribed by law. Nothing in  
this Article shall impair, or affect



the Charter of any Municipal Corporation.

29. The County Court shall have jurisdiction of all appeals from the judgement of <sup>the</sup> Justices, and their decision upon such appeal shall be final in all cases, except such as involve the title, right of possession, or boundaries of lands, the freedom of a person, the validity of a law, or an ordinance of any Corporation, or the right of a Corporation to levy tolls, or taxes.

No Judge, or Justice shall sit in an appellate Court, in review of a decision

134 32  
made by him.

30. The voters of each County shall elect a Clerk of the County Court, whose term of office shall be six years, and whose duties, compensation and mode of removal shall be prescribed by law.

31. Provisions may be made under such regulations as may be prescribed by law, for the probate of wills, and for the appointment and qualification of personal representatives, guardians, committees and curators, during the recess of the regular sessions of the County Court.

32. A vacancy in the office of the

President of the Court shall be filled until the next regular election, by the Justices, all of whom shall be summoned for that purpose. Vacancies in the office of Justice of the Peace may be filled, until the next regular election, by the County Court, ~~at one of its regular terms.~~

33. The civil jurisdiction of a Justice of the Peace, shall extend to actions of Assumpsit, debt, detinue, and trover, if the amount claimed, exclusive of interest, does not exceed one hundred dollars, but where the amount ~~then~~ claimed, shall exceed twenty dollars,

on the application of the defendant,  
either in person or by counsel, made  
at any time before trial, it shall be the  
duty of the Justice of the Peace to trans-  
mit the papers in the case to the Clerk  
of the County Court, to be therein tried.

The jurisdiction of Justices of the Peace,  
shall extend throughout their county;  
they shall be conservators of the peace,  
and have such jurisdiction, and powers  
in criminal cases as may be pre-  
scribed by law, ~~not repugnant to~~  
~~this Constitution~~. And Justices of the  
Peace shall have authority to take the

35  
130

acknowledgement of deeds, and other writings, administer oaths, and take and certify depositions. And the Legislature may give to Justices, such additional civil jurisdiction, and powers within their respective Counties, as may be deemed expedient, under such regulations and restrictions, as may be prescribed by general law; except that in suits to recover money, or damages, their jurisdiction and powers shall, in no case, exceed one hundred dollars.

34. The Legislature shall upon

the application of any County, re-form, modify, or alter the County Court established by this Constitution, in such County, and in lieu thereof, with the assent of a majority of the voters of said County, voting at any election held for that purpose, create another Court, or other tribunals, as well for judicial as for police and fiscal purposes, either separate or combined, which shall conform to the wishes of the County, making the application, but with the same powers and jurisdiction herein conferred upon the County

Court, and with compensation to be made from the County treasury.

If two or more adjoining Counties shall prefer to unite in the election of a judge to hold a County Court, in their respective Counties, they shall, with the assent of a majority of the voters of each of said Counties be authorized, for all the purposes of judicial organization, to do so in the manner, and upon the terms above set forth: Provided, That the Courts so created shall, in their provisions, be made to conform to the policy of the State, as prescribed in

139 30

this Constitution.

35. No citizen of this State who aided, or participated in the late war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding civil, or criminal; nor shall his property be seized or sold under final process, issued upon judgements, <sup>or</sup> ~~and~~ decrees heretofore rendered, or otherwise, because of any act done according to the usages of civilized warfare, in the prosecution of said war, by either of the parties thereto.



149  
The Legislature shall provide, by general law, for giving full force and effect to this section, by due process of law.

36. Such parts of the Common law, and <sup>of</sup> the laws of this State, as are in force when this Constitution goes into operation, and are not repugnant thereto, shall be, and continue, the law of the State until altered or repealed by the Legislature. All civil and criminal suits and proceedings pending in the former Circuit Courts of this State, shall remain, and be proceeded in before the Circuit Court of the proper County.

# Article 9.

## County Organization

1 The voters of each County shall elect a Surveyor of Lands, a Prosecuting Attorney, a Sheriff, and one, and not more than two Assessors, who shall hold their respective offices for the term of four years.

2. There shall also be elected in each district of the County, by the voters thereof, one Constable, and if the population of any district shall exceed twelve hundred, an additional Constable, whose term of office shall

2  
142

be four years, and whose powers  
as such shall extend throughout  
their County. The Assessor shall,  
with <sup>the</sup> advice and Consent of the County  
Court, have the power to appoint  
one or more assistants, Coroners,  
Overseers of the Poor, and Surveyors  
of roads, shall be appointed by  
the County Court. The foregoing  
officers, except the Prosecuting  
Attorneys, shall reside in the County  
and district for which they shall  
be respectively elected.

3. The same person shall not

be elected Sheriff for two consecutive full terms; nor shall any person who acted as his deputy be elected successor to such Sheriff, nor shall any Sheriff act as deputy of his successor; nor shall he, during his term of service, or within one year thereafter, be eligible to any other office. The retiring Sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the

office of Sheriff shall be performed by him, in person, or under his superintendence

4. The Presidents of the County Courts, the Justices of the Peace, Sheriffs, Prosecuting Attorneys, Clerks of the Circuit, and of the County Courts; and all other County Officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and upon conviction thereof, their offices shall become vacant.

3. The Legislature shall provide for

Commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this constitution, and may require any class of them to give bond with security, for the faithful discharge of the duties of their respective offices.

6. It shall further provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their deputies and assistants by general laws.

7. The President of the County Court,

6  
140

And every Justice and Constable shall be a Conservator of the peace throughout his County.

8. No new County shall hereafter be formed in this State, with an area of less than four hundred square miles; nor with a population of less than six thousand; nor shall any County, from which a new County, or part thereof, shall be taken, be reduced, in area, below four hundred square miles, nor in population, below six thousand. Nor shall any new County be formed without

the Consent of a majority of the voters residing within the boundaries of the proposed new County, and voting on the question.

## Article 10.

### Taxation and Finance.

1. Taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as directed by law.

No one species of property, from which a tax may be collected, shall be taxed higher than any other species



of property of equal value; but property used for educational, literary, scientific, religious or charitable purposes; all Cemeteries and public property, may, by law, be exempted from taxation. The Legislature shall have power to tax, by uniform and equal laws, all privileges and franchises of persons and corporations.

2. The Legislature shall levy an annual Capitation tax of one dollar upon each male inhabitant of the State, who has attained the age

of twenty one years, which shall be annually appropriated to the support of Free Schools. Persons afflicted with bodily infirmity may be exempted from this tax.

3. No money shall be drawn from the treasury but in pursuance of an appropriation made by law, and on <sup>a</sup> warrant issued thereon by the Auditor; Nor shall any money, or fund, be taken for any other purpose than that for which it has been, or may be, appropriated, or provided. A complete and

150

detailed statement of the receipts  
and expenditures of <sup>the</sup> Public Monies,  
shall be published Annually.

4. No debt shall be contracted  
by this State, except to meet Casual  
deficits in the revenue, to redeem  
a previous liability of the State, to  
suppress insurrection, repel invasion,  
or defend the State in time of war;  
but the payment of any liability,  
other than that for the ordinary exp-  
enses of the State, shall be equally  
distributed over a period of at least  
twenty years.

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, <sup>the</sup> support of Free Schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient, with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

6. The Credit of the State shall not be granted to, or in aid of any County, City, Township, Corporation, or person; nor shall the State ever assume, or become responsible for the debts, or liabilities, of any City, County, City, town, township, Corporation, or person; nor shall the State ever hereafter become a joint owner, or stockholder in any Company, or association, in this State or elsewhere, formed for any purpose whatever.

7. County authorities shall never assess taxes, in any one year, the

1853

aggregate of which shall exceed  
ninety-five Cents per one hundred  
dollars valuation, except for the  
support of Free Schools; payment  
of indebtedness existing at the time  
of the adoption of this Constitution;  
and for the payment of any indebted-  
ness with the interest thereon,  
created under the succeeding section,  
unless such assessment, with all  
questions involving the increase  
of such aggregate, shall have  
been submitted to the vote of the  
people of the County, and have

received three-fifths of <sup>all</sup> the votes  
cast for and against it.

8. No County, City, School district,  
or Municipal corporation, except in  
cases where such Corporations have  
already authorized their bonds to be  
issued, shall hereafter be allowed  
to become indebted, in any manner,  
or for any purpose, to an amount,  
including existing indebtedness,  
in the aggregate, exceeding five  
per centum on the value of the  
~~value of the~~ taxable property therein  
to be ascertained by the last assessment.

for State and County ~~purposes~~ taxes,  
 previous to the incurring of such  
 indebtedness; nor without, at the  
 same time, providing for the collection  
 of a direct annual tax, sufficient  
 to pay, annually, the interest on  
 such debt, and the principal thereof,  
 within, and not exceeding thirty  
 four years: Provided, that no  
 debt shall be contracted under  
 this section, unless all questions  
 connected with the same, shall have  
 been <sup>first</sup> submitted to a vote of the  
 people, and have received three-



fifths of all the votes cast for and against the same.

9. The Legislature may, by law, authorize the Corporate authorities of Cities, towns, and villages, for Corporate purposes, to assess and collect taxes; but such taxes shall be uniform, with respect to persons and property, within the jurisdiction of the authority imposing the same.

## Article 11.

### Corporations.

1. The Legislature shall provide

for the organization of all Corporations hereafter to be Created, by general laws, uniform as to the class to which they relate; but no Corporation shall be Created by special law: provided, that nothing in this section contained, shall prevent the Legislature from providing by special laws for the connection, by canal, of the waters of the Chesapeake with the Ohio river, by line of the James river, Greenbrier, New river and Great Kanawha.

2. The stockholders of all Corporations, and joint stock companies, except banks and banking institutions, created by laws of this State, shall be liable for the indebtedness of such Corporations to the amount of their stock subscribed and unpaid, and no more.

3. All existing charters, or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within two years from the time this constitution

takes effect, shall thereafter have no validity or effect whatever: provided, that nothing herein shall prevent the execution of any bona fide contract heretofore lawfully made ~~in relation~~ in relation to any existing Charter or grant in this State.

4. The Legislature shall provide by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person, or by proxy, for the number of shares of stock owned by him, for as

160

many persons as there are directors or managers to be elected, or to cumulate said shares, and give one Candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many Candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

5. No law shall be passed by the Legislature, granting the right

to construct and operate a street railroad within any City, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway, proposed to be occupied by such street railroad.

### Banks.

6. The Legislature may provide, by a general banking law, for the creation and organization of banks of issue or circulation, but the stockholders of any bank ~~here-~~  
~~before~~ <sup>hereafter</sup> authorized by laws of this

25 16  
State, whether of issue, deposit, or  
discount, shall be personally liable  
to the creditors thereof, over and above  
the amount of stock held by them  
respectively, to an amount equal  
to their respective shares, so held,  
for all its liabilities accruing  
while they are such stock-holders.

### Railroads.

7. Every railroad corporation,  
organized or doing business in  
this State, shall annually, by their  
proper officers, make a report under  
oath, to the Auditor of Public Accounts

of this State, or some officer to be designated by law, setting forth the condition of their affairs, the operations of the year, and such other matters relating to their respective railroads as may be prescribed by law. The Legislature shall pass laws, enforcing by suitable penalties, the provisions of this section.

8. The rolling stock, and all other moveable property, belonging to any railroad Company, or Corporation in this State, shall be considered



personal property, and shall be  
 liable to execution and sale, in  
 the same manner as the personal  
 property of individuals; and the  
 Legislature shall pass no law,  
 exempting any such property from  
 execution and sale.

9. Railroads heretofore constructed,  
 or that may hereafter be constructed  
 in this State, are hereby declared  
 public highways, and shall be  
 free to all persons for the transpor-  
 tation of their persons and property  
 thereon, under such regulations  
 as shall be prescribed by law.

25  
163

and the Legislature shall, from time to time, pass laws, applicable to all railroad corporations in the State, establishing reasonable maximum rates of charges for the transportation of passengers and freights, and providing for the correction of abuses, the prevention of ~~abuses~~ unjust discriminations between through and local or way freight and passenger tariffs, and for the protection of the just rights of the public, and shall enforce such laws, by adequate penalties.

10. The Legislature shall, in the

Law regulating railway Companies,  
require railroads running through,  
or within a half mile of a town,  
or village, containing three hundred  
or more inhabitants, to establish  
stations for the accommodation of  
trade and travel of said town,  
or village.

11. No railroad Corporation shall  
consolidate its stock, property or  
franchise, with any other railroad,  
owning a parallel ~~line~~ or compe-  
ting line, or obtain the possession,  
or control of such parallel, or com-

peting line by lease or other Contract,  
without the permission of the Legis-  
lature.

12. The exercise of the power and  
the right of eminent domain,  
shall never be so construed, or  
abridged, as to prevent the taking,  
by the Legislature, of the property  
and franchises of incorporated  
Companies, already organized,  
and subjecting them to the public  
use, the same as of individuals.

## Article 12.

## Education.

1. The Legislature shall provide, by general law, ~~for~~ a thorough and efficient system of ~~free schools~~ free schools.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law.

If in the performance of any such duty imposed upon him by the Legislature, he shall incur any expenses, he shall be reimbursed therefor: Provided, The amount does not exceed five hundred dollars

in any one year.

3. The Legislature may provide for County Superintendents, and such other officers as may be necessary to carry out the objects of this Article, and define their duties, powers and compensation.

4. The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and inappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed, or sold

to others than this State; all grants, devises, or bequests that may be made to this State for the purposes of education, or where the purposes of such grants, devises, or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks, or property, which this State shall have the right to claim from the State of Virginia for educational purposes; the ~~rest~~ proceeds of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of

Any taxes that may be levied on the  
 revenues of any corporation; all moneys  
 that may be paid as an equivalent  
 for exemption from military duty; and  
 such sums as may, from time to time,  
 be appropriated by the Legislature for  
 the purpose, shall be set apart as  
 a separate fund, to be called the "School  
 Fund"; and invested under such  
 regulations as may be prescribed by  
 law, in the interest bearing securities  
 of the United States, or of this State, or if  
 such interest bearing securities cannot  
 be obtained, then said "School Fund"



shall be invested in such other solvent interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same, under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of a fiscal year, shall be added

to, and remain a part of, the capital of the "School Fund." Provided, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the County, or District by, or for which the same were levied.

5. The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund", the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax; and by general taxation

on persons and property or otherwise.

It shall also provide for raising, in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of Free Schools therein as shall be prescribed by general laws.

6. The school districts into which any county is now divided, shall continue until changed in pursuance of law.

7. All levies that may be laid by any county or district for the purpose of Free Schools, shall be reported to the

Clerk of the County Court, and shall, under such regulations as may be prescribed by law, be collected by the Sheriff, or other collector, who shall make annual settlement with the County Court; which settlements shall be made a matter of record by the Clerk thereof, in a book to be kept for that purpose.

8. White and Colored persons shall not be taught in the same school.

9. No person connected with the Free School system of the State, or with any educational institution of any

Name, or grade under State control,  
 shall be interested in the sale, proceeds  
 or profits of any book or other thing  
 used, or to be used therein, under such  
 penalties as may be prescribed by law;  
Provided, That nothing herein shall be  
 construed to apply to any work written,  
 or thing invented, by such person.

10. No independent Free School  
 district, or organization shall hereafter  
 be created, except with the consent of  
 the school district or districts out  
 of which the same is to be created,  
 Expressed by a majority of the voters

voting on the question.

11. No Appropriation shall here-  
after be made to any State Normal  
School, or branch thereof, except to those  
already established, and in operation, or  
now chartered.

12. The Legislature shall foster  
and encourage moral, intellectual,  
scientific and agricultural improve-  
ment; it shall, whenever it may be  
practicable, make suitable provision  
for the blind, mute and insane, and for  
the organization of such institutions of  
learning as the best interests of general

education in the State may demand.

## Article XIII.

## Land Titles.

1. All private rights and interests in lands in this State derived from or under the laws of the State of Virginia, and from or under the Constitution and laws of this State prior to the time this Constitution goes into operation, shall remain valid and secure, and shall be determined by the laws in force in Virginia, prior to the formation of this State, and by the Constitution and laws in force in this State, prior to the time this Constitution goes into effect.



2. No entry by warrant on land in this State shall hereafter be made.

3. All title to lands in this State, heretofore forfeited, or treated as forfeited, waste and unappropriated, or escheated to the State of Virginia, or this State, or purchased by either of said States at sales made for the non-payment of taxes and become irredeemable, or hereafter forfeited or treated as forfeited or escheated to this State, or purchased by it and become irredeemable, not redeemed, released or otherwise disposed of, vested and

remaining in this State, shall be,  
and is hereby transferred to and vested  
in any person (other than those for  
whose default the same may have been  
forfeited or returned delinquent, their  
heirs or devisees,) for so much thereof  
as such person has, or shall have  
had actual continuous possession of,  
under color or claim of title for ten  
years, and who, or those under whom  
he claims, shall have paid the State  
taxes thereon, for any five years during  
such possession; or if there be no such  
person, then to any person (other than

those for whose default the same  
may have been forfeited, or returned de-  
-linquent, their Heirs or devisees, for  
so much of said land as such  
person shall have title or claim to,  
regularly derived, mediately or  
immediately from, or under a grant  
from the Commonwealth of Virginia,  
or this State, not forfeited, which but  
for the title forfeited would be valid,  
and who, or those under whom he  
claims, has, or shall have paid all  
State taxes charged or chargeable  
thereon for five successive years, after the

year 1865, or from the date of the grant, if it shall have issued since that year; or if there be no such person as aforesaid, then to any person, (other than those for whose default the same may have been forfeited or returned delinquent, their heirs or devisees,) for so much of said land as such person shall have had claim to and actual continuous possession of, under color of title for any five successive years after the year 1865, and have paid all State taxes charged or chargeable thereon for said period.

4. All lands in this <sup>State</sup>, waste and unappropriated, ~~or~~ heretofore or here-  
after for any cause forfeited, or treated as forfeited, or escheated to the State of Virginia, or this State, or purchased by either and become in-  
demnable, not redeemed, released, transferred or otherwise disposed of, the title where to shall remain in this State till such sale as is here-  
after mentioned be made, shall by proceedings in the Circuit Court of the County in which the lands, or a part thereof, are situated, be sold to

the highest bidder.

5. The former owner of any such land, shall be entitled to receive the excess of the sum for which the land may be sold over the taxes charged and chargeable thereon, or which, if the land had not been forfeited, would have been charged or chargeable thereon, since the formation of this State, with interest at the rate of twelve per centum per annum, and the costs of the proceedings, if his claim be filed in the Circuit Court that decrees the sale, within

two years thereafter.

C. It shall be the duty of every owner of land to have it entered on the land books of the County in which it, or a part of it is situated, and to cause himself to be charged with the taxes thereon, and pay the same.

Then for any five successive years after the year 1869, the owner of any tract of land containing one thousand acres or more, shall not have been charged on such books with State tax on said land, then by operation hereof, the land shall be forfeited and the

title thereto vest in the State. But if, for any one or more of such five years, the owner shall have been charged with State tax on any part of the land, such part thereof shall not be forfeited for such cause. And any owner of land <sup>so</sup> forfeited, or of any interest therein at the time of the forfeiture thereof, who shall then be an infant, married woman, or insane person, may, until the expiration of three years after the removal of such disability, have the land, or such interest charged on such



books, with all State and other taxes that shall be, and but for the forfeiture would be, chargeable on the land, or interest therein for the year 1863, and every year thereafter with interest at the rate of ten per centum per annum; and pay all taxes and interest thereon for all such years, and thereby redeem the land, or interest therein: Provided, Such right to redeem, shall in no case extend beyond twenty years from the time such land was forfeited.

## Article XIV.

### Amendments

1. No Convention shall be called, having the authority to alter the constitution of the State, unless it be in pursuance of a law, passed by the affirmative vote of a majority of the members elected to each House of the Legislature and providing that polls be opened throughout the State, on the same day therein specified, which shall not be less than three months after the passage of such law, for the purpose of carrying the sense of the voters on the question of calling a Convention. And such Convention shall not be held unless a majority of the votes cast at such polls be in favor of calling the same; nor shall the members be elected to such Convention, until, at least, one month after the result of the vote shall be duly ascertained, declared and published. And all acts and ordinances of the said Convention, shall be submitted to the voters of the State, for ratification

or rejection, and shall have no validity whatever until they are ratified.

2. Any amendment to the Constitution of the State may be proposed in either House of the Legislature; and, if the same, being proposed, read on three several days in each House, be agreed to in its third reading, by two-thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, <sup>and</sup> it shall be the duty of the Legislature to provide by law, for submitting the same, to the voters of the state, for ratification or rejection at the next general election thereafter, and ~~shall~~ cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as a part of the

§  
191

constitution of the State. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately.