Constitution of West Virginia

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;

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.

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, Berkley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio,

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 Commonwealth 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 exercised 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 divest 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 the various forms that is the 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 Community, has an indubitable, inalienable

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

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 proportioned 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 rights 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 agrieved 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

by an impartial jury of twelve 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 enjoyment of their Civil and political rights, to purge themselves by their own oaths, of past alleged offenses, are repugnant to the principals 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

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 prescribed 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 a jury of twelve men, if required by either party, shall be preserved; except

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 according to the rules of the Common law.

14. Trials of Crimes, and of Misdemeanors, 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 shewn, it is removed to some other County. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of Counsel, and a reasonable time to prepare for his defence; And there shall be awarded to him, Compulsory process for obtaining witnesses in his favor.

15. No. Man shall be Compelled.

to frequent or support any religious worship, place or Ministry whatsoever; nor shall any Man be enforced, restrained, Molested or burthened, in his body or goods, or otherwise suffer, on account 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 levy 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 support, such private Contract, as he shall please.

16. The right of the people to assemble

in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances, shall be inviolate.

17. The Courts of this State shall be open, and every person, for an injury done to him, in his person, ~~x~~ 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 suitor, 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, incompetency, 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.

7. 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 ... day of November ..... 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 thereto. 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, judgement, 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 Con-
-stitution, 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 in-
-capable 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~~ Departments, 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 Legislative 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-four 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 ~~offices~~ seats 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, both, 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.

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

Cabell, Wayne, Lincoln, Boone, Logan, Wyoming, McDowell and Mercer, the seventh; Monroe, Greenbrier, Summers, Pocahontas, Fayette and Raleigh, the eighth; Lewis, Randolph, Upshur, Barbour, Taylor and Tucker, the ninth; Preston and Monongalia, the tenth; Hampshire, Mineral, Hardy, Grant and Pendleton, the eleventh; Berkeley, Morgan and Jefferson, the twelfth.

6. For the election of Delegates, every county containing a population 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, excluding the fractional remainder. The additional Delegates 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 Delegate District, which would otherwise, 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; Barbour, 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; McDowell and Wyoming, the sixth, and elect one Delegate.

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

To Barbour, Boone, Braxton, Brooke, Cabell, Doddridge, Fayette, Hampshire, Hancock, Jackson, Lewis,

Logan, Greenbrier, Monroe, Mercer, Mineral, Morgan, Grant, Hardy, Lincoln, Pendleton, Putnam, Roane, Gilmer, Taylor, Tyler, Upshur, Wayne, Fitzel, Hirt, Pocahontas, Summers and Raleigh counties, one Delegate each.

To Berkeley, Harrison, Jefferson, Marion, Marshall, Mason, Monongalia, and Preston counties, two Delegates each.

To Kanawha county, three Delegates.

To Ohio county, four Delegates.

10. The arrangement of the Senato-

atorial 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 Senate and House of Delegates, in conformity 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 preceding 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 election 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.

6. 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 Delegate)
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 or other 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 convicted of having violated the oath last above required to be taken, shall forfeit his seat, and be disqualified 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 third Tuesday Day of November, 1872, and ~~thereafter~~ the regular biennial session of the Legislature shall commence on the second Wednesday 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 Charlestown, until otherwise provided by law.

21. The Governor may convene the Legislature at another place, when, in his opinion, ~~they~~ it cannot safely assemble at the Seat of Government; and the Legislature may, when in session, adjourn to some other place, when in ~~their~~ its 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~~ its own body, a President; and the House of Delegates, from ~~their~~ its 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 thereof. Such settlement, when made, shall be subject to exceptions, 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 all 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 ex-
-pressed 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
Legislature, except at the first session under
this Constitution, shall take effect, until the
expiration of ninty 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 ~~their~~ its journals; 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 each 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 officer. No other allowance or emolument, directly or indirectly, 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 interested, 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 contracts 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, ~~or~~ and 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 impanneling 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,

ferries, 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;

Releasing 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 offices, 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 the officers of the Government, shall contain no provision on 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 Legis-
lature, 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 ~~public~~ or 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 withold 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 nowise affect debts or liabilities existing at the time of the adoption of this Constitution: and further 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

the general election to be held in 1876, or at any general election thereafter, a plan or scheme of proportional representation 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 ~~as~~ 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, Reporter 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 and 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, ~~who~~ which 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 thereto; 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 manner 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 Superintendent 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 the 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 concurring by yeas and nays) appoint all officers 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 elected concurring by Yeas and 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 mal feasance 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 on 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 the Secretary of State, within five days after such adjourn-ment, or become a law.

15. Every bill passed by the Legis-
-lature, 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 on 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 ~~be~~ become 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. Of 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.

Article 8th

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 offices 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, 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 quo warranto, habeas Corpus, Mandamus and prohibition, and in Cases involving freedom, or the Constitutionality of a law. It shall have appellate jurisdiction, 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 concured in, by at least three judges of said Court.

5. When a judgement, 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 adjudicated in each case concurred in by three of the judges thereof, 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

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

7. 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 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

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 prescri=
=bed by Law.

5. There shall be at least two terms of the Court of Appeals' held annually, at such times and places, as may be prescri=
=bed 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 Pre-scribed 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

articles, where the Matter in 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 prescribed 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, Berkly and Morgan, the third; the counties of Hampshire, Mineral, Grant, Hardy and Pendleton, the fourth; the counties of Tyler, Pleasants, Ritchie, Wood, Wirt 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 shall act thereupon.

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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 Whenever 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 transaction of that 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 three 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 offices for the term of four years.

The present subdivisions of the counties by

townships, shall constitute such districts until changed by a court constituted by a majority of the Justices of the county.

26 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.

27 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 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 have 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 regulation of roads, ways, bridges, public landings, ferries, and mills,

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 the 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

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. Provision 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 the~~ any ~~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 ~~thus~~ 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 transmit 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 prescribed by law, ~~not repugnant to this Constitution.~~ And Justices of the Peace shall have authority to take the

acknowledgement of deeds, and other writings, administer oaths, and take and certify depositions. And the Legis-
-lature 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

county, 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

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 preceding civil or criminal; nor shall his property be seized or sold under final process, issued upon judgements, ~~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.

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 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

be four years, and whose powers as such shall extend throughout their County. The Assessor shall, with the 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,

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 votes 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 Cemetaries 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 a warrant issued therefor by the Auditor; Nor shall any money, or funds, be taken for any other purpose than that for which it has been, or may be, appropriated, or provided. A complete and

detailed statement of the receipts and expenditures of the public Moneys, shall be published Annually.

4. No debt shall be contracted by this State, except to meet Casual deficits in the revinue, 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 expenses 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, the 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

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 indebtedness 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 all 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, first 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 Cannal, 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

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 general banking law, for the creation and organization of banks of issue or circulation, but the stock-holders of any bank ~~hereafter~~ hereafter, authorized by laws of this

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 desig-
nated by law, setting forth the
condition of their affairs, the opera-
tions 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 transportation of their persons and property thereon, under such regulations as shall be prescribed by law;

and the Legislature shall, from time to time, pass laws,
applicable to all railroad corporations in this State, establishing
reasonable maximum rates of
charges for the transportation of
passengers and freights, and
providing for the correction of
abuses, the prevention of unjust
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 accomodation of trade and travel of said town, or village.

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

peting line by lease or other Contract, without the permission of the Legislature.

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 funds, and all money accruing to this State from forfeited, delinquent, waste and unappropriated 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 ~~rents~~ 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 taxes 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 hereafter 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 improvement; 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

educatem in the State may deem.

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 indemnable, or hereafter forfeited or treated as forfeited or escheated to this State, or purchased by it and become indemnable, 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, mediatly or immediatly 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 State, waste and unappropriated, or heretofore or hereafter for any cause forfeited, or treated as forfeited, or escheated to the State of Virginia, or this State, or purchased by either and become irredeemable, not redeemed, released, transferred or otherwise disposed of, the title whereto shall remain in this State till such sale as is hereinafter 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 charge-able 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.

6. 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. And 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 so 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 poll 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 taking 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, and it shall be the duty of the Legislature to provide by law, for submitting the same, to the votes of the state, for ratification or rejection at the next general election thereafter, and ~~thereafter~~ 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 votes, 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

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.

Schedule.

1. It shall be the duty of the President of this Convention, immediately after its adjournment, to certify to the Governor of the State of West Virginia, an accurate transcript of the Constitution and Schedule adopted by the Convention.

2. Upon the receipt of such certified transcript, the Governor shall make proclamation of that fact, and shall annex to his proclamation a copy of this Constitution and Schedule, all of which shall be

published, for the general information of the people, in such manner as he shall deem most expedient.

3. The officers authorized by existing laws to conduct general elections, shall cause elections to be held at the several places of voting, established by law in each county, on the fourth Thursday of August, 1872, at which election the votes of all persons qualified to vote under the existing Constitution, and offering to vote, shall be taken upon the question of ratifying

or rejecting this Constitution and Schedule. Such votes shall be by ballot. The person voting for the ratification of the Constitution and Schedule, shall have written or printed upon his ballot, the words "FOR RATIFICATION;" and the person voting against ratification shall have written or printed upon his ballot, the words "FOR REJECTION."

4 The said election shall be conducted in all things according to the provisions of the Code of West Virginia, and the amendment

thereto governing elections, except as herein otherwise provided.

5. The Supervisors of each county shall assemble on the fifth day (Sunday excepted) after the said election, and proceed to ascertain the result of the same in the manner prescribed by the sixty-second section of the third chapter of the Code of West Virginia; and it shall be their duty to certify the result, without delay, to the Governor, stating in their certificates the number of

votes given in their respective counties for ratification of the Constitution and Schedule, and the number given for rejection.

6. It shall be the duty of the Governor, upon receiving the said certificates, or a sufficient number thereof to enable him to ascertain the general result, to declare by proclamation the aggregate vote in the State for and against the ratification of the Constitution and Schedule; and if it shall appear from the said proclamation that a major-

-ity of votes cast are in favor of their ratification, this Constitution and Schedule shall be operative and in full force from and including the fourth Thursday of August, 1872.

7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of this Constitution and Schedule, elections shall be held at the several places of voting in each county, for Senators and members of the House of Delegates, and all officers, &c.

tive, judicial, county or district, required by this Constitution to be elected by the people. Such elections shall be by ballot, and the results thereof shall be ascertained, determined and certified according to the provisions and requirements of existing laws; except that the returns of the elections of Governor, State Superintendent of Free Schools, Auditor, Treasurer, and Attorney General, shall be transmitted to the Secretary of State, sealed and addressed to the "Speaker of the

House of Delegates."

8. In elections of county officers, required to be elected by districts, the existing sub-divisions by townships in each county, shall constitute such districts, until others shall be established.

9. Each county shall elect one assessor for each assessment district as now established by law; but at the election to be held under the provisions of this Schedule, in counties entitled to two Assessors, both shall be elected by the voters

of the entire county.

10. At the election to be held under this Schedule, there shall also be elected in each district constituted as hereinbefore stated, as many Justices and Constables as are now authorized by law.

11. If this Constitution shall be ratified by the people, the Legislature elected under this Schedule, shall assemble at the Seat of Government, on the third Tuesday in November, 1872; and the election of members of the Legislature, un-

der this Constitution, shall vacate the seats of those elected under the present Constitution. The term of service of the Delegates first elected to the Legislature under this Constitution, shall expire on the first day of November, 1874; and the term of service of the Senators shall expire as follows: The term of the first class, on the first day of November, 1874, and the term of the second class, on the first day of November, 1876.

12. The terms of office of the Governor, the State Superintendent of Free

Schools, the Auditor, Treasurer, and Attorney General, elected under this Schedule, shall commence on the fourth day of March, 1873. The Governor, the State Superintendent of Free Schools, the Auditor, Treasurer, Attorney General, and Secretary of State, and their successors elected under the existing Constitution and laws, shall continue in office until their successors, elected or appointed under this Constitution and Schedule, shall be qualified. The terms of office of the Judges of the

~~Judges of the~~ Supreme Court of Appeals, of the Judges of the Circuit Courts, and all county and ~~dis~~ district officers, whose election is provided for by this Schedule, shall commence on the 1st day of January, 1873; and the present Judges of the Supreme Court of Appeals, and the Circuit Courts, and their successors who may be appointed under the present Constitution and laws, shall remain in office until the date last aforesaid. The Recorders and Supervisors of

the several counties shall continue in office, and exercise their functions under the existing Constitution and laws, until the 1st day of January, 1873. And all officers named in this section, elected under the provisions of the existing Constitution and laws, shall, until their terms expire as herein provided, receive such compensation as said Constitution and laws prescribe.

13. The Municipal Court of Wheeling shall continue in exist-

-ence, and exercise its present jurisdiction until otherwise provided by law.

14. All the books, records, papers, seals and other property now in the custody and under the control of the Boards of Supervisors and Recorders of the several counties, and records, books, papers, seals and other property of the former County Courts, now in the custody of the Clerks of the Circuit Courts, shall be transferred on the first day of January, 1873, or as soon thereafter as may be, to the Clerks

of the County Courts in their respective Counties, and remain in their custody until otherwise prescribed by law.

15. Justices, Assessors and all other county officers, except Sheriffs and Constables, shall, on the first day of January, 1873, or as soon thereafter as may be, transfer to their successors in office, all official books, records, papers, and property in their possession; and in all cases where, from the abolition of any office, or from any other cause, a doubt shall arise as to the officer entitled to receive

them, they shall be delivered to the clerk of the county court for preservation, until disposition be made of them by that court.

16. All county, township, district and other officers connected with the existing system of free schools shall continue to perform the duties of their respective offices, as now prescribed by law, until their successors shall have been elected and qualified as the Legislature may provide.

17. The records, books, papers, seals and other property, and

appurtenances of the existing Supreme Court of Appeals, shall, on the first day of January, 1873, or as soon thereafter as may be, be transferred to, and remain in, the care and custody of the Supreme Court of Appeals established by this Constitution, until otherwise provided by law; and all civil or criminal causes, petitions, and other proceedings, then pending in the Supreme Court of Appeals, shall be proceeded with in the Supreme Court of Appeals established by this Constitution, to final

judgment. The records, books, papers, seals, and other property and appurtenances of the existing circuit courts, in this State, shall there also be transferred to, and remain in the care and custody of the circuit courts established by this Constitution, until otherwise provided by law; to which courts all process outstanding, at the time this Constitution shall go into effect, shall be returned, and by which all new process, proper in cases either pending or determined in existing circuit courts,

may be issued. And all indictments, prosecutions, suits, pleas, petitions, and other proceedings pending in the present circuit court of any county, shall be prosecuted in the circuit court established in that county by this Constitution, to final judgment and execution; except, that all pending appeals from justices may be transfered to the county court organized in such county.

18. Copies and transcripts of the records and proceedings of the present Circuit Courts, shall be made

and certified by the circuit courts established by this Constitution, or the proper officers thereof, and shall have the same force and effect as if they had been heretofore properly made and certified by the existing courts, or their proper officers.

19. Recognizances, bonds, obligations, and all undertakings entered into, or executed before the adoption of this Constitution to the Commonwealth of Virginia, — the State of West Virginia, or to any public officer, corporation, township,

or county, shall remain binding and valid; and all rights and liabilities growing out of them, shall be unimpaired.

20. The Executive Department of the government shall remain as at present organized, and the Governor shall continue in office until a Governor elected under this Constitution shall be qualified; and all other persons in office when this Constitution is adopted, except as herein otherwise expressly directed, shall continue in office until

their successors are qualified; and vacancies in office, happening before such qualification, shall be filled in the manner now prescribed by law.

21. All the Courts of justice now existing shall continue with their present jurisdiction, and be held as now prescribed by law, until the judicial system established by this Constitution shall go into effect, and all rights, prosecutions, actions, claims and contracts, shall remain, and continue, as if this Constitution had not been adopted,

4cept so for as the same may be effected by the terms and provisions of this Constitution, when it shall go into effect.

22. The Legislature shall pass all laws necessary to carry this Constitution into full operation and effect.

23. At the time of the submission of this Constitution to a vote of the people, there shall be submitted as a separate proposition, the following:

"Any white citizen entitled to

vote, and no other, may be elected or appointed to any 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 citizens at the time this Constitution goes into operation."

And the mode of voting on

the said proposition shall be by ballot, on which shall be written or printed the word "white"; and if a majority of all the votes cast for ratification and rejection of the Constitution, be in favor of the said proposition, it shall take the place of section fourth, of Article fourth, of the Constitution. The result of the said election, shall be certified and ascertained in the same manner, and by the same officers, as hereinbefore provided in regard to the election

for the ratification or rejection of this Constitution. And if the result be in favor of the said proposition, the Governor shall make proclamation of the effect thereof, as hereinbefore provided.

The foregoing is a true copy of the Constitution and Schedule passed at Charleston this 9th day of April A.D. 1872.

D. H. Chamberlain Pres't of Convention