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The Virginia Constitution: A Documentary Analysis

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DOCUMENTARY SUPPLEMENT

The Virginia Constitution

A Documentary Analysis Containing Historical
and Comparative Statistics, and a Text Showing
Progressive Development of Particular Sections.

THE MARSHALL-WYTHE SCHOOL OF LAW
Williamsburg, Virginia

DOCUMENTARY SUPPLEMENT

The *William and Mary Law Review* introduces in this issue a new feature which will appear from time to time as circumstances and appropriate documentary materials warrant. It is anticipated that there may be certain sub-series of these documentary publications, which will be separately described as they develop.

The introductory documentary material is a contribution to the 1968 project of the Commonwealth of Virginia to study the needs for revision of the Constitution of 1902. This material is intended to supplement the annual studies of state constitutional development in general which have become a feature of the *William and Mary Law Review*. It is also intended to complement the official studies of the Virginia Commission on Constitutional Revision, although it should be noted that the Commission is not associated with the present publication, except as the Commission permitted the use of the material in Tables I-III, originally prepared by its general counsel.

William and Mary Law Review

DOCUMENTARY SUPPLEMENT

THE VIRGINIA CONSTITUTION

INTRODUCTION

In many respects, the Virginia Constitution may be taken as a prototype for state constitutional development throughout the United States. Its Declaration of Rights, of course, is antecedent to state and national declarations on the same subject. The number of constitutions adopted by this Commonwealth—six to date, with the comprehensive revision of the Prentis Commission of 1927 virtually amounting to another—reflects the disposition of most states to subject their fundamental law to periodic modernization. The interrelationship of constitutional sections and code sections—as shown in Table III—tends to corroborate the oft-repeated statement that state constitutions are essentially organic laws in themselves.

The purpose of the present Documentary Supplement is to analyze Virginia's constitutions statistically (Tables I-III) and to trace the changes in specific sections or articles from 1776 to the present. Since copies of the complete text of all Virginia constitutions, as originally adopted and as amended, are reasonably accessible, the text of articles has not been reproduced here in their entirety, but has been limited to passages illustrative of constitutional change over the years.

Reference should be made to the following study: William J. Van Schreeven, *The Conventions and Constitutions of Virginia, 1776-1966* (Richmond: Virginia State Library, 1967)

See also the *Report* of the Virginia Commission on Constitutional Revision (Charlottesville: Michie Co., 1969) and copies of the working papers of the Commission which will be deposited in law libraries in Charlottesville, Richmond and Williamsburg. Related documentary materials of interest will soon be published by the Jamestown Foundation in connection with the 350th anniversary of the first legislative assembly, 1619/1969

TABLE I
CONSTITUTIONS AND CONVENTIONS, 1776-1956

CONSTITUTION OR CONVENTION AND PLACE OF MEETING	Authorizing Legislation	Dates of Session	Method of Adoption	Vote on Adoption	Effective Date of Instru- ment
Const. of 1776 <i>Williamsburg</i>	(¹)	5/ 6/76 7/ 5/76	ordinance		6/12/76 ² 6/29/76 ³
Const. of 1830 <i>Richmond</i>	c. 15, Acts 1829	10/ 5/29 1/15/30	election	26,055 Y 15,563 N	7/ 1/30
Const. of 1851 <i>Richmond</i> Amended 1852	c. 8, Acts 1850	10/14/50 8/ 1/51	election	75,748 Y 11,060 N	1/12/52
Const. of 1861 <i>Richmond</i>	c. 3, Acts 1861	2/ 3/61 12/ 6/61	election	13,233 Y 13,911 N	rejected
Const. of 1864 <i>Alexandria</i>	c. 2, Acts 1863/64	2/13/64 4/11/64	ordinance	(⁴)	(⁴)
Const. of 1870 <i>Richmond</i> Amended 1872-74-76- 82-94, 1901	Act 3/2/67 c. 153, 14 Stat. 428	12/ 3/67 4/17/68	election	210,585 Y 9,136 N	1/26/70 ⁵
Const. of 1902 <i>Richmond</i> Amended 1910-12-20-27- 28-45-46-48-49-54-56- 58-60-62	c. 243, Acts 1901	6/12/01 6/26/02	ordinance		7/10/02
Comm. of 1927 <i>Richmond</i>	c. 481, Acts 1926	7/ 7/26 2/16/27	election	(⁶)	1/ 1/28
Conv. of 1945 <i>Richmond</i>	c. 1, Acts 1944	4/30/45 5/22/45	ordinance		5/ 3/45
Conv. of 1956 <i>Richmond</i>	c. 1, Acts 1956	2/ 5/56 2/ 7/56	ordinance		3/ 7/56

¹This was the fifth of a series of conventions called by the Revolutionary authorities to meet "the exigencies of government in a constitutional way." The others were August 1774, March, July and December 1775. The first four sought reconciliation with Great Britain; the convention of 1776, recognizing that this was no longer possible, proceeded to the framing of an independent government.

²Date of the adoption of the Virginia Declaration of Rights.

³Date of the adoption of the Virginia Constitution.

⁴Seventeen delegates under the loyalist governor, Francis H. Pierpont, undertook to draft a civil government for the area of Virginia under Union control. Although the constitution was submitted to vote, and 500 votes were recorded in favor, there was no record of an opposing vote or the effective date of the instrument. It may be treated as an ordinance in essence.

⁵Under the Reconstruction Act of March 2, 1867 the convention was submitted to a vote of the people, after which it was ratified by Congress, Act of January 26 1870, c. 10, 16 Stat. 62.

⁶The General Assembly submitted the recommendations of the Commission, as amended, in the form of five Proposals to be voted on separately. All five were approved by majorities ranging from 74,109 to 60,531 on the first Proposal to 68,665 to 65,816 on the fifth.

TABLE II
VIRGINIA CONSTITUTIONS, 1776-1902: COMPARATIVE PROVISIONS

SUBJECT	1776	1830	1851	1864	1870	1902
Bill of Rights ¹						
Equality and rights of men	1	1	1	1	1	1
Part of Union <i>in perpetuo</i>					2	
Supremacy of U. S. Const.					3	
People source of power	2	2	2	2	4	2
Govt. for common benefit	3	3	3	3	5	3
Limits on privileges	4	4	4	4	6	4
Separation of powers	5	5	5*	5	7	5
Suffrage, etc.	6	6	6*	6	8	6
Laws not to be suspended	7	7	7	7	9	7
Criminal prosecutions	8	8	8	8	10	8*
Excessive bail, etc.	9	9	9	9	11	9
General warrants prohibited	10	10	10	10	12	10
Due process, jury trial	11	11	11	11	13	11*
Freedom of press, speech	12	12	12	12	14*	12
Militia, etc.	13	13	13	13	15	13
Uniform govt.	14	14	14	14	16	14
Qualities of free govt.	15	15	15	15	17	15
Religious freedom	16	16	16	16	18	16
Abolition of slavery					19	
Equal rights of citizens					20	
Construction of Bill of Rights					21	17
Preamble (Pr.)	¶1	Pr.	Pr.	Pr.	Pr.	Pr.
Declaration of Rights ²		I	I	I	I, 1-21	I, 1-17
Elective Franchise						
Voter Qualifications	¶5	III, 14	III, 1	III, 1	III, 1	II, 18*
Registration						II, 19*
Who may register						II, 20*
Conditions for voting						II, 21*
Poll tax exemptions						II, 22*
Persons excluded					III, 1*	II, 23
Persons not legal residents						II, 24
G. A. re-registr. and transfers						II, 25
Registr., persons eligible next election						II, 26
Method of voting						
Viva voce		III, 15	III, 4	III, 4		
Secret ballot					III, 2	II, 27
Ballots						II, 28

¹This instrument was separate from the Constitution until 1870.²Incorporated by reference in the Constitutions of 1830, 1851 and 1864.

*Amendment adopted by election.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902
Poll keeping			IV, 6			
Wards, precincts			III, 2	III, 2		
Voter immunities			III, 3	III, 3	III, 5	II, 29
G. A.. prop. qualif. in local elections						II, 30
Electoral boards						II, 31*
Officers' qualif.						II, 32*
Dates of terms						II, 33
Oaths					III, 4, 6, 7	II, 34
Primary elections						II, 35
Election laws						II, 36
Voting machines						II, 37
Officials' duties re poll tax			IV, 24	IV, 22		II, 38
Contested elections			IV, 6	IV, 35	IV, 22	
Division of Powers	¶2	II	II	II	II	III, 39
Legislative Dept.						
Composition	¶3	III, 1	IV, 1	IV, 1	V, 1	IV, 40
Senators: number, election	¶4	III, 3	IV, 3, 4	IV, 5	V, 3	IV, 41
Delegates: same	¶3	III, 2	IV, 2	IV, 2, 4	V, 2	IV, 42
Apportionment		III, 4, 5	IV, 5	IV, 6	V, 4	IV, 43
Legislator qualif.		III, 7	IV, 7	IV, 7	V, 5	IV, 44
Compensation		III, 8	IV, 10	IV, 10	V, 8	IV, 45
Terms: quorum	¶8	III, 9	IV, 8	IV, 3, 8	V, 6	IV, 46*
Powers of each house re officers, rules	¶5	III, 9	IV, 9	IV, 9	V, 7	IV, 47
Members' immunities					V, 11	IV, 48
Journal			IV, 12	IV, 12	V, 10	IV, 49
Enactment of laws	¶6	III, 10	IV, 11, 27	IV, 11, 25	V, 9	IV, 50*
					X, 11, 16	
Emergency G. A. meeting						IV, 50a*
Special legisl. barred						IV, 51*
Bills: one subj. in title; revival, etc.			IV, 16	IV, 16	V, 15	IV, 52
Effective date of law						IV, 53
Impeachment proced.	¶15	III, 13	IV, 18	IV, 18	V, 16	IV, 54
Congressional appor.		III, 6	IV, 13, 14	IV, 13, 14	V, 12, 13	IV, 55
G. A. re elections, vacancies			IV, 9, 38	IV, 35	V, 22	IV, 56
G. A. re disabilities						IV, 57
G. A.. prohibitions on		III, 11	IV, 15	IV, 15	V, 14	IV, 58*
Church incorporation barred			IV, 32	IV, 30	V, 17	IV, 59
Lotteries barred			IV, 33	IV, 31	V, 18	IV, 60
County formation, division			IV, 34	IV, 32	V, 19	IV, 61
Liquor law enactm.						IV, 62*
G. A.. powers and limitations			IV, 35	IV, 33	V, 20	IV, 63*

*Amendment adopted by election.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902
General Laws						IV, 64
Local, special legis. in local boards						IV, 65
Keeper of Rolls						IV, 66*
Limits on appropri.			IV, 26	IV, 24, 18		
Do. re charit. inst.						IV, 67
Auditing committee						IV, 68*
Cont. Cong. delegates	¶10					
Apptd. officers, G. A.	¶13					
Dueling disability		III, 12	IV, 17	IV, 17		
Executive Dept.						
Governor: term	¶7	IV, 1	V, 1	V, 1	IV, 1	V, 69*
Election procedure			V, 2	V, 2	IV, 2	V, 70*
Qualification		IV, 2	V, 3	V, 3	IV, 3	V, 71
Residence, salary		IV, 3	V, 4	V, 4	IV, 4	V, 72*
Duties, powers		IV, 4	V, 5	V, 5	IV, 5	V, 73*
Further powers			V, 6	V, 6	IV, 6	V, 74
Commissions, grants	¶17	IV, 7	V, 7	V, 7	IV, 7	V, 75
Bills: signing, non-signing, veto					IV, 8	V, 76
Lieutenant Governor			V, 8	V, 8	IV, 9	V, 77
Duties of same			V, 9	V, 9	IV, 10	V, 78
Same, Pres. of Senate			V, 10	V, 10	IV, 11	V, 79
Secy. of Com.			V, 11, 12	V, 11, 12	IV, 12, 13	V, 80*
State Treasurer	¶18	VI	V, 11, 13	V, 11, 13	IV, 12, 14	V, 81*
Auditor			V, 11, 13	V, 11, 13	IV, 12, 14	V, 82
Exec. salaries						V, 83*
Checks, balances						V, 84
Bonds for fin. off.						V, 85
Bur. of Labor and Stat.					IV, 15	V, 86
Appts.. effect of G. A. failure to conf.						V, 83a*
Appts. by Gov., Pr. Council	¶14					
Privy Council, Council of State	¶9	IV, 5				
Board of Public Works			V, 14-18	V, 14-18	IV, 17	
Militia	¶11, 12	IV, 6	V, 18	V, 19	IX, 1, 2	
Judiciary Dept.						
Compos., jurisd.		V, 1	VI, 1	VI, 1	VI, 1	VI, 87*
Sup. Ct. of App.			VI, 11	VI, 11	VI, 2	VI, 88*
Spec. Ct. of App.			VI, 12	VI, 12	VI, 3	VI, 89*
Ops., judgments			VI, 13	VI, 13	VI, 4	VI, 90*
Qualif., terms		V, 2-4	VI, 14	VI, 14	VI, 5	VI, 91*
Officers of courts		V, 8	VI, 18	VI, 17	VI, 6	VI, 92*
Sessions of courts					VI, 7	VI, 93*

*Amendment adopted by election.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902
Judicial districts			VI, 3	VI, 3		
Judicial sections			VI, 4	VI, 4		
District ct. sessions			VI, 8	VI, 8		
Same, jurisdiction			VI, 9	VI, 9		
Ct. App. judges			VI, 10	VI, 10		
Juries, generally					III, 3	
Jurors, compensation			VI, 21	VI, 20		
Judges, in office till suc- cessor qualifies			VI, 23	VI, 22	VI, 25	
Jud. circuits			VI, 2	VI, 2	VI, 9	VI, 94*
G. A. power re jud. circuits			VI, 5	VI, 5	VI, 10	VI, 95*
Circuit judges			VI, 6	VI, 6	VI, 11	VI, 96*
Cir. Ct. terms			VI, 7	VI, 7	VI, 12	VI, 97
City courts			VI, 33	VI, 32	VI, 14	VI, 98*
City court judges					VI, 22	VI, 99*
Land regist. courts						VI, 100
Court clerks		V, 8	VI, 19	VI, 18		VI, 101*
Judges: commissions, vacan- cies, etc.			VI, 20	VI, 19		VI, 102*
Judges' salaries		V, 5				VI, 103*
Removal of judges	¶16	V, 6	VI, 17	VI, 16	VI, 23	VI, 104
Judges: other off. or private practice			VI, 15	VI, 15	VI, 24	VI, 105*
Writs, indictments		V, 9	VI, 24	VI, 23	VI, 26	VI, 106
Attorney General		V, 8	VI, 22	VI, 21	VI, 8	VI, 107
Justices of peace	¶14	V, 7	VI, 29	VI, 28		VI, 108*
Appl. for bail						VI, 109
Counties						
County officers	¶14		VI, 30	VI, 29	VII, 1*, 5	VII, 110*
Magisterial districts						VII, 111*
Elections						VII, 112*
Limit to one office					VII, 6	VII, 113*
County immunity re acts of sheriff						VII, 114
Examination of books						VII, 115
Debt limitations						VII, 115a*
County courts			VI, 22-28	VI, 24-27	VI, 13	
County off. terms			VI, 30-32	VI, 30, 31		
Townships					VII, 2*, 3*	
Road districts					VII, 4*	
Cities and Towns						
Definitions						VIII, 116
G. A. re govt. of same						VIII, 117*
Clerks, city courts						VIII, 118*

*Amendment adopted by election.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902
Com. atty., revenue officer, etc.						VIII, 119*
City officers					VI, 15-49	VIII, 120*
Mayors					VI, 20	
City council						VIII, 121*
Elections, terms			VI, 34	VI, 33	VI, 21	VIII, 122
Ordinance proced.						VIII, 123
Use of public ways						VIII, 124
Property sales and fran- chises						VIII, 125
Corporation limits						VIII, 126
Debt limits						VIII, 127
Taxes on realty						VIII, 128*
Education						
Free public schools					VIII, 3, 4	IX, 129
State Board of Education					VIII, 2	IX, 130*
Supt. Public Instr.					VIII, 1	IX, 131*
State Bd. Ed.. powers and duties					VIII, 6	IX, 132*
School district trustees					VIII, 3	IX, 133*
Literary fund					VIII, 7	IX, 134*
Approp.. school age					VIII, 8-12	IX, 135*
Local school tax						IX, 136*
Technical schools					VIII, 5	IX, 137
Compulsory education						IX, 138*
Free textbooks						IX, 139
Mixed schools barred						IX, 140
Aid to non-public schools barred						IX, 141†
Boards of Visitors						IX, 142
Agriculture, Immigration						
Dept. of Agr., Imm.					IV, 16	X, 143*
Powers, duties						X, 144
Commissioner						X, 145*
Board President—VPI						X, 146
Public Welfare, Penal						
Welfare institutions						XI, 147*
Penal boards						XI, 148*
Hospital boards						XI, 149*
Superintendents						XI, 150*
Commission abolished						XI, 151*
Sanitation boards						XI, 152*
Corporations						
Definitions						XII, 153
Charters						XII, 154

*Amendment adopted by election.

†Amendment adopted by ordinance.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902
Corp. Comm. (SCC)						XII, 155*
Powers, duties						XII, 156*
Fees from corporations						XII, 157
Charter amendments						XII, 158
Eminent domain						XII, 159
Rate schedules						XII, 160
Free services to officials barred						XII, 161*
Fellow-servant rule abol- ished						XII, 162
Foreign corporations						XII, 163
Common carrier and utility regulation						XII, 164
Anti-trust powers						XII, 165
Parallel railroads						XII, 166
Issuing securities						XII, 167
Taxation, Finance						
Uniform tax levies			IV, 22	IV, 23	X, 1	XIII, 168*
Assessment proced.					X, 6	XIII, 169*
Particular taxes			IV, 24, 25	IV, 22	X, 4, 5	XIII, 170*
Local tax subjects						XIII, 171*
Coal, mineral lands						XIII, 172*
Local capit. taxes						XIII, 173*
Stat. Lim. barred						XIII, 174
Natural oyster beds					X, 2*	XIII, 175
Rail, canal cos.						XIII, 176*
Franchise tax, same						XIII, 177*
Procedure, same						XIII, 178*
Corp. reports to SCC						XIII, 179*
Equalization proced.						XIII, 180*
G. A. power re corp. taxes						XIII, 181*
Taxes on banks						XIII, 182*
Exempt property					X, 3	XIII, 183*
Officials' salaries not exempt						XIII, 183a*
Emergency debt power						XIII, 184*
Debt extension—referendum						XIII, 184a*
Scrip, etc., barred					X, 13	XIII, 184b*
Record vote on taxes			IV, 27	IV, 25	X, 11	
Tax revival					X, 16	
Limits to lending State credit			IV, 28	IV, 26	X, 12, 14, 15	XIII, 185*
Collection proced.						XIII, 186*
Sinking fund			IV, 29, 30		X, 8	XIII, 187
Policy limits on tax and debts			IV, 31	IV, 29	X, 7, 9, 10, 17, 18, 20, 21	XIII, 188

*Amendment adopted by election.

TABLE II—CONTINUED

SUBJECT	1776	1830	1851	1864	1870	1902		
Local power to grant ex- emptions	¶19					XIII, 189*		
Escheats								
Miscellaneous								
Homestead, etc.						XI, 1	XIV, 190	
Limits to homestead						XI, 2	XIV, 191	
G. A. re homestead						XI, 3, 5	XIV, 192	
Broad construction						XI, 7	XIV, 193*	
Stay laws barred						XI, 4, 6	XIV, 194	
Slave descent						XI, 7	XIV, 195	
Incumbents' terms							XIV, 195a*	
State boundaries	¶20		IV, 19-21					
Emancipation, limits on						IV, 23		
Slaves, tax assessments						IV, 36	IV, 34	V, 21
Vital statistics						IV, 37		
Five-Year census						IV, 38		
Vacancies generally								
Abolition of slavery						IV, 19-21		
W Va. settlement						IV, 27	X, 19	
Usury						V, 22	X, 22*	
Future Changes								
Amendments					XII	XV, 196*		
Convention						XV, 197		
Rules of Construction						XVI, 198*		
Electoral Exemptions								
Armed forces						XVII, 1†		
Relief of same						XVII, 2†		
Voting by same						XVII, 3†		

*Amendment adopted by election.

†Amendment adopted by ordinance.

TABLE III
CONSTITUTION AND CODE: PARALLEL TABLES

CONST.	CODE	EXPLANATION
I 1-7		
8	18.1, 19.1	code titles on crime, criminal procedure are general implementation
9	19.1, ch. 6	provisions on bail generally
10	19.1, ch. 5	provisions on search warrants
11-15		
16	57-1	reenactment of Jefferson's statute of 1785
	57-2	affirmation of constitutional section and statute of 1785
17		
II 18	24-17	implements first paragraph of constitutional section, substantially <i>in haec verba</i>
19	24-117	general implementation
20	24-120/129	implements provision on poll taxes
	24-68	implements provision on registration
	24-69	implements provision on oath, <i>in haec verba</i>
21, 22		
23	24-94	statute applies to "any of the offenses enumerated in section twenty-three of the constitution"
24	24-19	constitutional references to servicemen and institutionalized persons are divided between these sections of statute, <i>in haec verba</i>
	24-20	
25	27-74	implements provision on annual registration
	24-85	implements provision on voter transfer within city county
	24-86	same, outside city, county
	24-96	implements provision on purging vote lists
	24-112	implements provision on appeal of registration decision
26	24-67	implements provision for registration of persons to be qualified by next election
27	24-243	implements second paragraph, first clause, <i>in haec verba</i>
	24-242	implements remainder of second paragraph
	24-260	
28	24-215	implements provision on form of ballot
	24-216	implements provision on names on ballot
	24-252	implements provision on marking ballot
20, 30		
31	24-24	implements first paragraph
	24-30	implements second paragraph <i>in haec verba</i>
	24-31	implements third paragraph <i>in haec verba</i>
32	2.1-30 et seq.	chapter on "disabilities to hold office"
33	24-142	implements provision, constitution states Feb. 1 and statute states Jan. 1
34	49-1	substantially <i>in haec verba</i>
35	24-367	first paragraph of statute implements constitutional provision

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
36	24-440 et seq.	chapter on "primary elections generally"
37	24-291 et seq.	chapter on "voting machines"
38	24-120	first sentence, first paragraph of constitution is first sentence of statute, substantially <i>in haec verba</i>
	24-121 }	second sentence, first paragraph of constitution
	24-122 }	
	24-123	first sentence, second paragraph of constitution is first sentence of statute, <i>in haec verba</i>
	24-124	third paragraph of constitution implemented <i>in haec verba</i>
	24-126 et seq.	implements fourth paragraph of constitution
III 39	_____	
IV 40	_____	
41	24-13	general implementation
42	24-11	general implementation
43	24-12, 14	general implementation
44	2.1-30 et seq.	"disabilities to hold office"
45	14.1, art. 3	general implementation
46	30-1	implements first sentence of constitution
47	24-138	implements provision on writs of election
48	30-6, 7, 9	general implementation
49-52	_____	
53	1-12	general implementation
54	_____	
55	24-3, 4	general implementation
56	24	entire title is implementation of this constitutional section
57	2-26 }	obsolete references to dueling
	24-18 }	
58	_____	
59	57-7 et seq.	implements provision on securing title to church property
60	18.1-314	anti-lottery laws to be construed as remedial
	18-340 et seq.	general implementation
61	15.1, chs. 12, 14	general implementation
62	4, chs. 1-3	title deals with alcoholic beverages generally
63-65	_____	
66	30-14	general implementation
67	15.1-24, 25	general implementation
68	30-18	general implementation
V 69	24-148	implements provisions on dates of elections and beginning of terms
70	24-149	implements provision on voting procedure
71	_____	
72	14.1-12	implements salary provision
73	_____	

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
74	2.1-42	implements provision on requiring information to be provided Governor
75	7.1-26 et seq. [41-6]	implements provisions on state seal statute on grants and commissions repealed, Acts 1952, c. 185
76	_____	
77	24-148	same as for constitutional section 69, <i>supra</i>
78	_____	
79	14.1-12	same as constitutional section 72, <i>supra</i>
80	2.1, ch. 8	general laws on Secretary of Commonwealth
81	2.1, ch. 14	general laws on State Treasurer
82	2.1, ch. 13	general laws on Auditor of Accounts
83	14.1-12	same as for constitutional sections 72 and 79, <i>supra</i>
84, 85	_____	
86	40, ch. 1	general laws on Bureau of Labor, Industry
86a	_____	
VI 87	17	title deals generally with judiciary
88	17-93	implements first, sixth and seventh paragraphs of constitutional section
	17-94	implements second paragraph of constitutional sec- tion, substantially <i>in haec verba</i>
	17-96, 97	implement third and fourth paragraphs of constitu- tional section
89	17-104	general implementation
90	8-493	general implementation
91	17-93	same as for constitutional section 88, <i>supra</i>
92	17, ch. 2	general laws on clerk's duties
	17-112	implements provision on tipstaff, crier
	17-113 et seq.	implements provision on reporter
	42, ch. 3	general laws on law libraries
93	17-99	implements provision on place of meeting
94, 95	17-119	general provision on judicial circuits
96	17-5, 134	implements provision on residence
97	17-127 et seq.	general provisions on court terms
98, 99	17, chs. 5-8.1	general implementation
100	55-112	provides for preservation of Torrens system under this constitutional section
101	64-72, 73	implements provision concerning jurisdiction in pro- bate of wills
102	14.1, ch. 1, art. 4	implements provision concerning salaries of judiciary
	17-120	implements provision on vacancies
	51, ch. 2	implements provision on retirements
103	14.1, ch. 1, art. 4	cf. constitutional section 102, <i>supra</i>
104	_____	
105	17-3	implements provision prohibiting law practice
	17-4	implements provision on holding other office, etc., substantially <i>in haec verba</i>

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
106	8-43	general implementation <i>re</i> writs
	19, ch. 8, art. 2	general implementation <i>re</i> indictments
107	24-148	implements provisions on election and term of Attorney General; cf. constitutional sections 69, 77 <i>supra</i>
	2.1, ch. 11	duties of Attorney General, generally
108	39	title relates to justices of peace, generally
	24-157, 158	concerns elections of justices of peace
109	19.1, ch. 6, art. 3	general provisions on bail
VII 110	_____	
111	24-157	concerns elections of district superintendent, justice of peace
	15.1, ch. 2	general provisions on officers' duties
112	24-154, 156	general provisions on elections
113	49, ch. 2	general provisions on bonds
114	_____	
115	2.1-156	devising system of bookkeeping and accounting for local offices
	2.1-165	providing for periodic audits of same
115a	15.1, ch. 5	Public Finance Act of 1958
VIII 116	15.1-792	defining "incorporated communities," cities and towns
	1-13.2	definition of city
	1-13.22	definition of population
	1-13.29	definition of town
117	15.1, chs. 15-23	general implementation
118	24-162	first paragraph of constitutional section substantially <i>in haec verba</i>
	24-163/166	implementation of second paragraph of constitutional section
119	24-161	implementing provision on commonwealth attorney
	24-167	implementing provision on commissioner of revenue
120	24-160	implementing provision on mayor
	24-161	implementing provision on other offices
121	15.1-805/808	general implementation
122	15.1-813	implementing constitutional provision <i>in haec verba</i> , with additional statutory provisions
123	15.1-817	implementing first paragraph of constitutional section <i>in haec verba</i>
	15.1-818	implementing first sentence, second paragraph, <i>in haec verba</i>
	15.1-819	implementing second sentence, second paragraph, <i>in haec verba</i>
124	15.1-892	general implementation
125	15.1-307	implementing constitutional provision <i>in haec verba</i> , with additional statutory provisions
126	15.1, ch. 25	general implementation

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
127	15.1-176	implements first sentence of first paragraph, through first proviso, <i>in haec verba</i>
	15.1-177	remainder of constitutional section, <i>in haec verba</i>
[128]		
129	22-1	substantially <i>in haec verba</i>
130	22-11	implements first sentence in constitutional section <i>in haec verba</i>
	22-12	second sentence of constitutional section is first sentence of statute, <i>in haec verba</i>
131	22-22	first sentence to first proviso is first sentence of statute, <i>in haec verba</i>
132	22-30 et seq.	general implementation of first paragraph of powers in constitutional section
	22, ch. 8	general provisions on school funds
	22, ch. 14	general provisions on textbooks
133	22-42	general implementation of first paragraph of constitutional section
	22-31	general implementation of second paragraph
134	22-101	implementation substantially <i>in haec verba</i>
135	22-116	general implementation
136	22-126 et seq.	general implementation
137	22-330	general implementation
138	22-275.1 et seq.	general implementation
139	22-307	statute broadens constitutional provision
140	22-221	substantially <i>in haec verba</i> , unconstitutional under <i>Brown v. Board of Education</i> , 349 U. S. 294 (1953)
141, 142	_____	
X 143	3.1, ch. 1	general laws on Board of Agriculture and Immigration
144	3.1-4	general implementation
145	3.1, ch. 3	general laws on Commissioner of Agriculture and Immigration
146	23-115	includes constitutional provision <i>re</i> V P I.
XI 147	Titles 53, 63	
[148-152]		
XII 153	12-1	substantially <i>in haec verba</i>
154	13.1, ch. 1	general implementation
155	12-9	implementation of first paragraph of constitutional section
	12-10	implementation of second and third paragraphs
	12-13	includes provision <i>re</i> impeachment
	12-6	implementation of provision <i>re</i> transportation
	12-5	includes provision <i>re</i> suitable quarters
156	12-14 et seq.	general implementation
	13.1-102 et seq.	provision <i>re</i> paragraph (a) on foreign corporations
	12-49 et seq.	provision <i>re</i> procedure before S. C. C.

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
	12-63, 63.1 12-64	provision <i>re</i> paragraph (d) an appellate procedure provision <i>re</i> paragraph (e) on suspending bonds on appeal
157	12-4 13.1-121 58-442 58-444	provision <i>re</i> paragraph (i) on annual reports provides for filing annual report provision <i>re</i> fees for charter provision <i>re</i> corporation license
158	58, ch. 9	general implementation
159		
160	56-97	implements first sentence of constitutional section substantially <i>in haec verba</i>
	56-98 et seq. 56-167, 320	general implementation of second sentence implements clause on special rates
161, 162		
163	13.1, ch. 8	general implementation
164	Title 56	general implementation
165	59, ch. 3	general implementation
166	56, ch. 13 56, 362, 363 56-112	general implementation implements provision <i>re</i> crossing of rights of way provision <i>re</i> interchange of traffic
167	13.1-11 et seq.	general implementation
XIII 168	Title 58	general implementation
169	58-9 et seq. 58, ch. 17	provision <i>re</i> segregation of properties provision <i>re</i> local levies
170	58, ch. 4 58, ch. 7 58, ch. 9	provision <i>re</i> income tax provision <i>re</i> licenses provision <i>re</i> franchises
171	58, ch. 15 58, ch. 16	provision <i>re</i> real estate provision <i>re</i> personal property
172	58-774	general implementation
173	58-49 24-17, 67	provision <i>re</i> state capitation tax provision <i>re</i> poll tax and voting; held unconstitutional if made prerequisite for voting, <i>Harper v. Va. Bd. of Elections</i> , 383 U. S. 663 (1966)
174	8-35 58-44	reaffirms constitutional provision on Statute of Lim- itations, broadening into general statement of sovereign immunity implements provision on right to sue for back taxes at any time
175	28, ch. 5	general implementation
176	58-515/518	general implementation
177	58-519	implements constitutional section <i>in haec verba</i> , with statutory additions
178	50-520	implements constitutional section through paragraph (2), substantial <i>in haec verba</i>
179	58-524 et seq.	general implementation

TABLE III—CONTINUED

CONST.	CODE	EXPLANATION
180	58-540	general implementation, incorporates second and third paragraphs of constitutional section <i>in haec verba</i>
181	_____	
[182]		
183	58-12	implements constitutional section through paragraph (g) substantially <i>in haec verba</i> ; substantial statutory additions
	58-13	implements tenth paragraph <i>in haec verba</i>
	58-14	implements eleventh paragraph <i>in haec verba</i>
	58-15	implements twelfth paragraph <i>in haec verba</i>
183a-185	_____	
186	2.1-180	general implementation
187	2.1, ch. 17, art. 4	general implementation
188	_____	
189	58-17	general implementation
XIV 190	34-1	implements first paragraph substantially <i>in haec verba</i>
191	34-5	implements remainder of section 190 and all of section 191 <i>in haec verba</i>
192, 193	Title 34	general implementation
194	_____	
195	64-5	second sentence of statute incorporates section 195 <i>in haec verba</i>
195a	_____	
XV 196	30-19	implements section 196 <i>in haec verba</i>
197	_____	
XVI 198	_____	

THE 1902 CONSTITUTION: SOURCES OF TEXT

In the following paragraphs, the sources of passages in the text of the present Virginia Constitution are traced. Where the particular sections, as indicated in Table II, first appear in the 1902 instrument, this fact is noted after the section numbers. Where the section in the 1902 instrument continues, substantially on *in haec verba*, a provision of an earlier constitution, this is also succinctly noted. Where the section in the 1902 instrument is a composition of several prior constitutional provisions, the current text is reproduced with annotations as to its several places of origin.

I. *Bill of Rights*

Secs. 1-4 Unchanged since 1776 (except for numeration in 1870).

Sec. 5 Revised in 1851 to include terms indicated in italic:

That the legislative, executive, and *judicial departments* of the State should be separate and distinct; and that the members *thereof* may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Bill of Rights of 1776 provided: "That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the first two [etc.]." The popular election of judges was thus added to the constitutional system of the Commonwealth.

Sec. 6 Revised in 1851, in that constitution, the word "all" was inserted before the word "elections," and the phrase "of members to serve as representatives of the people, in assembly" was deleted following the word "elections."

Sec. 7 Unchanged since 1776.

Sec. 8 Substantially revised in 1902, compare the text of the constitutions 1776-1870 in the first following paragraph, with the 1902 text in the second and third following paragraphs:

That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the state revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

The revision of 1928 changed the 1902 text to the form in which it presently appears.

Sec. 9, 10 Unchanged since 1776.

Sec. 11 Revised in 1902 to include passages shown in italic; the words "the ancient" (in brackets) were deleted at that time; the words "circuit and corporation" and "now" (in brackets) were deleted in 1928 and the words "of record" inserted after the word "courts" at that time.

That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, [the ancient] trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in [circuit and corporation] courts to not less than five in cases [now] cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Sec. 12 Revised in 1870 to include passages shown in italic.

That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

Secs. 13-16 Unchanged since 1776.

Sec. 17 Adopted in 1870.

II. Elective Franchise

Sec. 18 The constitution of 1776 merely states: "The right of suffrage in the election of members of both Houses shall remain as exercised at present." The constitution of 1830 introduced elaborate property qualifications, but with the constitution of 1851 the essential provisions of the current constitution were introduced. Test oaths and other disability provisions were added in 1864 and 1870, but a comparison of the 1851 and 1902 sections will demonstrate their basic similarity.

Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the State for two years, and of the county, city, or town where he offers to vote for twelve months next preceding an election, and no other person, shall be qualified to vote for members of the general assembly and all officers elective by the people; 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. And no person shall have the right to vote who is of unsound mind, or a pauper, or a non-commissioned officer, soldier, seaman, or marine in the service of the United States, or who has been convicted of bribery in an election, or of any infamous offence.

Every male citizen of the United States, twenty-one years of age, who *has been* a resident of the State *two years*, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, *has been registered*, and has paid his state *poll* taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

The revision of 1928 changed the 1902 text to the form and provisions as they now appear, principally by halving the residence requirement and eliminating the limitation of suffrage to males.

Sec. 19 Adopted in 1902, amended in 1928 to eliminate obsolete provisions.

Sec. 20 Adopted in 1902; amended to 1928 to conform with Sec. 18; amended in 1962 to confine literacy test to standard form provided by registrar.

Sec. 21 Adopted in 1902, amended in 1928 to eliminate obsolete provisions.

Sec. 22 Adopted in 1902, amended in 1928.

Sec. 23 Adopted in 1870, amended in 1902 by deleting words in brackets and adding words in italic:

The following persons shall be excluded from registering and voting: Idiots, *insane persons*, and [lunatics] *paupers*; persons *who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed*; persons convicted *after the adoption of this Constitution, either within or without this State*, of [bribery in any election, embezzlement of public funds,] treason, or of any felony, *bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury*; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

Secs. 24-28 Adopted in 1902, provision for ballot voting to replace *viva voce* voting introduced in 1870.

Sec. 29 Unchanged since 1851, except for deletion in 1902 of phrase, "to work upon the public roads" following the words, "military service."

Sec. 30 Adopted in 1902.

Sec. 31 Adopted in 1902, amended in 1928 to provide for minority party representation on electoral boards.

Sec. 32 Adopted in 1902, amended in 1920 to waive residence requirement for special technical personnel in municipalities.

Sec. 33 Adopted in 1902, amended in 1928 to qualify provision with opening phrase, "Unless otherwise provided by law"

Sec. 34 Adopted in 1902, comparable section in 1870 had dealt with several loyalty oaths.

Secs. 35-37 Adopted in 1902.

Sec. 38 Adopted in 1902, certain analogous poll tax provisions were in 1851 and 1864 constitutions; minor changes made by amendment in 1928.

III. Division of Powers

Sec. 39 Dating from 1776, this clause was amended in 1870 by deleting the matter in brackets and concluding the clause with the phrase, "except as hereinafter provided." In 1902 this phrase was transposed to the beginning of the clause.

The legislative, executive, and judiciary departments shall be separate and distinct, so that neither 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 either house of assembly.]

IV Legislative Dept.

Secs. 40-42 Essentially similar in all constitutions since 1776.

Sec. 43 Essentially similar in all constitutions since 1830; amended in 1928 to bring provisions up to date.

Sec. 44. Adopted in 1830, amended in 1851, 1870 and 1902. The sections of 1851 and 1902 illustrate the basic continuity.

Any person may be elected senator who, at the time of election, has attained the age of twenty-five years, and is actually a resident within the district, and qualified to vote for members of the general assembly, according to this constitution. And any person may be elected a member of the house of delegates who, at the time of election, has attained the age of twenty-one years, and is actually a resident within the county, city, town, or election district, qualified to vote for members of the general assembly according to this constitution; but no person holding a lucrative office, no minister of the gospel or priest of any religious denomination, no salaried officer of any banking corporation or company, and no attorney for the commonwealth shall be capable of being elected a member of either house of assembly. The removal of any person elected to either branch of the general assembly from the county, city, town, or district for which he was elected shall vacate his office.

Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the state government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; and no person holding any office or post of profit or emolument under the United States Government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

Sec. 45 Essentially similar in all constitutions since 1830; amended in 1928 to limit ineligibility to offices filled by General Assembly

Secs. 46, 47 Adopted in 1776; essentially similar since 1830, except for provision for annual sessions (1830, 1864, 1870) instead of biennial (1851, 1902).

Sec. 48 Adopted in 1870, unchanged in 1902.

Sec. 49 Essentially similar in all constitutions since 1851.

Sec. 50 Provisions varied widely in several constitutions, and current provisions adopted in 1902, amended in 1928 to permit bills to be read by title.

Sec. 50a Adopted in 1962.

Sec. 51 Repealed in 1948.

Sec. 52 Unchanged since 1851.

Sec. 53 Adopted in 1902.

Sec. 54 Essentially similar in all constitutions since 1776.

Sec. 55 Essentially similar in all constitutions since 1830.

Sec. 56 Essentially similar in all constitutions since 1851.

Sec. 57 Adopted in 1902.

Sec. 58 Essentially similar in all constitutions since 1830; amended in 1928 by adding that "public use" for which private property might be taken was to be defined by the General Assembly.

Secs. 59, 60 Unchanged since 1851.

Sec. 61 Essentially similar in all constitutions since 1851.

Sec. 62 Adopted in 1902; amended in 1928 to substitute "may enact" for words in brackets:

The General Assembly [shall have full power to enact local option or dispensary laws, or any other] laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Sec. 63 Provisions varied widely in constitutions since 1851, present provisions adopted in 1902, amended in 1928 by adding present first paragraph.

Secs. 64-68 Adopted in 1902, sec. 65 amended in 1928 to delete limit on number of employees of General Assembly, and sec. 68 to broaden power of auditing committee.

V Executive Dept.

Sec. 69 Adopted in 1776; essentially similar in constitutions since 1830; office of governor became popularly elective in 1851.

Sec. 70 Essentially similar in all constitutions since 1851.

Secs. 71, 72 Essentially similar in all constitutions since 1830; sec. 72 amended in 1928 to permit General Assembly to fix salary

Sec. 73 First and second paragraphs essentially similar in all constitutions since 1830; third and fourth paragraphs since 1851; fifth paragraph adopted in 1928 to authorize pardon board and amended in 1944 to broaden powers of such board.

Sec. 74 Essentially similar in all constitutions since 1851.

Sec. 75 Adopted in 1776; amended to present form in 1830.

Sec. 76 Adopted in 1870; substantially revised in 1902.

Secs. 77-79 Unchanged since 1851.

Sec. 80 Adopted in 1851 and essentially similar in all constitutions until 1928 amendment making office appointive and empowering General Assembly to abolish it after 1930.

Sec. 81 Adopted in 1776 as appointive office, made elective in 1851, and appointive again in 1928.

Sec. 82 Essentially similar in all constitutions since 1851.

Sec. 83 Adopted in 1902; amended in 1928 to give General Assembly plenary power to fix salaries.

Secs. 84, 85 Adopted in 1902.

Sec. 86 Adopted in 1870, amended in 1902.

Sec. 86a Adopted in 1928.

VI. *Judiciary Dept.*

Sec. 87 Adopted in 1830, varied in each constitution; amendment of 1928 empowered General Assembly to create other inferior courts and to authorize governor to appoint judges *pro tempore*.

Sec. 88 Five-judge court established by constitution of 1851, enlarged to seven in 1928; amendment of 1928 also added present second and third paragraphs, and last two paragraphs.

Sec. 89 Adopted in 1851, substantially altered in purpose in 1902; amended in 1928 to extend eligibility to judges of courts of record in cities of second class.

Sec. 90 First sentence adopted in 1851, second sentence added in 1928.

Sec. 91 Adopted in 1830, amended to present form in 1870, with term fixed at twelve years in 1928.

Sec. 92 Elements of this section are traceable in 1830; essential form of first paragraph adopted in 1864; second paragraph adopted in 1928.

Sec. 93 Adopted in 1870; minor revisions in 1928.

Sec. 94 Judicial circuits were specifically described in constitution of 1851, with variations through 1902, amended in 1928 in present form of general provision.

Sec. 95 Adopted in 1851, present form adopted in 1902, with minor revisions in 1928.

Sec. 96 Adopted in 1851, amended to present form in 1870, except

for deletion of phrases shown in brackets. Amendment in 1928 deleted other than obsolete matter.

For each circuit a judge shall be chosen by the joint vote of the two houses of the general assembly, [who shall hold his office] for a term of eight years, [unless sooner removed, in the manner prescribed by this constitution.] He shall, when chosen, possess the same qualifications of judges of the supreme court of appeals, and during his continuance in office shall reside in the circuit of which he is judge.

Sec. 97 Adopted in 1851, amended to present form in 1902.

Sec. 98 Adopted in 1851, amended to present form in 1902, and amended in 1928 to relieve cities of first class of maintaining corporation courts and adding qualifying phrase, "unless otherwise provided by law" Wording in third paragraph clarified by amendment in 1950.

Sec. 99 Adopted in present form in 1902, substantially revised in 1928.

Sec. 100 Adopted in 1902.

Sec. 101 Provisions in constitutions 1830-1864 dealt generally with court clerks; present form of section, relating to probate jurisdiction, adopted in 1902 and broadened in 1928.

Secs. 102, 103 Substantially new provisions adopted in 1902, amended in 1928 to give General Assembly broader powers over salaries.

Sec. 104 Adopted in 1776, amended to essentially present form in 1830, as illustrated in sections from constitutions of 1830 and 1902:

Judges may be removed from office by a concurrent vote of both houses of the general assembly; but two-thirds of the members present must concur in such vote, and the cause of removal shall be entered on the journals of each. The judge against whom the legislature may be about to proceed shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereupon.

Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 105 Adopted in 1851, amended to present form in 1902, except for words in brackets deleted in 1928, and words in *italic* inserted at that date:

No judge of [the Supreme Court of Appeals, of the circuit court, or of any city] a court of record shall practice law, within or without this State, nor shall he hold any [other] office of public trust during his continuance in office; except that the judge of a [corporation or hustings] *city* court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Sec. 106 Adopted in 1830.

Sec. 107 Adopted in 1830, with office appointive; amended to essentially present form in 1851

Sec. 108 Adopted in 1776, amended to present form in 1928.

Sec. 109 Adopted in 1902.

VII. Counties

Sec. 110 First provisions for county officers appeared in constitution of 1776; essentially present form adopted in 1851, amended to present form in 1928.

Secs. 111-115 Adopted in 1902, minor amendments in 1928.

Sec. 115a Adopted in 1928, amended in 1958 to add present second paragraph.

VIII. Cities and Towns

Sec. 116 Adopted in 1902.

Sec. 117 Adopted in 1902, amended in 1912 and 1920.

Sec. 118 Adopted in 1902, minor changes made in 1928.

Sec. 119 Adopted in 1902, amended in 1912 and 1928.

Sec. 120 Substantially anticipated in constitution of 1870, adopted in present form in 1902 with minor changes in 1928.

Sec. 121 Adopted in 1902, amended in 1928 to authorize General Assembly to permit one-house city councils generally

Sec. 122 Section on city elections first adopted in 1851, revised in present form in 1902.

Sec. 123-127 Adopted in 1902.

Sec. 128 Repealed in 1928.

IX. Education

Sec. 129-132 Adopted in present form in 1902, enlarging upon antecedent provisions in constitution of 1870.

Sec. 132 Adopted in present form in 1902, amended in 1920, 1928 and 1950 to enlarge upon powers of consolidation and administration.

Sec. 134 Adopted in 1870; amended in 1944 to empower General Assembly to add to funds.

Secs. 135, 136 Adopted in present form in 1902, with clarifying amendments in 1928.

Sec. 137 Adopted in 1870, amended to present form in 1902.

Sec. 138 Adopted in 1902, with passages and brackets deleted and words in italic added in 1920.

The General Assembly may, in its discretion, provide for the compulsory education of children of *school age* [between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees.]

Secs. 139, 140 Adopted in 1902.

Sec. 141 Adopted in 1902, revised in 1952 and amended by ordinance in 1956 to introduce tuition grant system.

Sec. 142 Adopted in 1902.

Sec. 143 Adopted in 1870, revised in 1902, obsolete references deleted in 1928.

Sec. 144 Adopted in 1902.

Sec. 145 Adopted in 1902 as elective office; amended in 1928 to make office appointive for term succeeding adoption of amendment, with option thereafter to return to elective system.

Sec. 146 Adopted in 1902.

Sec. 147 Adopted in 1902, amended to present form in 1928.

Secs. 148-151 Repealed in 1928.

Sec. 152 Adopted in 1928, in effect repealing prior provision.

IX. Corporations

Secs. 153-167 Entire article adopted in 1902. Sec. 155 amended in 1928 to provide for election by General Assembly, and in 1956 to delete free pass privilege. Secs. 156 and 161 amended by minor changes in 1928, and free pass privilege deleted from Sec. 161 in 1956.

X. Tax and Finance

Sec. 168 Uniform tax principle adopted in 1851, revised in present form in 1902, with minor revisions in 1928.

Sec. 169 Adopted in present form in 1902, with minor revisions in 1928 and present last sentence added in 1956.

Sec. 170 Analogous provisions date from constitution of 1851, pres-

ent form adopted in 1902, amended in 1927 to authorize certain counties to tax abutting landowners.

Secs. 171-174 Adopted in 1902. Amendments in 1928 introduced principle of segregated property for state and local taxes in Secs. 171 and 172, and deleted obsolete references in Sec. 173.

Sec. 175 Adopted in 1902, modifying antecedent section in constitution of 1870 as amended.

Secs. 176-183 Adopted in 1902, with clarifying or minor changes in 1928; sec. 182 repealed in 1928.

Secs. 184-184b Adopted in 1902 as single section, divided in interest of clarity with minor changes in 1928.

Sec. 185 Antecedent sections date from constitution of 1851, present form dates from 1902, with amendment in 1928 adding state parks to public works.

Sec. 186 Adopted in 1902.

Sec. 187 Adopted in substantially present form in 1870.

Sec. 188 Principle of tax limitation adopted in 1851, present form dates from 1902.

Sec. 189 Present form adopted in 1928.

XIV. Homestead, Miscellaneous

Sec. 190 Adopted in 1870.

Secs. 191-193 Adopted in 1870, revised in 1902 with minor change in sec. 193 in 1928.

Secs. 194, 195 Adopted in 1870.

Sec. 195a Adopted in 1928.

XV. Future Changes

Sec. 196 Adopted in 1870.

Sec. 197 Adopted in 1902.

XVI. Rules of Construction

Sec. 198 Adopted in 1928.

XVIII. Poll Tax Exemptions

Secs. 1-3. Adopted in 1945; sec. 2 amended in 1960.