1830 Virginia Constitution

Proceedings and Debates of the Virginia State Convention of 1829-30
(Richmond: Samuel Shepherd & Co., 1830)

AN AMENDED CONSTITUTION
OR FORM OF GOVERNMENT FOR VIRGINIA

(Accepted by the Convention January 1, 1830.)

Whereas the Delegates and Representatives of the good people of Virginia, in Convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and seventy-nine, assembled and met, and did, by the power and virtue of the Constitution and Laws of this Commonwealth, and in accordance with the Constitution of the United States, as by law and instrument of Government, ordain and enact:

Be it enacted by the Senate and House of Delegates of the Commonwealth of Virginia, and by the authority thereof, that the Constitution of the Commonwealth of Virginia, as by law established, be amended in the manner and to the extent herein contained.

In the opinion of this Convention no amendment shall be proposed to this Constitution, and be the same deemed necessary or expedient, as to the former Constitution of this Commonwealth.

ARTICLE I.

The Declaration of Rights made on the 12th, June, 1776, by the representatives of the good people of Virginia, assembled in full and free Convention, which pertained to their faith and patriotism, as the basic foundation of Government, shall be preserved, and in the opinion of this Convention no amendment shall be procured to this Constitution, and be the same deemed necessary or expedient, as to the former Constitution of this Commonwealth.

ARTICLE II.

The Legislative, Executive and Judicial Departments shall be separate and distinct, so that neither exercises the powers properly belonging to either of the others; and that any personexercise the powers of more than one of these at the same time, except that the Judges of the County Courts shall be eligible to the House of Assembly.

ARTICLE III.

1. The Legislature shall be formed of two distinct branches, which together shall be a complete Legislature, and shall be called the General Assembly of Virginia.

2. One of these shall be called The House of Delegates, and shall consist of one hundred and thirty-four members, to be chosen, annually, for and by the several counties, cities, towns and boroughs of the Commonwealth; whereof thirty-one shall be chosen for and by the thirty-six counties lying West of the Allegheny mountains; twenty-five for and by the forty counties lying between the Allegheny and Blue Ridge mountains; forty-two for and by the twenty-nine counties lying East of the Blue Ridge mountains and above aix.
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person to select his religious instructor, and to make for his support such private con-
ventions as he shall please.

12. The legislature may provide by law that no person shall be held of or be elected to any public office, trust or emolument, civil or military, Executive or Judicial, under the government of this Commonwealth, who shall

have fought a duel, or send or accept a challenge to fight a duel, the physician or

attorney who may be the death of the challenger or challenged, or who shall be a

party to either, or shall in any manner aid or assist in such duel, or shall be

known to have been a party to any such duel, or have been second to such duel, or

have lost or taken part in such duel, or have been a party to any such duel.

13. The Governor, the Judges of the Court of Appeals and Supreme Court, and all

other officers acting against the State, either by maladministration, corruption, ne-

glect of duty, or any other crime or misdemeanor, shall be impeachable by the

House of Delegates; such impeachment to be prosecuted before the Senate, which

shall have the sole power to try all impeachments. When asking for that purpose

the Senate shall be on oath or affirmation; and no person shall be convicted without

the concurrence of two-thirds of the members present; judgment, in cases of

impeachment, shall not extend further than to removal from office, and disqualifica-

tion to hold and enjoy any office of honor, trust or profit, under the Commonwealth,

of any person impeached; and the party convicted shall nevertheless be liable and

subject to indictment, trial, judgment, and punishment, according to law.

14. Every white male citizen of the Commonwealth, resident therein, aged twenty-

one years and upwards, being qualified to exercise the Right of Suffrage, according

to the former Constitution, and law, and every such citizen, being possessed, or who

shall have, for years, at or above the age of twenty, been possessed, of an estate in

freehold, or in land or in the value of twenty dollars per annum, and so possessed as to be if any assessment therefor be required by law; and every such citizen, being possessed, as tenant in common, joint

tenant, or tenant by the undivided interest in or share of land, and being an owner of

land, or an estate in land, or an estate and interest of one-half or more in any stock, issued or to be issued, in any insurance company, bank, or other

corporation, shall be liable to a tax of one tenth of one per centum on the value of

such estate, whether purchased, inherited, or otherwise acquired, and so possessed

as to be liable to any such tax, or to any assessment therefor, or to any assessment

as to any such tax, or to any assessment for the payment of any debt or debt, or for

the redemption of any stock, issued or to be issued, in any insurance company, bank,

or other corporation, shall be liable to a tax of one tenth of one per centum on the

value of such estate, whether purchased, inherited, or otherwise acquired, and so

possessed as to be liable to any such tax, or to any assessment therefor, or to any

assessment as to any such tax, or to any assessment for the payment of any debt or
debt, or for the redemption of any stock, issued or to be issued, in any insurance

company, bank, or other corporation.

15. In all elections in this Commonwealth, to any office or place of trust, honor, or

profit, the votes shall be given openly, or under cover, and not by ballot.

ARTICLE IV.

The Chief Executive power of this Commonwealth, shall be vested in a Gover-

nour, to be elected by the joint vote of both Houses of the General Assembly, to

be held, his office, during the term of years, to commence on the first day of

January next succeeding his election, or on such other day, as may be固定

by law, and shall be held for a term of years, to continue his election, or on such other day, as may be fixed by law, and shall be held for a term of years, to continue

his term of office from year to year, unless he shall be removed from office, by

the Commonwealth, for and during the continuance of such term, or until his suc-

cessor shall be elected, during the unexpired term of his predecessor. He shall

be removable by the Senate of the Commonwealth, in either house of the General

Assembly, by a vote of two-thirds of all the members thereof, and shall be

removed from office, by the Governor, the Supreme Court of Appeals, and the

General Assembly, for any crime or treason against the Commonwealth, or

any other crime or misdemeanor, before or during the term of his office, or

in case of his death or resignation, or in case of his absence from the State

for more than ninety days, or in case of his being impeached, or in case of his

removal from office, for any cause provided by law, and shall be held for a term of

years, to continue his term of office from year to year, unless he shall be removed

from office, by the Commonwealth, for and during the continuance of such term, or

until his successor shall be elected, during the unexpired term of his predecessor.

The Governor shall receive for his services a compensation to be fixed by law,

which shall be neither increased nor diminished, during his continuance in office.

4. He shall take care that the laws be faithfully executed, shall commission all

officers of the Commonwealth, at every session, the condition of this Commonwealth, and recom-

mend to their consideration such measures as he may deem expedient.

He shall be, in the discharge of the duties of his office, the surety for the public

treasury, and shall be responsible to the General Assembly, for the non-performance of any of his

concerns, or for his personal negligence, and shall be subject to removal from office,

by the Governor, the Supreme Court of Appeals, or the General Assembly, for any crime or treason

against the Commonwealth, or any other crime or misdemeanor, before or during the term of his

office, or in case of his death or resignation, or in case of his absence from the State for more than ninety days, or in case of his being impeached, or in case of his removal from office, for any cause provided by law, and shall be held for a term of years, to continue his term of office from year to year, unless he shall be removed from office, by the Commonwealth, for and during the continuance of such term, or until his successor shall be elected, during the unexpired term of his predecessor.

5. The Governor shall be the chief executive officer of the Commonwealth, and shall

act as the head and chief executive of the General Assembly, in case of the absence of the Speaker of the House of Delegates, or in case of his being impeached, or in case of his removal from office, for any cause provided by law, and shall be held for a term of years, to continue his term of office from year to year, unless he shall be removed from office, by the Commonwealth, for and during the continuance of such term, or until his successor shall be elected, during the unexpired term of his predecessor.
officer below the rank of a Lieutenant General, shall be appointed by the General Assembly.  
7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and bear the seal of the Governor, with the seal of the Commonwealth annexed.

ARTICLE V.

1. The Judicial power shall be vested in a Supreme Court of Appeals, in such Superior Courts as the Legislature may from time to time ordain and establish, and the Judges thereof, in the County Courts, and in Justice of the Peace. The Legislature shall vest such jurisdiction as shall be deemed necessary in Circuit Courts, and in the Magistrates who may be appointed to the respective body. The jurisdiction of these bodies, and of the Judges thereof, shall be regulated by law. The Judges of the Superior Court of Appeals and of the Superior Courts shall hold their offices during good behavior, and shall be removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointive or public; and the members thereof shall not, at any time, hold any other office, or be employed in any public trust, or be interested in any private or public employment.  
2. No law allowing any court shall be continued to deprive a Judge thereof of his office, unless two-thirds of the members of each House present and voting shall so require; but the Legislature may empower other Judicial duties to the Judges of courts established by law exacted by less than two-thirds of the members of each House present.  
3. The present Judges of the Superior Court of Appeals, of the General Court, and of the Superior Court of Chancery, shall remain in office until the termination of the terms of the first Legislature elected under this Constitution, and no longer.  
4. The Judges of the Superior Court of Appeals and of the Superior Courts shall be elected by the joint vote of both Houses of the General Assembly.  
5. The Judges of the Superior Court of Appeals and of the Superior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.  
6. 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 the removal, and the cause of removal shall be entered on the Journals of each. The Judges against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.  
7. On the creation of any new county, Judges of the Peace shall be appointed, in the first instance, in each manner as may be prescribed by law. When vacancies shall occur in any county, or in any office, the Judges designated to increase the number, shall be appointed by the Governor, on the recommendation of the respective County Court.  
8. The Attorney-General shall be appointed by joint vote of the two Houses of the General Assembly, and commissioned by the Governor, and shall hold his office, during the pleasure of the General Assembly. The Clerk of the several Courts, when vacancies shall occur, shall be appointed by his respective county, and the Senate, as well as of those in the office of Clerk who may be heretofore appointed, shall be commissioned by the Governor, and when approved by the Governor, shall be commissioned by him. The Judges shall appoint Commissioners. And all fees of the above-mentioned officers, shall be regulated by law.  
9. Write shall run in the name of the Commonwealth of Virginia, and bear the seal of the Commonwealth.

ARTICLE VI.

A Treasurer shall be appointed annually by joint vote of both Houses of the General Assembly.  

ARTICLE VII.

The Executive Department of the Government shall consist of the Governor and the Privy Council. These shall continue in office until a Governor and Privy Council shall be elected, and the Legislature shall vest such jurisdiction as shall be deemed necessary in the Governor, and the Privy Council.

SCHEDULE.

Ordered, that the roll containing the names of the members of the Assembly shall be kept at the General Assembly, and all the members of the Assembly shall be present at the recess.  
9. The Secretary shall cause the Journal of the proceedings of the Convention to be kept, and that he cause a true copy of the said Journal to be published in the Public Printer.  
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