

No. 117525

NOV - 7 2011

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

CHARLESTON

**STATE OF WEST VIRGINIA ex rel.
THORNTON COOPER,**

Petitioner,

v.

**Honorable NATALIE E. TENNANT,
Secretary of State of the State of
West Virginia,**

Respondent.

APPENDIX TO

PETITION FOR WRIT OF MANDAMUS

**THORNTON COOPER
Petitioner**

Pro Se

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South Charleston, WV 25303
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November 7, 2011

CERTIFICATE OF ACCURACY OF APPENDIX CONTENTS.

I, **Thornton Cooper**, the **Petitioner** herein, do, on this 7th day of November, 2011, hereby **certify**, pursuant to the provisions of Rule 7(c)(2) and Rule 16(e) of the *Revised Rules of Appellate Procedure*, that the **contents** of this **Appendix** are, to the best of my knowledge and belief, accurate copies of the items that I have described in the **Petition for Writ of Mandamus** to which this **Appendix** is appended and in the **Table of Contents** of this **Appendix**.


Thornton Cooper

TABLE OF CONTENTS OF APPENDIX TO PETITION FOR WRIT OF MANDAMUS.

PETITIONER’S EXHIBIT NO. 1: Enrolled Senate Bill No. 1006,
passed August 5, 2011 1-97

PETITIONER’S EXHIBIT NO. 2: Maps of West Virginia’s
senatorial districts, and populations of those senatorial
districts, following 1964 and 1977 reapportionments 98

PETITIONER’S EXHIBIT NO. 3: Map of West Virginia’s
senatorial districts, and populations of counties in those
senatorial districts, following 2001 reapportionment 99

PETITIONER’S EXHIBIT NO. 4: Map of West Virginia’s
55 counties and their 2010 populations 100

PETITIONER’S EXHIBIT NO. 5: Map of West Virginia’s
17 senatorial districts, as they existed in early 2011, along
with names of incumbent senators 101

PETITIONER’S EXHIBIT NO. 6: Table of 2000 and 2010
populations of West Virginia’s 17 senatorial districts,
as they existed in early 2011 102

PETITIONER’S EXHIBIT NO. 7: Table of 2000 and 2010
populations of West Virginia’s 55 counties 103, 104

PETITIONER’S EXHIBIT NO. 8: Map of plan by Thornton
Cooper to redistrict senatorial districts, along with legislative
disclaimer 105, 106

PETITIONER’S EXHIBIT NO. 9: “Population summary
report” prepared by legislative staff describing the populations
and variances from ideal population size of the 17 senatorial
districts under Senate Bill No. 1006 107

PETITIONER’S EXHIBIT NO. 10: “Political subdivisions split
between districts” report prepared by legislative staff describing
the counties and precincts (and populations thereof) that were
split by Senate Bill No. 1006 108-110

PETITIONER’S EXHIBIT NO. 11: “Plan components report” prepared by legislative staff describing in more detail the populations of counties, or portions thereof, and precincts, or portions thereof, in each of the 17 senatorial districts under Senate Bill No. 1006 111-128

PETITIONER’S EXHIBIT NO. 12: Map of 17 senatorial districts of West Virginia under Senate Bill No. 1006. 129

PETITIONER’S EXHIBIT NO. 13: Maps of West Virginia counties, and of 17 senatorial districts, under Thornton Cooper’s redistricting plan, created and printed off by him through use of “Dave’s Redistricting” website 130-133

PETITIONER’S EXHIBIT NO. 14: Notice of intent to initiate legal action (and certificate of service) that was mailed out by Thornton Cooper on November 2, 2011. 134-136

PETITIONER’S EXHIBIT NO. 15: Detailed 20-page written description by Thornton Cooper of each of 17 senatorial districts, and of the location, description, and population of each district, and of the counties, or portions thereof, and VTD’s contained therein, under his redistricting plan 135-157

PETITIONER’S EXHIBIT NO. 16: Copy of portions of the transcripts of proceedings in Wheeling at the First Constitutional Convention of West Virginia, including those held on December 17, 1861, January 10, 11, and 15, 1862, and February 7, 1862, as well as most of the text of the 1863 *Constitution.*, from Volumes I, II, and III of DEBATES AND PROCEEDINGS OF THE FIRST CONSTITUTIONAL CONVENTION OF WEST VIRGINIA (Charles H. Ambler, Frances Haney Atwood, and William B. Matthews, eds.). 158-188

PETITIONER’S EXHIBIT NO. 17: Map of 17 senatorial districts, with circles circumscribing two of those districts, as drawn by Thornton Cooper to demonstrate whether those two districts are compact. 189

ENROLLED

Senate Bill No. 1006

(BY SENATORS UNGER, STOLLINGS, BROWNING, EDGELL, D. FACEMIRE,
FOSTER, KLEMPA, LAIRD, MILLER, PALUMBO, PLYMALE, PREZIOSO,
WILLIAMS, BARNES, BOLEY AND HALL)

[Passed August 5, 2011; in effect from passage.]

AN ACT to amend and reenact §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to dividing and altering the state into senatorial districts; defining terms; setting forth legislative findings; providing for senatorial districts; and requiring incidental precinct boundary changes.

Be it enacted by the Legislature of West Virginia:

That §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. APPORTIONMENT OF REPRESENTATION.

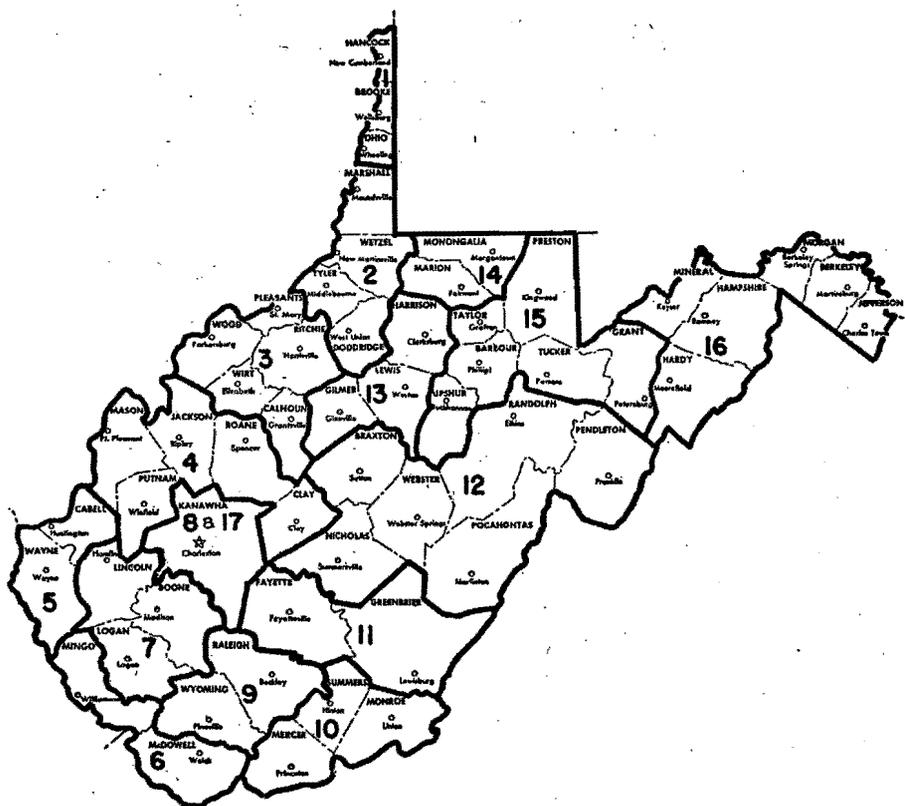
§1-2-1. Senatorial districts.

1 (a) This section shall be known and may be cited as the
2 Senate Redistricting Act of 2011.

3 (b) As used in this section:

4 (1) "County" means the territory comprising a county of
5 this state as such county existed on January 1, 2010, not-
6 withstanding any boundary changes thereof made subse-
7 quent thereto;

**The remainder of the petitioner's exhibit No.1 of the Senate Bill
No. 1006 is on file in the Supreme Court Clerk's Office**



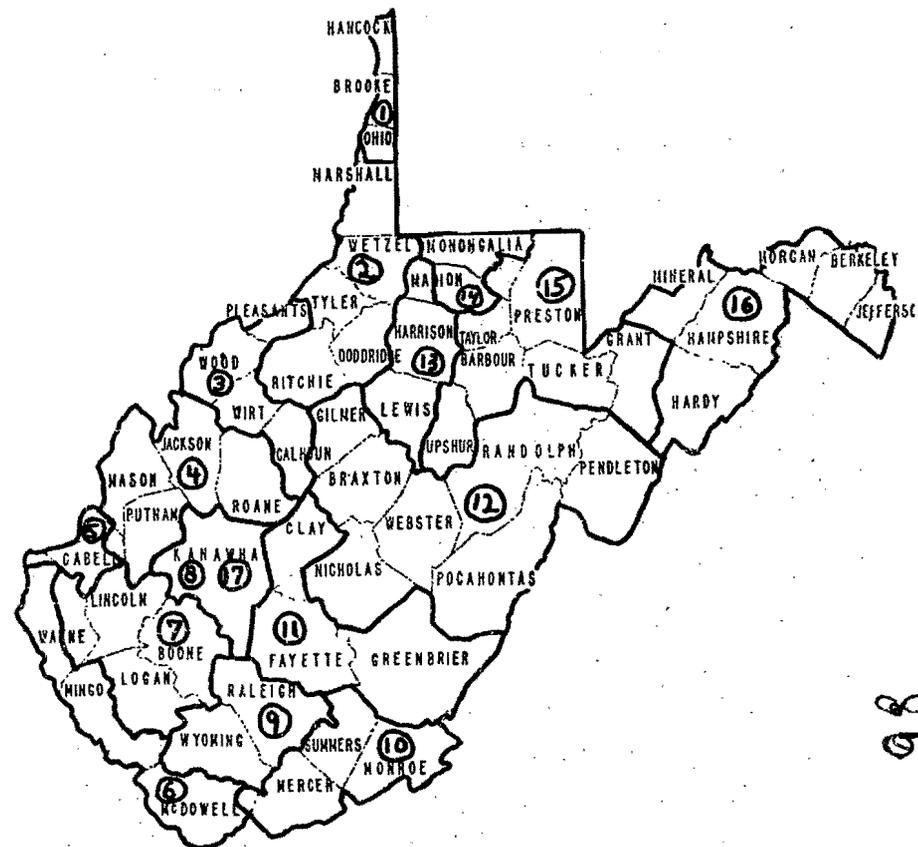
MAP, WEST VIRGINIA SENATORIAL DISTRICTS

*Apportionment of 1964

- First District**—Brooke, Hancock, Ohio. Population, 136,992.
- Second District**—Doddridge, Marshall, Tyler, Wetzel. Population, 74,384.
- Third District**—Calhoun, Pleasants, Ritchie, Wirt, Wood. Population, 108,671.
- Fourth District**—Clay, Jackson, Mason, Putnam, Roane. Population, 94,223.
- Fifth District**—Cabell, Wayne. Population, 147,179.
- Sixth District**—McDowell, Mingo. Population, 111,101.
- Seventh District**—Boone, Lincoln, Logan. Population, 110,601.
- Eighth District**—Kanawha. Population, 252,925. (Also Seventeenth District)
- Ninth District**—Raleigh, Wyoming. Population, 112,662.
- Tenth District**—Mercer, Monroe, Summers. Population, 95,430.
- Eleventh District**—Fayette, Greenbrier. Population, 96,177.
- Twelfth District**—Braxton, Nicholas, Pendleton, Pocahontas, Randolph, Webster. Population, 98,863.
- Thirteenth District**—Gilmer, Harrison, Lewis. Population, 105,617.
- Fourteenth District**—Marion, Monongalia. Population, 119,334.
- Fifteenth District**—Barbour, Grant, Preston, Taylor, Tucker, Upshur. Population, 92,063.
- Sixteenth District**—Berkeley, Hampshire, Hardy, Jefferson, Mineral, Morgan. Population, 104,189.
- Seventeenth District**—Kanawha. Population, 252,925. (Also Eighth District)

* Effective January 1, 1964.

Petitioner's Exhibit No. 2



MAP, WEST VIRGINIA SENATORIAL DISTRICTS

*Apportionment of 1977

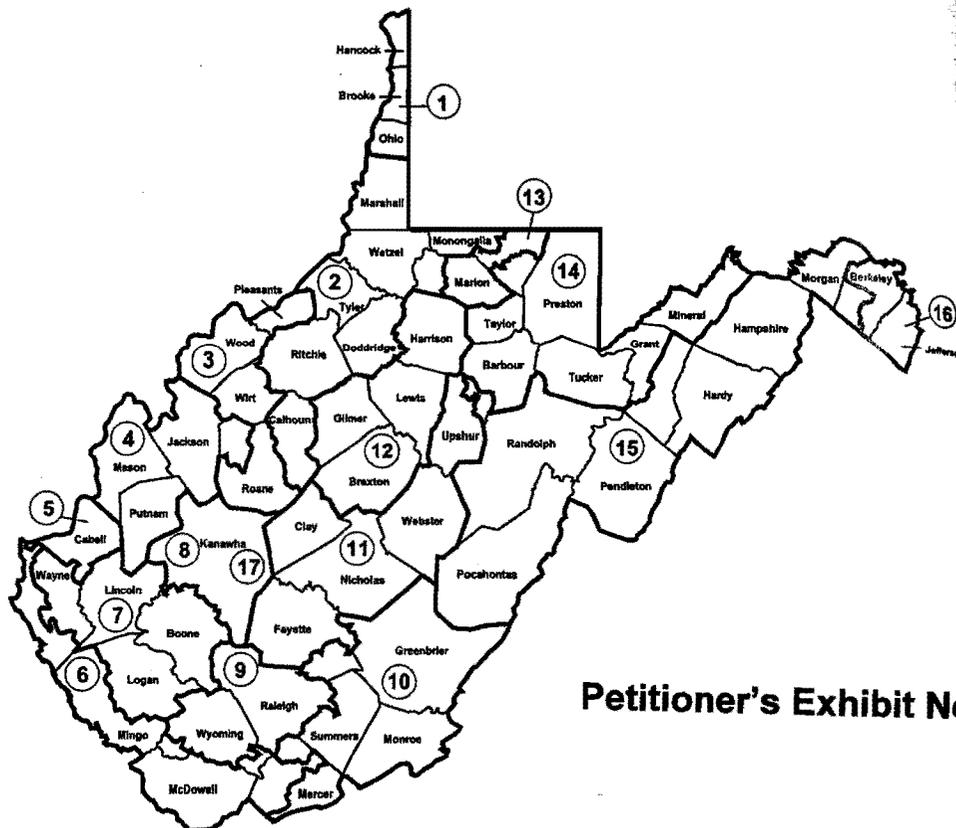
Total Percentage Variance = 22.92%

Average Percentage Variance = 6.9%

- First District:** Brooke, Hancock and part of Ohio. Population, 108,917.
- Second District:** Doddridge, Marshall, Ritchie, Tyler, Wetzel and part of Ohio. Population, 109,089.
- Third District:** Calhoun, Pleasants, Wirt and Wood. Population, 105,292.
- Fourth District:** Jackson, Mason, Putnam, Roane and part of Cabell. Population, 96,178.
- Fifth District:** Part of Cabell and part of Wayne. Population, 109,683.
- Sixth District:** Mingo, and parts of McDowell and Wayne. Population, 92,972.
- Seventh District:** Boone, Lincoln, Logan and part of Wayne. Population, 100,217.
- Eighth District:** Kanawha. Population, 229,515. (Also Seventeenth District)
- Ninth District:** Raleigh and Wyoming. Population, 100,175.
- Tenth District:** Mercer, Monroe, Summers and part of McDowell. Population, 93,830.
- Eleventh District:** Clay, Fayette, Greenbrier and part of Nicholas. Population, 92,816.
- Twelfth District:** Braxton, Gilmer, Pendleton, Pocahontas, Randolph, Webster and part of Nicholas. Population, 91,242.
- Thirteenth District:** Harrison, Lewis and part of Marion. Population, 96,516.
- Fourteenth District:** Parts of Marion and Monongalia. Population, 108,815.
- Fifteenth District:** Barbour, Grant, Preston, Taylor, Tucker, Upshur and part of Monongalia. Population, 99,123.
- Sixteenth District:** Berkeley, Hampshire, Hardy, Jefferson, Mineral and Morgan. Population, 109,857.
- Seventeenth District:** Kanawha. Population, 229,515. (Also Eighth District)

* Effective January 1, 1977.

98



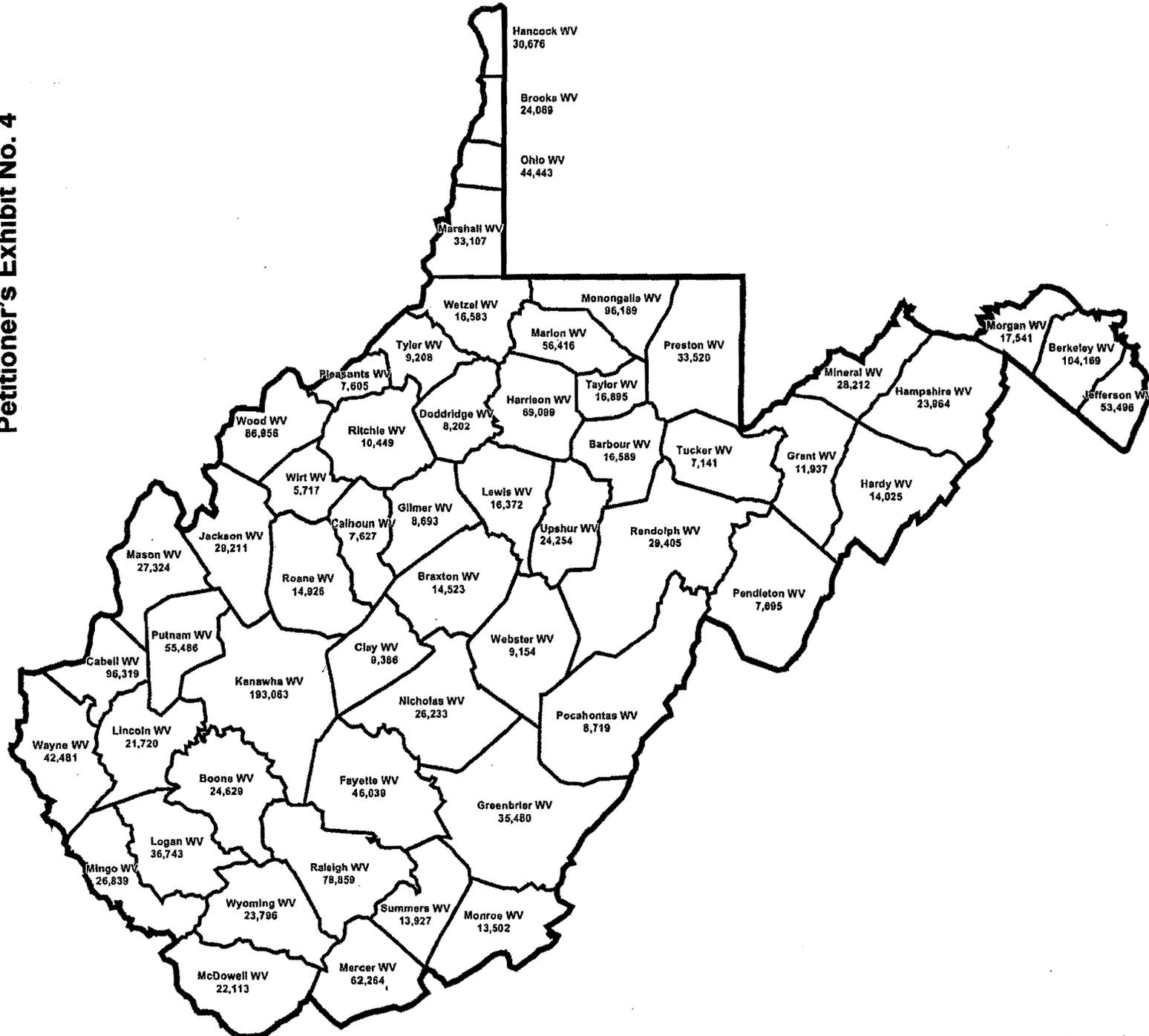
Petitioner's Exhibit No. 3

MAP, WEST VIRGINIA SENATORIAL DISTRICTS
 (Apportionment of 2001; in effect for 2002 primary and general elections)
 (Two senators from each district)

- First District:**
Brooke, 25,447; Hancock, 32,667; Ohio, 43,422.
- Second District:**
Calhoun, 7,582; Doddridge, 7,403; Marion, 5,430; Marshall, 35,519; Monongalia, 8,468; Ohio, 4,005; Ritchie, 10,343; Tyler, 9,592; Wetzel, 17,693.
- Third District:**
Pleasants, 7,514; Roane, 9,340; Wirt, 5,873; Wood, 87,986.
- Fourth District:**
Jackson, 28,000; Mason, 25,957; Putnam, 51,589; Roane, 6,106.
- Fifth District:**
Cabell, 96,784; Wayne, 7,532.
- Sixth District:**
McDowell, 27,329; Mercer, 22,945; Mingo, 25,253; Wayne, 19,336; Wyoming, 3,206.
- Seventh District:**
Boone, 25,536; Lincoln, 22,108; Logan, 37,710; Wayne, 16,035.
- Eighth District:**
Kanawha, 200,073. (Also Seventeenth District)
- Ninth District:**
Raleigh, 79,220; Wyoming, 22,502.
- Tenth District:**
Fayette, 3,677; Greenbrier, 34,453; Mercer, 40,035; Monroe, 14,583; Summers, 12,999.
- Eleventh District:**
Clay, 10,333; Fayette, 43,902; Nicholas, 26,562; Upshur, 20,900; Webster, 9,719.
- Twelfth District:**
Braxton, 14,702; Gilmer, 7,160; Harrison, 68,652; Lewis, 16,919.
- Thirteenth District:**
Marion, 51,168; Monongalia, 59,811.
- Fourteenth District:**
Barbour, 15,567; Grant, 2,503; Mineral, 27,078; Monongalia, 13,587; Preston, 29,334; Taylor, 16,089; Tucker, 7,321.
- Fifteenth District:**
Berkeley, 6,640; Grant, 8,796; Hampshire, 20,203; Hardy, 12,669; Morgan, 14,943; Pendleton, 8,196; Pocahontas, 9,131; Randolph, 22,262; Upshur, 2,504.
- Sixteenth District:**
Berkeley, 69,265; Jefferson, 42,190.
- Seventeenth District:**
Kanawha, 200,073. (Also Eighth District)

Clerk: Darrel
 Executive Sec
 Assistant Cle
 Deputy Clerk
 Chief Journa
 Associate Jo
 Bill Clerk: K
 Bill Status a
 Technical St
 Senate and
 Assistant Fi
 Administrat
 Legislative
 Administrat
 Assistant to
 Counsel to I
 Executive S
 Secretary to
 Secretary to
 Counsel to
 Budget Anc
 Secretary k
 Counsel to
 Rita Pau
 Connie A
 Legislative
 Administr
 Rhonda
 Secretary t
 Legislative
 Jason L
 Secretary t
 Rosann
 Counsel to
 Jeff Job
 Secretary
 Joanna
 Counsel to
 Legislativ
 Legislati
 Jean L
 Supervis
 Commun
 Chief Cu
 Mail/Sup
 Custodia
 Linda
 James

Petitioner's Exhibit No. 4



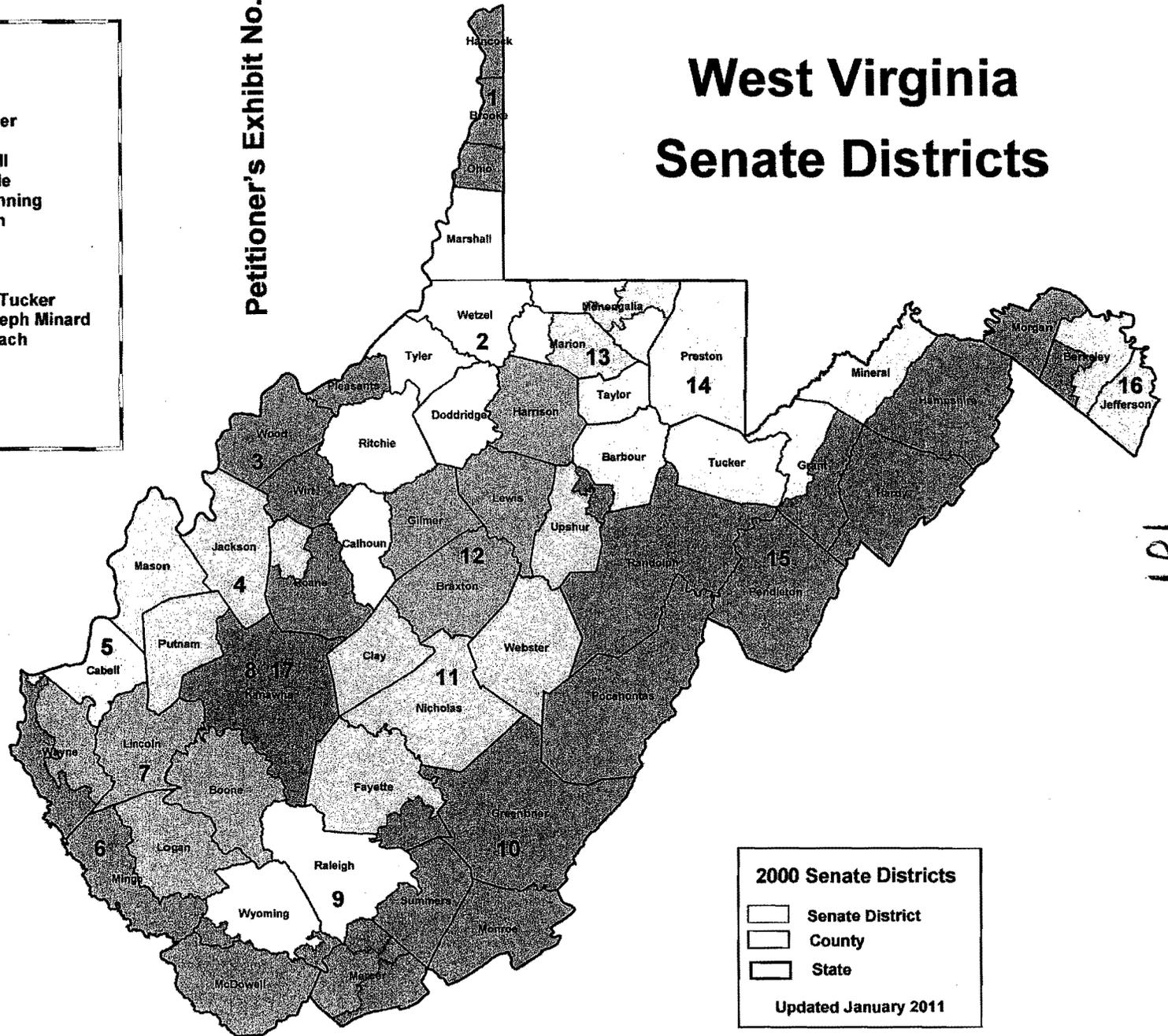
100

Senators

- District 1 Orphy Klempa, Jack Yost
- District 2 Larry J. Edgell, Jeffery V. Kessler
- District 3 Donna J. Boley, David C. Nohe
- District 4 Karen Lynn Facemyer, Mike Hall
- District 5 Evan Jenkins, Robert H. Plymale
- District 6 H. Truman Chafin, John Pat Fanning
- District 7 Ron Stollings, Earl Ray Tomblin
- District 8 Corey Palumbo, Erik Wells
- District 9 Richard Browning, Mike Green
- District 10 Mark Wills, Ronald Miller
- District 11 William R. Laird IV, Gregory A. Tucker
- District 12 Douglas Eugene Facemire, Joseph Minard
- District 13 Roman W. Prezioso, Robert Beach
- District 14 Dave Sypolt, Bob Williams
- District 15 Clark Barnes, Walt Helmick
- District 16 Herb Snyder, John R. Unger II
- District 17 Dan Foster, Brooks F. McCabe

Petitioner's Exhibit No. 5

West Virginia Senate Districts



101

Petitioner's Exhibit No. 6

Senate District	2010 Census	2000 Census	Change
1	95,975	101536	-5,561
2	101,327	106035	-4,708
3	109,227	110713	-1,486
4	117,998	111652	6,346
5	103,358	104316	-958
6	93,502	101069	-7,567
7	99,397	101388	-1,991
8 and 17	193,063	200,073	-7,010
9	99,759	101722	-1,963
10	106,143	105747	396
11	108,768	111413	-2,645
12	108,687	107433	1,254
13	122,633	110979	11,654
14	121,969	111469	10,500
15	122,121	111344	10,777
16	149,067	111455	37,612
TOTAL	1,852,994	1808344	44,650

West Virginia State Senate Redistricting Task Force sites:

<http://www.legis.state.wv.us/redistricting.cfm>

<http://twitter.com/#!/WVSenRedistrict>

<http://www.facebook.com/pages/John-Unger-WV-Senate-Majority-Leader/165247063525788>

Petitioner's Exhibit No. 7

County	2010 Population	2000 Population	Population Difference	Percent Change
Barbour County	16,589	15,557	1,032	6.60%
Berkeley County	104,169	75,905	28,264	37.20%
Boone County	24,629	25,535	-906	-3.50%
Braxton County	14,523	14,702	-179	-1.20%
Brooke County	24,069	25,447	-1,378	-5.40%
Cabell County	96,319	96,784	-465	-0.50%
Calhoun County	7,627	7,582	45	0.60%
Clay County	9,386	10,330	-944	-9.10%
Doddridge County	8,202	7,403	799	10.80%
Fayette County	46,039	47,579	-1,540	-3.20%
Gilmer County	8,693	7,160	1,533	21.40%
Grant County	11,937	11,299	638	5.60%
Greenbrier County	35,480	34,453	1,027	3.00%
Hampshire County	23,964	20,203	3,761	18.60%
Hancock County	30,676	32,667	-1,991	-6.10%
Hardy County	14,025	12,669	1,356	10.70%
Harrison County	69,099	68,652	447	0.70%
Jackson County	29,211	28,000	1,211	4.30%
Jefferson County	53,498	42,190	11,308	26.80%
Kanawha County	193,063	200,073	-7,010	-3.50%
Lewis County	16,372	16,919	-547	-3.20%
Lincoln County	21,720	22,108	-388	-1.80%
Logan County	36,743	37,710	-967	-2.60%
McDowell County	22,113	27,329	-5,216	-19.10%
Marion County	56,418	56,598	-180	-0.30%
Marshall County	33,107	35,519	-2,412	-6.80%
Mason County	27,324	25,957	1,367	5.30%
Mercer County	62,264	62,980	-716	-1.10%
Mineral County	28,212	27,078	1,134	4.20%
Mingo County	26,839	28,253	-1,414	-5.00%
Monongalia County	96,189	81,866	14,323	17.50%
Monroe County	13,502	13,194	308	2.30%
Morgan County	17,541	14,943	2,598	17.40%
Nicholas County	26,233	26,562	-329	-1.20%
Ohio County	44,443	47,427	-2,984	-6.30%
Pendleton County	7,695	8,196	-501	-6.10%
Pleasants County	7,605	7,514	91	1.20%
Pocahontas County	8,719	9,131	-412	-4.50%
Preston County	33,520	29,334	4,186	14.30%
Putnam County	55,486	51,589	3,897	7.60%
Raleigh County	78,859	79,220	-361	-0.50%
Randolph County	29,405	28,262	1,143	4.00%
Ritchie County	10,449	10,343	106	1.00%
Roane County	14,926	15,446	-520	-3.40%
Summers County	13,927	12,999	928	7.10%
Taylor County	16,895	16,089	806	5.00%

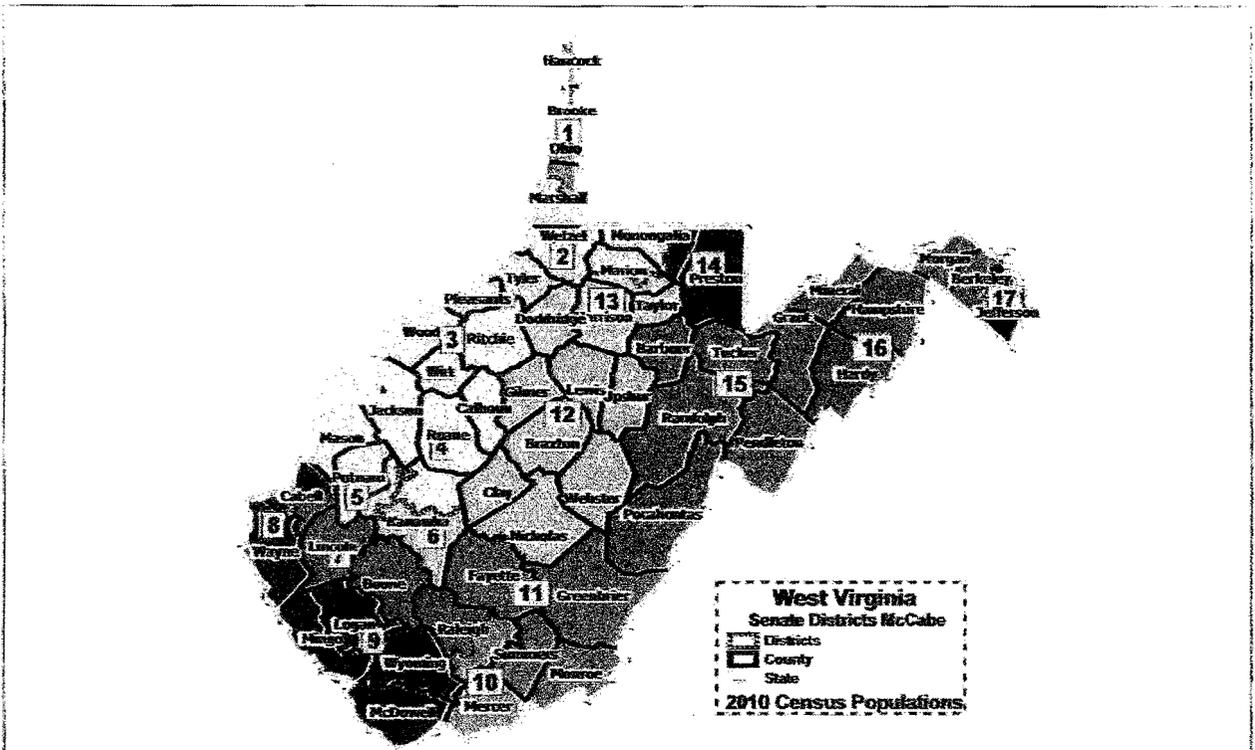
Tucker County	7,141	7,321	-180	-2.50%
Tyler County	9,208	9,592	-384	-4.00%
Upshur County	24,254	23,404	850	3.60%
Wayne County	42,481	42,903	-422	-1.00%
Webster County	9,154	9,719	-565	-5.80%
Wetzel County	16,583	17,693	-1,110	-6.30%
Wirt County	5,717	5,873	-156	-2.70%
Wood County	86,956	87,986	-1,030	-1.20%
Wyoming County	23,796	25,708	-1,912	-7.40%

West Virginia State Senate Redistricting Task Force
Date Document Received: July 21, 2011
Description: 1 page

Disclaimer of Liability and Endorsement: The attached document was prepared by a private citizen or organization and submitted to the West Virginia State Senate Redistricting Task Force as part of the information gathering process. The views, content, and opinions expressed in this document are solely those of the third party preparers and do not reflect the views, legal opinions, or in any way represent official action of the West Virginia State Senate Redistricting Task Force, the West Virginia Senate, the West Virginia Legislature or their members (collectively the "WV Legislature"). The attached document is provided for information and convenience of the public. Reference to any specific redistricting plan, map, district or process does not constitute endorsement or recommendation by the WV Legislature. The WV Legislature makes no claims, promises, guarantees, or warranties about the contents, errors or omissions in the content of the attached item. The WV Legislature disclaims responsibility for the content of these documents.

Petitioner's Exhibit No. 8

THORNTON
COOPER
SENATE
PLAN
(map)
7/21/2011



Plan: 2010 Senate Districts
 Plan Type:
 Administrator:
 User:

Population Summary Report

Friday August 12, 2011

3:07 PM

DISTRICT	POPULATION	DEVIATION	% DEVN.
1	103,559	-5,441	-4.99
2	110,917	1,917	1.76
3	105,887	-3,113	-2.86
4	104,190	-4,810	-4.41
5	112,909	3,909	3.59
6	113,861	4,861	4.46
7	104,098	-4,902	-4.50
8	104,552	-4,448	-4.08
9	104,895	-4,105	-3.77
10	108,948	-52	-0.05
11	114,154	5,154	4.73
12	113,924	4,924	4.52
13	113,552	4,552	4.18
14	113,891	4,891	4.49
15	114,448	5,448	5.00
16	103,550	-5,450	-5.00
17	105,659	-3,341	-3.07

Petitioner's Exhibit No. 9

Total Population: 1,852,994
 Ideal District Population: 109,000
Summary Statistics
 Population Range: 103,550 to 114,448
 Ratio Range: 1.11
 Absolute Range: -5,450 to 5,448
 Absolute Overall Range: 10,898.00
 Relative Range: -5.00% to 5.00%
 Relative Overall Range: 10.00%
 Absolute Mean Deviation: 4,195.18
 Relative Mean Deviation: 3.85%
 Standard Deviation: 4,553.03

Plan Name: Senate Bill Engrossed
 Plan Type:
 Administrator:

Political Subdivisions Split Between Districts

Thursday November 3, 2011

4:16 PM

Number of subdivisions not split:

County 42
 Precincts 1,819

Number of subdivisions split into more than one district:

County 13
 Precincts 37

Petitioner's Exhibit No. 10

Number of subdivision splits which affect *no* population:

County 0
 Precincts 3

Split Counts	
<i>County</i>	
Cases where an area is split among 2 Districts:	11
Cases where an area is split among 3 Districts:	2
<i>Precincts</i>	
Cases where an area is split among 2 Districts:	37

County	Precincts	District	Population
<i>Split Counties :</i>			
Berkeley WV		15	54,117
Berkeley WV		16	50,052
Gilmer WV		2	4,149
Gilmer WV		12	4,544
Grant WV		11	8,694
Grant WV		14	3,243
Kanawha WV		8	87,404
Kanawha WV		17	105,659
Marion WV		2	11,152
Marion WV		13	45,266
Marshall WV		1	4,371
Marshall WV		2	28,736
McDowell WV		6	19,873
McDowell WV		9	2,240
Mineral WV		14	9,386
Mineral WV		15	18,826
Mingo WV		6	20,107

Plan Name: Senate Bill Engrossed
Plan Type:

Administrator:
User:

County	Precincts	District	Population
<i>Split Counties (continued):</i>			
Mingo WV		7	6,732
Monongalia WV		2	14,811
Monongalia WV		13	68,286
Monongalia WV		14	13,092
Putnam WV		4	38,338
Putnam WV		8	17,148
Roane WV		3	5,609
Roane WV		4	9,317
Wayne WV		5	16,590
Wayne WV		6	11,617
Wayne WV		7	14,274

Split VTDs :

Berkeley WV	21	15	4,986
Berkeley WV	21	16	92
Berkeley WV	22	15	205
Berkeley WV	22	16	2,824
Berkeley WV	23	15	3,549
Berkeley WV	23	16	20
Berkeley WV	26-2	15	119
Berkeley WV	26-2	16	1,772
Berkeley WV	31	15	2,104
Berkeley WV	31	16	2,170
Berkeley WV	35	15	232
Berkeley WV	35	16	1,988
Berkeley WV	36	15	3,273
Berkeley WV	36	16	116
Berkeley WV	37	15	3,018
Berkeley WV	37	16	1,159
Berkeley WV	38	15	857
Berkeley WV	38	16	1,267
Berkeley WV	39	15	3,152
Berkeley WV	39	16	1,008
Berkeley WV	46	15	1,932
Berkeley WV	46	16	38
Berkeley WV	49	15	602
Berkeley WV	49	16	962
Gilmer WV	24	2	749
Gilmer WV	24	12	27
Grant WV	11	11	937
Grant WV	11	14	559
Kanawha WV	160	8	0
Kanawha WV	160	17	1,408
Kanawha WV	163	8	0
Kanawha WV	163	17	1,149
Kanawha WV	418	8	623
Kanawha WV	418	17	571
Marion WV	56	2	236
Marion WV	56	13	498

Plan Name: Senate Bill Engrossed
Plan Type:

Administrator:
User:

County	Precincts	District	Population
<i>Split VTDs (continued):</i>			
Marshall WV	48	1	105
Marshall WV	48	2	256
McDowell WV	32	6	198
McDowell WV	32	9	139
McDowell WV	58	6	171
McDowell WV	58	9	0
McDowell WV	63	6	275
McDowell WV	63	9	6
Mineral WV	26	14	204
Mineral WV	26	15	1,110
Mineral WV	27	14	6
Mineral WV	27	15	1,019
Mineral WV	28	14	60
Mineral WV	28	15	803
Mingo WV	28	6	495
Mingo WV	28	7	1,104
Mingo WV	30	6	857
Mingo WV	30	7	138
Mingo WV	45	6	301
Mingo WV	45	7	688
Mingo WV	46	6	356
Mingo WV	46	7	1,038
Mingo WV	59	6	565
Mingo WV	59	7	405
Monongalia WV	38	13	62
Monongalia WV	38	14	3,105
Monongalia WV	60	13	816
Monongalia WV	60	14	751
Monongalia WV	63	13	87
Monongalia WV	63	14	679
Monongalia WV	79	2	1,640
Monongalia WV	79	13	1,267
Monongalia WV	82	2	288
Monongalia WV	82	13	153
Monongalia WV	84	2	1,474
Monongalia WV	84	13	700
Roane WV	25	3	934
Roane WV	25	4	120

Plan: 2010 Senate Districts
Plan Type:
Administrator:
User:

Petitioner's Exhibit No. 11

Plan Components Report

Monday, October 31, 2011

3:04 PM

POPULATION

District 1	
Brooke WV County	24,069
Hancock WV County	30,676
Marshall WV County	
VTD: 35	989
VTD: 36	307
VTD: 38	740
VTD: 39	562
VTD: 48 (part)	105
VTD: 56	946
VTD: 58	424
VTD: 61	298
Marshall WV County Subtotal	4,371
Ohio WV County	44,443
District 1 Subtotal	103,559
District 2	
Calhoun WV County	7,627
Doddridge WV County	8,202
Gilmer WV County	
VTD: 1 (540211)	771
VTD: 12 (5402112)	526
VTD: 13 (5402113)	342
VTD: 24 (part)	749
VTD: 27	504
VTD: 31	338
VTD: 5	496
VTD: 6 (540216)	423
Gilmer WV County Subtotal	4,149
Marion WV County	
VTD: 53 (5404953)	904
VTD: 56 (part)	236
VTD: 58	447
VTD: 59	745
VTD: 61	748
VTD: 62	370
VTD: 66	684
VTD: 67	474
VTD: 68	370
VTD: 69	535
VTD: 70	650

Plan: 2010 Senate Districts
Type:

Administrator:
User:
POPULATION

District 2 (continued)

Marion WV County (continued)	
VTD: 72	823
VTD: 74	715
VTD: 78	582
VTD: 86	613
VTD: 87	407
VTD: 88	678
VTD: 89	784
VTD: 90	387
Marion WV County Subtotal	11,152
Marshall WV County	
VTD: 1	839
VTD: 10	910
VTD: 11	1,437
VTD: 12	856
VTD: 13	662
VTD: 14	864
VTD: 15A	787
VTD: 16	598
VTD: 17	579
VTD: 17A	547
VTD: 18	753
VTD: 19	327
VTD: 20	381
VTD: 21	356
VTD: 23	364
VTD: 24	825
VTD: 25	675
VTD: 26	616
VTD: 28	765
VTD: 29	926
VTD: 30	545
VTD: 33	1,051
VTD: 34	1,165
VTD: 4	850
VTD: 40	377
VTD: 41	437
VTD: 43	1,431
VTD: 44	1,419
VTD: 45	740
VTD: 46	1,357
VTD: 48 (part)	256
VTD: 52	886
VTD: 6	732
VTD: 60	722
VTD: 7	1,013
VTD: 9	907
VTD: 9A	781
Marshall WV County Subtotal	28,736

District 2 (continued)

Monongalia WV County	
VTD: 40 (5406140)	466
VTD: 41 (5406141)	316
VTD: 42	567
VTD: 44 (5406144)	1,267
VTD: 46 (5406146)	394
VTD: 47	1,164
VTD: 49	215
VTD: 51	593
VTD: 52 (5406152)	697
VTD: 53	501
VTD: 54	840
VTD: 55	727
VTD: 56	166
VTD: 58 (5406158)	485
VTD: 79 (part)	1,640
VTD: 81	1,107
VTD: 82 (part)	288
VTD: 84 (part)	1,474
VTD: 91	1,904
Monongalia WV County Subtotal	14,811
Ritchie WV County	10,449
Tyler WV County	9,208
Wetzel WV County	16,583
District 2 Subtotal	110,917

District 3

Pleasants WV County	7,605
Roane WV County	
VTD: 15	359
VTD: 16	576
VTD: 25 (part)	934
VTD: 28	985
VTD: 4	504
VTD: 5	1,720
VTD: 7	531
Roane WV County Subtotal	5,609
Wirt WV County	5,717
Wood WV County	86,956
District 3 Subtotal	105,887

District 4

Jackson WV County	29,211
Mason WV County	27,324
Putnam WV County	
VTD: 10 (5407910)	1,864
VTD: 13	1,161
VTD: 24	1,038

District 4 (continued)

Putnam WV County (continued)	
VTD: 25	2,850
VTD: 26	2,829
VTD: 27	2,602
VTD: 28	2,372
VTD: 29 (5407929)	3,488
VTD: 30 (5407930)	1,555
VTD: 31	915
VTD: 32 (5407932)	1,067
VTD: 33	1,672
VTD: 41	1,180
VTD: 42	1,754
VTD: 43	3,578
VTD: 47	1,139
VTD: 48	286
VTD: 6	2,981
VTD: 7	1,154
VTD: 8	1,536
VTD: 9	1,317
Putnam WV County Subtotal	38,338
Roane WV County	
VTD: 1	723
VTD: 10	687
VTD: 11	833
VTD: 12	182
VTD: 18	594
VTD: 19	490
VTD: 20	742
VTD: 21	496
VTD: 22	1,411
VTD: 23	1,004
VTD: 25 (part)	120
VTD: 29	299
VTD: 30	883
VTD: 32	853
Roane WV County Subtotal	9,317
District 4 Subtotal	104,190

District 5

Cabell WV County	96,319
Wayne WV County	
VTD: 11	724
VTD: 12	755
VTD: 13	1,355
VTD: 14	1,805
VTD: 16	651
VTD: 17	1,136
VTD: 20	1,086
VTD: 21	775
VTD: 56	1,579

Plan: 2010 Senate Districts
Type:

Administrator:
User:
POPULATION

District 5 (continued)

Wayne WV County (continued)	
VTD: 57	1,209
VTD: 59	1,136
VTD: 60	1,134
VTD: 61	926
VTD: 62	1,534
VTD: 63	785
Wayne WV County Subtotal	16,590
District 5 Subtotal	112,909

District 6

McDowell WV County	
VTD: 1 (540471)	351
VTD: 100	896
VTD: 102	473
VTD: 103	301
VTD: 104	1,434
VTD: 105	1,288
VTD: 106	302
VTD: 107	515
VTD: 109	108
VTD: 11	506
VTD: 111	904
VTD: 112	397
VTD: 113	667
VTD: 114	345
VTD: 116	382
VTD: 14	288
VTD: 17	291
VTD: 20	499
VTD: 21	381
VTD: 28	1,738
VTD: 32 (part)	198
VTD: 34	811
VTD: 50 (5404750)	360
VTD: 58 (part)	171
VTD: 6 (540476)	436
VTD: 60	679
VTD: 63 (part)	275
VTD: 66	180
VTD: 72 (5404772)	566
VTD: 73 (5404773)	512
VTD: 76	196
VTD: 78	436
VTD: 81	113
VTD: 84	920
VTD: 85	66
VTD: 86	306
VTD: 87	649
VTD: 91	499
VTD: 93	296

Plan: 2010 Senate Districts
Type:

Administrator:
User:
POPULATION

District 6 (continued)

McDowell WV County (continued)	
VTD: 98	138
McDowell WV County Subtotal	19,873
Mercer WV County	62,264
Mingo WV County	
VTD: 1	523
VTD: 22	1,126
VTD: 23	820
VTD: 26	700
VTD: 27	579
VTD: 28 (part)	495
VTD: 3	193
VTD: 30 (part)	857
VTD: 41	1,074
VTD: 43	991
VTD: 44	1,075
VTD: 45 (part)	301
VTD: 46 (part)	356
VTD: 47	323
VTD: 5	22
VTD: 50	493
VTD: 51	146
VTD: 54	255
VTD: 55	2,548
VTD: 56	469
VTD: 57	643
VTD: 59 (part)	565
VTD: 6	622
VTD: 7	462
VTD: 72	578
VTD: 73	1,052
VTD: 74	1,470
VTD: 9	1,369
Mingo WV County Subtotal	20,107
Wayne WV County	
VTD: 1 (540991)	1,659
VTD: 18	1,046
VTD: 3 (540993)	1,412
VTD: 30	822
VTD: 31	1,269
VTD: 34 (5409934)	798
VTD: 36	1,117
VTD: 37	1,111
VTD: 38	192
VTD: 5 (540995)	1,486
VTD: 6 (540996)	705
Wayne WV County Subtotal	11,617
District 6 Subtotal	113,861

District 7

Plan: 2010 Senate Districts
Type:

Administrator:
User:

POPULATION

District 7 (continued)

Boone WV County	24,629
Lincoln WV County	21,720
Logan WV County	36,743
Mingo WV County	
VTD: 28 (part)	1,104
VTD: 30 (part)	138
VTD: 45 (part)	688
VTD: 46 (part)	1,038
VTD: 48	1,565
VTD: 59 (part)	405
VTD: 75	775
VTD: 76	450
VTD: 77	569
Mingo WV County Subtotal	6,732
Wayne WV County	
VTD: 19	1,749
VTD: 22	933
VTD: 41	1,066
VTD: 42	650
VTD: 45	1,070
VTD: 48 (5409948)	1,466
VTD: 49	1,834
VTD: 50	1,555
VTD: 51	1,083
VTD: 52	693
VTD: 53	1,287
VTD: 54	888
Wayne WV County Subtotal	14,274
District 7 Subtotal	104,098

District 8

Kanawha WV County	
VTD: 115	1,223
VTD: 116	578
VTD: 123	834
VTD: 160 (part)	0
VTD: 163 (part)	0
VTD: 166	704
VTD: 167	791
VTD: 168	893
VTD: 169	1,467
VTD: 170	715
VTD: 172	688
VTD: 174	1,315
VTD: 175	760
VTD: 177	878
VTD: 178	1,364
VTD: 179	1,096
VTD: 289	1,166

POPULATION

District 8 (continued)

Kanawha WV County (continued)

VTD: 290	1,009
VTD: 291	552
VTD: 292	688
VTD: 293	1,099
VTD: 294	892
VTD: 295	697
VTD: 296	1,732
VTD: 297	1,370
VTD: 298	1,165
VTD: 349	405
VTD: 350	1,000
VTD: 351	952
VTD: 352	722
VTD: 353	940
VTD: 354	826
VTD: 355	1,044
VTD: 357	1,886
VTD: 358	1,420
VTD: 359	1,005
VTD: 360	1,508
VTD: 361	2,045
VTD: 362	2,187
VTD: 364	641
VTD: 365	1,368
VTD: 366	1,138
VTD: 368	1,140
VTD: 370	2,208
VTD: 371	1,770
VTD: 373	267
VTD: 374	1,831
VTD: 401	899
VTD: 402	671
VTD: 403	1,154
VTD: 404	1,114
VTD: 406	1,209
VTD: 407	1,013
VTD: 408	1,441
VTD: 410	530
VTD: 411	1,324
VTD: 412	1,144
VTD: 413	578
VTD: 414	785
VTD: 415	1,429
VTD: 416	938
VTD: 417	821
VTD: 418 (part)	623
VTD: 419	1,686
VTD: 420	845
VTD: 421	653

District 8 (continued)

Kanawha WV County (continued)	
VTD: 422	825
VTD: 423	1,866
VTD: 424	1,741
VTD: 425	1,011
VTD: 426	858
VTD: 427	1,579
VTD: 428	1,891
VTD: 429	2,502
VTD: 431	1,256
VTD: 432	1,973
VTD: 433	890
VTD: 434	1,335
VTD: 435	841
Kanawha WV County Subtotal	87,404
Putnam WV County	
VTD: 1	1,687
VTD: 15	677
VTD: 16	2,238
VTD: 17	512
VTD: 18	1,220
VTD: 19	379
VTD: 2	855
VTD: 21	565
VTD: 22	981
VTD: 23	2,079
VTD: 34	910
VTD: 35	382
VTD: 36	795
VTD: 37	670
VTD: 38	886
VTD: 4	950
VTD: 40	1,362
Putnam WV County Subtotal	17,148
District 8 Subtotal	104,552

District 9

McDowell WV County	
VTD: 23	821
VTD: 26	545
VTD: 32 (part)	139
VTD: 40	729
VTD: 58 (part)	0
VTD: 63 (part)	6
McDowell WV County Subtotal	2,240
Raleigh WV County	78,859
Wyoming WV County	23,796
District 9 Subtotal	104,895

District 10

Plan: 2010 Senate Districts
Type:

Administrator:
User:
POPULATION

District 10 (continued)

Fayette WV County	46,039
Greenbrier WV County	35,480
Monroe WV County	13,502
Summers WV County	13,927
District 10 Subtotal	108,948

District 11

Grant WV County	
VTD: 1	1,050
VTD: 11 (<i>part</i>)	937
VTD: 12	1,121
VTD: 2	1,321
VTD: 3	370
VTD: 4	778
VTD: 5	634
VTD: 6	961
VTD: 7	963
VTD: 8	559
Grant WV County Subtotal	8,694
Nicholas WV County	26,233
Pendleton WV County	7,695
Pocahontas WV County	8,719
Randolph WV County	29,405
Upshur WV County	24,254
Webster WV County	9,154
District 11 Subtotal	114,154

District 12

Braxton WV County	14,523
Clay WV County	9,386
Gilmer WV County	
VTD: 16	606
VTD: 17	679
VTD: 18	371
VTD: 20	2,861
VTD: 24 (<i>part</i>)	27
Gilmer WV County Subtotal	4,544
Harrison WV County	69,099
Lewis WV County	16,372
District 12 Subtotal	113,924

District 13

Marion WV County	
VTD: 1	800
VTD: 100	538
VTD: 101	629

District 13 (continued)

Marion WV County (continued)

VTD: 102	571
VTD: 104	611
VTD: 111	999
VTD: 112	1,001
VTD: 113	855
VTD: 114	675
VTD: 115	1,434
VTD: 116	801
VTD: 117	774
VTD: 118	11
VTD: 119	651
VTD: 120	1,118
VTD: 121	423
VTD: 122	975
VTD: 123	772
VTD: 124	856
VTD: 125	1,056
VTD: 13 (5404913)	839
VTD: 16 (5404916)	920
VTD: 18	1,523
VTD: 2	1,103
VTD: 20	1,405
VTD: 27	659
VTD: 28	937
VTD: 29	562
VTD: 30 (5404930)	625
VTD: 31 (5404931)	1,092
VTD: 32 (5404932)	550
VTD: 33	607
VTD: 34	616
VTD: 35 (5404935)	745
VTD: 36	428
VTD: 38	1,316
VTD: 39 (5404939)	936
VTD: 40	562
VTD: 41	690
VTD: 42	1,291
VTD: 43	677
VTD: 44	451
VTD: 45	1,002
VTD: 47	527
VTD: 48	548
VTD: 5	915
VTD: 50	1,042
VTD: 51	427
VTD: 52	611
VTD: 55	651
VTD: 56 (part)	498
VTD: 57	566

District 13 (continued)

Marion WV County (continued)	
VTD: 6 (540496)	665
VTD: 7 (540497)	692
VTD: 82	786
VTD: 83 (5404983)	476
VTD: 92	564
VTD: 96	713
VTD: 98	499
Marion WV County Subtotal	45,266
Monongalia WV County	
VTD: 1 (540611)	700
VTD: 10	917
VTD: 12	2,540
VTD: 13	1,882
VTD: 14	838
VTD: 15	398
VTD: 16	858
VTD: 17	1,393
VTD: 18 (5406118)	2,403
VTD: 2 (540612)	897
VTD: 20 (5406120)	1,163
VTD: 21	2,394
VTD: 22	1,879
VTD: 23	661
VTD: 24	830
VTD: 25	1,170
VTD: 26	460
VTD: 27 (5406127)	415
VTD: 28 (5406128)	415
VTD: 29 (5406129)	707
VTD: 3	705
VTD: 30	405
VTD: 31	1,202
VTD: 32	1,821
VTD: 35	1,796
VTD: 36A	461
VTD: 36B	493
VTD: 38 (part)	62
VTD: 39	1,266
VTD: 4	747
VTD: 48 (5406148)	525
VTD: 5 (540615)	661
VTD: 59	1,543
VTD: 6	514
VTD: 60 (part)	816
VTD: 63 (part)	87
VTD: 64	714
VTD: 67	1,076
VTD: 68	1,220
VTD: 69	699

District 13 (Continued)

Monongalia WV County (continued)

VTD: 7	733
VTD: 70	786
VTD: 71	907
VTD: 72	541
VTD: 73	951
VTD: 74	781
VTD: 75	301
VTD: 76	542
VTD: 77	3,998
VTD: 78	681
VTD: 79 (<i>part</i>)	1,267
VTD: 8	1,378
VTD: 80	1,886
VTD: 82 (<i>part</i>)	153
VTD: 83	2,619
VTD: 84 (<i>part</i>)	700
VTD: 85	1,436
VTD: 86	1,687
VTD: 87	3,184
VTD: 88	2,418
VTD: 9	260
VTD: 90	475
VTD: 92 (5406192)	869
Monongalia WV County Subtotal	68,286
District 13 Subtotal	113,552

District 14

Barbour WV County	16,589
Grant WV County	
VTD: 10	495
VTD: 11 (<i>part</i>)	559
VTD: 13	667
VTD: 14	445
VTD: 15	881
VTD: 9	196
Grant WV County Subtotal	3,243
Hardy WV County	14,025
Mineral WV County	
VTD: 16	585
VTD: 17	289
VTD: 18	263
VTD: 19	828
VTD: 20	1,401
VTD: 21	506
VTD: 22	353
VTD: 23	833
VTD: 24	473
VTD: 25	1,403

District 14 (continued)

Mineral WV County (continued)	
VTD: 26 (<i>part</i>)	204
VTD: 27 (<i>part</i>)	6
VTD: 28 (<i>part</i>)	60
VTD: 29	876
VTD: 3	177
VTD: 30	43
VTD: 33 (5405733)	49
VTD: 6	386
VTD: 8	651
Mineral WV County Subtotal	9,386
Monongalia WV County	
VTD: 33	1,212
VTD: 34	1,973
VTD: 37	1,181
VTD: 38 (<i>part</i>)	3,105
VTD: 60 (<i>part</i>)	751
VTD: 61	2,170
VTD: 62	2,021
VTD: 63 (<i>part</i>)	679
Monongalia WV County Subtotal	13,092
Preston WV County	33,520
Taylor WV County	16,895
Tucker WV County	7,141
District 14 Subtotal	113,891

District 15

Berkeley WV County	
VTD: 19	2,909
VTD: 20	1,658
VTD: 21 (<i>part</i>)	4,986
VTD: 22 (<i>part</i>)	1,022
VTD: 23 (<i>part</i>)	3,549
VTD: 26 (<i>part</i>)	119
VTD: 31 (<i>part</i>)	2,104
VTD: 32 (5400332)	2,117
VTD: 33	3,047
VTD: 34 (5400334)	2,067
VTD: 35 (<i>part</i>)	232
VTD: 36 (<i>part</i>)	3,273
VTD: 37 (<i>part</i>)	3,018
VTD: 38 (<i>part</i>)	857
VTD: 39 (<i>part</i>)	3,152
VTD: 40	3,266
VTD: 41	2,607
VTD: 42	1,455
VTD: 43	1,667
VTD: 44	1,053
VTD: 45	2,551

District 15 (continued)

Berkeley WV County (continued)	
VTD: 46 (<i>part</i>)	1,932
VTD: 47	2,049
VTD: 48	1,746
VTD: 49 (<i>part</i>)	602
VTD: 51	1,896
Berkeley WV County Subtotal	54,934
Hampshire WV County	23,964
Mineral WV County	
VTD: 1	1,165
VTD: 10	999
VTD: 11	811
VTD: 12	644
VTD: 13	399
VTD: 14	276
VTD: 15	1,572
VTD: 2	1,084
VTD: 26 (<i>part</i>)	1,110
VTD: 27 (<i>part</i>)	1,019
VTD: 28 (<i>part</i>)	803
VTD: 31	1,480
VTD: 32	943
VTD: 34	1,013
VTD: 35	545
VTD: 4	823
VTD: 5	1,376
VTD: 7	1,610
VTD: 9	1,154
Mineral WV County Subtotal	18,826
Morgan WV County	17,541
District 15 Subtotal	115,265

District 16

Berkeley WV County	
VTD: 1	1,967
VTD: 10	1,783
VTD: 11	645
VTD: 14	925
VTD: 15	211
VTD: 15A	686
VTD: 16	2,465
VTD: 17	1,474
VTD: 18	2,585
VTD: 2	1,562
VTD: 21 (<i>part</i>)	92
VTD: 22 (<i>part</i>)	2,007
VTD: 23 (<i>part</i>)	20
VTD: 24	5,175
VTD: 25	1,546

District 16 (continued)

Berkeley WV County (continued)	
VTD: 25A	1,582
VTD: 26 (part)	1,772
VTD: 27	2,080
VTD: 28	4,032
VTD: 29	1,539
VTD: 31 (part)	2,170
VTD: 35 (part)	1,988
VTD: 36 (part)	116
VTD: 37 (part)	1,159
VTD: 38 (part)	1,267
VTD: 39 (part)	1,008
VTD: 46 (part)	38
VTD: 49 (part)	962
VTD: 5	1,773
VTD: 50	344
VTD: 6	1,068
VTD: 7	1,221
VTD: 8	1,033
VTD: 9	940
Berkeley WV County Subtotal	49,235
Jefferson WV County	53,498
District 16 Subtotal	102,733

District 17

Kanawha WV County	
VTD: 103	1,027
VTD: 105	905
VTD: 106	997
VTD: 108	769
VTD: 110	1,839
VTD: 111	609
VTD: 112	597
VTD: 113	663
VTD: 114	798
VTD: 117	831
VTD: 118	987
VTD: 119	1,254
VTD: 120	1,487
VTD: 131	743
VTD: 133	409
VTD: 134	602
VTD: 136	1,217
VTD: 138	959
VTD: 140	498
VTD: 142	490
VTD: 145	1,091
VTD: 147	1,389
VTD: 148	704
VTD: 149	613

District 17 (continued)

Kanawha WV County (continued)

VTD: 150	510
VTD: 151	431
VTD: 152	312
VTD: 153	622
VTD: 154	569
VTD: 158	903
VTD: 160 (part)	1,408
VTD: 161	1,219
VTD: 163 (part)	1,149
VTD: 164	1,268
VTD: 165	1,100
VTD: 202	2,564
VTD: 205	2,033
VTD: 208	878
VTD: 209	1,131
VTD: 213	727
VTD: 217	718
VTD: 223	1,664
VTD: 224	430
VTD: 226	544
VTD: 227	927
VTD: 228	548
VTD: 233	1,546
VTD: 234	997
VTD: 238	1,216
VTD: 239	1,012
VTD: 240	1,387
VTD: 241	1,246
VTD: 244	868
VTD: 246	782
VTD: 247	768
VTD: 250	97
VTD: 253	1,299
VTD: 254	1,220
VTD: 258	1,338
VTD: 260	1,280
VTD: 275	500
VTD: 276	479
VTD: 277	1,782
VTD: 278	1,012
VTD: 279	685
VTD: 280	1,722
VTD: 281	896
VTD: 282	512
VTD: 283	588
VTD: 284	397
VTD: 285	232
VTD: 286	2,475
VTD: 287	546

Plan: 2010 Senate Districts
Type:

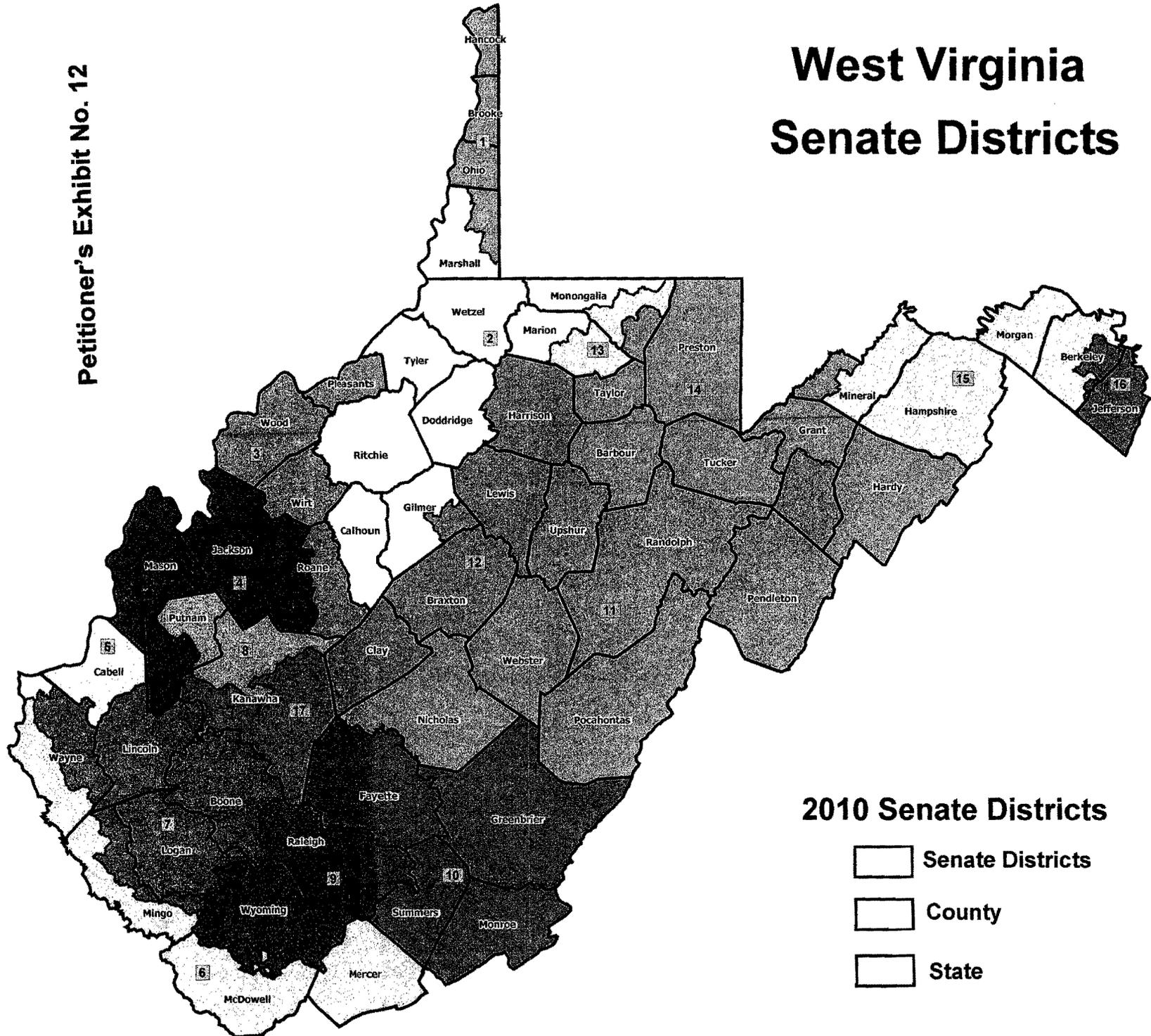
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POPULATION

District 17 (continued)

Kanawha WV County (continued)

VTD: 288	846
VTD: 302	2,059
VTD: 304	993
VTD: 305	1,969
VTD: 307	2,386
VTD: 308	786
VTD: 309	1,115
VTD: 310	1,587
VTD: 311	631
VTD: 317	1,285
VTD: 321	1,222
VTD: 326	1,362
VTD: 329	569
VTD: 332	625
VTD: 333	1,273
VTD: 337	1,232
VTD: 340	1,055
VTD: 347	1,270
VTD: 375	204
VTD: 376	469
VTD: 378	562
VTD: 379	1,534
VTD: 418 (<i>part</i>)	571
VTD: 436	2,244
VTD: 437	1,800
VTD: 438	1,702
VTD: 439	1,703
VTD: 440	1,363
VTD: 441	1,227
Kanawha WV County Subtotal	105,659
District 17 Subtotal	105,659
State totals	1,852,994

West Virginia Senate Districts



129

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 West Virginia ▾ Scenario SD
 2010 Vote Districts

Show Vote Districts City/Town Lines Old SDs Color By
 Counties Vote Dist Lines City Names New SD Population
 Cnty Names SD Labels Town Names Old/New SD Election

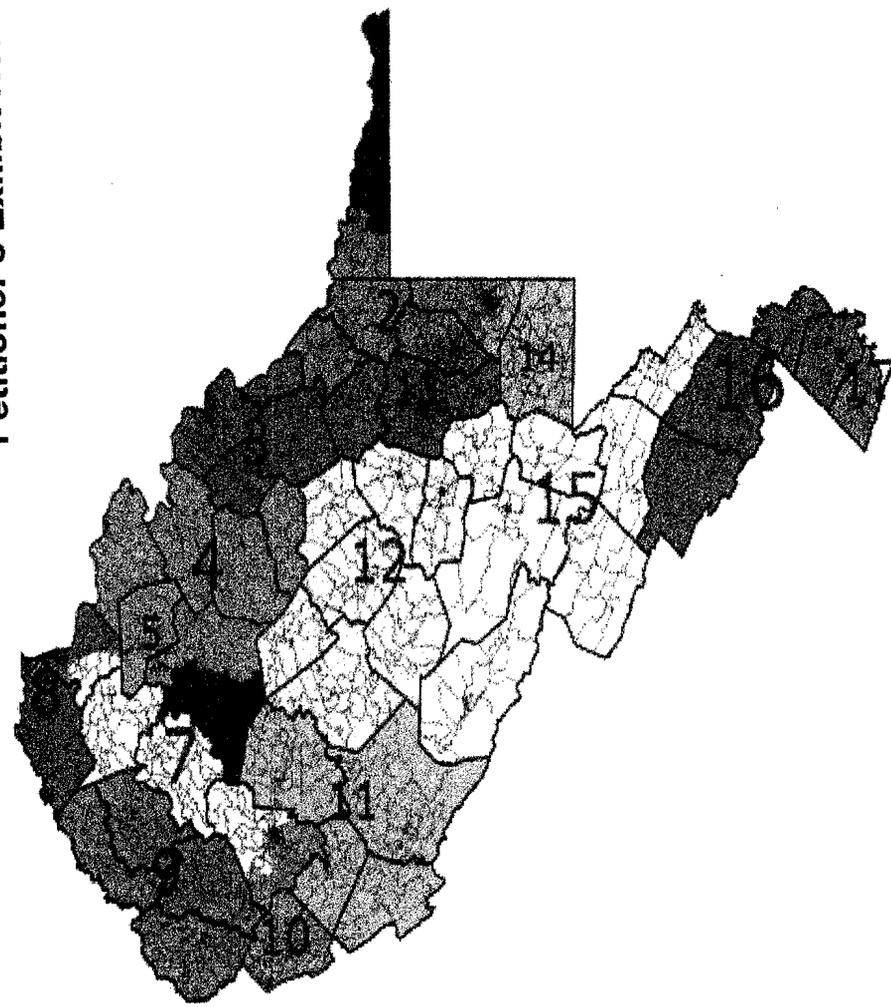
Tools
 Area Views
 Help
 About

#SDs ◀ 17 ▶ Zoom Level 7
 Color Opacity
 Change Scenario Change Colors
 State Pop 1,852,994 Renumber

SD	Population	Deviation
1	109,782	782
2	109,737	737
3	110,727	1,727
4	109,834	834
5	108,866	-134
6	108,937	-63
7	108,821	-179
8	108,767	-233
9	109,491	491
10	108,684	-316
11	108,948	-52
12	108,615	-385
13	109,599	599
14	109,291	291
15	109,698	698
16	106,741	-2,259
17	106,456	-2,544

Blank Road Aerial <<

Petitioner's Exhibit No. 13



100 Miles

SD 17

All	Pop	%
Tot	106,456	
Wh	88,292	(82.9)
Bl	8,968	(8.4)
Hisp	4,970	(4.7)
Asn	1,158	(1.1)
Nac	229	(0.2)
Oth	2,841	(2.7)

18+	Pop	%
Tot	80,526	
Wh	68,624	(85.2)
Bl	6,754	(8.4)
Hisp	2,978	(3.7)
Asn	910	(1.1)
Nac	192	(0.2)
Oth	1,068	(1.3)

130

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 West Virginia ▾ Scenario SD
 ✓ 2010 Vote Districts

Show

Vote Districts City/Town Lines Old SDs **Color By**

Counties Vote Dist Lines City Names New SD Population

Cnty Names SD Labels Town Names Old/New SD Election

Tools

Area Views

Home

About

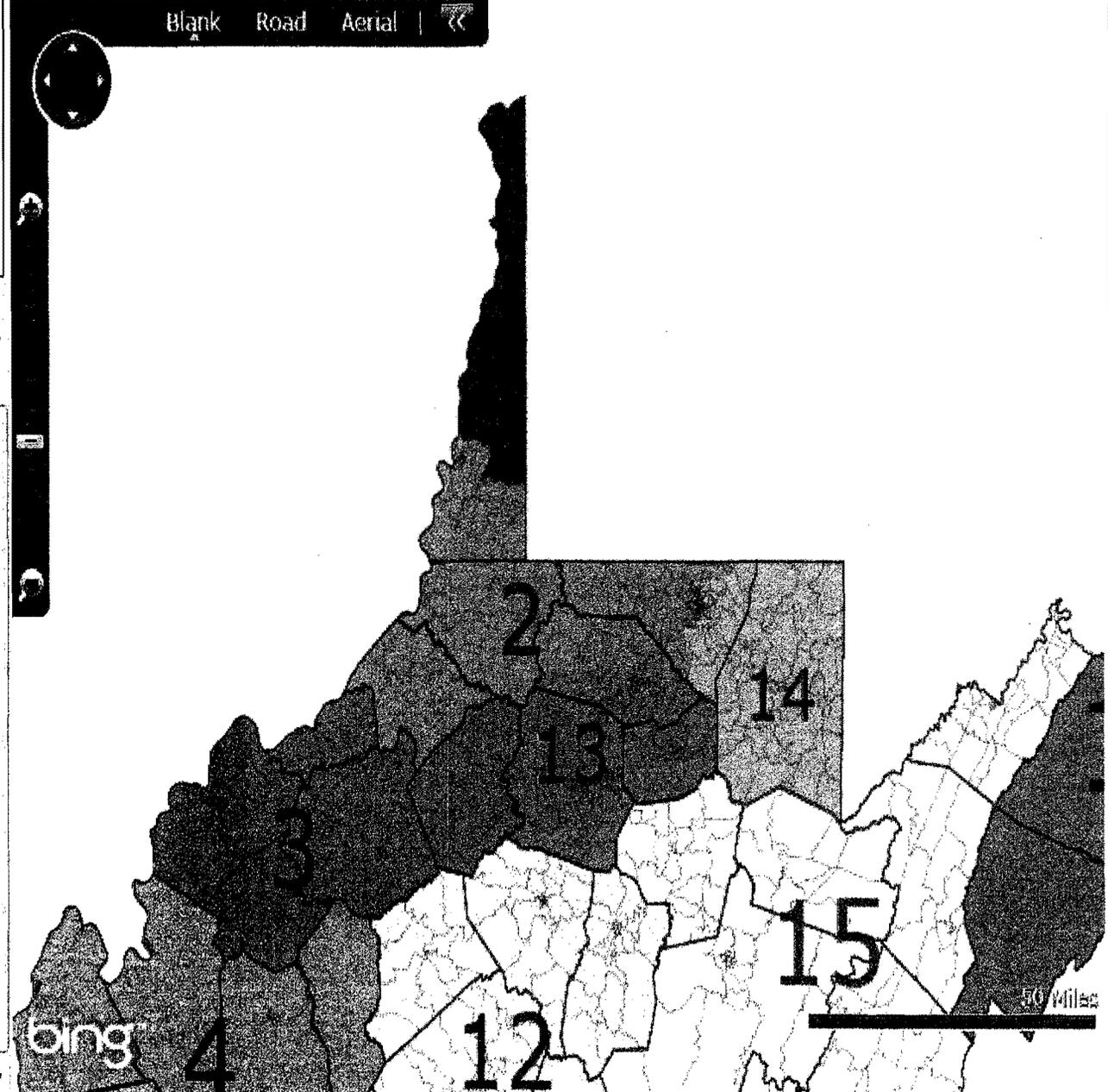
#SDs ◀ 17 ▶ Zoom Level 8

Color Opacity

Change Scenario Change Colors

State Pop 1,852,994 RANUMBER

SD	Population	Deviation
1	109,782	782
2	109,737	737
3	110,727	1,727
4	109,834	834
5	108,866	-134
6	108,937	-63
7	108,821	-179
8	108,767	-233
9	109,491	491
10	108,684	-316
11	108,948	-52
12	108,615	-385
13	109,599	599
14	109,291	291
15	109,698	698
16	106,741	-2,259
17	106,456	-2,544



SD 17

All	Pop	%
Total	106,456	
Wh	88,292	(82.9)
Bl	8,966	(8.4)
Hisp	4,970	(4.7)
Asn	1,138	(1.1)
Nac	229	(0.2)
Oth	2,841	(2.7)

18+	Pop	%
Total	80,926	
Wh	68,624	(83.2)
Bl	6,754	(8.4)
Hisp	2,978	(3.7)
Asn	910	(1.1)
Nac	192	(0.2)
Oth	1,068	(1.3)

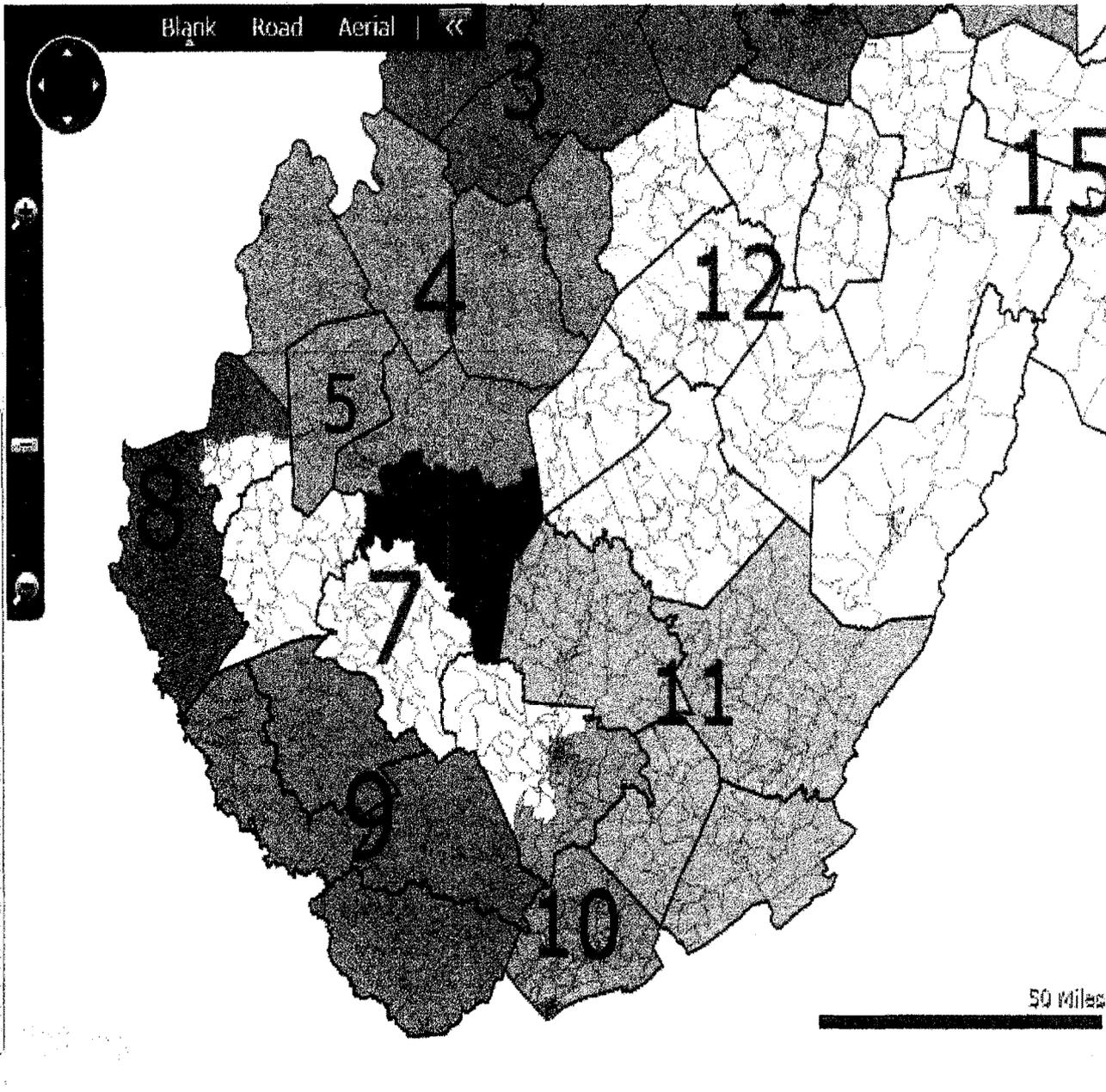
121

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 West Virginia ▾ Scenario SD
 2010 Vote Districts

Show Vote Districts City/Town Lines Old SDs New SD Old/New SD Election
 Counties Vote Dist Lines City Names Population
 Cnty Names SD Labels Town Names

Color By
 Tools
 Area Views
 About

#SDs: 17
 Zoom Level 8
 Color Opacity
 Change Scenario Change Colors
 State Pop 1,852,994 Renumber



SD	Population	Deviation
1	109,782	782
2	109,737	737
3	110,727	1,727
4	109,834	834
5	108,866	-134
6	108,937	-63
7	108,821	-179
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12	108,615	-385
13	109,599	599
14	109,291	291
15	109,698	698
16	106,741	-2,259
17	106,456	-2,544

SD 17

All	Pop	%
Tot	106,456	
Wh	88,292	(82.9)
Bl	8,966	(8.4)
Hisp	4,970	(4.7)
Asn	1,158	(1.1)
Nat	229	(0.2)
Oth	2,841	(2.7)

18+	Pop	%
Tot	80,926	
Wh	68,624	(83.2)
Bl	6,754	(8.4)
Hisp	2,978	(3.7)
Asn	910	(1.1)
Nat	192	(0.2)
Oth	1,068	(1.3)

172

Map of West Virginia

Districts Redistricting

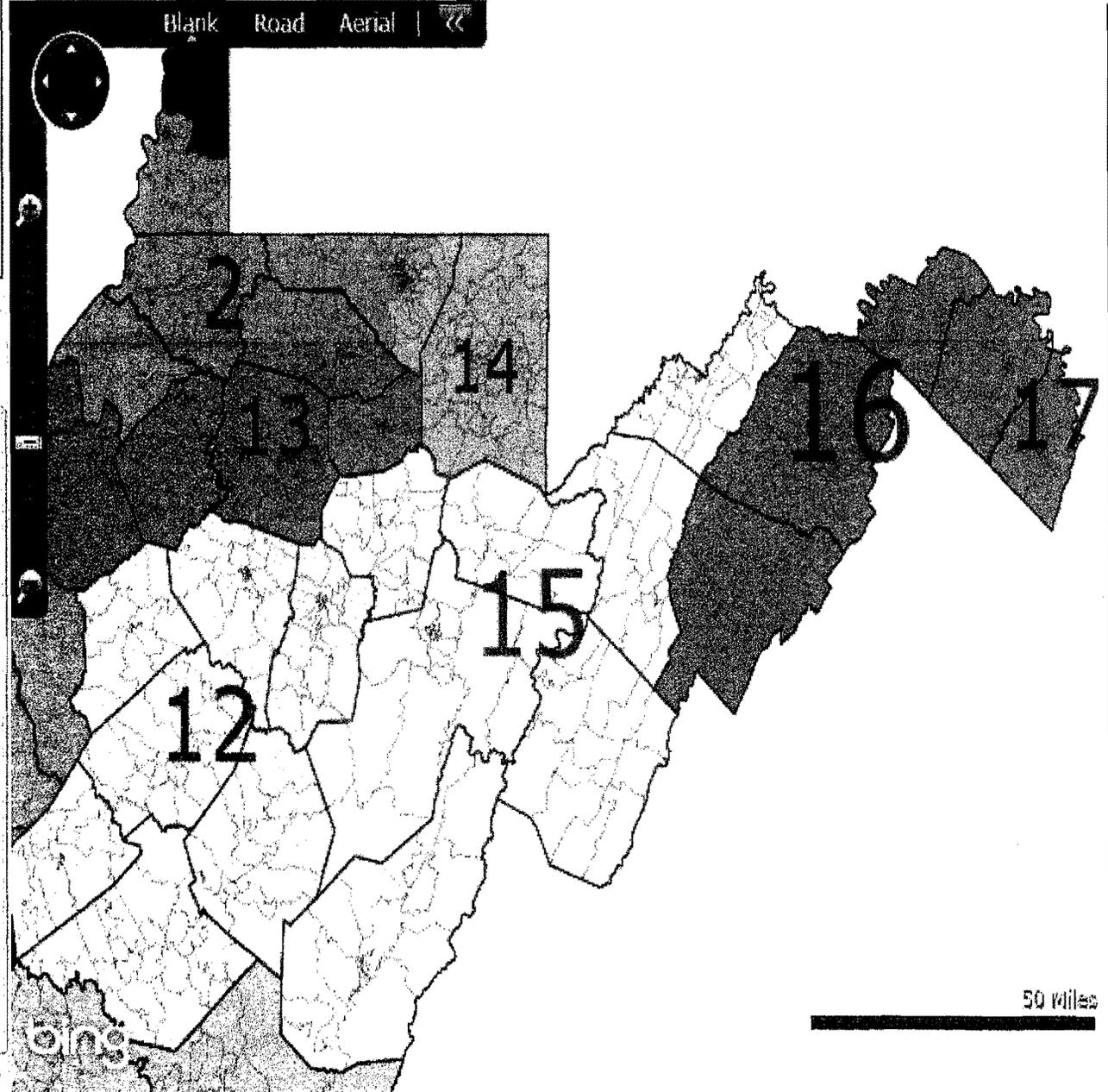
A project of PROGRESSIVE CONGRESS 2010

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 West Virginia Scenario SD
 2010 Vote Districts

Show Vote Districts City/Town Lines Old SDs Color By
 Counties Vote Dist Lines City Names New SD Population
 Cnty Names SD Labels Town Names Old/New SD Election

Tools Area Views Help About

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 Change Scenario Change Colors Color Districts
 State Pop 1,852,994 Renumbar



SD	Population	Deviation
1	109,782	782
2	109,737	737
3	110,727	1,727
4	109,834	834
5	108,866	-134
6	108,937	-63
7	108,821	-179
8	108,767	-233
9	109,491	491
10	108,684	-316
11	108,948	-52
12	108,615	-385
13	109,599	599
14	109,291	291
15	109,698	698
16	106,741	-2,259
17	106,456	-2,544

SD 17

All	Pop	%
Tot	106,456	
Wh	88,292	(82.9)
Bl	8,966	(8.4)
Hisp	4,970	(4.7)
Asn	1,158	(1.1)
Nac	229	(0.2)
Och	2,841	(2.7)

18+	Pop	%
Tot	80,526	
Wh	68,624	(85.2)
Bl	6,754	(8.4)
Hisp	2,978	(3.7)
Asn	910	(1.1)
Nac	192	(0.2)
Och	1,068	(1.3)

CGI

NOTICE BY THORNTON COOPER OF HIS INTENTION TO INSTITUTE LEGAL PROCEEDINGS RELATING TO REQUIRING THAT 2012 ELECTIONS FOR WEST VIRGINIA STATE SENATE BE HELD IN COMPLIANCE WITH PROVISIONS OF THE WEST VIRGINIA CONSTITUTION THAT PERTAIN TO REAPPORTIONMENT, REDISTRICTING, AND REPRESENTATION.

To:

The Honorable Natalie E. Tennant
West Virginia Secretary of State
Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, WV 25305-0770; and

The Honorable Darrell McGraw
West Virginia Attorney General
State Capitol Complex
Building 1, Room E-26
Charleston, WV 25305.

PLEASE TAKE NOTICE that, pursuant to the provisions of Chapter 55, Article 17, of the West Virginia Code, **Thornton Cooper**, a resident of, and registered voter in, Kanawha County, West Virginia, hereby notifies the **Honorable Natalie E. Tennant** of Mr. Cooper's intention to institute legal proceedings as to her requiring that the 2012 primary and general elections for the West Virginia State Senate be held in compliance with the provisions of the West Virginia Constitution that pertain to reapportionment, redistricting, and representation.

The Honorable Natalie E. Tennant is being herein notified in her official capacity as Secretary of State of the State of West Virginia, which capacity includes broad powers over the conduct of elections in West Virginia. In addition, the **Honorable Darrell McGraw** is being notified in his capacity as West Virginia Attorney General.

SUMMARY OF CLAIM BY THORNTON COOPER.

Mr. Cooper is aggrieved by the likely deprivation, under the letter or application of current or subsequent statutory law, of his constitutional right, as a resident of, and voter in, West Virginia, to participate as a voter or candidate in elections in which the

Petitioner's Exhibit No. 14

districts for the election of members of the West Virginia State Senate are drawn in compliance with Articles II and VI of the West Virginia Constitution.

On Friday, August 5, 2011, the West Virginia Legislature passed a lengthy bill, designated Enrolled Senate Bill No. 106, relating to the reapportionment of the districts of the West Virginia State Senate. Acting Governor Earl Ray Tomblin will signed the bill on August 18, 2011.

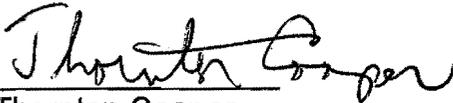
Enrolled Senate Bill No. 1006 contains provisions that would appear to violate Article II and/or Article VI of the West Virginia Constitution with respect to such matters as equality in apportionment, compactness, and division of counties between or among different senatorial districts.

Accordingly, Mr. Cooper intends, in the very near future, to institute legal proceedings in a court of competent jurisdiction in an effort to ensure that elections in 2012 are held in compliance with state constitutional provisions relating to equality in apportionment, compactness, and division of counties between or among different senatorial districts.

Respectfully submitted,

Thornton Cooper

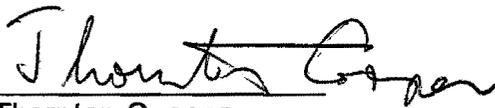
Pro Se


Thornton Cooper
3015 Ridgeview Drive
South Charleston, WV 25303
West Virginia State Bar No. 823
(304) 744-9616
thornbush@att.net

November 2, 2011

CERTIFICATE OF SERVICE

I, Thornton Cooper, do hereby certify that I have served the foregoing "Notice by Thornton Cooper of his Intention to Institute Legal Proceedings Relating to Requiring that 2012 Elections for West Virginia State Senate be held in Compliance with Provisions of the West Virginia Constitution that pertain to Reapportionment, Redistricting, and Representation" upon the Honorable Natalie E. Tennant, West Virginia Secretary of State, by mailing an original thereof, by United States certified mail, return receipt requested, to her office at Building 1, Suite 157-K, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0770; and upon the Honorable Darrell McGraw, West Virginia Attorney General, by mailing an original thereof, by United States certified mail, return receipt requested, to his office at the State Capitol Complex, Building 1, Room E-26, Charleston, WV 25305, all on this 2nd day of November, 2011.


Thornton Cooper

To: Members of the Supreme Court of Appeals of West Virginia

From: Thornton Cooper, 3015 Ridgeview Drive, South Charleston, WV 25303, (304) 744-9616, thornbush@att.net. *TC*

Subject: Revised West Virginia State Senate redistricting plan (New State^{Senate} Districts 1-17)

Date: November 7, 2011

Set forth hereinbelow is my **final revised plan** to redistrict the West Virginia State Senate into 17 two-member districts.

In those situations in which counties are divided between or among different senatorial districts, I have, before deciding where to draw the lines separating senatorial districts, considered such factors as federal and state constitutional requirements, population, compactness, natural boundaries, highways, municipal boundaries, and boundaries between more rural and more urban precincts.

How may you locate each precinct (VTD) to which my plan refers?

You may easily locate, view, and make copies of the maps that show the voting districts (VTD's) set forth below by visiting a user-friendly website. This website also allows you to zoom in on a VTD. You may visit that website by typing in the term "voting district reference map" in Google or another search engine. That website is usually at the top of the list of search results.

A VTD is a precinct. In most cases a VTD that is reflected on a county's voting district reference map on this website bears the same number and boundaries as does the current county precinct of the same number. But there are exceptions.

I have a list of the 2010 population count of every VTD in West Virginia. My redistricting plan below includes the population counts for many VTD's.

Petitioner's Exhibit No. 15

West Virginia State Senate Redistricting Plan: Final Revised Cooper State Senate Districts Plan No. 1 (New Senate Districts 1-17).

A. New Senate District 1:

New Senate District 1 would be composed of the territory contained in all of Brooke, Hancock, and Ohio Counties and in 16 precincts in Marshall County.

The population of New Senate District 1 would be 109,782, as follows:

Marshall County VTD 19	(uninc.)	327
Marshall County VTD 20	(Benwood)	381
Marshall County VTD 21	(uninc.)	356
Marshall County VTD 23	(Benwood)	364
Marshall County VTD 24	(uninc.)	825
Marshall County VTD 25	(Benwood)	675
Marshall County VTD 26	(McMechen)	616
Marshall County VTD 28	(McMechen)	765
Marshall County VTD 29	(uninc.)	926
Marshall County VTD 30	(McMechen)	545
Marshall County VTD 33	(uninc. and Wheeling)	1,051
Marshall County VTD 34	(uninc.)	1,165
Marshall County VTD 35	(uninc.)	989
Marshall County VTD 36	(uninc.)	307
Marshall County VTD 38	(uninc.)	740
Marshall County VTD 39	(uninc. and Wheeling)	562
Subtotal (16 Marshall County precincts)		10,594
Brooke County (all)		24,069
Hancock County (all)		30,676
Ohio County (all)		44,443
Total for New Senate District 1:		109,782

B. New Senate District 2:

New Senate District 2 would be composed of the territory contained in all of Tyler and Wetzel Counties and in 58 precincts in northern and central Marion County, 28 precincts in Marshall County, and 28 precincts in Monongalia County. The portion of Monongalia County placed in New Senate District 2 would include all of Monongalia County on the west side of the Monongahela River and two precincts (Monongalia County VTD 59 and Monongalia County VTD 81) located in unincorporated areas on the east side of the Monongahela River.

The population of New Senate District 2 would be 109,737, as follows:

Marion County	VTD	1	(Fairmont)	800
Marion County	VTD	2	(Fairmont)	1,103
Marion County	VTD	5	(Fairmont)	915
Marion County	VTD	6	(uninc. and Fairmont)	665
Marion County	VTD	7	(Fairmont)	692
Marion County	VTD	13	(Fairmont)	839
Marion County	VTD	16	(Fairmont)	920
Marion County	VTD	18	(Fairmont)	1,523
Marion County	VTD	20	(Fairmont)	1,405
Marion County	VTD	27	(uninc. and Barrackville)	659
Marion County	VTD	28	(uninc. and Barrackville)	937
Marion County	VTD	29	(uninc.)	562
Marion County	VTD	30	(Fairmont)	625
Marion County	VTD	31	(uninc.)	1,092
Marion County	VTD	32	(Fairmont)	550
Marion County	VTD	33	(uninc.)	607
Marion County	VTD	34	(Fairmont)	616
Marion County	VTD	35	(Fairmont)	745
Marion County	VTD	36	(Fairmont)	428
Marion County	VTD	43	(Fairmont)	677
Marion County	VTD	45	(Fairmont)	1,002
Marion County	VTD	48	(Fairmont)	548
Marion County	VTD	53	(uninc. and Farmington)	904
Marion County	VTD	56	(uninc.)	734
Marion County	VTD	58	(uninc.)	447
Marion County	VTD	61	(uninc.)	748
Marion County	VTD	62	(uninc.)	370
Marion County	VTD	66	(Mannington)	684
Marion County	VTD	67	(Mannington)	474
Marion County	VTD	68	(Mannington)	370
Marion County	VTD	69	(Mannington)	535
Marion County	VTD	72	(uninc.)	823
Marion County	VTD	74	(uninc.)	715
Marion County	VTD	78	(uninc.)	582
Marion County	VTD	82	(uninc. and Rivesville)	786
Marion County	VTD	83	(uninc.)	476
Marion County	VTD	86	(Grant Town)	613
Marion County	VTD	87	(uninc. and Fairview)	407
Marion County	VTD	88	(uninc. and Grant Town)	678
Marion County	VTD	89	(uninc.)	784
Marion County	VTD	90	(uninc.)	387

Marion County VTD 92	(uninc.)	564
Marion County VTD 96	(Fairmont)	713
Marion County VTD 98	(Fairmont)	499
Marion County VTD 100	(Fairmont)	538
Marion County VTD 101	(Fairmont)	629
Marion County VTD 102	(Fairmont)	571
Marion County VTD 104	(Fairmont)	611
Marion County VTD 111	(uninc. and F'mont and P Valley)	999
Marion County VTD 113	(Fairmont)	855
Marion County VTD 116	(Pleasant Valley)	801
Marion County VTD 117	(uninc. and Pleasant Valley)	774
Marion County VTD 118	(Fairmont)	11
Marion County VTD 119	(Pleasant Valley)	651
Marion County VTD 120	(Fairmont)	1,118
Marion County VTD 121	(uninc.)	423
Marion County VTD 122	(uninc.)	975
Marion County VTD 124	(uninc.)	856
Subtotal (58 Marion County precincts)		41,015
Marshall County VTD 1	(Moundsville)	839
Marshall County VTD 4	(Moundsville)	850
Marshall County VTD 6	(Moundsville)	732
Marshall County VTD 7	(Moundsville)	1,013
Marshall County VTD 9	(Moundsville)	907
Marshall County VTD 9A	(uninc.)	781
Marshall County VTD 10	(Moundsville)	910
Marshall County VTD 11	(Moundsville)	1,437
Marshall County VTD 12	(uninc.)	856
Marshall County VTD 13	(Glen Dale)	662
Marshall County VTD 14	(Glen Dale)	864
Marshall County VTD 15A	(uninc.)	787
Marshall County VTD 16	(Moundsville)	598
Marshall County VTD 17	(Moundsville)	579
Marshall County VTD 17A	(uninc.)	547
Marshall County VTD 18	(uninc.)	753
Marshall County VTD 40	(uninc.)	377
Marshall County VTD 41	(uninc.)	437
Marshall County VTD 43	(uninc.)	1,431
Marshall County VTD 44	(uninc.)	1,419
Marshall County VTD 45	(uninc.)	740
Marshall County VTD 46	(uninc.)	1,357
Marshall County VTD 48	(uninc.)	361
Marshall County VTD 52	(uninc.)	886

Marshall County VTD 56	(Cameron)	946
Marshall County VTD 58	(uninc.)	424
Marshall County VTD 60	(uninc.)	722
Marshall County VTD 61	(uninc.)	298
Subtotal (28 Marshall County precincts):		22,513
Monongalia Co. VTD 40	(uninc.)	466
Monongalia Co. VTD 41	(uninc.)	316
Monongalia Co. VTD 42	(uninc.)	567
Monongalia Co. VTD 44	(uninc.)	1,267
Monongalia Co. VTD 46	(uninc.)	394
Monongalia Co. VTD 47	(uninc.)	1,164
Monongalia Co. VTD 48	(uninc. and Granville)	525
Monongalia Co. VTD 49	(uninc.)	215
Monongalia Co. VTD 51	(uninc. and Blacksville)	593
Monongalia Co. VTD 52	(uninc.)	697
Monongalia Co. VTD 53	(uninc.)	501
Monongalia Co. VTD 54	(uninc.)	840
Monongalia Co. VTD 55	(uninc.)	727
Monongalia Co. VTD 56	(uninc.)	166
Monongalia Co. VTD 58	(uninc.)	485
Monongalia Co. VTD 59	(uninc.)	1,543
Monongalia Co. VTD 64	(uninc.)	714
Monongalia Co. VTD 67	(uninc.)	1,076
Monongalia Co. VTD 68	(uninc.)	1,220
Monongalia Co. VTD 69	(uninc.)	699
Monongalia Co. VTD 70	(Westover)	786
Monongalia Co. VTD 71	(uninc. and Westover)	907
Monongalia Co. VTD 72	(Westover)	541
Monongalia Co. VTD 73	(Westover)	951
Monongalia Co. VTD 74	(Granville)	781
Monongalia Co. VTD 75	(Westover)	301
Monongalia Co. VTD 81	(uninc.)	1,107
Monongalia Co. VTD 92	(Westover)	869
Subtotal (28 Monongalia County precincts)		20,418
Tyler County (all)		9,208
Wetzel County (all)		16,583
Total for New Senate District 2:		109,737

C. New Senate District 3:

New Senate District 3 would be composed of the territory contained in all of Pleasants, Ritchie, Wirt, and Wood Counties.

The population of New Senate District 3 would be 110,727, as follows:

Pleasants County (all)	7,605
Ritchie County (all)	10,449
Wirt County (all)	5,717
Wood County (all)	86,956
Total for New Senate District 3	110,727

D. New Senate District 4:

New Senate District 4 would be composed of the territory contained in all of Calhoun, Jackson, Mason, and Roane Counties and in 21 precincts in northern Kanawha County.

The population of New Senate District 4 would be 109,834, as follows:

Kanawha County VTD 374 (uninc. and Sissonville)	1,831
Kanawha County VTD 418 (uninc.)	1,194
Kanawha County VTD 419 (uninc.)	1,686
Kanawha County VTD 420 (uninc.)	845
Kanawha County VTD 421 (uninc. and Elkview)	653
Kanawha County VTD 422 (uninc. and Elkview)	825
Kanawha County VTD 423 (uninc.)	1,866
Kanawha County VTD 424 (uninc. and Big Chimney)	1,741
Kanawha County VTD 425 (uninc. and Big Chimney)	1,011
Kanawha County VTD 426 (uninc.)	858
Kanawha County VTD 427 (uninc.)	1,579
Kanawha County VTD 428 (uninc.)	1,891
Kanawha County VTD 429 (uninc. and Sissonville)	2,502
Kanawha County VTD 433 (uninc. and Sissonville)	890
Kanawha County VTD 434 (uninc. and Sissonville)	1,335
Kanawha County VTD 436 (uninc.)	2,244
Kanawha County VTD 437 (Pinch)	1,800
Kanawha County VTD 438 (uninc. and Elkview)	1,702
Kanawha County VTD 439 (uninc. and Pinch)	1,703
Kanawha County VTD 440 (uninc.)	1,363
Kanawha County VTD 441 (Clendenin)	1,227
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Subtotal (21 Kanawha County precincts)	30,746
Calhoun County (all)	7,627
Jackson County (all)	29,211
Mason County (all)	27,324
Roane County (all)	14,926
Total for New Senate District 4	109,834

E. New Senate District 5:

New Senate District 5 would be composed of the territory contained in all of Putnam County and in 45 precincts in western Kanawha County.

The population of New Senate District 5 would be 108,866, as follows:

Kanawha County VTD 276 (Jefferson)	479
Kanawha County VTD 278 (uninc.)	1,012
Kanawha County VTD 302 (uninc.)	2,059
Kanawha County VTD 304 (uninc.)	993
Kanawha County VTD 305 (uninc.)	1,969
Kanawha County VTD 307 (uninc. and Upper Falls)	2,386
Kanawha County VTD 308 (uninc.)	786
Kanawha County VTD 309 (Saint Albans)	1,115
Kanawha County VTD 310 (uninc. and Upper Falls)	1,587
Kanawha County VTD 311 (uninc.)	631
Kanawha County VTD 317 (Saint Albans)	1,285
Kanawha County VTD 321 (Saint Albans)	1,222
Kanawha County VTD 326 (Saint Albans)	1,362
Kanawha County VTD 329 (Saint Albans)	569
Kanawha County VTD 332 (Saint Albans)	625
Kanawha County VTD 333 (Saint Albans)	1,273
Kanawha County VTD 337 (Saint Albans)	1,232
Kanawha County VTD 340 (Saint Albans)	1,055
Kanawha County VTD 347 (Saint Albans)	1,270
Kanawha County VTD 349 (Nitro)	405
Kanawha County VTD 350 (Nitro)	1,000
Kanawha County VTD 351 (Nitro)	952
Kanawha County VTD 352 (Nitro)	722
Kanawha County VTD 353 (Nitro)	940
Kanawha County VTD 354 (Nitro)	826
Kanawha County VTD 355 (Nitro)	1,044
Kanawha County VTD 357 (Institute and West Dunbar)	1,886
Kanawha County VTD 358 (uninc.)	1,420
Kanawha County VTD 359 (uninc. and Cross Lanes)	1,005
Kanawha County VTD 360 (Cross Lanes)	1,508
Kanawha County VTD 361 (Cross Lanes)	2,045
Kanawha County VTD 362 (uninc., Nitro, and Cross Lanes)	2,187
Kanawha County VTD 364 (Cross Lanes)	641
Kanawha County VTD 365 (uninc.)	1,368
Kanawha County VTD 366 (uninc. and Dunbar)	1,138
Kanawha County VTD 368 (Cross Lanes)	1,140
Kanawha County VTD 370 (uninc.)	2,208

Kanawha County VTD 371 (uninc.)	1,770
Kanawha County VTD 373 (uninc.)	267
Kanawha County VTD 375 (Upper Falls)	204
Kanawha County VTD 376 (uninc.)	469
Kanawha County VTD 378 (uninc.)	562
Kanawha County VTD 379 (uninc. and Upper Falls)	1,534
Kanawha County VTD 431 (uninc. and Sissonville)	1,256
<u>Kanawha County VTD 432 (uninc. and Sissonville)</u>	<u>1,973</u>
Subtotal (45 Kanawha County precincts)	53,380
Putnam County (all)	55,486
Total for New Senate District 5	108,866

F. New Senate District 6:

New Senate District 6 would be composed of the territory contained in 112 precincts in Kanawha County. This district would include all of Charleston and of South Charleston and the territory in what is commonly referred to as the "Upper Kanawha Valley". The district would be the only remaining state senatorial district that would be located within the boundaries of one county.

The population of New Senate District 6 would be 108,937, as follows:

Kanawha County VTD 103 (uninc.)	1,027
Kanawha County VTD 105 (Glasgow)	905
Kanawha County VTD 106 (Cedar Grove)	997
Kanawha County VTD 108 (uninc.)	769
Kanawha County VTD 110 (uninc.)	1,839
Kanawha County VTD 111 (uninc.)	609
Kanawha County VTD 112 (Belle)	597
Kanawha County VTD 113 (Belle)	663
Kanawha County VTD 114 (uninc.)	798
Kanawha County VTD 115 (uninc. and Rand)	1,223
Kanawha County VTD 116 (uninc. and Rand)	578
Kanawha County VTD 117 (uninc.)	831
Kanawha County VTD 118 (uninc.)	987
Kanawha County VTD 119 (uninc.)	1,254
Kanawha County VTD 120 (uninc. and Coal Fork)	1,487
Kanawha County VTD 123 (uninc. and Coal Fork)	834
Kanawha County VTD 131 (uninc. and Montgomery)	743
Kanawha County VTD 133 (uninc.)	409
Kanawha County VTD 134 (Pratt)	602
Kanawha County VTD 136 (uninc.)	1,217
Kanawha County VTD 138 (uninc.)	959

Kanawha County VTD 140 (uninc.)	498
Kanawha County VTD 142 (uninc.)	490
Kanawha County VTD 145 (uninc. and Chelyan)	1,091
Kanawha County VTD 147 (uninc. and Chelyan)	1,389
Kanawha County VTD 148 (uninc.)	704
Kanawha County VTD 149 (Chesapeake)	613
Kanawha County VTD 150 (Chesapeake)	510
Kanawha County VTD 151 (Chesapeake)	431
Kanawha County VTD 152 (uninc.)	312
Kanawha County VTD 153 (Marmet)	622
Kanawha County VTD 154 (Marmet)	569
Kanawha County VTD 158 (uninc.)	903
Kanawha County VTD 160 (Charleston)	1,408
Kanawha County VTD 161 (Charleston)	1,219
Kanawha County VTD 163 (Charleston)	1,149
Kanawha County VTD 164 (Charleston)	1,268
Kanawha County VTD 165 (Charleston)	1,100
Kanawha County VTD 166 (Charleston)	704
Kanawha County VTD 167 (Charleston)	791
Kanawha County VTD 168 (Charleston)	893
Kanawha County VTD 169 (Charleston)	1,467
Kanawha County VTD 170 (Charleston)	715
Kanawha County VTD 172 (Charleston)	688
Kanawha County VTD 174 (Charleston)	1,315
Kanawha County VTD 175 (Charleston)	760
Kanawha County VTD 177 (Charleston)	878
Kanawha County VTD 178 (Charleston)	1,364
Kanawha County VTD 179 (Charleston)	1,096
Kanawha County VTD 202 (uninc. and South Charleston)	2,564
Kanawha County VTD 205 (Charleston)	2,033
Kanawha County VTD 208 (South Charleston)	878
Kanawha County VTD 209 (uninc.)	1,131
Kanawha County VTD 213 (South Charleston)	727
Kanawha County VTD 217 (South Charleston)	718
Kanawha County VTD 223 (South Charleston)	1,664
Kanawha County VTD 224 (South Charleston)	430
Kanawha County VTD 226 (South Charleston)	544
Kanawha County VTD 227 (South Charleston)	927
Kanawha County VTD 228 (South Charleston)	548
Kanawha County VTD 233 (Charleston)	1,546
Kanawha County VTD 234 (Charleston)	997
Kanawha County VTD 238 (Charleston)	1,216

Kanawha County VTD 239 (Charleston)	1,012
Kanawha County VTD 240 (Charleston)	1,387
Kanawha County VTD 241 (Charleston)	1,246
Kanawha County VTD 244 (Charleston)	868
Kanawha County VTD 246 (Charleston)	782
Kanawha County VTD 247 (Charleston)	768
Kanawha County VTD 250 (Charleston)	97
Kanawha County VTD 253 (Charleston)	1,299
Kanawha County VTD 254 (Charleston)	1,220
Kanawha County VTD 258 (Charleston)	1,338
Kanawha County VTD 260 (Charleston)	1,280
Kanawha County VTD 275 (uninc. and Charleston)	500
Kanawha County VTD 277 (Charleston)	1,782
Kanawha County VTD 279 (uninc.)	685
Kanawha County VTD 280 (uninc. and South Charleston)	1,722
Kanawha County VTD 281 (South Charleston)	896
Kanawha County VTD 282 (South Charleston)	512
Kanawha County VTD 283 (South Charleston)	588
Kanawha County VTD 284 (South Charleston)	397
Kanawha County VTD 285 (South Charleston)	232
Kanawha County VTD 286 (South Charleston)	2,475
Kanawha County VTD 287 (South Charleston)	546
Kanawha County VTD 288 (South Charleston)	846
Kanawha County VTD 289 (Dunbar)	1,166
Kanawha County VTD 290 (Dunbar)	1,009
Kanawha County VTD 291 (Dunbar)	552
Kanawha County VTD 292 (Dunbar)	688
Kanawha County VTD 293 (Dunbar)	1,099
Kanawha County VTD 294 (Dunbar)	892
Kanawha County VTD 295 (Dunbar)	697
Kanawha County VTD 296 (Dunbar)	1,732
Kanawha County VTD 297 (Charleston)	1,370
Kanawha County VTD 298 (Charleston)	1,165
Kanawha County VTD 401 (Charleston)	899
Kanawha County VTD 402 (Charleston)	671
Kanawha County VTD 403 (Charleston)	1,154
Kanawha County VTD 404 (Charleston)	1,114
Kanawha County VTD 406 (Charleston)	1,209
Kanawha County VTD 407 (Charleston)	1,013
Kanawha County VTD 408 (Charleston)	1,441
Kanawha County VTD 410 (Charleston)	530
Kanawha County VTD 411 (Charleston)	1,324

Kanawha County VTD 412 (Charleston)	1,144
Kanawha County VTD 413 (Charleston)	578
Kanawha County VTD 414 (Charleston)	785
Kanawha County VTD 415 (Charleston)	1,429
Kanawha County VTD 416 (Charleston)	938
Kanawha County VTD 417 (Charleston)	821
Kanawha County VTD 435 (uninc.)	841
Total for New Senate District 6	108,937

G. New Senate District 7:

New Senate District 7 would be composed of the territory contained in all of Boone and Lincoln Counties and in 18 precincts in central and eastern Cabell County and 26 precincts in western and central Raleigh County.

The population of New Senate District 7 would be 108,821, as follows:

Cabell County VTD 41 (uninc. and Barboursville)	2,740
Cabell County VTD 42 (uninc. -PR)	1,648
Cabell County VTD 43 (uninc. -PR)	1,262
Cabell County VTD 44 (uninc. -PR)	967
Cabell County VTD 45 (Barboursville)	1,460
Cabell County VTD 46 (Barboursville)	1,837
Cabell County VTD 47 (uninc. -PR)	1,015
Cabell County VTD 48 (uninc.)	800
Cabell County VTD 49 (uninc.)	2,078
Cabell County VTD 50 (uninc.)	2,801
Cabell County VTD 51 (uninc.)	1,437
Cabell County VTD 52 (uninc.)	1,410
Cabell County VTD 60 (uninc.)	3,003
Cabell County VTD 62 (uninc.)	1,993
Cabell County VTD 63 (uninc. -Culloden)	1,830
Cabell County VTD 64 (Milton)	1,409
Cabell County VTD 65 (Milton)	1,071
Cabell County VTD 67 (uninc. -Culloden)	1,272
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Subtotal (18 Cabell County precincts):	30,033
Raleigh County VTD 23 (Lester)	348
Raleigh County VTD 27 (Sophia)	1,303
Raleigh County VTD 31 (uninc.)	1,514
Raleigh County VTD 33 (uninc.)	1,478
Raleigh County VTD 34 (uninc.)	1,555
Raleigh County VTD 35 (uninc.)	1,395
Raleigh County VTD 36 (uninc.)	1,417

Raleigh County VTD 37	(uninc.)	722
Raleigh County VTD 38	(uninc.)	2,054
Raleigh County VTD 44	(uninc.)	1,763
Raleigh County VTD 45	(uninc.)	2,065
Raleigh County VTD 46	(uninc.)	1,040
Raleigh County VTD 47	(uninc.)	1,029
Raleigh County VTD 52	(uninc.)	1,759
Raleigh County VTD 53	(uninc.)	2,183
Raleigh County VTD 54	(uninc.)	1,438
Raleigh County VTD 55	(uninc.)	677
Raleigh County VTD 56	(uninc.)	2,037
Raleigh County VTD 57	(uninc.)	1,736
Raleigh County VTD 60	(uninc.)	1,962
Raleigh County VTD 61	(uninc.)	428
Raleigh County VTD 62	(uninc.)	679
Raleigh County VTD 63	(uninc.)	350
Raleigh County VTD 64	(uninc.)	869
Raleigh County VTD 65	(uninc.)	496
Raleigh County VTD 66	(uninc.)	142
Subtotal (26 Raleigh County precincts):		32,439
Boone County (all)		24,629
Lincoln County (all)		21,720
Total for New Senate District 7		108,821

H. New Senate District 8:

New Senate District 8 would be composed of the territory contained in all of Wayne County and in 49 precincts in northern and western Cabell County. This district would include all of Huntington and all precincts in Cabell County along the Ohio River.

The population of New Senate District 8 would be 108,767, as follows:

Cabell County VTD 1	(Huntington)	1,057
Cabell County VTD 1A	(Huntington)	1,049
Cabell County VTD 2	(Huntington)	1,070
Cabell County VTD 3	(Huntington)	1,942
Cabell County VTD 4	(Huntington)	1,117
Cabell County VTD 5	(Huntington)	764
Cabell County VTD 6	(Huntington)	1,377
Cabell County VTD 6W	(Huntington)	515
Cabell County VTD 7	(Huntington)	1,978
Cabell County VTD 9	(Huntington)	1,837

Cabell County VTD 10	(Huntington)	1,395
Cabell County VTD 11	(Huntington)	2,797
Cabell County VTD 12	(Huntington)	1,382
Cabell County VTD 13	(Huntington)	1,253
Cabell County VTD 14	(Huntington)	1,485
Cabell County VTD 16	(Huntington)	1,158
Cabell County VTD 17	(Huntington)	1,177
Cabell County VTD 18	(Huntington)	534
Cabell County VTD 19	(Huntington)	2,204
Cabell County VTD 20	(Huntington)	2,413
Cabell County VTD 21	(Huntington)	1,177
Cabell County VTD 22	(Huntington)	1,139
Cabell County VTD 23	(Huntington)	1,574
Cabell County VTD 24	(Huntington)	939
Cabell County VTD 25	(Huntington)	986
Cabell County VTD 26	(Huntington)	1,346
Cabell County VTD 27	(Huntington)	1,067
Cabell County VTD 28	(Huntington)	1,804
Cabell County VTD 29	(Huntington)	805
Cabell County VTD 30	(Huntington)	879
Cabell County VTD 31	(Huntington)	1,229
Cabell County VTD 32	(Huntington)	1,198
Cabell County VTD 33	(Huntington)	1,188
Cabell County VTD 34-01	(Huntington)	1,280
Cabell County VTD 34-02	(uninc.)	443
Cabell County VTD 35	(uninc. and Huntington)	1,597
Cabell County VTD 36	(uninc.)	1,863
Cabell County VTD 37	(uninc. and Huntington)	1,225
Cabell County VTD 38	(uninc.)	944
Cabell County VTD 39	(uninc. and Hun'ton and B'ville)	1,714
Cabell County VTD 40	(uninc. and Barboursville)	920
Cabell County VTD 53	(uninc. and Barboursville)	924
Cabell County VTD 54	(uninc. and Huntington)	2,288
Cabell County VTD 55	(uninc.)	1,814
Cabell County VTD 56	(uninc.)	929
Cabell County VTD 57	(uninc.)	1,068
Cabell County VTD 58	(uninc.)	2,496
Cabell County VTD 59	(uninc.)	1,748
Cabell County VTD 66	(uninc.)	1,198
Subtotal (49 Cabell County precincts)		66,286

Wayne County (all)	42,481
Total for New Senate District 8	108,767

I. New Senate District 9:

New Senate District 9 would be composed of the territory contained in all of Logan, McDowell, Mingo, and Wyoming Counties.

The population of New Senate District 9 would be 109,491, as follows:

Logan County (all)	36,743
McDowell County (all)	22,113
Mingo County (all)	26,839
Wyoming County (all)	23,796
Total for New Senate District 9	109,491

J. New Senate District 10:

New Senate District 10 would be composed of the territory contained in all of Mercer County and in 37 precincts in eastern and southern Raleigh County. All of Beckley would be in this district.

The population of New Senate District 10 would be 108,684, as follows:

Raleigh County VTD 1 (Beckley)	1,010
Raleigh County VTD 2 (Beckley)	1,550
Raleigh County VTD 3 (Beckley)	610
Raleigh County VTD 5 (Beckley)	922
Raleigh County VTD 5A (Beckley)	510
Raleigh County VTD 6 (Beckley)	1,315
Raleigh County VTD 7 (Beckley)	1,328
Raleigh County VTD 8 (Beckley)	604
Raleigh County VTD 10 (Beckley)	1,087
Raleigh County VTD 11 (Beckley)	1,155
Raleigh County VTD 12 (Beckley)	1,197
Raleigh County VTD 15 (Beckley)	1,264
Raleigh County VTD 17 (Beckley)	782
Raleigh County VTD 18 (Beckley)	874
Raleigh County VTD 19 (Beckley)	1,352
Raleigh County VTD 20 (Beckley)	1,869
Raleigh County VTD 21 (Mabscott)	1,395
Raleigh County VTD 25 (Rhodell)	173
Raleigh County VTD 30 (uninc.)	1,125

Raleigh County VTD 32	(uninc. and Beckley)	1,379
Raleigh County VTD 40	(uninc.)	474
Raleigh County VTD 41	(uninc.)	549
Raleigh County VTD 48	(uninc.)	323
Raleigh County VTD 49	(uninc.)	1,520
Raleigh County VTD 50	(uninc.)	237
Raleigh County VTD 51	(uninc.)	2,159
Raleigh County VTD 70	(uninc.)	1,153
Raleigh County VTD 71	(uninc.)	1,667
Raleigh County VTD 72	(uninc.)	1,723
Raleigh County VTD 73	(uninc.)	4,506
Raleigh County VTD 74	(uninc.)	1,146
Raleigh County VTD 75	(uninc.)	2,100
Raleigh County VTD 76	(uninc.)	3,151
Raleigh County VTD 77	(uninc.)	1,542
Raleigh County VTD 80	(uninc.)	717
Raleigh County VTD 81	(uninc.)	291
Raleigh County VTD 85	(uninc.)	1,661
Subtotal (37 Raleigh County precincts)		46,420
Mercer County (all)		62,264
Total for New Senate District 10		108,684

K. New Senate District 11:

New Senate District 11 would be composed of the territory contained in all of Fayette, Greenbrier, Monroe, and Summers Counties.

The population of New Senate District 11 would be 108,948, as follows:

Fayette County (all)	46,039
Greenbrier County (all)	35,480
Monroe County (all)	13,502
Summers County (all)	13,927
Total for New Senate District 11	108,948

L. New Senate District 12:

New Senate District 12 would be composed of the territory contained in all of Braxton, Clay, Gilmer, Lewis, Nicholas, Upshur, and Webster Counties.

The population of New Senate District 12 would be 108,615, as follows:

Braxton County (all)	14,523
Clay County (all)	9,386
Gilmer County (all)	8,693
Lewis County (all)	16,372
Nicholas County (all)	26,233
Upshur County (all)	24,254
Webster County (all)	9,154
 Total for New Senate District 12	 108,615

M. New Senate District 13:

New Senate District 13 would be composed of the territory contained in all of Doddridge, Harrison, and Taylor Counties and in 19 precincts in southern Marion County.

The population of New Senate District 13 would be 109,599, as follows:

Marion County VTD 38 (uninc. and White Hall)	1,316
Marion County VTD 39 (uninc.)	936
Marion County VTD 40 (uninc.)	562
Marion County VTD 41 (uninc. and F'mont and WH)	690
Marion County VTD 42 (uninc. and F'mont and WH)	1,291
Marion County VTD 44 (Monongah)	451
Marion County VTD 47 (uninc. and Worthington)	527
Marion County VTD 50 (uninc. and Worthington)	1,042
Marion County VTD 51 (uninc.)	427
Marion County VTD 52 (uninc. and Monongah)	611
 Marion County VTD 55 (uninc.)	 651
Marion County VTD 57 (Monongah)	566
Marion County VTD 59 (uninc.)	745
Marion County VTD 70 (uninc.)	650
Marion County VTD 112 (uninc.)	1,001
Marion County VTD 114 (uninc.)	675
Marion County VTD 115 (uninc.)	1,434
Marion County VTD 123 (uninc.)	772
Marion County VTD 125 (uninc.)	1,056
<hr/> Subtotal (19 Marion County precincts)	<hr/> 15,403
 Doddridge County (all)	 8,202
Harrison County (all)	69,099
Taylor County (all)	16,895
 Total for New Senate District 13	 109,599

N. New Senate District 14:

New Senate District 14 would be composed of the territory contained in all of Preston County and in 56 precincts on the east side of the Monongahela River in Monongalia County. All of Morgantown would be in this district.

The population of New Senate District 14 would be 109,291, as follows:

Monongalia Co. VTD 1	(Morgantown)	700
Monongalia Co. VTD 2	(Morgantown)	897
Monongalia Co. VTD 3	(Morgantown)	705
Monongalia Co. VTD 4	(Morgantown)	747
Monongalia Co. VTD 5	(Morgantown)	661
Monongalia Co. VTD 6	(Morgantown)	514
Monongalia Co. VTD 7	(Morgantown)	733
Monongalia Co. VTD 8	(Morgantown)	1,378
Monongalia Co. VTD 9	(Morgantown)	260
Monongalia Co. VTD 10	(Morgantown)	917
Monongalia Co. VTD 12	(Morgantown)	2,540
Monongalia Co. VTD 13	(Morgantown)	1,882
Monongalia Co. VTD 14	(Morgantown)	838
Monongalia Co. VTD 15	(Morgantown)	398
Monongalia Co. VTD 16	(Morgantown)	858
Monongalia Co. VTD 17	(Morgantown)	1,393
Monongalia Co. VTD 18	(Morgantown)	2,403
Monongalia Co. VTD 20	(Morgantown)	1,163
Monongalia Co. VTD 21	(Morgantown)	2,394
Monongalia Co. VTD 22	(Morgantown)	1,879
Monongalia Co. VTD 23	(Morgantown)	661
Monongalia Co. VTD 24	(Morgantown)	830
Monongalia Co. VTD 25	(Star City)	1,170
Monongalia Co. VTD 26	(Morgantown)	460
Monongalia Co. VTD 27	(Morgantown)	415
Monongalia Co. VTD 28	(uninc. and Morgantown)	415
Monongalia Co. VTD 29	(Star City)	707
Monongalia Co. VTD 30	(Morgantown)	405
Monongalia Co. VTD 31	(Morgantown)	1,202
Monongalia Co. VTD 32	(uninc.)	1,821
Monongalia Co. VTD 33	(uninc. and Brookhaven)	1,212
Monongalia Co. VTD 34	(uninc., B'haven, and C. Lake)	1,973
Monongalia Co. VTD 35	(uninc.)	1,796
Monongalia Co. VTD 36A	(uninc.)	461
Monongalia Co. VTD 36B	(uninc.)	493
Monongalia Co. VTD 37	(uninc. and Brookhaven)	1,181

Monongalia Co. VTD 38	(uninc., B'haven, and C. Lake)	3,167
Monongalia Co. VTD 39	(uninc.)	1,266
Monongalia Co. VTD 60	(uninc.)	1,567
Monongalia Co. VTD 61	(uninc. and Morgantown)	2,170
Monongalia Co. VTD 62	(uninc.)	2,021
Monongalia Co. VTD 63	(uninc.)	766
Monongalia Co. VTD 76	(uninc.)	542
Monongalia Co. VTD 77	(uninc. and Cheat Lake)	3,998
Monongalia Co. VTD 78	(uninc. and Cheat Lake)	681
Monongalia Co. VTD 79	(Cheat Lake)	2,907
Monongalia Co. VTD 80	(uninc. and Morgantown)	1,886
Monongalia Co. VTD 82	(uninc.)	441
Monongalia Co. VTD 83	(uninc. and Morgantown)	2,619
Monongalia Co. VTD 84	(uninc. and Morgantown)	2,174
Monongalia Co. VTD 85	(uninc. and Morgantown)	1,436
Monongalia Co. VTD 86	(uninc.)	1,687
Monongalia Co. VTD 87	(uninc.)	3,184
Monongalia Co. VTD 88	(uninc.)	2,418
Monongalia Co. VTD 90	(uninc., M'town, and Star City)	475
Monongalia Co. VTD 91	(uninc.)	1,904
Subtotal (56 Monongalia County precincts)		75,771
Preston County (all)		33,520
Total for New Senate District 14		109,291

O. New Senate District 15:

New Senate District 12 would be composed of the territory contained in all of Barbour, Grant, Mineral, Pendleton, Pocahontas, Randolph, and Tucker Counties.

The population of New Senate District 15 would be 109,698, as follows:

Barbour County (all)	16,589
Grant County (all)	11,937
Mineral County (all)	28,212
Pendleton County (all)	7,695
Pocahontas County (all)	8,719
Randolph County (all)	29,405
Tucker County (all)	7,141
Total for New Senate District 15	109,698

P. New Senate District 16:

New Senate District 16 would be composed of the territory contained in all of Hampshire, Hardy, and Morgan Counties and in 21 precincts in eastern, central, and southern Berkeley County

The population of New Senate District 16 would be 106,741, as follows:

Berkeley County VTD 19 (uninc.)	2,909
Berkeley County VTD 21 (uninc.)	5,078
Berkeley County VTD 29 (uninc.)	1,539
Berkeley County VTD 32 (uninc.)	2,117
Berkeley County VTD 33 (uninc.)	3,047
Berkeley County VTD 34 (uninc.)	2,067
Berkeley County VTD 36 (uninc.)	3,389
Berkeley County VTD 37 (uninc.)	4,177
Berkeley County VTD 38 (uninc.)	2,124
Berkeley County VTD 39 (uninc.)	4,160
Berkeley County VTD 40 (uninc.)	3,266
Berkeley County VTD 41 (uninc.)	2,607
Berkeley County VTD 42 (uninc.)	1,455
Berkeley County VTD 43 (uninc.)	1,667
Berkeley County VTD 44 (uninc. and Hedgesville)	1,053
Berkeley County VTD 45 (uninc.)	2,551
Berkeley County VTD 46 (uninc.)	1,970
Berkeley County VTD 47 (uninc.)	2,049
Berkeley County VTD 48 (uninc.)	1,746
Berkeley County VTD 50 (uninc.)	344
Berkeley County VTD 51 (uninc.)	1,896
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Subtotal (21 Berkeley County precincts)	51,211
Hampshire County (all)	23,964
Hardy County (all)	14,025
Morgan County (all)	17,541
Total for New Senate District 16	106,741

Q. New Senate District 17:

New Senate District 17 would be composed of the territory contained in all of Jefferson County and in 27 precincts in eastern Berkeley County. All of Martinsburg would be in this district.

The population of New Senate District 17 would be 106,456, as follows:

Berkeley County VTD 1 (Martinsburg)	1,967
Berkeley County VTD 2 (Martinsburg)	1,562

Berkeley County VTD 5 (Martinsburg)	1,773
Berkeley County VTD 6 (Martinsburg)	1,068
Berkeley County VTD 7 (Martinsburg)	1,221
Berkeley County VTD 8 (Martinsburg)	1,033
Berkeley County VTD 9 (Martinsburg)	940
Berkeley County VTD 10 (Martinsburg)	1,783
Berkeley County VTD 11 (Martinsburg)	645
Berkeley County VTD 14 (Martinsburg)	925
Berkeley County VTD 15 (Martinsburg)	211
Berkeley County VTD 15A (Martinsburg)	686
Berkeley County VTD 16 (uninc. and Martinsburg)	2,465
Berkeley County VTD 17 (Martinsburg)	1,474
Berkeley County VTD 18 (uninc.)	2,585
Berkeley County VTD 20 (uninc.)	1,658
Berkeley County VTD 22 (uninc. and Martinsburg)	3,029
Berkeley County VTD 23 (uninc. and Falling Waters)	3,569
Berkeley County VTD 24 (uninc. and Martinsburg)	5,175
Berkeley County VTD 25 (uninc.)	1,546
Berkeley County VTD 25A (uninc.)	1,582
Berkeley County VTD 26 (uninc.)	1,891
Berkeley County VTD 27 (uninc.)	2,080
Berkeley County VTD 28 (uninc.)	4,032
Berkeley County VTD 31 (uninc.)	4,274
Berkeley County VTD 35 (uninc.)	2,220
Berkeley County VTD 49 (uninc.)	1,564
<hr/>	
Subtotal (27 Berkeley County precincts)	52,958
Jefferson County (all)	53,498
Total for New Senate District 17	106,456

Table of Populations of Proposed Senatorial Districts.

Here is a table of the populations, and deviations, of the proposed state senatorial districts:

District	Population	Deviation
New Senate District 1	109,782	+782
New Senate District 2	109,737	+737
New Senate District 3	110,727	+1,727
New Senate District 4	109,834	+834
New Senate District 5	108,866	-134
New Senate District 6	108,937	-63
New Senate District 7	108,821	-179
New Senate District 8	108,767	-233
New Senate District 9	109,491	+491
New Senate District 10	108,684	-316
New Senate District 11	108,948	-52
New Senate District 12	108,615	-385
New Senate District 13	109,599	+599
New Senate District 14	109,291	+291
New Senate District 15	109,698	+698
New Senate District 16	106,741	-2,259
New Senate District 17	106,456	-2,544
Total	1,852,994	
Average Population	109,000	

The deviations range from -2,544 (-2.334%) to +1,727 (+1.584%). The total range is 4,271 (3.918%).

12 - 2

Debates and Proceedings
OF THE
First Constitutional Convention
OF
West Virginia
(1861 - 1863)

Edited By

CHARLES H. AMBLER,
FRANCES HANEY ATWOOD AND WILLIAM B. MATHEWS

Under Direction of the
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

GENTRY BROTHERS, PRINTERS
HUNTINGTON, WEST VIRGINIA

158

tion that certain changes should be duly made in the proposed Constitution for that State:

And, whereas, proof of a compliance with that condition as required by the Second Section of the Act aforesaid, has been submitted to me:

Now, therefore, be it known, that I, Abraham Lincoln, President of the United States, do, hereby, in pursuance of the Act of Congress aforesaid, declare and proclaim that the said act shall take effect and be in force, from and after sixty days from the date hereof.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed.¹⁶⁷

(7) BY THE COURT

The Supreme Court of the United States has rendered no opinion on the legality of the formation and admission of West Virginia to separate statehood. In the several cases coming before it involving these points, notably *Virginia v. West Virginia*¹⁶⁸ to determine the territorial status of Jefferson and Berkeley counties, annexed to the latter after she had attained statehood, and in *Commonwealth of Virginia v. West Virginia*¹⁶⁹ to determine the defendant's proportionate share of the Virginia debt as of January 1, 1861, the Court accepted the formation and admission of West Virginia as a fact. As in the case *Luther v. Borden*,¹⁷⁰ decided in 1848, West Virginia statehood was regarded as a political question to be determined solely by Congress. In formulating opinions in *Commonwealth of Virginia v. West Virginia* and in other cases, certain judges, notably the late Oliver Wendell Holmes,¹⁷¹ reviewed the steps in the formation and admission of West Virginia, but they accepted the action of Congress as final.¹⁷²

167. See photostatic copy of the original in Ambler, *Francis H. Pierpont*, pp. 206-207. The original is in the National Archives, Washington, D. C.

168. 78 U. S. 39 (20 L. Ed. 67).

169. 209 U. S. 514; 220 U. S. 1; 246 U. S. 565.

170. 7 Howard 1.

171. 220 U. S. 1.

172. With views to influencing the result of the referendum on the amended constitution the *Wheeling Daily Intelligencer* for March 6-7, 1863, and March 17-19, 1863, carried two noteworthy articles. The first of these was by Ephraim B. Hall and was entitled "The New State." The second was entitled "Some Objections to the New State Considered," but, whether significant or not, the name of the author was not given.

PART TWO

A. MEMBERS

Of the Constitutional Convention, assembled at Wheeling, Virginia, November 26, 1861, and re-assembled February 12, 1863, together with their age, places of nativity, occupations, the counties represented, and postoffice addresses.

	Names	Age	Nativity	Occupation	County	Postoffice
1	Battelle, Gordon.....	47	Ohio	Minister	Ohio	Wheeling
2	Boggs, John.....	48	Virginia	Farmer	Pendleton	Mouth Seneca
3	Brooks, Richard L.....	52	Virginia	Minister	Upshur	Rock Cave
4	Brown, James H.....	42	Virginia	Lawyer	Kanawha	Kanawha C.H.
5	Brown, John J.....	35	Virginia	"	Preston	Kingwood
6	Brumfield, William W.....	88	Virginia	Farmer	Wayne	Ceredo
7	Caldwell, Elbert H.....	52	Virginia	Lawyer	Marshall	Moundsville
8	Carskadon, Thomas R.....	24	Virginia	Farmer	Hampshire	New Creek Sta.
9	Cassaday, James S.....	40	Virginia	"	Fayette	Fayette C.H.
10	Chapman, Henry D.....	63	Mass.	Physician	Roane	Spencer
11	Cook, Richard M.....	41	Virginia	Farmer	Mercer	Long Branch
12	Dering, Henry.....	50	Virginia	Merchant	Monongalia	Morgantown
13	Dille, John A.....	40	Penn.	Lawyer	Preston	Kingwood
14	Dolly, Abtjah.....	44	Virginia	Farmer	Hardy	Greenland
15	Gibson, David W.....	32	Virginia	Physician	Pocahontas	Buckhannon
16	Griffith, Samuel T.....	32	Virginia	"	Mason	West Columbia
17	Hagar, Robert.....	51	Virginia	Minister	Boone	Boone C.H.
18	Hall, Ephraim B.....	39	Virginia	Lawyer	Marion	Fairmont
19	Hall, John (President).....	56	Ireland	Farmer	Mason	Pt. Pleasant
20	Hansley, Stephen M.....	42	Virginia	"	Raleigh	Marshall
21	Harrison, Thomas W.....	37	Virginia	Lawyer	Harrison	Clarksburg
22	Haymond, Hiram.....	55	Virginia	Farmer	Marion	Palatine
23	Hervey, James.....	41	Ohio	Lawyer	Brooke	Wellsburg
24	Hoback, Johannis P.....	26	Virginia	Teacher	McDowell	McDowell C.H.
25	Hubbs, Joseph.....	54	Penn.	Farmer	Pleasants	St. Marys
26	Irvine, Robert.....	47	Virginia	Lawyer	Lewis	Weston
27	Lamb, Daniel.....	51	Penn.	Cashier	Ohio	Wheeling
28	Lauck, Richard W.....	49	Virginia	Lawyer	Wetzel	New Martinsville
29	Mahon, Edward S.....	45	Maryland	Farmer	Jackson	Ravenswood
30	Mann, Andrew W.....	29	Virginia	"	Greenbrier	Falling Springs
31	McCutchen, John R.....	51	Virginia	"	Nicholas	Summersville
32	Montague, Dudley S.....	61	Virginia	Hotel Keeper	Putnam	Red H. Shoals
33	O'Brien, Emmet J.....	42	Virginia	Mechanic	Barbour	Burnersville
34	Parker, Granville.....	51	Mass.	Lawyer	Cabell	Guyandotte
35	Parsons, James W.....	49	Virginia	Farmer	Tucker	St. George
36	Paxton, James W.....	40	Virginia	Merchant	Ohio	Wheeling
37	Pinnell, David S.....	50	Virginia	Physician	Upshur	Buckhannon
38	Pomeroy, Joseph S.....	40	Penn.	Minister	Hancock	Fairview
39	Powell, John M.....	36	Virginia	"	Harrison	Buckhannon
40	Robinson, Job.....	45	Virginia	Farmer	Calhoun	Arnoldsburg
41	Ross, Andrew F.....	47	Penn.	Teacher	Ohio	West Liberty
42	Ruffner, Lewis.....	64	Virginia	Salt Manu.	Kanawha	Kanawha Salines
43	Ryan, Edward W.....	25	Virginia	Minister	Fayette	Gauley Bridge
44	Sheets, George W.....	38	Virginia	Carpenter	Hampshire	Piedmont
45	Simmons, Josiah.....	47	Virginia	Farmer	Randolph	Claysville
46	Sinsel, Harmon.....	44	Virginia	Mechanic	Taylor	Pruntytown
47	Smith, Benjamin H.....	63	Virginia	Lawyer	Logan	Kanawha C.H.
48	Soper, Abraham D. (Pres. Recalled Session).....	66	New York	"	Tyler	Sistersville
49	Stephenson, Benjamin L.....	35	Virginia	Farmer	Clay	Clay C.H.

651

Names	Age	Nativity	Occupation	County	Postoffice
50 Stevenson, Wm. E.	40	Penn.	"	Wood	Parkersburg
51 Stewart, Benjamin F.	52	New York	Merchant	Wirt	Newark
52 Stuart, Chapman J.	41	Virginia	Lawyer	Doddridge	West Union
53 Taylor, Gustavus F.	28	Virginia	"	Braxton	Braxton C.H.
54 Tichenell, Moses	56	Virginia	Minister	Marion	Palatine
55 Trainer, Thomas H.	42	Virginia	"	Marshall	Cameron
56 Van Winkle, Peter G.	58	New York	Lawyer	Wood	Parkersburg
57 Walker, William	34	Virginia	"	Wyoming	Oceana
58 Warder, Wm. W.	40	Virginia	Farmer	Gilmer	Troy
59 Wheat, Joseph S.	60	Virginia	"	Morgan	Sir Johns Run
60 Willey, Waitman T.	50	Virginia	Lawyer	Monongalia	Morgantown
61 Wilson, Archibald J.	60	Virginia	Farmer	Ritchie	Pennsboro
Hall, Ellery R. (Secretary)	27	Virginia	Lawyer	Marion	Fairmont
Hall, Sylvanus W. (Asst. Secy.)	24	"	Clerk	"	"
Orr, Jas. C. (Serg.-at-Arms)	33	"	Merchant	Ohio	Wheeling
Startzman, Henry (Serg.-at-Arms, Recalled Sec.)	38	"	Tanner	Preston	Kingwood

B.—BIOGRAPHICAL SKETCHES

BATTELLE, GORDON (November 14, 1814-August 7, 1862), delegate from Ohio County, was born at Newport, Ohio, and educated at Marietta College, Marietta, Ohio, and Allegheny College, Meadville, Pennsylvania, where he and Francis H. Pierpont were, during a part of their college course, messmates at a total cost to each of forty-five cents per week. Battelle was graduated at the head of his class. He then read law. During the year 1842-43 he was head of Asbury Academy, Parkersburg, (West) Virginia, and from 1843 to 1851 he was principal of the Northwestern Virginia Academy at Clarksburg, when he resigned to devote his entire time to the ministry of the Methodist Episcopal Church. In the course of his ministry he served charges in Clarksburg, Charleston, and finally in Wheeling, (West) Virginia. In 1861 he was presiding elder of the Wheeling district.

With the call to arms Battelle was made chaplain of the First (West) Virginia infantry. At the request of Governor Pierpont, he was active in other war services. For instance, he looked after the food, clothing, shelter, and health of Federals stationed at Philippi, Elkwater, and Cheat Mountain and made confidential reports to Pierpont. He was chairman of the convention committee on education, and from the beginning to the end of the deliberations, he sought to abolish slavery in the new State. Although he was outgeneraled in this effort, he was indirectly responsible for the so-called Willey Amendment which provided for the gradual abolition of slavery in West Virginia. Battelle's influence in this mat-

ter was attested in the memorial exercises to his memory on the opening day of the recalled session of the Convention. He died of typhoid fever in line of duty.

References: J. W. Hamilton, *Gordon Battelle—Preacher, Statesman and Soldier* (1916); O. D. Lambert, *Pioneer Leaders of West Virginia* (1935), pp. 143-151; C. H. Ambler, *West Virginia Stories and Biographies* (1937), pp. 241-245; George C. Wilding, *Promoted Pioneer Preachers* (1927).

BOGGS, JOHN (October 15, 1815-May 14, 1893), delegate from Pendleton County in the recalled session, was born in Franklin, present county seat of that county. He was the son of John and Margaret (Kee) Boggs, Irish immigrants, who settled in 1807 on South Branch River. Seven children, four boys and three girls, were born to this union. In 1818 they moved to the Mouth of Seneca, where John Boggs, Jr., subject of this sketch, lived and died. In 1845 he married Elizabeth Carr of Pendleton County, to which union six children, five boys and one girl, were born. In 1895 one of them, William Henry Boggs, still living (1941), represented Pendleton County as a delegate in the West Virginia Legislature.

John Boggs, Jr., twice sheriff of Pendleton County (1865-1866, and 1867-1871), was a farmer and stock man on a large scale. He and his brother, Aaron Boggs, each owned several thousand acres at and near the Mouth of Seneca and were among the few slave owners of that region. In the secession controversy Aaron Boggs sided with the Confederates, John with the Federals. In 1863 the latter organized the "Pendleton Scouts," otherwise known as the "Swamp Dragons," which in May, 1864, were called into active service. In that year Captain Boggs withstood a Confederate attack at Petersburg, in its only important engagement of the war. He was later a delegate in the First, Second, Third, and Ninth West Virginia legislatures. Like most members of his family, he was a member of the Presbyterian church. A monument marks his grave on the top of an arm of Allegheny Mountain, about one mile northeast of Onego, Pendleton County. His children in the order of their ages were: Joseph F., Isaac P., Henrietta, Aaron C., Martin Kenny and William H. (twins), and John A.

References: Oran F. Morton, *History of Pendleton County*, pp. 182-183, 373, 403; and Boggs, Family Bible.

BROOKS, RICHARD LOCKE (December 5, 1810-September 25, 1895), delegate from Upshur County, was a son of Richard and Margaret (McClancy) Brooks. Through his grandmother, Anne Locke, wife of William Brooks of Prince William County, Virginia, he descended from John Locke of England. He was born in Taze-

MR. LAMB. The reapportionment is, of course, regulated by the act of Congress, the reapportionment would be made for the State of Virginia between this time and the fourth of March, 1863. But it is none of our business. The Convention but executes the expression of Congress in making that reapportionment. All the Convention can do is to describe the principles on which the legislature may make that reapportionment when the new State is in existence.

The question was taken and section 14 adopted.

MR. VAN WINKLE. I understand the only thing now before the Convention for action is the report of the Executive Committee. The chairman of that committee is absent and I do not know whether he has left any other word with any member of the committee, but he told me on Saturday he did not wish it to be considered in his absence. It is not necessary to explain the reasons why and as there is nothing before the Convention, sir, I avail myself of the opportunity to ask the Committee on Organization to meet this evening at half past six if it is convenient to them at our room, and then move the adjournment.

MR. LAMB. Before the question is put on the motion to adjourn, I beg leave to say that the Committee on the Legislative Department are to meet at their room this evening at half past six.

MR. STUART of Doddridge. In the absence of the chairman of the Committee on the Judiciary Department—

MR. HALL of Marion. I desire the Committee on the Schedule to meet tonight at some of the committee rooms provided across the street at seven o'clock.

MR. LAMB. I move, Mr. Chairman, that when this Convention adjourns, it adjourn to meet tomorrow at eleven. As long as the preparation of reports is the main business it would be better if the Convention meet at eleven o'clock instead of ten so as to have the committees meeting in the morning instead of evening. It is necessary for some of the committees to meet at one time and some at another.

MR. STUART of Doddridge. I hope the motion will prevail. We really use the committees have not time to act. We get down at nine o'clock, and against we get into committee, it is the Convention hour and we are unable to act. It would be much

MR. VAN WINKLE. Probably the committees may have their final meeting tonight on some reports. Or at any rate, we will be ready to report to the Convention by tomorrow; and if those committees sit till bed-time, and the chairmen have the additional hour in the morning they can come in here tomorrow and then they will have to be printed. It will take a day, of course. If the report of the Committee on the Executive Department is ready tomorrow, we shall have something to do, and if it doesn't we will not. So the probability is we shall have to adjourn at an early hour. I think the motion as stated will save time rather than waste it.

The motion made by Mr. Lamb was agreed to.

MR. STEVENSON of Wood. Mr. President, I am going to say, as we have a vacant hour that there was some of the officers employed by the present Convention whose salary is not fixed by any resolution of this body—pages, door-keepers and probably some others. I think it might be well to make a motion that the salaries of those officers and any others not fixed, should be the same of those of the last Convention. I make that motion for the purpose of bringing the matter before the Convention.

Several members inquired what was the pay of the last Convention.

MR. STEVENSON of Wood. I do not know, sir, what it is.

MR. VAN WINKLE. It is only one or two officers and the boys. And it would not make much difference if they got twice as much as they ought to get.

The motion was agreed to.

MR. STEVENSON of Wood. Well, sir, I move we adjourn, if we have nothing else to do.

The motion prevailed and the Convention adjourned.

XVIII. TUESDAY, DECEMBER 17, 1861.

The Convention assembled at the appointed hour.
The minutes were read without objection.

MR. LAMB. Mr. President—

THE PRESIDENT. If the gentleman will wait a moment until the President signs the Journals.

191

MR. LAMB. (after an interval). I am instructed by the Com-
e on the Legislative Department to submit their second
t.

In submitting this report I trust the Convention will indulge
1 a remark or two. I cannot say—and I suppose there is no
ber of the committee can say—that I approve entirely of
thing contained in the report; but we have found during the
ness of the consideration of this subject the necessity for
romise. If each one were to adhere rigidly to his own motion,
uld be impossible in any reasonable time—if at all—to pro-
a constitution to the people of West Virginia. We have
l another thing: The great difficulty which is inherent in the
nature of the subject. Our constituents are perhaps not duly
ed of this matter. Every one almost would consider that he
form a constitution for the State with very little difficulty.
without consideration. To take to pieces the frame of gov-
ent and put it together, each one in its proper place, and each
sion to operate properly, is a work of immense difficulty.
er consideration I mention in regard to this report: we
appointed a Committee on Fundamental Principles, a Com-
e on the Legislative Department, a Committee on the Exec-
and other committees, to whom the various branches of the
itution have been entrusted. It is impossible to define with
recision, in many instances what comes more properly within
phere of one committee or the other. There is nothing, in
ense of the term, which is to be provided in the Constitution
hat must involve some fundamental and general principles
ay affect the executive, judiciary or other department so it
regard to the matter of this committee and the other several
ittees. In this state of the case, it will necessarily be found
our reports are overlapping each other. Provisions will be
ted by different committees on the same subject, nor do I
se that there will be found any inconvenience in this. The
ention will have where this occurs different projects upon
ame matter submitted for their consideration. Whatever is
ed will be finally referred to the Committee on Revision, whose
duty it will be to render everything consistent and put ev-
ing in its proper place in the Constitution. It will then
up at last for final revision by the Convention itself.

With these remarks I submit the report.

Mr. Lamb then sent the report to the desk of the Secretary
as follows:

The committee respectfully recommend that the following
provisions be inserted in the Constitution of West Virginia:

1. The legislative power of the State 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 eighteen, and the house of
delegates of forty-six members. The term of office for senators
shall be three years, and that of delegates one year, commencing, in
each case, on the first day of October next succeeding their election.
The regular elections for members of the legislature shall be held
on the fourth Thursday of May. But vacancies in either branch
shall be filled by election, for the unexpired term, in such a manner
as shall be prescribed by law.

3. For the election of senators, the state shall be divided
into nine senatorial districts, as nearly equal as possible in white
population; each district to choose two senators. Every such dis-
trict shall be compact, formed of contiguous territory and be
bounded by county lines. After each census hereafter taken by
authority of the United States, the legislature shall alter the sen-
atorial districts, so far as may be necessary to make them con-
formable to the foregoing provisions.

4. Until the senatorial districts shall be differently arranged
after the next census taken by authority of the United States the
counties of Hancock, Brooke and Ohio shall constitute the First
senatorial district; Marshall, Wetzel and Marion, the second;
Monongalia, Preston and Taylor, the third; Pleasants, Tyler, Ritch-
ie, Doddridge and Harrison, the fourth; Wood, Jackson, Wirt,
Roane, Calhoun and Gilmer, the fifth; Barbour, Tucker, Lewis,
Braxton, Upshur and Randolph, the sixth; Mason, Putnam, Kana-
wha, Clay and Nicholas, the seventh; Cabell, Wayne, Boone, Logan,
Wyoming, Mercer and McDowell, the eighth; and Webster, Poca-
hontas, Fayette, Raleigh, Greenbrier and Monroe, the ninth.

5. For the election of delegates, every county containing a
white population of less than one-half the ratio of representation
for the house of delegates, shall, at each apportionment, be at-
tached to some contiguous county or counties, to form a delegate
district.

6. After each census hereafter taken by authority of the
United States, the delegates shall be apportioned as follows:

The ratio of representation for the house of delegates shall
be ascertained by dividing the whole white 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 white population of every delegate district, and of every county not included in a delegate district, by the ratio thus ascertained, there shall then be assigned to each, a number of delegates equal to the quotient obtained by this division of its white population, excluding the fractional remainder.

The additional delegates which may be necessary to make up the whole 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.

7. Until a new apportionment be declared under the next census to be taken by authority of the United States, the counties of Calhoun and Gilmer shall form the first delegate district; Clay and Braxton the second; Pleasants and Wood the third; McDowell, Wyoming and Raleigh the fourth; Tucker and Randolph the fifth; and Webster and Nicholas the sixth. And the apportionment of delegates shall be as follows:

To the third delegate district, two delegates; and to the other five, one each.

To Barbour, Boone, Brooke, Cabell, Doddridge, Fayette, Greenbrier, Hancock, Jackson, Lewis, Logan, Mason, Mercer, Monroe, Pocahontas, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wayne, Wetzel and Wirt counties, one delegate each.

To Harrison, Kanawha, Marion, Marshall, Monongalia and Preston counties, two delegates each. And to Ohio county, three delegates.

8. The arrangement of the senatorial and delegate districts, and apportionment of delegates, shall hereafter be declared by law as soon as possible after each succeeding census. When so declared, they shall apply to the first regular election for members of the legislature to be thereafter held; and shall continue in force, unchanged, until the districts be changed and delegates reapportioned under the next census.

9. No new county shall be formed having an area of less than four hundred and fifty square miles. Nor shall a new county be formed if another county be thereby reduced below that area; or if any territory be thereby taken from a county containing less than four hundred and fifty square miles.

And no new county shall be formed containing a white population of less than four thousand. Nor shall a new county be formed if the white population of another county be thereby reduced below that number; or if any county containing less than four thousand white inhabitants be thereby reduced in area. But the legislature may, at any time, include any county containing less than four thousand white inhabitants within an adjoining county or counties as part thereof.

10. Additional territory may be admitted into and become part of this State, with the consent of the legislature there. And in such case, the legislature shall provide by law for the representation of the white inhabitants 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 branch of the legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory.

11. The legislature shall have power to provide for a register of votes, and to prescribe the manner of conducting and making returns of elections, and of determining contested elections. They shall have power to pass all laws necessary or proper to prevent intimidation, disorder or violence at elections, or corruption or fraud in voting.

12. No person shall be a senator who shall not have attained to the age of twenty-five years; or who was not, at the time of his election, entitled to vote in the senatorial district for which he was chosen. And no person shall be a delegate who was not, at the time of his election, entitled to vote in the delegate district or county for which he was chosen.

Nor shall any person holding an office of profit under this State or the United States; any minister or priest, of a religious denomination; any salaried officer of a banking corporation or company; or any attorney for the State, be a member of either branch of the legislature.

No person who may have collected, or been entrusted with public money, whether State, county, township or municipal, shall be eligible to the legislature, or to any office of honor, trust or profit, under this State, until he shall have duly accounted for and paid over such money.

If a senator or delegate remove from the district or county for which he was chosen, his office shall be thereby vacated.

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

14. The legislature shall meet once in every year, and oftener, unless convened by the governor. Unless another time be prescribed by law, the regular session shall begin on the first Monday of December.

15. 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 them, on application of a majority of the members elected to each branch.

16. The seat of government shall be at the city of Wheeling, until the legislature shall establish a permanent seat of government by law.

17. When by reason of war, insurrection, contagious or epidemic diseases, or for other causes, the legislature, in the opinion of the governor, cannot safely meet at the seat of government, the governor, by proclamation, may convene them at another place.

18. No session of the legislature, after the first, shall continue longer than forty-five days, without the concurrence of three-fifths of the members elected to each branch.

19. Neither branch, during the session, shall adjourn for more than two days, without the consent of the other. Nor shall either, without the consent of the other, adjourn to any other place than that in which the legislature is then sitting.

20. Each branch shall be the judge of the elections, qualifications and returns of its own members.

21. A majority of each branch shall constitute a quorum to do business. But a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner as shall be prescribed by law.

22. The senate shall choose from their own body a president, and the house of delegates one of their own number as speaker. Each branch shall appoint its own officers and remove them at pleasure; and shall determine its own rules of proceeding.

23. Each branch may punish its own members for disorderly behavior; and, with the concurrence of two-thirds of the members present, expel a member; but not a second time for the same offence.

24. Each branch shall have the power necessary to provide for its own safety, and the undisturbed transaction of its own business; and may punish, by imprisonment, any person, not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties; or for any assault, threatening or abuse of a member for words spoken in debate. But such imprisonment shall cease at the termination of the session; and shall not prevent the punishment of any offence by the ordinary course of law.

25. For words spoken in debate, or any report, motion or proposition made, in either branch, a member shall not be questioned in any other place.

26. 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.

27. Senators and delegates shall receive for their services a compensation to be prescribed by law. No act changing the compensation shall affect members of the legislature then in office.

28. Bills and resolutions may originate in either branch, to be approved, 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 branch, unless in cases of urgency, three-fourths of the members present dispense with this rule.

30. No law shall embrace more than one object, which shall be expressed in its title.

31. On the passage of every bill, the vote shall be taken by yeas and nays, and be entered on the Journal; and no bill shall be passed by either branch without the affirmative vote of a majority of the members elected thereto.

32. The presiding officers of each branch shall sign publicly, in the presence of the branch over which he presides, while the same is in session, all bills and joint resolutions passed by the legislature.

33. Each branch shall keep a journal of its proceedings, and cause the same to be published from time to time; and the yeas and nays on any question, shall at the desire of one-fifth of those present, be entered on the journal.

34. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

35. The legislature, in cases not provided for in this Constitution, shall prescribe by law the terms of office, powers, duties, and compensation of all officers of the State, and the manner in which they shall be appointed and removed.

36. No extra compensation shall be granted or allowed by the legislature to any public officer, agent or contractor, after the services shall have been rendered, or the contract entered into. Nor shall the salary or compensation of any public officer be increased or diminished during his term of office, unless the office be abolished.

37. Any officer of the State may be impeached for maladministration, corruption, neglect of duty or any high crime or misdemeanor.

The house of delegates shall have sole power of impeachment. The senate shall have the sole power to try impeachments. When sitting for that purpose, the senators shall be on oath or

affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in case 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, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

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

38. No act to incorporate any joint stock company, or to confer additional privileges on the same; and no private act of any kind, shall be passed, unless public notice of the intended application for such act be given under such regulations as shall be prescribed by law.

39. 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 to every person to select his religious instructor, and to make for his support such private contract as he shall please.

40. The legislature shall not grant a charter of incorporation to any church or religious denomination; but may provide by general laws for securing the title of church property so that it shall be held and used for the purposes intended.

41. The legislature shall confer on the courts the power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities; but shall not, by special legislation, grant relief in such cases.

42. The legislature shall pass laws to protect the property of the wife against the acts and debts of the husband.

43. No convention shall be called, having 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 branch of the legislature, declaring distinctly the powers and object of such convention, and providing that polls shall be

held through out the state, on some day therein specified, which shall be not 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 for the purpose and with the powers set forth in such law. 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 members be elected to such convention, until at least one month after the result of the polls shall be duly ascertained, declared and published. And all acts and ordinances of 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; and in no event shall they, by any shift or device, be made to have any retrospective operation or effect.

DANIEL LAMB, Chairman.

SENATORIAL DISTRICTS PROPOSED

1		2		3	
Hancock	4,442	Marshall	12,936	Monongalia	12,907
Brooke	5,425	Wetzel	6,691	Preston	13,183
Ohio	22,196	Marion	12,656	Taylor	7,300
Whites	32,063		32,283		33,390
4		5		6	
Pleasants	2,926	Wood	10,791	Barbour	8,729
Tyler	6,488	Jackson	8,240	Tucker	1,396
Ritchie	6,809	Wirt	3,728	Lewis	7,736
Doddridge	5,168	Roane	5,309	Braxton	4,885
Harrison	13,185	Calhoun	2,492	Upshur	7,064
		Gilmer	3,685	Randolph	4,793
Whites	34,576		34,245		34,603
7		8		9	
Mason	8,752	Cabell	7,691	Webster	1,552
Putnam	5,708	Wayne	6,604	Pocahontas	3,686
Kanawha	13,787	Boone	4,681	Fayette	5,716
Clay	1,761	Logan	4,789	Raleigh	3,291
Nicholas	4,470	Wyoming	2,797	Greenbrier	10,499
		Mercer	6,428	Monroe	9,526
		McDowell	1,535		
Whites	34,478		34,525		34,270

Whole white population of above 44 counties, 304,433, being an average of 33,825 to each district.

Proposed House of Delegates, 46 members—Ratio 1 to 6618 whites.

	White Population by Census of 1860	Quotients	Fractions	Del- egates As'd.
1. Calhoun	2,492			
Gilmer	3,685	6,177	0	6,177 1*
2. Clay	1,761			
Braxton	4,885	6,646	1	28 1
3. Pleasants	2,926			
Wood	10,791	13,717	2	481 2
4. McDowell	1,535			
Raleigh	3,291			
Wyoming	2,797	7,623	1	1,005 1
5. Tucker	1,396			
Randolph	4,793	6,189	0	6,189 1*
6. Webster	1,552			
Nicholas	4,470	6,022	0	6,022 1*
Barbour		8,729	1	2,111 1
Boone		4,681	0	4,681 1*
Brooke		5,425	0	5,425 1*
Cabell		7,691	1	1,073 1
Doddridge		5,168	0	5,168 1*
Fayette		5,716	0	5,716 1*
Greenbrier		10,499	1	3,881 1
Hancock		4,442	0	4,442 1*
Harrison		13,185	1	6,567 2‡
Jackson		8,240	1	1,622 1
Kanawha		13,787	2	551 2
Lewis		7,736	1	1,118 1
Logan		4,789	0	4,789 1*
Marion		12,656	1	6,038 2‡
Marshall		12,936	1	6,318 2‡
Mason		8,752	1	2,134 1
Mercer		6,428	0	6,428 1*
Monongalia		12,907	1	6,289 2‡
Monroe		9,526	1	2,908 1
Ohio		22,196	3	2,342 3
Pocahontas		3,686	0	3,686 1*
Preston		13,183	1	6,565 2‡
Putnam		5,708	0	5,708 1*
Ritchie		6,809	1	191 1
Roane		5,309	0	5,309 1*
Taylor		7,300	1	682 1
Tyler		6,488	0	6,488 1*
Upshur		7,064	1	446 1

	White Population by Census of 1860	Quotients	Fractions	Del- egates As'd.
Wayne	6,604	0	6,604	1*
Wetzel	6,691	1	73	1
Wirt	3,728	0	3,728	1*
	304,433	25	139,083	46

*These districts and counties have one delegate assigned to each of them on the rule that each delegate district, etc., shall have at least one delegate.

‡These counties, which would otherwise have the largest fractions unrepresented, have an additional delegate each assigned to them, in order to make up the full number of forty-six.

In the other counties, the fractions are unrepresented.

MR. PAXTON. I thought by an order sometime ago all reports were to be laid on the table without reading.

MR. LAMB. Not reports; propositions.

THE PRESIDENT. That applied to propositions, petitions, etc. Any such papers as were to be referred to standing committees.

MR. LAMB. I believe I will move to dispense with the reading. The paper will be printed and handed to the members in the morning. I will move that it lie on the table and be printed.

The motion was agreed to.

MR. LAMB. I should mention to the members of the committee that I have appended to the report the figures showing the apportionment and arrangement of the senatorial districts.

MR. BROWN of Kanawha. On that subject of apportionment, the committee was not able entirely to agree. I may be wrong, but I have deemed it my duty to bring in a minority report so far as that is concerned. The balance of the report I fully concur with. My object is that the whole subject may be before the Convention. I will make it my duty as soon as I can to furnish a minority report to this report now under consideration so far as apportionment is concerned. That is the difficulty in arranging the districts. It is a matter of a great deal of trouble and calculation. The committee have not been fully able to agree in the arrangement that has been adopted.

THE PRESIDENT. The minority report is now ready?

Vol. II.

DEBATES AND PROCEEDINGS

OF THE

First Constitutional Convention of
West Virginia

(1861, 1862, 1863)

XXIII. WEDNESDAY, JANUARY 8, 1862.

The Convention was opened with prayer by Rev. R. L. Brooks, member from Upshur.

Minutes read and approved.

THE PRESIDENT. The question is on the adoption of the thirty-second section of the second report of the Committee on the Legislative Department.

MR. STEVENSON of Wood. Mr. President, before the Convention proceeds to the regular business, I would wish to offer a resolution.

The Secretary reported it:

"RESOLVED, That the sergeant-at-arms be authorized to give up the rooms at present used by the committees of the Convention."

MR. VAN WINKLE. I would like to know what the facts are, sir. The rooms were hired for a certain period. There is no use giving them up before the time is out.

1691

have two and Ohio four, being an increase of one delegate in each case. The rest would be the same as now, except that Raleigh would be separated and entitled to a delegate by herself.

MR. BROWN of Kanawha. I move to postpone the subject.

MR. HERVEY. Upon that motion I wish to submit a remark or two. It would be evidently proper to postpone this question. This apportionment is made on a report embracing forty-four counties—apportioning delegates among forty-four counties, population 304,433. Now, there are seven additional counties within our boundary which are not taken into this count.

MR. VAN WINKLE. They will make about two senatorial districts with the same population as the others and would be entitled to the same number of delegates as the other districts.

MR. HERVEY. I wish to call the attention of the Convention to this additional fact, that the senate shall be composed of a certain additional number and it is now proposed to fill that blank, and if that blank is filled there is no provision—

SEVERAL MEMBERS. There is another provision in another place, already adopted.

MR. HERVEY. I speak now of the house of delegates; and if the house proceeds now to fill this blank absolutely without taking in these seven transmontane counties, it will evidently have to do this work over again for it is leaving out a population of 54,059.

MR. VAN WINKLE. The case is provided for in Section 10, passed by.

MR. HERVEY. That may be true, but in our estimates this argument has not been taken into account.

MR. DERING. I move we adjourn.

The motion was put, and the Convention adjourned.

XXV. FRIDAY, JANUARY 10, 1862.

The Convention was opened with prayer by Rev. James G. West, member of the house of delegates from Wetzel county.

Record of yesterday read and approved.

MR. VAN WINKLE. Mr. President, I want to make an admission. I offered some ciphering last evening which I find not quite

connect. I find that the six members to a district will not divide equally owing to some economical affinity by which those counties in the three northern districts have settled themselves down to such shapes that they cannot be changed. I had endeavored to draw an argument from the importance of doing so in my remarks last evening, and it is but fair to say I find it will not work. However, I find while the three northern senatorial districts lose a member in consequence of difficulty of making a distribution, and while I believe the counties composing that district would be much better satisfied with the numbers assigned them—which of course have to be even numbers, two or one—than they would under the other arrangement, the thing is compensated by this: those three districts have the least population of all the senatorial districts; and thus what they lose in reference to the delegate is gained in reference to the senate. So that there is a sort of poetical justice yet. What is lost in the extreme northern district is gained in the extreme southern district where the counties are small and numerous and where a much better arrangement would be made. I may say in this connection that I have tried to figure forty-six and fifty-four, and am satisfied that fifty-four makes a division which will be much more acceptable to all concerned than forty-six can possibly be made. The principle I spoke of in reference to senatorial districts cannot be carried out with fifty-four or with forty-six, nor, I suppose with any number short of sixty-three. I thought it was proper, as I had endeavored to make that an argument to say that I found the facts would not bear me out.

MR. STUART of Doddridge. I knew the gentleman would find that difficulty. I tried it myself.

I desire to offer an amendment to the amendment to test the sense of the Convention, and I believe we can get at it in this way. I will support the amendment of the gentleman from Wood provided the amendment to the amendment is adopted. It is this "and be so distributed as to give every county one delegate." I want to test the sense of the Convention on that.

MR. VAN WINKLE. I can reply to that, sir, that it is utterly impossible. If you are going to do that you have got to rob other counties and make the fractions of those greater than the whole population of these small counties. The hardship of having no separate delegate under the fifty-four arrangement will fall on fewer counties neither of which has a population over 1761. Now, whose wisdom it was to make such counties I do not know; but if

291

people will make a county that cannot afford to support itself, to build its public buildings or pay the taxes necessary, they ought to be willing to take the consequences. I am told some of them now would gladly be annexed back where they came from, or have some other arrangement made by which they would be relieved from this burden of taxation if they go on and erect public buildings. The counties are Calhoun, Webster, Clay and McDowell. I am not mistaken, and the one having the most population is 1761 and it goes down as low as 1396. The divisor under this arrangement is 5637. Now the largest of those counties is not one-third and is not entitled to one-fourth of a member.

MR. LAMB. About one-fourth.

MR. VAN WINKLE. Not to one-third of a member. If you give them one-half a member, you are doing more than you do for other counties. In order to give a county of 1396 white population a member, Wood must be deprived of one member and will have a fraction of nearly five thousand that will be unrepresented. Now if gentlemen think there is any justice in that, their ideas are different from mine.

MR. STUART of Doddridge. Wood county will get two even under that arrangement.

MR. VAN WINKLE. She cannot have it. The additional members, by which Pleasants, with a population of nearly three thousand gets one to herself under fifty-four, which she would not get under forty-six, would deprive Wood of the other member. She would have to elect, as it was in forty-six, to elect one member in company with Wood and leave Wood to elect one. So that Wood might have one and a half; which would still give her a fraction double the whole population of Clay or Webster. It would be too great an injustice. We cannot help it if these counties have run themselves down so. As they increase in population and a new apportionment is made, their condition will be altered. But most certainly if this want of representation is to be visited anywhere, it ought to be visited on those who have the least claim to full representation.

MR. STUART of Doddridge. Mr. President, the gentleman is mistaken in regard to the county of Wood. It will be found that under the plan adopted by the committee there is exactly eight counties that get no delegate under that arrangement of forty-six

if we add eight it gives to Pleasants a delegate and leaves the one to Wood. There is no mistake about that. We have calculated it. If the gentleman will look at it, he will find that is true, that Wood will be left with two delegates, and the eight additional delegates proposed here will be given to those that have no delegates under the basis proposed by the committee. I can see no possible object in increasing the number unless that object would be to give the small counties a delegate. It is only giving additional delegates to the larger counties, which is unnecessary; and consequently the increase, in my opinion, is not necessary. But if it is to give the small counties a representative, then there is an object in it, and in order to test whether that is the object, I propose the amendment. I desire to test the question by it.

MR. VAN WINKLE. I would suggest to the gentleman to withdraw his amendment until we come to vote on that subject. The consideration of what could be done with fifty-four members, would find a place where the amendment would come in more properly.

MR. STUART of Doddridge. I want to vote for the gentleman's amendment, but I want to understand where the additional delegates are to go to before I vote for it—whether to the larger counties. If it goes to them, I cannot vote for it.

MR. BROWN of Kanawha. Like the gentleman from Doddridge, I feel very much disposed to know before I vote to increase the number, to change the number at all—to know how they are to be distributed; and as he has made a motion which looks to the end of every thing, but I think fails to accomplish it, I propose to amend his amendment if that be in order.

MR. PRESIDENT. That would not be in order.

MR. DEELE. I would suggest the amendment might be accepted by the gentleman from Doddridge.

MR. BROWN of Kanawha. I will state it and see. I propose to amend the amendment by adding:

to be distributed so as to give Hancock 1, Brooke 1, Ohio 3, Boone 2, Wetzel 1, Monongalia 2, Preston 2, Tucker 1, Barbour 1, Wayne 1, Marion 2, Harrison 2, Doddridge 1, Tyler 1, Ritchie 1, Cabell 1, Wirt 1, Wood 1, Jackson 1, Roane 1, Calhoun 1, Gilmer 1, Upshur 1, Randolph 1, Pocahontas 1, Webster 1, Braxton 1, Nicholas 1, Greenbrier 2, Monroe 2, Fayette 1, Kanawha 1, Mason 1, Cabell 1, Wayne 1, Boone 1, Logan 1, Mercer 1, and McDowell 1."

MR. STUART of Doddridge. I cannot accept that for this reason. It gives to Monroe one, to Wood one, when Wood is a larger county. My arrangement is much better.

MR. HERVEY. I would inquire of the gentleman from Doddridge whether or not the number eight would not give one more representative than he desires. If you will refer to the list you will find that Raleigh, Wyoming, with a white population of 7600 have now one delegate, whereas his amendment proposes to give them each one. It seems to me the number forty-three, if I am not mistaken in my calculation, would give each of the unrepresented counties delegates and allow the other counties to remain just as they are. If that is the object of the gentleman from Doddridge then the number seven would accomplish his purpose. I find that he provides for two counties here, giving them the benefit of one delegate each, which two counties now have one. Consequently the number seven will meet the requirements of all the counties unrepresented, and allow the other counties to remain as they are. I would like to vote for that amendment if I understand it. I am in favor of giving the smaller counties each a delegate and allowing the counties now provided for remain as they are, if the number seven is the proper number, as I think it is.

MR. SINSEL. I am opposed to the amendment, because to carry it out it carries with it absolute injustice. It looks to me—and I cannot see it in any other light—only a grasping after power. Now, I am willing, let me be located in what part of the new State I may, to submit to anything like a fair rule carried out upon fair principles. What is Tucker, with 1300 inhabitants that she should have one representative while others with a population of eight thousand and over only have one. There is Greenbrier with ten thousand; and Wood, according to this arrangement would have two.

MR. VAN WINKLE. One and a half.

MR. SINSEL. Well, you say seven unrepresented. They will have that with two to Wood, and this just consumes the eight. Many of these counties in the southwest now have representatives with only the fractional number—the largest portion of them. Then every county almost from the Baltimore & Ohio Railroad south or the Northwestern Virginia Railroad, the large majority of them would have representatives on only fractional numbers, and some of them not one-fourth. The county of Tucker with 1300 in-

habitants, but we are at the expense of a court in that county just as much as in the county of Ohio—costs just as much to pay the judges to pay the prosecuting attorney, as in Ohio, and all the expenses of the judiciary when carried out; and add to that the expense of a representative. Why there will be nothing but a bill of expense any way you take them. And then the principle itself is utterly unreasonable. I am opposed to it, utterly opposed to it.

MR. LAMB. Mr. President, I coincide entirely with the principle announced by the gentleman from Taylor for Ohio county. We are willing to consent to any fair principle fairly applied. I would ask the members of the Convention to reflect if there is not a principle concerned in this matter. We have announced and proclaimed unanimously among our fundamental principles that representation should be apportioned as nearly as possible in proportion to the numbers of those entitled to be represented. We have said that, and it passed unanimously. Now, the old system of equality is to be forced upon us in West Virginia. Mr. President, I am not a very old man but I do recollect when throughout the whole northwest when the changes were rung upon the character of such a principle, when little Warwick and his kindred down in the oyster and herring eating country with a population of four or five hundred were entitled to an equal representation in the legislature of the State with counties of twenty to thirty thousand. The whole northwest rang with the iniquity of such a scheme. The gentleman from Doddridge is not a very old man, but he too, will recollect—and perhaps he may have made a noble political speech upon the iniquity of abandoning all rights and forcing such a scheme upon the people in western Virginia. Now it is to be brought in again. Are we to abandon our principles in this matter? Gentlemen, if you adopt this, do not attempt to perpetrate a fraud upon the people by holding out a false profession that you intend to apportion representation according to the principle that it shall be apportioned according to the number of those to be represented. Tell them at once that your system of apportioning representation is not the system proclaimed in the Declaration of Independence, that all men are free and equal, and that you amend that declaration by inserting that "all counties shall be equal." Is this proper and right? You abandon all principles when you do not profess to be governed by principle. Do not profess to be governed by a new clause which you have already adopted. Do not profess to be governed in this measure

170

proposed. I hope the Chair will rule it out, and if he does not will take an appeal from the decision of the Chair.

MR. POMEROY. As I am on the other side, I hope the gentleman from Ohio will not press making his speech now. I hope the Chair will . . .

MR. LAMB. It strikes me . . .

MR. STUART of Doddridge. I want the question settled, sir.

MR. LAMB. The gentleman ought to have raised his point of order when the representation made on this subject was . . .

MR. STUART of Doddridge. I have a perfect right to raise the point. I rise to a question of order.

MR. LAMB. Then it is in order to impugn the report of the committee and it is not in order to reply. I think the whole remarks are out of order on both sides.

THE PRESIDENT. The Chair will take the sense of the house.

MR. VAN WINKLE. I contend this debate is strictly in order. I call for the point of order in writing.

MR. STUART of Doddridge. I can soon state my point of order. I will reduce it to writing.

MR. HALL of Marion. Allow me, in the interim, again to say that the gentleman from Kanawha did not purposely misrepresent my argument; but as I conceive did very much misrepresent me upon the point of the balance of power, representing that my argument tended necessarily to show that the little counties' power over the big ones was unjust to the latter. That was not my argument. I said distinctly that the balance of power held by the small counties prevented the great populous county from controlling by throwing its vote to one or the other candidates compelling them to give equal terms to the small county.

THE PRESIDENT. The Chair would remark that there is nothing being before the house at present.

MR. LAMB. I am certainly entitled to the floor.

MR. VAN WINKLE. When you are called to order, you must take your seat (Merriment)!

THE PRESIDENT. TAKE YOUR SEATS, gentlemen.

MR. POMEROY. I would like to pour oil on these troubled waters and say that before the point is decided we would all feel we are decided right and go on harmoniously.

MR. STEVENSON of Wood. Is that what you call "oil?"

MR. POMEROY. Yes.

THE PRESIDENT. The gentleman from Ohio will proceed, then.

MR. LAMB. The gentleman from Kanawha announces at length what he has not done before, his adhesion to this principle that every citizen of the State shall be entitled to equal representation, that in all apportionments of representation, equality of numbers to those entitled thereto shall as far as possible be preserved." Now he is somewhat late, it strikes me, in announcing now his adhesion to this principle, for his arguments heretofore sounded more like arguments that this principle was of no account and that nobody need attempt to preserve it; that it was a principle that was not observed in any case, but was here as a mere idle proposition to be violated whenever we came to apply it in practice. But that is at least admitted.

Now, let us see how near the senatorial apportionment, which approaches this principle. This principle does not require a precise equality in all respects. As expressed here it demands that an exact equality is impossible. But the rule is, we are to approach equality as "nearly as possible." How near we are to approach it in the senatorial districts is to be ascertained, perhaps, and the only mode of ascertaining that it exists is to compare the apportionment which is proposed with another. The gentleman has submitted his apportionment of the senatorial districts, and the committee has submitted theirs. If we wish to ascertain whether the apportionment of the committee is in conformity with this principle as near as possible, it is certainly a fair test upon that point to see whether the gentleman's own apportionment is an improvement in reference to the principle we adopt in common.

Now, in the apportionment of senatorial districts which the committee have suggested, the severest test possible in any case is to take all the small districts and put them together and then take all the large districts and put them together. You must subject an apportionment to any severer test. There are nine senatorial districts reported here by the committee. You have to take four upon one side—the four largest,

171

by this scheme of county equality. Sir, in reference to this matter it is not any one county—the county of Ohio—that is directly concerned. Shall not we here rise to the dignity of maintaining a principle? Is it to be imputed to us that we are influenced by some such petty motive as this, that it is a question—as was said here the other day—of whether Ohio county shall have three or four members. It makes not the slightest difference in regard to the county of Ohio, whether she shall have three or four out of a house of forty-six or a house of fifty-four. Her relative weight is very nearly the same in any case, and the proposition that has been made has been entirely misunderstood in that respect. If you will look at the seventh section reported by the Legislative Committee in which this thing is carried into practical operation, you will see that after the county of Ohio and the seven counties of Harrison, Kanawha, Marion, Marshall, Monongalia and Preston, and the third delegate district, the apportionment is strictly according to principle. In seven counties and one delegate district, the principle is fairly applied. The representation, even upon the number forty-six is fairly distributed among those counties according to a fair principle fairly applied so far as those counties are concerned. The difficulty as we found in the number forty-six is just here. The application of the principle of distributing representation according to population ceases when you come to the number 12,656 and all the counties below that and districts below that are put on a dead level. Is that fair? The number forty-six is objectionable not because it affects the representation of the larger counties, for those counties, as I say, even upon the number forty-six have their representation fairly distributed; but it is objectionable because below the number 12,656 you put all upon a dead level. There this scheme of county equality is to govern instead of the principle of apportioning representation according to population.

I want, however, to put myself right in regard to this matter with the gentleman from Taylor. I am afraid he misunderstood the meaning and purpose of my remarks yesterday. I certainly did not intend to intimate in the slightest degree that there was anything improper in the conduct of the committee, or that they were influenced by improper motives in stopping at the number 12,656 in applying the principle of apportionment according to population. I did remark that when our work went out to the public and they saw that it fixed the house of delegates at forty-six that no possible reason could be assigned by the public, they could see nothing else in selecting such an odd number but that it must

have been adopted to accomplish some temporary and local purpose. I spoke merely of the impression which the public would receive in regard to that. I did not intend to say that this number was fairly adopted, or adopted from unfair reasons in the committee. The committee preferred forty-two, as has been stated already. It was extended to forty-six in order to do justice to certain counties, and my sole objection to it is that it stopped too soon. I do not wish to misstate the argument, to state the argument on the other side unfairly. We have two things to look to. One is to apportion representation according to correct principles; the other is not to make too large a house of delegates. I concur in the proper application of both these principles; but I think the number forty-six, really and practically as it does do, applying the principle of apportionment only to the seven larger counties and the delegate district, that we stopped there too short, for twenty-five counties and five delegate districts on that number are put upon a dead level. There is no apportionment there so far as those twenty-four counties and five delegate districts are concerned. The principle of county or district equality governs in regard to them. I would extend the principle of apportionment a little farther. At the same time I may say that I do not think upon any fair consideration of the subject we can determine that fifty-four would be an unreasonable number for the house of delegates for the forty-six counties and five delegate districts. If the number sixty-six if the additional seven delegates are adopted. If you will look at the seventh section in which the matter is fairly applied, compare that with the tables, they will see that I state the matter correctly; that if we adopt the number forty-six the practical result of it is just this: we do apportion upon a fair principle of apportionment the representation so far as seven counties and one delegate district are concerned, and then we put all the others to a dead level of one each without regard to population. From the population of 10,499, which is the population of Greenbrier, down to a population of between three and four thousand (3686) in Pocahontas—from a population of 13,787 in Kanawha down to 1535 in McDowell—we adopt the simple plan of county equality instead of apportionment. I would extend the principle of apportionment a little further. I am aware that we cannot adopt any plan that the committee did or can devise make an equal apportionment. We are necessarily compelled to submit to some inequalities. In this case, as in all other cases where general regulations have to be adopted, individual cases of hardship can be pointed out. Such will be the result let us adopt any system that

172

can be devised. But the principle upon which we proceeded, as announced in the apportionment principle as unanimously adopted by this Convention is that representation shall be apportioned according to population, as far as may be practicable, consistent with the preservation of other great and important objects. I admit that one great and important object is—should be—that we should not expand unreasonably the number of the house of delegates. I mentioned yesterday the result of the examination of the constitutions of the different states; that even if we adopted the number fifty-four we would have, with the exception of two states, Florida and Delaware, a smaller house of delegates, I believe, than any other state in the Union. Is not this some evidence, is not this some proof, that the number fifty-four would not be unreasonably large? We have thirty-two states having a larger number, and two having a smaller number. One of these is Delaware, in which there are just three counties. It was impossible there to make a large house. They give in the State of Delaware seven representatives to each county, making twenty-one.

Mr. President, a great deal has been said about getting back to the "flesh-pots of Egypt." It strikes me we are not now disposed to go back to the old system which existed in Virginia prior to 1860. We all recollect what that was. Every county, I believe, had two delegates. Warwick, with 500 white inhabitants, will recollect right—for it has been twenty or thirty years since I heard anything about this matter—had two delegates, and other counties with twenty and thirty thousand inhabitants had just two delegates. One man in Warwick counted as many as forty or fifty in other sections of the state. We do not extend the thing quite to that extreme yet. One man in one section of the state bounded by certain county lines is to count only as much as seven or eight men in other sections of the state. And yet we profess this principle of equality; and in the first instrument to which this nation owes its existence, the Declaration of Independence, is laid down the principle that all men—in all counties—are created free and equal. I know all counties are not. They may be "free" but they certainly are not "equal."

I must contend for the principle that a man whether he resides here or there, so far as political matters are concerned, is equal to the man that resides elsewhere. And I must also say to the Convention that this is a question in which Ohio and the larger counties have no interest. We may lose a fraction now; but the principle is fairly applied to us and what we lose now we will gain

in another apportionment. But it is the principle I object to—the principle embodied in the amendment of the gentleman from Doddridge; the principle which is also carried too far in reducing the house to forty-six, that the larger counties and districts should be put upon a precise equality of counties, not equality of men. As illustrating this same matter, I may refer here—at least it may serve the purpose of illustration—to the motion made by the gentleman from Doddridge yesterday, that the house should be thirty-six. Now, gentlemen, you have got six delegate districts in your plan, you have got thirty-one counties outside of those delegate districts; that makes thirty-seven. You would have had to make another delegate district, if the amendment which the gentleman proposed but which he very properly withdrew, had been carried, to get a house of thirty-six, with your principle of county equality in full operation.

MR. STUART of Doddridge. I rise to a question of order. The gentleman ought to confine himself to the question before the house.

THE PRESIDENT. The gentleman in discussing the question—

MR. LAMB. I am merely using it as an illustration of the principle of county equality; and if the gentleman would wish to carry out that principle fairly—to strike out the principle of apportionment which we have adopted in our fundamental provisions—and he would wish to carry out his own principle fairly and to the proper extent, let him renew his motion and let the Convention adopt a house of thirty-six. You would then have this principle of county equality in full and fair operation; for you would be compelled just to give each county and district one representative, large and small. This would be carrying the thing to extremes, and the gentleman very properly withdrew it. The number thirty-six applies that principle in every case where the population is less than 12,656. That is the result of that number. It stops the principle of apportionment at that number, and then applies the principle of county equality below that. The number fifty-four is subject to the same objection, only it carries the principle of apportionment somewhat farther. It still leaves this principle of county equality to operate with a few, however. It sacrifices that much more than other principle—too much; I am willing to concede a great deal—that the legislature may not be made too large a body.

MR. SOMER. Mr. President, I ask the Convention to look at this matter calmly. If I understand the principle upon which the

513

s 34,976; and I make no complaint because it is as near the principle as we can possibly come. We cannot make any classification anything like it, and I think we are willing to submit to this. The gentleman complains because there are a few thousand people in the lower end, when we have as many in the middle as he has and a little more, he ought to be satisfied.

The question was taken on Mr. Brown's substitute, and it was rejected.

The question recurring on the fourth section of the majority report, it was adopted.

MR. STEVENSON of Wood. I move we adjourn, Mr. President.

The motion was agreed to and the Convention adjourned.

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XXVI. SATURDAY, JANUARY 11, 1862.

Convention met at the appointed hour, President in the chair.

Prayer by Rev. Gideon Martin, of the M. E. Church, Washington.

Journal read and approved.

THE PRESIDENT. The Convention when it adjourned had under consideration the 5th section of the report of the Committee on the Legislative Department.

MR. HERVEY. Mr. President, before proceeding with the regular business, I want to submit a paper to come up on the passage of this report, to amend the first part of the 5th section of the report of the Committee on the Legislative Department. I ask that this paper be printed.

There being no objection the paper was received and ordered made that it be printed. The paper is as follows:

Until the senatorial districts shall be differently apportioned after the next census, taken by authority of the United States, the counties of

1. Pendleton.....	5,373	
Randolph.....	4,793	
Pocahontas.....	3,687	13,853
Shall constitute the 1st district.		

Preston.....	13,183	
Tucker.....	1,396	14,579
Shall constitute the 2nd district.		
Harrison.....	13,185	13,185
Shall constitute the 3rd district.		
Ritchie.....	6,809	
Galmer.....	3,685	
Doddridge.....	5,168	15,661
Shall constitute the 4th district.		
Monongalia.....	12,907	12,907
Shall constitute the 5th district.		
Marshall.....	12,936	12,936
Shall constitute the 6th district.		
Mason.....	12,656	12,656
Shall constitute the 7th district.		
Taylor.....	7,300	
Barbour.....	8,729	16,029
Shall constitute the 8th district.		
Mason.....	8,752	
Bulman.....	5,708	14,460
Shall constitute the 9th district.		
Jackson.....	8,240	
Ward.....	3,728	
Calloun.....	2,492	14,460
Shall constitute the 10th district.		
Wood.....	10,791	
Pleasants.....	2,926	13,717
Shall constitute the 11th district.		
Wetzel.....	6,691	
Dyer.....	6,488	13,179
Shall constitute the 12th district.		
Lewis.....	7,736	
Booxton.....	4,885	12,681
Shall constitute the 13th district.		
Cassmire.....	7,064	
Webster.....	1,552	
Nicholas.....	4,470	13,086
Shall constitute the 14th district.		
Roane.....	5,309	
Clay.....	1,761	
Wayette.....	5,716	12,786
Shall constitute the 15th district.		

174

16.	Greenbrier.....	10,499	
	Raleigh.....	3,291	13,790
	Shall constitute the 16th district.		
17.	Kanawha.....	13,787	13,787
	Shall constitute the 17th district.		
18.	Cabell.....	7,691	
	Wayne.....	6,604	14,295
	Shall constitute the 18th district.		
19.	Boone.....	4,681	
	Logan.....	4,789	
	Wyoming.....	2,797	
	McDowell.....	1,535	14,802
	Shall constitute the 19th district.		
20.	Mercer.....	6,428	
	Monroe.....	9,526	15,954
	Shall constitute the 20th district.		
21.	Brooke.....	5,425	
	Hancock.....	4,442	
	Ohio County.....	4,210	14,067
	Shall constitute the 21st district.		
22.	City of Wheeling.....	18,000	18,000
	Shall constitute the 22nd district.		

At the first election held under this Constitution the city of Wheeling shall elect one senator, and the counties of Brooke, Hancock and Ohio County, one senator, and in this manner for the next three succeeding terms. For the fifth term the city of Wheeling shall elect two senators; and the counties of Brooke, Hancock, Ohio County and the city of Wheeling, shall elect in the above manner until a reapportionment of this State.

MR. VAN WINKLE. I will offer this amendment that I indicated yesterday. I think it ought to come in between the 4th and 5th sections. It relates partly to senators and partly to delegates and if adopted should be an additional section.

"Of the senators first elected, one from each senatorial district to be determined by lot, in the presence of the senate, shall serve until the fourth day of July, 1863, and the other until the same day of the year 1864; and delegates as elected shall serve until the same day of the year 1863."

MR. VAN WINKLE. I tried yesterday when offering the amendment which was adopted to explain to the Convention the uncertainty as to what time the Constitution would go into operation. The object of the amendment was to make the term begin

twenty days after the election. Now if that twenty days should expire after the 4th of July as the matter stands we have fixed it so that they hold for two years. This is intended to make it that the first class of senators hold until two years has expired after the 4th of July next. So far as this feature of the amendment is concerned, it is only to make that certain so there shall be no difficulty in determining when the terms of these senators will end. It also contains another feature which I have contemplated in connection with these double districts and which I think will tend to reconcile many to them. As I said yesterday, it is impossible to make single senatorial districts without diminishing the members too much. You ought to have sufficient numbers to do the business, to divide into the proper committees, and on the other hand we have to avoid making the senate too large. There ought to be a certain ratio between that and the house of delegates. Of the senators first elected, one from each senatorial district, to be determined by lot in the presence of the senate, shall serve to the 4th of July, 1863, the other to the same day, 1864. The effect of that in connection with the clause passed under the report of the Committee on Fundamental and General Provisions, would establish the rule and the principle and the operation of one-half the senate being elected every year, one half going out each year. The advantage of that is very apparent, you retain one-half the senate in office. They are familiar with the mode of business, and—what is perhaps more important—they are practically acquainted with what you may call the state of the business. They know the reasons and position of the legislation of the previous session, and they, as it were, transmit it to the next house. It will give steadiness to our legislation, and will give us a dignity, which if the senate were nothing but a house of delegates with smaller numbers they would not attain. The Senate of the United States, as everybody is aware changes one-third of its members every year, they being elected for six years; and it is to realize the same advantages that we propose this amendment. Everything of human institution, or which humans have the management of is apt to be defective in some points; and while there can be no doubt that the people are always safest under a popular government when they have the management of their own affairs, in their own hands, they are always safest because their interests dictate to them what is the safest course to pursue. But it has been found that mere popular assemblies are very apt to decide hastily or without due consideration, and the second house is in all our states and in the national government

275 521

The question on the motion of the member from Tyler was taken and it was lost.

THE PRESIDENT. Does the gentleman from Wood renew his amendment?

MR. VAN WINKLE. I propose to renew it in another shape. I offer the following, to come in before the 5th section:

"If the first elections of senators and delegates are held within six months after the 4th day of July, in any year, their respective terms of service shall be reckoned from that day; and if held within six months next preceding that day, in any year, their terms shall be reckoned from the 4th day of July next after such election."

If elected after the 4th day of July, their terms will be a little less than two years, not exceeding two years. I believe that measure the case, meets the objections that were made to the other.

MR. LAMB. I would ask, Mr. President, to lay the amendment on the table, to allow us to think about the matter until Monday.

MR. VAN WINKLE. I have no objections, sir.

THE PRESIDENT. What will you do with the section—passed by?

MR. VAN WINKLE. O, yes, sir; there is no immediate connection between them.

The question was taken on the adoption of the section, and it was adopted.

The Secretary reported Section 6 as follows:

"6. After each census hereafter taken by authority of the United States, the delegates shall be apportioned as follows:

The ratio of representation for the house of delegates shall be ascertained by dividing the whole white population of the State by the number of which the house is to consist, and rejecting the fractional part of a unit, if any, resulting from such division.

Dividing the white population of every delegate district, and of every county not included in a delegate district, by the ratio thus ascertained, there shall then be assigned to each, a number of delegates equal to the quotient obtained by this division of the white population, excluding the fractional remainder.

The additional delegates which may be necessary to make up the whole 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 fractional part unrepresented. But every delegate district and county not in-

cluded in a delegate district, shall be entitled to at least one dele-

MR. LAMB. I can only say in reference to this that it is the plan which has been finally adopted by Congress in apportioning representation in the House of Representatives of the United States. The matter of the principle of making that apportionment has been under discussion at different periods in the Congress of the United States since 1789 down to 1850. This plan was adopted as the most equal of any other that could be devised. As a merely mathematical proposition giving us an adequate number in the House of delegates, it does, as near as possible apportion representation according to population. It does accomplish that result as near as a mathematical proposition nearer than any other principle that has been adopted. These were the considerations which recommended it to Congress, where it was adopted by the act of May 23, 1850. These are the considerations which recommended it to the committee. It accomplishes another object. This rule avoids controversies in regard to the distribution of fractions. They are kept out of the legislative halls and conventions. It becomes thus a matter of figures simply. You will have no squabbling in your legislature about fractions because the figures will decide it according to the census; and if a question arises between two counties, the county which has the largest fraction gets it. It is certainly true that where you are to distribute to fractions, the members should go to the counties which have the largest fractions. It is simply the principle of the whole matter.

MR. RUFFNER. There seems to me a propriety in authorizing the State to take a census and make the apportionment on it. In order to bring this idea before the Convention I would move that the words "United States" the words "or of the State" be inserted.

MR. LAMB. I do not know that there can be any objection. The Committee considered the question of making an apportionment according to a State census, and of requiring a State census; and the great expense of taking the census was one great objection. Then as a census is provided for by the Constitution of the United States every ten years, as long as the Constitution of the United States operates over West Virginia, and as long as West Virginia exists it will operate over it, a census has to be taken under that Constitution every ten years. We supposed this was sufficiently often to bring up this question of representation with

176

†The seventh section of the Report of the Legislative Committee was taken up and reported:

7. Until a new apportionment be declared under the next census to be taken by authority of the United States, the counties of Calhoun and Gilmer shall form the first delegate district; Clay and Braxton the second; Pleasants and Wood the third; McDowell, Wyoming and Raleigh the fourth; Tucker and Randolph the fifth; and Webster and Nicholas the sixth. And the apportionment of delegates shall be as follows:

To the third delegate district, two delegates; and to the other five, one each.

To Barbour, Boone, Brooke, Cabell, Doddridge, Fayette, Greenbrier, Hancock, Jackson, Lewis, Logan, Mason, Mercer, Monroe, Pocahontas, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wayne, Wetzel and Wirt counties, one delegate each.

To Harrison, Kanawha, Marion, Marshall, Monongalia and Preston counties, two delegates each. And to Ohio county, three delegates.

Mr. Van Winkle moved to insert after "to the third district, two delegates," in the second paragraph, these words: "of whom the county of Wood shall elect one delegate, and Wood and Pleasants together shall elect another delegate.

After considerable discussion of this amendment,

Mr. Warder moved (such a motion taking precedence) to reconsider the vote by which the second section was adopted, in order to afford opportunity for a motion to strike out "forty-six" as the number of the house of delegates, as then proposed, and substitute "fifty-four."

The motion to reconsider was agreed to.

Mr. Haymond then moved to strike out "forty-six" and substitute "fifty-six."

Mr. Lamb moved to amend the amendment by substituting "fifty-four."

The Convention then adjourned.

†As reported in the Wheeling Intelligencer, January 13, 1862.

XXVII. MONDAY, JANUARY 13, 1862.

The Convention was opened with prayer by Rev. Gordon Battelle.

President Hall in the chair.

MR. HAYMOND. Mr. President, I ask leave to withdraw my motion made on Saturday to increase the number of the house of delegates from 46 to 56, for the present.

MR. SINSEL. Mr. President, it seems to me according to the rule established here and the usage in such matters that the vote on Saturday evening was out of order. There was a motion then before the house. It had not been determined and was still there. I am correct in that, why the motion this morning would require the amendment of the gentleman from Wood and not on any amendments offered afterwards.

THE PRESIDENT. The Chair is of opinion that the motion to reconsider was not out of order; that the work which we were then doing depended very much or entirely on the numbers to be inserted in the member's resolution which determined the Convention to reconsider.

MR. SINSEL. Mr. President, I do not understand it in that way. I understood that the matter under discussion at that time was how they should regulate the two representatives assigned to the counties of Pleasants and Wood. We had decided on the number 46. The committee had reported how the 46 should be disposed of, and that amendment was in reference to the disposition to be made of the two representatives which made up the 46.

THE PRESIDENT. The gentleman from Taylor will remember that if the increase contemplated by the reconsideration occurred and was made there is no use for the controversy between the counties of Pleasants and Wood; that the difficulty would be removed by the insertion of the larger number. Hence the motion to reconsider and go back prepared for the work in Wood and Pleasants, was proper, in the opinion of the Chair.

MR. SINSEL. It seems that I have failed to make myself understood. The point that I raised was this, that at the time the motion was made to reconsider, we had under consideration the disposition of the delegates assigned to the district of Wood and Pleasants.

I have urged the effect of departing from our principle, you have on our Constitution. I have had opportunities of knowing. Of course we cannot tell what people may do; but if there is anything that we can know, it is that the people have clamored against this very thing as the very origin, the sum total as it were, of all the evils of which they have complained; and it is presumptuous to suppose that they will abandon the ground on which they have stood so long and so heroically and accept contentedly a re-instatement in our new State of the old servitude which they have in the past times found so grievous. We must also remember that while the Union part of our community are anxious, the secessionists are really anxious to be over here from eastern Virginia. While that has been the common sentiment of all the people of northwestern Virginia for years, it has been already expressed, a cry has gone up and we must recollect it, that when we were called on to vote on this very question there is a portion of the people in this country that are ready to oppose anything or support anything, ready to cry out against anything the Union part of the country are in favor of, and that no matter how much they might under other circumstances desire the very thing themselves. They will go naturally for any measure that will beat us down.

MR. STUART of Doddridge rose to say that he waived the courtesy usually accorded the mover of having the last word in the argument. He got up to move the previous question. The President said he would put the question direct, as there appeared to be no disposition to speak further.

MR. BROWN of Preston called for the yeas and nays, and they were ordered and taken, resulting as follows:

YEAS—Messrs. John Hall (President), Brown of Kanawha, Brumfield, Dering, Dolly, Hansley, Haymond, Harrison, Hays, Lauck, Montague, McCutchen, Robinson, Simmons, Stephens, Clay, Stuart of Doddridge, Soper, Taylor, Walker, Warden, Wills—21.

NAYS—Messrs. Brown of Preston, Brooks, Battelle, Chapman, Caldwell, Dille, Hall of Marion, Hervey, Irvine, Lamb, Mendenhall, O'Brien, Parsons, Powell, Parker, Paxton, Pomeroy, Ruffner, Sel, Stevenson of Wood, Stewart of Wirt, Sheets, Trammell, Winkle—24.

So the amendment to the amendment was rejected.

MR. VAN WINKLE. I move we adjourn.

The motion was agreed to and the Convention adjourned.

XXIX. WEDNESDAY, JANUARY 15, 1862.

In the absence of the President, the chair was assumed by Mr. Ruffner.

Prayer by Rev. Joseph S. Pomeroy, a member of the Convention.

Reading and approval of journal.

MR. VAN WINKLE. Mr. President, I spent some hours of the evening endeavoring to carry out in a fugitive form what I suggested yesterday might be done in the nature of a compromise. It was a compromise between the small counties and the big counties, or with all the counties having a sufficient number to be attached to a representative. As I suggested yesterday that the compromise made in approaching this subject would be to fix a rule to be discussed, of course, on its own merits and that could be so framed, undoubtedly, as to embrace within itself all the elements of fairness and equality that are possible. There would be, of course, as to every rule that can possibly be made in reference to such an exceptional case where it would not operate to the entire satisfaction of those concerned. This is a truism that is constantly pressed on our attention which we know could not be avoided. Because it is hardly possible to take what number you please—take 100 as the number of the house of delegates—and make any rule that you may make strictly, there might yet be a hardship on one or two or three that would think their situation a little more hard than the others. But the Convention would have to consider whether really any hardship that was worth anything much about was really perpetrated. And I apprehend that if a rule was settled while the light we have had on the difficulties to be encountered, a rule we should look to, forgetting those hardships as far as possible, that the real cases of hardship would be very few and the hardship very light. Now, sir, this compromise is based on the idea that the larger counties shall surrender something and the smaller counties shall surrender something of an extreme demands of a representative for every county. Of course the only idea of a compromise between conflicting interests is that both parties surrender something; and, of course, if this is done there can be no compromise; for to attempt to make a compromise on the basis that one party shall get all and

the other nothing would be futile and would not be a count at all.

It has taken some thought, sir, and some figuring to frame a rule that would effect this purpose, and I defined it to be different in a slight degree from the rule that has heretofore prevailed. With a view to get a house of 54 members I take 6000, which is a divisor that would be given by a house of 50, and apply that to the population and leaves four members to be disposed of—well, as gratified by some other way. But I was anxious to get a rule that would be framed as to apply to subsequent as well as present cases. I then, take 6000 as a divisor; but I did not give an additional representative for the one for that amount. I make the larger counties yield something there. I require that it shall have a surplus over 3500 in order to be entitled to an additional representative; that is, that the governing fraction shall be seven-twelfths of one-half.

The first rule is, then, to give to every county that has more than 6000 a delegate for 6000 and a delegate for a surplus over 6000. I then give to every larger county having less than 2500—some as far below the half as the other is above it, and including the whole, for it has 2492—one delegate within 2500. I now have two delegates to spare and four counties left. Here is the hardship that the gentleman from Doddridge has been endeavoring to get rid of. The population of these counties—the largest has but 1700 and something—is below one-third of the ratio that does not, of course, approach anything like one-half. But I probably will be able to satisfy the gentlemen representing these four smallest counties by acting on a suggestion that I took from the remarks of the gentleman from Tucker last evening. That was that having been tied to Randolph for several years and having never been allowed a delegate, he thought that if Tucker could be represented occasionally by her own men that perhaps the she required would be granted. I have therefore introduced a rule that may be a new feature, one for which I do not know that there is any precedent; but I apprehend it will commend itself to the Convention and will commend itself to the gentlemen representing these small counties provided they understand that they can have each a separate representative. It is this: I give to the remaining four counties two delegates and provide that Tucker and Webster, although not contiguous—because this plan does not require that they shall be contiguous—shall each elect one delegate alternate years. Gentlemen will find that there has been a great deal of

difficulty in combining a small county with a large one, such as Pleasant on to Wood, for instance, because there is no place for it to go. If another county of respectable population alongside of Pleasants, there could be no great objection. If these small counties lay contiguous—if Tucker and Webster, for instance, joined each other we could put them together. The difficulty mentioned by the gentleman from Tucker would not be that each county would have about the same influence in the Convention. But I find there is a great objection not only on the part of small counties to being tacked to large ones, but objection on the part of the larger counties and injustice to them in being tacked to small counties; as for instance Randolph, which under the present apportionment would be entitled fairly to a member by itself, is obliged to take Tucker in tow; Braxton is obliged to take Clay in tow, and thus in endeavoring to do some justice to these small counties you are in fact doing an injustice to both Randolph and Braxton. This plan avoids this. It simply proposes to give to the remaining four counties two delegates and provides that Tucker and Webster shall each elect one delegate alternate years, and that Clay and McDowell shall do the same; that in the year 1862 Tucker and Webster shall elect a delegate and the other will not do so; in 1863 the other will elect a delegate and the first will not do so; and so would the other two counties which also do not lie contiguous to each other. I am satisfied that if any arrangement is proposed that respects or dividing of a representative between two counties and there is anything like equality in the population of the two counties that plan would be preferred by both of them I should not be surprised if it would be adopted. I have, in order that if the Convention saw anything else worthy their approbation they might have the whole matter laid before them, ciphered out completely, and have proved the result so that I am very certain there is no error in the figures.

The counties coming under the first rule, to give a delegate for every 6000 and then a delegate for every 3500 gives thirty delegates. You understand I have then in another scheme set out the fractions over 6000, or the whole number where it would give a dividend. I have then on that rule and on the second rule applied to every county having not less than 2500 (and to Calwell which has 2492), as I have already stated, to make out the total number of delegates with a surplus of 23,186 in the whole, a deficit of 23,186. That is to say, that there are a portion of the counties that have not enough to entitle them fully to a representative and if you were working it out as a mere divisor there are in particular

5179

counties—I think the relative numbers are 24 and 20—twenty-four have a surplus of 23,186 and twenty-four which have a joint aggregate deficit of 42,783. Now, in order to ascertain how this comes out in accordance with the fundamental principle of equality of population, I have taken the true ratio—6000 you understand—above the true ratio, the true ratio being 5637—and the result has pleased me very much. Because this being the actual number (with the exception that it ought to be 5637½—but under the rule the ½ is thrown away) but under this the surpluses are 32,048 and the deficits are 32,005, making a difference of 43, which is occasioned by the half that is thrown overboard. Now, this is the variation—if I am correct in my view of it—from a true apportionment under the general principle of equality of white population. The whole surplus, or deficit which are equal, amounts to about one-tenth of the whole number to be divided. And I apprehend that even a larger figure would not bring it out much closer than that. Now, if the Convention had an opportunity of examining these rules, which they will admit are concessions on both sides, are in the true nature of a compromise because each party here yields something in order to arrive at a conclusion that shall satisfy us all; and I certainly hope that if this rule is found to work under present circumstances it may be engrafted in the Constitution as a permanent rule because it would be a rule that would work with any other numbers. I do not mean to say that I have the precise proportions in this, but something in the nature of this.

Whether it would be proper for me now, in the stage of the matter before the Convention to offer this, when members have had an opportunity of seeing how it works out. I do not know, but I apprehend if we turn our attention to it and consider whether there is not as much yielded on either side as fairness and consistency would require, whether we would not be willing to take these rules and work them out and abide by the result.

MR. STUART of Doddridge. What will the result be?

MR. VAN WINKLE. Presently, sir, I will add here that there are only two counties that appear in the last column which if the division were made upon the true ratio, 5637, that have a fraction or surplus over one-half of that amount; and if the Convention could raise its ideas to 56 and give to each of these counties two additional delegates and bestow them on these two counties, I do not see that a word of complaint could issue from anybody. You see that out of all the counties that are placed together in the

part of the committee and vote in connection there are but four counties and those the smallest in the lot, counties whose population is so disproportionate to the divisor, or to any divisor that you can give, if you enlarge the house even considerably; for as I showed yesterday if you make a house of 86 members the largest of these counties would not be entitled to a representative on the white population, and if you make one of 100 members the county of Tucker is the lowest. The county of Tucker would not be entitled to a delegate for a fraction over one-half. Because 100 members would give you a divisor of upwards of seven thousand, and Tucker is short of 1400. By this gentlemen will see how much we would have to yield to give each of these counties a delegate.

But while, sir, I am sure we invite the prosperity of these counties, that I certainly look for an increase of population in all of them and that I would be as pleased as the members representing them to hear of their prosperity, I would submit now to the members here representing those small counties whether in the face of the statements that have been made here and which they will find to be accurate, whether they do not think themselves they are yielding too much if they ask for a separate delegate from each of those counties? If the Convention will bear with me—and I trust they view as I do that it is desirable to prevent hard thoughts and such things, if a compromise cannot be reached that will be satisfactory to all. It is worth spending a little time for. If the Convention, then, will bear with me, I will give them an apportionment of the delegates under this system.

Mr. Van Winkle then read to the Convention the following scheme of the apportionment prepared by him:

Counties	White Population	Quotients	Fractions	Delegates	Ratio of 6000	True Ratio 5637
					Surplus	Deficit
Barbour	8,729	1	2,729	1	2,729	3,092
Baxton	4,885	0	4,885	1		1,115
Bore	4,681	0	4,681	1		1,319
Broke	5,425	0	5,425	1		575
Chaplin	7,691	1	1,691	1	1,691	2,054
Condon	2,492	0	2,492	1		3,508
Des	1,761	0	1,761	½		1,239
Doddridge	5,168	0	5,168	1		832
Greene	5,716	0	5,716	1		284
Hammer	10,499	1	4,499	2		1,501
Harman	3,685	0	3,685	1		2,315
Hancock	4,442	0	4,442	1		1,558
						79
						775
						1,952
						1,195

Counties	White Population	Quo-tients	Frac-tions	Dele-gates	Ratio of 6000 Surplus	Deficit	True Ratio Surplus	Deficit
Harrison	13,185	2	1,185	2	1,185		1,911	
Jackson	8,240	1	2,240	1	2,240		2,608	
Kanawha	13,787	2	1,787	2	1,787		2,513	
Lewis	7,736	1	1,736	1	1,736		2,099	
Logan	4,789	0	4,789	1		1,211		
Marion	12,656	2	656	2	656		1,382	
Marshall	12,936	2	936	2	936		1,662	
Mason	8,752	1	2,752	1	2,752		3,115	
McDowell	1,535	0	1,535	½		1,465		
Mercer	6,428	1	428	1	428		791	
Monongalia	12,907	2	907	2	907		1,633	
Monroe	9,526	1	3,526	2		2,474		
Nicholas	4,470	0	4,470	1		1,530		
Ohio	22,196	3	4,196	4		1,804		
Pleasants	2,926	0	2,926	1		3,074		
Preston	13,183	2	1,183	2	1,183		1,909	
Pocahontas	3,686	0	3,686	1		2,314		
Putnam	5,708	0	5,708	1		292	71	
Raleigh	3,291	0	3,291	1		2,709		
Randolph	4,793	0	4,793	1		1,207		
Ritchie	6,809	1	809	1	809		1,172	
Roane	5,309	0	5,309	1		691		
Taylor	7,300	1	1,300	1	1,300		1,663	
Tyler	6,488	1	488	1	488		851	
Tucker	1,396	0	1,396	½		1,604		
Upshur	7,064	1	1,064	1	1,064		1,427	
Wayne	6,604	1	604	1	604		967	
Wetzel	6,691	1	691	1	691		1,054	
Webster	1,552	0	1,552	½		1,448		
Wirt	3,728	0	3,728	1		2,272		
Wood	10,791	1	4,791	2		1,209		
Wyoming	2,797	0	2,797	1		3,203		
Total	304,433	30	124,433	54	23,186	42,753	32,048	32,015

1. Give to every county having over 6,000 white population one delegate for every 6,000, and one for a surplus of 3,500.
2. Give to every other county having not less than 2,500, and in Calhoun county, one delegate.
3. Give to the remaining four counties two delegates, and provide that Tucker and Webster shall each elect one delegate in alternate years, and that Clay and McDowell shall do the same.

MR. VAN WINKLE, resuming. Now, the two counties here having the lowest fraction over the half of the actual ratio of 5600 are Barbour and Mason, one in the northeast, the other in the

west; and if those who are looking to a balancing of different sections of the new State, here is an opportunity, if the Convention would be a little generous to add two members, one to each of those counties an additional delegate which would balance one another in sectional interest that might arise. When I think that very matter would be stopped. I do not know where the case of hardship could be picked out.

Now as to the number 54 or the number 56 I do not think that those would be properly constituted of a less number. In my calculations for the 39 counties before I came to Wheeling before the Convention sat some few days, I was trying to see if the representation could be apportioned among the 39 counties of which the State, as far as I knew then, could consist; and I never thought of taking a less number than 55 as the number of the house of delegates. It appeared to me, from the best reflection I could give the subject at that time, free, of course, from the influence of any arguments or suggestion made here, that with 55 members the business could hardly be done. I have already alluded to the difficulty that is now experienced. My friend from Berkeley has, I think, very experimental evidence of it. The senate is composed of only ten members. The senate is composed of only ten members. I do not know that there are so many and he can get on with fifteen or twenty standing committees. How can he possibly do that business? Again, the house of delegates that is now present constituted has 39 members. There the same difficulties exist. Members have to be doubled and trebled and quadrupled on the committees, or else you must take committees so small that the practical idea of a legislative committee is defeated. But if you will remember in the constitution of committees: that the body the endeavor was to scatter the members of the committee all over the State. The reason was this, that in the Convention, every shade of opinion would be represented. With committees laboring in that way the difficulties would be presented, the hardships would be suggested; and a committee of a small body, debating these propositions in a conversational way would be able to hit on some compromise and obviate the objections that would be raised in committee. The result is, as we have very plainly seen, we have in most cases adhered to the original proposition of the committees. Frequently, when alterations are proposed we get back to the result of the committee's labors; and I may say without offense that it is necessarily so, because the committees are peculiarly calculated for that business, and hence we

Vol. III.

DEBATES AND PROCEEDINGS

OF THE

First Constitutional Convention of
West Virginia

(1861, 1862, 1863)

XLII. THURSDAY, JANUARY 30, 1862.

The Convention assembled and was opened with prayer by Rev. R. L. Brooks, a member.

After the reading and signing of the journal,

MR. LAMB. Mr. President, the first business I suppose would be the improvement suggested to the 11th section of the third report of the Committee on the Legislative Department which the Convention had under consideration last evening in regard to the apportionment of Raleigh, Wyoming and McDowell. Are the gentlemen present?

MR. HAGAR. Two of them are here.

MR. LAMB. If not ready, the subject I suppose could be passed by with general consent.

THE PRESIDENT. The gentleman from Marshall had intimated a purpose to make an amendment to this report. The motion would be in order.

MR. CALDWELL. The proposition that I made here which I discussed is a substitute offered by the gentleman from Wood, and

182

The 7th section was then adopted as amended.

The 9th section, heretofore passed by, was then taken and amended so as to read as follows:

"All citizens entitled to vote, and no other persons, may be elected to any State, county or municipal office; but the judges must have attained the age of thirty-five years; the governor the age of thirty years; and the attorney general and senators the age of twenty-five years, the beginning of their respective terms of service, and must have been citizens of the State for five years next preceding, or at the time this Constitution goes into operation."

The 1st section of the second report was then read and adopted.

Mr. Van Winkle moved to insert between the 1st and 2d sections, the following additional section:

"All elections of State and county officers shall be held on the day _____ of _____."

Mr. Brown, of Kanawha, moved to fill the blank with the word "fourth Thursday of May."

Mr. Harrison moved to amend by filling the blank with the word "fourth Thursday of October;" and the question being upon the amendment to the amendment, it was decided in the affirmative.

The said additional section was then adopted as amended.

On motion of Mr. Van Winkle the blank, in the 10th section, was filled by inserting the "first day of January."

Mr. Soper then moved further to amend the 2nd section by striking out the words "and appointments," in the 11th line, and inserting in lieu of the words "by special elections," the words "in such manner as may be prescribed by law."

The 2nd section was then adopted as amended.

Upon the reading of the 3rd section,

Mr. Soper moved to insert after the word "crime," in the 17th line, the words "not cognizable by a justice of

the peace," which was agreed to; after which the 3rd section, as amended, was adopted.

The 4th section being read,

Mr. Lamb moved to amend by striking out the words "having in view the overthrow of the government thereof," which motion was agreed to; after which the section was adopted.

The 5th, 6th, 7th, 8th, and 9th sections were then respectively read and adopted as reported.

The 10th section was read, when,

Mr. Van Winkle moved to amend by adding at the end of the fourth sentence the words "or to imprisonment," which was disagreed to.

Mr. Stuart of Doddridge moved to strike out the fourth sentence, which was put and decided in the affirmative.

And, on motion of Mr. Irvine, the fifth sentence was stricken out.

The question then being upon the adoption of the 10th section, as amended, it was agreed to.

And, on motion of Mr. Battelle, the Convention adjourned.

* * * * *

XLIX. FRIDAY, FEBRUARY 7TH, 1862.

The Convention met at 9 o'clock, A. M.

Prayer by Rev. Mr. Pomeroy.

Journal read and approved.

The second report of the Committee on Fundamental and General Provisions, submitted January 30th, was taken up, the report being as follows:

183
187

The Committee on Fundamental and General Provisions respectfully report the following additional provisions, and recommend their insertion in the Constitution.

By order of the Committee,

P. G. Van Winkle, chairman.

1 "1. All officers elected or appointed under this Constitution
2 may be removed from office for misconduct, incompetence, or
neg-
3 lect of duty, in such manner as may be prescribed by law, and
4 unless so removed, shall continue to discharge the duties of
5 their respective offices until their successors are elected or ap-
6 pointed and qualified.

7 "2. The terms of all state and county officers, and of the
8 members of both houses of the legislature, not elected or
9 appointed to fill a vacancy, shall, unless herein otherwise pro-
10 vided, begin on the day of next succeeding
11 their election. All elections and appointments to fill vacan-
12 cies shall be for the unexpired term. All vacancies in elective
13 offices shall be filled by special elections.

14 "3. The privilege of the writ of *habeas corpus* shall not be
15 suspended, except when, in time of invasion, insurrection or
other
16 public danger, the public safety may require it. No person
17 shall be held to answer for treason, felony or other crime, un-
18 less on presentment or indictment of a grand jury. No bill
19 of attainder, *ex post facto* law, or law impairing the obligation
20 of a contract, shall be passed.

21 "4. No law abridging freedom of speech or of the press shall
be
22 passed, but the legislature may provide for the restraint and
23 punishment of the publishing and vending of obscene books,
24 papers and pictures, and of libel and defamation of character,
and
25 for the recovery, in civil actions, by the aggrieved party, of suit-
26 able damages for such libel and defamation. Attempts to justify
27 and uphold an armed invasion of the State, or an organized in-
28 surrection therein, having in view the overthrow of the govern-
29 ment thereof, during the continuance of such invasion or in-
30 surrection, by publicly speaking, writing or printing, or by
31 publishing or circulating such writing or printing, may be, by
32 law, declared a misdemeanor, and punished accordingly.

33 "5. Private property shall not be taken for public use without
34 just compensation. No person, in time of peace, shall be de-
35 prived of life, liberty or property without due process of law.
36 The military shall be subordinate to the civil power.

37 "6. The right of the citizens to be secure in their houses, per-
38 sons, papers and effects, against unreasonable searches and
seizures,

39 shall not be violated. No warrant shall issue but upon proba-
40 ble cause, supported by oath or affirmation, and particularly
41 describing the place to be searched and the persons and things
42 to be seized.

43 "7. In suits at common law, where the value in controversy
ex-
44 ceeds twenty dollars, the right of trial by jury, unless waived
45 by the parties, shall be preserved. No fact tried by a jury,
46 shall be otherwise re-examined in any case than according to
47 the rules of the common law.

48 "8. The trial of crimes and misdemeanors, unless herein
other-
49 wise provided, shall be by jury, and shall be held publicly, and
50 without unreasonable delay, in the county where the alleged
51 offense was committed, unless, upon petition of the accused,
52 and for good cause shown, or in consequence of the existence
53 of war or insurrection in such county, it is removed to some
54 other county. In all such trials the accused shall be informed
55 of the character and cause of the accusation, and be confront-
56 ed with the witnesses against him, and shall have the assistance
57 of counsel for his defense, and compulsory process for obtain-
58 ing witnesses in his favor.

59 "9. In all criminal prosecutions, the jury shall be the judges
of
60 both the law and the fact. In prosecutions and civil suits
61 for libel, the truth may be given in evidence; and if it shall
62 appear to the jury that the matter charged as libelous is true,
63 and was published with good motives, and for justifiable ends,
64 the verdict shall be for the defendant.

65 "10. Excessive bail shall not be required, or excessive fines im-
66 posed, or cruel and unusual punishment inflicted. Penalties
67 shall be proportioned to the character and degree of the of-
68 fence. No person shall be compelled to be a witness against
69 himself, or be twice put in jeopardy for the same offence. No
70 citizen shall be subjected to corporal punishment, except to
71 death by hanging, for treason, murder, rape or arson. All
72 prisoners shall be bailable by sufficient sureties, except in cap-
73 ital cases where the proof is evident or the presumption great.

74 "11. The enumeration in this Constitution of certain rights
and
75 privileges shall not be construed to impair or deny others re-
76 tained by, or inherent in, the citizens of the State.

77 "12. Such parts of the common law, and of the laws of the
State
78 of Virginia, as are in force within the boundaries of the State
79 of West Virginia when this Constitution goes into operation,
80 and are not repugnant thereto, shall be and continue, the law
81 of this State, until altered or repealed by the legislature.
82 Nothing herein contained shall affect grants of lands, legally
83 issued by the Commonwealth of Virginia before the seven-

481
181

CONSTITUTION OF WEST VIRGINIA.

ARTICLE I.

THE STATE.

1. The State of West Virginia shall be and remain one of the United States of America. The Constitution of the United States, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

2. The following counties, formerly parts of the State of Virginia, shall be included in, and form part of, the State of West Virginia, namely: the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier and Monroe.

And if a majority of the votes cast at the election or elections held, as provided in the schedule hereof, in the district composed of the counties of Pendleton, Hardy, Hampshire and Morgan, shall be in favor of the adoption of this Constitution, the said four counties shall also be included in, and form part of, the State of West Virginia; and if the same shall be so included, and a majority of the votes cast at the said election or elections, in the district composed of the counties of Berkeley, Jefferson and Frederick shall be in favor of the adoption of this Constitution, then the three last mentioned counties shall also be included in, and form part of, the State of West Virginia.

The State of West Virginia shall also include so much of the bed, banks and shores of the Ohio river as heretofore appertained to the State of Virginia; and the territorial rights and property in, and the jurisdiction of whatever nature over, the said bed, banks and shores heretofore reserved by, or vested in, the State of Virginia, shall vest in, and be hereafter exercised by, the State of West Virginia.

*Berkeley
Brooke
Sevier
Marion
Mingo
Summers
Jefferson*

181

3. 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.

4. The Legislative, Executive and Judicial Departments of the government shall be separate and distinct. Neither shall exercise the powers properly belonging to either of the others. No person shall be invested with or exercise the powers of more than one of them at the same time.

5. Writs, grants and commissions, issued under State authority, 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 of West Virginia."

6. The citizens of the State are the citizens of the United States residing therein; 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.

7. 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.

ARTICLE II.

BILL OF RIGHTS.

1. The privilege of the writ of *habeas corpus* shall not be suspended, except when in time of invasion, insurrection or other public danger, the public safety may require it. 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.

2. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted. Penalties shall be proportioned to the character and degree of the offence. No person shall be compelled to be a witness against himself, or be twice put in jeopardy for the same offence.

3. The right of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons and things to be seized.

4. No law abridging freedom of speech or of the press shall be passed; but the Legislature may provide for the restraint and punishment of the publishing and vending of obscene books, papers and pictures, and of libel and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel or defamation. Attempts to justify and uphold an armed invasion of the State, or an organized insurrection therein, during the continuance of such invasion or insurrection, by publicly speaking, writing or printing, or by publishing or circulating such writing or printing, may be, by law, declared a misdemeanor, and punished accordingly.

5. 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 motive and for justifiable ends, the verdict shall be for the defendant.

6. Private property shall not be taken for public use without just compensation. No person, in time of peace, shall be deprived of life, liberty or property without due process of law. The military shall be subordinate to the civil power.

7. In suits at common law, where the value in controversy exceeds twenty dollars, the right of trial by jury, if required by either party, shall be preserved. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.

8. The trial of crimes and misdemeanors, unless herein otherwise provided, shall be by jury, and shall be held publicly and without unreasonable delay, in the county where the alleged offence was committed, unless upon petition of the accused and for good cause shown, or in consequence of the existence of war or insurrection in such county, it is removed to, or instituted in, some other county. In all such trials the accused shall be informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel for his defence, and compulsory process for obtaining witnesses in his favor.

9. 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 beliefs; 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;

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 to every person to select his religious instructor, and to make for his support, such private contract as he shall please.

10. 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, fine, or confiscation of the real and personal property of the offender, as may be prescribed by law.

ARTICLE III.

ELECTIONS AND OFFICERS.

1. The white male citizens of the State shall be entitled to vote at all elections held within the election districts 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 thirty days, next preceding such offer, shall be permitted to vote while such disability continues.

2. In all elections by the people the mode of voting shall be by ballot.

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 liable 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 persons, except citizens entitled to vote, shall be elected or appointed to any State, county or municipal office. Judges must have attained the age of thirty-five years, the Governor, the age of thirty years, 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, or at the time this Constitution goes into operation.

5. Every person elected or appointed to any office or trust, civil or military, shall, before proceeding to exercise the authority or discharge the duties of the same, make oath or affirmation that he will support the Constitution of the United States, and the Constitution of this State; and every citizen of this State may, in time of war, insurrection or public danger, be required by law to make the like oath or affirmation, upon pain of suspension of his right of voting, and holding office under this Constitution.

6. All officers elected or appointed under this Constitution may be removed from office for misconduct, incompetence, neglect of duty, or other causes, in such manner as may be prescribed by general laws; and unless so removed, 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 fourth Thursday of October. The terms of such officers and members, not elected or appointed to fill a vacancy, shall, unless herein otherwise provided, begin on the first day of January next succeeding their election. Elections to fill vacancies shall be for the unexpired term. Vacancies shall be filled in such manner as may be prescribed by law.

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. No extra compensation shall be granted or allowed to any public officer, agent or contractor, after the services shall have been rendered, or the contract entered into. Nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

10. Any officer of the State may be impeached for maladministration, corruption, incompetence, 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. When sitting for that purpose, the Senators 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 disqualification to hold any office of honor, trust or profit under the State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judg-

ment and punishment according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

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

12. The Legislature may provide for a registry of voters. They 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.

ARTICLE IV.

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 eighteen, and the House of Delegates of forty-seven, members, subject to be increased according to the provisions hereinafter contained.

3. The term of office of Senators shall be two years, and that of Delegates one year. 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 for one year, and the second for two years; so that after the first election one-half of the Senators shall be elected annually.

4. For the election of Senators, the State shall be divided into nine Senatorial Districts; which number shall not be diminished, but may be increased as hereinafter provided. Every district shall choose two Senators, but after the first election both shall not be chosen from the same county. The districts shall be equal, as nearly as practicable, in white population, according to the returns of the United States census. They shall be compact, formed of contiguous territory, and bounded by county lines. 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. Any Senatorial District may at any time be divided, by county lines or otherwise, into two sections, which shall be equal, as nearly as practicable, in white population. If such division be made, each section shall elect one of the Senators for the district; and the Senators so elected shall be classified in such manner as the Senate may determine.

6. Until the Senatorial Districts are altered by the Legislature after the next census, the counties of Hancock, Brooke and Ohio shall constitute the first Senatorial District; Marshall, Wetzel and Marion the second; Monongalia, Preston and Taylor the third; Pleasants, Tyler, Ritchie, Doddridge and Harrison the fourth; Wood, Jackson, Wirt, Roane, Calhoun and Gilmer the fifth; Barbour, Tucker, Lewis, Braxton, Upshur and Randolph the sixth; Mason, Putnam, Kanawha, Clay and Nicholas the seventh; Cabell, Wayne, Boone, Logan, Wyoming, Mercer and McDowell the eighth; and Webster, Pocahontas, Fayette, Raleigh, Greenbrier and Monroe the ninth.

7. For the election of Delegates, every county containing a white population of less than half 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.

8. When two or more counties are formed into a Delegate District, the Legislature shall provide by law that the Delegates to be chosen by the voters of the District shall be, in rotation, residents of each county, for a greater or less number of terms, proportioned, as nearly as can be conveniently done, to the white population of the several counties in the District.

9. After every census the Delegates shall be apportioned as follows:

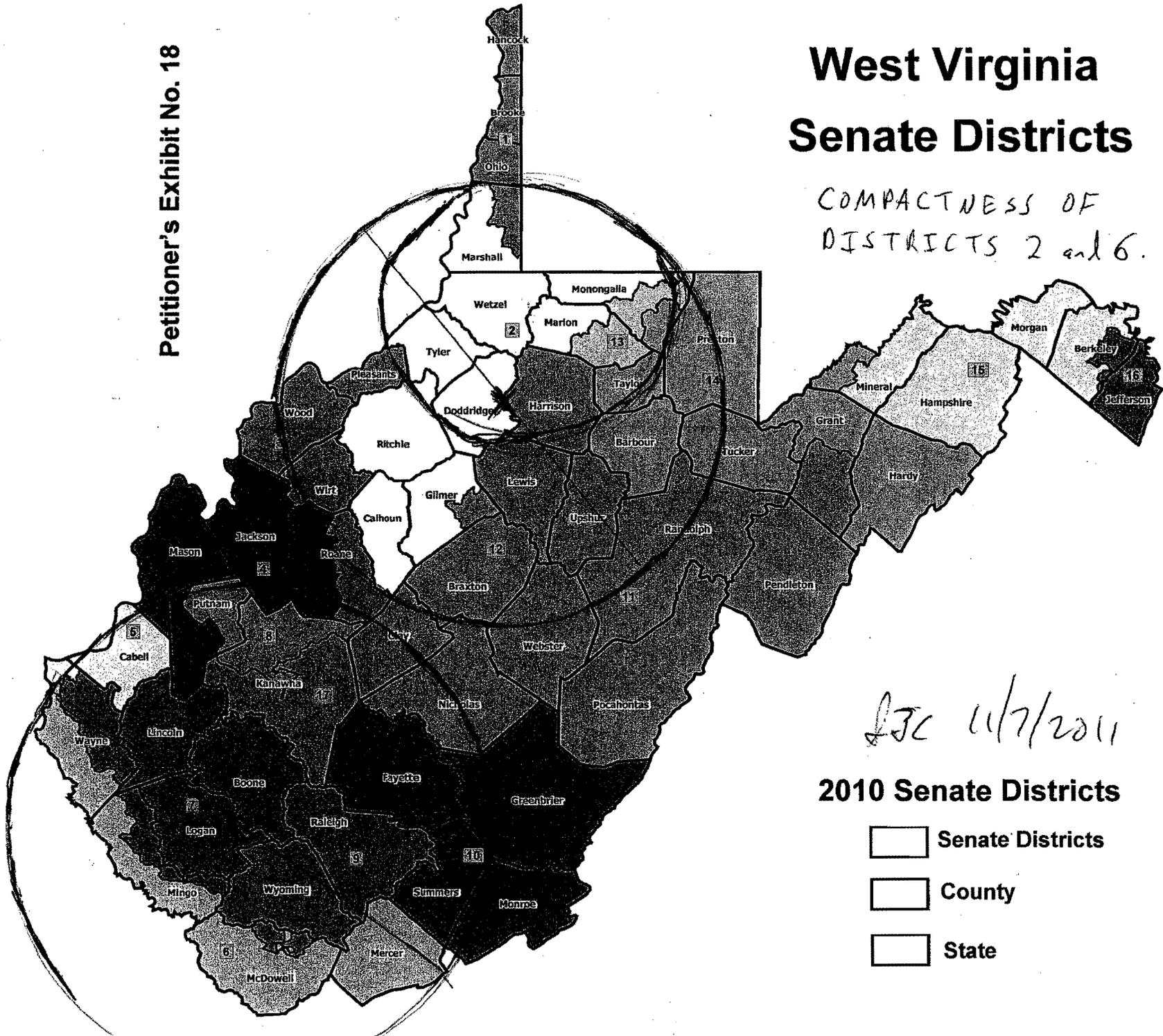
The ratio of representation for the House of Delegates shall be ascertained by dividing the whole white population of the State by the number of which the House is to consist, and rejecting the fraction of a unit, if any, resulting from such division.

Dividing the white population of every Delegate District, and of every county not included in a Delegate 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

West Virginia Senate Districts

COMPACTNESS OF
DISTRICTS 2 and 6.



JSC 4/7/2011

2010 Senate Districts

- Senate Districts
- County
- State