

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

sidered an office of profit within the meaning of this Article.

Art. III, sec. 26. The House of Delegates shall have the sole power of impeachment in all cases; but a majority of all the members elected must concur in the impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath, or affirmation, to do justice according to the Law and evidence; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

Art. IV, sec. 4. Any judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehavior in office, or any other crime, or on impeachment, according to this Constitution, or the Laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

Declaration of Rights, Art. 28. That a well regulated Militia is the proper and natural defence of a free Government.

Art. 29. That standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

Art. 30. That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.

Art. 31. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by Law.

Art. 32. That no person except regular soldiers, marines, and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to, or punishable by Martial Law.

Art. II, sec. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command

Section 9.04. Impeachment.

The House of Delegates shall have the sole power of impeachment of elected state officers, judges, and any other state officers who may be designated by the General Assembly by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by the Court of Appeals from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, and deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, nevertheless may be subject to criminal prosecution and punishment according to law.

Section 9.05. Militia.

The General Assembly may provide by law for a militia. The governor shall be its commander in chief and shall appoint its officers. The governor may order the militia into active service to repel invasions, to suppress insurrections, to enforce the execution of the laws, and to provide assistance when great destruction of life or property may be threatened or may have occurred. The military authority of the State shall be and remain subject to civil control in the person of the governor at all times. Only a member of the militia may be subject to a military trial and then only for offenses committed while in actual service.