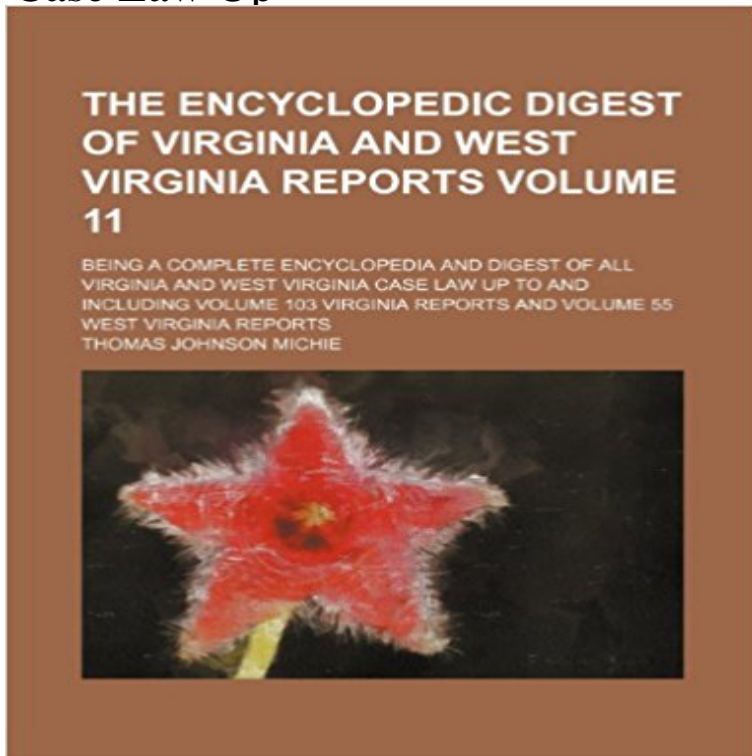


The Encyclopedic Digest of Virginia and West Virginia Reports; Being a Complete Encyclopedia and Digest of All Virginia and West Virginia Case Law Up



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1907 edition. Excerpt: ...removed, as expressed in the 8th section of art. 4 of the constitution of the state of West Virginia, declaring such power to be in the legislature, when read and considered in connection with article 7, 1 and 8, and 40 of article 6 and other sections of the same constitution, includes the agent or person who may appoint, as well as the formality with which it should be done. *Bridges v. Shallcross*, 6 W. Va. 562, 563. B. LEGISLATURE MAY ENLARGE POWERS AND DUTIES OF EXISTING OFFICER. Merely giving additional powers and duties to an office already created and held by an incumbent, does not operate as an appointment of such officer to a different office, so as to offend against 8 of art. 7 of the constitution, denying the legislature the elective or appointive power. *Bridges v. Shallcross*, 6 W. Va. 562. C. MODE OF FILLING VACANCIES PRESCRIBED BY LEGISLATURE. See post, Vacation of Office, VII, C. The constitution of Virginia (art. 5, § 22; Const., 1902, art. 4, § 56), authorizes the legislature to prescribe the manner of filling all vacancies in office, and to declare when an office is vacant, in cases not specially therein provided for, and makes no exception as to the office of judge. *Burks v. Hinton*, 77 Va. 1; *In re Broadus*, 32 Gratt. 779; *Jameson v. Hudson*, 82 Va. 279; *Ex parte Meredith*, 33 Gratt. 119, 38 Am. Rep. 771, overruled. See *Johnson v. Mann*, 77 Va. 265; *Shell v. Cousins*, 77 Va. 328. See post, Acceptance of Incompatible Office, VII, C. 2, b, (2). See the title JUDGES, vol. 8, p. 150. The general assembly is authorized by the constitution to declare the mode of filling vacancies in office in cases not therein

specially provided for. Vaughan v. Johnson, 77 Va. 300. D. APPOINTING POWER...

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