CONSTITUTION

Of North Carolina As Adopted by the late State Convention.

PREAMBLE.

We the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the exiscence of our civil, political and religious liberties, and acknowledging our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS. That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

Section 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights. that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of hap-

Sec. 2. That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole. Sec. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policy thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness, but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

Sec. 4. That this State shall ever remain a member of the American Union, that the people thereof are part of the American nation; that there is no right on the part of this State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation. ought to be resisted with the whole power of the

Sec. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Sec. 6. To maintain the honor and good faith of the State untarnished, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable and never be questioned; but the State shall never assume or pay, or, authorize the collection of, any debt or obligation, expresed or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Sec. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services. Sec. 8. The Legislative, Executive and Supreme Judicial powers of the government ought to be forever separate and distinct from each other.

Sec. 9. All power of suspending laws, or the execuof the representatives of the people, is injurious to their rights and ought not to be exercised. Sec. 10. All elections ought to be free.

Sec. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defence unless found guilty.
Sec. 12. No person shall be put to answer any

eriminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.

Sec. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial, for petty mis demeanors with the right of appeal Sec. 14. Excessive bail should not be required, nor

excessive fines imposed, nor cruel or unusual punish-

Sec. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be Sec. 16. There shall be no imprisonment for debt

in this State except in cases of fraud. Sec. 17. No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the

Sec. 18. Every person restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Sec. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought

to remain sacred and inviolable. Sec. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held

responsible for the abuse of the same. Sec. 21. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. As political rights and privileges are not dependent upon or modified by property, therefore no property qualification ought to effect the right to rote or hold office. Sec. 23 The people of this State ought not to b

taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly freely given. Sec. 24. A well regulated militia being necessary to the security of a free State, the right of the people

to keep and bear arms shall not be infringed; and as standing armies, in time of peace, are dangerous to Sberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Sec. 25. The people have a right to assemble to-

gether to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. Sec. 26. All men have a natural and unalienable

right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience. Sec. 27. The people have a right to the privileges

of education, and it is the duty of the State to guard and maintain that right. Sec. 28. For redress of grievances and for amend

ing and strengthening the laws, elections should be often held. Sec. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the

blessings of liberty. Sec. 30. No hereditary emoluments, privileges, or bonors ought to be granted or conferred in this State. Sec. 31, Perpetuities and monopolies are contrary

to the genius of a free State, and ought not to be Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, no ex post facto law ought to be made. No law taxing retrospective-

ly, sales, purchases, or other acts previously done. ought to be passed, Sec. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted shall be, and are hereby forever

prohibited within this State. Sec. 34. The limits and boundaries of the State shall be and remain as they now are.

Sec. 35. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law and right and justice administered without sale, denial or delay.

Sec. 36. No soldier shall in time of peace be quartered in any house without the consent of the owner. nor in time of war, but in a manner prescribed by

Sec. 37. This enumeration of rights shall not b construed to impair or deny others, retained by the people, and all powers not herein delegated remain with the people.

ARTICLE II. LEGISLATIVE DEPARTMENT. Section 1. The Legislative authority shall be vested

shall meet annually on the third Monday in November, and when assembled, shall be denominated the journal. General Assembly. Neither House shall proceed upon public business, unless a majority of all the

members are actually present. Sec. 3. The Senate shall be composed of afty Senators biennially chosen by ballot. Sec. 4. Until the first session of the General As-

Districts constituted as follows:

1st District-Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden, shall elect 2 Senators. 2d District-Martin, Washington and Tyrrell, one

3d District-Beaufort and Hyde, one Senator. 4th District-Northampton, one Senator.

5th District-Bertie and Hertford, one Senator. 6th District-Halifax, one Senator.

7th District-Edge ombe, one Senator. 8th District-Pitt, one senator. 9th District-Nash and Wilson, one senator. 10th District-Craven and Carteret, two senators

11th District-Jones and Lenoir, one senator. 12th District-Duplin and Onslow, one senator. 13th District-Brunswick and New Hanover, two

14th District-Bladen and Columbus, one senator. 15th District-Robeson, one senator.

16th District-Cumberland, Harnett and Sampson,

17th District-Johnson, one senator. 18th District-Greene and Wayne, one senator. 19th District-Franklin and Wake, two senators. 20th District-Warren, one senator. 21st District-Granville and Person, two senators.

22d District-Orange, one senator. 23d District-Chatham, one senator. 24th District-Caswell, one senator.

25th District-Rockingkam, one senator. 26th District-Alamance and Guilford, 2 senators. 27th District-Randolph and Montgomery, one

28th District-Moore and Richmond, one senator. 29th District-Anson and Union, one senator. 30th District-Mecklenburg, one senator. 31st District-Cabarrus and Stanly, one senator.

32d District-Davie and Rowan, one senator. 33d District-Davidson, one senator 34th District-Forsythe and Stokes, one senator 35th District-Surry and Yadkin, one senator. 36th District-Alexander and Iredell, one senator. 37th District-Catawba, Gaston and Lincoln, one

38th District-Cleaveland, Polk and Rutherford, one senator. 39th District-Alleghany, Ashe and Wilkes, one

senator. 40th District-Buncombe, Henderson and Transylvania, one senator. 41st District-Burke, Caldwell and Watauga, one

42d District-Madison, Mitchell, McDowell and Yancey, one senator. 43d District-Clay, Cherokee, Haywood, Jackson

and Macon, one senator. Sec 5. An enumeration of the inhabitants of the eral Assembly, in the year one thousand eight hun- State, at the same time and places, and in the same dians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory and no county shall

posed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to

Sec 7. In making the apportionment in the House of Representatives the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed, shall not be included To each county containing the said ratio and not twice the said ratio there shall be assigned one representative; to each county containing twice but not three times the said ratio, there shall be assigned two representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions Sec 8 Until the General Assembly shall have made the apportionment as hereinbefore provided,

the House of Representatives shall be composed of members elected from the counties in the following

The county of Wake shall elect four members; the counties of Craven, Granville, Halifax and New Hanover shall elect three members each; the counties of Caswell, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Iredell, Johnston, Mecklenburg, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Warren and Wayne shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Clay, Cleaveland, Columbus, Curituck, Davie, Forsyth, Gaston, Gates, Green, Harnett, Henderson, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanley, Stokes, Surry, that the laws be faithfully execute'. Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey shall elect one

Sec 9. Each member of the senate shall be not less than twenty-five years of age, shall have resided in year immediately preceding his election.

Sec 10 Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his elec-

Sec. 11 In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva roce, Sec. 12 The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure

alimony in any individual case Sec 13 The General Assembly shall not have power to pass any private law to alter the name of as Governor. ny person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of any infamous crime.

Sec. 14 The General Assembly shall not pass any private law, unless it shall be made to appear that | bilities shall cease, or a new Governor shall be elected | appointed by the Court and shall hold his office for thirty days notice of application to pass such law shall have been given under such direction, and in such manner as shall be provided by law.

Sec 15. If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law. Sec. 16. No law shall be passed to raise money

the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns, to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of torney General shall be prescribed by law. If the office the bill shall have been entered on the journal.

Sec 17. The General Assembly shall regulate entails in such manner as to prevent perpetuities. Sec. 18. Each house shall keep a journal of its proceedings which shall be printed and made public immediately after the adjournment of the General

Sec. 20. The House of Representatives shall choose their own Speaker and other officers. Sec. 21. The Lieutenant Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided.

Sec 22 The Senate shall choose its other officers. sembly which shall be had after the year 1871, the and also a speaker (pro tempore.) in the absence of Senate shall be composed of members elected from the Lieutenant Governor, or when he shall exercise the office of Governor. Sec. 23. The style of the acts shall be-"The Gen-

eral Assembly of North Carolina do enact." Sec. 24. Each house shall be judge of the qualification and elections of its own members; shall sit bills to be passed into laws, and the two houses may receive no other emolument or allowance whatever also jointly adjourn to any future day, or other place See. 25. All bills and resolutions of a legislative

siding officers of both houses. Sec. 26. Each member of the General Assembly, tion that he will support the Constitution and laws of signed by the Secretary of State. the United States, and the Constitution of the State

Sec. 27. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election: and the term of office of those elected at the first election held under this Constitution shall terminate at the same time as if they had been elected at the first ensuing regular

Sec 28. Upon motion made and seconded in either House, by one-fifth of the members present, the year and nays upon any question shall be taken and entered upon the journals.

Sec. 29. The election for members of the General Assembly shall be held for the respective districts, and counties, at the place where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years there- by the people, rules of practice and procedure in ac time of holding the elections. The first election shall be held when the vote shall be taken on the ratification of this Constitution by the voters of the State, and the General Assembly then elected, shall meet Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day regular election.

ARTICLE III. EXECUTIVE DEPARTMENT.

Sec. I. The Executive Department shall consist of Governor (in whom shall be vested the supreme executive power of the State) a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public victed without the concurrence of two thirds of the State shall be taken under the direction of the Gen- for a term of four years, by the qualified electors of the the Chief Justice shall preside. Senate District shall contain as nearly as may be an equal number of inhabitants excluding aliens and Intion by the Congress of the United States, and shall Sec. 8. The Supremental Sec. 8. hold their offices four years from and after the first day

of January 1869. Sec. 2. No person shall be eligible as Governor or consist of contiguous territory and no county shall be divided into the formation of a Senate District age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident United States five years, and shall have been a resident State for two years next before the election; nor Sec. 10. The Supreme Court shall have jurisdiction

Sec. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of Government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively, shall be declared duly elected; but if two or more be equal and highest in votes for the same office then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of the State, by the number of Representatives, less | of both Houses of the General Assembly, in such man-

ner as shall be prescribed by law. Sec. 4. The Governor, before entering upon the duties of his office, shall in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation, that he will support the contsitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Sec. 5. The Governor shall reside at the seat of gov ernment of this State, and he shall from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such

measures as he shall deem expedient. Sec. 6. The Governor shall have power to grant rerieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulatious as may be provided by law relative to the manner of applying tor pardons. He shall annually communicate to the General Assembly each case of reprieve, commutation or pardon granted; stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commuta-

tion, pardon, or reprieve, and the reasons therefor. Sec. 7. The officers of the Executive Departmen and of the Public Institutions of the State shall at least five days previous to each regular session of the Gen-General Assembly; and the Governor may, at any time, Executive Department upon any subject relating to the | in whose district they are. duties of their respective offices, and shall take care

Sec. 8. The Governor shall be commander-in-chief of the militia of the State. except when they shall be Courts, and of all criminal actions in which the punishcalled into the service of the United States. Sec. 9. The Governor shall have power on extraor-

dinary occasions by and with the advice of the council the State as a citizen two years, and shall have usual'y of State, to convene the General Assembly, in extra resided in the District for which he is chosen, one session by his proclamation; stating therein the purpose or purposes for which they are thus convened.

Sec. 10. The Governor shall nominate, and by and with the advice and consent of a majority of the senators elect, appoint all officers whose offices are established by this constitution, or which shall be created by law, ters testamentary and of administration, the appointment the General Assembly.

Sec. 11. The Lieutenant Governor shall be President be equally divided. He shall, whilst acting as President of the senate, receive for his services the same of law. pay which shall for the same period be allowed to the

Sec. 12. In case of the impeachment of the Governor his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case but shall have power to pass general laws regulating the office of Governor shall in anywise become vacaut, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disaand qualified. In every case in which the Lieutenant eight years. Governor shall be unable to preside over the Senate. the Senators shall elect one of their own number President of their body; and the powers, duties and emolyments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall for any reason. be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed or a new Governor or Lieutenant Governor shall be elected provided for in this Article, but the salaries of the and qualified. Whenever during the recess of the Gencral Assembly, it shall become necessary for the Presi- nance in office. dent of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

Sec. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public of any of said officers shall be vacated by death, resigor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election. at the first general election that occurs more than thirty days after the va-

Council of the State, who shall advise the Governor in election under this Constitution, shall, after their electhe execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this Supreme Court, be divided by lot into two equal classes, capacity shall be entered in a Journal to be kept for one of which shall hold office for four years, the other this purpose exclusively, and signed by the members for eight years. The Attorney General shall be ex officio the legal adviser of the Executive Department.

Sec. 15. The officers mentioned in this Article shall at stated periods, receive for their services a compensation to be established by law which shall neither be increased nor diminished during the time for which a jury. upon its own adjournment from day to day, prepare they shall have been elected, and the said officers shall

Sec I6. There shall be a seal of the State, which See. 25. All bills and resolutions of a legislative nature shall be read three times in each house before they pass into laws, and shall be signed by the premissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great before taking his seat, shall take an oath or affirma- | Seal of the State, signed by the Governor and counter-

Sec. 17. There shall be established in the office of the of North Carolina, and will faithfully discharge his Secretary of State, a Bureau of Statisticts, Agriculture duty as a member of the Senate or House of Repre- and Immigration, under such regulations as the General Assembly may provide.

ARTICLE IV.

JUDICIAL DEPARTMENT. Sec. 1. The distinction between actions at law and

suits in equity, and the forms of all such actions and suits shall be abolished and there shall be in this State of private rights or the redress of private wrongs which places until the next regular election. shall be denominated a civel action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished and the fact at

issue tried by order of court before a jury. Sec. 2. Three Commissioners, shall be appointed by this convention to report to the General Assembly at its first session after this constitution shall be adopted after. But the General Assembly may change the cordance with the provisions of the foregoing section, and the convention shall provide for the Commissioners

a reasonable compensation. Sec. 3. The same commissioners shall also report to the General Assembly as soon as practicable, a code of on the fifteenth day after the approval thereof by the of law of North Carolina. The Governor shall have power to fill the vacancies occurring in this Commission. thereafter, and the members then elected shall hold ted in a court for the trial of impeachments, a Supreme their seats until their successors are elected at a court, Superior courts, courts of justices of the Peace and

special Courts. Sec. 5. The Court for the trial of empeachments shall be the senate; a majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 6. The House of Representatives solely, shall have the power of impeaching No person shall be con-Sec. 7. Treason against the State shall consist only in

be so altered by the General Assembly at the first day of January next, after their election, and continue of treason unless on the testimony of two witnesses to trict to elect, the eleck of the superior court for the session after the return of every enumeration taken until their successors are elected and qualified: provided the same overt act, or on confession in open court. No county, shall appoint to fill the vacancy for the unexas aforesaid, or by order of Congress. That each that the officers first elected shall assume the duties of conviction of treason or attainder shall work corruption Sec. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Sec. 9. There shall be two terms of the Supreme

shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been of fact shall be tried before this court: and the court cast upon him as Lieutenant Governor or President of shall have power to issue any remedial writs necessary, to give it a general supervision and control of the infe

Sec. 11 The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory: no process in the nature of execution, shall issue thereon; they shall be reported to the next session of the General Assembly for

Sec. 12. The State shall be divided into twelve judi cial districts for each of which a judge shall be chosen who shall hold a superior coust in each county in said district, at least twice in each year, to continue for two weeks unless the business shall be sooner disposed of. Sec. 13. Until altered by law the following shall be the judicial districts. 1st. District.-Currituck, Camden. Pasquotank, Per

jumans, Chowan, Gates, Hertford Bertie. 2d. District.-Tyrrell, Hyde, Washington, Beaufort Martin, Pitt, Edgecombe. 3d. District - Craven, Carteret, Jones, Onslow, Greene, Lenoir, Waye, Wilson. 4th. District.-Brunswick, New Hanover, Duplin,

Columbus, Bladen, Sampson, Robeson. 5th. District.-Cumberland, Harnet, Moore, Rich mond, Anson, Montgomery, Stanley, Union. 6th. District.-Northampton, Warren, Halifax, Wake, Nash, Franklin, Johnson, Granville. 7th. District .- Person, Orange, Chatham, Randolph

Guilford, Alamance, Caswell, Rockingham. 8th. District.-Stokes Forsythe, Davidson. Rowan, Davie, Yadkiu, Surry. 9th District.-Catawba, Cabarrus, Mecklenburg, Lin

coln, Gaston, Cleveland, Rutherford, Polk. 10th. District.-Iredell, Burke, Caldwell, Wilkes, Alexander, McDowel. 11th. District.-Alleghany, Ashe, Watauga, Mitchell,

Yancey, Madison, Buncombe. 12th. District.-Henderson, Transylvania, Haywood Macon. Jackson, Clay. Cherokee. Sec. 14. Every judge of a Superior Court shall reside

in his District while holding his office. The judges may exchange districts with each other with the consent eaal Assembly severally report to the Governor who of the Governor, and the Governor for good reasons shall transmit such reports, with his message, to the which he shall report to the Legislature at its current or next session may require any judge to hold one or require information in writing from the officers in the more specified terms of said courts in lieu of the judge Sec. 15. The Superior Courts shall have exclusive

original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other ment may exceed a fine of fifty dollars or imprisonment for one month.

Sec 16. The Superior Courts shall have appel'ate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty five dollars, and of matters of law in all cases.

Sec. 17 The clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letand whose appointments are not otherwise provided of guardians, the apprenticing of orphans, to audit the for, and no such officer shall be appointed or elected by accounts of executors, administrators and guardians. and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred of the senate, but shall have no vote unless the senate to the superior courts for trial, and appeals shall lie to the superior courts from their judgments in all matters

Sec. 18. In all issues of fact, joined in any court, speaker of the house of Representatives, and he shall the parties may waive the right to have the same deterreceive no other compensation except when he is acting | mined by jury, in which case the finding of the Judge upon the fact, shall have the force and effect of a verdict of a jury.

Sec. 19. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary Sec. 20. The Clerk of the Supreme Court shall be

Sec. 21. A Clerk of the Superior Court for each county, shall be elected by the qualified voters thereof. at the time and in the manner prescribed by law, for the election of members of the General Assembly. Sec. 22 Clerks of the Superior Courts shall hold their offices for four years.

Sec. 23. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers Judges shall not be diminished during their contin-Sec. 24. The laws of North Carolina, not repugnant

to this Con titution, or to the Constitution and laws of the United States, shall be in force until lawfully altered. Sec. 25. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be Works, Superintendent of Public Instruction, and At- transferred to the Courts having jurisdiction thereof. without prejudice by reason of the change, and all such of any of said officers shall be vacated by death, resig. actions and suits, commenced before, and pending at, nation, or otherwise, it shall be the duty of the Govern- the adoption by the General Assembly of the rules of practice and proceedure herein provided for, shall be heard and determined, according to the practice now in use, unless otherwise provided for by said rules. Sec. 26. The Justices of the Supreme Court shall be

in two distinct branches, both dependent on the people, to wit: a Senate and House of Representatives.

Sec. 19. Any member of either house may dissent the office for the election of members of the General Assembly. They shall hold their offices for eight years. The have been legally restored to the rights of six and protest against any act or resolve, which he in the first section of this Article. the distinct branches, both dependent on the personal land with the first section of this Article.

Sec. 2. The Senate and House of Representatives by the Sec. 14. The Secretary of State, Auditor, Treasurer, and When assembled, shall be denominated the superior Courts shall be denominated the superior Courts elected at the first section of this Article.

Sec. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction shall constitute ex officio the superior Courts elected at the first section of the unexpired term lated to the discontinuous to the offices for eight years. The shall hold their offices for eight years. The superior Courts shall be elected in like ship.

Superintendent of the unexpired term lated to the discontinuous to the first section of this Article.

Sec. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction shall constitute ex officio the superior Courts elected at the first plant and protest against any act or resolve, which he in the first section of this Article.

Sec. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction shall constitute ex officion the line of the first section of this Article.

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Sec. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction shall be decomined to the original and the superior Courts shall be decomed to the original and the superior Courts and the superior Courts and the original and the superior Courts and the original and the superior Courts and the original and the original and the superior Courts and the original and the tion, under the superintendence of the Justices of the

> Sec. 27. The General Assembly may provide by law present, from any part of which any member may enter his dissent, and such Journal shall be placed before the that the Judges of the Superior Courts. instead of being General Assembly when called for by either House, elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Sec. 28. The Superior Courts shall be, at all times, open for the transaction of all business within their as may be prescribed by law. The Register of Deeds jurisdiction, except the trial of issues of fact requiring shall be ex officio Clerk of the board of Commis

Sec. 29. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sec. 30. In each county a Sheriff and Coroner, shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable, elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy exisiting for any cause, in any of the offices created by this section, the commissioners for the county may appoint to such office

for the unexpired term. Sec. 31. All vacancies occurring in the offices pro vided for by this Article of this Constitution shall be filled by the appointment of the Governor, unless otherbut one form of action, for the enforcement or protection | wise provided for, and the appointees shall hold their

> Sec. 32. The officers elected at the first election held under this constitution, shall hold their offices for the terms prescribed for them respectively, next ensning after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this constitution by the Congress of the United States.

Sec. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy, and of all criminal matters arising within their counties where the punishments cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a justice, on demand of either Sec. 4. The judicial power of the State shall be ves- party therete, he should cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action. may appeal to the Superior Court from the same, and if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate by the Congress of the United States. court only upon matters of law. In all cases of a criminal nature the party against whom judgment is given may appeal to the superior court, where the matter shall be heard anew. In all cases brought before a justice he shall make a record of the proceedings, and Instruction and Attorney General, who shall be elected | Senators present. When the Governor is impeached | like the same with the clerk of the superior court of his

Sec. 34. When the office of Justice of the Peace shall become vacant, otherwise than by the expiration of the years thereafter; and the said Senate Districts shall ted. Their term of office shall commence on the first them aid and comfort. No person shall be convicted time, and in case of a failure by the voters of any dis-

Sec. 35. In case the office of clerk of a superior court for a county shall become vacant, otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the superior court for Court held at the seat of government of the State in the county shall appoint to fill the vacancy until an election can be regularly held.

- ARTICLE V.

REVENUE AND TAXATION.

Sec. 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over to this section, may be altered, from time to time or 21 years and under 50 years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and County capitation tax combined shall never exceed two dollars on the head.

Sec 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be uppropriated to the latter purpose.

rule, all monies, credits, investments in bonds, stocks, joint stock companies or otherwise, and also all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises and incomes; Provided, that no income shall be taxed when the property from which the income is derived is taxed. Sec. 4. The General Assembly shall, by appro-

priate legislation and by adequate taxation, provide for the prompt and regular payment of the interest on the Public Debt. and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund to be devoted to the payment of the public debt. Sec. 5. Until the Bonds of the State shall be at par, the General Assembly shall have no power to

contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit or for surressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such Railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Sec. 6. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes : also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, to the value of not exceeding

three hundred dollars. Sec. 7. The taxes levied by the commissioners of the several counties, for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for special purposes, and with the special approval of the General Assembly.

Sec. 8. Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other

ARTICLE VI. SUFFRAGE AND ELIGIBILITY TO OFFICE.

tates, and every male person who has been natural ized, twenty-one years old or upward, who shall have resided in this State twelve months next preceding the election, and thirty days in the county in which be offers to vote, shall be deemed an elector. Sec. 2. It shall be the duty of the General Assem- Public Works, superintendent of Public Instruction.

bly to provide from time to time for the registration and Attorney General, shall constitute a State Board of of all electors, and no person shall be allowed to | Education. vote without registration, or to register without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith.

Sec. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. Sec. 4. Every voter, except as bereinafter provi-

ded shall be elligible to office, but before entering upon the discharge of the duties of his office, he shall take and subscribe the following outh : "I -, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God.

Sec. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becom-

ARTICLE VII.

MUNICIPAL CORPORATIONS.

Sec. 1. In each County, there shall be elected biennially, by the qualified voters thereof, as pro. vided for the election of members of the General Assembly, the following officers: A Treasurer, Reg. ister of Deeds, Surveyor and Five Commissioners. Sec. 2. It shall be the duty of the Commissionen to exercise a general supervision and control of the penal and charitable institutions. Schools, Roads Bridges, levying of taxes and finances of the County

Sec. 3. It shall be the duty of the Commissioners first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the names of the said districts, and to report the same to the General Ascembly before the first day of January, 1869.

Sec. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assem. bly, the said districts shall have corporate powers for the necessary purposes of local government and shall be known as townships.

Sec. 5. In each township there shall be biennially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a board of trustees, and shall, under the supervision of the county Commissioners, have control of the taxes and inances, roads and bridges of the Township as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in cities and lowns and in those townships in which cities and towns are situated. In every Township there shall also be bienially elected a School Committee consisting of three persons whose duties shall be prescribed by law. Sec. 6. The township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners, for revision as may be prescribed by law. The Clerk shall also be ex officio Treasurer of the townships.

Sec. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith. or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein. Sec. 8. No money shall be drawn from any coun-

ty or Township Treasurer, except by authority of Sec. 9 All taxes levied by any county, city, town or township, shall be uniform, and ad valorem, upon all property in the same, except property exemp-

Sec. 10. The county officers first elected under the

ted by this Constitution.

provisions of this article shall enter upon their duties ten days after the approval of this Constitution Sec. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county who shall hold their places until sections four, five and six of this Article shall have been carried into effect. Sec. 12. All Charters ordinances and provisions relating to municipal corporations shall remain in

force until legally changed, unless inconsistent with

the provisions of this Constitution. Sec. 13. No County, City, Town or other municipal corporation, shall assume or pay, or shall any tax be levied, or collected for the payment of any debt, or the interest upon any debt, contracted, directly or indirectly in aid or support of the rebel-

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL Sec. 1. Corporations may be forme I under general laws, but shall not be created by special act, except for municipal purposes, and in cases wherein the judgment of the Legislature the objects of the corporations cannot be attained under general laws. All general laws and special acts passed, pursuant

Sec. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law. Sec. 3. The term corporation as used in this Article shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural per-

Sec. 3. Laws shall be passed taxing, by a uniform Sec. 4. It shall be the duty of the Legislature to provide for the organization of cities towns and ncorporated villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to prevent buses in assessments and contracting debts by each municipal corporation.

ARTICLE IX,

Sec. 1. Religion, morality, and knowledge being necessary to good government and happiness of mankind, schools and the means of education, shall forever be encouraged.

Sec. 2. The General Assembly at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

Sec. 3. Each county of the State shall be divided into a convenient number of Districts, in which one or more Public schools shall be maintained, at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be lis-

Sec. 4. The proceeds of all lands that may have been, or hereafter may be granted by the United States to this State and not otherwise specially appropriated by the United States or heretofore by this State, also, all monies, stocks, bonds, and other property now belonging to any fund for purposes of education. Also, the net proceeds that may accrue to the State from sales of estrays or from fines, penalties and lorfeitures. Also, the proceeds of all sales of swamp lands belonging to the State. Also, all money that shall be paid as an equivalent for exemptions from military duty. Also, all grants, gifts and devise that may hereafter be made to this State, and not otherwise appropriated by the grant, gift or devise, shall be securely invested and sacredly preserved as an irreducable fund, the annual income of which together with so much of the ordinary revenue of the State as may be necessary shall be faithfully appropriated for establishing and perfecting education in this State, a system of Free Public Schools and for no other purposes or uses whatever.

Sec. 5. The University of North Carolina, with its lands, emoluments and franchises is under the control of the State, and shall be held to an inseparable counection with the Free Public School system of the State. Sec. 6. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for Sec. 1. Every male person born in the United tuition; also, that all the property which has heretolore accrned to the State, or i escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Sec. 7. The Governor, Lieutenant Governor, Secre-

Sec. 8. The Governor shall be President, and the superintendent of Public Instruction shall be secretary

of the Board of Education Sec. 9. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools, and the educations of the said Board. may be altered, amended or repealed by the General Assembly, and when so altered,

amended or repealed, they shall not be re-enacted by the Board. Sec. 10. The first session of the Board of Education shall be held at the capital of the State, within fifteen days after the organization of the State government under this constitution; the time of future meeting may be determined by the Board.

Sec. 11. A majority of the Board shall constitute a quorum for the transaction of business. Sec. 12. The contingent expenses of the Board shall be provided for by the General Assembly.

Sec 13. The Board of Education shall elect Trustees election that occurs more than thirty days after the vasec. 26. The Justices of the Supreme Court shall be jury, or of any other infamous crime, since becomto the University as follows: One Trustee for each
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