

WATGEMAN & OLD NORTH STATE.

NEW SERIES.]

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[VOL. I, NO. 12]

CONSTITUTION OF NORTH CAROLINA.

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 existence 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 happiness.

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 police 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 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 State.

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 this State in contravention or subversion thereof, can have any binding force.

Sec. 6. To maintain the honor and good faith of the State unimpaired, the public debt, regularly contracted before and since the revolution, shall be regarded as inviolable and sacred; and no law shall be passed which shall suspend or pay, or authorize the collection of any debt or obligation, express 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 execution of laws, by any authority, without the consent of 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 to be compelled to give evidence against himself, or to pay costs, or to give bail, or to answer the witness fees of the defence unless found guilty.

Sec. 12. No person shall be put to answer any criminal 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 vote of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors with the right of appeal.

Sec. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the acts 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 granted.

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 detained 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 land.

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 on property, therefore no property qualification ought to affect the right to vote or hold office.

Sec. 23. The people of this State ought not to be 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 liberty, 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 together 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 whatsoever, 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 amending 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 honors 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 allowed.

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, therefore, no *ex post facto* law ought to be made. No law taxing, retrospectively, 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 in 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 law.

Sec. 37. This enumeration of rights shall not be 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 in two distinct branches, both dependent on the people to wit, a Senate and House of Representatives.

Sec. 2. The Senate and House of Representatives shall meet annually on the third Monday in November and when assembled, shall be denominated the 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 five senators biennially chosen by ballot.

Sec. 4. Until the first session of the General Assembly which shall be had after the year 1871, the Senate shall be composed of members elected from districts constituted as follows:

First District—Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden, shall elect two senators.

Second District—Martin, Washington, and Tyrrell shall elect one senator.

Third District—Beaufort and Hyde shall elect one senator.

Fourth District—Northampton shall elect one senator.

Fifth District—Bertie and Hertford shall elect one senator.

Sixth District—Halifax shall elect one senator.

Seventh District—Edgecombe shall elect one senator.

Eighth District—Pitt shall elect one senator.

Ninth District—Nash and Wilson shall elect one senator.

Tenth District—Craven and Currituck shall elect two senators.

Eleventh District—Jones and Lenoir shall elect one senator.

Twelfth District—Duplin and Onslow shall elect one senator.

Thirteenth District—Brunswick and New Hanover shall elect two senators.

Fourteenth District—Bladen and Columbus shall elect one senator.

Fifteenth District—Robeson shall elect one senator.

Sixteenth District—Cumberland, Har-

riet and Sampson shall elect two senators.

Seventeenth District—Johnston shall elect one senator.

Eighteenth District—Groome & Wayne shall elect one senator.

Nineteenth District—Franklin & Wake shall elect two senators.

Twentieth District—Warren shall elect one senator.

Twenty-first District—Granville and Person shall elect two senators.

Twenty-second District—Orange shall elect one senator.

Twenty-third District—Chatham shall elect one senator.

Twenty-fourth District—Crawell shall elect one senator.

Twenty-fifth District—Rockingham shall elect one senator.

Twenty-sixth District—Alamance and Guilford shall elect two senators.

Twenty-seventh District—Randolph and Montgomery shall elect one senator.

Twenty-eighth District—Moore and Richmond shall elect one senator.

Twenty-ninth District—Anson & Union shall elect one senator.

Thirtieth District—Mecklenburg shall elect one senator.

Thirty-first District—Cabarrus and Stanly shall elect one senator.

Thirty-second District—Davie and Rowan shall elect one senator.

Thirty-third District—Davidson shall elect one senator.

Thirty-fourth District—Forsythe and Stokes shall elect one senator.

Thirty-fifth District—Surry and Yadkin shall elect one senator.

Thirty-sixth District—Alexander and Iredell shall elect one senator.

Thirty-seventh District—Catawba, Gaston and Lincoln shall elect one senator.

Thirty-eighth District—Cleveland, Polk and Rutherford shall elect one senator.

Thirty-ninth District—Alleghany, Ashe and Wilkes shall elect one senator.

Fortieth District—Buncombe, Henderson and Transylvania shall elect one senator.

Forty-first District—Burke, Caldwell and Watauga shall elect one senator.

Forty-second District—Madison, Mitchell, McDowell and Yancey shall elect one senator.

Forty-third District—Clay, Cherokee, Haywood, Jackson and Macon shall elect one senator.

Sec. 5. An enumeration of the inhabitants of the state shall be taken under the direction of the General Assembly in the year one thousand eight hundred and seventy-five, and at the end of every ten years thereafter; and the said Senate Districts shall be so altered by the General Assembly at the first session after the return of every enumeration taken as aforesaid, or by order of Congress. That each Senate District shall contain as nearly as may be an equal number of inhabitants excluding aliens and Indians 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 be equitably entitled to two or more senators.

Sec. 6. The House of Representatives shall be composed 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, 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 heretofore directed to be laid off.

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 of the State, by the number of Representatives, less 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 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 heretofore provided, the House of Representatives shall be composed of members elected from the counties in the following manner, to wit:

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, Cleveland, Columbus, Currituck, Davie, Forsyth, Gaston, Gates, Green, Harriet, Henderson, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes,

Wilson, Yadkin and Yancey shall elect one member each.

Sec. 9. Each member of the senate shall have been at least twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one 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 election.

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 voce.

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 any 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, but shall have power to pass general laws regulating the same.

Sec. 14. The General Assembly shall not pass any private law, unless it shall be made to appear that 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 on 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 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 Assembly.

Sec. 19. Any member of either house may dissent from and protest against any act or resolve, which he may think injurious to the public or any individual, and have the reasons of his dissent entered upon the journal.

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, and also a speaker (pro tempore), in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

Sec. 23. The style of the acts shall be—"The General Assembly of North-Carolina do enact."

Sec. 24. Each house shall be judge of the qualification and elections of its own members; shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two houses may also jointly adjourn to any future day, or other place.

Sec. 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 presiding officers of both houses.

Sec. 26. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the constitution and laws of the United States, and the constitution of the State of North-Carolina and will faithfully discharge his duty as a member of the senate or house of representatives.

Sec. 27. The terms of office for senators and members of the House of Representatives shall commence at the time of their elections; 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 election.

Sec. 28. Upon motion made and seconded in either House, by one fifth of the members present, the yeas 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 places 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 thereafter. But the General Assembly may change the 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 on the fifteenth day after the approval thereof by the Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day thereafter, and the members then elected shall hold their seats until their successors are elected at a regular election.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Section 1. The Executive Department shall consist of a Governor (in whom shall be vested the supreme executive power of the State) a Lieutenant Governor, a Secretary of State, and Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public Instruction and Attorney General, who shall be elected for a term of four years, by the qualified electors of the State, at the same time and place, and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next, after their election, and continue until their successors are elected and qualified; provided, that the officers first chosen shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January 1869.

Sec. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor 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 cast upon him as Lieutenant Governor or President of the Senate.

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 both Houses of the General Assembly, in such manner 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 constitution and law of the United States and of the State of North-Carolina, and 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 government 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 reprieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for 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 commutation, pardon, or reprieve, and the reason therefor.

Sec. 7. The officers of the Executive Department and of the Public Institutions of the State shall at least five days previous to each regular session of the General Assembly severally report to the Governor who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. The Governor shall be commander-in-chief of the militia of the State, except when they shall be called into the service of the United States.

Sec. 9. The Governor shall have power, on extraordinary occasions, and with the advice of the council of State, to convene the General Assembly, in extra 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, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

Sec. 11. The Lieutenant Governor shall be President of the senate, but shall have no vote unless the senate be equally divided. He shall, while acting as President of the senate, receive for his services the same pay which shall be for the same period be allowed to the speaker of the house of Representatives, and he shall receive no other compensation except when he is acting as Governor.

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 the office of Governor shall in any way become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every

JUDICIAL DEPARTMENT.

Section 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 but one form of action, for the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished and the fact as to the guilt of a party shall be determined by the verdict of a jury. The same commissioners shall be appointed by this convention to report to the General Assembly at its first session after this constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the convention shall provide for the Commissioners a reasonable compensation.

Sec. 2. The same commissioners shall also report to the General Assembly as soon as practicable, a code of law of North-Carolina. The Governor shall have power to fill the vacancies occurring in this Commission.

Sec. 3. The judicial power of the State shall be vested in a court for the trial of impeachments a Supreme court, Superior courts, courts of Justice of the Peace and special Courts.

Sec. 4. The Court for the trial of impeachments 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. 5. The House of Representatives, sitting, shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

Sec. 6. Treason against the state shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses in open court. A conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 7. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Sec. 8. There shall be two terms of the Supreme Court held at the seat of government of the state in each year, commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interest may require.

Sec. 9. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this court; and the

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Sec. 10. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor 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 vacancy has taken place and the person chosen, shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Sec. 11. The Secretary of state, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be ex officio legal advisors of the Executive Department.

Sec. 12. 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 they shall have been elected, and the said officers shall receive neither emolument or allowance whatever.

Sec. 13. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North-Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North-Carolina, signed with the Great Seal of the state, sealed with the Governor and countersigned by the Secretary of state.

Sec. 14. There shall be established in the office of the Secretary of state, a Bureau of statistics, Agricultural and Immigration, under such regulations as the General Assembly may provide.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 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 but one form of action, for the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished and the fact as to the guilt of a party shall be determined by the verdict of a jury. The same commissioners shall be appointed by this convention to report to the General Assembly at its first session after this constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the convention shall provide for the Commissioners a reasonable compensation.

Sec. 2. The same commissioners shall also report to the General Assembly as soon as practicable, a code of law of North-Carolina. The Governor shall have power to fill the vacancies occurring in this Commission.

Sec. 3. The judicial power of the State shall be vested in a court for the trial of impeachments a Supreme court, Superior courts, courts of Justice of the Peace and special Courts.

Sec. 4. The Court for the trial of impeachments 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.

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Sec. 5. The House of Representatives, sitting, shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

Sec. 6. Treason against the state shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses in open court. A conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 7. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Sec. 8. There shall be two terms of the Supreme Court held at the seat of government of the state in each year, commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interest may require.

Sec. 9. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this court; and the

Sec. 10. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor 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 vacancy has taken place and the person chosen, shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Sec. 11. The Secretary of state, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be ex officio legal advisors of the Executive Department.

Sec. 12. 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 they shall have been elected, and the said officers shall receive neither emolument or allowance whatever.

Sec. 13. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North-Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North-Carolina, signed with the Great Seal of the state, sealed with the Governor and countersigned by the Secretary of state.

Sec. 14. There shall be established in the office of the Secretary of state, a Bureau of statistics, Agricultural and Immigration, under such regulations as the General Assembly may provide.

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Sec. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North-Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North-Carolina, signed with the Great Seal of the state, sealed with the Governor and countersigned by the Secretary of state.

Sec. 17. There shall be established in the office of the Secretary of state, a Bureau of statistics, Agricultural and Immigration, under such regulations as the General Assembly may provide.

Sec. 18. In all cases of that kind, joined in one court, the parties may waive the right to have the same determined by jury, in which case the finding of the Judge upon the fact, shall have the force and effect 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 appointed by the court and shall hold his office for eight years.

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 provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

Sec. 24. The laws of North Carolina, not repugnant to this constitution, 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 transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at, the adoption by the General Assembly, of the rules of practice and procedure 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 elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years.

Sec. 27. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years.

Sec. 28. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years.

Sec. 29. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years.

Sec. 30. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years.

Sec. 31. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges