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The Proposed Radical CONSTITUTION FOR NORTH CAROLINA.

[CONCLUDED.]

ARTICLE V.

REVENUE AND TAXATION.

Section 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty one and under fifty 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 property or 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 appropriated to the latter purpose.

Sec. 3. Laws shall be passed taxing, by a uniform rule, all monies, credits, investments in bonds, stocks, joint 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 appropriate 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 debt or pecuniary obligation in behalf of the State, except to supply a casual defect, or to meet the interest on the public debt, 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 a 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 purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

Section 1. Every male person born in the United States, and every male person who has been naturalized, 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 he offers to vote, shall be deemed an elector.

Sec. 2. It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath of 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 *in camera*.

Sec. 4. Every voter, except as hereafter provided, shall be eligible to office; but before entering upon the discharge of the duties of the office, he shall take and subscribe the following oath: "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 any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such persons shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

Section 1. In each County, there shall be elected, biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and Five Commissioners.

Sec. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, Schools, Roads, Bridges, levying of taxes and finances of the County, as may be prescribed by law. The Register of Deeds shall be *ex officio*, Clerk of the Board of Commissioners.

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 Assembly before the first of January, 1860.

Sec. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, 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 hereof, 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 finances, 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 towns and in those Townships in which cities and towns are situated. In every Township there shall also be biennially elected a School Committee consisting of three persons whose duties shall be prescribed by law.

Sec. 6. The township Board of Trustees shall have the control of the township lands 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 qualified voters therein.

Sec. 8. No money shall be drawn from any county or Township Treasury, except by authority of law.

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 exempted by this Constitution.

Sec. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

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 rebellion.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

Sec. 1. Corporations may be formed 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 corporation cannot be attained under general laws. All general laws and special acts passed, pursuant to this section, may be altered, from time to time or repealed.

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 persons.

Sec. 4. It shall be the duty of the Legisla-

ture to provide for the organization of cities, towns and incorporated villages, and to regulate their power of taxation, assessment, borrowing money, contracting debts, and pledging their credit, so as to prevent abuses in assessments and contracting debts by each municipal corporation.

ARTICLE IX.

EDUCATION.

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, where instruction shall be free of charge to all the children of the State between the ages of six and sixteen 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 the section, they shall be liable to indictment.

Sec. 4. The proceeds of all lands that may have been or hereafter 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 the fund for purposes of education; also the net proceeds that may accrue to the State from sales of estrays or from penalties and forfeitures; also the proceeds of all sales of swamp lands belonging to the State also all money that shall be paid as an equivalent for exemption from military duty. Also all grants, gifts and devises that may hereafter be made to this State, and not otherwise appropriated by the great and good devise, shall be securely invested and successively preserved as an irrevocable educational fund, the usual 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 in this State a system of free schools, and for no other purpose of the State.

Sec. 5. The lands, emoluments and franchise, is under the control of the State, and shall be held to an inseparable connection 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 tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue from 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, Secretary of State, Treasurer, Auditor, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General, shall constitute a State Board of Education.

Sec. 8. The Superintendent of Public Instruction shall be Secretary of the Board of Education.

Sec. 9. The Board of Education shall succeed to all 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 educational fund of the State, but all new rules and regulations 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 for the University, as follows: One for each county in the State, who term of office shall be eight years. The first meeting of the Board shall be held ten days after their election, and at this and every subsequent meeting, ten Trustees shall constitute a quorum. The Trustees, at their first meeting shall be divided, as equally as may be into four classes. The seats of the first class shall be vacant at the expiration of two years; of the second class, at the expiration of four years; of the third class, at the expiration of six years; of the fourth class, at the expiration of eight years; so that one-fourth may be chosen every second year.

Sec. 14. The Board of Education and the President of the University, shall be *ex officio* members of the Board of Trustees of the University; and shall, with their Trustees to be appointed by the Board of Trustees, constitute the Executive Committee of the Trustees

of the University of North Carolina, and shall be clothed with the powers delegated to the Executive Committee under the existing organization of the institution. The Governor shall be *ex officio* President of the Board of Trustees and Chairman of the Executive Committee of the University. The Board of Education shall provide for the more perfect organization of the Board of Trustees.

Sec. 15. All the privileges, rights, franchises and endowments heretofore granted to, or conferred upon the Board of Trustees of the University of North Carolina by the Charter of 1789, or by any subsequent legislation, are hereby vested in the Board of Trustees authorized by this Constitution, for the perpetual benefit of the University.

Sec. 16. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a Department of Agriculture, of Mechanics, of Mining and of Normal Instruction.

Sec. 17. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability, shall attend the Public Schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOME LANDS AND EXEMPTIONS.

Section 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such residents, shall be, and is hereby exempted, from sale under execution, or other final process of any court, issued for the collection of any debt.

Sec. 2. Every Homestead and the dwelling and building used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempted from sale under execution, or other final process of any court, issued for the collection of any debt, or for payment of obligations contracted for the purchase of said premises.

Sec. 3. The Homestead, after the death of the owner thereof, shall be exempt from the payment of any debt, during the minority of his children or any one of them.

Sec. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Sec. 5. If the owner of a Homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a Homestead, in her own right.

Sec. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate property of such female, and shall not be liable to any debts, obligations or engagements of her husband, and may be devised or bequeathed, and, with the written assent of her husband, conveyed by her, as if she were unmarried.

Sec. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or the guardian, if under age, for her or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

Sec. 8. Nothing contained in the foregoing section of this Article shall operate to prevent the owner of a Homestead from disposing of the same by deed; but no deed, made by the owner of a Homestead shall be valid without the voluntary assent of his wife, signed on her private examination, according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Section 1. The following punishments only shall be known to this State, viz: Death, imprisonment, with, or without hard labor, fines, removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this State.

Sec. 2. The objects of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, these only may be punishable with death, if the General Assembly shall so enact.

Sec. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State prison or Penitentiary at some

central and accessible place.

Sec. 4. The General Assembly shall provide for the erection of Houses of Correction, for vagrants and persons guilty of offenses, shall be restrained and usefully employed.

Sec. 5. A house or houses of refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.

Sec. 6. It shall be required by appropriate legislation that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, and that male and female prisoners be never confined in the same room or cell.

Sec. 7. Beneficent provisions for the poor, the unfortunate and orphan, being one of the first duties of a civilized and christian State, the General Assembly shall, at its first session, appoint and define the duties of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their conditions with suggestions for their improvement.

Sec. 8. There shall also as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated or taught some business or trade.

Sec. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Sec. 10. The General Assembly shall provide that all the deaf mutes, the blind, and the insane of the State shall be cared for at the charge of the State.

Sec. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of the creation.

ARTICLE XII.

MILITIA.

Section 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the Militia, except that all persons who may be exempt therefrom.

Sec. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service.

Sec. 3. The Governor shall be Commander-in-Chief, and have power to call out the Militia, and for paying the same when called into active service.

Sec. 3. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, suppress riots or insurrection, and to repel invasion.

Sec. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the Militia.

ARTICLE XIII.

AMENDMENTS.

Section 1. No Convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

Sec. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of members of each House, respectively; nor shall any alteration take place until the bill, so agreed to, shall have been published six months previous to a new election of members of the General Assembly.— If after such publication the alteration proposed by the preceding General Assembly shall be agreed to in the first session thereafter by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days, in each House, then the said General Assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the House of Representatives throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters voting thereon, have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

ARTICLE XIV.

MISCELLANEOUS.

Section 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Sec. 2. No person who shall hereafter engage in a duel, or assist in the same as a second, send, accept, or knowingly carry a deadly weapon, or agree to go out to fight a duel, shall be deemed a citizen of this State.