CONSTITUTION OF NORTH CAROLINA.

We, the delegates of the people of North Carolina, in Convention assembled, for the purpose of amending the Constitution of the State, having consolidated the same as adopted on the eighteenth day of December, A. D., one thousand seven hundred and seventy-six, with the amendments thereto, which were ratified on the eleventh day of July, A. D., one thousand eight hundred and thirty five, together with sundry amendments adopted in the years one thousand eight hundred and fifty-six, one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two, and other amendments adopted by this Convention, do ordain and establish the following Constitution for the State:

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All political power is vested in and derived from the people only.

SEC. 2. The people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

SEC. 3. 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. 4. The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

SEC. 5. All power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 6. Elections of members to serve as representatives in General Assembly ought to be free.

SEC. 7. In all criminal prosecutions, every man has a 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 shall not be compelled to give evidence against himself.

SEC. 8. No freeman shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.

SEC. 9. No freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used: The Legislature may, however, provide other modes of trial for petty misdemeanors, with the right of appeal.

SEC. 10. Excessive bail should not be required, nor excessive fines imposed, nor unusual punishments inflicted.

SEC. 11. General warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of the fact 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. 12. No freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived, of his life, liberty, or property, but by the law of the land.

SEC. 13. Every freeman, 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. 14. 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. 15. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

SEC. 16. 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. 17. The people have a right to bear arms for the defence of the State; 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. 18. 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. 19. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

SEC. 20. For redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

SEC. 21. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 22. No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

SEC. 23. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 24. Retrospective laws, punishing facts 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.

SEC. 25. Slavery and involuntary servitude otherwise than for crimes, whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited within the State.

SEC. 26. The limits and boundaries of the State shall be and remain as they now are.

SEC. 27. 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. 28. 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 to be prescribed by law.

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 Commons.

SEC. 2. The Senate shall consist of fifty representatives, biennially chosen by ballot, and elected by districts, which districts shall remain as they are until the first session of the General Assembly after the year one thousand eight hundred and seventy-one; and at such session, and then every ten years thereafter, shall be laid off by the General Assembly, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof, and the average of the public taxes paid by each county into the Treasury of the State, for the three years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial district; and when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with [illegible] county or counties receiving [illegible] ratio, such county and counties each shall constitute a Senatorial district.

SEC. 3. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their entire respective white population, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of white population.

SEC. 4. 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 be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the census which may be taken by order of Congress, next preceding the period of making such apportionment.

SEC. 5. In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of the white population in the State, after deducting that comprehended within those counties, which do not severally contain the one hundred and twentieth part of the entire white population aforesaid, by the number of representatives less the number assigned to the said counties. 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. 6. No new county shall be formed and established, unless there shall be, within the proposed boundaries thereof, the one hundred and twentieth part of the entire white population of the State; nor if the population of the county, or any of the counties, from which it may be proposed to form and establish the same, shall thereby be reduced below the one hundred and twentieth part of the entire white population of the State.

SEC. 7. Each member of the Senate shall be not less than thirty years of age; shall have resided in the State five years; shall have usually resided in the district for which he is chosen, one year immediately preceding his election, and for the same time shall have possessed, and shall continue to possess, in the district which he represents, not less than three hundred acres of land in fee; or a freehold of not less value than one thousand dollars.

SEC. 8. Each member of the House of Commons shall be not less than twenty-one years of age; shall have resided in the State five years, and shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for the same time shall have possessed, and shall continue to possess, in the county which he represents, a freehold of one hundred acres of land, or the value of three hundred dollars.

SEC. 9. Every man of the age of twenty-one years, who may have been an inhabitant of the State for twelve months, and of the district in which he proposes to vote, six months next before the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the Senate for the district in which he may then reside.

SEC. 10. Every man of the age of twenty-one years, who may have been an inhabitant of the State for twelve months next before the day of election, and of the county in which he proposes to vote for six months next before the day of election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he shall then reside.

SEC. 11. Each person elected to the Senate or House of Commons, shall hold his seat from the time of his election until the next biennial election.

SEC. 12. The Senate and House of Commons shall meet biennially, and when assembled, shall be denominated the General Assembly.

SEC. 13. The House of Commons shall choose their own speaker and other officers.

SEC. 14. The Lieutenant-Governor shall preside in the Senate, but shall not vote, unless they be equally divided.

SEC. 15. The Senate shall choose their 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. 17. Each House shall be judge of the qualifications and elections of its own members; shall sit upon its own adjournments from day to day, prepare bills to be passed into laws; direct writs for supplying intermediate vacancies; and may also jointly adjourn to any future day or place.

SEC. 17. The style of the acts shall be "The General Assembly of North Carolina do enact, as follows:"

SEC. 18. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that, to the best of his knowledge and belief, he is qualified under the Constitution of the State to take his seat.

SEC. 20. The General Assembly shall not have power to grant a divorce, or secure alimony, in any individual case, but may pass general laws, regulating divorce and alimony.

SEC. 21. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of any infamous crime; but shall have the power to pass general laws regulating the same.

SEC. 22. 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 directions and in such manner as shall be provided by law.

SEC. 23. No law shall be passed to raise a loan of 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 and towns, to do so, unless the bill for that 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 a majority of the whole number of members of 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. 24. The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

SEC. 25. If vacancies shall occur by death, resignation or otherwise, whenever the General Assembly is not in session, writs of election may be issued by the Governor, under such regulations as may be prescribed by law.

SEC. 26. Neither House shall proceed upon public business, unless a majority of all its members be present.

SEC. 27. Each House shall keep a journal of all its proceedings, which shall be printed, and made public immediately after the adjournment of the General Assembly.

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 on the journals.

SEC. 29. 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 on the journal.

SEC. 30. The General Assembly, at each biennial session, shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer, and Council of State, who shall continue in office for the term of two years, and until others may be appointed in their places.

SEC. 31. In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. There shall be a Governor, and Lieutenant Governor of the State, who shall be chosen by the qualified voters for the members of the House of Commons, at such times and places as members of the General Assembly are elected.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor, unless he shall have been a citizen of the United States for twenty years; shall have attained the age of thirty years; shall have been a resident of the State for five years next before the day of election, and shall have therein a freehold in lands and tenements of the value of two thousand dollars.

SEC. 3. The Governor shall hold his office for the term of two years from the time fixed for his installation, and until another shall be elected and qualified; but he shall not be eligible for more than four years in any term of six years, unless the office shall have been cast on him as Lieutenant Governor or Speaker of one of the Houses of the General Assembly.

SEC. 4. The returns of every election for Governor and Lieutenant-Governor, shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the House of Commons, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes for Governor, shall be Governor; and the person having the highest number of votes for Lieutenant-Governor, shall be Lieutenant-Governor; but if two or more persons shall be equal and highest in number of votes for either office, one of them shall be chosen to fill the office by a joint vote of both Houses of the General Assembly.

SEC. 5. Contested elections for Governor or Lieutenant Governor, shall be determined by a joint vote of both Houses of the General Assembly, in such a manner as shall be prescribed by law.

SEC. 6. The Governor elect shall enter on the duties of the office, on the first day of January next after his election, having previously taken the oaths of office in presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly by sickness or other unavoidable cause, is authorized to administer the same.

SEC. 7. The Lieutenant-Governor shall possess the same qualifications for office, as are required of the Governor, and shall hold his office for the like term.

SEC. 8. The Governor and Lieutenant-Governor, each, shall take an oath, that, to the best of his knowledge and belief, he is eligible, under the Constitution and laws of the State, to the office, to which he has been elected.

SEC. 9. The Governor shall be Commander-in-Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the Militia for the public safety.

SEC. 10. The Governor shall have power to draw for and apply such sums of money as may be voted by the General Assembly for the contingencies of government, and be accountable to them for the same; he shall have the power of granting pardons, and reprieves, except when the prosecution shall be carried on by the General Assembly, or unless the law shall otherwise direct; in which latter case, he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State; and shall have power, by and with the advice of the Council of State, to convene the General Assembly in extra session, at any time, when in his opinion, the exigencies of the State may require it.

SEC. 11. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of the office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease.

SEC. 12. Whenever the Lieutenant-Governor shall, for like causes, become incompetent to discharge the powers and duties of the office of Governor, they shall devolve on the Speaker of the Senate; and in case of his death, or incompetency for like causes, they shall devolve on the Speaker of the House of Commons; and for such time as there shall be no Speakers in fact, the persons last acting as such shall be deemed Speakers for the purpose aforesaid.

SEC. 13. In case of a vacancy in the office of Governor, the Lieutenant-Governor, or any other person called to fill the office, shall be qualified before any Justice of the Supreme Court.

SEC. 14. The Lieutenant-Governor, while presiding in the Senate, shall receive the same pay as the Speaker of the House of Commons, and he shall receive no other compensation, except when he is acting as Governor.

SEC. 15. 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, and be affixed to all grants and commissions.

SEC. 16. The Council of State shall consist of seven persons, who shall advise the Governor in the execution of his office; four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; against any part of which any member present may enter his dissent; and such Journal shall be laid before the General Assembly when called for by either House.

SEC. 17. In every case where any officer, the right of whose appointment is by the Constitution of the State, vested in the General Assembly, shall, during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in one Supreme Court; in Superior Courts of law and Courts of Equity; in County Courts; and in Justices of the Peace; and in such other Courts, as by the Constitution and Laws may be allowed.

SEC. 2. The Supreme Court shall consist of a Chief Justice, and two Associate Justices, who shall be elected to their respective offices by the joint vote of the two Houses of the General Assembly.

SEC. 3. The Superior Courts of law and of Equity shall consist of one or more [illegible], to be elected in like manner.

SEC. 4. The Justices of the Supreme and the Judges of the Superior Courts of law and of Equity, shall hold their offices during good behaviour; and, at stated times, shall receive for their services an adequate salary, which shall not be diminished during their continuance in office.

SEC. 5. There shall be two terms of the Supreme Court, to be held at the seat of Government in every year; the commencement of the [illegible] to be, as nearly as may be, half a year [illegible] and the Court at each term shall sit for [the] dispatch of business so long as shall be necessary.

SEC. 6. A Superior Court shall be held semi-annually at least, in every county in the State, [and] shall sit for the dispatch of business for [such] time as may be directed by law, but for [not le]ss than six days, unless its business shall [be so]oner disposed of. The General Assembly [may] however, direct more than two terms of [the] Superior Courts to be held in the year; in [whi]ch case the Assembly may, if deemed advisable, increase the number of terms of the Supreme Court.

SEC. 7. County Courts shall be held quarterly at least, in each year, in the several counties, [by t]he Justices of the Peace therein, of whom [not le]ss than three shall be a quorum, and the [ter]ms of the Court shall continue at least six [days] unless the business be sooner disposed of.

SEC. 8. The General Assembly, in its discretion may establish Courts for incorporated [citie]s and towns, with such jurisdiction in civil [case]s as may be prescribed.

SEC. 9. The General Assembly may also establish police courts for such cities and towns, [with] power to try and punish petty misdemeanors committed within the limits of such cities [and] towns, and in violation of their by-laws.

SEC. 10. The General Assembly, at its first [sess]ion after the office of Attorney General shall [beco]me vacant, and from time to time thereafter, shall appoint an Attorney General, who [shall] be commissioned by the Governor, and [sh]all hold his office for the term of four years; but the General Assembly should hereafter [ext]end the term during which Solicitors of the [State] shall hold their offices, then they shall [have] power to extend the term of office of the Attorney General to the same period.

SEC. 11. Justices of the Peace shall be elected by the qualified voters for members of the General Assembly, and shall hold their office [for] six years. The number shall not exceed two [for] every thousand of the population according [to] the census next preceding the election, but the General Assembly may allow three additional Justices for each county-seat, and incorporated towns: *Provided*, Said incorporated town, being other than that in which the county-seat is located, shall contain three hundred inhabitants. The General Assembly shall provide for districting the several counties, and the Justices shall reside in their respective districts; and there shall be a separate election for each district. The next General Assembly shall enact the necessary laws to carry into effect the provisions of this section; and at the first County Court after the election, the term of office of the present Justices shall expire. The General Assembly may provide for the election of Justices to fill vacancies.

SEC. 12. There shall be a Sheriff, coroner or coroners, and constables in each county within the State.

ARTICLE V.

DISQUALIFICATIONS FOR OFFICE.

SECTION 1. No person who shall deny the being of Almighty God, or the divine authority [of the New Testament, or who shall hold] religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in any civil department of the State.

SEC. 2. No member of the Senate, or of the House of Commons shall be eligible to any office within the gift of the General Assembly, during the time for which he may be elected.

SEC. 3. No person who may have been Public Treasurer, or any other receiver of the public moneys, shall be eligible to any office or place of trust or profit, until he shall have fully accounted with the proper authorities for all moneys which may have come to his hands.

SEC. 4. No clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

SEC. 5. No person who shall hold any office or place of trust or profit under the United States, or under this State, or any other State or government, or under any department of the United States, or of this State, or of any other State, shall hold or exercise any other office or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, That nothing herein contained shall extend to officers in the militia or justices of the peace.

SEC. 6. Any Justice of the Supreme Court, or Judge of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Justice or Judge, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly may act thereon.

SEC. 7. Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and mal-practice in office, the commission of such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SEC. 8. No person shall be deemed qualified to vote in any election, or appointment to any office, or place established by the Constitution, or by the General Assembly, or deemed eligible to such office or place, who shall have been adjudged guilty of felony, or of any infamous crime, unless such person shall have been fully pardoned, or restored to credit in a mode prescribed by law; and every person adjudged guilty of man-slaughter and discharged, shall be deemed to be pardoned.

SEC. 9. Every person who may hold an office or place of trust or profit under the State, or any department thereof, and every person allowed to vote for such person, shall be a white person and a citizen of the United States.

SEC. 10. The term white person, as used in this Constitution, shall include all who have less than one-sixteenth of negro blood.

ARTICLE VI.

IMPEACHMENT.

SECTION 1. The Governor, Justices of the Supreme Court, and Judges of the Superior Courts, and all other officers of the State (except Justices of the Peace and militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption.

SEC. 2. Judgment, in case of impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, under this State; but the party convicted, may, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

SEC. 3. The House of Commons shall have the sole power of impeachment: The Senate shall have the sole power to try impeachments: No person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the charge in question according to evidence.

ARTICLE VII.

MISCELLANEOUS.

SECTION 1. All commissions shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the clerks of the respective courts. Indictments shall conclude against the peace and dignity of the State.

SEC. 2. A school or schools shall be established by the General Assembly, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.

SEC. 3. No foreigner shall be deemed a citizen of the State until he shall have been duly naturalized.

SEC. 4. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SEC. 5. There shall be no establishment of any one religious church or denomination in this State in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

SEC. 6. Private property shall not be taken for public use, without just compensation paid in due time.

SEC. 7. Treason against the State shall consist only in levying war against the State, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 8. Capitation tax shall be equal throughout the State upon all individuals subject to the same; *Provided*, That exemptions of taxable polls as heretofore prescribed by law, may be allowed in cases of bodily or mental infirmity.

SEC. 9. Every person chosen or appointed to any office or place of trust or profit in the State, besides any oath prescribed for a faithful discharge of its duties, shall before entering on such duties, take an oath or affirmation to support, maintain and defend the Constitution of the State, not inconsistent with the Constitution of the United States.

SEC. 10. Wherever in this Constitution there is a property qualification mentioned, its value shall be determined in specie, and be regulated by the assessment of State taxation next preceding the election.

SEC. 11. The General Assembly shall provide by law, for the exemption from sale under execution, [aft]er the first day of January, one thousand eight hundred and sixty-seven, a homestead in land, in favor of every head of a family who may be the owner thereof, except for taxes.

ARTICLE VIII.

CONVENTIONS.

No Convention of the people shall be called otherwise than by the General Assembly, and then only by the concurrence of two-thirds of all the members of each House of the General Assembly. No part of the Constitution of the State shall be amended, unless by a Convention, the delegates whereof shall consist of the same number as the members of the House of Commons and be chosen by the qualified voters for members of such House.

[Ratified in Convention this twenty-fifth day of June, Anno Domini, one thousand eight hundred and sixty-six.]

EDWIN G. READE, *President.*

JAMES H. MOORE, *Secretary of the Convention.*

R. C. BADGER, *Assistant Secretary.*

DEPARTMENT OF STATE,
RALEIGH, June 26, 1866.

I, ROBT. W. BEST, Secretary of State, in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of the original on file in this office.

Given under my hand the 26th day of June, A. D., 1866.

R. W. BEST,
Secretary of State.

AN ORDINANCE

SUBMITTING TO THE QUALIFIED VOTERS OF THE STATE THE RATIFICATION OR REJECTION OF THE CONSTITUTION ADOPTED BY THE CONVENTION.

SECTION 1. *Be it ordained by the people of North Carolina, in Convention assembled,* That the Constitution of the State, adopted by this Convention, be submitted by the Governor to the people on the first Thursday of August next, thirty days notice having been given, and that the polls be opened by the respective Sheriffs and kept open for three successive days, at the several election precincts in each and every County in the State, under the same rules and regulations as now exist for the election of members of the General Assembly: That the said Sheriffs be required to compare and certify the results of the election, on or before the Thursday following, and transmit the same in twenty days thereafter to the Governor of the State: That all persons qualified to vote for members of the General Assembly, may vote for or against the ratification of the same: Those who wish a ratification of the Constitution voting with a printed or written ticket, "RATIFICATION;" those of a contrary opinion, "REJECTION." It shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective Counties, sworn before the Clerk of the County Court, one copy of which shall be deposited in said Clerk's office, and the other copy transmitted to the Governor of the State at Raleigh.

SEC. 2. *Be it further ordained,* That when the returns aforesaid shall have been received, the same shall be opened by the Governor, in the presence of the Secretary of State and Treasurer, and in case a majority of the votes polled shall be in favor of a ratification of the Constitution, the same shall be forthwith made known by a proclamation of the Governor to the people of the State; and thereupon the Governor shall cause to be endorsed on the Constitution as enrolled by order of the Convention, or shall annex thereto a certificate, under his signature, declaring that the said Constitution has been ratified by the people of North Carolina; and the Secretary of State shall countersign the said certificate, and annex thereto the Great Seal of the State, and the Constitution so enrolled, with the certificate aforesaid, shall be forever kept among the archives of the State, in the office of the Secretary aforesaid.

SEC. 3. *Be it further ordained,* That the Constitution, thus ratified, shall take effect and be in force from and after the proclamation of the ratification thereof: *Provided, however,* That the officers holding office under the State shall severally continue to exercise their respective functions, until their places shall be filled by the Constitution as ratified.

Ratified in Convention this 25th. day of June, A. D., one thousand eight hundred and sixty-six.

EDWIN G. READE,
President.

JAMES H. MOORE, Secretary.
R. C. BADGER, As't. Secretary.

DEPARTMENT OF STATE,
RALEIGH, N. C., June 26th. 1866.

I, ROBERT W. BEST, Secretary of State, in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of the original on file in this office.

Given under my hand the 26th. day of June, A. D., 1866.

R. W. BEST,
Secretary of State.

ADVERTISEMENTS.

STATE OF NORTH CAROLINA,
BEAUFORT COUNTY COURT,
June Session 1866.

LEWIS CLARK,
vs.
JOHN P. PERKINS,
Original Attachment.

It appearing to the satisfaction of the court, that JOHN P. PERKINS is a non resident of the State of North Carolina. It is ordered that publication be made in the Raleigh Sentinel for 6 weeks, giving notice to the said John P. Perkins that he appear before the Justices of the Court of Pleas and Quarter Sessions for Beaufort County on the third Monday of September next at the Court House in Washington, and plead or answer to the above suit, having replevied the estate attached, or a judgment will be entered against him.

WM. S. CORDON, Clerk.

June 12-6w1aw

STATE OF NORTH CAROLINA,
CHOWAN COUNTY,
COURT OF PLEAS AND QUARTER SESSION,
May Term, 1866.

FREDRICK S. ROBERTS, ADM'R. OF DUNCAN MCDONALD,
vs.
DUNCAN A. DIXON, ET AL.

It appearing to the Court that Duncan A. Dixon, and William P. Williamson and wife Penelope B., reside beyond the limits of this State, it is therefore ordered that publication be made, for six weeks, in the Sentinel, a newspaper published in the City of Raleigh for said defendants to appear at the next term of the Court, to be held at the Court-house in Edenton, on the 1st Monday of August next, then and there to answer, &c.

Witness Wm. R. SKINNER, Clerk of said Court, at Edenton, the 1st Monday of May, A. D., 1866.

WM. R SKINNER, Clerk

June 19-w6w

STATE OF NORTH CAROLINA,
BEAUFORT COUNTY.
SPRING TERM 1866.

WILLIAM P. JEWELL AND CAROLINE HIS WIFE,
vs.
HENRY P. ALLEN.

Upon the complainant presenting the affidavit filed in this case at this term, it is ordered by the Court that notice of the filing this bill be published in some Gazette or news paper printed in this State, viz. the [illegible] that the object of said bill is to appoint a new trustee in the place and stead of him the said Henry P. Allen to whom the property, which he holds in trust for Caroline Jewell, one of the Complainants in said bill shall be conveyed to hold in the same trusts as it is now held by the said Henry P. Allen, and that unless he does appear before the Court of Equity to be held for the County of Beaufort at the Court House in Washington on the eighth Monday after the fourth Monday of September next, a decree will be made that the said bill be taken as confessed and such other decree as shall be deemed just.

MATTHEW HAW, C. & M. E.

Washington, June 15

STATE OF NORTH CAROLINA,
MOORE COUNTY.
Court of Pleas and Quarter Sessions, April Term, 1866.

BRYAN DOWD & WIFE & OTHERS,
vs.
MATTHEW BYRD & WIFE.

Petition for Partition of Land.

It appearing to the satisfaction of the Court, that the defendant, Matthew Byrd and wife Lovedy, are not inhabitants of this State; it is ordered that publication be made for six weeks, in the Raleigh Sentinel, a paper published in the city of Raleigh, notifying the defendants to appear at the next Term of this Court, to be held for the County of Moore, at the Court House in Carthage, on the 4th. Monday in July next, to plead, answer or demur to this petition, or the same will be taken *pro confesso*, and heard *ex parte*.

Witness ALEXANDER H. McNEILL, Clerk of our said Court, at office in Carthage, 4th. Monday in April, 1866.

A. H. McNEILL, C. C. C.

June 23-w6w

STATE OF NORTH CAROLINA,
GRANVILLE COUNTY,
COURT OF PLEAS AND QUARTER SESSIONS
May Term, 1866.

THEOPHILUS N. MANN,
THOMAS L. MANN,
& OTHERS,
vs.
RUFUS B. MANN,

IT appearing to the satisfaction of the Court, that RUFUS B. MANN, the defendant in this case, resides beyond the limits of this State, it is therefore, on motion, ordered by the Court, that publication be made, for six weeks successively, in the Raleigh Sentinel, notifying the said Rufus B. Mann of the filing of this Petition, and that unless he appears at the next term of this Court, and answer the petition, the same will be taken *pro confesso*, and heard *ex parte* as to him.

Witness Augustine Landis, Clerk of said Court, at office in Oxford, the first Monday in May 1866.

A. LANDIS, Clerk.

may 21-w6w

STATE OF NORTH CAROLINA,
BERTIE COUNTY,
COURT OF PLEAS AND QUARTER SESSIONS,
May Term, 1866.

LITTLETON JOHNSON
vs.
WILLIAM H. HOGGARD.
Attachment Levied on Land.

It appearing to the satisfaction of the Court, that the defendant in this case, is not an inhabitant of this State; it is ordered by the Court that publication be made for six weeks, in the Sentinel, a paper published in Raleigh, notifying the defendant to appear at the next term of this Court to be held for the County of Bertie, at the Court House in Windsor, on the second Monday in August next, and replevy the property levied on or judgment final will be entered against him, and the land levied on sold to satisfy the Plaintiff's debt.

Witness WILLIAM P. GURLEY, Clerk of said Court, at office in Windsor, the second Monday of May, A. D. 1866.

WILLIAM P. GURLEY, C. C. C.

may 21-w6w

WANTED.

A Virginia Lady, an experienced teacher, qualified to teach the usual English branches, Latin, Music on the Piano, Painting in oil and water colors and Drawing. Desires a situation as teacher, either in a public school or private family. References given and expected. Address CHAS. MUSE,
Rutherfordton, N. C.

June 13-w7t