## Constitution of North Carolina.

Continued from first page.

Sec. 27. The General Assembly may provide by law that the Judges of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Sec. 28. The Superior Courts shall be at all times, open for the transaction of all business within their jurisdiction, except the trial of is-

sues of fact requiring a jury.
Sec. 29. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, it all criminal actions in the Superior Courts, and advise the offices of justice in his district. Sec. 30. In each county a Sheriff and Coroner, shall be elected by the qualified voters thereof as is prescribed for members of the General As-sembly, and shall hold their offices for two years. In each township there shall be a Constable, clected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the county may appoint to such offices for the unexpired term. Sec. 31. All vacancies occurring in the offices provided for by this Article of this Constitution shall be filled by the appointment of the Govern-or, unless otherwise provided for, and the ap-pointees shall hold their places until the next reg-

Sec. 32. The officers elected at the first election held under this Constitution, shall hold their offices for the terms prescribed for them respect-tively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United

Sec. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a Justice, on demand of either party thereto, heshall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same, and, if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgment shall be for twenty-five dollars or less, then the case shall beheard in the appellate court, only upon matters of law. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.
Sec. 34. When the office of Justice of the

Peace shall become vacant, otherwise than by expiration of the term, and in case of the failure by the voters of any district to elect, the clerk of the Superior Court for the county, shall appoint to fill the vacancy for the unexpired term.

Sec. 35. In case the office of clerk of a Superior Court for a county shall become vacant, otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held. THE A STREET BER REPORTED.

## ARTICLE V.

REVENUE AND TAXATION.

Section 1. The General Assembly shall levy a 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 poverty and infirmity, and the State ey, contracting debts, and loading their credit, and county capitation tax combined, shall never so as to prevent abuses in assessments and conexceed 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. she year shall more than twenty-nee 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 stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions

eral 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 Sec. 5. Until the bonds of the State shall be at

par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a cas-ual deficit, or for suppressing invasion or insurrec-tion, 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 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 unflinished 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.

municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and the property held for educational, scientific, literary, charitable, or religious pur-poses; 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

farmers, libraries and scientific instruments, to a value of not exceeding three hundred dollars.

Sec. 7. The taxes levied by the Commission of the several counties, for county proposes, taxes and shall never exceed the state state and shall never exceed the state state approval of the special approval of the special approval of the special approval of the special Assembly.

Sec. 8. Every act of the special Assembly, which it is to be a state the special object to to no other pure splied, and it shall be applied pose.

## 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 or affirmation to support and maintain the constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith 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

Sec. 4. Every voter, except as hereinafter provided shall be eligible to office, but before entering upon the discharge of the duties of his office, he shall take and subscribe the following eath: "I ——, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitu-

treason, perjury, or of 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. Sec. 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 Com-

Sec. 2. It shall be the duty of the Commissionof the penal and charitatable 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 Commission-

ers, 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 day of January, 1869.
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 bien-nially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a board of trustees, and shall, under the supervision of the county Commissioners, have control of the taxes and 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 dollars, to be selected by such residents, shall be and is hereby exempt from sale under execution, or other formal process of any court, issued for

whose duties shall be prescribed by law.

Sec. 6. The township Board of Trustees, shall assess the taxable property of their townships and make return to the County Commissioners, for revision as may be prescribed by law. The Clerk shall also be ex officio Treasurer of the townships. Sec. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein. Sec. 8. No money shall be drawn from any county or Township Treasure, except by author-

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 two of this article sec. the provisions of this article shall enter upon

their duties ten days after the approval of this Constitution by the Congress of the U. States. Sec. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county five and six of this Article shall have been car-Sec. 12. All Charters, ordinances and provi-

sions 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

## ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL. Section 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the ob-

jects of the corporations cannot be attained un-der 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 secur ed 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 associa-

tions 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 suc, 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 Legislature to provide for the organization of cities, towns

and incorporated villages, and to restrict their power of taxation, assessments, borrowing mon-ey, contracting debts, and loading their credit, tracting debts by each municipal corporation.

## ARTICLE IX.

EDUCATION. Section 1. Religion, morality and knowledge being necessary to good government and happi ness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public schools, wherein tuition shall be free of charges to all the children of the State between the ages of six and twenty-one years. Sec. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more Public Schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this

section they shall be liable to indictment. Sec. 4. The proceeds of all lands that may have been, or hereafter may be, granted by the United States to this State and not otherwise specially appropriated by the United States or heretofore by this State; also, all monies, stocks, bonds and other property now belonging to any fund for purposes of education; also the net proceeds that may accrue to the State, from sales of estrays, or from fines, penalties and forfeitures; also, the proceeds of all sales of swamp lands

c approved by a majority of those who shall of which, together with so by can't the ordinary revenue of the State as may be precessary shall be seen of faithfully appropriated for establishing and perfecting education in this State, a system of Free Public Schools and for we other purposes or the State.

Sec. 5. The University of North Carolina, with its lands, moluments and franchises, is under the control of the State, and shall be held to an inserpendle connection with the Free Public chool system of the State.

In state, and the Board of Public that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

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 an' the property which has heretofore accress to the State, or shall hereafter accrue from excheats, unclaimed

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 Governor shall be President and the Superintendent of Public Instruction shall be Secretary of the Board of Education. Sec. 9. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repleated, they shall not be re-

enacted by the board. Sec. 10. The first session of the Board of Edu-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 Sec. 2. No part of the Constitution of this State within fifteen days after the organization of the Sec. 2. No part of the Constitution of this State State Government under this Constitution; the shall be altered unless a bill to alter the same

shall be provided for by the General Assembly. seath: "I——, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution tion 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 tollowing 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 the first class shall be vacated at the examendments may be submitted to the qualified.

expiration of four years; of the third class, at the exiration 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 Bord of Education and the President of the University shall be ex officio members of the Board of Trustees of the University; and shall, with three other Trustees, to be appointed by the Board of Trustees, constitute the Execu-tive Committee of the Trustees of the Universiy 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 efficio 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 N. Carolina by the Charter of 1789, or by any subsequent legislations, are hereby vested in the Board of Trustees authorized by this Constitution tion 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 emy powered 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.

HOMESTRADS AND EXEMPTIONS. Section 1. The personal property of any resident of this State to the value of five hundred 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 or buildings used thereon, owned and occupied by any resident of this State and not exceeding the value of one thousand dollars, shall be excepted from sale under exceution or other final process obtained on any debt. But no property shall be exempt from sale for the taxes, 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 or his children 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 exemp-tion, or a mechanic's lien for work done on the premises. Sec. 5. If the owner of a homestead die leavaces until sections four, ing a widow, but no children, 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 own-

er 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 estate and property of such female, and shall not be liable to any debts, obligations or engagements of her husband, and may be devised or because the deviced and with the written assent of her husband. queathed, 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 her 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 signature and assent of his wife, signified 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 the laws of this State, viz: Death, imprisonment, with or without hard labor, fines, removal from offices and disqualification to hold and enjoy any office of honor, trust or profit under this State.

Sec. 2. The object of punishments being not only to satisfy justice, but also to reform the offenders, and thus prevent crime, murder, arson, burglary, and rape, and those only, may be punishable wit death, if the General Assembly 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 point within the State Sec. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemean ors shall be restrained and usefully employed.

Scc. 5. A house or houses of refug e may be established whenever the public in erest may require it, for the correction and instruction of other classes of offenders. Sec. 6. It shall be required oy competent legis-lation that the structure and I superintendent of

penal institutions of the St ite, the county jails, and city police prisons, seeure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell. Sec. 7. Beneficent p rovisions for the poor, the

unfortunate and orph ins, being one of the first duties of a civilized and christian State, the Gen eral Assemb, y shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision . charitable and penal State institutions, and no shall annually report to the Governor upon their conditions, with suggestions for their im-

Sec. 8. There shall also, as soon as practicable, be measures devised by the State for the estab-lishment of one or more orphan houses, where destitute orphans may be cared for, educated and 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 Front Street, below Market Street, Sec. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities,

## ARTICLE XII.

Section 1. All able-bodied male citizens of the State of North Carolina, between the ages of shall hereafter accrue from excheats, unclaimed dividends or distributive shares of the estates of the United States, shall be liable to duty in the deceased persons, shall be sopropriated to the Militia; Provided, That all persons who may be averse to bearing arms, from religious scruples,

> 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

time of future meetings may be determined by the Board.
Sec. 11. A majority of the Board shall constitute a quorum for the transaction of business.

State Government under this Constitution, the shall be aftered unless a bill to after 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 stitute a quorum for the transaction of business. Sec. 12. The contingent expenses of the Board hall be provided for by the General Assembly.

Sec. 13. The Board of Education shall elect of members to the General Assembly. If, after

voters of the House of Representative 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 fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

Sec. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published. Sec. 4. The General Assembly shall provide by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter

Sec. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified, according to the provisions of this Constitution.

Sec. 6. The seat of Government in this State

shall remain at the city of Raleigh. Sec. 7. No person shall hold more than one lurative office, under the State, at the same time; Provided, That officers in the Militla, Justices of the Peace, Commissioners of Public Charities and Commissioners appointed for special purposes, shall not be considered officers within the meaning of this section.

Done in Convention at Raleigh, the sixteenth day of March, in the year of our Lord, one thonsand eight hundred and sixty-eight, and of the Independence of the United States, the ninety-sec (Signed) CALVIN J. COWLES,

I resident of the Constitutional Convention. T. A. BYRNES, Secretary.

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#### UNITED STATES OF AMERICA, -District of Cape Fear in the District of North Carolina.

WHEREAS a libel has been filed in the District Court of the United States for the District of Cape Fear, on the seventh day of November, 1867, by George Harriss, William Harriss, and Andrew J. Howell, partners under the name and style of Harriss & Howell, owners of the steamer Brandt, of Wilmington, and John F. Gilbert, Master of the said steamer, for themselves and all others entitled, against the schooner Eva Adele, her tackle, apparel, furniture and cargo-alleging in substance, that the said schooner Eva Adele, while endeavoring to get into the Port of Wilmington, went ashore, on the South side of New Inlet Bar, amid the South Bocakey where she stuck fast, and was unable to relieve herself from the perilous condition in which she was then placed. The said John F. Gilbert, Master of said steamer Brandt, upon discovering the condition of said schooner, Eva Adele, immedi-WE BUY and sell at the most liberal current prices, and keep on hand a full supply of GOVERNMENT BONDS OF ALL ISSUES, near enough to said schooner, Eva Adele, to rethe said schooner from the shore, and towed her into the Port of Wilmington: and that they are entitled to a reasonable share of schooner and cargo, for the salvage thereof, praying proces against said schooner and cargo and reasonable and proper salvage, and that the said schooner, her tackle, apparel, furniture, and cargo, may be condemned and sold to pay such salvage, with

costs, charges and expenses. Now, therefore, in pursuance of the monition under the seal of the said Court to me directed and delivered, I do hereby give public notice to all persons claiming the said ship, her tackle, apparel and furniture, and cargo, or in any manner interested therein, that they be, and appear be-fore the said District Court, to be held in the City of Wilmington, in and for the District of Cape Fear, on the Monday next succeeding the fourth Monday in April, then and there to interpose their claims, and to make their allegations in that behalf

Dated the 22nd day of January A. D. 1868. D. R. GOODLOE, JOS. H. NEFF, Deputy Marshal. ADAM EMPIE, Proctor for Libellants.

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