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#### REVIEW OF THE CONSTITUTION.

ADDRESS OF

## MESSRS. RODMAN AND GAHAGAN.

To the Ivople of North-Carolina: The Convention which met under the Reconstruction acts of Congress, to form a Constitution "republican in form" for the State of North Carolina, preparatory to its re-adminission into the Union, have finished their labors, and now present the Constitution to the people of the State for their ratification. The undersigned have been appointed to prepare a brief statement of its most important provisions and of the principal changes which have been made in the ormer system of government.

states clearly "the general and essential principle of liberty and good government," and secures them by all the sateguards which experience can suggest. The great change introduged by this Bill of Rights is, that it removes every argument on which the doctrine of the right of secession has been advocated, and see cures forever the integrity of the Union and the peace and prosperity of the United States. To do the Union-loving people of North-Carolina no defence need be made for the bold assertion of this great principle.

In the EXECUTIVE DEPARTMENT the changes ppear to be much greater than they really are. The names of some officers have been changed, and instead of being elected by the General Assembly as heretofore, the choice of these high agents of the people's will is given directly to the people. This is in conformity with the acknowledged principles of Republican government. But two officers have been created. 1st. Lieutenant Governor. The necessity for this officer to supply the place of the Governor, in case of a vacancy in his office, was so apparent that it was provided for in the proposed Constitution of 1895. No additional expense is incurred, as he will receive no pay, except while acting as Governor or presiding over the Senate. 2nd. A Superintendent of Public Works. A proper care of the interests of the State in the great and expensive public works in which it is engaged renders such an officer manifestly necessary. It is a measure of economy. The State has lost hundreds of thousand of dollars hereto-

officer will give to the expenditure of the public unoney on internal improvements.
Under the heads of the LEGISLATIVE DEPART-MENT and SUFFRAGE AND ELIGIBILITY TO OFFICE, the changes which will challenge attention is the giving the right to vote and hold office to all the male inhabitants of the State, without regard to race, color or previous condition. This change was inevitable. Without it there can be no return to the Union, no escape from the hopeless ruin which is inseparable from a continuance in our present unnatural condition. But apart from this convincing reason, reflecting men must see that a prudent regard for the welfare of both races and for the peace and harmony of society required the extension of the great privilege of voting to the colored -people, and just men must admit that all who are expected to bear their share of the manifold-burdens

for for want of the watchful attention which this

of the government at all times, and to expose their lives for its defence in war, should be allowed a full participation in its direction. To refuse this right to any class of the people would be to continue slavery in a modified form, a course too abhorrent to the spirit of the age to While giving suffrage to the colored people, the Convention has not been so inconsistent

with itself, and with the great principles of Republican government, as to deny it to any portion of the whites. It is an undeniable monument to the wisdom, and fequity, and magnanimity, of the Union people of North Carolina, that in three years after the close of a blood y and devastating civil war, in which wrongs and outrages were endured that can never be forgoten, they have framed a Constitution, in which not a trace of animosity or vindictiveness can be found; in which the wrong of the past are ignored for the sake of the peace of the future, and all who are now true to their country, are invited to participate in its government. Such wise forbearance is certain of its reward in the approval of reflecting men now, and of all posterity This may be the proper place to speak of a quarge, which has been freely made against this Constitution, by those who have never seen it, and have determined to defeat it, be it what it may. The charge is, that it favors the social equality of the races. It is untrue, nothing can be found in the constitution looking in that direction. With the social intercourse of life,

to the taste and choice of each individual. Some person has been so bold or so ignorant as to allege, that white and colored people are required to be enrolled in the same miltia company, and white and colored children to attend the same schools, and that intermarriages between the races are encouraged. All these assertions are false, as any reader of the constitution will see. All these matters are left now, as they were by the proposed Constitution of 1865, to be regulated by the representatives of the people in the General Assembly. Any one who denies the propriety of thus leaving them both impeaches the wisdom of our ancestors and distrusts the people of the fu-

government has nothing to do; it must be left

The attempt to excite a false prejudice on these subjects, is made for partizan purposes it can only tend to excite ill-will between races that are destined to live on the same soil, and ought to live together in peace, and it should be frowned down by every lover of the peace and prosperity

of the country.

JUDICIAL DEPARTMENT. Experience will soon demonstrate that the charges made in this branch of the government taken altogether, are of great value. Some may doubt the propriety of electing judges by the people. If the people select wisely, no harm can possibly result. The abolishment of the County Courts, rendered necessary a small inrease in the number of judges of the Superior Courts; and it may be charged that thereby the

General Assembly shall carry out in good faith the idea of the Convention, they will save hundreds of thousands of dollars every year, by the increased despatch, cheapness and certainty of the admiristration of justice. We confidently invite the approval of the people to this part of the constitution, it will stand the test of experience, and be more valued with every year of its exis-

#### COUNTY GOVERNMENT.

The Republican principle of local self-government, which has been so fertile a source of good effects in the North-Eastern and North-Western States, has been applied to the administration of the local affairs of counties and town-ships. Ten lines or less, solid minion type, constitute a square.

These County Legislatures, composed of five Commissioners of each county; will be schools, where the lessons of statesmanship will be learned, which may be afterwards displayed in the government of the State. By these various bodics, almost every man is brought directly to participate in public affairs. It may seem a little awkward at first, but it has approved itself elsewhere, and will do so here.

#### EDUCATION.

The Constitution tramed by our ancestors in 776, recognized the value of education. It provided for a University. This Constitution provides for a University and for free public schools for all the children of the State. All may see the difference between the success in life of the educated and the uneducated man, yet as often as not, the uneducated man has been gifted with the greater degree of intellectual power; the cause of his ill success is that it has not been developed. We propose to "level upwards," to give to the child, as far as the State can, an opportunity to develope to the fullest extent, all his intellectual gifts. So noble an effort needs no vindication.

#### IMPRISONMENT FOR DEET.

is abolished except in case of fraud. A liberal HOMESTEAD is reserved to the unfortnnate debter.

The barbarous Punishments of whipping, branding, and cropping, will be hereafter unknown. Crime is as often the result of an ignorance of the means of getting an honest living, as of a criminal disposition. Hereafter a Penitentiary will be at once a place for the repression of crime, and a school for teaching the useful arts to those who are more unfortunate than crimi-

People of North Carolina! such is the Consticarefully, consider it calmly; upon you and yours will the consequences of your decision fall. You may not approve every part of it. We cannot assert that it is perfect in every part. You must allow somewhat for the differences of opinion inevitable among thinking men, and each man must yield something of his own views for the sake of harmony. If you approve the general scope and object of the Constitution, vote to ratify it. Do not be misled by the unfounded denunciation of men heated by passion and reckless of consequences. If you adopt it, the gates of the Union will be opened for our entrance, we will once again enjoy the inestimable blessings of Constitutional Liberty, and may hope for a continuance of peace and for a return of our former prosperity. With a climate and soil unsurpassed, with a people highly giftedby nature with intelect and virtue, the State of Norh-Car. olina ought to be a great, rich and happy State. Laying aside all mutual crimination and all rejudice, and leaving the past to bear its proper burden of sorrows and guilt, let us all nite to make her what she ought to be. You have but to will it and by the blessing of God, it will be

> WILL. B. RODMAN. GEO. W. GAHAGAN.

# OFFICIAL.

# CONSTITUTION

PREAMBLE.

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

## ARTICLE I.

DECLARATION OF RIGHTS. That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the

defined and affirmed, we do declare: Section 1. That we hold it to be self evident that all men are created equal; That they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruit of their own labor, and the pursuit of happiness.

United States, and those of the people of this

State to the rest of the American people, may be

Sec. 2. That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of attering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of aw, and consistently with the Constitution of the United States.

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

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

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

Sec. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of pub-

Sec. 8. The Legislative, Executive, and Supreme judicial powers of the government ought to be forever separate and distinct from each

Sec. 9 All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be ex-

Sec. 10. All elections ought to be free. Sec. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defence,

unless found guilty. Sec. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeach-

Sec. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of we have considered this well, and we confidently lature may, however, provide other means of trial, for petty misdemeanors, with the right of assure the people of North Carolina, that if the appeal.

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

Sec. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Sec. 16. There shall be no imprisonment for

debt in this State, except in cases of traud. Sec. 17. No person ought to be taken, impris-oned or disseized of his freehold, liberties or

Sec. 18. Every person restrained of his liberty, s 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

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

be held responsible for the abuse of the same. Sec. 21. The privilege of the writ of habeas corpus shall not be suspended. Sec. 22. As political rights and privileges are not dependent upon, or modified by property, therefore no property qualification ought to et-

fect the right to vote or hold office. Sec. 23. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Sec. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies, in time of peace, are dangerous to liberty, they ought not under strict subordination to, and governed by, Indians not taxed, shall not be included. To

Sec. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

to the dictates of their own consciences, and no ing the largest fractions. tution which we invite you to adopt. Read it human authority should in any case whatever, leges of education, and it is the duty of the State to guard and maintain that right. Sec. 28. For redress of grievances and for

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

blessings of liberty. Sec. 30. No hereditary emoluments, privileges, or honors, ought to be granted or conferred in

Sec. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, | Jones, Lenoir, Lincoln, Macon, Madison Martin, no ex post facto law ought to be made. No law | McDowell, Mitchell, Montgomery, Moore, Nash, taxing retrospectively, sales, purchases, or other acts previously done, ought to be passed.

Sec. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties | Watauga, Wilkes, Wilson, Yadkin and Yancy shall have been duly convicted shall be, and are | shall elect one member each hereby forever prohibited within this State. Sec. 34. The limits and boundaries, of the State shall be and remain as they now are.

Sec. 35. All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Sec. 36. No soldier shall, in time of peace be

the owner; nor in time of war, but in a manner prescribed by law. Sec. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein dele-

quartered in any house without the consent of

gated, remain with the people.

## ARTICLE II.

LEGISLATIVE DEPARTMENT. Section 1. The Legislative authority shall be vested in two distinct branches, both dependent

on the people to-wit; a Senate and House of Representatives. Sec. 2. The Senate and House of Representatives shall meet annually on the third Monday in November and when assembled, shall be denom-

inated the General Assembly. Neither House shall proceed upon public business, unless a majority of all the members are actually present. Sec. 3. The Senate shall be composed of fifty Senators biennially chosen by ballot. Sec. 4. Until the first session of the General Assembly which shall be had after the year 1871,

the Senate shall be composed of members elected from Districts constituted as follows: First District-Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden, shall elect

Second District-Martin, Washington and Tyrrell shall elect one Senator.

Third District—Beaufort and Hyde shall elect one Senator. Fourth District-Northampton shall elect one

Fifth District-Bertie and Hertford shall elect one Senator. Sixth District-Halifax shall elect one senator. Seventh District-Edgecombe shall elect one

Eighth District-Pitt shall elect one senator. Ninth District-Nash and Wilson shall elect Tenth District-Craven and Carteret shall elect

two senators. Twelfth District-Duplin and Onslow shall

elect one senator. Thirteenth District—Brunswick and New Hanover shall elect two senators. Fourteenth District-Bladen and Columbus shall elect one Senator.

Fifteenth District-Robeson shall elect one Sixteenth District-Cumberland, Harnett and Sampson shall elect two senators. Seventeenth District-Johnston shall elect one.

Elghteenth District-Greene and Wayne shall elect one senator. Nineteenth District-Franklin and Wake shall elect two senators. Twentieth District-Warren shall elect one

Twenty-first District-Granville and Person shail elect two senators. Twenty-second District-Orange shall elect one

Twenty-third District Chatham shall elect one senator. Twenty-fourth District-Caswell shall elect one

senator. Twents-fifth District-Rockingham shall elect one senator. Twenty sixth District-Alamance and Guilford shall elect two senators.

Twenty-seventh District-Randolph and Mont gomery shall elect one senator. Twenty-eighth District-Moore and Richmond shall elect one senator. Twenty-ninth District-Anson and Union shall elect one senator. Thirtieth District-Mecklenburg shall elect

Thirty-first District-Cabarrus and Stanley shall elect one senator. Thirty-second District-Davie and Rowan shall elect one senator. Thirty-third District-Davidson shall elect one

senator. Thirty-fourth District-Forsythe and Stokes shall elect one senator. Thirty-fifth District-Surry and Yadkin shall elect one senator. Thirty-sixth District-Alexander and Iredell

shall elect one senator.

Thirey-seventh District-Catawba, Gaston and Lincoln shall elect one senator. Thirty-eighth District-Cleaveland, Polk and Rutherford shall elect one senator. Thirty-ninth District-Alleghany, Ashe and Wilkes shall elect one senator.

Fortieth District-Buncombe, Henderson and if it shall so fall, then on the next day thereafter, Transylvania shall elect one senator. Forty-first District-Burke, Caldwell and Watauga shall elect one senator.

Forty-second District—Madison, Mitchell, Mc-

Dowell and Yancy shall elect one senator. Forty-third District— Clay, Cherokee, Hay-wood, Jackson and Macon shall elect one sen-

Sec. 5. An enumeration of the inhabitants of the State shall be taken under the direction of the General Assembly in the year one thousand eight hundred and seventy-five, and at the end of privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but every enumeration taken as aforesaid, or by order of Congress, that each Senate District shall contain, as nearly as may be, an equal number of in-habitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of Sec. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people,

two or more senators. Sec. 6. House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the house of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to be laid off.

Sec. 7. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State by the number of Representatives, less the number assigned to such counties; and is ascertaining the to be kept up, and the military should be kept | number of the population of the State, aliens and 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 progres-Sec. 26. All men have a natural and unalien- sively, and then the remaining representatives able right to worship Almighty God according | shall be assigned severally to the counties hav-

Sec. 8. Until the General assembly shall have control or interfere with the rights of conscience. | made the apportionment as hereinbefore provi Sec. 27. The people have a right to the privi- | ded, the House of Representatives shall be composed of members elected from the counties in the following manner, to wit:

The county of Wake shall elect four members; the counties of Craven, Granville, Halifax and New Hanover shall elect three members each; the counties of Caswell, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Iredell, Johnston, Mecklenburg, Nortnampton, Orange, Pitt, Randolph. Robeson, Rockingham, Rowan, Warren and Wayne shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Davie, Forsyth, Gaston, Gates Green, Harnet, Henderson, Haywood, Hertford, Hyde, Jackson, Unslow, Pasquotank, Purquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanley Stokes, Surry, Transylvania, Tyrrell, Union, Washington,

Sec. 9. Each member of the Senate shall be not less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election. Sec. 10. Each member of the House of Rep-

resentatives shall be qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his Sec. 11. In the election of all officers, whose appointment shall be conferred upon the General

Assembly by the Constitution, the vote shall be Sec. 12. The General assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a di-

vorce or secure alimony in any individual case. Sec. 13. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Sec. 14. The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty days notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by

See 15. Af vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Govenor under such regulations as may be prescribed by

Sec. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, citles or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

Sec. 17. The General Assembly shall regulats entails in such manner as to prevent perpetuties. Sec. 18. Each house shall keep a journal of ite proceedings, which shall be printed and made ublic immediately after the adjournment of the

Jeneral Assembly. Eleventh District—Jones and Lenoir shall elect sent from, and protest against, any act or resolve, as acting Governor until the disabilities be rewhich he may think injurious to the public or any individual, and have the reasons of his dissent entered upon the Journal.

Sec. 20. The House of Representatives shall choose their own Speaker and other officers. Sec. 21. The Lieutenant-Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided. Sec. 22. The Senate shall choose its other officers, and also a speaker, (pro tempore,) in the ab-

sence of the Lieutenant-Governor, or when he shall exercise the office of Governor. Sec. 23. The style of the acts shall be-"The General Assembly of North Carolina do enact." Sec. 24. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two

or other place. Sec. 25. All bills and resolutions of a legislative nature shall be read three times in each house before they pass into laws and shall be signed by the presiding officers of both houses. Sec. 26. Each member of the General Assem-

houses may also jointly adjourn to any future day,

bly, before taking his seat, shall take an oath or affirmation that he will support the constitution and laws of the United States, and the constitution of the State of North-Carolina and will faith fully discharge his duty as a member of the senate or house of representatives.

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

Sec. 28. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Sec. 29. The election for members of the Gen-

eral Assembly shall be held for the respective districts, and counties, at the places where they are now held, or may be dir cted hereafter to be held in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections-The first election shall be held when the vote shall be taken on the ratification of this constitution by the voters of the State, and the General Assembly then elected, shall meet on the fifteenth day after the approval thereot by the Congress of the United States, if it fall not on Sunday, but

and the members then elected shall hold their Seats until their successors are elected at a regu-

## ARTICLE III

EXECUTIVE DEPARTMENT.

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

Sec. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years, next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unles the office shall have been cast upon him as Lieutenant Governor or Presd-

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

Sec. 4 The Governor, before entering upon the members of both branches of the General Assmbly, or before any Justice of the Supreme Court, | Monday in January, and first Monday in June, take an oath or affirmation, that he will support the constitution and laws of the United States | require. and of the State of North-Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been

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

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

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

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

Sec. 9. The Governor shall have power, on exraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly, in extra session by his proclamation. stating therein the purpose or purposes for which they are thus convened.

Sec. 10. The Governor shall nominate, and, by and with the advice and consent of a majority of the Senators elect, appoint all officers whose offi-ces are established by this contitution, or which shall be created by law, and whose appointments are not otherwise provided for, and no such officer shall be appointed or elected by the General

Sec. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall whilst acting as President of the Senate, receive same period, be allowed to the speaker of the House of Representatives, and he shall receive no other compensation except when he is acting as

Sec. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of fine of fifty dollars or imprisonment for one his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall ccase, or a new Governor shall be elected and qualified. In every case in which the Lieutenent Governor shall be anable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such prenticing of orphans, to audit the accounts of office as above provided, and he shall continue moved or a new Governor or Lieutenant Gover. All issues of fact joined before them shall be nor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

Sec. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualifiid. Every such vacancy shall be filled by election, at the first general election that occurs more than this days after the vacancy has taken place and the person chosen, shall hold the office for the remainder of the unexpired term fixed in the first section of

this Article. Sec. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction shall con stitute ex officio the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be ex officio: the legal adviser of the Executive

Department. Sec. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolu-

ment or allowance whatever.

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

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

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished, and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, tor the punishment of the same, shall be termed a criminal action. Feigned issues shan also be abolished and the fact at issue be tried by order

of court before a jury. Sec. 2. Three Commissioners shall be appointed by this convention to report to the General Assembly at its first session after this Constitu-tion shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the convention shall provide for the Commissioners a reasonable compensation.

Sec. 3. The same commissioners' shall also report to the General Assembly as soon as practicable, a code of law of North Carolina. The Governor shall have power to fill the vacancies occurring in this Commission.

Sec. 4. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace and Special Courts,

Sec. 5. The Court for the trial of impeachments shall be the Senate; a majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indietment and punishment according to law.
Sec. 6. The House of Representatives solely,

shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief Justice shall Sec. 7. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testi-

shall have the power of impeaching. No person

mony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture. Sec. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices. Sec. 9. There shall be two terms of the St preme Court held at the seat of Government of the State in each year, commencing on the first and continuing as long as the public interest may

Sec. 10. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this court; and the court shall have power to issue any remedial writs necessary, to give it a general supervision and control of the inferior

Sec. 11. The Supreme Court shall have original urisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action. Sec. 12. The State shall be divided into twelve

udicial districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in cach county in said District, at least twice in each year, to continue for two weeks, unless the business shall be sconer disposed of. Sec. 13. Until altered by law, the following shall be the Judicial Districts:

First District.-Currituck, Camden, Pasquo tank, Perquimans, Chowan, Gates, Hertford, Second District.-Tyrrell, Hyde, Washington, Beaufort, Martin, Pitt, Edgecombe. Third District.-Craven, Carteret, Jones, Ons-

low, Greene, Lenoir, Wayne, Wilson.

Fourth District.-Brunswick, New Hanover, Duplin, Columbus. Bladen, Sampson, Robeson. Fifth District.-Cumberland, Harnet, Moore, Richmond, Anson, Montgomery, Stanley, Union. Sixth District .- Northampton, Warren, Halifax, Wake, Nash, Franklin, Johnston, Granville. Seventh District.-Person, Orange, Chatham, Randolph, Guilford, Alamance, Caswell, Rock-

Eighth District.-Stokes, Forsythe, Davidson, Davie, Rowan, Yadkin, Surry. Ninth District.-Catawoa, Cabarrus Mecklen, burg, Lincoln, Gaston, Cleveland, Rutherford,

Tenth District .- Iredell, Burke, Caldwell, Wilkes, Alexander, McDowell. Eleventh District. - Alleghany, Ashc, Watauga, Mitchell, Yancy, Madison, Buncombe. Twelfth District.-Henderson, Transylvania,

Haywood, Macon, Jackson, Clay, Cherokee. Sec. 14. Every Judge of a Superior Court shall reside in his District while holding his office. The Judges may exchange districts with each other with the consent of the Governor, and the Governor for good reasons which he shall report to the Legislature at its current or next session, may require any judge to hold one or more specifor his services the same pay which shall for the fied terms of said courts in lieu of the Judge in whose district they are.

> Sec. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts; and of all criminal actions, in which the punishment may exceed a Sec. 16. The Superior Courts shall have appel-

late jurisdiction of all issues of law or fact, de-

termined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all Sec. 17. The clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of adminisexecutors, administrators and guardians, and of transferred to the Superior Courts for trial, and

appeals shall lie to the Superior Courts from their judgments in all matters of law. Sec. 18. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by jury, in which case the finding of the judge upon the fact, shall have the force and effect of a verdict of a jury. Sec. 19. The General Assembly shall provide

for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary. Sec. 20. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his oftice for eight years. Sec. 21. A Clerk of the Superior Court for each

County, shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. Sec. 22. Clerks of the Superior Courts shall hold their offices for four years. Sec. 25. The General Assembly shall prescribe

and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the Judges shall not be diminished during their continuance in office. Sec. 24. The laws of North Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be in

torce until lawfully altered. Sec. 25. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at, the adoption by the General Assembly, of the rules and practice and procedure herein provided for, shall be heard and determined, according to the practice now in use, unless otherwise provided for by said

Sec. 26. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years; but the Judges of the Superior Courts elected at the first election under this Constitution, shall, alter their election, under the superintendence of the Justices of the Supreme Court, be divided by lot into two equal classes, one of which shall hold office for four years, the other for eight years.

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