

thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people, and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose.²

Sec. 7. **[Exclusive emoluments]** No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 8. **[Separation of powers]** The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

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

Sec. 10. **[Elections free]** All elections ought to be free.

Sec. 11. **[Rights of accused]** 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 defense, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 12. **[Indictment]** No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment.

Sec. 13. **[Trial by jury]** 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 trial for petty misdemeanors, with the right of appeal.

Sec. 14. **[Bail]** Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

Sec. 15. **[General warrants]** 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 offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 16. **[Imprisonment for debt]** There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 17. **[Law of the land]** No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property but by the law of the land.

Sec. 18. **[Persons restrained of liberty]** Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Sec. 19. **[Jury trials in civil cases]** In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Sec. 20. **[Freedom of the press]** 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. **[Habeas corpus]** The privileges of the writ of habeas corpus shall not be suspended.

Sec. 22. **[Property qualification]** As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Sec. 23. **[Representation and taxation]** The people of the 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. **[Right to bear arms]** A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the

² As amended November 2, 1880. North Carolina Public Laws, 1879, c. 268.

military should be kept under strict subordination, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Sec. 25. **[Right to assemble]** 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. But secret political societies are dangerous to the liberty of a free people, and should not be tolerated.

Sec. 26. **[Freedom of religion]** All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Sec. 27. **[Education]** The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 28. **[Frequent elections]** For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Sec. 29. **[Recurrence to fundamental principles]** A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. **[Hereditary emoluments]** No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

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

Sec. 32. **[Retroactive laws]** 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 no ex post facto law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Sec. 33. **[Slavery]** Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

Sec. 34. **[Boundaries]** The limits and boundaries of the State shall be and remain as they now are.

Sec. 35. **[Courts shall be open]** 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. **[Quartering of soldiers]** No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Sec. 37. **[Reserved rights]** This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

Section 1. **[Legislature]** 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. **[Sessions]** The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Sec. 3. **[Senators]** The Senate shall be composed of fifty senators, biennially chosen by ballot.

Sec. 4. **[Apportionment of senators]** The Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more senators.

Sec. 5. **[Apportionment]** The House of Representatives shall be composed of one hundred representatives, biennially chosen by the counties respectively, according to population, and at least one representative for every ten thousand population, and the requisite ratio of apportionment shall be determined by the General Assembly at the first session after the return of every enumeration, when the districts shall be directed to be formed.

Sec. 6. **[Ratio of apportionment]** The ratio of apportionment shall be ascertained by dividing the population of the State by the number of representatives which severally contain the several parts of the State, and the number of representatives shall be assigned to such parts as shall require the number of representatives, and Indians not included. To each part the ratio and not twice the ratio shall be assigned one representative, and so on until the remaining representatives are severally to the fractions.

Sec. 7. **[Qualifications]** Every member of the Senate shall be twenty-five years of age at the time he was chosen on his election.

Sec. 8. **[Qualifications]** Each member of the House of Representatives shall be a qualified elector, and shall have resided in the State for one year before he is chosen for his election.

Sec. 9. **[Electors]** The electors of all officers shall be

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Sec. 5. [Apportionment of representatives] The House of Representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative 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 of the Senate are hereinbefore directed to be laid off.

Sec. 6. [Ratio of representation] In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one representative; to each county containing two 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. 7. [Qualifications of senators] Each member of the Senate shall not be 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 was chosen one year immediately preceding his election.

Sec. 8. [Qualifications of representatives] Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Sec. 9. [Election of officers] In the election of all officers whose appointment shall be con-

ferred upon the General Assembly by the Constitution, the vote shall be viva voce.

Sec. 10. [Divorce] The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Sec. 11. [Private laws] 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. 12. [Notice of private laws] 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 a law shall have been given under such direction and in such manner as shall be provided by law.

Sec. 13. [Vacancies] If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Sec. 14. [Revenue bills] 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 allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 15. [Entails] The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

Sec. 16. [Journals] Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

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performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.⁴

Sec. 30. [Sinking funds] The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.⁵

ARTICLE III

EXECUTIVE DEPARTMENT

Section 1. [Officers] 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 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 States, and shall hold their offices four years from and after the first day of January.

Sec. 2. [Qualifications] 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 elec-

⁴ Added by an amendment adopted November 7, 1916. North Carolina Public Laws, 1915, c. 99. This amendment became effective June 10, 1917.

⁵ Added by an amendment adopted November 4, 1924. North Carolina Public Laws, 1924, c. 91.

tion; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Sec. 3. [Returns of election] The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.⁶

Sec. 4. [Oath of governor] The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, 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 elected.

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

Sec. 6. [To pardon] The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (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 biennially 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.

⁶ As amended November 2, 1926. North Carolina Public Laws, 1925, c. 88.

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Sec. 16. [Seal] 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, sealed with "The
Great Seal of the State," and signed by the
Governor, and countersigned by the Secretary
of State.

Sec. 17. [Department of agriculture, immi-
gration, and statistics] The General Assembly
shall establish a Department of Agriculture,
Immigration, and Statistics, under such regula-
tions as may best promote the agricultural inter-
ests of the State, and shall enact laws for the
adequate protection and encouragement of
sheep husbandry.

ARTICLE IV

JUDICIAL DEPARTMENT

Section 1. [Forms of actions] The distinc-
tion 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 enforce-
ment or protection of private rights or the
redress of private wrongs, which shall be denom-
inated a civil action; and every action prose-
cuted by the people of the State as a party,
against a person charged with a public offense,
for the punishment of the same, shall be termed
a criminal action. Feigned issues shall also be
abolished, and the facts at issue tried by order
of court before a jury.

Sec. 2. [Courts] 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
such other courts inferior to the Supreme Court
as may be established by law.

Sec. 3. [Trial court of impeachment] 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 dis-
qualification to hold office in this State; but the

party shall be liable to indictment and punish-
ment according to law.

Sec. 4. [Impeachment] The House of Rep-
resentatives solely shall have the power of im-
peaching. No person shall be convicted without
the concurrence of two-thirds of the senators
present. When the Governor is impeached, the
Chief Justice shall preside.

Sec. 5. [Treason] Treason against the
State shall consist only in levying war against
it, or adhering to its enemies, giving them
aid and comfort. No person shall be convicted
of treason unless on the testimony of two wit-
nesses to the same overt act, or on confession
in open court. No conviction of treason or at-
tainer shall work corruption of blood or for-
feiture.

Sec. 6. [Supreme court] The Supreme
Court shall consist of a Chief Justice and four
Associate Justices. The General Assembly may
increase the number of Associate Justices to
not more than six, when the work of the court
so requires. The court shall have power to sit
in divisions, when in its judgment this is nec-
essary for the proper dispatch of business, and
to make rules for the distribution of business
between the divisions and for the hearing of
cases by the full court. No decision of any
division shall become the judgment of the court
unless concurred in by a majority of all the
justices; and no case involving a construction of
the Constitution of the State or of the United
States shall be decided except by the court en
banc. All sessions of the court shall be held in
the city of Raleigh. This amendment made to
the Constitution of North Carolina shall not
have the effect to vacate any office or term of
office now existing under the Constitution of
the State, and filled or held by virtue of any
election or appointment under the said Constitu-
tion, and the laws of the State made in pur-
suance thereof.

Sec. 7. [Terms of the supreme court] The
terms of the Supreme Court shall be held in
the city of Raleigh, as now, until otherwise
provided by the General Assembly.

Sec. 8. [Jurisdiction of supreme court] The
Supreme Court shall have jurisdiction to re-

⁷ As amended November 3, 1936. North Carolina
Public Laws, 1935, c. 444, sec. 2.

view, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Sec. 9. **[Claims against the state]** The Supreme Court shall have original jurisdiction 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. 10. **[Superior courts]** The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Sec. 11. **[Judges of superior courts]** Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assem-

bly shall provide for their reasonable compensation.⁸

Sec. 12. **[Jurisdiction of inferior courts]** The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Sec. 13. **[Waiver of jury trial]** In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 14. **[Municipal courts]** 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. 15. **[Supreme court clerk]** The clerk of the Supreme Court shall be appointed by the court, and shall hold his office for eight years.

Sec. 16. **[Superior court clerk]** 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. 17. **[Term of superior court clerk]** Clerks of the Superior Courts shall hold their offices for four years.

Sec. 18. **[Fees]** The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this

⁸ As amended November 7, 1916. North Carolina Public Laws, 1915, c. 99. This amendment became effective January 10, 1917.

article; but the same shall not be diminished during

Sec. 19. **[Prior acts]** The Constitution of 1868 shall be in force and effect until the Constitution of 1877 shall be in force.

Sec. 20. **[Pending suits]** All suits in equity and suits in equity shall go to the courts having jurisdiction thereof without prejudice by reason of such actions and proceedings pending the adoption of the rules of procedure provided for, shall be governed according to the rules otherwise provided.

Sec. 21. **[Election of members of the Supreme Court]** The Supreme Court shall be composed of five qualified voters of the State, elected by the voters of the State at the first election held after the adoption of this Constitution. They shall hold office for four years, and the judges of the Supreme Court at the first election shall be elected in like manner. The justices of the Supreme Court shall hold their offices for eight years, and the General Assembly may, from time to time, provide that the judges of the Supreme Court at succeeding elections shall be elected by the voters of the State, in the manner provided for, shall be governed according to the rules otherwise provided.

Sec. 22. **[Terms of Superior Courts]** The terms of the Superior Courts shall be held for the transaction of business within their jurisdiction, except in cases requiring a jury.

Sec. 23. **[District judges]** The district judges shall be elected for four years by the qualified voters thereof, and shall hold office for the term of their office, and shall execute on behalf of the district courts all actions in the Superior Courts, and shall be officers of justice.

Sec. 24. **[Sheriff]** Each county shall elect a sheriff and a deputy sheriff, who shall be qualified voters of the county, and shall hold office for four years.

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article; but the salaries of the judges shall not be diminished during their continuance in office.

Sec. 19. **[Prior laws]** The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

Sec. 20. **[Pending actions]** 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 the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Sec. 21. **[Election of judges]** 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, elected at the first election under this amendment, shall be elected in like manner as is provided for justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, 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. 22. **[Terms of superior courts]** The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Sec. 23. **[District solicitors]** 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, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sec. 24. **[Sheriffs and coroners]** In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall

hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a 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 of the county may appoint to such office for the unexpired term.

Sec. 25. **[Vacancies]** All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Sec. 26. **[Terms of first officers]** The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, 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 States.

Sec. 27. **[Justices of the peace]** The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of 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 thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action

may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the 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 same with the clerk of the Superior Court for his county.

Sec. 28. **[Vacancies in office of justices]** When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a 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. 29. **[Vacancies in office of superior court clerk]** 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.

Sec. 30. **[Officers of other courts]** In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Sec. 31. **[Removal of judges]** Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer 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 House of the General Assembly shall act thereon.

Sec. 32. **[Removal of clerks]** Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of

said court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Sec. 33. **[Existing offices]** The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

Section 1. **[Poll tax]** The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.⁹

Sec. 2. **[Application of proceeds of poll tax]** The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Sec. 3. **[State taxation]** The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall

⁹ As amended November 2, 1920. North Carolina Public Laws, 1920, c. 93.

state the object to which the proceeds shall be applied. The General Assembly may levy a tax on professions, franchises, and licenses, at a rate of tax on income not to exceed ten per cent (10%) of the amount received from the amount of the tax for married man with dependent wife or to a widow or with dependent children, natural or adopted, not exceeding \$2,000; to all other persons, not exceeding five per cent, and there may be added to such taxes, including living expenses, and such other taxes as may be deemed proper.¹⁰

Sec. 4. **[State debt]** The General Assembly shall have the power to pledge the faith and credit of the State to authorize counties to contract debts and to pledge for the following purposes:
To fund or refund any debt of the State;
To borrow in anticipation of the payment of taxes due and payable to an amount not exceeding the amount of such taxes;

To supply a casual deficiency of the State;
To suppress riots and insurrections and invasions.

For any purpose not herein provided for, the General Assembly shall not, during any biennium, contract debts exceeding one-half of the State tax for the current year, or one-third of the amount of the State tax for the preceding indebtedness, during the next period of the State, subject to be submitted to the people at the next election of the State; and for any purpose not herein enumerated the General Assembly shall not have power to authorize the State to contract debts, and shall not contract debts to an amount exceeding one per cent of the amount by which the State tax for the year of the particular indebtedness have been reduced, or one-third of the fiscal year, unless a majority of the vote of the people of the State shall be taken at a general election, or in any county

¹⁰ As amended November 2, 1924. North Carolina Public Laws, 1924, c. 93.

the Superior Courts, the district, and the clerks of the Supreme Court as directed by the presiding clerk against whom shall receive notice at least ten days before the next term of court, and the clerk of the Supreme Court in cases of appeals.

The amendments of North Carolina by the office now existing in the State, and filled, and the laws of effect thereof.

V

TAXATION

The General Assembly on every male in- twenty-one and under- paid tax shall not ex- and towns may levy shall not exceed one tax shall be levied. several counties and may exempt from the cases on account of

proceeds of poll tax] and county capita- to the purposes of of the poor, but in twenty-five per cent the latter purpose.

The power of taxa- a just and equitable be surrendered, sus- y. Taxes on prop- y each class of prop- levied only for public levying a tax shall

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state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: Provided, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.¹⁰

Sec. 4. [State debts] The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes:

To fund or refund a valid existing debt;

To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes;

To supply a casual deficit;

To suppress riots or insurrections, or to repel invasions.

For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the

¹⁰ As amended November 4, 1924. North Carolina Public Laws, 1924 extra session, c. 115.

provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.¹¹

Sec. 5. [Exempt property] Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000) in value of property held and used as the place of residence of the owner.¹²

Sec. 6. [Tax limits] The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of public schools of the State for the term required by article nine, section three, of the Constitution: Provided, further, the State tax shall not exceed five cents on the one hundred dollars value of property.¹³

Sec. 7. [Objects of taxes] Every act of the General Assembly levying a tax shall state

¹¹ As amended November 3, 1936. North Carolina Public Laws, 1935, c. 248, sec. 3.

¹² As amended November 3, 1936. North Carolina Public Laws, 1935, c. 444, sec. 2.

¹³ As amended November 2, 1920. North Carolina Public Laws, 1920 extra session, c. 93.

the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI¹⁴

SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. **[Qualifications of voters]** Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.¹⁴

Sec. 2. **[Residence]** He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district, in which he offers to vote four months next preceding election: Provided, that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.¹⁴

Sec. 3. **[Registration]** Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.¹⁴

Sec. 4. **[Qualification for registration]** Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States

¹⁴ Article VI was redrafted and submitted to the voters August 2, 1900. The revision was approved and became effective July 1, 1902. North Carolina Public Laws, 1899, c. 218, and 1900, c. 2.

wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people of this State, unless disqualified under section 2 of this article.¹⁵

Sec. 5. **[Indivisible plan]** That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.¹⁴

Sec. 6. **[Elections by ballot]** All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce.¹⁴

Sec. 7. **[Oath of office]** Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as So help me, God."¹⁴

Sec. 8. **[Disqualification for office]** The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any

¹⁵ As amended November 2, 1920. North Carolina Public Laws, 1920 extra session, c. 93.

other crime for which imprisonment in the coming citizens of corruption or malperson shall be restship in a manner

Sec. 9. **[Date of election]** The date of election to the Constitution shall be on the first day of the month of February, two, if a majority of the people at a general election shall have approved the suffrage amendment.

**ARTICLE VII
MUNICIPAL GOVERNMENT**

Section 1. **[County commissioners]** There shall be elected by the qualified voters thereof, one or more members of the board of county commissioners, the following officers: A clerk, a surveyor, and five

Sec. 2. **[County clerk]** It shall be the duty of the clerk of the board of county commissioners to exercise general supervision and control over all charitable institutions, and to levy and collect taxes, as may be prescribed by law. The records of deeds shall be kept by the clerk of the board of commissioners.

Sec. 3. **[County commissioners]** It shall be the duty of the board of county commissioners to divide the county into precincts or districts, to determine the names of the precincts or districts, and to report the same to the General Assembly on the first day of January.

Sec. 4. **[Township commissioners]** The reports of the township commissioners, provided for by the General Assembly, shall have the same force and effect as necessary purposes, and shall be known as such.

Sec. 5. **[Township commissioners]** The township commissioners shall have the same qualifications as the qualified voters of the county, and shall be trustees of the peace, and shall be eligible to the county commission, and shall be entitled to receive taxes and financial

and no lineal descendant shall be denied the right to vote at any election in this State on account of his failure to possess the qualifications herein prescribed, unless he has not been registered in the manner prescribed by law prior to the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.¹⁴

That this amendment is presented and published for the regulation of the intent and purpose of the several parts, and to be read together.¹⁴

[**Lot**] All elections shall be by ballot, and all electors shall be viva

Every voter in this article disqualifies himself from the office, but before he enters the office he shall take the following oath:

I solemnly swear (or affirm) to support and maintain the Constitution of the United States, the laws of North Carolina, and that I will faithfully perform the duties of my office as prescribed by law, in the name of God."¹⁴

[**Disqualification**] The following persons shall be disqualified from holding any office in this State: First, any person convicted of a felony, or of any

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other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.¹⁴

Sec. 9. [**Date effective**] That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.¹⁴

ARTICLE VII

MUNICIPAL CORPORATIONS

Section 1. [**County officers**] In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. -

Sec. 2. [**County commissioners**] It shall be the duty of the commissioners to exercise general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be ex officio clerk of the board of commissioners.

Sec. 3. [**County districts**] It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Sec. 4. [**Townships**] 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. [**Township officers**] In each township there shall be biennially 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

townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Sec. 6. [**Assessment of property**] The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, ex officio, treasurer of the township.

Sec. 7. [**Municipal debts**] 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 the majority of the qualified voters therein.

Sec. 8. [**Appropriations**] No money shall be drawn from any county or township treasury except by authority of law.

Sec. 9.¹⁵ [**First officers**] The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Sec. 10. [**Justices**] The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.¹⁵

Sec. 11. [**Charters**] All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.¹⁶

Sec. 12. [**Debts in aid of the rebellion**] No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any

¹⁵ Original Section 9 (ad valorem taxes) was repealed by an amendment adopted November 3, 1936. North Carolina Public Laws, 1935, c. 248, sec. 1. This amendment renumbered sections 10 to 14, making them 9 to 13.

debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.¹⁶

Sec. 13. [Powers of general assembly] The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place except sections seven, nine and thirteen.¹⁶

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Section 1. [General laws] No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.¹⁷

Sec. 2. [Debts of corporations] Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

Sec. 3. [Definition of "corporation"] The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

Sec. 4. [Municipal corporations] It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to

¹⁷ As amended November 7, 1916. North Carolina Public Laws, 1915, c. 99. This amendment became effective January 10, 1917.

restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.¹⁷

ARTICLE IX

EDUCATION

Section 1. [Schools] Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. [Separation of races] 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 charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Sec. 3. [Districts] 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 six 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.¹⁸

Sec. 4. [State school fund] The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be

¹⁸ As amended November 5, 1918. North Carolina Public Laws, 1917, c. 192.

by law set apart faithfully appropriate maintaining in this schools, and for no soever.

Sec. 5. [County stocks, bonds, and a county school fund the sale of estrays all penalties and collected in the sev of the penal or mi all moneys which sh equivalent for exe shall belong to and ties, and shall be establishing and m in the several cour that the amount c be annually report Public Instruction

Sec. 6. [Trustee General Assembly for the election of of North Carolina, be vested all the and endownments to or conferred up versity; and the C such provisions, la to time as may be the maintenance a versity.

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by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

Sec. 5. [County school fund] All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: Provided, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Sec. 6. [Trustees of the university] The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said university.

Sec. 7. [Free university tuition] The General Assembly shall provide that the benefits of the university, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the university.

Sec. 8. [Board of education] The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

Sec. 9. [President and secretary] The Governor shall be president and the Superintendent

of Public Instruction shall be secretary of the Board of Education.

Sec. 10. [Powers of board of education] 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 repealed, they shall not be reënacted by the board.

Sec. 11. [First session] The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board.

Sec. 12. [Quorum] A majority of the board shall constitute a quorum for the transaction of business.

Sec. 13. [Expenses] The contingent expenses of the board shall be provided by the General Assembly.

Sec. 14. [Agricultural department] 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. 15. [Compulsory attendance] The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

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

Sec. 2. [**Homestead**] Every homestead, and the dwellings and buildings 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 a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

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

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

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

Sec. 6. [**Property of married women**] 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 for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Sec. 7. [**Husband may insure his life for the benefit of wife and children**] 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 chil-

dren, or to 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. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.¹⁹

Sec. 8. [**Homestead deeds**] Nothing contained in the foregoing sections 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. [**Punishments**] The following punishments only shall be known to the laws of this State, viz.: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson; Provided, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

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

¹⁹ As amended November 8, 1932. North Carolina Public Laws, 1931, c. 262.

Sec. 3. [**Penitentiary**] The penitentiary shall, at its first session, provide for the erection and maintenance of a penitentiary at some point within the State.

Sec. 4. [**Houses of correction**] The General Assembly may provide for the establishment of houses of correction, where persons convicted of misdemeanors shall be employed.

Sec. 5. [**Houses of refuge**] The General Assembly may provide for the establishment of houses of refuge for the reception and instruction of offenders.

Sec. 6. [**Separation of sexes**] The General Assembly shall provide for the separation of sexes, by competent authority and superintendence of the State, county, or city, to secure the health and morals of the people, and that male and female offenders be confined in the same.

Sec. 7. [**Provision for the poor**] The General Assembly shall provide for the relief of the poor, and the duties of a civilized people. The General Assembly shall provide for the establishment of public charities, to which the supervision of all such institutions, and which shall be under the supervision of the Governor upon the suggestions for their management.

Sec. 8. [**Orphan and destitute children**] The General Assembly shall provide for the care of orphan and destitute children, as soon as practical after their birth, in the State for the establishment of orphan houses, where they shall be cared for, educated, and trained for trade.

Sec. 9. [**Inebriate and idiots**] The duty of the Legislature shall be to devise means for the care of idiots and inebriate persons.

Sec. 10. [**Deaf-mute**] The General Assembly shall provide for the care of indigent deaf-mute persons, and the State shall be care of them.²⁰

²⁰ As amended November 8, 1932. North Carolina Public Laws, 1879, c. 2.

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XI INSTITUTIONS, CHARITIES

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1932. North Carolina

Sec. 3. **[Penitentiary]** The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

Sec. 4. **[Houses of correction]** The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

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

Sec. 6. **[Separation of sexes]** It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

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

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

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

Sec. 10. **[Deaf-mutes, blind, and insane]** The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.²⁰

²⁰ As amended November 2, 1880. North Carolina Public Laws, 1879, c. 254, 314.

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

ARTICLE XII

MILITIA

Section 1. **[Composition]** All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

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

Sec. 3. **[Commander-in-chief]** The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

Sec. 4. **[Exemptions]** 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. **[By convention]** No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all of the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

Sec. 2. **[Legislative proposals]** No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been

agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Section 1. **[Indictments]** All indictments which shall have been found, or may hereafter be found, for any crime or offense 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. **[Dueling]** 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 the State to fight a duel, shall hold any office in this State.

Sec. 3. **[Treasury payments]** 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. **[Mechanic's lien]** The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Sec. 5. **[Appointments by governor]** In the absence of any contrary provision, all officers of 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. **[Capital]** The seat of government in this State shall remain at the city of Raleigh.

Sec. 7. **[Incompatible offices]** No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, 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, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Sec. 8. **[Intermarriage of whites and negroes]** All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation, inclusive, are hereby forever prohibited.

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We, the people of
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DECLARA

Section 1. **[Inalienable rights]** All men are by nature equally and inherently entitled to certain unalienable rights, among which are those of enjoying life, liberty, and the pursuit of happiness; that whenever a government is instituted among men, its just powers are derived from the consent of the governed, and its primary object is to secure these rights; that whosoever attempts to deprive any man of these rights is guilty of a crime against himself, against his fellow-citizens, and against the God of the living and the dead.

Sec. 2. **[Popular sovereignty]** The power is inherent in the people; and no just government is instituted for their benefit, without their consent; that the people have the right to alter or reform their government, whenever it becomes necessary for their good may require.

Sec. 3. **[Federal union]** North Dakota is a part of the American union and the United States is the

Sec. 4. **[Religious freedom]** The exercise and enjoyment of the right of conscience, and the free communication and worship, without any other qualification, shall be forever secured, and no person shall be a witness or juror on matters of religious conscience hereby secured as to excuse or justify practices in violation of the safety of this state.

Sec. 5. **[Habeas corpus]** The writ of habeas corpus shall be forever secured.

¹ Framed by a committee at Bismarck, North Dakota, August 17, 1889, and adopted August 18, 1889. The Constitution of 1889, on which date this state.