

*Ordered to be Printed.*

### CORPORATIONS OTHER THAN MUNICIPAL.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts passed, pursuant to this Section, may be altered, from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

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

SEC. 4. It shall be the duty of the Legislature to pro-

2 vide for the organization of cities, towns, and incorporated  
3 villages, and to restrict their power of taxation, assessment,  
4 barrowing money, contracting debts, and loaning their  
5 credit, so as to prevent abuses in assessments and in con-  
6 tracting debt by such municipal corporation.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

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## EXECUTIVE DEPARTMENT.

The Committee on Enrollment have carefully compared the within enrollment with the original ordinance, and find the same to be correct.

C. C. POOL, *Chairman Com.*

## EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department shall consist of  
2 a Governor, in whom shall be vested the supreme execu-  
3 tive power of the State, a Lieutenant-Governor, a Secre-  
4 tary of State, an Auditor, a Treasurer, a Superintendent  
5 of Public Works, a Superintendent of Public Instruction,  
6 and an Attorney General, who shall be elected for a term of  
7 four years by the qualified electors of the State, at the same  
8 times and places, and in the same manner as members of  
9 the General Assembly are elected. Their term of office  
10 shall commence on the first day of January next, after  
11 their election, and continue until their successors are  
12 elected and qualified: *Provided*, That the officers first  
13 elected shall assume the duties of their office ten days  
14 after the approval of this Constitution by the Congress of  
15 the United States, and shall hold their offices four years  
16 from and after the first day of January, 1869.

SEC. 2. No person shall be eligible as Governor or  
2 Lieutenant-Governor unless he shall have attained the  
3 age of thirty years, shall have been a citizen of the United

4 States five years, and shall have been a resident of this  
5 State for two years next before the election, nor shall the  
6 person elected to either of these two offices be eligible to  
7 same the office more than four years in any term of eight  
8 years, unless the office shall be cast upon him as Lieuten-  
9 ant-Governor or President of the Senate.

SEC. 3. The return of every election for officers of the  
2 Executive Department shall be sealed up and transmitted  
3 to the seat of Government by the returning officers, di-  
4 rected to the Speaker of the House of Representatives,  
5 who shall open and publish the same in the presence of a  
6 majority of the members of both Houses of the General  
7 Assembly, the persons having the highest number of votes  
8 respectively, shall be declared duly elected; but if two or  
9 more be equal and highest in votes for the same office,  
10 then one of them shall be chosen by joint-ballot of both  
11 Houses of the General Assembly. Contested elections  
12 shall be determined by a joint vote of both Houses of the  
13 General Assembly, in such manner as shall be prescribed  
by law.

SEC. 4. The Governor, before entering upon the duties  
2 of his office, shall, in the presence of the members of both  
3 branches of the General Assembly, or before any Justice  
4 of the Supreme Court, take an oath or affirmation: That  
5 he will support the Constitution and laws of the United  
6 States and of the State of North-Carolina, and that he will  
7 faithfully perform the duties appertaining to the office of  
8 Governor to which he has been elected.

SEC. 5. The Governor shall reside at the seat of gov-  
2 ernment of this State, and he shall, from time to time,  
3 give the General Assembly information of the affairs of  
4 the State, and recommend to their consideration such  
5 measures as he shall deem expedient.

SEC. 6. The Governor shall have power to grant re-  
2 pries, commutations and pardons, after conviction, for  
3 all offences, (except in cases of impeachment,) upon such  
4 conditions as he may think proper, subject to such regula-

5 tions as may be provided by law relative to the man-  
6 ner of applying for pardons. He shall annually commu-  
7 nicate to the General Assembly each case of reprieve,  
8 commutation or pardon granted; stating the names of  
9 the convicts, the crime for which he was convicted, the  
10 sentence and its date, and the date of commutation, par-  
11 don, or reprieve, and the reasons therefor.

SEC. 7. The officers of the Executive Department and  
2 of the Public Institutions of the State, shall at least five  
3 days previous to each regular session of the General As-  
4 sembly, severally report to the Governor, who shall trans-  
5 mit such reports, with his message, to the General Assem-  
6 bly, and the Governor may, at any time, require informa-  
7 tion in writing from the officers in the Executive Depart-  
8 ment upon any subject relating to the duties of their re-  
9 spective offices, and shall take care that the laws be faith-  
10 fully executed.

SEC. 8. The Governor shall be Commander-in-Chief of  
2 the Militia of the State, except when they shall be called  
3 into the service of the United States.

SEC. 9. The Governor shall have the power, on extra-  
2 ordinary occasions, by and with the advice of the Council  
3 of State, to convene the General Assembly in extra ses-  
4 sions by his proclamation, stating therein the purpose or  
5 purposes for which they are thus convened.

SEC. 10. The Governor shall nominate, and by and with  
2 the advice and consent of a majority of the Senators elect,  
3 appoint all officers whose offices are established by the  
4 Constitution, or which may be created by law, and whose  
5 appointments are not otherwise provided for, and no such  
6 officer shall be appointed or elected by the General As-  
7 sembly.

SEC. 11. The Lieutenant-Governor shall be President  
2 of the Senate, but shall have no vote unless the Senate be  
3 equally divided. He shall, whilst acting as President of  
4 the Senate, receive for his services the same pay which shall,  
5 for the same period, be allowed to the Speaker of the



6 House of Representatives, and he shall receive no other  
7 compensation except when he is acting as Governor.

SEC. 12. In case of the impeachment of the Governor,  
2 his failure to qualify, his absence from the State, his ina-  
3 bility to discharge the duties of his office, or in case the  
4 office of Governor shall in anywise become vacant, the  
5 powers, duties, and emoluments of the office shall devolve  
6 upon the Lieutenant-Governor until the disabilities shall  
7 cease, or a new Governor shall be elected and qualified.  
8 In every case in which the Lieutenant-Governor shall be  
9 unable to preside over the Senate, the Senators shall elect  
10 one of their own number president of their body, and the  
11 powers, duties, and emoluments of the office of Governor  
12 shall devolve upon him. Whenever the Lieutenant-Gov-  
13 ernor shall, for any reason, be prevented from discharging  
14 the duties of such office as above provided, and he shall  
15 continue acting Governor until the disabilities be removed  
16 or a new Governor or Lieutenant-Governor shall be elect-  
17 ed and qualified. Whenever, during the recess of the  
18 General Assembly, it shall become necessary for a Presi-  
19 dent of the Senate to administer the government, the  
20 Secretary of State shall convene the Senate, that they  
21 may elect such President.

SEC. 13. The respective duties of the Secretary of  
2 State, Auditor, Superintendent of Public Works, Super-  
3 intendent of Public Instruction, and an Attorney Gene-  
4 ral shall be prescribed by law. If the office of any of  
5 said officers shall be vacated by death, resignation, or  
6 otherwise, it shall be the duty of the Governor to appoint  
7 another until the disability be removed or his successor  
8 be elected and qualified. Every such vacancy shall be  
9 filled by election, at the first general election that occurs  
10 more than thirty days after the vacancy has taken place,  
11 and the person chosen shall hold the office for the remainder  
12 of the unexpired term fixed in the first section of this  
13 article.

SEC. 14. The Secretary of State, Auditor, Treasurer,

2 Superintendent of Public Works, and Superintendent of  
3 Public Instruction, shall constitute, *ex officio*, the Council  
4 of State, who shall advise the Governor in the execution  
5 of his office, and three of whom shall constitute a quorum:  
6 their advice and proceedings in this capacity shall be en-  
7 tered in a journal, to be kept for this purpose exclusively,  
8 and signed by the members present, from any part of  
9 which any member may enter his dissent; and such  
10 journal shall be placed before the General Assembly  
11 when called for by either House. The Attorney General  
12 shall be, *ex officio*, the legal adviser of the Executive De-  
13 partment.

SEC. 15. The officers mentioned in this Article shall, at  
2 stated periods, receive for their services a compensation  
3 to be established by law, which shall neither be increased  
4 nor diminished during the time for which they shall have  
5 been elected, and the said officers shall receive no other  
6 emolument or allowance whatever.

*Ordered to be Printed.*

## EDUCATION.

The Committee on Enrollment have carefully compared the within enrollment with the original ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

## ARTICLE —

### EDUCATION.

SECTION 1. Religion, morality, and knowledge being  
2 necessary to the good government and happiness of man-  
3 kind, schools, and the means of education, shall forever be  
4 fostered and encouraged.

SEC. 2. The General Assembly at its first session under  
2 this Constitution, shall provide by taxation or otherwise,  
3 for a general and uniform system of Public Schools,  
4 wherein tuition shall be free of charge to all the children  
5 of the State between the ages of six and twenty-one years.

SEC. 3. Each County of the State shall be divided into  
2 a convenient number of Districts, in which one or more  
3 Public Schools shall be maintained at least four months  
4 in every year; and if the Commissioners of any county  
5 shall fail to comply with the aforesaid requirement of this  
6 section, they shall be liable to indictment.

SEC. 4. The proceeds of all land that have been, or here-

2 after may be, granted by the United States to this State,  
 3 and not otherwise specially appropriated by this State, or  
 4 the United States: also all moneys, stocks, bonds, and  
 5 other property now belonging to any fund for purposes of  
 6 Education: also the net proceeds of all sales of lands and  
 7 other property and effects, that may accrue to the State  
 8 from sales of estrays, or from fines, penalties and for-  
 9 feitures; also the proceeds of all sales of the swamp  
 10 lands belonging to the State or of any other public lands  
 11 which may have been, or may hereafter be, paid over  
 12 to this State, (unless forbidden by Congress) also all  
 13 money that shall be paid as an equivalent for exemp-  
 14 tion from military duty; also, all grants, gifts or de-  
 15 vises that have been, or may hereafter be, made to this  
 16 State, and not otherwise appropriated by the grant, gift  
 17 or devise, shall be securely invested, and sacredly pre-  
 18 served as an irreducible educational fund, the annual in-  
 19 come of which, together with so much of the ordinary  
 20 revenue of the State as may be necessary, shall be faith-  
 21 fully appropriated for establishing and perfecting in this  
 22 State, a system of Free Public Schools, and for no other  
 23 purposes or uses whatsoever.

SEC. 5. The University of North-Carolina, with its lands,  
 2 emoluments and franchises, is under the control of the  
 3 State, and shall be held to an inseparable connection with  
 4 the Free Public School system of the State.

SEC. 6. The General Assembly shall provide that the  
 2 benefits of the University, as far as practicable, be extend-  
 3 ed to the youth of the State free of expense for tuition;  
 4 also, that all the property which has heretofore accrued to  
 5 the State, or shall hereafter accrue from escheats unclaim-  
 6 ed dividends, or distributive shares of the estates of de-  
 7 ceased persons, shall be appropriated to the use and ben-  
 8 efit of the University.

SEC. 7. The Governor, Lieutenant-Governor, Secretary  
 2 of State, Treasurer, Auditor, Superintendent of Pub-  
 3 lic Works, Superintendent of Public Instruction and

4 Attorney General, shall constitute a State Board of Edu-  
 5 cation.

SEC. 8. The Governor shall be President, and the Su-  
 2 perintendent of Public Instruction shall be Secretary of  
 3 the Board of Education.

SEC. 9. The Board of Education shall succeed to all the  
 2 powers and trusts of the President and directors of the  
 3 Literary Fund of North-Carolina, and shall have full  
 4 power to legislate and make all needful rules and regula-  
 5 tions in relation to Free Public Schools, and the Educa-  
 6 tional fund of the State; but all acts, rules and regula-  
 7 tions of said Board may be altered or amended, or repealed  
 8 by the General Assembly, and when altered, amended  
 9 and repealed they shall not be reenacted by the Board.

SEC. 10. The first session of the Board of Education shall  
 2 be held at the Capital of the State, within fifteen (15)  
 3 days after the organization of the State government under  
 4 this Constitution; the time of future meetings may be  
 5 determined by the Board.

SEC. 11. A majority of the Board shall constitute a  
 2 quorum for the transaction of business.

SEC. 12. The contingent expenses of the Board shall be  
 2 provided for by the General Assembly.

SEC. 13. The Board of Education shall elect Trustees  
 2 for the University, as follows: one Trustee for each  
 3 County in the State, whose term of office shall be eight (8)  
 4 years. The first meeting of the Board shall be held within  
 5 ten (10) days after their election, and at this and every  
 6 subsequent meeting, ten (10) Trustees shall constitute a  
 7 quorum. The Trustees, at their first meeting, shall be  
 8 divided, as equally as may be, into four (4) classes. The  
 9 seats of the first class shall be vacated at the expiration of  
 10 two (2) years; of the second class at the expiration of four  
 11 (4) years; of the third class at the expiration of six (6)  
 13 years; of the fourth class at the expiration of eight (8)  
 14 years; so that one-fourth may be chosen every second  
 15 year.

SEC. 14. The Board of Education and the President  
 2 of the University, shall be *ex officio* members of the Board  
 3 of Trustees of the University; and shall, with three (3)  
 4 other Trustees to be appointed by the Board of Trustees,  
 5 constitute the Executive Committee of the Trustees of the  
 6 University of North-Carolina, and shall be clothed with  
 7 the powers delegated to the Executive Committee under  
 8 the existing organization of the Institution. The Governor  
 9 shall be *ex officio* President of the Board of Trustees and  
 10 Chairman of the Executive Committee of the University.  
 11 The Board of Education shall provide for the more perfect  
 12 organization of the Board of Trustees.

SEC. 15. All the privileges, rights, franchises and en-  
 2 dowments heretofore granted to, or conferred upon, the  
 3 Board of Trustees of the University of North-Carolina by  
 4 the charter of 1789, or by any subsequent legislation, are  
 5 hereby vested in the Board of Trustees, authorized by  
 6 this Constitution, for the perpetual benefit of the Uni-  
 7 versity.

SEC. 16. As soon as practicable after the adoption of  
 2 this Constitution, the General Assembly shall establish  
 3 and maintain in connection with the University a Depart-  
 4 ment of Agriculture, of Mechanics, of Mining, and of  
 5 Normal Instruction.

SEC. 17. The General Assembly is hereby empowered  
 2 to enact that every child of sufficient mental and physical  
 3 ability shall attend the Public Schools during the period  
 4 between the ages of six (6) and eighteen (18) years, for a  
 5 term of not less than sixteen months, unless educated by  
 6 other means.

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### FINANCE.

The Committee on Enrollment have carefully compared  
 the within enrollment with the original ordinance, and find  
 the same to be correct.

C. C. POOL, *Chairman Com.*

### FINANCE.

SECTION 1. The General Assembly shall levy a corpora-  
 2 tion tax on all male inhabitants of the State over twenty-  
 3 one and under fifty years of age, which shall be equal on  
 4 each head to the tax on property valued at three hundred  
 5 dollars in cash. The county courts (or other body which  
 6 may be created for managing the municipal and local  
 7 affairs of counties) may exempt from capitation tax in  
 8 special cases, on account of poverty and infirmity, but the  
 9 State and county capitation tax combined, shall never ex-  
 10 ceed two dollars on the head.

SEC. 2. The proceeds of the State and county capitation  
 2 tax shall be applied to the purposes of education and the  
 3 support of the poor, but in no one year shall more than  
 4 twenty-five per cent. thereof be appropriated to the latter  
 5 purpose.

SEC. 3. Laws shall be passed taxing, by uniform rule, all  
 2 moneys, credits, investments in bonds, stocks, joint-stock  
 3 companies or otherwise; and, also, all real and personal

4 property according to its true value in money. The Gene-  
5 ral Assembly may also tax trades, professions, franchises  
5 and incomes.

SEC. 4. The General Assembly shall, by appropriate  
2 legislation and by adequate taxation, provide for the  
3 prompt and regular payment of the interest on the public  
4 debt, and after the year 1880, it shall lay a specific annual  
5 tax upon the real and personal property of the State, and  
6 the sum thus realized shall be set apart as a sinking fund,  
7 to be devoted to the payment of the public debt.

SEC. 5. Until the bonds of the State shall be at par,  
2 the General Assembly shall have no power to contract any  
3 debt or pecuniary obligation in behalf the State, except  
4 to supply a casual deficit, or for suppressing invasion or  
5 insurrection, unless it shall in the same bill levy a special  
6 tax to pay the interest annually. And the General As-  
7 sembly shall have no power to give or lend the credit of  
8 the State in aid of any person, association or corporation,  
9 except to aid in the completion of such railroads as may  
10 be unfinished at the time of the adoption of this Consti-  
11 tution or in which the State has a direct pecuniary inter-  
12 est, unless the subject be submitted to a direct vote of the  
13 people of the State, and be approved by a majority of  
14 those who shall vote thereon.

SEC. 6. Property belonging to the State, or to municipi-  
2 pal corporations, shall be exempt from taxation. The Gen-  
3 eral Assembly may exempt cemeteries and property held  
4 for educational, scientific, literary, charitable, or religious  
5 purposes; also, wearing apparel, arms for muster, house-  
6 hold and kitchen furniture, the mechanical and agricultu-  
7 ral implements of mechanics and farmers, libraries and  
8 scientific instruments to a value not exceeding three hun-  
9 dred dollars.

SEC. 7. The taxes levied by county courts (or other  
2 body having the power to tax for county purposes,) shall  
3 be levied in like manner with the State taxes, and shall  
4 never exceed the double of the State tax, except for a

5 special purpose, and with the special approval of the  
6 General Assembly.

SEC. 8. Every act of the General Assembly, levying a  
2 tax, shall state the special object to which it is to be ap-  
3 plied, and it shall be applied to no other purpose.

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### HOMESTEADS.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### HOMESTEAD DEPARTMENT.

SECTION 1. 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 or execution, or other final process of any court issued for the collection of any debt.

SEC. 2. Every Homestead and the dwelling and buildings used therewith, not exceeding in value one thousand (\$1,000) 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 dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand (\$1,000) dollars, shall be exempted from sale or execution, or any 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. The Homestead of a family, after the death of the owner thereof, shall be exempt from the payment of

2 any debt, during the minority of his children, or any one  
3 of them.

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

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

SEC. 6. The real and personal property of any female in  
2 this State, acquired before marriage, and all property, real  
3 and personal, to which she may after marriage become in  
4 any manner entitled, shall be and remain the sole and  
5 separate estate and property of such female, and shall not  
6 be liable for any debts, obligations or engagements of her  
7 husband, and may be conveyed, devised, or bequeathed  
8 by her as if she were unmarried. The husband may in-  
9 sure his own life for the sole use and benefit of his wife  
10 and children, and in case of the death of the husband, the  
11 amount thus insured, shall be paid over to the wife and  
12 children, or the guardian, if under age, for her, or their  
13 own use, free from all the claims of the representatives of  
14 the husband, or any of his creditors.

SEC. 7. That nothing contained in the foregoing sec-  
2 tions of this Article shall operate to prevent the owner of  
3 a Homestead from disposing of the same by deed; but no  
4 deed made by the owner of a Homestead shall be valid  
5 without the voluntary signature and assent of his wife,  
6 signified on her private examination, before a judge or  
7 justice of the peace of this State.

Report Com.]

EVI.

[Sess. 1868.]

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## JUDICIAL DEPARTMENT.

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tify the same to be correct.

G. C. POOL, *Chairman Com.*

## JUDICIAL DEPARTMENT.

SECTION 1. The distinction between actions at law and  
2 suits in equity, and the forms of all such actions and suits  
3 shall be abolished, and there shall be in this State but one  
4 form of action, for the enforcement or protection of private  
5 rights or the redress of private wrongs, which shall be de-  
6 nominated a civil action; and every action prosecuted by  
7 the people of the State as a party, against a person charged  
8 with a public offence, for the punishment of the same, shall  
9 be termed a criminal action. Feigned issues shall also be  
10 abolished and the fact at issue tried by order of Court be-  
11 fore a jury.

SEC. 2. Three Commissioners shall be appointed by this  
2 Convention to report to the General Assembly at its first  
3 session after this Constitution shall be adopted by the  
4 people, rules of practice and procedure in accordance with  
5 the provisions of the foregoing section, and the Conven-  
6 tion shall provide for the commissioner a reasonable com-  
7 pensation.



SEC. 3. The same Commissioners shall also report to the General Assembly as soon as practicable, a code of the law of North-Carolina. The Governor shall have power to fill all 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.

#### IMPEACHMENT.

SEC. 5. The Court for the trial of Impeachments shall be the upper house of the General Assembly. 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 indictment and punishment according to law.

SEC. 6. The House of Representatives, solely, shall have the power of impeaching. 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. 7. Treason against the State shall consist only in levying war against or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No convict of treason or attainder shall work, corruption of blood or forfeiture.

#### THE SUPREME COURT—ITS CONSTITUTION.

SEC. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

SEC. 9. There shall be two terms of the Supreme Court, held at the seat of Government of the State in each year,

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commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interests may require.

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: *Provided*, That the court shall have power to issue any remedial writs, necessary, to give it a general supervision and control of the inferior courts.

SEC. 11. 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.

#### THE SUPERIOR COURTS.

SEC. 12. The State shall be divided into twelve judicial districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in each county in said District, at least twice in each year, to continue for two weeks, unless the business shall be sooner disposed of.

SEC. 13. Unless otherwise altered by law, the following shall be the Judicial Districts:

#### FIRST DISTRICT.

Currituck,	Camden,	Pasquotank;
Perquimans,	Chowan,	Gates,
Hertford,	Bertie.	

#### SECOND DISTRICT.

Tyrrell,	Hyde,	Washington,
Beaufort,	Martin,	Pitt,
Edgecombe.		



THIRD DISTRICT.

Craven,	Carteret,	Jones,
Greene,	Onslow,	Lenoir,
Wayne,	Wilson.	

FOURTH DISTRICT.

Brunswick,	New Hanover,	Duplin,
Columbus,	Bladen,	Sampson,
Robeson.		

FIFTH DISTRICT.

Cumberland,	Harnett,	Moore,
Richmond,	Anson,	Montgomery,
Stanly,	Union.	

SIXTH DISTRICT.

Northampton,	Warren,	Halifax,
Wake,	Nash,	Franklin,
Johnson,	Granville.	

SEVENTH DISTRICT.

Person,	Orange,	Chatham,
Randolph,	Guilford,	Alamance,
Caswell,	Rockingham.	

EIGHTH DISTRICT.

Stokes,	Forsyth,	Davidson,
Rowan,	Davie,	Yadkin,
Surry.		

NINTH DISTRICT.

Catawba,	Cabarrus,	Mecklenburg,
Lincoln,	Gaston,	Cleveland,
Rutherford,	Polk.	

TENTH DISTRICT.

Iredell,	Alexander,	Wilkes,
Caldwell,	Burke,	McDowell.

ELEVENTH DISTRICT.

Alleghany,	Ashe,	Watanga,
Mitchell,	Yancey,	Madison,
Buncombe.		

TWELFTH DISTRICT.

Henderson,	Transylvania,	Haywood,
Macon,	Jackson,	Clay,
Cherokee.		

SEC. 14. Every Judge of a Superior Court shall reside 2 in his District while holding his office. The Judges may 3 exchange districts with each other with the consent of the 4 Governor, and the Governor, for good reasons, which he 5 shall report to the Legislature at its current or next session, 6 may require any Judge to hold one or more specified 7 terms of said courts in lieu of the Judge in whose district 8 they are.

SEC. 15. The Superior Courts shall have exclusive original 2 jurisdiction of all civil actions, whereof exclusive original 3 jurisdiction is not given to some other courts; and of all 4 criminal actions, in which the punishment may exceed a 5 fine of fifty dollars or imprisonment for one month.

SEC. 16. The Superior Courts shall have appellate ju- 2 risdiction of all issues of law or fact determined by a 3 Probate Judge or a Justice of the Peace, where the mat- 4 ter in controversy exceeds twenty-five dollars, and of mat- 5 ters of law in all cases.

SEC. 17. The Clerks of the Superior Courts shall have 2 jurisdiction of the probate of deeds, the granting of letters 3 testamentary and of administration, the appointment of 4 guardians, the apprenticing of orphans, to audit the ac-

5 counts of executors, administrators and guardians, and of  
6 such other matters as shall be prescribed by law. All  
7 issues of fact, joined before them shall be transferred to  
8 the Superior Courts for trial, and appeals shall lie to the  
9 Superior Courts from their judgments in all matters of law.

SEC. 18. In all issues of fact joined in any court, the  
2 parties may waive the right to have the same determined  
3 by jury, in which case the finding of the Judge upon the  
4 facts, shall have the force and effect of a verdict of a jury.

SEC. 19. The General Assembly shall provide for the  
2 establishment of special courts, for the trials of misde-  
3 meanors, in cities and towns where the same may be ne-  
4 cessary.

SEC. 20. The Clerk of the Supreme Court shall be  
2 appointed by the court, and shall have his office for eight  
3 years.

SEC. 21. A Clerk of the Superior Court for each coun-  
2 ty, shall be elected by the qualified voters thereof, at the  
3 time and in the manner prescribed by law, for the election  
4 of members of the General Assembly.

SEC. 22. Clerks for the Superior Courts shall hold their  
2 offices for four years.

SEC. 23. The General Assembly shall prescribe and  
2 regulate the fees, salaries, and emoluments of all officers  
3 provided for in this Article; but the salaries of the Judges  
4 shall not be diminished during their continuance in office.

SEC. 24. The laws of North-Carolina, not repugnant to  
2 this Constitution, or the Constitution and laws of the  
3 United States, shall be in force until lawfully altered.

SEC. 25. Actions at law, and suits in equity, pending  
2 when this Constitution shall go into effect, shall be trans-  
3 ferred to the courts having jurisdiction thereof, without  
4 prejudice by reason of the change, and all such actions  
5 and suits, commenced before, and pending at, the  
6 adoption by the General Assembly, of the rules of practice  
7 and procedure herein provided for, shall be heard and de-

8 terminated, according to the practice now in use, unless  
9 otherwise provided for by said rules.

SEC. 26. The Justices of the Supreme Court shall be  
2 elected by the qualified voters of the State, as is provided  
3 for the election of members of the General Assembly.  
4 They shall hold their offices for eight years. The Judges  
5 of the Superior Courts shall be elected in like manner,  
6 and shall hold their offices for eight years; but the Judges  
7 of the Superior Courts elected at the first election under  
8 this Constitution, shall, after their election, under the  
9 superintendence of the Justices of the Supreme Court, be  
10 divided by lot, into four equal classes, one of which shall  
11 hold office for two years, another for four years, another  
12 for six years, and the fourth for eight years.

SEC. 27. The Superior Courts shall be, at all times, open  
2 for the transaction of all business within their jurisdiction,  
3 except the trial of issues of fact requiring a jury.

SEC. 28. A Solicitor shall be elected for each judicial  
2 district by the qualified voters thereof, as is prescribed for  
3 members of the General Assembly, who shall hold office  
4 for the term of four years, and prosecute on behalf of the  
5 State, in all criminal actions in the Superior Courts, and  
6 advise the officers of justice in his district.

SEC. 29. In each county a Sheriff and Coroner,  
2 shall be elected by the qualified voters of the county,  
3 as is prescribed for members of the General Assembly, and  
4 shall hold their offices for two years. In each township  
5 there shall be a Constable, elected in like manner by the  
6 voters thereof, who shall hold his office for two years.  
7 When there is no Coroner in the county, the Clerk of the  
8 Superior Court for the county may appoint one for special  
9 cases. In case of a vacancy existing for any cause, in any  
10 of the offices created by this section, the Commissioner for  
11 the county may appoint to such office for the unexpired  
12 term.

SEC. 30. All vacancies occurring in the offices provided  
2 for by this article of this Constitution, shall be filled by

the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

SEC. 31. The officers elected at the first election held under this Constitution, shall hold their offices for 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.

## JUSTICES OF THE PEACE.

SEC. 32. In each township (precinct or sub-division of the counties of this State,) two Justices of the Peace shall be elected by the qualified voters thereof, as is prescribed for the election of members of the General Assembly. The General Assembly may provide for the election of a larger number in cities and towns and in those townships in which cities and towns are situated. They shall hold their offices two years.

SEC. 33. They shall have exclusive original jurisdiction, under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same; and, if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate

court, only upon matters of law. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases of a criminal nature, brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

SEC. 34. When the office of Justice of the Peace shall become vacant, otherwise than by expiration of the term, and in case of 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. 35. In case the office of Clerk of a Superior Court for a County shall become vacant, otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

SEC. 36. The General Assembly may provide by law that the Judges of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.



*Ordered to be Printed.*

## LEGISLATIVE DEPARTMENT.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

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SEC. 2. The Senate and House of Representatives shall meet annually on the third Monday of November, 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.

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SEC. 4. Until the first session of the General Assembly which shall be had after the year eighteen hundred and seventy-one, the Senate shall be composed of members to be elected from the several districts to consist of the counties hereinafter named, that is to say:

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21st District—Granville and Person shall elect two Senators.

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42d District—Madison, Mitchel, McDowel and Yancey shall elect one Senator.

43d District—Clay, Cherokee, Haywood, Jackson and Macon shall elect one Senator.

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 every ten years thereafter; and the said Senate districts shall be so altered by the General Assembly at the first session after the return of every enumeration taken as aforesaid, or by order of Congress, that each Senate district shall contain, as nearly as may

9 be, an equal number of inhabitants, excluding aliens and  
10 Indians not taxed, and shall remain unaltered until the  
11 return of another enumeration, and shall at all times con-  
12 sist of contiguous territory, and no county shall be divided  
13 in the formation of a Senate district, except such county  
14 shall be equitably entitled to two or more Senators.

SEC. 6. The House of Representatives shall be composed  
2 of one hundred and twenty Representatives biennially  
3 chosen by ballot, to be elected by the counties respectively  
4 according to their population, and each county shall have  
5 at least one Representative in the House of Representa-  
6 tives, although it may not contain the requisite ratio of  
7 representation; this apportionment shall be made by the  
8 General Assembly at the respective times and periods when  
9 the districts for the Senate are hereinbefore directed to be  
10 laid off.

SEC. 7. In making the apportionment in the House of  
2 Representatives, the ratio of representation shall be ascer-  
3 tained by dividing the amount of population of the State  
4 exclusive of aliens and Indians not taxed; and after de-  
5 ducting that comprehended within those counties which  
6 do not severally contain the one hundred and twentieth  
7 part of the entire population of the State, exclusive of  
8 aliens and Indians not taxed, by the number of Represen-  
9 tatives, less than the number assigned to the said counties.  
10 To each county containing the said ratio, and not twice  
11 the said ratio, there shall be assigned one representative;  
12 to each county containing twice, but not three times the  
13 said ratio, there shall be assigned two representatives, and  
14 so on progressively, and then the remaining representa-  
15 tives shall be assigned severally to the counties having the  
16 largest fractions.

SEC. 8. Until the General Assembly shall have made  
2 the apportionment as hereinbefore provided, the House of  
3 Representatives shall be composed of members elected  
4 from the counties in the following manner, to-wit: The  
5 county of Wake shall elect four members; the counties of

6 Craven, Granville, Halifax and New Hanover shall elect  
7 three members each; the counties of Caswell, Chatham,  
8 Cumberland, Davidson, Duplin, Edgecombe, Franklin,  
9 Guilford, Iredell, Johnston, Mecklenburg, Northampton,  
10 Orange, Pitt, Randolph, Robeson, Rockingham, Rowan,  
11 Warren, and Wayne shall elect two members each; the  
12 counties of Alamance, Alexander, Alleghany, Anson,  
13 Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe,  
14 Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba,  
15 Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck,  
16 Davie, Forsyth, Gaston, Gates, Greene, Harnett, Hender-  
17 son, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir,  
18 Lincoln, Macon, Madison, Martin, McDowell, Mitchell,  
19 Montgomery, Moore, Nash, Onslow, Pasquotank, Per-  
20 quimans, Person, Polk, Richmond, Rutherford, Sampson,  
21 Stanly, Stokes, Surry, Transylvania, Tyrrell, Union,  
22 Washington, Watanga, Wilkes, Wilson, Yadkin, and  
23 Yancey shall elect one member each.

SEC. 9 Each member of the Senate shall be not less than  
2 twenty-five years of age, shall have resided in the State as  
3 a citizen two years, and shall have usually resided in the  
4 district for which he is chosen one year immediately pre-  
5 ceding his election.

SEC. 10. Each member of the House of Representatives  
2 shall be a qualified elector of the State, and shall have re-  
3 sided in the county for which he is chosen, for one year  
4 immediately preceding his election.

SEC. 11. In the election of all officers, whose appoint-  
2 ment shall be conferred upon the General Assembly by  
3 the Constitution, the vote shall be *viva voce*.

SEC. 12. The General Assembly shall have power to  
2 pass general laws regulating the mode of appointing and  
3 removing Militia officers.

SEC. 13. The General Assembly shall have power to  
2 pass general laws regulating divorce and alimony, but  
3 shall not have power to grant a divorce or secure alimony  
4 in any individual case.



SEC. 14. The General Assembly shall not have power to  
 2 pass any private law to alter the name of any person, or  
 3 to legitimate any person not born in lawful wedlock, or to  
 4 restore to the rights of citizenship to any person convicted  
 5 of an infamous crime, but shall have power to pass general  
 6 laws regulating the same.

SEC. 15. The General Assembly shall not pass any pri-  
 2 vate law, unless it shall be made to appear, that thirty  
 3 day's notice of application to pass such law shall have been  
 4 given under such direction and in such directions and in  
 5 such manner as shall be provided by law.

SEC. 16. If vacancies shall occur in the General Assem-  
 2 bly by death, resignation or otherwise, writs of election  
 3 shall be issued by the Governor under such regulations as  
 4 may be prescribed by law.

SEC. 17. No law shall be passed to raise money on the  
 2 credit of the State, or to pledge the faith of the State di-  
 3 rectly or indirectly for the payment of any debt, or to im-  
 5 pose any tax upon the people of the State, or to allow the  
 6 counties, cities or towns to do so, unless the bill for the  
 7 purpose shall have been read three several times in each  
 8 House of the General Assembly, and passed three several  
 9 readings, which readings shall have been on three different  
 10 days, and agreed to by each House respectively, and unless  
 11 the yeas and nays on the second and third readings of the  
 12 bill shall have been entered on the journal.

SEC. 18. The General Assembly shall regulate entails in  
 2 such manner as to prevent perpetuities.

SEC. 19. Each House shall keep a journal of its proceed-  
 2 ings, which shall be printed and made public immediately  
 3 after the adjournment of the General Assembly.

SEC. 20. Any member of either House may dissent from  
 2 and protest against any act or resolve, which he may  
 3 think injurious to the public, or any individual, and have  
 4 the reasons of his dissent entered on the Journal.

SEC. 21. The House of Representatives shall choose  
 2 their own Speaker and other officers.

SEC. 22. The Lieutenant-Governor shall preside in the  
 2 Senate, but shall have no vote, unless it may be equally  
 3 divided,

SEC. 23. The Senate shall choose the other officers and  
 2 also a Speaker (*pro tempore*) in the absence of the Lieuten-  
 3 ant Governor, or when he shall exercise the office of Gov-  
 4 ernor.

SEC. 24. The style of the acts shall be, The General  
 2 Assembly of North-Carolina do enact as follows:

SEC. 25. Each House shall be judge of the qualifications  
 2 and elections of its own members, shall sit upon its own  
 3 adjournment from day to day, prepare bills to be passed  
 4 into laws, and may also jointly adjourn to any future day  
 5 or other place.

SEC. 26. All bills and resolutions of a legislative nature  
 2 shall be read three times in each House, before they pass  
 3 into laws; and shall be signed by the presiding officers of  
 4 both Houses.

SEC. 27. Each member of the General Assembly, be-  
 2 fore taking his seat, shall take an oath or affirmation that  
 3 to the best of his knowledge and belief he is qualified un-  
 4 der the Constitution of the State to take his seat, that he  
 5 will support the Constitution and laws of the United  
 6 States, and the Constitution of the State of North-Carolina,  
 7 and will faithfully discharge his duty as a member of the  
 8 Senate or House of Representatives.

SEC. 28. The terms of office for Senators and members  
 2 of the House of Representatives shall commence at the  
 3 time of their election, and the term of office of those  
 4 elected at the first election held under this Constitution  
 5 shall terminate at the same time as if they had been  
 6 elected, at the first ensuing regular election.

SEC. 29. Upon motion made and seconded in either  
 2 House by one-fifth of the members present, the yeas and  
 3 nays upon any question shall be taken and entered upon  
 4 the journals.

SEC. 30. The election for members of the General As-

2 ssembly shall be held for the respective districts and coun-  
 3 ties at the places where they are now held, or may be  
 4 directed hereafter to be held, in such manner as may be  
 5 prescribed by law, on the first Thursday in August, in the  
 6 year one thousand eight hundred and seventy, and every  
 7 two years thereafter. But the General Assembly may  
 8 change the time of holding the elections. The first elec-  
 9 tion shall be held when the vote shall be taken on the rat-  
 10 ification of this Constitution by the voters of the State,  
 11 and the General Assembly then elected, shall meet on the  
 12 fifteenth day after the approval thereof by the Congress  
 13 of the United States, if it fall not on Sunday, but if it  
 14 shall so fall, then on the next day thereafter, and the mem-  
 15 bers then elected shall hold their seats until their succes-  
 16 sors are elected at a regular election.

REPORT COM.]

LV.

[SESS. 1868.]

*Ordered to be Printed.*

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SEC. 21. The House of Representatives shall choose  
2 their own Speaker and other officers.

SEC. 22. The Lieutenant-Governor shall preside in the  
2 Senate, but shall have no vote, unless it may be equally  
3 divided.

SEC. 23. The Senate shall choose the other officers and  
2 also a Speaker (*pro tempore*) in the absence of the Lieuten-  
3 ant Governor, or when he shall exercise the office of Gov-  
4 ernor.

SEC. 24. The style of the acts shall be, The General  
2 Assembly of North-Carolina do enact as follows:

SEC. 25. Each House shall be judge of the qualifications  
2 and elections of its own members, shall sit upon its own  
3 adjournment from day to day, prepare bills to be passed  
4 into laws, and may also jointly adjourn to any future day  
5 or other place.

SEC. 26. All bills and resolutions of a legislative nature  
2 shall be read three times in each House, before they pass  
3 into laws; and shall be signed by the presiding officers of  
4 both Houses.

SEC. 27. Each member of the General Assembly, be-  
2 fore taking his seat, shall take an oath or affirmation that  
3 to the best of his knowledge and belief he is qualified un-  
4 der the Constitution of the State to take his seat, that he  
5 will support the Constitution and laws of the United  
6 States, and the Constitution of the State of North-Carolina,  
7 and will faithfully discharge his duty as a member of the  
8 Senate or House of Representatives.

SEC. 28. The terms of office for Senators and members  
2 of the House of Representatives shall commence at the  
3 time of their election, and the term of office of those  
4 elected at the first election held under this Constitution  
5 shall terminate at the same time as if they had been  
6 elected, at the first ensuing regular election.

SEC. 29. Upon motion made and seconded in either  
2 House by one-fifth of the members present, the yeas and  
3 nays upon any question shall be taken and entered upon  
4 the journals.

SEC. 30. The election for members of the General As-

2 sembly shall be held for the respective districts and coun-  
 3 ties at the places where they are now held, or may be  
 4 directed hereafter to be held, in such manner as may be  
 5 prescribed by law, on the first Thursday in August, in the  
 6 year one thousand eight hundred and seventy, and every  
 7 two years thereafter. But the General Assembly may  
 8 change the time of holding the elections. The first elec-  
 9 tion shall be held when the vote shall be taken on the rat-  
 10 ification of this Constitution by the voters of the State,  
 11 and the General Assembly then elected, shall meet on the  
 12 fifteenth day after the approval thereof by the Congress  
 13 of the United States, if it fall not on Sunday, but if it  
 14 shall so fall, then on the next day thereafter, and the mem-  
 15 bers then elected shall hold their seats until their succes-  
 16 sors are elected at a regular election.

*Ordered to be Printed.*

#### MILITIA.

The Committee on Enrollment have carefully compared the within enrollment with the original ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

#### MILITIA.

SEC. 1. All able bodied male citizens of the State of  
 2 North-Carolina between the ages of twenty-one and forty  
 3 years who are citizens of the United States shall be eligi-  
 4 ble to duty in the Militia: *Provided*, That all persons  
 5 who may be adverse to bearing arms from religious scru-  
 6 ples shall be exempt therefrom.

SEC. 2. The General Assembly shall provide for the or-  
 2 ganizing, arming, equipping and discipline of the Militia,  
 3 and for paying the same when called into active service.

SEC. 3. The Governor shall be Commander-in-Chief, and  
 2 have power to call out the Militia to execute the law, sup-  
 3 press riots, and insurrections.

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

*Ordered to be Printed.*

**FINANCE.**

The Committee on Enrollment have carefully compared the within enrollment with the original ordinance, and find the same to be correct.

C. C. POOL, *Chairman Com.*

**FINANCE.**

SECTION 1. The General Assembly shall levy a corporation tax on all male inhabitants of the State over twenty-one and under fifty years of age, which shall be equal on each head to the tax on property valued at three hundred dollars in cash. The county courts (or other body which may be created for managing the municipal and local affairs of counties) may exempt from capitation tax in special cases, on account of poverty and infirmity, but the State and county capitation tax combined, shall never exceed two dollars on the head.

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

SEC. 3. Laws shall be passed taxing, by uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal



4 property according to its true value in money. The Gene-  
5 ral Assembly may also tax trades, professions, franchises  
5 and incomes.

SEC. 4. The General Assembly shall, by appropriate  
2 legislation and by adequate taxation, provide for the  
3 prompt and regular payment of the interest on the public  
4 debt, and after the year 1880, it shall lay a specific annual  
5 tax upon the real and personal property of the State, and  
6 the sum thus realized shall be set apart as a sinking fund,  
7 to be devoted to the payment of the public debt.

SEC. 5. Until the bonds of the State shall be at par,  
2 the General Assembly shall have no power to contract any  
3 debt or pecuniary obligation in behalf the State, except  
4 to supply a casual deficit, or for suppressing invasion or  
5 insurrection, unless it shall in the same bill levy a special  
6 tax to pay the interest annually. And the General As-  
7 sembly shall have no power to give or lend the credit of  
8 the State in aid of any person, association or corporation,  
9 except to aid in the completion of such railroads as may  
10 be unfinished at the time of the adoption of this Consti-  
11 tution or in which the State has a direct pecuniary inter-  
12 est, unless the subject be submitted to a direct vote of the  
13 people of the State, and be approved by a majority of  
14 those who shall vote thereon.

SEC. 6. Property belonging to the State, or to municipi-  
2 pal corporations, shall be exempt from taxation. The Gen-  
3 eral Assembly may exempt cemeteries and property held  
4 for educational, scientific, literary, charitable, or religious  
5 purposes; also, wearing apparel, arms for muster, house-  
6 hold and kitchen furniture, the mechanical and agricultu-  
7 ral implements of mechanics and farmers, libraries and  
8 scientific instruments to a value not exceeding three hun-  
9 dred dollars.

SEC. 7. The taxes levied by county courts (or other  
2 body having the power to tax for county purposes,) shall  
3 be levied in like manner with the State taxes, and shall  
4 never exceed the double of the State tax, except for a

5 special purpose, and with the special approval of the  
6 General Assembly.

SEC. 8. Every act of the General Assembly, levying a  
2 tax, shall state the special object to which it is to be ap-  
3 plied, and it shall be applied to no other purpose.

*Ordered to be Printed.*

### HOMESTEADS.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### HOMESTEAD DEPARTMENT.

SECTION 1. 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 or execution, or other final process of any court issued for the collection of any debt.

SEC. 2. Every Homestead and the dwelling and buildings used therewith, not exceeding in value one thousand (\$1,000) 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 dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand (\$1,000) dollars, shall be exempted from sale or execution, or any 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. The Homestead of a family, after the death of the owner thereof, shall be exempt from the payment of



2 any debt, during the minority of his children, or any one  
3 of them.

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

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

SEC. 6. The real and personal property of any female in  
2 this State, acquired before marriage, and all property, real  
3 and personal, to which she may after marriage become in  
4 any manner entitled, shall be and remain the sole and  
5 separate estate and property of such female, and shall not  
6 be liable for any debts, obligations or engagements of her  
7 husband, and may be conveyed, devised, or bequeathed  
8 by her as if she were unmarried. The husband may in-  
9 sure his own life for the sole use and benefit of his wife  
10 and children, and in case of the death of the husband, the  
11 amount thus insured, shall be paid over to the wife and  
12 children, or the guardian, if under age, for her, or their  
13 own use, free from all the claims of the representatives of  
14 the husband, or any of his creditors.

SEC. 7. That nothing contained in the foregoing sec-  
2 tions of this Article shall operate to prevent the owner of  
3 a Homestead from disposing of the same by deed; but no  
4 deed made by the owner of a Homestead shall be valid  
5 without the voluntary signature and assent of his wife,  
6 signified on her private examination, before a judge or  
7 justice of the peace of this State.

Ordered to be Printed.

### MUNICIPAL CORPORATIONS.

The Committee on Enrollment have carefully compared the  
within enrollment with the original ordinance, and certify  
the same to be correct.

C. C. POOL, *Chairman Com.*

### MUNICIPAL CORPORATIONS.

SECTION 1. No county seat shall be changed, nor any new  
2 county organized, nor the boundaries of any county chang-  
3 ed, but by the consent of a majority of the electors of the  
4 county, nor so as to include less than [the] one hundred and  
5 twentieth part of the population of the State, at the last  
6 preceding enumeration.

SEC. 2. In each county there shall be elected, biennially,  
2 by the qualified voters thereof, as provided for the elec-  
3 tion of members of the General Assembly, the following  
4 municipal officers, a Sheriff, one or more Coroners, Treas-  
5 urer, Register of Deeds, Surveyor and five Commissioners.

SEC. 3. It shall be the duty of the Commissioners to  
2 exercise a general supervision and control of the penal  
3 and charitable institutions, schools, roads, bridges, levying  
4 of taxes and finances of the county as may be prescribed  
5 by law. The Register of Deeds shall be, *ex officio*, Clerk  
6 of the Board of Commissioners.

SEC. 4. It shall be the duty of the Commissioners, first  
2 elected in each county, to divide the same into conveni-



ent districts, to determine the boundaries and prescribe the names of the said districts, and report the same to the General Assembly before the first day of January, 1869.

SEC. 5. Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have, and shall thereafter possess corporate powers for the necessary purposes of local governments, and shall be known as townships.

SEC. 6 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 supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the township as may be prescribed by law, also a school committee of three persons whose duties shall be prescribed by law.

SEC. 7. The township Board of Trustees, shall assess the taxable property of their townships and make return to the County Commissioners, for revision as may be prescribed by law. The Clerk shall also be *ex officio* Treasurer of the township.

SEC. 8. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

SEC. 9. No money shall be drawn from any County or Township Treasury except by authority of law.

SEC. 10. All taxes levied by any county, city, town or township shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

SEC. 11. 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. 12. The Governor shall appoint a sufficient number of Justices of the Peace, in each county, who shall hold their places until sections 4, 5 and 6 of this article shall have been carried into effect.

SEC. 13. All charters, ordinances, and provisions, relating to municipal corporations, shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 14. No county, city, town, or other municipal corporation, shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt contracted directly or indirectly in aid or support of the rebellion.

*Ordered to be Printed.*

### MUNICIPAL CORPORATIONS.

The Committee on Enrollment have carefully compared the within enrollment with the original ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### MUNICIPAL CORPORATIONS.

SECTION 1. No county seat shall be changed, nor any new county organized, nor the boundaries of any county changed, but by the consent of a majority of the electors of the county, nor so as to include less than [the] one hundred and twentieth part of the population of the State, at the last preceding enumeration.

SEC. 2. 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 municipal officers, a Sheriff, one or more Coroners, Treasurer, Register of Deeds, Surveyor and five Commissioners.

SEC. 3. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county as may be prescribed by law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners.

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*Ordered to be Printed.*

#### CORPORATIONS OTHER THAN MUNICIPAL.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

#### CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts passed, pursuant to this Section, may be altered, from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

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

SEC. 4. It shall be the duty of the Legislature to pro-

2 vide for the organization of cities, towns, and incorporated  
3 villages, and to restrict their power of taxation, assessment,  
4 barrowing money, contracting debts, and loaning their  
5 credit, so as to prevent abuses in assessments and in con-  
6 tracting debt by such municipal corporation.

*Ordered to be Printed.*

MILITIA.

The Committee on Enrollment have carefully compared the  
within enrollment with the original ordinance, and certify  
the same to be correct.

C. C. POOL, *Chairman Com.*

MILITIA.



SEC. 3. The Governor shall be Commander-in-Chief, and  
2 have power to call out the Militia to execute the law, sup-  
3 press riots, and insurrections.

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



*Ordered to be Printed.*

### PENAL INSTITUTIONS.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be  
2 known to the laws of this State, viz: death, imprisonment,  
3 with or without hard labor, fines, removal from office, and  
4 disqualification to hold and enjoy any office of honor, trust,  
5 or profit, under this State.

SEC. 2. The object of punishments, being not only to  
2 satisfy justice, but also to reform the offender, and thus  
3 prevent crime, murder, and also arson, burglary, and rape,  
4 only if the General Assembly shall so enact, may be pun-  
5 ishable with death.

SEC. 3. The General Assembly shall, at its first meeting  
2 make provisions for the erection and conduct of a State's  
3 Prison or Penitentiary at some central and accessible  
4 point within the State.

SEC. 4. The General Assembly may provide for the  
2 erection of Houses of Correction, where vagrants and per-

sons guilty of misdemeanors shall be restrained and used fully employed.

SEC. 5. A House or Houses of Refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.

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

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a 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 intrusted the management 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. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan Houses, where the orphans of the poor shall be cared for, educated and taught some business or trade.

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

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

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

*Ordered to be Printed.*

## PREAMBLE AND BILL OF RIGHTS.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

## CONSTITUTION OF NORTH-CAROLINA.

### 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 gov-



ernment of the United States, and those of the people of the State to the rest of the American people may be 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, among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

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 altering 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 law 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 force.

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 to be questioned; but the State shall 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 slave.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration for public services.

SEC. 8. The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

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 exercised.

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, nor be compelled 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 impeachment.

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 trial for petty misdemeanors, with the right of 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 particu-



5 larly described and supported by evidence, are dangerous  
6 to liberty and ought not to be granted.

SEC. 16. There shall be no imprisonment for debt in this  
2 State except in cases of fraud.

SEC. 17. No person ought to be taken, imprisoned or  
2 disseized of his freehold, liberties or privileges, or outlaw-  
3 ed, or exiled, or in any manner destroyed, or deprived of  
4 his life, liberty, or property, but by the law of the land.

SEC. 18. Every person restrained of his liberty is enti-  
2 tled to remedy to enquire into the lawfulness thereof, and  
3 to remove the same, if unlawful, and such remedy ought  
4 not to be denied or delayed.

SEC. 19. In all controversies at law respecting property,  
2 the ancient mode of trial by jury is one of the best secu-  
3 rities of the rights of the people, and ought to remain  
4 sacred and inviolable.

SEC. 20. The freedom of the press is one of the great  
2 bulwarks of liberty, and therefore ought never to be re-  
3 strained, but every individual shall be held responsible  
4 for the [abuse of the] same.

SEC. 21. The privilege of the writ of habeas corpus  
2 shall not be suspended.

SEC. 22. As political rights and privileges are not de-  
3 pendent upon, or modified by property, therefore no pro-  
4 perty qualification ought to affect the right to vote or hold  
5 office.

SEC. 23. The people of this State ought not to be tax-  
2 ed, or made subject to the payment of any impost or duty  
3 without the consent of themselves or their representatives  
4 in General Assembly, freely given.

SEC. 24. A well-regulated militia being necessary to the  
2 security of a free State, the right of the people to keep  
3 and bear arms shall not be infringed; and, as standing  
4 armies, in time of peace, are dangerous to liberty, they  
5 ought not to be kept; and the military should be kept  
6 under strict subordination to, and governed by, the civil  
7 power.

SEC. 25. The people have a right to assemble together  
2 to consult for their common good, to instruct their repre-  
3 sentatives, and to apply to the Legislature for redress of  
4 grievances.

SEC. 26. All men have a natural and unalienable right  
2 to worship Almighty God according to the dictates of  
3 their own consciences, so that no human authority should  
4 in any case whatever, control or interfere with the rights  
5 of conscience.

SEC. 27. The people have a right to the privilege of  
2 education, and it is the duty of the State to guard and  
3 maintain that right.

SEC. 28. For redress of grievances, and for amending  
2 and strengthening the laws, elections should be often held.

SEC. 29. A frequent recurrence to fundamental princi-  
2 ples is absolutely necessary to preserve the blessings of  
3 liberty.

SEC. 30. No hereditary emoluments, privileges, or hon-  
2 ors, ought to be granted or conferred in this State.

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

SEC. 32. Retrospective laws punishing acts committed  
2 before the existence of such laws, and by them only de-  
3 clared criminal, are oppressive, unjust and incompatible  
4 with liberty, wherefore no *ex post facto* law ought to be  
5 made. No law taxing retrospectively sales, purchases, or  
6 other acts previously done, ought to be passed.

SEC. 33. Slavery and involuntary servitude, otherwise  
2 be and remain as they now are.

SEC. 34. The limits and boundaries of the State shall  
2 than for crimes whereof the parties shall have been duly  
3 convicted, shall be, and are hereby forever prohibited  
4 within this State.

SEC. 35. All courts shall be open, and every person for  
2 an injury done him in his lands, goods, person, or reputa-  
3 tion, shall have remedy by due course of law, and right  
4 and justice administered without sale, denial, or delay.

SEC. 36. No soldier shall in time of peace be quartered  
2 in any house without the consent of the owner; nor in  
3 time of war, but in a manner prescribed by law.

SEC. 37. This enumeration of rights shall not be con-  
2 strued to impair or deny others, retained by the people,  
3 and all powers not herein delegated, remain with the peo-  
4 ple.

*Tounges*

REPORT Com.]

XLVII.

[SESS. 1868.

*Ordered to be Printed.*

PREAMBLE AND BILL OF RIGHTS.

The Committee on Enrollment have carefully compared  
the within enrollment with the original Ordinance, and cer-  
tify the same to be correct.

C. C. POOL, *Chairman Com.*

CONSTITUTION OF NORTH-CAROLINA.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty  
2 and free government may be recognized and established,  
3 and that the relations of this State to the Union and gov-

CHAUTAQUA COUNTY NY HISTORICAL



4 ernment of the United States, and those of the people of  
5 the State to the rest of the American people may be de-  
6 fined and affirmed, we do declare.

SECTION 1. That we hold it to be self-evident that all  
2 men are created equal; that they are endowed by their  
3 Creator with certain unalienable rights, among these are  
4 life, liberty, the enjoyment of the fruits of their own labor,  
5 and the pursuit of happiness.

SEC. 2. That all political power is vested in, and derived  
2 from the people; all government of right originates from  
3 the people, is founded upon their will only, and is insti-  
4 tuted solely for the good of the whole.

SEC. 3. That the people of this State have the inherent,  
2 sole, and exclusive right of regulating the internal govern-  
3 ment and police thereof, and of altering and abolishing  
4 their Constitution and form of government, whenever it  
5 may be necessary to their safety and happiness; but every  
6 such right should be exercised in pursuance of law and  
7 consistently with the Constitution of the United States.

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

SEC. 5. That every citizen of this State owes paramount  
2 allegiance to the Constitution and Government of the  
3 United States, and that no law or Ordinance of the State  
4 in contravention or subversion thereof can have any bind-  
5 ing force.

SEC. 6. To maintain the honor and good faith of the  
2 State untarnished, the public debt, regularly contracted  
3 before and since the rebellion, shall be regarded as inviola-  
4 ble and never to be questioned; but the State shall never  
5 assume or pay, or authorize the collection of any debt or

6 obligation, express or implied, incurred in aid of insur-  
7 rection or rebellion against the United States or any claim  
8 for the loss or emancipation of any slave.

SEC. 7. No man or set of men are entitled to exclusive  
2 or separate emoluments or privileges from the community,  
3 but in consideration for public services.

SEC. 8. The legislative, executive, and supreme judicial  
2 powers of government ought to be forever separate and  
3 distinct from each other.

SEC. 9. All power of suspending laws or the execution  
2 of laws by any authority, without the consent of the repre-  
3 sentatives of the people, is injurious to their rights, and  
4 ought not to be exercised.

SEC. 10. All elections ought to be free.

SEC. 11. In all criminal prosecutions, every man has the  
2 right to be informed of the accusation against him and to  
3 confront the accusers and witnesses with other testimony,  
4 and to have counsel for his defence and not be compelled  
5 to give evidence against himself, nor be compelled to pay  
6 costs, jail fees, or necessary witness fees of the defence, un-  
7 less found guilty.

SEC. 12. No person shall be put to answer any criminal  
2 charge, except as hereinafter allowed, but by indictment,  
3 presentment, or impeachment.

SEC. 13. No person shall be convicted of any crime but  
2 by the unanimous verdict of a jury of good and lawful  
3 men in open court. The legislature may, however, pro-  
4 vide other means of trial for petty misdemeanors, with the  
5 right of appeal.

SEC. 14. Excessive bail should not be required, nor ex-  
2 cessive fines imposed, nor cruel or unusual punishments  
3 inflicted.

SEC. 15. General warrants, whereby any officer or mes-  
2 senger may be commanded to search suspected places,  
3 without evidence of the act committed, or to seize any  
4 person or persons, not named, whose offence is not particu-

5 larly described and supported by evidence, are dangerous  
6 to liberty and ought not to be granted.

SEC. 16. There shall be no imprisonment for debt in this  
2 State except in cases of fraud.

SEC. 17. No person ought to be taken, imprisoned or  
2 disseized of his freehold, liberties or privileges, or outlaw-  
3 ed, or exiled, or in any manner destroyed, or deprived of  
4 his life, liberty, or property, but by the law of the land.

SEC. 18. Every person restrained of his liberty is enti-  
2 tled to remedy to enquire into the lawfulness thereof, and  
3 to remove the same, if unlawful, and such remedy ought  
4 not to be denied or delayed.

SEC. 19. In all controversies at law respecting property,  
2 the ancient mode of trial by jury is one of the best secu-  
3 rities of the rights of the people, and ought to remain  
4 sacred and inviolable.

SEC. 20. The freedom of the press is one of the great  
2 bulwarks of liberty, and therefore ought never to be re-  
3 strained, but every individual shall be held responsible  
4 for the [abuse of the] same.

SEC. 21. The privilege of the writ of habeas corpus  
2 shall not be suspended.

SEC. 22. As political rights and privileges are not de-  
3 pendent upon, or modified by property, therefore no pro-  
4 perty qualification ought to affect the right to vote or hold  
5 office.

SEC. 23. The people of this State ought not to be tax-  
2 ed, or made subject to the payment of any impost or duty  
3 without the consent of themselves or their representatives  
4 in General Assembly, freely given.

SEC. 24. A well-regulated militia being necessary to the  
2 security of a free State, the right of the people to keep  
3 and bear arms shall not be infringed; and, as standing  
4 armies, in time of peace, are dangerous to liberty, they  
5 ought not to be kept; and the military should be kept  
6 under strict subordination to, and governed by, the civil  
7 power.

SEC. 25. The people have a right to assemble together  
2 to consult for their common good, to instruct their repre-  
3 sentatives, and to apply to the Legislature for redress of  
4 grievances.

SEC. 26. All men have a natural and unalienable right  
2 to worship Almighty God according to the dictates of  
3 their own consciences, so that no human authority should  
4 in any case whatever, control or interfere with the rights  
5 of conscience.

SEC. 27. The people have a right to the privilege of  
2 education, and it is the duty of the State to guard and  
3 maintain that right.

SEC. 28. For redress of grievances, and for amending  
2 and strengthening the laws, elections should be often held.

SEC. 29. A frequent recurrence to fundamental princi-  
2 ples is absolutely necessary to preserve the blessings of  
3 liberty.

SEC. 30. No hereditary emoluments, privileges, or hon-  
2 ors, ought to be granted or conferred in this State.

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2 genius of a free State, and ought not to be allowed.

SEC. 32. Retrospective laws punishing acts committed  
2 before the existence of such laws, and by them only de-  
3 clared criminal, are oppressive, unjust and incompatible  
4 with liberty, wherefore no *ex post facto* law ought to be  
5 made. No law taxing retrospectively sales, purchases, or  
6 other acts previously done, ought to be passed.

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SEC. 34. The limits and boundaries of the State shall  
2 be and remain as they now are.

2 than for crimes whereof the parties shall have been duly  
3 convicted, shall be, and are hereby forever prohibited  
4 within this State.

SEC. 35. All courts shall be open, and every person for  
2 an injury done him in his lands, goods, person, or reputa-  
3 tion, shall have remedy by due course of law, and right  
4 and justice administered without sale, denial, or delay.



SEC. 36. No soldier shall in time of peace be quartered  
2 in any house without the consent of the owner; nor in  
3 time of war, but in a manner prescribed by law.

SEC. 37. This enumeration of rights shall not be con-  
2 strued to impair or deny others, retained by the people,  
3 and all powers not herein delegated, remain with the peo-  
4 ple.

REPORT COM.]

XLVIII.

[SESS. 1868.]

*Ordered to be Printed.*

## PREAMBLE AND BILL OF RIGHTS.

The Committee on Enrollment have carefully compared  
the within enrollment with the original Ordinance, and cer-  
tify the same to be correct.

C. C. POOL, *Chairman Com.*

## CONSTITUTION OF NORTH-CAROLINA.

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ernment of the United States, and those of the people of the State to the rest of the American people may be 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, among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

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 altering 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 law and consistently with the Constitution of the United States.

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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 slave.

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 3 and all powers not herein delegated, remain with the peo-  
 4 ple.

1868  
 20. 1868

*Ordered to be Printed.*

## REPORT OF COMMITTEE.

The Committee on Internal Improvements, to whom was referred the "ordinance in relation to the Wilmington, Charlotte and Rutherford Railroad," have instructed me to report the ordinance with an amendment.

W. G. B. GARRETT, *Chm.*

## AN ORDINANCE REDUCING THE AMOUNT OF BONDS AUTHORIZED TO BE ISSUED BY THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAIL ROAD COMPANY.

WHEREAS, by an act of the General Assembly of the  
 2 State of North Carolina, ratified the 20th day of De-  
 3 cember, 1866, the Wilmington, Charlotte and Rutherford  
 4 Rail Road Company was authorized to place upon its  
 5 road-way property and franchise, a First Mortgage, to se-  
 6 cure an issue of Bonds, not to exceed in amount Four  
 7 Millions Dollars, which mortgage has been duly executed  
 8 and recorded according to the provisions of said act; and  
 9 Whereas, the State holds a Second Mortgage upon said  
 10 Road for Two Millions of Dollars, to protect which in-  
 11 terest it is manifestly essential that the Bonds to be issued  
 12 under said First Mortgage should be reduced in amount,  
 13 and their value enhanced by the endorsement of the  
 14 State, so that the Company may be enabled to complete  
 15 its Road; therefore,

SECTION 1. *Be it ordained by the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same,* That the President of this Convention, or the Governor, or the Public Treasurer of the State, or either of them, be and they hereby are authorized and directed, in behalf of the State, to endorse the Bonds authorized as aforesaid, to the amount of One Million Dollars, which endorsement shall be in the words and figures following, to wit: "The principal and interest of this Bond is guaranteed by the State of North Carolina by ordinance of the Convention, ratified—day of—1868," *Provided,* That the amount of the Bonds issued by authority of the said act of the General Assembly, shall not exceed in the aggregate Two Millions, Five Hundred Thousand Dollars, and the remainder authorized to be issued, to wit: One Million Five Hundred Thousand Dollars, shall be delivered to the President of this Convention, or to the Governor, or to the State Treasurer, and by him or them cancelled and destroyed.

SEC. 2. *Be it further ordained,* That this ordinance shall take effect from and after its ratification.

*Ordered to be Printed.*

REPORT OF THE COMMITTEE ON A GOVERNOR  
AND OTHER NECESSARY STATE EXECUTIVE  
OFFICERS.

The Committee to whom was confided that portion of the proposed Constitution which relates to the officers of the Executive Department of the State, beg leave to submit the following Article, as within, in eighteen sections:

W. NICHOLSON, *Chairman.*

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 the term of two years, by the qualified electors of the State, at the same times 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.

SEC. 2. No person shall be eligible as Governor, or as Lieutenant-Governor, unless he shall have been a citizen of the United States for twenty years, shall have attained the age of thirty years, and shall have been a resident of this State for two years next before the day of election;



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

SEC. 3. The returns of every election for officers of the  
2 Executive Department shall be sealed up and transmitted  
3 to the seat of government by the returning officers,  
4 directed to the Speaker of the House of Commons, who  
5 shall open and publish the same in the presence of a  
6 majority of the members of both Houses of the General  
7 Assembly. The persons having the highest number of  
8 votes respectively shall be declared duly elected; but if  
9 two or more be equal and highest in votes for the same  
10 office, then one of them shall be chosen by joint ballot of  
11 both Houses of the General Assembly. Contested elec-  
12 tions shall be determined by a joint vote of both Houses  
13 of the General Assembly, in such manner as shall be  
14 prescribed by law.

SEC. 4. The Governor before entering upon the duties  
2 of his office, shall, in the presence of the members of both  
3 branches of the General Assembly, or before any Justice  
4 of the Supreme Court, take an oath or an affirmation that  
5 to the best of his knowledge and belief, he is eligible un-  
6 der the Constitution and laws of this State, to the office to  
7 which he has been elected; that he will faithfully execute  
8 the duties appertaining to the office of Governor of the  
9 State of North-Carolina; and that he will to the best of  
10 his ability, preserve, protect and defend, the Constitution  
11 of this State and the Constitution of the United States.

SEC. 5. The Governor shall reside at the Seat of Gov-  
2 ernment of this State, and he shall, from time to time, give  
3 the General Assembly information of the affairs of the  
4 State and recommend to their consideration such mea-  
5 sures as he shall deem expedient.

SEC. 6. The Governor shall have power to grant re-  
2 prievs, commutations, and pardons, after conviction, for

3 all offences, (except treason and cases of impeachment,)  
4 upon such conditions and with such restrictions and limi-  
5 tations as he may think proper, subject to such regulations  
6 as may be provided by law relative to the manner of ap-  
7 plying for pardons. In every case of conviction for trea-  
8 son, he shall have power to suspend the execution of the  
9 sentence, until the case shall be reported to the General  
10 Assembly at its next meeting, when the General Assembly  
11 shall pardon the convict, commute the sentence, direct the  
12 execution thereof, or grant a further reprieve. He shall  
13 biennially, communicate to the General Assembly each case  
14 of reprieve, commutation, or pardon granted, stating the  
15 name of the convict, the crime for which he was convicted,  
16 the sentence and its date, and the date of commutation  
17 pardon or reprieve, and the reasons therefor.

SEC. 7. The officers of the Executive Department and  
2 of the public Institutions of the State shall at least five  
3 days previous to each regular session of the General As-  
4 ssembly, severally report to the Governor, who shall trans-  
5 mit such reports, with his message, to the General Assem-  
6 bly; and the Governor may, at any time, require infor-  
7 mation in writing from the officers in the executive de-  
8 partment, upon any subject relating to the duties of their  
9 respective offices, and shall take care that the laws be  
10 faithfully executed.

SEC. 8. The Governor shall be Commander-in-Chief of  
2 the Militia of the State, except when they shall be called  
3 into the service of the United States.

SEC. 9. The Governor shall have power, on extraordi-  
2 nary occasions, by and with the advice of the Council of  
3 State, to convene the General Assembly in extra session,  
4 by his proclamation, stating therein the purpose or pur-  
5 poses for which they are thus convened.

SEC. 10. The Governor shall nominate, and, by and  
2 with the advice and consent of a majority of the Senators  
3 elect, appoint all officers whose offices are established by  
4 this Constitution, or which may be created by law and



5 whose appointments are not otherwise provided for, and  
6 no such officer shall be appointed or elected by the Gene-  
7 ral Assembly.

SEC. 11. The Lieutenant-Governor shall, by virtue of  
2 his office, be president of the Senate, but shall have no  
3 vote unless the Senate be equally divided. He shall,  
4 whilst acting as president of the Senate, receive for his  
5 services the same pay which shall, for the same period, be  
6 allowed to the Speaker of the House of Commons, and he  
7 shall receive no other compensation except when he is  
8 acting as Governor.

SEC. 12. In case of the impeachment of the Governor,  
2 his failure to qualify, his absence from the State, his ina-  
3 bility to discharge the duties of his office, or in case the  
4 office of Governor shall in anywise become vacant, the  
5 powers, duties and emoluments of the office shall devolve  
6 upon the Lieutenant-Governor until the disabilities shall  
7 cease or a new Governor shall be elected and qualified.  
8 In every case in which the Lieutenant-Governor shall be  
9 unable to preside over the Senate, the Senators shall elect  
10 one of their own number president of their body; and  
11 the powers, duties and emoluments of the office of Gov-  
12 ernor shall devolve upon him whenever the Lieutenant-  
13 Governor shall, for any reason, be prevented from dis-  
14 charging the duties of such office as above provided, and  
15 he shall continue as acting Governor until the disabilities  
16 be removed or a new Governor or Lieutenant-Governor  
17 shall be elected and qualified. Whenever, during a recess  
18 of the General Assembly, it shall become necessary for a  
19 president of the Senate to administer the government,  
20 the Secretary of State shall convene the Senate, that they  
21 may elect such president.

SEC. 13. The respective duties of the Secretary of  
2 State, Auditor, Treasurer, Superintendent of Public  
3 Works, Superintendent of Public Instruction, and Attor-  
4 ney General, shall be prescribed by law. If the office of  
5 any of said officers shall be vacated by death, resignation,

6 or otherwise, it shall be the duty of the Governor to appoint  
7 another until the disability be removed, or his successor be  
8 elected and qualified. Every such vacancy shall be filled by  
9 election at the first general election that occurs more than  
10 thirty days after the vacancy has taken place, and the per-  
11 son chosen shall hold the office for the remainder of the  
12 unexpired term fixed in the first section of this article.

SEC. 14. The Secretary of State, Auditor, Treasurer,  
2 Superintendent of Public Works and Superintendent of  
3 Public Instruction; shall constitute, *ex officio*, the Council  
4 of State, who shall advise the Governor in the execution  
5 of his office and three of whom shall constitute a quorum;  
6 their advice and proceedings, in this capacity, shall be en-  
7 tered in a journal to be kept for this purpose exclusively,  
8 and signed by the members present, against any part of  
9 which any member may enter his dissent; and such jour-  
10 nal shall be placed before the General Assembly when  
11 called for by either house. The Attorney General shall be,  
12 *ex officio*, the legal adviser of the Executive Department.

SEC. 15. The officers mentioned in this article, shall at  
2 stated periods, receive for their services, a compensation  
3 to be established by law, which shall neither be increased  
4 nor diminished during the time for which they shall have  
5 been elected; and the said officers shall receive no other  
6 emolument or allowance whatever.

SEC. 16. There shall be a seal of the State, which shall  
2 be kept by the Governor, and used by him as occasion  
3 may require, and shall be called "the Great Seal of the  
4 State of North-Carolina." All grants and commissions  
5 shall be issued in the name and by the authority of the  
6 State of North-Carolina, sealed with "the Great Seal of  
7 the State," signed by the Governor and countersigned by  
8 the Secretary of State.

SEC. 17. All fees that may hereafter be made payable  
2 by law for any services performed by any officer provided  
3 for in this Article of the Constitution, shall be paid in  
4 advance directly into the Treasury of the State.

Sec. 18. There may be established in the office of Secretary of State a Bureau of Statistics and of Agriculture, under such regulations as the General Assembly may provide.

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CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY

OFFICIAL VOTE OF N. C.] XVII. [SESS. 1868.

Ordered to be Printed.

STATEMENT

Of votes cast for delegates to Convention in the election districts of North-Carolina at the election held on the 19th and 20th days of November, 1867, as returned by the superintendents of election.

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
1st.	Burke, and McDowell,	John S. Parks,	1,287
		W. A. B. Murphy,	1,281
		Woodville W. Fleming,	441
		Robert V. Keely,	420
		Geor G. McCoy,	33
		Scattering,	11
	Total,	3,473	
2d.	Polk, and Rutherford,	W. H. Logan,	1,459
		Jesse Rhodes,	1,385
		R. A. Shotwell,	81
		Jas. W. Adams,	18
		Scattering,	1
		Total,	2,944
3d.	Mitchell and Yancey,	Julius S. Garland,	652
		Andrew J. Roberts,	225
		William J. Silver,	35
		Scattering,	5
		Total,	917



1030  
 155  
 1185  
 1233  
 -48

1129  
 110  
 1238

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
4th.	Buncombe, Madison, Henderson and Transylvania,	Geo. W. Gahagan,	2,307
		Thos. J. Candler,	2,287
		Jas. H. Duckworth,	2,304
		Saml. B. Gudger,	702
		O. L. Erwin,	684
		Dr. Jesse Wallen,	699
		<b>Total,</b>	<b>8,983</b>
5th.	Jackson and Haywood,	W. B. Garrett,	663
		Wm. P. Welch,	537
		<b>Total,</b>	<b>1,200</b>
6th.	Cherokee, Clay and Macon,	Mark May,	776
		Geo. W. Dickey,	623
		David Malonee,	369
		John M. Galloway,	379
		John R. Simonds,	291
		Scattering,	27
		<b>Total,</b>	<b>2,465</b>

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
7th.	Alleghany, Ashe, Surry, Yadkin and Watauga,	Samuel Forkner,	1,928
		Geo. W. Bradley,	1,809
		Evan Benbow,	1,974
		Belson Burham,	49
		John G. Marler,	1,030
		Edwin G. Bartlett,	982
		James C. Gilmer,	848
		John Jones,	703
		John M. Marshall,	1,123
		William Burke,	1,088
		Wm. M. Caloway,	455
		James G. Marler,	155
		Marion Marshall,	110
		Bilson B. Benham,	220
		John Smith,	18
B. B. Benham,	34		
Scattering,	36		
		<b>Total,</b>	<b>11,562</b>
8th.	Alexander, Caldwell, Irredell and Wilkes.	Calvin J. Cowles,	3,120
		John Q. A. Bryan,	3,066
		Wesley H. George,	3,098
		Jerry Smith,	3,042
		Calvin C. Jones,	3,114
		Andrew A. Scroggs,	1,568
		James H. Hill,	1,502
		John H. McLaughlin,	1,552
		Rev. Wm. Church,	1,505
		Rev. Stafford C. Miller,	1,825
		Samuel C. Miller,	224
		John H. Hill,	33
		Scattering,	21
		<b>Total,</b>	<b>23,170</b>

CHAUTAQUA COUNTY HISTORICAL SOCIETY

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
9th.	Rowan and Davie.	William M. Robbins,	1,470
		Jas. S. McCubbins,	1,523
		Robert F. Johnston,	1,493
		Dr. Milton Hobbs,	1,524
		Allen Rose,	1,545
		Isaac M. Shaver,	1,504
		Total,	9,059
10th.	Cleveland.	Edward Elliott,	630
		Plato Durham,	653
		Total,	1,283
11th.	Catawba.	James Ransom Ellis,	638
		W. B. Killiam,	426
		Total,	1,064
12th.	Lincoln.	Joseph H. King,	573
		W. A. Graham, Jr.,	386
		Total,	959
13th.	Gaston.	Milot J. Aydlott,	735
		Robert Holland,	159
		Scattering and informal,	20
		Total,	914
14th.	Mecklenburg.	Silas N. Stillwell,	1,443
		Edward Fullings,	1,503
		Thomas Gluyas,	920
		John Hunter,	917
		E. Stillwell,	67
		Scattering,	3
		Total,	4,853

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
15th.	Union	Wm. Newsom,	875
		Edmond L. Davis,	308
		Edmund Davis,	41
		Scattering,	3
		Total,	1,227
16th.	Cabarrus,	William T. Blume,	859
		John Mileman,	463
		Informal,	2
		Total,	1,314
17th.	Stanly,	Levi C. Morton,	417
		J. M. Redwine,	278
		Total,	695
18th.	Anson,	George Tucker,	1,128
		Henry Chillson,	1,111
		Townley Redfearn,	650
		R. T. Bennett,	656
		Total,	3,545
19th.	Stokes,	R. F. Petree,	526
		R. W. Hill,	114
		Total,	640
20th.	Forsyth,	Elijah B. Teague,	892
		James E. Matthews,	175
		Scattering,	7
		Total,	1,074

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
21st	Davidson,	Isaac Kinney,	1,075
		Spencer Mullican,	776
		Thos. P. Allen,	272
		Samuel Jones,	204
		Wm. C. Johnston,	44
		Green Lambeth,	63
		Scattering,	6
		Total	2,581
22d	Randolph,	T. I. L. Cox,	1,272
		R. F. Frohman,	1,082
		W. S. Tompkinson,	362
		Scattering,	53
		Total	2,769
23d	Guilford,	W. W. Welker,	1,347
		A. W. Tourgee,	1,231
		N. Mendenhall,	1,188
		J. Harris,	1,044
		Scattering,	14
		Total	4,824
24th	Rockingham,	Henry Barnes,	756
		John French,	741
		Wm. N. Hereford,	140
		George W. Griffin,	308
		Jones W. Burton,	70
		Scattering,	12
		Total	2,027
25th	Caswell,	Ellis P. Casey,	1,448
		F. Hodnett,	774
		Thomas J. Brown,	485
		William Long,	184
		Samuel Allen,	189
		Scattering,	29
		Total	3,109

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
26th	Alamance,	Henry M. Ray,	642
		Rufus Y. McAden,	642
		Scattering,	0
		Total	1,284
27th	Person,	James H. Harris,	888
		John P. Andrews,	692
		Stokes D. Franklin,	8
		R. S. D. Williams,	788
		William Merritt,	888
		Scattering,	0
		Total	1,488
28th	Orange,	John W. Graham,	1,438
		Edwin M. Holt,	1,445
		Benj. S. Hedrick,	1,120
		Henry Jones,	1,115
		Scattering,	83
		Total	5,151
29th	Chatham,	Robert A. Leonard,	1,279
		John A. McDonald,	1,223
		William H. Gunter,	492
		George H. Moore,	579
		Abraham Vencher,	271
		Karl Mitchell,	696
		Clabourne Justice,	73
		John A. Hinks,	45
		William P. Taylor,	15
		Scattering,	0
		Total	4,672



ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
30th,	Wake,	James H. Harris, Joshua P. Andrews, Stokes D. Franklin, B. S. D. Williams, Daniel G. Fowle, Priestly H. Mangum, John A. McLean, Bennett T. Blake, Scattering,	2,930 2,971 2,986 2,960 1,895 1,786 1,787 1,787 4
		Total,	19,106
31st,	Granville.	John W. Ragland, James J. Moore, Cuffey Mayo, Robert W. Lassiter, Robert A. Jenkins, Elijah Winston, John Peed, Hatchwell Freeman, Calvin Betts, Robert B. Gilliam, John J. Lansdell, Scattering,	2,453 2,436 2,425 231 178 97 229 268 58 50 58 357
		Total,	8,840
32d,	Warren.	John Hyman, John Read, Peter R. Davis, Daniel R. Goodloe, Scattering,	2,047 1,919 572 54 45
		Total,	4,637

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
33d,	Franklin,	James Thomas Harris, John Edward Thomas, William R. Davis, John H. Williamson, Scattering,	3,246 769 811 1,372 1
		Total,	64,199
34th,	Cumberland,	Wm. A. Mann, James H. Hood, Joseph A. McArthur, Alfred A. McKetham, Scattering, Informal,	1,607 1,581 846 842 20 50
		Total,	4,946
35th,	Harnett,	James M. Turner, Benj. C. Williams.	729 308
		Total,	1,037
36th,	Moore,	Swain S. McDonald, Charles C. Crimmon, John Ritter, John A. Barrett, Adam Barrett,	632 141 210 60 126
		Total,	1,168
37th,	Montgomery,	George A. Graham, Wilburn Lassiter, Scattering and informal,	479 267 6
		Total,	752

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
38th,	Richmond,	Richmond T. Long, Sr. Peter McRae, Scattering,	1,244 189 3
		Total,	1,436
39th,	Wayne,	Hiram L. Grant, Jesse Hollowell, H. J. Finlayson, E. A. Wright, Scattering,	1,301 1,301 834 818 2
		Total,	4,256
40th,	Johnston,	Dr. James Hay, Nathan Gulley, Charles E. Preston, Lee R. Waddell, Scattering,	1,087 1,079 821 830 2
		Total,	3,819
41st,	Greene,	John M. Patrick, James B. Faircloth, Scattering,	739 346 2
		Total,	1,087
42d,	Wilson,	Willie Daniel, J. W. Davis, Joseph E. Tatton, Scattering,	668 574 195 4
		Total,	1,441
43d,	Nash,	Jacob Ing, David W. Williams,	708 455
		Total,	1,163

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
44th,	Halifax,	John W. Renfrow, Henry Eppes, J. L. Hays, Arthur McDaniel, Wm. D. Faucett, Silvester Wilson, Scattering and Informal,	2,546 2,571 2,538 737 744 704 35
		Total,	9,875
45th,	Northampton,	Roswell C. Parker, Henry T. Grant, John C. Jacobs, Thos. W. Mason, Benj. Franklin, John T. Wheeler, Scattering,	1,476 1,470 602 425 186 96 32
		Total,	4,287
46th,	Edgecombe,	Jose [redacted], Hen [redacted] Dowd, Henry C. Cherry, Tamer W. Battle, Nathan M. Laurance, Isaac F. Batts, Richmond Stattier, D. Battle, Scattering,	1,665 1,663 1,556 154 139 148 232 294 114
		Total,	5,965
47th,	Lenoir,	Richard W. King, Henry F. Grangier, Scattering,	1,101 363 16
		Total,	1,480

ELECT. DIST.	COUNTY	CANDIDATES	VOTES POLLED
48th,	Brunswick,	Edwin Legg,	697
		Walter G. Cushs,	382
		Westley Hodge,	92
		Scattering,	1
		Total,	1,172
49th,	Columbus,	Haynes Lennon,	584
		M. Powell,	468
		H. Lennon,	24
		Scattering,	4
		Total,	1,080
50th,	Robeson,	O. S. Hayes,	1,568
		Joshua L. Nance,	1,569
		W. S. Chaffin,	1,050
		John Leach,	1,035
		Blank,	1
Total,	5,223		
51st,	Bladen,	Abial W. Fisher,	1,112
		Frederick F. French,	1,112
		Bertram Robeson,	575
		R. Franklin Lewis,	575
		Total,	3,374
52d,	New Hanover,	Gen. Jos. C. Abbott,	2,926
		Samuel S. Ashley,	2,920
		Abraham H. Galloway,	2,913
		Oscar G. Parsley,	1,094
		William E. Freeman,	1,093
		Solomon S. Satchwell,	1,085
		Scattering,	7
Total,	12,038		

ELECT. DIST.	COUNTY	CANDIDATES	VOTES POLLED
53d,	Duplin,	John Alexander Bryan,	971
		James Warren Blount,	964
		John W. Peterson,	1,015
		Samuel High Smith,	997
		Scattering,	7
Total,	3,954		
54th,	Sampson,	J. D. Pearsall,	853
		Alexander Williams,	878
		Lorenzo Dow Hall,	357
		Sylvester Carter,	884
		Randal Hall,	114
		E. D. Hall,	289
		Lorenzo D. Hall,	60
Ransom Hall,	149		
Scattering and informal,	54		
Total,	3,638		
55th,	Tyrrell and Washington,	E. W. J.	774
		W. W.	556
		Scattering,	39
Total,	1,369		
56th,	Martin,	Samuel W. Watts,	787
		James E. Moore,	570
		Scattering,	13
Total,	1,370		
57th,	Bertie,	Bryant L.	945
		P. D. Robbins,	939
		Scattering,	63
		Joseph Beasley,	152
		Ned Outlaw,	56
Total,	2,155		



ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
58th	Hertford,	Jackson Boon Hall, Lemuel H. Boon, Charles H. Foster, Total,	515 507 174 1,196
59th	Gates,	Thomas L. Hoffer, John Brady, Scattering, Total,	440 342 12 794
60th	Chowan,	John R. French, Daniel E. Etheridge, Scattering, Total,	632 472 1 1,105
61st	Perquimans,	Br. Wm. Nicholson, Scattering, Total,	851 2 853
62d	Pasquotank and Camden,	A. Taylor, Chas. C. Pool, Geo. W. Brooks, Wm. J. Manisett, Total,	1,258 1,273 609 547 3,687
63d	Currituck,	Thomas Sanderlin, Joseph W. Etheridge, Scattering, Total,	445 412 51 908

ELECT. DIST.	COUNTY.	CANDIDATES.	VOTES POLLED
64th	Craven,	David Eston, Wm. H. [unclear], Chas. [unclear], Total,	1,501 3,217 3,151 510 517 481 11,336
65th	Onslow,	Franklin Thompson, Roger Etheridge, David W. Scott, Total,	721 826 188 735
66th	Carteret,	Abraham Congleton, L. W. Martin, Scattering, Total,	809 630 2 1,441
67th	Jones,	David [unclear], Jas. Dillham, Total,	630 805 835
68th	Beaufort,	Wm. Rodman, Wm. Billey, Jas. B. Stickney, John C. Gorham, Scattering, Total,	853 845 680 634 21 2,993

Elect. Dist.	COUNTY	CANDIDATES	VOICES POLLED
19th	Pitt.	Wm. Laffin,	1,429
		J. Rich,	1,428
		Hilliard,	1,044
		B. Brown,	1,034
		Total	4,935
20th	Hyde,	Andrew J. Glover,	563
		Benjamin Midgett,	429
		Scattering,	9
		Total	1,001

**BUREAU OF CIVIL AFFAIRS**  
 Orangeburg, S. C., January 28, 1868.

The foregoing is a statement of votes cast for Delegates to Convention in Election Districts of North Carolina at the election held on the 19th and 20th days of November, 1867, as returned by the Superintendent of election.

A. J. WILLARD,

*In Charge of Bureau Civil Affairs.*

Wm. Laffin  
 J. Rich  
 Hilliard  
 B. Brown  
 Andrew J. Glover  
 Benjamin Midgett  
 Scattering

*16*  
*...*  
*...*

HISTORICAL SOCIETY



National Convention of North Carolina,  
Raleigh, N. C.

REGISTRATION OF CANVASS RETURNS FOR THE STATE OF NORTH CAROLINA

COUNTIES	REGISTRATION BOOKS		TOTAL	AGGREGATE FROM RETURNS	No. TICKETS FORWARDED	No. VOTES	No. BALLOTS
	WHITES.	BLACKS.					
1 Burke and McDowell,	1,885	692	2,577	1,761	1,766	1,837	186
2 Rutherford and Polk,	2,045	572	2,617	1,584	1,539	1,448	189
3 Fancy and Mitchell,	1,520	90	1,610	923	923	835	87
4 Madison, Buncombe, Henderson & Transylvania,	3,934	740	4,674	2,950	3,014	2,340	674
5 Haywood and Jackson,	1,604	143	1,747	1,008	1,168	659	509
6 Macon, Clay and Cherokee,	2,164	101	2,265	3,012	3,505	2,795	710
7 Alleghany, Ashe, Surry, Watauga and Yadkin,	5,451	892	6,343	4,502	4,680	3,718	962
8 Caldwell, Wilkes, Iredell and Alexander,	5,840	1,367	7,207	4,502	3,054	2,606	448
9 Davidson and Rowan,	2,862	1,550	4,412	3,058	3,054	2,606	448
10 Cleveland,	1,454	314	1,768	1,292	1,292	990	302
11 Catawba,	1,454	314	1,768	1,084	1,111	960	158
12 Lincoln,	897	417	1,314	890	906	807	99
13 Gaston,	2,053	442	2,495	1,449	1,482	1,186	299
14 Mecklenburg,	3,828	659	4,487	3,449	3,821	3,066	755
15 Union,	2,809	424	3,233	2,288	2,383	1,705	678
16 Cabarrus,	1,171	146	1,317	808	822	652	174
17 Stanley,	1,171	146	1,317	808	822	652	174
18 Anson,	1,171	146	1,317	808	822	652	174
19 Stokes,	1,171	146	1,317	808	822	652	174
20 Forsythe,	1,171	146	1,317	808	822	652	174
21 Davidson,	1,171	146	1,317	808	822	652	174
22 Randolph,	2,232	457	2,689	1,419	1,311	1,186	128
23 Guilford,	2,690	487	3,177	2,415	2,404	1,768	637
24 Rockingham,	1,405	1,489	2,894	1,440	1,448	1,074	374
25 Caswell,	1,361	349	1,710	1,964	1,981	1,406	575
26 Alamance,	1,348	1,785	3,133	1,453	1,444	1,074	374
27 Person,	1,004	882	1,886	1,518	1,488	749	739
28 Orange,	2,004	1,291	3,295	2,612	2,605	1,209	1,396
29 Chatham,	3,019	1,179	4,198	3,224	2,446	2,116	1,082
30 Wake,	2,000	4,907	6,907	5,924	4,916	4,135	781
31 Granville,	866	2,284	3,150	2,512	2,634	2,611	23
32 Warren,	1,121	1,487	2,608	2,241	2,327	1,460	867
33 Franklin,	1,579	1,546	3,125	2,510	2,485	1,662	798
34 Cumberland,	857	511	1,368	1,055	1,037	744	292
35 Barnett,	1,366	459	1,825	1,166	1,161	975	186
36 Moore,	891	321	1,212	769	758	752	46
37 Montgomery,	995	1,084	2,079	1,437	1,436	1,251	186
38 Richmond,	1,506	1,229	2,735	2,100	2,045	1,317	728
39 Wayne,	1,732	914	2,646	1,931	1,939	1,329	617
40 Johnston,	1,033	706	1,739	1,088	1,083	741	348
41 Greene,	1,071	873	1,944	1,463	1,466	885	581
42 Wilson,	1,095	1,140	2,235	1,945	1,958	1,258	697
43 Nash,	1,311	1,060	2,371	2,198	2,197	1,647	550
44 Halifax,	1,246	2,692	3,938	2,908	2,908	2,324	584
45 Northampton,	740	728	1,468	1,174	1,171	825	344
46 Edgecombe,	860	513	1,373	1,082	1,082	825	258
47 Johnston,	1,584	1,451	3,035	2,631	2,632	1,968	664
48 Columbus,	1,085	1,146	2,231	1,684	1,685	1,152	533
49 Robeson,	1,445	1,181	2,626	4,019	2,928	1,093	1,825
50 New Hanover	1,501	1,960	3,461	1,972	1,992	1,055	937
51 Duplin,	1,280	790	2,070	1,871	1,914	1,129	788
52 Sampson,	971	799	1,770	1,361	1,332	872	500
53 Tyrrell and Washington,	969	1,264	2,233	1,215	1,209	706	503
54 Martin,	712	1,487	2,199	1,206	1,209	706	503
55 Bertie,	723	469	1,192	800	793	542	251
56 Hertford,	607	667	1,274	1,105	1,100	823	277
57 Gates,	705	693	1,398	873	898	808	90
58 Currituck,	1,409	1,511	2,920	1,894	1,883	1,331	552
59 Pasquotank and Camden,	918	1,381	2,299	1,950	1,948	1,402	546
60 Craven,	1,596	3,183	4,779	3,817	3,817	3,232	585
61 Onslow,	1,816	402	2,218	1,461	1,465	873	592
62 Carteret,	1,185	749	1,934	1,461	1,465	873	592
63 Jones,	483	539	1,022	843	843	540	303
64 Beaufort,	1,499	925	2,424	1,657	1,553	900	653
65 Pitt,	1,450	1,449	2,899	2,459	2,480	1,625	874
66 Wayne,	876	665	1,541	1,000	1,000	590	411
TOTAL	106,721	72,932	179,653	129,030	93,006	32,961	63

Very respectfully your obedient servant,  
ED. R. CANBY,  
Bvt. Maj. Gen. U. S. Army.

BUREAU OF CIVIL AFFAIRS,  
OFFICE, CHARLESTON, S. C., December 26, 1867.

The foregoing is a correct statement from the Returns of the election held on the 19th and 20th days of November last, in and for the State of North Carolina, made to these Headquarters by the canvassers, and from the returns made by the Boards of Registrars for the several registration precincts of said State, it appears thereby that a majority of the votes given at said election were for a Convention; and, also, that at such election a majority of all the registered voters of said State voted on the question of holding said Convention.

A. J. WHELAN,  
Chief of Bureau of Civil Affairs.



*Ordered to be Printed.*

## SUFFRAGE AND ELIGIBILITY TO OFFICE.

The Committee on Enrollment have carefully compared the within enrollment with the original Ordinance, and certify the same to be correct.

C. C. POOL, *Chairman Com.*

### ARTICLE —

#### SUFFRAGE.

SECTION 1. Every male person born in the United States  
2 and every male person who has been naturalized, twenty-  
3 one years old or upward, who shall have resided in this  
4 State twelve months next preceding the election, and thirty  
5 days in the county, in which he offers to vote, shall be  
6 deemed an elector.

SEC. 2. It shall be the duty of the General Assembly to  
2 provide from time to time, for the registration of all  
3 "Electors," but no person shall be allowed to register  
4 without first being required to take an oath or affirmation,  
5 to support and maintain the Constitution and laws of the  
6 United States, and the Constitution and laws of North-  
7 Carolina, not inconsistent therewith.

SEC. 3. All elections by the people shall be by ballot,  
2 and all elections by the General Assembly shall be *viva*  
3 *voce*.