

**CONSTITUTION OF THE STATE OF NORTH  
CAROLINA AND COPY OF THE ACT OF  
THE GENERAL ASSEMBLY, ENTITLED AN  
ACT TO AMEND THE CONSTITUTION OF  
THE STATE OF NORTH CAROLINA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649283941

Constitution of the State of North Carolina and Copy of the Act of the General Assembly,  
Entitled An Act to Amend the Constitution of the State of North Carolina by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**VARIOUS**

**CONSTITUTION OF THE STATE OF NORTH  
CAROLINA AND COPY OF THE ACT OF  
THE GENERAL ASSEMBLY, ENTITLED AN  
ACT TO AMEND THE CONSTITUTION OF  
THE STATE OF NORTH CAROLINA**



2022

**CONSTITUTION**  
OF THE  
**STATE OF NORTH CAROLINA**

AND COPY OF THE ACT OF THE  
GENERAL ASSEMBLY, ENTITLED

**AN ACT TO AMEND THE CONSTITUTION  
OF THE STATE OF NORTH CAROLINA**

(CHAPTER 81, PUBLIC LAWS, EXTRA SESSION OF 1913)

---

ISSUED FROM THE OFFICE OF THE  
**SECRETARY OF STATE**  
**RALEIGH**

BY AUTHORITY OF THE  
**GENERAL ASSEMBLY**

---

**RALEIGH**  
EDWARDS & BROUGHTON PRINTING COMPANY  
STATE PRINTERS AND BINDERS  
1914

By direction of the General Assembly, this pamphlet is furnished for distribution to, and the information of, citizens of the State of North Carolina. It contains the Constitution of the State of North Carolina as it now stands, and shows, on page 39 and the pages following, the proposed amendments, and a copy of the official ballot. Additional copies of this pamphlet may be had upon application to the County Clerk of Court, or to the Secretary of State, Raleigh.

**CONSTITUTION**  
**OF THE**  
**STATE OF NORTH CAROLINA**

---

**PREAMBLE.**

We, the people of the State of North Carolina, grateful to Preamble.  
Almighty God, the Sovereign Ruler of Nations, for the preserva-  
tion 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 gov-  
ernment of this State, ordain and establish this Constitution:

**ARTICLE I.**

**DECLARATION OF RIGHTS.**

That the great, general and essential principles of liberty and  
free government may be recognized and established, and that the  
relations of this State to the Union and Government of the United  
States, and those of the people of this 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 cer- The equality and  
rights of men.  
tain inalienable rights; that among these are life, liberty, the en-  
joyment of the fruits of their own labor, and the pursuit of hap-  
piness.

**SEC. 2.** That all political power is vested in, and derived from, Political power  
and government.  
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 Internal govern-  
ment of the State.  
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 for their safety  
and happiness; but every such right should be exercised in pur-  
suance of law, and consistently with the Constitution of the United  
States.

**SEC. 4.** That this State shall ever remain a member of the Amer- That there is no  
right to secede.  
ican Union; that the people thereof are a part of the American  
Nation; that there is no right on the part of the 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.
- Of allegiance to the U. S. government.** 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.
- Public debt.** SEC. 6. 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; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.
- Bonds issued under ordinance of Convention of 1868 and under acts of 1868, 1868-'69, 1869-'70, declared invalid.** SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.
- Exception.** SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.
- Exclusive emoluments, etc.** 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.
- The legislative, executive and judicial powers distinct.** SEC. 10. All elections ought to be free.
- Of the power of suspending laws.** 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 defense, and not to be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.
- Elections free.** SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment.
- In criminal prosecutions.** 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.
- Answers to criminal charges.**
- Right of jury.**



- SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.
- 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 offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.
- SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.
- SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person to be taken, etc., but by law of the land.
- SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.
- SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.
- SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.
- SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.
- SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office. Property qualification.
- SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly freely given. Representation and taxation.
- SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.
- SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated. Right of the people to assemble together.
- SEC. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience. Religious liberty.

- Education.** SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.
- Elections should be frequent.** SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles.** SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, etc.** SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, etc.** SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.
- Ex post facto laws.** SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.
- Slavery prohibited.** SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.
- State boundaries.** SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open.** SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace.** SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by the law.
- Other rights of the people.** SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

## ARTICLE II.

## LEGISLATIVE DEPARTMENT.

- Two branches.** SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.
- Time of assembling.** SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present.
- Number of senators.** SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

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

Regulations in relation to districting the State for senators.

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

Regulations in relation to apportionment of representatives.

Sec. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing two but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

Ratio of representation.

Sec. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen one year immediately preceding his election.

Qualifications for senators.

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

Qualifications for representatives.

Sec. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Election of officers.

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

Powers in relation to divorce and alimony.

Sec. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate

Private laws in relation to names of persons, etc.