

12-1-1932

# The Report of the North Carolina Constitutional Commission

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>Part of the [Law Commons](#)

## Recommended Citation

North Carolina Law Review, *The Report of the North Carolina Constitutional Commission*, 11 N.C. L. REV. 5 (1932).Available at: <http://scholarship.law.unc.edu/nclr/vol11/iss1/6>

This Article is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

# THE REPORT OF THE NORTH CAROLINA CONSTITUTIONAL COMMISSION

Raleigh, N. C., November 26, 1932.

## *To The Governor and the General Assembly of North Carolina:*

The Commission appointed by the Governor under authority of Resolution No. 36, Public Laws 1931, to study the Constitution of the State and to suggest needed amendments or a redraft thereof as may best subserve the interest of all the people, has the honor to submit the following report:

At the call of the Governor, the members of the Commission met in Raleigh, 22 October, 1931, for organization purposes, designated W. P. Stacy its Chairman and elected Charles B. Aycock Secretary to the Commission.

Through the courtesy of the press, much publicity was given to the invitation extended by the Commission to all persons interested to appear and make suggestions as to amendments or changes by them deemed desirable. Public hearings were held from time to time and many helpful suggestions were made. The facilities of the Law Schools of the University of North Carolina, Duke University and Wake Forest College were tendered by the deans of these respective schools, and accepted and used by the Commission. Acknowledgment is here made of the valuable services rendered by the representatives of these institutions and the appreciation of the Commission gladly expressed.

The Commission concluded, early in its deliberations, that a redraft of the Constitution would best effectuate the purposes of the General Assembly. Many changes were found to be necessary in order to harmonize different provisions with proposed amendments. The general policy of the Commission has been to adjust these differences and to suggest only such changes as are deemed essential and promotive of the common good.

The thought prevailed that the chief need is to relax many of the existing restrictions on the powers of the General Assembly, so as to allow more elasticity in shaping governmental policies, not only in respect to present conditions, but also in regard to future needed adjustments, and in lieu thereof the adoption of the gubernatorial veto power has been suggested.

The Commission made a careful study of all the provisions of the Constitution, article by article and section by section. The most important changes suggested are those relating to Agriculture and Industry, Education, Courts, Criminal Laws, Organization and Government of Counties, Cities and Towns, Public Welfare, Suffrage, Revenue, Taxation and Public Debt—though a number of more or less important changes are suggested in other provisions as will appear from the following summary:

## ARTICLE I

### DECLARATION OF RIGHTS

The principal changes suggested in the Declaration of Rights relate to the permissible reformation in criminal procedure. In Sections 9 and 10, it is suggested that the General Assembly, in cases other than capital, be authorized to provide for prosecution of crimes otherwise than by indictment, and for conviction by less than unanimous verdict.

That the power of the General Assembly is limited only by constitutional restrictions, is sought to be clarified in Section 34 and in Section 1 of Article II.

## ARTICLE II

### LEGISLATIVE DEPARTMENT

The chief amendments suggested in Article II are to be found in Sections 9, 18, 21 and 22. The first provides for the filling of vacancies in the membership of the General Assembly by Boards of County Commissioners; the second for the organization and government of counties, cities and towns by general laws only; the third for the veto power of the Governor; and the fourth for the non-appointment of members of the General Assembly to offices created, or the emoluments whereof have been increased, during their term.

## ARTICLE III

### EXECUTIVE DEPARTMENT

Section 8 is new and contains the suggestion of an executive budget.

## ARTICLE IV

## JUDICIAL DEPARTMENT

The present judicial system of North Carolina is retained in all of its essential features. Courts are divided into the Supreme Court, the Superior Courts and courts inferior to the Superior Courts. The jurisdiction of the Supreme Court, as an appellate supervisory tribunal, and the jurisdiction of the Superior Courts, as courts of general jurisdiction, are not affected. The General Assembly is to provide by general laws for the creation of courts of limited jurisdiction inferior to the Superior Courts with appeal to the Superior Courts; but existing courts of special or limited jurisdiction, including courts of Justices of the Peace, are to be continued until otherwise provided by the General Assembly through the passage of general laws.

There is no change in the constitution of the Supreme Court, except that the General Assembly is authorized to increase the number of Associate Justices when the work of the Court requires. The Court is authorized to sit in divisions, as in Virginia, Florida, Alabama and a number of other states; but it is provided that no decision of any division shall become the judgment of the Court unless concurred in by three Justices and that no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc.

The changes made with respect to the Superior Courts are as follows: (1) The election of more than one judge in a district is permitted when the business of the Court in any county is greater than one judge can administer; (2) designation of judges to hold special terms of court is to be by the Chief Justice instead of by the Governor; (3) rotation of judges among the districts is made optional with the General Assembly, and the prohibition against a judge's holding court in a county oftener than once in four years is eliminated.

Election of judges of the Supreme and Superior Courts by vote of the people is retained. The General Assembly is authorized to provide for the election of judges of the Superior Courts by voters of the judicial division as well as by the voters of the whole state or of the district, as at present.

The General Assembly is given power to create solicitorial districts without reference to judicial districts.

Provision is made for a Judicial Council to consist of the Chief Justice, the Justices of the Supreme Court and the Judges of the Superior Courts, to hold annual sessions at the call of the Chief Justice and to have power to regulate practice and procedure in all courts of the State except the Supreme Court, the practice and procedure of which is to be regulated by the rules of that Court.

#### ARTICLE V

#### REVENUE, TAXATION AND PUBLIC DEBT

The thought has prevailed that constitutional provisions as to taxation and indebtedness should provide adequate authorization for meeting the legitimate functions of government, and adequate protection against abuse and oppression. The principal difficulty is that constitutional provisions are continuing through radically changing conditions, and if fixed terms are used they permit no adjustability to meet changing conditions. Limitations upon tax rates or indebtedness that are geared to property valuations may be excessive in times of high valuations or unduly restrictive in times of low valuations. With respect to local tax rates the varying needs of different units make it impossible to fix a single limitation to fit such varying conditions.

In the proposed revision of Article V effort has been made to incorporate sound general principles, together with restrictions that should be none the less adequate because they permit some flexibility to changing needs and conditions, with a broad discretion left to legislative authority. In this respect we follow the modern trend of State constitutions, and in part the recommendations of the National Municipal League in proposing a model form of State Constitution.

With respect to the State, the suggestion is made, in addition to the modified veto power, that an adjustable limitation upon authority to contract debts be adopted, which will, at all times, offer a wholesome restraint upon the use of this power, and, at the same time, require a gradual reduction of the total debt of the State. We may well contemplate this method of effective debt limitation, because it will perhaps be universally conceded that we have already reached a maximum beyond which we should not go. And it should be borne in mind that one of the most effective means of tax limitation is debt limitation.

As to local governments, a similar method of limitation of debts

is suggested, with a further limitation of State supervision, on the one hand, and of a vote of the people on the other. It is thought that this machinery will be found adequately restrictive as to debts. Instead of rigid restrictions as to tax levies, which cannot in the Constitution be made adjustable to widely varying local necessities, it is suggested that similar restrictive machinery, putting within reach of a small number of taxpayers at all times the power to invoke appeal to a State supervising agency, be adopted. This provides an adjustable restriction, on the one hand, with no limitation on the other hand, when either indebtedness or tax levies may be approved by an actual majority of the people voting in an election for them.

It is believed that the machinery proposed will provide both authorizations and limitations adequate to meet changing conditions as to the State, and changing and varying conditions as to local governments.

#### ARTICLE VI

##### SUFFRAGE AND ELIGIBILITY TO OFFICE

The principal change suggested in this article, in addition to removing certain obsolete provisions, calls for limitation of absentee voting to persons physically disabled or absent from home in the military, naval, or other service of the State or of the United States.

#### ARTICLE VII

##### EDUCATION

A uniform State system of schools is suggested in this article with a minimum term of six months. A State Board of Education to consist of seven members appointed by the Governor and confirmed by the General Assembly, with the Superintendent of Public Instruction as its Chairman and chief executive officer, is provided for in Section 5, and to this Board is committed the general supervision and administration of the free public school system.

#### ARTICLE VIII

##### HOMESTEADS AND EXEMPTIONS

The principal changes in this article suggest protection from claims of creditors of insurance, payable to wife or minor children, during life of husband as well as after his death (Section 7), and

to permit the General Assembly to authorize married women to deal with their separate estates as if they were unmarried (Section 8). The adoption of this latter suggestion, however, would not perforce affect the present statutes on the subject.

#### ARTICLE IX

#### PUBLIC WELFARE, PENAL AND CHARITABLE INSTITUTIONS, AND PUNISHMENTS

In this article it is suggested that the General Assembly make provision for a Board of Public Welfare to care for the childhood and morals of the State, and provide for the establishment and operation of such charitable, sanitary, benevolent, reformatory or penal institutions as the claims of humanity and the public good require. The organization and management of existing institutions are to remain as they are until changed by legislative enactment.

#### ARTICLE XI

#### AGRICULTURE, INDUSTRY AND MISCELLANEOUS PROVISIONS

The changes suggested in this article, if adopted, would require that agencies of government be maintained at all times for promoting the agricultural and industrial development of the State, for encouraging the peaceful adjustment of industrial disputes, and for the protection of industrial workers, especially women and children.

#### ARTICLE XII

#### AMENDMENTS

The only changes suggested in this article provide for convention referenda to be submitted in a manner to be prescribed by law and special provision is made that the adoption of the Constitution as redrafted shall not have the effect of vacating any office, or term of office, presently existing, and that the provisions of the prior Constitution not embodied in the redraft, and not inconsistent therewith, shall remain in force as statutory law until changed by the General Assembly.

\* \* \* \* \*

A number of sections and provisions of the Constitution have been omitted from the redraft, submitted herewith, because instead

of being basic in character they are regarded as only legislative. Stability is to be desired in a constitution, and the restrictions on the legislative power should be limited to the fundamentals of government, otherwise changed conditions may not be met without frequent amendments to the organic law. This is sought to be avoided. The legislative power of the General Assembly is plenary except where restrained by express constitutional provision or necessary implication therefrom.

The redraft of the Constitution is the composite work of the members of the Commission, not their individual views, but the combined judgment of the entire Commission. It is submitted with confidence that it contains nothing hurtful to the welfare of the people of the State, but much that may be discerned as beneficial to their interests. It is believed that the General Assembly can safely commend it to the people as preserving every substantial right and as worthy of support.

Respectfully submitted,

(Signed) W. P. STACY, *Chairman*,  
GEO. E. BUTLER,  
J. O. CARR,  
BURTON CRAIGE,  
A. J. MAXWELL,  
JOHN J. PARKER,  
CLARENCE POE,  
MICHAEL SCHENCK,  
LINDSAY WARREN,  
Commission.

# THE CONSTITUTION OF THE STATE OF NORTH CAROLINA

## PREAMBLE

We, the people of North Carolina, acknowledging our dependence upon Almighty God and our allegiance to the United States of America, do, for the more certain assurance of the blessings of liberty and freedom, and for the better government of the State, ordain and establish this Constitution.

## ARTICLE I

### DECLARATION OF RIGHTS

That the essential principles of liberty and free government may be recognized and established, we do declare:

SECTION 1. *The Equality and Rights of Men.* We hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; and that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. *Internal Government of the State.* The people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

SECTION 3. *Allegiance to United States.* This State shall ever remain a member of the American Union; every citizen of this State owes paramount allegiance to the Constitution and Government of the United States; and no law of the State in contravention or subversion thereof can have any binding force.

SECTION 4. *Exclusive Emoluments.* No person is entitled to, or shall have, emoluments or privileges separate from the community, except in consideration of public services and in the performance of public duties.

SECTION 5. *Legislative, Executive and Judicial Powers Distinct.* The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct.

SECTION 6. *Power of Suspending Laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SECTION 7. *Freedom of Elections.* All elections ought to be free, and so safeguarded and protected by law as to guarantee the complete and free expression of the public will.

SECTION 8. *Rights in Criminal Prosecutions.* In all criminal prosecutions every person charged has the right to be informed of the accusation against him and to confront his accusers with testimony in his own behalf; to have counsel for his defense; and not to be compelled to give evidence against himself or to pay any court costs or necessary witness fees of the defense unless found guilty.

SECTION 9. *Charges of Crime.* No person shall be put to answer any capital felony, but by indictment by a grand jury. For offenses less than capital the General Assembly may provide otherwise than by indictment for the prosecution of crimes.

SECTION 10. *Right of Jury.* No person shall be convicted of any capital crime but by the unanimous verdict of a jury in open court. For offenses less than capital, the General Assembly may authorize trial by the judge in cases where the defendant waives jury trial, and may permit a verdict upon less than a unanimous vote of the jurors.

SECTION 11. *Excessive Bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

SECTION 12. *General Warrants.* General warrants, whereby any officer or other person 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; but the General Assembly may provide for the investigation of crimes without the issuance of a warrant for any specific person.

SECTION 13. *Imprisonment for Debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

SECTION 14. *Guarantee of Equal Protection and Due Process of Law.* 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 or due process of law; nor shall private property be taken for public use without just compensation; nor shall the State deny to any person within its jurisdiction the equal protection of the laws.

SECTION 15. *Persons Restrained of Liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed; and the privileges of the writ of habeas corpus shall not be suspended.

SECTION 16. *Controversies at Law Respecting Property.* 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; but the General Assembly may provide for a verdict by less than a unanimous vote of the jurors.

SECTION 17. *Distinction between Actions at Law and Suits in Equity, and Feigned Issues, Abolished.* The distinction between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

SECTION 18. *Freedom of the Press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SECTION 19. *Property Qualification.* 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.

SECTION 20. *Taxation and Representation.* 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 the General Assembly, freely given.

SECTION 21. *Militia and the Right to Bear Arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they

ought not to be maintained, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the carrying of concealed weapons, or prevent the General Assembly from enacting penal statutes prohibiting such practice.

SECTION 22. *Right of the People to Assemble.* The people have a right to assemble to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

SECTION 23. *Religious Liberty.* All men have a natural and inalienable right to worship Almighty God according to the dictates of their consciences, and no human authority should, in any case whatever, control or interfere with that right.

SECTION 24. *Education.* The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SECTION 25. *Elections should be Frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SECTION 26. *Recurrence to Fundamental Principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SECTION 27. *Hereditary Emoluments and Privileges.* No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

SECTION 28. *Perpetuities and Monopolies.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SECTION 29. *Ex post facto Laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no ex post facto law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SECTION 30. *Involuntary Servitude Prohibited.* Involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited.

SECTION 31. *Courts shall be Open.* All courts shall be open; and every person for an injury done him in his lands, goods, person

or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SECTION 32. *Soldiers in Time of Peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

SECTION 33. *Treason Against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SECTION 34. *Other Rights of the People.* This enumeration of rights shall not be construed to limit or restrict other rights of the people not mentioned in this Article.

## ARTICLE II

### LEGISLATIVE DEPARTMENT

SECTION 1. *Two Branches.* The legislative authority, which shall be full and complete except as limited in this Constitution, shall be vested in two distinct branches, both dependent on the people, to-wit: A Senate and a House of Representatives. The Senate shall be composed of fifty senators and the House of Representatives shall be composed of one hundred and twenty representatives, both biennially chosen by ballot, to be elected by the people.

SECTION 2. *Time of Assembling.* 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.

SECTION 3. *Regulation for Districting the State for Senators.* The Senatorial Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration of the Census by order of Congress, that each Senatorial District shall contain, as nearly as practicable, an equal number of inhabitants, excluding aliens, and shall remain unaltered until the return of another enumeration by order of Congress, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senatorial District unless such county shall be entitled to two or more Senators.

SECTION 4. *Regulation for Apportionment of Representatives.*

The House of Representatives shall be composed of one hundred and twenty Representatives biennially chosen by ballot, to be elected by the counties respectively, according to their population; and each county shall have at least one Representative in the House of Representatives although it may not contain the requisite ratio of representation. This apportionment shall be made by the General Assembly at the respective times and periods when the Senatorial Districts are made as hereinbefore provided.

SECTION 5. *Ratio of Representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing 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 population of the State aliens 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.

SECTION 6. *Qualifications of Senators and Representatives.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen for two years, and shall have resided in the district for which he was chosen for one year immediately preceding his election. 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.

SECTION 7. *Qualifications and Adjournments.* Each House shall be the judge of the qualifications and election of its own members; shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

SECTION 8. *Officers of Senate and House.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided; the Senate shall choose its other officers and also a President, *pro tempore*, to act in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

The House of Representatives shall choose its own Speaker and other officers.

SECTION 9. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, any such vacancy in the House of Representatives may be filled by the Board of County Commissioners of the County so deprived of representation; and if such vacancy is in the Senate, the same may be filled by the Board or Boards of Commissioners of the County or counties comprising the Senatorial District in which the vacancy shall occur, acting in joint session, if there be more than one county in the District. The General Assembly may, by general laws, provide other methods for filling such vacancies.

SECTION 10. *Oath of Members.* Each member of the General Assembly before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives as the case may be.

SECTION 11. *Journals, Protests, Yeas and Nays.* Each House shall keep a Journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly; and any member of either House may dissent from and protest against any act or resolution which he may think injurious to the public, or to any individual, and have the reasons of his dissent entered on the Journal. Upon motion made in either House and upon affirmative vote by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the Journal.

SECTION 12. *Election of Officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly, or either branch thereof, by the Constitution, the vote shall be *viva voce*.

SECTION 13. *Style of Acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

SECTION 14. *Terms of Office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election and continue for two years, or until their successors are elected.

SECTION 15. *Election for Members of the General Assembly.* The election for members of the General Assembly shall be held for

the respective districts and counties at the usual voting places, or as may be prescribed by law, on Tuesday after the first Monday in November in the year 1934, and every two years thereafter. But the General Assembly may change the time of holding the elections.

SECTION 16. *Pay of Members and Officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive for their services six hundred dollars each. The salaries of the presiding officers of each of the two Houses shall be seven hundred dollars each: *Provided*, that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two Houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days the members and officers shall serve thereafter without pay.

SECTION 17. *Passage of Revenue Bills.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

SECTION 18. *General Assembly to Provide for Local Government Under General Laws.* The General Assembly shall provide by general laws for the organization and government of counties, cities, towns and other municipal corporations, but shall pass no special or local law relating thereto. Optional plans for the organization and government of counties, cities and towns may be provided by law, to be effective when submitted to the legal voters thereof and approved by a majority of those voting thereon.

SECTION 19. *Other Limitations upon Power of the General Assembly to Enact Private or Special Legislation.* The General Assembly shall not pass any local, private, or special act or resolution relating to health, sanitation, or the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-

navigable streams; relating to cemeteries; relating to the pay of jurors; creating new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; regulating divorce and alimony; altering the name of any person, legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of an infamous crime; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SECTION 20. *Bills to be Read Three Times.* All bills and resolutions of a legislative nature shall be read three times in each House before they become laws, and shall be signed by the presiding officer of each House, and also by the Governor except such bills and resolutions of a legislative nature as may pass into law without his approval.

SECTION 21. *Veto Power of Governor.* Every bill and every resolution of a legislative nature which shall pass the Senate and House of Representatives shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it; but, if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large on its Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill or resolution, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. If the Governor approve the general purpose of any bill or resolution, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the House in which it originated; whereupon the same proceeding shall be had in both Houses upon the bill or resolution and his recommendations in relation to its amendment as is hereinbefore provided in relation to a bill or resolution which he shall have returned without his approval, and with his objections thereto; provided, that if after such reconsideration, both Houses by a vote of a majority of

the members present in each, shall agree to amend the bill or resolution, in accordance with his recommendation in relation thereto, or either House by such vote shall fail or refuse so to amend it, then, and in either case it shall again be sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill or resolution, shall be entered on the Journal of each House. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it. The Governor may approve, sign and file in the office of the Secretary of State, within ten days after the adjournment of the General Assembly any bill or resolution passed during the last five days of the session and it shall become a law; but he shall not have power to veto a bill or resolution after adjournment if presented to him forty-eight hours before adjournment, and if not so presented he may veto such bill or resolution within ten days after adjournment and file it in the office of the Secretary of State. Any bill or resolution passed during the last five days of the session, which is neither approved nor vetoed by the Governor within ten days after adjournment as herein provided, shall become a law in like manner as if he had signed it. The Governor shall not have power to veto any bill or resolution which is to be submitted to a vote of the people for adoption.

SECTION 22. *Appointment to Office During Term.* No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the State of North Carolina which shall have been created or the emoluments whereof shall have been increased during such time.

### ARTICLE III

#### EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be invested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General.

They shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their terms of office shall commence on the second Monday in January next after their election, and continue until their successors are elected and qualified.

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

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

SECTION 4. *Oath of Office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SECTION 5. *General Duties of Governor.* The Governor shall take care that the laws are faithfully executed, and he shall, from time to time, give the General Assembly information of the affairs of State, and recommend to their consideration such measures as he shall deem needful and expedient. He may at any time require the opinion in writing of the officers of the executive department, upon any subject relating to their respective offices. The Governor shall reside at the seat of government of this State during his term of office.

SECTION 6. *Reprieves, Commutations, Paroles and Pardons.*

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

SECTION 7. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, to suppress riots or insurrection, or to repel invasion.

SECTION 8. *Executive Budget.* Within the first ten legislative days of each regular session of the General Assembly, unless such time shall be extended by the General Assembly for the session to which the report is to be submitted, the Governor shall submit to the General Assembly a budget setting forth a complete plan of proposed expenditures and anticipated income of all departments, offices and agencies of the State for each fiscal year of the next ensuing biennium, accompanied by appropriate bills to carry the proposals into effect. For the preparation of the budget the various departments, offices and agencies of the State shall furnish the Governor such information, and in such form as he may require.

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

SECTION 10. *Officers for Whose Appointment Provision not Otherwise Made.* The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and for whose appointment provision is not otherwise made.

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

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

SECTION 12. *Succession to Office of Governor.* In case of the impeachment of the Governor, his failure to qualify, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. The powers, duties, and emoluments of the office of Governor shall devolve upon the President, *pro tempore*, of the Senate whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President, *pro tempore*, of the Senate to administer the government, the Secretary of State shall convene the Senate, if need be, that they may elect such President.

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

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

SECTION 15. *Compensation of Executive Officers.* The officers

mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished except by tax levies common to others during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

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

#### ARTICLE IV

#### JUDICIAL DEPARTMENT

SECTION 1. *Division of Judicial Powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts and such other courts inferior to the Superior Courts as the General Assembly may ordain and establish.

SECTION 2. *Court for Trial of Impeachments.* The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor or Lieutenant-Governor is impeached, the Chief Justice shall preside.

SECTION 3. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices; but the General Assembly may increase the number of Associate Justices when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by three justices; and no case involv-

ing a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc.

SECTION 4. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts. 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, but they shall be reported to the next session of the General Assembly for its action.

SECTION 5. *Superior Courts.* The Superior Courts shall be the courts of general jurisdiction and there shall be one such court in each county of the State. They shall be, at all times, open for the transaction of business, except the trial of issues of fact requiring a jury. Terms of Superior Court for the trial of jury cases shall be held in each county at least twice in each year.

SECTION 6. *Judicial Districts for Superior Courts.* The General Assembly shall divide the State into judicial districts, for each of which one Superior Court Judge shall be chosen; but, if the business of the Superior Court in any county shall become too great for one judge to administer, the General Assembly may provide for the election of one or more additional judges for the district in which such court is situate. Every judge of the Superior Court shall reside in the district for which he is elected, but the General Assembly may provide for the election or appointment of Special Superior Court Judges not assigned to any district, who may be designated from time to time by the Chief Justice to hold court in any district or districts within the State. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district in lieu or in aid of the judge or judges assigned to that district. The General Assembly may divide the State into a number of judicial divisions and provide for the judges within a division to hold successively the courts of the different districts within that division.

SECTION 7. *Term of Office and Election of Judges.* Justices of

the Supreme Court and Judges of the Superior Courts shall be elected by the people and shall hold office for a term of eight years and until their successors are elected and qualified; but Special Superior Court Judges not assigned to any district shall be elected or appointed for such term as the General Assembly may determine. Justices of the Supreme Court shall be elected by the voters of the whole State. Judges of the Superior Courts may be elected by the voters of the whole State or by the voters of their respective districts or divisions as the General Assembly may provide. The Governor shall by appointment fill all vacancies occurring from death, resignation or otherwise, until the next election to be held more than thirty days after such vacancy has arisen.

SECTION 8. *The Judicial Council.* The Chief Justice and Associate Justices of the Supreme Court and the Judges of the Superior Courts shall constitute a Judicial Council, which shall meet once each year at the call of the Chief Justice. Except as otherwise provided in this Constitution, the Judicial Council shall have power to make, alter and amend all rules relating to pleading, practice and procedure in the several courts of the State except in the Supreme Court, the practice and procedure of which shall be prescribed by the rules of that Court.

SECTION 9. *Courts Inferior to the Superior Courts.* The General Assembly shall provide by general laws for the creation and jurisdiction of courts inferior to the Superior Courts with appeal therefrom to the Superior Courts; but shall pass no special or local laws with relation to such courts. Courts of special or limited jurisdiction now existing in North Carolina, including courts of justices of the peace, shall be continued until otherwise provided by the General Assembly as a result of the passage of general laws under this section.

SECTION 10. *Solicitors.* A solicitor shall be elected for each judicial district, or for such other division of the State as the General Assembly may determine, by the qualified voters thereof. He shall hold office for the term of four years and shall prosecute on behalf of the State in all criminal actions in the Superior Courts, advise the officers of justice in his district and perform such other duties as may be imposed on him by law.

SECTION 11. *Removal of Judges of the Various Courts for Inability.* Any Justice of the Supreme Court, or Judge of the Superior Courts, and the presiding officers of such courts inferior to the Supe-

rior Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the General Assembly. The justice, judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SECTION 12. *Fees, Salaries and Emoluments.* The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of Justices of the Supreme Court and Judges of the Superior Courts shall not be diminished except by tax levies common to others during the time for which they shall have been elected.

## ARTICLE V

### REVENUE, TAXATION AND PUBLIC DEBT

SECTION 1. *State Taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended or contracted away. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object of which it is to be applied.

SECTION 2. *Limitation on State Debt.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State for the following purposes:

To fund or refund a valid existing debt;

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

To supply a casual deficit;

To suppress riots or insurrections, or to repel invasions.

For any purpose other than these enumerated, the General Assembly shall have no power to contract new debts in excess of two-thirds of the amount by which its outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State, and be approved by a majority of those who shall vote thereon. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation. The State

shall never pay any debt incurred in the prosecution of the War Between the States, or for the emancipation of any slave, or pay any outstanding bonds issued by the so-called Reconstruction Legislatures of 1868, 1869, and 1870, or the Convention of 1868, which said bonds have been declared invalid by prior constitutions.

SECTION 3. *County and Municipal Taxation.* The General Assembly shall, by general laws, provide a uniform system of taxation for the counties, cities, towns or other municipal corporations; and no county, city, town or other municipal corporation shall exercise the power of taxation except in accordance with such general laws.

SECTION 4. *Supervision of Taxes and Finances of Local Governments.* The General Assembly shall, by general laws, provide appropriate regulations governing the budgets and tax levies of counties, cities, towns and other municipal corporations, and prescribe the method by which public notice of such budgets and tax levies shall be given. It shall also provide a state agency which shall have general supervision over the finance of counties, cities, towns and other municipal corporations. No bonds shall be issued without the approval of such agency, unless submitted to a vote of the people and approved by a majority of those who shall vote thereon. Such agency shall have power to review, upon petition of a number or percentage of taxpayers to be determined by the General Assembly, any item of expense in any budget or the amount or rate of any tax levy. The hearing upon such petition shall be had in the county in which it shall originate. If any item in a budget so reviewed, or any tax rate or levy so reviewed, be disapproved by such agency, it shall be reduced in accordance with the finding of the agency, unless submitted to a vote of the people and approved by a majority of those who shall vote thereon.

SECTION 5. *County and Municipal Indebtedness Limited.* No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit unless by a vote of the majority of the qualified voters thereof, except for the purpose of funding or refunding a valid existing debt, or meeting appropriations made for the current fiscal year in anticipation of the collection of taxes and revenues for such year; Provided, however, that a county, city, town or other municipal corporation which shall have reduced the total of its bonded indebtedness within a given year may, to meet its necessary expenses and debts, issue bonds to an amount not exceed-

ing one-half of the reduction so made, without such vote, upon approval of the State agency provided for in the preceding section. No election shall authorize any county, city, town or other municipal corporation to contract any debt, pledge its faith or loan its credit, unless the majority of the votes cast in favor of it are at least one-fourth of the number of votes cast in such county, city, town or other municipal corporation for the office of Governor of the State at the last gubernatorial election.

SECTION 6. *Exemptions.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes. The General Assembly may also exempt, to a value not exceeding three hundred dollars, wearing apparel, household and kitchen furniture, mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property.

SECTION 7. *Disbursement of Public Funds.* No money shall be drawn from the Treasury of the State, or of any county, city, town, or other municipal corporation, but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SECTION 8. *Use of Sinking Funds.* No part of any sinking fund of the State, or of any sub-division or municipality thereof, which shall have been created to retire specific bonds or indebtedness shall be used for any other purpose until such bonds or indebtedness shall have been paid.

## ARTICLE VI

### SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. *Who May Vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this Article, and presents himself in person, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided. Voting otherwise than in person by persons physically disabled or absent from home in the service of the State or of the United States may be provided by the General Assembly under properly restrictive regulations.

SECTION 2. *Qualification of Voters.* The voter shall have resided in the State of North Carolina for one year, and in the pre-

cinct, ward, or other election district, in which he offers to vote, four months next preceding election: *Provided*, that removal from one precinct, ward, or other election district to another shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall have been first restored to citizenship in the manner prescribed by law.

SECTION 3. *Voters to be Registered.* Every person offering to vote shall be at the time a legally registered voter as prescribed by law, and every person presenting himself for registration, unless already registered as provided by the laws of North Carolina, shall be able to read and write any section of this Constitution in the English language.

SECTION 4. *Elections by the People and the General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

SECTION 5. *Eligibility to Office; Official Oath.* Every voter in North Carolina shall be eligible to office, except as in this article disqualified; but before entering upon the duties of the office he shall take and subscribe the following oath:

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

SECTION 6. *Disqualification for Office.* The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God; *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

ARTICLE VII  
EDUCATION

SECTION 1. *Education Encouraged.* Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SECTION 2. *Uniform State System of Schools.* The General Assembly shall provide by taxation, or otherwise, for a general and uniform system of free public schools in North Carolina, wherein equal opportunities, so far as practicable, shall be provided for all the children of the State, and shall enact such laws as it may deem necessary to carry out the provisions of this article.

SECTION 3. *Six Months Minimum Term.* The State shall maintain a system of free public schools throughout the State for a term of at least six months in every year; and it shall be the duty of the General Assembly to provide adequate revenue for the support thereof. The General Assembly may provide for and maintain a longer school term.

SECTION 4. *Property Devoted to Educational Purposes.* The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; also the net proceeds from the sale of estrays, and the clear proceeds of all penalties and forfeitures, and all fines collected in the several counties from any breach of the penal or military law of the State; also the net proceeds of all sales of the swamp lands belonging to the State and all other grants, gifts or devices that have been or may hereafter be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and together with so much of the revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated and used for establishing and maintaining in this State a uniform system of free public schools, and for no other use or purpose whatsoever.

SECTION 5. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, shall be vested in a State Board of Education, to consist of seven members. The State

Superintendent of Public Instruction shall be a member of said board, and its chairman and chief executive officer. The other members of the board shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The first appointment under this section shall be three members for two years, and three members for four years, and thereafter all appointments shall be made for a term of four years. All appointments to fill vacancies shall be made by the Governor for the unexpired term. The board shall elect a vice-chairman who shall preside in the absence of the chairman, and also shall elect a secretary, who need not be a member of the board. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the members of the board shall be provided by the General Assembly.

SECTION 6. *Powers and Duties of Board.* The State Board of Education shall have power to divide the State into a convenient number of school districts without regard to township or county lines; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the text books to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this Section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SECTION 7. *School Attendance; Separation of Races.* The General Assembly is empowered to enact laws fixing the age within which pupils may attend the public schools, regulating the conditions under which they may attend, and requiring attendance unless educated by other means than in the public schools. The children of the white and colored races shall be taught in separate schools, but equal opportunity of education shall be afforded all the children of the State regardless of race.

SECTION 8. *Higher Education.* The General Assembly shall maintain a system of higher education in the State, to be comprised of the University and such other educational institutions as the General Assembly may deem wise. The General Assembly shall have power to provide for the election of trustees for the University and other educational institutions of the State, in whom, when chosen,

shall be vested, all the privileges, rights, franchises and endowments thereof in anywise granted to or conferred upon the trustees of said institutions; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University and other institutions.

SECTION 9. *Benefits of State Educational Institutions.* The General Assembly may provide that the benefits of the University and other educational institutions of the State, as far as practicable, be extended to the youth of the State free of expense for tuition; and all property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

## ARTICLE VIII

### HOMESTEADS AND EXEMPTIONS

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

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

SECTION 3. *Homestead Exempt from Debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

SECTION 4. *Laborer's Lien.* The provisions of Sections one and two of this Article shall not be construed to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

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

SECTION 6. *Deed for Homestead.* Nothing contained in the foregoing Sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

SECTION 7. *Insurance for Benefit of Wife and Children Exempt.* Insurance on the life of a citizen of this State payable to his wife or minor children, shall not be subjected to the claims of his creditors, either during his lifetime or after his death.

SECTION 8. *Property of Married Women Secured to Them.* The real and personal property of any women in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such woman, and shall not be liable for any debts, obligations, or engagements of her husband.

## ARTICLE IX

### PUBLIC WELFARE, PENAL AND CHARITABLE INSTITUTIONS, AND PUNISHMENTS

SECTION 1. *State Board of Public Welfare.* Constructive promotion of the social welfare or the common good being one of the first duties of a State, the General Assembly shall make provision for a Board of Public Welfare whose duties shall be the following, and such other duties as the General Assembly may prescribe: To study and promote the welfare of childhood, especially the welfare of the underprivileged child; to study and promote the public welfare especially as related to such subjects as unemployment, physical infirmities, mental health, poverty, vagrancy, housing, crime, marriage and divorce, public amusement, care and treatment of prisoners and other delinquents; to recommend needed social legislation; to visit and inspect all charitable and penal institutions with such powers of supervision as the General Assembly may prescribe, and to report annually

to the Governor upon their condition with suggestions for their improvement.

SECTION 2. *Public, Charitable, Reformatory, or Penal Institutions.* Such charitable, sanitary, benevolent, reformatory or penal institutions as the claims of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

SECTION 3. *Death Punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SECTION 4. *Institutions Self-supporting.* It shall be steadily kept in view by the General Assembly, the State Board of Public Welfare and the governing boards of all penal and charitable institutions that such institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

#### ARTICLE X

##### MILITIA

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

SECTION 2. *Organization of Militia.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for their compensation when called into active service.

SECTION 3. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

#### ARTICLE XI

##### AGRICULTURE, INDUSTRY AND MISCELLANEOUS PROVISIONS

SECTION 1. *Agriculture, Industry and Natural Resources; Industrial Relations; Bank Supervision.* Proper agencies of government shall be maintained at all times for promoting the agricultural

and industrial development of the State. In formulating legislation, constant objects of State policy shall include the conservation of natural resources such as soils, minerals, water power and fisheries, the encouragement of proper forestry policies, the maintenance of soil fertility, the preservation of natural or scenic beauty, and the promotion of thrift and home ownership. The General Assembly shall have power to adjust the taxing system so as to encourage home ownership, the development of forestry and the conservation of all natural resources. The State shall endeavor to serve the interests of both employers and employees by encouraging the peaceful adjustment of industrial disputes. The General Assembly shall provide proper regulation for the protection of industrial workers, especially women and children, and shall also safeguard the earnings of citizens by adequate protective legislation and supervision of banks and other financial institutions or investment agencies.

SECTION 2. *Mechanic's Lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

SECTION 3. *Seat of Government and Boundaries of State.* The seat of government in this State shall be at the City of Raleigh, and the limits and boundaries of the State shall remain as they now are.

SECTION 4. *Dual Office-Holding Forbidden.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, school committeemen, notaries public, commissioners and trustees of public charities and institutions, or commissioners for special purposes.

SECTION 5. *Intermarriage of Whites and Negroes Prohibited.* All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation, inclusive, are hereby forever prohibited.

SECTION 6. *Corporations under General Laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all

corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

## ARTICLE XII

### AMENDMENTS, EXISTING LAWS AND OFFICES

SECTION 1. *Constitutional Convention.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all of the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SECTION 2. *Amendment of the Constitution.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

SECTION 3. *Laws to Remain in Force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be and remain in force until lawfully altered. The provisions of the prior Constitution and its amendments not embodied herein, shall, except as inconsistent with the provisions of this Constitution, remain in force as statutory law subject to the power of the General Assembly to repeal or modify any or all of them.

SECTION 4. *This Constitution not to Vacate Existing Offices.* The changes made in the prior Constitution of North Carolina by this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the said Constitution and the laws of the State made in pursuance thereof.

## ALTERNATIVE SUGGESTION AS TO EXECUTIVE DEPARTMENT

*To the Governor and General Assembly of North Carolina:*

We have signed the report of the Constitutional Commission and concur in all of the changes which it makes over the present Constitution. The Constitution presented with the report is in our opinion a great improvement over the present Constitution and will provide the State with a safe yet flexible form of government which will enable it to meet the needs of its changing and expanding life. We think, however, that the best interests of the state require an additional change in its fundamental law with the view of vesting in the Governor full power to administer the State's business and of charging him with responsibility for the manner in which it is administered. To that end we recommend the following changes in the draft of the Constitution as submitted:

In lieu of Section 1 of Article III, substitute the following:

SECTION 1. *The Executive Power.* The chief executive power of the State shall be vested in a Governor. He shall be elected for a term of four years by the qualified electors of the state at the same time and place and in the same manner as members of the General Assembly are elected. At the same time and in the same manner a Lieutenant-Governor shall be elected who shall succeed to the office of Governor in case of the Governor's death, resignation, incapacity or removal from office. Their terms of office shall commence on the second Monday in January next after their election, and continue until their successors are elected and qualified.

In lieu of Sections 13 and 14 of Article III, substitute the following:

SECTION 13. *Officers of Executive Department.* The Governor, by and with the advice and consent of the Senate, shall appoint a Secretary of State, a State Treasurer, an Attorney General, a Superintendent of Public Instruction, a Commissioner of Revenue, a Commissioner of Highways, a Commissioner of Agriculture, a Commissioner of Labor, a Commissioner of Insurance and such other executive officials as the General Assembly may determine. They shall be appointed to hold office during the term of the Governor and shall assist him in executing the laws of the State. The Governor shall have power to remove from office any executive official appointed by him; but in case of the exercise of such power shall report to the General Assembly at its next session the reason for any

removal. In the case of vacancies in executive offices, caused by death, resignation, removal, or otherwise, when the General Assembly is not in session, the Governor shall make temporary appointments to fill the vacancies until the next session of the General Assembly.

SECTION 14. *Auditor.* An Auditor shall be elected by the General Assembly to hold office for a period of four years. He shall audit the accounts of the executive departments and shall aid the Governor in the preparation of the budget; but he shall not be subject to the direction of the Governor or any other official of the executive department and shall be removable from office only by the General Assembly. In case of his death or resignation the Governor shall appoint a successor to hold office until the commencement of the next session of the General Assembly.

The success of popular government depends in very large measure upon the efficiency of the executive department and upon holding that department accountable to the people. The duty of the executive is to enforce the laws and administer the business of the state; and for the proper performance of this duty it is necessary that the executive have the energy which can come only with unified action. To prevent abuses of governmental power, those responsible for governmental action must occupy such a position that they will be constantly in the public view. For both of these reasons it is highly important that the entire executive power be intrusted to the chief executive office of the State. Centralization of power in him gives unity and energy to the executive and secures efficient administration of the State's affairs. Centralization of power means centralization of responsibility also; and the chief executive vested with such power is held responsible by the people for the entire administration of the government. A governor charged with such responsibility will hold the executive officials under him up to a high standard of efficiency. By reason of his power over them, he can and will impart unity and energy to their action. A sufficient check upon this power is the realization that, because of his position, everything which he does must be done in the full view of the people to whom he is accountable.

The correctness of thus centering power and responsibility in executive officials is universally recognized in our local governments and in our private businesses. The sheriff is the chief executive officer of the county. He appoints his deputies, and no one would think of advocating their election by popular vote. There is as little reason for electing the executive officers of the State who serve

under the Governor. No private business could live if the stockholders should take out of the hands of the manager the selection of department heads and other minor officials. Inefficiency results from divided authority in the State's business just as in private business. In private business such inefficiency results in bankruptcy; in the State's business it may result in increased debt and higher taxes.

The objection that the appointment of minor executive officials is opposed to the principles of popular government is unsound. The requirement of democracy is that government be accountable to the people, not that every minor administrative officer be elected by them. The experience of other states has demonstrated that popular government has been made more truly representative of the popular will, as well as more efficient, where responsibility for its administration is centered in one official whose acts and conduct are constantly in the public view. Nor is there ground for the fear that such appointment will foster a political oligarchy. The Governor is limited to one term; and there is less danger of political combination on the part of his appointees than on the part of minor executive officials, of whom the majority of the voters know little or nothing, and who must depend upon political coöperation for their continuance in office. It is worthy of note that the great argument in favor of the appointment of executive officers in New York and a number of other states was that its effect would be to take government out of the hands of the politicians and restore it to the people. The Governor more truly than any other official in a modern American state is representative of the entire people of the state. This is peculiarly true of North Carolina, where our governors have always been men of the highest character and have always enjoyed popular confidence to the highest degree.

The centralization of power in the chief executive is nothing new or untried in America. It characterizes our federal government, the executive department of which exercises power infinitely greater than that of any of our states. No despotism has resulted by reason of the fact that the President appoints not only the members of his cabinet, but also all of the ambassadors, district attorneys, postmasters, and all the other thousands of executive officials. There would seem to be little danger of despotism in permitting the Governor of North Carolina to appoint merely the members of his official family. The plan has been tried in Virginia, New York, New Jersey, New Hamp-

shire, Tennessee and Maine; and has greatly raised the level of governmental efficiency in those states. In Virginia and New York the attorney general is elected as well as the governor and lieutenant-governor; but it would seem clear that, if there is one member of his official family whom the Governor should appoint, it is his legal adviser.

With respect to the working of this system in Virginia, former Governor Byrd of that state has said:

"When we revised our Constitution we elected three members of the State Corporation Commission, the State Treasurer, the Secretary of the Commonwealth, and the Superintendent of Public Instruction, the Commissioner of Agriculture, Attorney General, the Governor, and the Lieut. Governor, a total of ten. Under the new Constitution the members of the State Corporation Commission are elected by the General Assembly, this being at least a semi-judicial office. The General Assembly elects all of our Judges. We abolished the office of Secretary of the Commonwealth, and gave to the Governor the appointment of the Commissioner of Agriculture, Superintendent of Public Instruction, and the State Treasurer. We now elect only the Governor, Lieutenant-Governor, and Attorney General. The Auditor of Public Accounts is elected by the General Assembly as a check on the Governor. The plan has worked admirably, and the Governor of Virginia now has a cabinet just as the President of the United States has. It is entirely consistent with representative Democracy as it merely gives to the Governor the appointment of the executive officers subject to the confirmation of the Senate and the House."

And the appointment of executive officials of the State is nothing new or untried in North Carolina. The two most powerful officials in the State government are the Commissioner of Revenue and the Highway Commissioner; and these are appointed by the Governor. It seems little short of absurd to provide that these powerful officials shall be appointed and other officials, with a mere fraction of their power, shall be elected. Every Governor of North Carolina for the past twenty years including Governors Craig, Bickett, Morrison, McLean and Gardner, has advocated that the Governor be given the power of appointing the State executive officials; and this change has been recommended by expert and disinterested observers from without the State, notably the Brookings Commission and former Governor Alfred E. Smith of New York.

Practically every modern student of Government in America has declared himself in favor of this reform. President Woodrow Wilson, who was the first president of the National Short Ballot Organ-

ization, said: "I believe the short ballot is the key to the whole problem of the restoration of popular government in this country." And in an article "Hide and Seek Politics," from the *North American Review*, May 1910, he wrote:

"The elective items on every voter's programme of duty have become too numerous to be dealt with separately and are, consequently, dealt with in the mass and by a new system, the system of political machinery against which we futilely cry out. \* \* \*

"The short ballot is the short and open way by which we can return to representative government. It has turned out that the methods of organization which lead to efficiency in government are also the methods which give the people control."

President Theodore Roosevelt, in an address before the Ohio Constitutional Convention in February 1912, said:

"I believe in the short ballot. \* \* \* The professional politician and the professional lobbyist thrives most rankly under a system which provides a multitude of elective officers of such divided responsibility and of such obscurity that the public knows, and can know, but little as to their duties and the way they perform them. The people have nothing whatever to fear from giving any public servant power so long as they retain their own power to hold him accountable for his use of the power they have delegated to him. You will get best service where you elect only a few men, and where each man has his definite duties and responsibilities, and is obliged to work in the open, so that the people know who he is and what he is doing, and have the information that will enable them to hold him to account for his stewardship."

Chief Justice Hughes, when Governor of New York, discussed the short ballot in his annual message to the legislature of 1910, as follows:

"There should be a reduction in the number of elective offices. The ends of democracy will be better attained to the extent that the attention of the voters may be focused upon comparatively few offices, the incumbents of which can be strictly accountable for administration. This will tend to promote efficiency in public office by increasing the effectiveness of the voter and by diminishing the opportunities of political manipulators who take advantage of the multiplicity of elective officers to perfect their schemes at the public expense. I am in favor of as few elective offices as may be consistent with proper accountability to the people, and a short ballot. \* \* \* It would be an improvement, I believe, in state administration if the executive responsibility was centered in the governor, who should appoint a

cabinet of administrative heads accountable to him and charged with the duties now imposed upon elected state officers."

None of these great statesmen dealt more incisively with the subject than did our own Governor Bickett. In his final message to the General Assembly of 1921, with the experiences of the Governorship behind him but fresh in his mind, he said:

"While upon the subject of State officers I cannot refrain from reiterating and emphasizing the views expressed in my inaugural address, and in my message to the General Assembly of 1919, to the effect that all administrative officers should be appointed by the Governor. Every consideration of intelligence and efficiency is in favor of the short ballot. The men who have given thought to the subject all think alike. The only arguments against the proposition are political arguments, utterly unsupported by any sound business principle. So far as administrative officers are concerned, the State is simply a big business corporation, and there is not a big business in the world where the heads of the departments are elected by thousands of stockholders. These are always appointed by the president of the corporation or by an executive board. This General Assembly would do the state a fine service if it should submit to the people a constitutional amendment providing for the appointment rather than the election of administrative officers. A primary properly safeguarded is the best way to select the candidate for Governor. Let the people have the fullest opportunity to declare their will in the selection of the candidate and in the subsequent general election and then let the Governor so selected and elected use his own judgment in the selection of his executive staff and hold him rigidly responsible for results."

For the reasons given, and upon the basis of the arguments advanced by the wise and far-seeing statesmen from whom we have quoted, we believe that the Constitution of North Carolina should make provision for the appointment by the Governor of the officials of the State executive department with the exception of the Lieutenant-Governor and the Auditor, and that the latter should be elected by the General Assembly.

(Signed) GEO. E. BUTLER,  
J. O. CARR,  
BURTON CRAIGE,  
JOHN J. PARKER.

## ALTERNATIVE SUGGESTION AS TO GUBERNATORIAL VETO

*To the Governor and General Assembly of North Carolina:*

While concurring in the general conclusions reached by other members of the Constitutional Commission, I find myself compelled to favor a substantially different form of gubernatorial veto.

Everybody knows with what great concern the people of North Carolina each quadrennium select a Chief Executive for our State. Our citizens feel a just pride in the records made by our Governors, and manifest a jealous interest in seeing to it that only men of the highest character and ability are chosen for this high office. In some campaigns perhaps as much discussion occurs in the effort to select the right man for Governor as occurs in the selection of all 170 members of the General Assembly.

In view of the care thus manifested in the selection of our Governors and in view of the type of men almost uniformly chosen, I am convinced that the Governor should have larger powers than he has heretofore possessed. I cannot, however, convince myself that in getting away from the old policy of no veto power whatever, we should straightway go to the other extreme.

The principle of separation of judicial, executive and legislative powers seems to be wise. To give the Governor in legislative matters the power to nullify a program supported by 65 per cent of the Senators and Representatives chosen to make the laws of the State, I believe is getting too far away from the sound principle of trusting "the common sense of most."

On the other hand, I do believe that the Governor should have the power to sound a general alarm whenever he believes the Legislature has passed any dangerous or unwise legislation; to require the Legislature (and the people through the press) to hear his warning, and then to compel every legislator again to go on record in the matter with the full knowledge that the eyes of the State are upon each legislator as he votes. But if a majority of the members of each house, having considered the Governor's reasoning and the prestige of his office, still feel that the proposed measure is for the best interests of the people, then I believe the wisdom of the majority should be allowed to prevail.

To this end I venture to suggest a form of gubernatorial veto embodying the following basic principle with such incidental modifications as the General Assembly may think wise:

SECTION 21. *Veto Power of the Governor.* Every bill or joint resolution passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it. If he does not approve, he shall return it to the house in which it originated, and set forth in a message to the General Assembly the reasons for his disapproval; whereupon the measure shall be reconsidered and if a majority of the entire membership of each House, by yea or nay vote entered upon the Journal, shall again vote in favor of the measure, it shall become a law regardless of the Governor's disapproval. The Governor shall have power to disapprove in like manner any part or parts of any measure embracing distinct items, and the part or parts so disapproved shall not become law unless reconsidered and repassed by both Houses as in the case of a complete bill.

With such a veto power, the Governor could turn the powerful searchlight of state-wide publicity upon any measure that he believes should not have passed and thus render many an invaluable service to our people. A bill that had been adopted with little discussion and without a roll call would be subjected to both these acid tests. The eyes of all his constituents would be upon each Senator or Representative as he elected to approve or reject the Governor's widely-heralded objections. But a clear majority of the elected law makers of the state would still possess the right to make the laws of North Carolina, as I believe they should do.

We have not had any form of veto power. If this modified form should bring such benefits that the people would wish to extend it, good and well. But I ask that we consider whether the more moderate form should not first be tested out.

Respectfully submitted,

(Signed) CLARENCE POE.

Raleigh, N. C., November 26, 1932.

# INDEX

## PREAMBLE

## ARTICLE I

### DECLARATION OF RIGHTS

	PAGE
Sec. 1. The Equality and Rights of Men .....	12
Sec. 2. Internal Government of the State .....	12
Sec. 3. Allegiance to United States .....	12
Sec. 4. Exclusive Emoluments .....	12
Sec. 5. Legislative, Executive and Judicial Powers Distinct .....	12
Sec. 6. Power of Suspending Laws .....	13
Sec. 7. Freedom of Elections .....	13
Sec. 8. Rights in Criminal Prosecutions .....	13
Sec. 9. Charges of Crime .....	13
Sec. 10. Right of Jury .....	13
Sec. 11. Excessive Bail .....	13
Sec. 12. General Warrants .....	13
Sec. 13. Imprisonment for Debt .....	13
Sec. 14. Guarantee of Equal Protection and Due Process of Law .....	13
Sec. 15. Persons Restrained of Liberty .....	14
Sec. 16. Controversies at Law Respecting Property .....	14
Sec. 17. Distinction between Actions at Law and Suits in Equity, and Feigned Issues, Abolished .....	14
Sec. 18. Freedom of the Press .....	14
Sec. 19. Property Qualification .....	14
Sec. 20. Taxation and Representation .....	14
Sec. 21. Militia and the Right to Bear Arms .....	14
Sec. 22. Right of the People to Assemble .....	15
Sec. 23. Religious Liberty .....	15
Sec. 24. Education .....	15
Sec. 25. Elections should be Frequent .....	15
Sec. 26. Recurrence to Fundamental Principles .....	15
Sec. 27. Hereditary Emoluments and Privileges .....	15
Sec. 28. Perpetuities and Monopolies .....	15
Sec. 29. Ex post facto Laws .....	15
Sec. 30. Involuntary Servitude Prohibited .....	15
Sec. 31. Courts shall be Open .....	15
Sec. 32. Soldiers in Time of Peace .....	16
Sec. 33. Treason Against the State .....	16
Sec. 34. Other Rights of the People .....	16

## ARTICLE II

### LEGISLATIVE DEPARTMENT

Sec. 1. Two Branches .....	16
Sec. 2. Time of Assembling .....	16
Sec. 3. Regulation for Districting the State for Senators .....	16
Sec. 4. Regulation for Apportionment of Representatives .....	17
Sec. 5. Ratio of Representation .....	17
Sec. 6. Qualifications of Senators and Representatives .....	17
Sec. 7. Qualifications and Adjournments .....	17
Sec. 8. Officers of Senate and House .....	17
Sec. 9. Vacancies .....	18

Sec. 10. Oath of Members .....	18
Sec. 11. Journals, Protests, Yeas and Nays .....	18
Sec. 12. Election of Officers .....	18
Sec. 13. Style of Acts .....	18
Sec. 14. Terms of Office .....	18
Sec. 15. Election for Members of the General Assembly .....	18
Sec. 16. Pay of Members and Officers of the General Assembly .....	19
Sec. 17. Passage of Revenue Bills .....	19
Sec. 18. General Assembly to Provide for Local Government Under General Laws .....	19
Sec. 19. Other Limitations upon Power of the General Assembly to Enact Private or Special Legislation .....	19
Sec. 20. Bills to be Read Three Times .....	20
Sec. 21. Veto Power of Governor .....	20, 46
Sec. 22. Appointment to Office During Term .....	21

## ARTICLE III

## EXECUTIVE DEPARTMENT

Sec. 1. Officers of the Executive Department; Terms of Office .....	21, 39
Sec. 2. Qualifications of Governor and Lieutenant-Governor .....	22
Sec. 3. Returns of Election .....	22
Sec. 4. Oath of Office for Governor .....	22
Sec. 5. General Duties of Governor .....	22
Sec. 6. Reprieves, Commutations, Pardons and Pardons .....	22
Sec. 7. Commander-in-Chief .....	23
Sec. 8. Executive Budget .....	23
Sec. 9. Extra Sessions of the General Assembly .....	23
Sec. 10. Officers for Whose Appointment Provision not Otherwise Made .....	23
Sec. 11. Duties of the Lieutenant-Governor .....	23
Sec. 12. Succession to Office of Governor .....	24
Sec. 13. Duties of Other Executive Officers .....	24, 39
Sec. 14. Council of State .....	24, 40
Sec. 15. Compensation of Executive Officers .....	24
Sec. 16. Seal of State .....	25

## ARTICLE IV

## JUDICIAL DEPARTMENT

Sec. 1. Division of Judicial Powers .....	25
Sec. 2. Court for Trial of Impeachments .....	25
Sec. 3. Supreme Court .....	25
Sec. 4. Jurisdiction of Supreme Court .....	26
Sec. 5. Superior Courts .....	26
Sec. 6. Judicial Districts for Superior Courts .....	26
Sec. 7. Term of Office and Election of Judges .....	26
Sec. 8. The Judicial Council .....	27
Sec. 9. Courts Inferior to the Superior Courts .....	27
Sec. 10. Solicitors .....	27
Sec. 11. Removal of Judges of the Various Courts for Inability .....	27
Sec. 12. Fees, Salaries and Emoluments .....	28

## ARTICLE V

## REVENUE, TAXATION AND PUBLIC DEBT

Sec. 1. State Taxation .....	28
Sec. 2. Limitation on State Debt .....	28

Sec. 3.	County and Municipal Taxation .....	29
Sec. 4.	Supervision of Taxes and Finances of Local Governments.....	29
Sec. 5.	County and Municipal Indebtedness Limited .....	29
Sec. 6.	Exemptions .....	30
Sec. 7.	Disbursements of Public Funds .....	30
Sec. 8.	Use of Sinking Funds .....	30

## ARTICLE VI

### SUFFRAGE AND ELIGIBILITY TO OFFICE

Sec. 1.	Who May Vote .....	30
Sec. 2.	Qualification of Voters .....	30
Sec. 3.	Voters to be Registered .....	31
Sec. 4.	Elections by the People and the General Assembly .....	31
Sec. 5.	Eligibility to Office; Official Oath .....	31
Sec. 6.	Disqualification for Office .....	31

## ARTICLE VII

### EDUCATION

Sec. 1.	Education Encouraged .....	32
Sec. 2.	Uniform State System of Schools .....	32
Sec. 3.	Six Months Minimum Term .....	32
Sec. 4.	Property Devoted to Educational Purposes .....	32
Sec. 5.	State Board of Education .....	32
Sec. 6.	Powers and Duties of Board .....	33
Sec. 7.	School Attendance; Separation of Races .....	33
Sec. 8.	Higher Education .....	33
Sec. 9.	Benefits of State Educational Institutions .....	34

## ARTICLE VIII

### HOMESTEADS AND EXEMPTIONS

Sec. 1.	Exemptions of Personal Property .....	34
Sec. 2.	Homestead .....	34
Sec. 3.	Homestead Exempt from Debt .....	34
Sec. 4.	Laborer's Lien .....	34
Sec. 5.	Benefit of Widow .....	35
Sec. 6.	Deed for Homestead .....	35
Sec. 7.	Insurance for Benefit of Wife and Children Exempt .....	35
Sec. 8.	Property of Married Women Secured to Them .....	35

## ARTICLE IX

### PUBLIC WELFARE, PENAL AND CHARITABLE INSTITUTIONS, AND PUNISHMENTS

Sec. 1.	State Board of Public Welfare .....	35
Sec. 2.	Public, Charitable, Reformatory, or Penal Institutions .....	36
Sec. 3.	Death Punishment .....	36
Sec. 4.	Institutions Self-supporting .....	36

## ARTICLE X

### MILITIA

Sec. 1.	Who are Liable to Militia Duty .....	36
Sec. 2.	Organization of Militia .....	36
Sec. 3.	Exemptions .....	36

## ARTICLE XI

## AGRICULTURE, INDUSTRY AND MISCELLANEOUS PROVISIONS

Sec. 1. Agriculture, Industry and Natural Resources; Industrial Relations; Bank Supervision .....	36
Sec. 2. Mechanic's Lien .....	37
Sec. 3. Seat of Government and Boundaries of State .....	37
Sec. 4. Dual Office-Holding Forbidden .....	37
Sec. 5. Intermarriage of White and Negroes Prohibited .....	37
Sec. 6. Corporations under General Laws .....	37

## ARTICLE XII

## AMENDMENTS, EXISTING LAWS AND OFFICES

Sec. 1. Constitutional Convention .....	38
Sec. 2. Amendment of the Constitution .....	38
Sec. 3. Laws to Remain in Force .....	38
Sec. 4. This Constitution not to Vacate Existing Offices .....	38