

The Constitution or form of Government agreed to
 and Resolved upon by the Representatives of the
 Freemen of the State of North Carolina elected and
 chosen for that particular purpose in Congress —
 assembled at Halifax the eighteenth day of December
 in the Year of our Lord One thousand seven hundred
 and seventy six.

Whereas Allegiance and Protection are in their nature
 reciprocal, and the one should of right be refused, when the other
 is withdrawn, And whereas George the third King of Great
 Britain, and late Sovereign of the British American Colonies,
 hath not only withdrawn from them his Protection, but by an
 Act of the British Legislature, declared the Inhabitants of
 these

these States out of the Protection of the British Crown, and all their Property found upon the high Seas, liable to be seized and Confiscated to the uses mentioned in the said Act, And the said George the third has also sent Fleets and Armies to prosecute a cruel War against them for the purpose of reducing the Inhabitants of the said Colonies to a State of Object Slavery. In Consequence whereof all Government under the said King within the said Colonies hath ceased and a Total Dissolution of Government in many of them hath taken place; And whereas the Continental Congress having considered the Premises and other previous Violations, of the rights of the good People of America have therefore Declared, that the thirteen United Colonies are of right wholly absolved from all Allegiance to the British Crown or any other Foreign Jurisdiction whatsoever and that

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the said Colonies now are and forever shall be free and
Independant States, Wherefore in our present State in Order
to prevent Anarchy and Confusion, it becomes necessary
that a Government should be established in this
State. Therefore we the Representatives of the Freemen
of North Carolina chosen and Assembled in Congress for
the Express purpose of framing a Constitution under the
Authority of the People most Conducive to their Happiness
and Prosperity do declare that a Government for this State
shall be established in manner and form following, to wit.

Section the first.

That the Legislative Authority shall be vested in two
Distinct Branches, both dependant on the People, to wit, a Senate
and House of Commons

Section 2^d

That the Senate shall be composed of Representatives
annually chosen by Ballot, one from each County in the State

Section 3^d That the House of Commons shall be composed of Representatives, annually chosen by Ballot, two for each County, and one for each of the Towns of Edenton, New Bern, Wilmington Salisbury Hillsborough and Halifax

Section 4th That the Senate and House of Commons assembled for the purpose of Legislation, shall be denominated the General Assembly

Section 5th That each Member of the Senate, shall have usually resided in the County in which he is chosen for one year immediately preceding his Election, and for the same time shall have possessed and continue to possess in the County which he represents not less than three hundred Acres of Land in Fee

Section 6th That each Member of the House of Commons shall have usually resided in the County, in which he is chosen for one Year immediately preceding his Election for six Months shall have

have possessed and continue to possess in the County which he represents not less than one hundred Acres of Land in Fee or for the Term of his own Life

Section 7th That all Freemen of the Age of twenty one Years, who have been Inhabitants of any one County within the State twelve Months immediately preceeding the day of Election and possessed of a Freehold within the same County of Fifty Acres of Land for six Months next before and at the day of Election shall be entitled to Vote for a Member of the Senate

Section 8th That all Freemen of the Age of twenty one Years, who have been Inhabitants of any County within this State twelve Months immediately preceeding the day of any Election, and shall have paid Public Taxes, shall be intitled to Vote for Members of the House of Commons for the County in which he resides.

Section

Section 9th

That all persons possessed of a Freehold in any Town in this State having a right of Representation, and also all Freemen who have been Inhabitants of any such Town twelve Months next before and at the day of Election, and shall have paid Public Taxes, shall be intitled to vote for a Member to represent such Town in the House of Commons; Provided always, That this Section shall not intitle any Inhabitant of such Town to vote for Members of the House of Commons for the County in which they may reside, nor any Freeholder in such County who resides without or beyond the Limits of such Town to vote for a Member for said Town

Section 10th

That the Senate and House of Commons when met shall each have power to choose a Speaker and other their Officers be judges of the Qualifications and Elections of their Members

Members sit upon their own Adjournments from day to day
and prepare Bills to be passed into Laws, the two houses
shall direct Writs of Election, for supplying intermediate
Vacancies and shall also jointly by Ballot adjourn themselves
to any future day and place.

Section 11th That all Bills shall be read three times in each house
before they pass into Laws, and be signed by the Speaker
of both houses

Section 12th That every Person who shall be chosen a Member of
the Senate or house of Commons, or appointed to any Office
or place of Trust before taking his Seat or entering upon the
Execution of his Office shall take an Oath to the State
and all Officers shall also take an Oath of Office

Section 13th That the General Assembly shall by joint Ballot of
both

both Houses appoint Judges of the Supreme Courts of Law and Equity
Judges of Admiralty and Attorney General who shall be commissioned
by the Governor and held their Offices during good behavior

Section 14th That the Senate and House of Commons shall have
power to appoint the Generals and Field Officers of the Militia
and all Officers of the Regular Army of this State

Section 15th That the Senate and House of Commons jointly at their
first meeting after each Annual Election shall by Ballot Elect a
Governor for one year, who shall not be Eligible to that Office
longer than three Years in six successive Years. That no person
under thirty Years of Age, and who has not been a resident in
this State above five Years, and having in the State a Freehold
in Lands and Tenements above the value of One thousand
Pounds shall be Eligible as Governor

Section

16th

That the Senate and House of Commons jointly at their first Meeting, after each annual Election shall by Ballot Elect seven persons to be a Council of State for one Year, who shall advise the Governor in the Execution of his Office, and that four Members shall be a Quorum, their advice and proceedings shall be entered in a journal to be kept for that purpose only, and signed by the Members present to any part of which any Member present may enter his Dissent; and such Journal shall be laid before the General Assembly when called for by them.

Section

17th

That there shall be a Seal of this 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 and be affixed to all Grants and Commissions.

Section

18th

That the Governor for the time being shall be Captain General

General and Commander in Chief of the Militia, and in the recess of the General Assembly shall have power, by and with the Advice of the Council of State to embody the Militia for the Public safety.

Section

19th

That the Governor for the time being shall have power to draw for and apply such Sums of Money as shall be voted by the General Assembly for the Contingencies of Government and be accountable to them for the same. He also may by and with the advice of the Council of State, lay Embargoes or prohibit the Exportation of any Commodity for any Term not exceeding thirty days, at any one time, in the recess of the General Assembly and shall have the power of granting Pardons and Reprieves except where the Prosecutions shall be carried on by the General Assembly or the Law shall otherwise direct in which case he may in the recess grant a reprieve until the next sitting of the

General

General Assembly, and may exercise all the other Executive Powers of Government, Limited and restrained as by this Constitution is mentioned, and according to the Laws of the State, and on his Death inability or absence from the State the Speaker of the Senate for the time being, in Case of his Death inability or absence, from the State, the Speaker of the House of Commons, shall Exercise the powers of the Governor after such Death or during such absence or inability of the Governor or Speaker of the Senate or until a new Nomination is made by the General Assembly.

Section 20th That in every case where any Officer the right of whose appointment is by this Constitution vested in the General Assembly, shall during their recess die or his Office by other means become vacant, the Governor shall have power with

the advice of the Council of State to fill up such Vacancy by granting a Temporary Commission, which shall expire at the end of the next Session of the General Assembly)

Section 21st That the Governor, Judges of the Supreme Court of Law and Equity, Judges of Admiralty and Attorney General shall have adequate Salaries during their Continuance in Office

Section 22nd That the General Assembly shall by joint Ballot of both Houses annually appoint a Treasurer or Treasurers for this State

Section 23 That the Governor and other Officers offending against the State by violating any part of this Constitution, Mal-administration or Corruption, may be prosecuted on the impeachment of the General Assembly or presentment of the Grand Jury of any Court of

Supreme Jurisdiction in this State

Section 24th That the General Assembly shall by joint Ballot
of both houses Triennially appoint a Secretary for this State

Section 25th That no persons who heretofore have been ~~or~~
or hereafter may be receivers of the Public Monies shall have a
Seat in either house of General Assembly or be Eligible to
any Office in this State, until such Person shall have
fully accounted for and paid into the Treasury all sum for
which they may be accountable and liable

Section 26th That no Treasurer shall have a Seat in either the
Senate, House of Commons or Council of State during his
continuance in that Office or before he shall have finally
settled his Accounts with the Public for all monies which
may be in his Hands, at the Expiration of his Office

be

belonging to the State and have paid the same into the Hands
of the succeeding Treasurer

Section 27th That no Officer in the Regular Army or Navy in the
Service and pay of the United States of this or any other State
nor any Contractor or Agent for supplying such Army or Navy
with Cloathing or Provisions shall have a Seat in either the
Senate, House of Commons or Council of State or be Eligible there
to, and any Member of the Senate House of Commons or Council
of State being appointed to and accepting of such Office shall
thereby Vacate his Seat

Section 28th That no Member of the Council of State shall
have a Seat either in the Senate or House of Commons

Section 29th That no Judge of the Supreme Court of Law or Equity
or Judge of Admiralty, shall have a Seat in the Senate House
of Commons or Council of State.

Section 30th That no Secretary of this State Attorney General or Clerk of any Court of Record, shall have a Seat in the Senate house of Commons or Council of State

Section 31st That no Clergyman or Preacher of the Gospel of any Denomination, shall be capable of being a member of either the Senate house of Commons or Council of State while he continues in the exercise of the Pastoral Function

Section 32^d That no Person who shall deny the being of God or the truth of the Protestant Religion, or the divine Authority in either of the old or new Testament, or who shall hold Religious Principles incompatible with the Freedom and safety of the State, shall be capable of holding any Office or place of Trust or Profit in the Civil Department within this State

Sect.

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Section 33. That the Justices of the Peace within the respective Counties in this State, shall in future be recommended to the Governor for the time being by the Representatives in General Assembly, and the Governor shall Commission them accordingly: and the Justices when so Commissioned shall hold their Offices during good behavior and shall not be removed from Office by the General Assembly unless for Misbehavior absence or inability.

Section 34. That there shall be no Establishment of any one Religious Church or Denomination ^{in this State}, in preference to any other neither shall any Person on any Pretence whatsoever be compelled to attend any place of Worship contrary to his own Faith or Judgment, nor be obliged to pay for the purchase of any Glebe or the Building of any House of Worship or for the

the Maintenance of any Minister or Ministry, contrary to what he believes right, or has voluntarily and personally engaged to Perform, but all persons shall be at Liberty to exercise their own Mode of Worship, Provided that nothing herein contained shall be construed to exempt Preachers of Treasonable or Seditious Discourses from Legal Trial and Punishment

Section 35th That No person in the State shall hold more than one Lucrative Office at any one time, Provided that no Appointment in the Militia or to the Office of a Justice of the Peace shall be considered as a lucrative Office

Section 36th That all Commissions and Grants shall run in the Name of the State of North Carolina and bear Seal and be signed by the Governor, all Writs shall run in the

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the same Manner, and bear Test and be signed by the Clerks
of the respective Courts, Indictments shall conclude against
the peace and dignity of the State

Section 37th That the Delegates for this State to the Continental
Congress while necessary shall be chosen annually by the
General Assembly by Ballot but may be superceeded in the
Mean time in the same Manner and no Person shall be Elected
to serve in that Capacity for more than three Years successively

Section 38 That there shall be a Sheriff Coroner or Coroners
and Constables in each County within this State

Section 39 That the Person of a Debtor where there is not a strong
Presumption of Fraud shall not be continued in Prison after
delivering up bona fide, all his Estate real and personal for
the use of his Creditors in such manner as shall be hereafter

regulated

regulated by Law, all Prisoners shall be bailable by sufficient
 Sureties, unless for Capital Offences when the proof is Evident
 or presumption great

Section 40.th That every Foreigner who comes to settle in this
 State, having first taken an Oath of Allegiance to the same
 may purchase or by other just Means acquire hold and
 transfer Land or other Real Estate, and after one Years Residence
 shall be deemed a Free Citizen

Section 41.st That a School or Schools shall be established by
 the Legislature, for the convenient instruction of Youth,
 with such salaries to the Masters paid by the Public as may
 enable them to instruct at Low Prices: and all useful learning
 shall be only encouraged and promoted in one or more
 Universities

Section 42^d That no purchase of Lands shall be made of the Indian Natives, but on behalf of the Public, by authority of the General Assembly

Section 43^d That the Future Legislature of this State shall regulate intails in such a manner as to prevent perpetuities

Section 44 That the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be Violated on any pretence whatever

Section 45 That any Member of either House of the General Assembly shall have Liberty to dissent from and protest against any Act or Resolve which he may think injurious to the Public or any Individual and have the Reasons of his dissent entered on the Journals

Section 46th That neither house of the General Assembly shall proceed upon Public Business; unless a Majority of all the Members of such house are actually present and that upon a Motion made and Seconded the Yeas and Nays upon any Question shall be taken and entered on the Journals, and that the Journals of the proceedings of both houses of the General Assembly shall be printed and made Public immediately after their Adjournment

This Constitution is not intended to preclude the present Congress from making a Temporary Provision for the well Ordering of this State, until the General Assembly shall establish Government agreeable to the mode herein

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W. Caswell President

December the Eighteenth One Thousand Seven Hundred and Seventy Six.

Read the third time and Ratified in open Congress.

J. Green jun Sec^y

The

Constitution of
Government agreed to and
ratified upon by the Repre-
sentatives of the Freemen
of the State of North Carolina
elected and chosen for that
purpose & assembled at
Charlotte the 10th day of
December Anno Domini 1776.