

AMENDMENTS OF 1835

DELEGATES TO THE CONSTITUTIONAL CONVENTION<sup>3</sup>

Raleigh, June 4-July 11, 1835

President, Nathaniel Macon, Warren  
 Chairman *Pro Tem*, David L. Swain, Buncombe  
 Secretary, Edmund B. Freeman, \_\_\_\_\_  
 Asst. Secretary, Joseph D. Ward, \_\_\_\_\_

<i>Name</i>	<i>County</i>	<i>Name</i>	<i>County</i>
William A. Morris .....	Anson	Jonathan Parker .....	Guilford
Joseph White .....	Anson	John M. Morehead .....	Guilford
George Bower .....	Ashe	John Branch .....	Halifax
Alexander B. McMillan .....	Ashe	Joseph J. Daniel .....	Halifax
Richard H. Bonner .....	Beaufort	Joseph Cathey .....	Haywood
Joshua Tayloe .....	Beaufort	William Welch .....	Haywood
David Outlaw .....	Bertie	Isaac Pipkin .....	Hertford
Joseph B. G. Roulhac .....	Bertie	Kenneth Raynor .....	Hertford
Samuel B. Andres .....	Bladen	Alexander F. Gaston .....	Hyde
John Owen .....	Bladen	Wilson B. Hodges .....	Hyde
William R. Hall .....	Brunswick	Samuel King .....	Iredell
Frederick J. Hill .....	Brunswick	John M. Young .....	Iredell
James Gudger .....	Buncombe	Jesse Adams .....	Johnston
David L. Swain .....	Buncombe	Hillory Wilder .....	Johnston
Samuel P. Carson .....	Burke	James W. Howard .....	Jones
Burgess S. Gaither .....	Burke	William Huggins .....	Jones
Daniel M. Barringer .....	Cabarrus	James Cox .....	Lenoir
Christopher Melchor .....	Cabarrus	Henry Cansler .....	Lincoln
George Ferebee .....	Camden	Bartlett Shipp .....	Lincoln
Willie McPherson .....	Camden	Benjamin S. Brittain .....	Macon
James W. Bryan .....	Carteret	James W. Guinn .....	Macon
Wallace H. Styron .....	Carteret	Asa Biggs .....	Martin
Calvin Graves .....	Caswell	Jesse Cooper .....	Martin
William A. Lea .....	Caswell	Isaac Grier .....	Mecklenburg
Hugh McQueen .....	Chatham	James M. Hutcheson .....	Mecklenburg
Joseph Ramsay .....	Chatham	James L. Gaines .....	Montgomery
Samuel T. Sawyer .....	Chowan	John B. Martin .....	Montgomery
Joseph B. Skinner .....	Chowan	Charles Chalmers .....	Moore
Absalom Powell .....	Columbus	John B. Kelly .....	Moore
Alexander Troy .....	Columbus	John Arrington .....	Nash
William Gaston .....	Craven	William W. Boddie .....	Nash
Richard Dobbs Spaight .....	Craven	Owen Holmes .....	New Hanover
Archibald McDiarmid .....	Cumberland	Lewis H. Marsteller .....	New Hanover
John D. Toomer .....	Cumberland	Samuel Calvert .....	Northampton
Isaac Baxter .....	Currituck	Roderick B. Gary .....	Northampton
Gideon C. Merchant .....	Currituck	John A. Averitt .....	Onslow
John L. Hargrove .....	Davidson	David W. Saunders .....	Onslow
John A. Hogan .....	Davidson	William Montgomery .....	Orange
John E. Hussey .....	Duplin	James S. Smith .....	Orange
Jeremiah Pearsall .....	Duplin	John L. Bailey .....	Pasquotank
Phesanton S. Sugg .....	Edgecombe	Richard H. Ramsay .....	Pasquotank
Louis D. Wilson .....	Edgecombe	Nathan H. Jacocks .....	Perquimans
Henry J. G. Ruffin .....	Franklin	Jesse Wilson .....	Perquimans
William P. Williams .....	Franklin	Moses Chambers .....	Person
Riddick Gatling .....	Gates	John W. Williams .....	Person
Whitmel Stallings .....	Gates	John Joiner .....	Pitt
Josiah Crudup .....	Granville	Robert Williams, Sr. ....	Pitt
Robert B. Gilliam .....	Granville	Benjamin Elliott .....	Randolph
Thomas Hooker .....	Greene	Alexander Gray .....	Randolph
Jesse Speight .....	Greene	Alfred Dockery .....	Richmond

<i>Name</i>	<i>County</i>	<i>Name</i>	<i>County</i>
Henry W. Harrington .....	Richmond	Joseph Halsey .....	Tyrrell
Richard C. Bunting .....	Robeson	Hezekiah G. Spruill .....	Tyrrell
John W. Powell .....	Robeson	Kimbrough Jones .....	Wake
Edward T. Broadnax .....	Rockingham	Henry Seawell .....	Wake
John L. Leseur .....	Rockingham	Weldon N. Edwards .....	Warren
Charles Fisher .....	Rowan	Nathaniel Macon .....	Warren
John Giles .....	Rowan	Josiah Collins, Jr. ....	Washington
Theodorick F. Birchett .....	Rutherford	Joseph C. Norcom .....	Washington
Joseph McD. Carson .....	Rutherford	Gabriel Sherard .....	Wayne
Thomas I. Faison .....	Sampson	Lemuel H. Whitfield .....	Wayne
William B. Meares .....	Sampson	Edmund Jones .....	Wilkes
Matthew R. Moore .....	Stokes	James Wellborn .....	Wilkes
Emanuel Shober .....	Stokes	Abner Jervis .....	Yancey
William P. Dobson .....	Surry	Bacchus J. Smith .....	Yancey
Meshack Franklin .....	Surry		

## THE AMENDMENTS<sup>5</sup>

### Article I.

#### Section 1.

1. The senate of this State shall consist of fifty representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the general assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the treasury of the State, by the citizens thereof; and the average of the public taxes paid by each county into the treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: Provided that no county shall be divided in the formation of a senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a senatorial district.

2. The house of commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the house of commons, although it may not contain the requisite ratio of population.

3. This apportionment shall be made by the general assembly, at the respective times and periods when the districts for the senate are hereinbefore directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the general assembly, or according to the census which may be taken by order of congress, next preceding the making such apportionment.

4. In making the apportionment in the house of commons, the ratio of representation shall be ascertained by dividing the amount of federal population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire federal population aforesaid, by the number of representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, 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 2.*

1. Until the first session of the general assembly, which shall be had after the year eighteen hundred and forty-one, the senate shall be composed of members to be elected from the several districts hereinafter named, that is to say, the first district shall consist of the counties of Perquimans and Pasquotank; the 2nd district of Camden and Currituck; the 3rd district, Gates and Chowan; the 4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecombe; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen, and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancey; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; the 50th district, Mecklenburg:—each district to be entitled to one senator.

2. Until the first session of the general assembly after the year eighteen hundred and forty-one, the house of commons shall be composed of members elected from the counties in the following manner, viz.: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecombe, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson Warren, Wayne, and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimans, Tyrrell, Washington, and Yancey shall elect one member each.

### *Section 3.*

1. Each member of the senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed and continued to possess in the district which he represents, not less than three hundred acres of land in fee.

2. All free men of the age of twenty-one years (except as is hereinafter declared), who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district 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.

3. No free Negro, free mulatto, or free person of mixed blood, descended from Negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person) shall vote for members of the senate or house of commons.

### *Section 4.*

1. In the election of all officers, whose appointment is conferred on the general assembly by the constitution, the vote shall be *viva voce*.

2. The general assembly shall have power to pass laws regulating the mode of appointing and removing militia officers.

3. The general assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

4. The general assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

5. The general assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the general assembly, writs may be issued by the governor, under such regulations as may be prescribed by law.

7. The general assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two houses, a secretary of state, treasurer and council of state, who shall continue in office for the term of two years.

## **Article II.**

1. The governor shall be chosen by the qualified voters for the members of the house of commons, at such time and places as members of the general assembly are elected.

2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

3. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of both houses of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint vote of both houses of the general assembly.

4. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

5. The governor-elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the general assembly, or before the chief justice of the supreme court, who, in case the governor-elect should be prevented from attendance before the general assembly, by sickness or other unavoidable cause, is authorized to administer the same.

### Article III.

#### *Section 1.*

1. The governor, judges of the supreme court, and judges of the superior courts, and all other officers of this State (except justices of the peace and militia officers), may be impeached for wilfully violating any article of the constitution, maladministration, or corruption.

2. Judgment, in cases of impeachment, shall not extend further than to remove from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

3. The house of commons shall have the sole power of impeachment. The senate shall have the sole power to try all impeachments. No person shall be convicted upon any impeachment, unless two-thirds of the senators present shall concur in such conviction; and before the trial of any impeachment, the members of the senate shall take an oath or affirmation truly and impartially to try and determine the charge in question, according to evidence.

#### *Section 2.*

1. Any judge of the supreme court, or of the superior courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the general assembly. The judge, against whom the legislature 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 branch of the general assembly shall act thereon.

The salaries of the judges of the supreme court, or of the superior courts, shall not be diminished during their continuance in office.

*Section 3.*

Upon the conviction of any justice of the peace of any infamous crime, or of corruption or malpractice in office, the commission of such justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

*Section 4.*

The general assembly at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an attorney-general, who shall be commissioned by the governor, and shall hold his office for the term of four years; but if the general assembly should hereafter extend the term during which solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the attorney-general to the same period.

**Article IV**

*Section 1.*

1. No convention of the people shall be called by the general assembly, unless by the concurrence of two-thirds of all the members of each house of the general assembly.

2. No part of the constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each house of the general assembly, and agreed to by three-fifths of the whole number of members of each house respectively; nor shall any alteration take place until the bill so agreed to shall have been published six months previous to a new election of members to the general assembly. If, after such publication, the alteration proposed by the preceding general assembly shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each house of the general assembly, after the same shall have been read three times on three several days, in each house, then the said general assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the house of commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same bill become a part of the constitution.

*Section 2.*

The thirty-second section of the constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

*Section 3.*

1. Capitation tax shall be equal throughout the State, upon all individuals subject to the same.

2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to capitation tax, and no other person shall be subject to such tax: Provided, that nothing herein contained shall prevent exemptions of taxable polls, as heretofore prescribed by law, in cases of bodily infirmity.

*Section 4.*

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 any other State 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 or justices of the peace.

Ratified in convention, this eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-five.

NATHANIEL MACON, *President.*  
EDMUND B. FREEMAN, *Secretary.*  
JOSEPH D. WARD, *Asst. Secty.*

*(These Amendments were submitted to the people as a single issue. They were ratified on November 9, 1835 by a vote of 26,771 to 21,606.)*

**AMENDMENT OF 1857<sup>6</sup>**

Every free white man of the age of twenty-one years, being a native or naturalized citizen of the United States and who has been an inhabitant of the State for twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the senate for the district in which he resides.

*(This amendment was proposed by the General Assemblies of 1854 and 1856-57 and was submitted to the people. It was ratified on August 6, 1857 by a vote of 50,095 to 19,382.)*

## AMENDMENTS OF 1861-62

DELEGATES TO THE CONSTITUTIONAL CONVENTION<sup>7</sup>

First Session, Raleigh, May 20-June 28, 1861

Second Session, Raleigh, November 18-December 13, 1861

Third Session, Raleigh, January 20-February 26, 1862

Fourth Session, Raleigh, April 24-May 13, 1862

President, Weldon N. Edwards, Warren

President *Pro Tem*, William A. Graham<sup>8</sup>, Orange

Secretary, Walter L. Steele, Richmond

Assistant Secretary, Leonidas C. Edwards, Granville

Name	County	Name	County
Thomas Ruffin, Sr. ....	Alamance	William J. Houston <sup>30</sup> .....	Duplin
Giles Mebane .....	Alamance	James T. Rhodes .....	Duplin
Azariah C. Stewart <sup>9</sup> .....	Alexander	James Dickson <sup>27</sup> .....	Duplin
Alexander McCuein Bogle <sup>10</sup> .....	Alexander	William S. Battle .....	Edgecombe
Albert Myers .....	Anson	George Howard, Jr. ....	Edgecombe
James A. Leak .....	Anson	Rufus L. Patterson <sup>29</sup> .....	Forsyth
Joel E. Foster .....	Ashe	Thomas J. Wilson .....	Forsyth
William J. Ellison <sup>11</sup> .....	Beaufort	Darius H. Starbuck <sup>29</sup> .....	Forsyth
Edward J. Warren .....	Beaufort	Archibald D. Williams .....	Franklin
Richard S. Donnell <sup>12</sup> .....	Beaufort	Sidney X. Johnston .....	Gaston
James Bond .....	Bertie	Alfred J. Walton .....	Gates
Samuel B. Spruill .....	Bertie	Tazewell L. Hargrove .....	Granville
Thomas D. S. McDowell <sup>13</sup> .....	Bladen	Stephen S. Royster .....	Granville
Neill Kelly <sup>14</sup> .....	Bladen	Abraham W. Venable <sup>30</sup> .....	Granville
Thomas D. Meares .....	Brunswick	Thomas B. Lyon <sup>31</sup> .....	Granville
Nicholas W. Woodfin .....	Buncombe	William A. Darden .....	Greene
John C. McDowell .....	Burke	Robert P. Dick .....	Guilford
Caleb Phifer .....	Cabarrus	John A. Gilmer .....	Guilford
Edmund C. Jones .....	Caldwell	Ralph Gorrell .....	Guilford
Dennis D. Ferebee .....	Camden	Charles J. Gee <sup>32</sup> .....	Halifax
Charles R. Thomas .....	Carteret	Richard H. Smith .....	Halifax
Bedford Brown .....	Caswell	Littleberry W. Batchelor <sup>33</sup> .....	Halifax
John A. Graves <sup>15</sup> .....	Caswell	Archibald S. McNeill .....	Harnett
James E. Williamson <sup>16</sup> .....	Caswell	William Hicks .....	Haywood
Polycarp C. Henkel <sup>17</sup> .....	Catawba	William M. Shipp .....	Henderson
George Setzer <sup>18</sup> .....	Catawba	Kenneth Rayner .....	Hertford
James H. Headen .....	Chatham	Edward L. Mann .....	Hyde
John Manning, Jr. ....	Chatham	Thomas A. Allison .....	Iredell
Leonidas J. Merritt .....	Chatham	Anderson Mitchell .....	Iredell
Allen T. Davidson <sup>19</sup> .....	Cherokee	William H. Thomas .....	Jackson
James H. Bryson <sup>20</sup> .....	Cherokee	Claudius B. Sanders .....	Johnston
Richard Dillard .....	Chowan	William A. Smith .....	Johnston
William J. T. Miller .....	Cleveland	William Foy .....	Jones
James W. Tracy .....	Cleveland	John C. Washington .....	Lenoir
Richard Wooten .....	Columbus	William Lander <sup>34</sup> .....	Lincoln
George Greene .....	Craven	David Schenck <sup>35</sup> .....	Lincoln
John D. Whitford .....	Craven	James H. Greenlee .....	McDowell
David McNeill .....	Cumberland	Conaro D. Smith .....	Macon
Warren Winslow <sup>21</sup> .....	Cumberland	Joseph A. McDowell .....	Madison
Malcon J. McDuffie <sup>22</sup> .....	Cumberland	Asa Biggs <sup>36</sup> .....	Martin
Henry M. Shaw <sup>23</sup> .....	Currituck	Warren Bagley <sup>37</sup> .....	Martin
John B. Jones <sup>24</sup> .....	Currituck	William Johnston <sup>38</sup> .....	Mecklenburg
Daniel McDonald Lindsey <sup>25</sup> .....	Currituck	James W. Osborne .....	Mecklenburg
Benton C. Douthitt .....	Davidson	Pickney C. Caldwell <sup>39</sup> .....	Mecklenburg
Benjamin A. Kittrell .....	Davidson	John M. Strong <sup>40</sup> .....	Mecklenburg
Robert Sprouse .....	Davie	Samuel H. Christian .....	Montgomery



<i>Name</i>	<i>County</i>	<i>Name</i>	<i>County</i>
Hector Turner .....	Moore	Hamilton C. Jones .....	Rowan
Archibald H. Arrington <sup>41</sup> .....	Nash	Richard A. Caldwell <sup>42</sup> .....	Rowan
Luchien N. B. Battle <sup>42</sup> .....	Nash	Jason H. Carson <sup>53</sup> .....	Rutherford
William S. Ashe <sup>43</sup> .....	New Hanover	Micajah Durham .....	Rutherford
Robert H. Cowen <sup>44</sup> .....	New Hanover	George W. Michal <sup>54</sup> .....	Rutherford
John L. Holmes <sup>45</sup> .....	New Hanover	Thomas Bunting .....	Sampson
Robert Strange <sup>46</sup> .....	New Hanover	Robert A. Moseley .....	Sampson
David A. Barnes .....	Northampton	Eben Hearne .....	Stanly
John M. Moody .....	Northampton	John Hill <sup>55</sup> .....	Stokes
Edward W. Ward <sup>47</sup> .....	Onslow	Alexander H. Joyce <sup>56</sup> .....	Stokes
Andrew J. Murrill <sup>48</sup> .....	Onslow	Thomas V. Hamlin .....	Surry
John Berry .....	Orange	Eli Spruill .....	Tyrrell
William A. Graham .....	Orange	Hugh McCombs Houston .....	Union
Rufus K. Speed .....	Pasquotank	George E. Badgar .....	Wake
Joseph S. Cannon .....	Perquimans	Kemp P. Battle .....	Wake
John W. Cunningham .....	Person	William W. Holden .....	Wake
Bryan Grimes <sup>49</sup> .....	Pitt	Weldon N. Edwards .....	Warren
Fenner B. Satterthwaite .....	Pitt	Francis A. Thornton .....	Warren
Peyton A. Atkinson <sup>50</sup> .....	Pitt	William S. Pettigrew .....	Washington
Alfred G. Foster .....	Randolph	James W. Councill .....	Watauga
William J. Long .....	Randolph	George V. Strong .....	Wayne
Walter F. Leak .....	Richmond	Ervin A. Thompson .....	Wayne
John P. Fuller .....	Robeson	James Calloway .....	Wilkes
John C. Sutherland .....	Robeson	Peter Eller .....	Wilkes
Edward T. Broadnax .....	Rockingham	Robert R. Armfield <sup>57</sup> .....	Yadkin
David S. Reid .....	Rockingham	Milton P. Penland .....	Yancey
Burton Craige <sup>51</sup> .....	Rowan		

THE AMENDMENTS<sup>58</sup>

**I. AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF NORTH CAROLINA AND THE OTHER STATES UNITED WITH HER UNDER THE COMPACT OF GOVERNMENT ENTITLED THE CONSTITUTION OF THE UNITED STATES.**

We, the people of the State of North Carolina in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the State of North Carolina, in the Convention of 1789, whereby the Constitution of the United States was ratified and adopted, and also, all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded and abrogated.

We do further declare and ordain, that the Union now subsisting between the State of North Carolina and the other States, under the title of the United States of America, is hereby dissolved, and that the State of North Carolina is in the full possession of exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Passed, 20th day of May 1861.

**II. AN ORDINANCE DEFINING TREASON AGAINST THE STATE.**

Be it ordained by this Convention, and it is hereby ordained by the authority of the same as follows:—

Treason against the State of North Carolina, shall consist only in levying War against her, or in adhering to her enemies; giving them aid and comfort. No person shall be convicted of Treason, unless on the Testimony of two witnesses to the same over act, or on confession in open Court.

Read three times and passed 18th June 1861.

### **III. AN ORDINANCE TO RATIFY THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF AMERICA.**

We the people of North Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the State of North Carolina does hereby assent to and ratify the Constitution for the Provisional Government of the Confederate States of America, adopted at Montgomery, in the State of Alabama, on the 8th day of February, A. D. 1861, by the Convention of Delegates from the States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, and that North Carolina will enter into the Federal Association of States upon the terms therein proposed when admitted by the Congress or any Competent authority of the Confederate States.

Done at Raleigh, the twentieth day of May 1861.

### **IV. AN ORDINANCE TO RATIFY THE CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.**

Whereas, on the eleventh day of March, A. D. 1861, at Montgomery, in the State of Alabama, a Constitution was adopted, by a Congress of delegates from the States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, united under the name of the Confederate States of America, which Constitution hath been ratified by each of the said states:

Now, therefore, this convention, having seen and considered the said Constitution, doth, in behalf of the people of the State of North Carolina, adopt and ratify the said Constitution and form of Government, the tenor of which appears in a schedule hereto annexed:

(The text of the Constitution of the Confederate States appeared in full at this point in the Ordinance. This has been omitted because a complete text is found on pages 407-419.)

Read three times and passed, 6th June 1861.

### **V. AN ORDINANCE TO AMEND THE 4TH SECTION OF THE 4TH ARTICLE OF THE AMENDMENTS TO THE CONSTITUTION.**

Be it Ordained by this Convention of the people, and it is hereby ordained by the authority of the same, That the fourth Section of the fourth Article of the amendments to the Constitution, proposed and ratified in the year eighteen hundred and thirty-five, be

amended by striking out the word "United" and inserting in lieu thereof, the word "Confederate" before the word "States".

Read three times and passed, 20th June 1861.

## VI. AN ORDINANCE IN RELATION TO TAXATION.

SECTION 1. Be it ordained, That the third Section of the fourth article of the amendments of the Constitution be and the same if hereby annulled.

SEC. 2. Be it further ordained, That all free males over the age of twenty-one years and under the age of forty-five years shall be subject to a Capitation tax, not less than the tax laid on land of the value of three hundred dollars, and no other free person nor slave, shall be liable to such taxation; and also, land and slaves shall be taxed according to their value, and the tax on slaves shall be as much but not more than that on land, according to their respective values; but the tax on slaves may be laid on their general average value in the State or on their values in classes in respect to age, sex, and other distinctive properties, in the discretion of the General Assembly; and the value be assessed in such modes as may be prescribed by law: Provided, That nothing herein contained shall prevent the exemption from taxation of soldiers in the public service, or of free males or slaves in cases of bodily or mental infirmity, or of such real estate as hath hitherto been exempted by law.

Read three times and passed 25th June 1861.

## VII. AN ORDINANCE TO SECURE TO CERTAIN OFFICERS AND SOLDIERS THE RIGHT TO VOTE.

SECTION 1. Be it ordained by this convention and it is hereby ordained by authority of the same, That all officers and soldiers in the service of the State or of the Confederate States, who are of the age of twenty-one years and who are citizens of this State, or who, if within the State, shall be absent from their respective counties, at elections hereafter to be held, if the exigencies of the times shall permit, shall be entitled to vote for Sheriffs, Clerks of the County and Superior Courts, our members of the General Assembly for their respective Counties; and shall, also, be entitled to vote for Governor, Electors for President and Vice President of the Confederate States, and for members of the Confederate Congress for their respective districts.

SEC. 2. Be it further ordained, That three freeholders of the respective Companies, under the direction of the Commanding Officers of the regiments, to which they belong, shall open polls on Thursday before the day appointed for holding elections in this State, and said elections shall be conducted in all respects according to the laws of this State. The three freeholders aforesaid, shall prepare a fair copy of the votes polled, and shall transmit the same with the list of voters to the Sheriffs of their respective counties; and where Officers and Soldiers in the same Companies, shall vote in different Counties or different Congressional districts the said free holders shall specify accordingly, and make returns to the Sheriffs of the different Counties above referred to.

SEC. 3. Be it further ordained, That the Sheriffs of the respective Counties of this State shall count the votes of the said officers and soldiers, if received within seven days after the elections; and they shall not declare the result of the said elections until the seven days above mentioned, shall have expired.

SEC. 4. Be it further ordained that this ordinance shall be in force from and after the day of its ratification; provided this ordinance shall be in force during the existence of the present war with the United States, and no longer.

Read three times and passed, June 15th 1861.

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO SECURE TO CERTAIN OFFICERS AND SOLDIERS THE RIGHT TO VOTE."**

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the proper returning officers of every County in this State shall include in their returns the votes of officers and soldiers given in any election in which they may be entitled to vote by Law, if received within twenty days after they are cast, and the said returning officers shall not make up their returns and declare the result of said elections until the expiration of twenty days as aforesaid.

SEC. 2. Be it further ordained, That the proper returning officer of every County shall, within eight days after the period fixed for comparing the returns, transmit to the seat of government and deliver to the proper officer a statement of votes given in his county for Governor, which statement shall be made in the manner and form now required by law.

SEC. 3. Be it further ordained, That the Governor be directed to make known by proclamation the provisions of the ordinance securing to officers and soldiers the right to vote.

Passed and ratified in open Convention the 8 day of May A. D. 1862.

**VIII. AN ORDINANCE TO PROVIDE FOR AMENDING THE FORTY-SIXTH SECTION OF THE CONSTITUTION OF THIS STATE, IN REGARD TO TAKING THE YEAS AND NAYS IN EITHER HOUSE OF THE GENERAL ASSEMBLY.**

Be it ordained by the Delegates of the people of North Carolina in Convention assembled and it is hereby ordained by the authority of the same; That the forty-sixth section of the Constitution of this State be so amended as to insert, after the word "seconded" in the fourth line of said section, the words "by one-fifth of the members present."

Read three times and ratified in open Convention, the sixth day of December A. D. 1861.

**IX. AN ORDINANCE TO AMEND THE SECOND SECTION OF THE FOURTH ARTICLE OF THE AMENDMENTS TO THE CONSTITUTION.**

Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the second section of the fourth article of the amendments to the Constitution shall be amended to read as follows:

"No person who shall deny the being of God, or the divine authority of both the Old and New Testiments, or who shall hold religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department of this State."

Read three times and ratified in open Convention, the sixth day of December A. D. 1861.

#### X. AN ORDINANCE IN RELATION TO ELECTORS OF THE SENATE.

Be it ordained by the Delegates of the people of North Carolina in Convention assembled and it is hereby ordained by the authority of the same, That every free white man, of the age of twenty one years, being a native or naturalized citizen of the Confederate States, who has been an inhabitant of the state for twelve months, and of the district in which he proposes to vote six months next before the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the Senate for the district in which he resides.

Passed and ratified in open Convention on the 10th day of May A. D. 1862.

#### XI. AN ORDINANCE CONCERNING THE ELECTION OF GOVERNOR.

Whereas, By the construction which, in practice, has been given to the constitution of the State, the Speaker of the Senate, in case of a vacancy in the office of the Governor, shall exercise the powers of Governor by virtue of his office as Speaker, and without vacating the same, which said office of Speaker must cease and determine with that of the incumbent as a Senator, upon the election of his successor in the next succeeding Senate and the same construction would apply to the succession of the Speaker of the House of Commons to the exercise of the powers of Governor; and Whereas, according to this construction, a vacancy will take place in the office of Governor from and after the day of the next election on the first Thursday in August next until the first day of January, A. D. 1863, against which it is the duty of this Convention to provide, Therefore,

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same; That the person who shall be elected Governor of this State at the next regular election on the first Thursday in August next, as now provided for by Law, shall also fill the office and discharge the duties of Governor of this State from the second Monday of September until his successor shall be qualified.

SEC. 2. Be it further ordained, That the proper returning officers of every county shall, as soon as the result of the election is known in his county, transmit to the Secretary of State a statement of the votes taken in his county for Governor, which statement shall be made up from the poll books of his county, as is now prescribed by law.

SEC. 3. Bt it further ordained, That the Secretary of State, the Treasurer and Comptroller, shall, on the fourth Thursday in August next, in the presence of the Governor, proceed to examine said returns, and ascertain and declare what person shall have received the greatest number of votes, where upon the Governor shall issue his proclamation, declaring such person duly elected Governor of this State from the second Monday of September, A. D. 1862, until his successor shall be qualified.

SEC. 4. Be it further ordained, That the person so declared and proclaimed Governor, as aforesaid, shall, on the second Monday of September, A. D. 1862, appear before some Judge of the Supreme Court, or someone of the Judges of the Superior Courts of Law, and take and subscribe the oath now prescribed by law for qualification of Governor of this State, and shall immediately enter upon the discharge of the duties of his office; which oath so taken and subscribed shall be filed in the office of the Secretary of State.

SEC. 5. Be it further ordained, That His Excellency, Henry T. Clark, shall continue to hold the office and discharge the duties of Governor of this State from the first Thursday in August until the second Monday in September next or until his successor shall be qualified, as fully and to all intents and purposes as he has heretofore done, and shall receive the usual salary, in proportion to his extended term of service.

Passed and ratified in open Convention on the 2nd day of May A. D. 1862.

## **XII. AN ORDINANCE TO ALLOW CERTAIN PERSONS TO VOTE FOR GOVERNOR IN ANY OTHER THAN THE COUNTIES IN WHICH THEY RESIDE.**

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in convention assembled, and it is hereby ordained by the authority of the same, That any citizen of this State who shall be entitled to vote for Governor in the county wherein he is domiciled, shall be entitled to vote for Governor in any county in this State.

SEC. 2. Be it further ordained, That it shall or may be lawful for the Sheriffs of the counties in this State in the possession of or under the control of the enemy to compare the poles of their respective counties for Governor and members of the Legislature, at any place in this State they may think proper.

SEC. 3. Be it further ordained, That this ordinance shall be and continue in force for and during the present war, and no longer, unless sooner repealed or modified by the General Assembly.

Passed and ratified in open Convention on the 12th day of May A. D. 1862.

## **AN ORDINANCE DECLARING WHAT ORDINANCES OF THIS CONVENTION SHALL HAVE PERMANENT OPERATION.<sup>59</sup>**

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the following ordinances passed by this Convention shall be of permanent operation and be irrevocable by the General Assembly namely:

- I. An Ordinance to dissolve the Union between the State of North Carolina and the other States united with her under the compact of government entitled "the Constitution of the United States."
- II. An Ordinance defining treason against the State.
- III. An Ordinance to ratify the Constitution of the Provisional Government of the Confederate States of America.
- IV. An Ordinance to ratify the Constitution of the Confederate States of America.

- V. An Ordinance to amend the fourth section of the fourth Article of the amendments to the Constitution.
- VI. An Ordinance in relation to taxation.
- VII. An Ordinance to secure to certain officers and soldiers the right to vote.
- VIII. An Ordinance in relation to taking the yeas and nays in the General Assembly.
- IX. An Ordinance to amend the second section of the fourth Article of the amendments to the Constitution.
- X. An Ordinance in relation to elections of the Senate.
- XI. An Ordinance concerning the election of Governor.
- XII. An Ordinance to allow certain persons to vote for Governor in any other County than that in which they reside.

SEC. 2. Be it further ordained, That all other ordinances and resolutions passed by this convention at any of its sessions, shall have the force and effect only of acts of the ordinary Legislature, and may be repealed or modified at the pleasure of the General Assembly, in the same manner and to the same extent that public statutes are liable to repeal or modification.

Passed and ratified in open Convention on the 13th day of May A. D. 1862.

*(Since these amendments were ratified in convention they were not submitted to a vote of the people.)*