

AMENDMENTS OF 1873

I. AN ACT ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO TO STATE CENSUS.⁹¹

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas*, The bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to wit:

Amend section five of the said article, by striking out all that precedes the words, "the said Senate District," and by striking out the phrase, "as aforesaid," in said section; the part so stricken out having reference to the State census.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 70,721 to 29,087.)

II. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE SESSIONS OF THE GENERAL ASSEMBLY.⁹²

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each house respectively; *and whereas*, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each house of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Amend section two of the second article by striking out the word "annually," and inserting in lieu thereof the word "biennially;" being in reference to the sessions of the General Assembly.

Amend section six of the third article by striking out the word "annually," and inserting in lieu thereof the word "biennially," so as to conform to the provisions respecting the sessions of the General Assembly.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 70,740 to 29,033.)

III. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO EXEMPTIONS.⁹³

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was 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; *and whereas*, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly as required by section two, article thirteen, of the Constitution; and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring), That the Constitution of this State be altered as follows, to wit:

Amend section sixth of the fifth article, by inserting after the word "instrument," in said section, the words, "or any other personal property."

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 63,292 to 36,123.)

IV. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE OFFICE OF SUPERINTENDENT OF PUBLIC WORKS.⁹⁴

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas*, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Strike out the words, "Superintendent of Public Works," wherever they occur in the Constitution, thus abolishing that office.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 70,982 to 28,888.)

V. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE PUBLIC DEBT.

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to later the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas*, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to wit:

Amend section six of the first article, by striking out the first clause thereof, down to and including the word "but," this being the clause relating to the State debt.

Strike out section four of the fifth article relating to taxation to pay the State debt and interest.

Ratified this 24th day of February, 1873.

(Ratified by the people on August 7, 1873, by a vote of 74,731 to 28,634.)

VI. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE UNIVERSITY.⁹⁶

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas* the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid;

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Strike out section five of the ninth article, and in lieu thereof insert the following: "The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights franchises and endowments heretofore in anywise granted to or conferred upon the trustees of said University; 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."

Strike out sections thirteen fourteen and fifteen of the ninth article, relating to the University of North Carolina.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 67,839 to 30,728.)

VII. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO CODE COMMISSIONS.⁹⁷

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas*, The bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assesmbly concurring,) That the Constitution of this State be altered as follows, to wit:

Strike out sections two and three of the fourth article, being the provisions which refer to the appointment and duties of the code commissioners.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 70,315 to 20,080.)

VIII. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO FEDERAL AND OTHER OFFICERS HOLDING OFFICE.⁹⁸

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; *and whereas*, the bill so agreed to has been duly published six months previous to the election of the members of this

present General Assembly, as required by section two, article thirteen of the Constitution ; and it is the intention of this bill to agree to the alternations proposed by the last General Assembly in the bill aforesaid.

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to wit:

Alter section seven of the fourteenth article so that said section shall read as follows : 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, commissioners of public charities, or commissioners for special purposes.

Ratified the 24th day of February, 1873.

(Ratified by the people on August 7, 1873 by a vote of 69,331 to 29,188.)

AMENDMENTS OF 1875

DELEGATES TO THE CONSTITUTIONAL CONVENTION⁹⁹

Raleigh, September 6-October 11, 1875

President, Edward Ransom, Tyrrell

Secretary, Johnstone Jones, Wake

Asst. Secretary, W. M. Hardy, Buncombe

| <i>Name</i> | <i>County</i> | <i>Name</i> | <i>County</i> |
|---------------------------|---------------|---|---------------|
| James E. Boyd | Alamance | John H. Harrington | Harnett |
| Reuben Watts | Alexander | Samuel L. Love | Haywood |
| E. L. Vaughan | Alleghany | John F. Woodfin | Henderson |
| Risden T. Bennett | Anson | John J. Horton | Hertford |
| J. O. Wilcox | Ashe | William S. Carter | Hyde |
| James E. Shepherd | Beaufort | Thomas A. Nicholson | Iredell |
| F. W. Bell | Bertie | C. A. Summers | Iredell |
| A. McDonald | Bladen | G. W. Spake | Jackson |
| Edward W. Taylor | Brunswick | B. R. Hinnant | Johnston |
| Thomas L. Clingman | Buncombe | P. T. Massey | Johnston |
| David Coleman | Buncombe | Jacob F. Scott | Jones |
| Alphonso C. Avery | Burke | Richard W. King | Lenoir |
| R. W. Allison | Cabarrus | Caleb Motz | Lincoln |
| Edmund W. Jones | Caldwell | W. N. Allman | Macon |
| John L. Chamberlain | Camden | Samuel J. Neal | McDowell |
| James Rumley | Carteret | John G. Anderson | Madison |
| Wilson Cary | Caswell | C. B. Hassell | Martin |
| E. B. Withers | Caswell | Rufus Barringer | Mecklenburg |
| M. L. McCorkle | Catawba | William M. Kerr | Mecklenburg |
| John Manning | Chatham | Jacob W. Bowman | Mitchell |
| W. F. Stroud | Chatham | Allen Jordan | Montgomery |
| J. W. Cooper | Cherokee | William M. Black | Moore |
| John R. Page | Chowan | Benjamin H. Bunn | Nash |
| J. S. Anderson | Clay | George Z. French | New Hanover |
| Plato Durham | Cleveland | S. H. Manning | New Hanover |
| Forney George | Columbus | J. H. Smythe | New Hanover |
| R. F. Lehman | Craven | William Barrow | Northampton |
| John S. Mannix | Craven | James G. Scott | Onslow |
| J. C. Blocker | Cumberland | William A. Graham ¹⁰⁰ | Orange |
| Ralph P. Buxton | Cumberland | Josiah Turner | Orange |
| W. H. Cowell | Currituck | William N. Patterson ¹⁰¹ | Orange |
| G. B. Bliven | Dare | W. J. Munden | Pasquotank |
| Frank C. Robbins | Davidson | J. W. Albertson | Perquimans |
| B. B. Roberts | Davidson | John W. Cunningham | Person |
| Charles Price | Davie | Thomas J. Jarvis | Pitt |
| William Farrior | Duplin | William M. King | Pitt |
| John N. Stallings | Duplin | N. B. Hampton | Polk |
| W. P. Mabson | Edgecombe | J. W. Bean | Randolph |
| Alexander McCabe | Edgecombe | A. M. Lowe | Randolph |
| William H. Wheeler | Forsyth | Oliver H. Dockery | Richmond |
| William F. Green | Franklin | C. A. McEachin | Robeson |
| Jonas Hoffman | Gaston | Duncan Sinclair | Robeson |
| William P. Roberts | Gates | James T. Morehead | Rockingham |
| James A. Bullock | Granville | David S. Reid | Rockingham |
| Isaac J. Young | Granville | John S. Henderson | Rowan |
| Joseph Dixon | Greene | F. E. Shober | Rowan |
| Abner S. Holton | Guilford | James M. Justice | Rutherford |
| Albion W. Tourgee | Guilford | S. J. Faison | Sampson |
| John J. Goodwyn | Halifax | William Kirby | Sampson |
| James E. O'Hara | Halifax | Joseph Marshall | Stanly |

| <i>Name</i> | <i>County</i> | <i>Name</i> | <i>County</i> |
|-------------------------|---------------|----------------------------|---------------|
| W. W. McCanless | Stokes | J. William Thorne | Warren |
| Joseph Dobson | Surry | John M. Bateman | Washington |
| E. Everett | Swain | Harvey Bingham | Watauga |
| George W. Wilson | Transylvania | William T. Faircloth | Wayne |
| Edward Ransom | Tyrrell | George H. Grantham | Wayne |
| T. W. Redwine | Union | John Q. A. Bryan | Wilkes |
| Richard C. Badger | Wake | Thomas J. Dula | Wilkes |
| A. L. Davis | Wake | R. W. Singletary | Wilson |
| M. C. Hodge | Wake | Benjamin F. Jones | Yadkin |
| J. J. Nowell | Wake | C. R. Byrd | Yancey |
| J. O. Crosby | Warren | | |

THE AMENDMENTS

I. AN ORDINANCE TO AMEND SECTION TWENTY-FIVE OF ARTICLE ONE OF THE CONSTITUTION, RELATING TO SECRET SOCIETIES.

The People of North Carolina in Convention assembled do ordain, That section twenty-five of article one be amended by adding after the word grievances, the following: "But secret political societies are dangerous to the liberties of a free people, and should not be tolerated."

Read three times and ratified in open Convention, this 5th day of October, 1875.

II. AN ORDINANCE TO AMEND SECTION TWENTY-FOUR, ARTICLE ONE, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That the following words be added at the end of section twenty-four, article one, of the Constitution:

Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Read three times and ratified in open Convention, this 11th day of October, 1875.

III. [AN ORDINANCE TO AMEND SECTION TWO, ARTICLE TWO OF THE CONSTITUTION.]

The People of North Carolina in Convention assembled do ordain, That section two, article two, of the Constitution, be amended to read as follows:

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.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

IV. [AN ORDINANCE TO ANNUL SECTION FOUR, ARTICLE TWO OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, that section four, of article two, be stricken from the Constitution.

Read three times and ratified in open Convention, this 30th day of September, 1875.

V. [AN ORDINANCE TO ANNUL SECTION EIGHT, ARTICLE TWO OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section eight, of article two, be stricken from the Constitution.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

VI. [AN ORDINANCE TO AMEND SECTION TWENTY-SEVEN, ARTICLE TWO OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section twenty-seven, of Article two, of the Constitution, be amended so as to read as follows:

SECTION —. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Read three times and ratified in open Convention, this 30th day of September, 1875.

VII. [AN ORDINANCE TO AMEND SECTION TWENTY-NINE, ARTICLE TWO OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section twenty-nine, of Article two, of the Constitution, be amended so as to read as follows:

SECTION —. The election of members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assesmbly may change the time of holding election.

Read three times and ratified in open Convention this 30th day of September, 1875.

VIII. [AN ORDINANCE TO ADD A NEW SECTION TO ARTICLE TWO OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That the following be an additional section to Article two of the Constitution :

SECTION —. The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses, shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

Read three times and ratified in open Convention, this 30th day of September, 1875.

IX. AN ORDINANCE TO AMEND ARTICLE THREE, SECTION TEN, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That article three (3), section ten (10), of the Constitution, be amended so as to read as follows :

“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 whose appointments are not otherwise provided for.”

Read three times and ratified in open Convention, this 6th day of October, 1875.

X. AN ORDINANCE IN RELATION TO A DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS.

The people of North Carolina in Convention assembled do ordain, That section seventeen, of article three, be stricken from the Constitution, and that the following be inserted in lieu thereof :

SEC. —. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Read three times and ratified in open Convention this the 5th day of October, 1875.

XI. [AN ORDINANCE TO AMEND SECTION FOUR, ARTICLE FOUR, OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section four, article four, of the Constitution be amended so as to read as follows:

The Judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

XII. [AN ORDINANCE TO AMEND SECTION EIGHT, ARTICLE FOUR OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section eight, of article four, of the Constitution be amended so as to read as follows:

The Supreme Court shall consist of a Chief Justice and two Associate Justices.

Read three times and ratified in open Convention, this 30th day of September, 1875.

XIII. [AN ORDINANCE TO AMEND SECTION NINE, ARTICLE FOUR OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section nine, of article four, of the Constitution of North Carolina be abrogated, and the following substituted thereof:

The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

XIV. AN ORDINANCE TO AMEND ARTICLE FOUR, SECTION TEN, OF THE CONSTITUTION OF NORTH CAROLINA.

The people of North Carolina in Convention assembled do ordain, That article four, section ten, of the Constitution, be amended to read as follows:

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.

Read three times and ratified in open Convention, this 11th day of October, 1875.

XV. [AN ORDINANCE TO AMEND SECTION TWELVE, ARTICLE FOUR, OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section twelve, article four, of the Constitution be amended to read as follows :

The State shall be divided into nine judicial districts, for each of which a judge shall be chosen ; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Read three times and ratified in open Convention, this 30th day of September, 1875.

XVI. [AN ORDINANCE CONCERNING SECTION FOURTEEN, ARTICLE FOUR, OF THE CONSTITUTION.]

Be it ordained by the people of North Carolina in Convention assembled, That section fourteen, article four, of the Constitution, shall read as follows :

That every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years, but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall become unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of said district.

XVII. AN ORDINANCE TO ABROGATE AND ANNUL SECTIONS FIFTEEN, SIXTEEN AND SEVENTEEN, OF ARTICLE FOUR, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That sections fifteen, sixteen and seventeen, of article four, of the Constitution be abrogated and annulled, and the following substituted therefor :

SECTION —. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government ; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution, or which may be established by law, in such manner as it may deem best ; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Read three times and ratified in open Convention, this 6th day of October 1875.

XVIII. AN ORDINANCE TO AMEND ARTICLE FOUR OF THE CONSTITUTION, BY STRIKING OUR SECTIONS TWENTY-SIX AND TWENTY-SEVEN, AND INSERTING ANOTHER IN LIEU THEREOF.

The people of North Carolina in Convention assembled do ordain, That sections twenty-six and twenty-seven, article four of the Constitution be stricken out, and insert the following:

The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years.

The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as in herein provided for, shall be elected by the voters of their respective districts.

Read three times and ratified in open Convention, this 9th day of October, 1875.

XIX. AN ORDINANCE TO AMEND SECTION THIRTY-ONE, ARTICLE FOUR, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section thirty-one, article four of the Constitution of this State, be stricken out and the following inserted in its stead, to wit:

All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Read three times and ratified in open Convention, this the 11th day of October, 1875.

XX. AN ORDINANCE TO AMEND SECTION THIRTY-THREE, ARTICLE FOUR, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section thirty-three, article four, of the Constitution, be amended to read as follows:

SECTION —. The several Justices of the Peace shall have jurisdiction under such regulations as the General Assembly shall prescribe, of civil actions founded on contract,

wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court of his county.

Read three times and ratified in open Convention, this 7th day of October, 1875.

XXI. AN ORDINANCE TO AMEND ARTICLE FOUR OF THE CONSTITUTION, BY ADDING AN ADDITIONAL SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That a new section be added to article four of the Constitution, as follows:

SECTION —. In case the General Assembly shall establish other courts inferior to Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Read three times and ratified in open Convention, this 11th day of October, 1875.

XXII. ORDINANCE TO ADD TWO SECTIONS TO ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA.

The people of North Carolina in Convention assembled do ordain, That the following sections be added to article four of the Constitution:

SECTION —. Any Judge of the Supreme Court or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme 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 Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. —. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks

of such Courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof accompanied by a copy of the causes alleged for his removal at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and then to the Supreme Court, as provided in other cases of appeals.

Read three times and ratified in open Convention, this 8th day of October, 1875.

XXIII. AN ORDINANCE TO ADD A SECTION TO ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA.

The people of North Carolina in Convention assembled do ordain, That the amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Read three times and ratified in open Convention, this the 4th of October, 1875.

XXIV. AN ORDINANCE TO AMEND SECTION ONE, ARTICLE SIX, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section one, article six, of the Constitution, be amended to read as follows:

SEC. —. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceeding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person who, upon conviction or confession in open Court, shall be adjudged guilty of felony, or of any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a mode prescribed by law.

Read three times and ratified in open Convention, this the 9th day of October, 1875.

XXV. AN ORDINANCE TO AMEND ARTICLE SEVEN OF THE CONSTITUTION BY ADDING ANOTHER SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That article seven of the Constitution be amended by adding another section thereto as follows:

SEC. —. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine and thirteen.

Read three times and ratified in open Convention, this 9th day of October, 1875.

XXVI. [AN ORDINANCE TO AMEND SECTION TWO, ARTICLE NINE, OF THE CONSTITUTION.]

The people of North Carolina in Convention assembled do ordain, That section two of the ninth article of the Constitution, be amended by adding the following words :

And the children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination made in favor of, or to the prejudice of, either race.

Read three times and ratified in open Convention, this 30th [day of] September, 1875.

XXVII. AN ORDINANCE TO AMEND ARTICLE NINE OF THE CONSTITUTION, PROVIDING FOR THE PRESERVATION AND INVESTMENT OF THE PUBLIC SCHOOL FUND.

The people of North Carolina in Convention assembled do ordain, That section four of article nine of the Constitution be stricken out, and two new sections be inserted in said article in lieu thereof, as follows :

SEC. —. 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 now belonging to any State fund for purposes of education ; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to this State and not otherwise appropriated by the State or by the term of the grant, gift or devise, shall be paid into the State treasury ; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. —. All moneys, stocks, bonds and other property belonging to a county school fund ; also, the net proceeds from the sale of estrays ; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State ; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of the State : *Provided,* That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Read three times, and ratified in open Convention this the 4th day of October, A. D. 1875.

XXVIII. AN ORDINANCE TO AMEND ARTICLE ELEVEN, BY ADDING AN ADDITIONAL SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That section one, article eleven, of the Constitution of this State, be amended by adding at the end of said section, as follows :

The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline of the Penitentiary Board, or some other officer of this State.

Read three times and artified in open Convention, this 30th [day of] September, 1875.

XXIX. AN ORDINANCE TO AMEND ARTICLE THIRTEEN, OF THE CONSTITUTION.

Be it ordained by the people of North Carolina in Convention assembled, That sections one and two, of article thirteen, be stricken from the Constitution, and the following substituted therefor:

SECTION 1. 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 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, at the next general election, 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.

SEC. 2. 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.

Read three times and ratified in open Convention, this the 4th day of October, A. D. 1875.

XXX. AN ORDINANCE TO AMEND ARTICLE FOURTEEN OF THE CONSTITUTION, PROHIBITING INTERMARRIAGE OF THE RACES.

The people of North Carolina in Convention assembled do ordain, That a new section be added to article fourteen of the Constitution,, as follows:

SEC. —. 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.

Read three times and ratified in open Convention, this 11th day of October, A. D. 1875.

(The preceding amendments were submitted to the people in the form of a single ballot issue. It was ratified on November 7, 1876 by a vote of 120,159 to 106,554.)

AMENDMENTS OF 1879

I. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE SUPPORT OF THE DEAF MUTES, THE BLIND AND THE INSANE OF THE STATE.¹⁰³

The General Assembly of North Carolina do enact (three-fifths of the whole representation in each house of the general assembly concurring):

SECTION 1. That the constitution of this state be altered as follows, to-wit: Strike out all of section ten of article eleven of the constitution of the state and insert in lieu thereof the following: "The general assembly may provide that the indigent deaf mutes, blind and insane of the state shall be cared for at the charge of the state."

Ratified the 14th day of March, A. D. 1879.

(Ratified by the people on November 2, 1880 by a vote of 87,163 to 70,459.)

II. AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA CONCERNING THE DEBT OF THE STATE.¹⁰⁴

The General Assembly of North Carolina do enact (three-fifths of each house concurring):

SECTION 1. That section six of article one of the constitution shall be amended by adding at the end thereof the following:

"Nor shall the general assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor shall any debt or bond incurred or issued by the legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular session of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debts of the state unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the state at a regular election held for that purpose."

SEC. 2. This amendment shall be submitted at the next general election to the qualified voters of the whole state, those voting in favor of the amendment to vote a written or printed ticket with the words "for amendment concerning public debt" on it, and those voting against it to vote the same kind of ticket with the words "against amendment concerning public debt" on it.

SEC. 3. The election shall be held and the votes returned, compared and counted and the result announced under the same rules and regulations as were in force when the amendments proposed by the constitutional convention of one thousand eight hundred and seventy-five were submitted to the people in November, one thousand eight hundred and seventy-six.

SEC. 4. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

(Ratified by the People on November 2, 1879 by a vote of 117,388 to 5,458.)

AMENDMENT OF 1887

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA¹⁰⁵

The General Assembly of North Carolina do enact:

SECTION 1. That article four of the constitution of the state be amended as follows: In section six strike out the word "two" and insert instead thereof the word "four."

SEC. 2. The said amendment to the constitution of this state shall be submitted to the people on the Tuesday next after the first Monday in November, one thousand eight hundred and eighty-eight.

SEC. 3. It shall be the duty of the sheriffs in each and every county in the state to open polls at the several election precincts in his county on the said Tuesday after the first Monday in November, eighteen hundred and eighty-eight, and the same shall be kept open for one day from the hour of seven o'clock in the morning until sunset of the afternoon, when all persons qualified to vote according to the constitution may vote for or against said amendment, those desiring such amendment to vote with a written or printed ticket "for amendment," those of a contrary opinion to vote with a written or printed, ticket "against amendment."

SEC. 4. The election provided for in the preceding section shall be conducted in the same manner and under the same rules and regulations except as herein otherwise prescribed, as is provided in the law regulating general elections in this state.

SEC. 5. The county commissioners, or upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties a ballot box in which shall be deposited the ballots for or against said amendment. The ballots so cast shall be counted, returned and canvassed as is provided by law in cases of election for state officers and under like penalties in case of default upon the part of any returning officer, judge of election of county canvasser. Abstracts of the vote upon said amendment shall be filed and another abstract forwarded to the secretary of state at Raleigh in the same manner as is prescribed in regard to the vote for state officers, by the chairman of each board of county commissioners.

SEC. 6. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the election and proceed to compare the votes for and against the amendment, and if it shall appear that a majority of the votes polled are in favor of said amendment, the governor shall forthwith issue his proclamation announcing the result and shall cause to be endorsed on said amendment as enrolled by the two houses of this general assembly or annexed thereto a certificate under his signature declaring that said amendment has been ratified by the people of North Carolina. The secretary of state shall countersign the said certificate and annex thereto the great seal of the state, and the said amendment so enrolled with the certificate aforesaid shall be forever kept among the archives of the state in the office of the secretary aforesaid.

SEC. 7. That for the purpose of filling the offices to be created by this act there shall be elected by the people of the state at the next regular election two associate justices of the

supreme court under the same rules and regulations as are now provided by law for the election of justices of the supreme court. And if such amendment as is provided for in section first of this act be adopted it shall be the duty of the governor to issue his commission to the persons so elected and they shall be justices of the supreme court and qualify as such; and if the said amendment be not adopted by the people then he shall not issue his commission to such persons so elected and they shall not so qualify.

SEC. 8. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

(Ratified by the people on November 6, 1888 by a vote of 121,659 to 29,377.)

AMENDMENT OF 1891

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA.¹⁰⁶

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-third of article four of the constitution be amended by striking out in line two of said section the words "by the qualified voters thereof" and insert in lieu thereof the words "in the same manner," and by striking out "members of the general assembly" in the second and third lines of said section and insert in lieu thereof "judges of the superior court."

SEC. 2. That said amendment to the constitution of this state shall be submitted to the people for ratification on the Tuesday after the first Monday in November, one thousand eight hundred and ninety-two. It shall be the duty of the sheriffs in each and every county in the state to open the polls at the several election precincts in his county on the said Tuesday after the first Monday in November, one thousand eight hundred and ninety-two, and the same shall be kept open for one day from the hour of seven o'clock in the morning until sunset of the afternoon, when all persons qualified to vote according to the constitution may vote for or against said amendment, those desiring such amendment to vote with a written or printed ticket "For amendment," those of a contrary opinion to vote with a written or printed ticket "Against amendment."

SEC. 3. The election provided for in the preceding section shall be conducted in the same manner and under the same rules and regulations, except as herein otherwise prescribed, as provided in the law regulating general elections in this state.

SEC. 4. The county commissioners, or, upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties a ballot-box, in which shall be deposited the ballots for or against said amendment. The ballots so cast shall be counted, returned and canvassed as is provided by law in cases of election for state officers and under like penalties in case of default upon the part of any returning officer, judge of election or county canvasser. Abstracts of the vote upon said amendment shall be filed and another abstract shall be forwarded to the secretary of state at Raleigh in the same manner as is prescribed in regard to the vote for state officers by the chairman of each board of county commissioners.

SEC. 5. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the election and proceed to compare the votes for and against the amendment, and if it shall appear that a majority of the voters [votes] polled are in favor of the amendment the governor shall forthwith issue his proclamation announcing the result, and shall cause to be endorsed on said amendment as enrolled by the houses of this general assembly or annexed thereto a certificate under his signature declaring that said amendment has been ratified by the people of North Carolina. The secretary of state shall countersign said certificate and annex thereto the great seal of the state, and the said amendment so enrolled with the certificate aforesaid shall be forever kept among the archives of the state in the office of the secretary aforesaid.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

(Ratified by the people on November 8, 1892 by a vote of 135,966 to 120,476.)

AMENDMENTS OF 1899 AND 1900

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA.¹⁰⁷

The General Assembly of North Carolina do enact:

SECTION 1. That article six of the constitution of North Carolina be and the same is hereby abrogated, and in lieu thereof shall be substitute the following article of said constitution.

ARTICLE VI.

Suffrage and Eligibility to Office—Qualifications of an Elector.

(SECTION 1.) Every male person born in the United States and every male person who has been naturalized, twenty-one years of age and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the state except as herein otherwise provided.

(SEC. 2.) He shall have resided in the state of North Carolina for two years, in the county six months and in the precinct, ward or other election district in which he offers to vote four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to another in the same county 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 upon indictment of any crime, the punishment of which now is or may hereafter be imprisonment in the State Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

(SEC. 3.) Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law and the general assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

(SEC. 4.) Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language, and before he shall be entitled to vote he shall have paid on or before the first day of March of the year in which he proposes to vote his poll tax as prescribed by law for the previous year. Poll taxes shall be a lien only on assessed property and no process shall issue to enforce the collection of the same except against assessed property.

(SEC. 5.) No male person who was on January one, eighteen hundred and sixty-seven, or at any time prior thereto entitled to vote under the laws of any state in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualification prescribed in section four of this article: *Provided*, he shall have registered in accordance with the terms of this section prior to December one, nineteen hundred and eight. The general assembly shall provide for a permanent

record of all persons who register under this section on or before November first, nineteen hundred and eight: and all such persons shall be entitled to register and vote in all elections by the people in this state unless disqualified under section two of this article: *Provided*, such persons shall have paid their poll tax as required by law.

(SEC. 6.) All elections by the people shall be by ballot and all elections by the general assembly shall be *viva voce*.

(SEC. 7.) Every voter in North Carolina except as in this article disqualified shall be eligible to office, 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."

(SEC. 8.) 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 and malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 2. That all of the provisions of the constitution relating to suffrage, registration and elections as contained in this act amending the constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of the qualified voters of the state so declare at the next general election.

SEC. 3. This amendment shall be submitted at the next general election to the qualified voters of the state in the same manner and under the same rules and regulations as is provided in the law regulating general elections in this state and in force May first, eighteen hundred and ninety-nine, and at said election those persons desiring to vote for such amendment shall cast a written or printed ballot with the words "For suffrage amendment" thereon; and those with a contrary opinion shall cast a written or printed ballot with the words "Against suffrage amendment" thereon.

SEC. 4. The said election shall be held and the votes returned, compared, counted and canvassed and the result announced under the same rules and regulations as are in force for returning, comparing, counting and canvassing the votes for members of the general assembly may first, eighteen hundred and ninety-nine and if a majority of the votes cast are in favor of the said amendment, it shall be the duty of the governor of the state to certify said amendment under the seal of the state to the secretary of state, who shall enroll the said amendment so certified among the permanent records of his office.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 21st day of February, A. D. 1899.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA," RATIFIED FEBRUARY TWENTY-FIRST, EIGHTEEN HUNDRED AND NINETY-NINE, THE SAME BEING CHAPTER TWO HUNDRED AND EIGHTEEN OF THE PUBLIC LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE.¹⁰⁸

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 218, Public Laws of 1899, entitled "An Act to Amend the Constitution of North Carolina," be amended so as to make said Act read as follows:

That Article six of the Constitution of North Carolina be and the same is hereby broadened, and in lieu thereof shall be substituted the following Article of said Constitution, as an entire and indivisible plan of suffrage.

ARTICLE VI.

Suffrage and Eligibility to Office.

(SECTION 1.) Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

(SEC. 2.) He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers to vote, four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district, to another in the same county, 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 upon indictment, 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 be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

(SEC. 3.) Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this Article.

(SEC. 4.) Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote, he shall have paid on or before the first day of May, of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, Section 1, of the Constitution. But no male person, who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908.

The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under Section 2, of this Article: *Provided*, such person shall have paid his poll tax as above required.

(SEC. 5.) That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

(SEC. 6.) All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

SEC. 7.) Every voter in North Carolina, except as in this Article disqualified, shall be eligible to office, 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 North Carolina, not inconsistent therewith and that I will faithfully discharge the duties of my office, as So help me God."

(SEC. 8.) The following classes of persons shall be disqualified for office: *First*, all persons who shall have denied 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 mal-practice in office; unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

(SEC. 9.) That this amendment to the Constitution shall go into effect on the first day of July, Nineteen Hundred and Two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

SEC. 2. This amendment to the Constitution shall be submitted at the next general election to the qualified voters of the State, in the same manner and under the same rules and regulations as is provided in the law regulating general elections in this State, and at said elections those persons desiring to vote for such amendment shall cast a written or printed ballot with the words: "For Suffrage Amendment" thereon; and those with a contrary opinion shall cast a written or printed ballot with the words "Against Suffrage Amendment" thereon.

SEC. 3. The votes cast at said election shall be counted, compared, returned and canvassed and the result announced and declared under the same rules and regulations, and in the same manner as the vote for Governor, and if a majority of the votes cast are in favor of the said amendment, it shall be the duty of the Governor of the State, upon being notified of the result of said election, to certify said amendment under the seal of the State, to the Secretary of State, who shall enroll the said amendment, so certified, among the permanent records of his office.

SEC. 4. That this Act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 13th day of June, 1900.

(Ratified by the people on August 2, 1900 by a vote of 182,217 to 128,285.)

AMENDMENTS OF 1913

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.¹⁰⁹

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:

I. By striking out of article one, section six, the words "insurrection or rebellion against the United States," and inserting in lieu thereof the following words: "the War Between the States," and striking out the word "rebellion" in section thirteen of article seven and inserting in lieu thereof the words "War Between the States."

II. By striking out section twenty-eight of article two, and substituting in lieu thereof the following:

"SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as compensation for their services the sum of six dollars per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session they shall serve without compensation. They shall also be entitled to receive five cents per mile both while coming to the seat of Government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two houses shall be eight dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days."

III. By adding at the end of article two a new section, to wit:

"SEC. 29. The General Assembly shall not pass any local, private, or special act or resolution:

"Relating to the establishment of courts inferior to the Superior Court;

"Relating to the appointment of justices of the peace;

"Relating to health, sanitation, and abatement of nuisances;

"Changing the names of cities, towns, and townships;

"Authorizing the laying out, opening, altering, maintaining, or discontinuing highways, streets, or alleys;

"Relating to ferries or bridges;

"Relating to game or hunting;

"Relating to nonnavigable streams;

"Relating to cemeteries;

"Relating to the pay of jurors;

“Erecting 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.

“Nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

“Any local, private, or special act or resolutin passed in violation of the provisions of this section shall be void.

“The General Assembly shall have power to pass general laws regulating the matters set out in this section.”

IV. By striking out the words “first day of” in section one of article three and inserting in lieu thereof the words “second Wednesday after the first Monday in.”

V. By adding at the end of section eleven of article four the following: “and the General Assembly may by general law provide for the selection of special or emergency judges to hold the Superior Courts of any county or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said courts, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.”

VI. By striking out sections twenty, twenty-six, and thirty-three of article four.

VII. By abrogating and striking out all the sections of article five and section nine of article seven, and inserting in lieu of said article five the following:

ARTICLE V.

Revenue and Taxation.

SECTION 1. Taxes shall be imposed only for public purposes, by and with the consent of the people or their representatives in the General Assembly.

SEC. 2. The General Assembly may, consistent with natural justice and equity, classify subjects of taxation; and all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax: *Provided*, that no income shall be taxed when the property from which the income is derived is taxed; and, consistent with natural justice and equity, the General Assembly may separate subjects of taxation for State and local purposes.

SEC. 3. If the subjects of taxation be separated for State and local purposes, in a manner not allowed by law immediately prior to the adoption of this amendment, no part of the *ad valorem* tax on real estate, except the real estate of public-service corporations, shall be applied to State purposes.

SEC. 4. The power to tax shall not be surrendered, suspended, or contracted away, but property belonging to the State, a county, or a municipality shall be exempt from taxation; and the General Assembly may exempt cemeteries property held and used for educational, scientific, literary, charitable, or religious purposes; and also personal property of a natural person of a value not exceeding three hundred dollars (\$300).

SEC. 5. The *ad valorem* taxes on real estate and personal property shall not exceed for all State and county purposes sixty-six and two-thirds (66-2/3) cents per annum on the one hundred dollars (\$100) assessed valuation of such property, unless a greater rate be approved by a majority of those who shall vote at an election held thereon. The *ad valorem* taxes collected on real estate and personal property by cities and towns shall not exceed, for all purposes, seventy-five cents (75¢) per annum on the one hundred dollars (\$100) assessed valuation, unless a greater rate be approved by a majority of those who shall vote at an election held thereon: *Provided*, that these limitations on the rate of taxation shall not apply to taxes necessary to pay debts contracted prior to the adoption of this amendment, nor to taxes heretofore authorized by an act of the General Assembly, or by vote of the people.

SEC. 6. The General Assembly shall provide for a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, but not exceeding two dollars (\$2) per annum for all State and county purposes, and municipalities may be authorized by the General Assembly to levy a capitation tax, but not exceeding the amount hereinbefore authorized for State and county purposes. The proceeds collected from State and county capitation taxes shall be applied to the purposes of education and the support of the poor in such proportions as the General Assembly may direct. The General Assembly may also provide by general law for the exemption from payment of said capitation tax in special cases on account of poverty and infirmity.

SEC. 7. The General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasions or insurrections, unless it shall in the same bill levy a special tax to pay interest annually, and provide therein for the levying of tax for the payment of the principal by the date such debt matures. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, municipal or otherwise, unless the subject be submitted to a direct vote of the people of the State and be approved by a majority of those who shall vote thereon.

VIII. By striking out section one of article eight and substituting therefor the following:

“SECTION 1. 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 organizing 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."

IX. By striking out section four of article eight, and substituting therefore the following:

"It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations."

X. By striking out the words "four months" in section three of article nine, and inserting in lieu thereof the words "six months."

SEC. 2. That the several amendments to the Constitution hereinbefore set fourth as numbered from I to X, inclusive, respectively, shall be and are hereby submitted to the qualified voters of the whole State at the next general election as separate amendments to the Constitution, all amendments proposed under each number respectively being regarded as one amendment.

SEC. 3. That the said several proposed amendments shall be designated on one ballot by their appropriate article and section numbers, and also by their appropriate descriptive titles, and as so designated on said ballot shall be consecutively numbered in the manner and form hereinafter set forth.

SEC. 4. That the adoption of any amendment by its title by marking the said ballot as hereinafter indicated shall have the effect of adopting the amendment in full as agreed upon by this General Assembly; and the rejection of any amendment by its title, by marking the said ballot as hereinafter indicated, shall have the effect of rejecting said amendment as a whole, but shall not affect any other amendment.

SEC. 5. The said ballots shall be in form substantially as follows:

(The sample form of the "Official Ballot" has been omitted from the text of the bill.)

And the said ballots shall be cast in boxes specially provided by the election officers charged with this duty in general elections, and said boxes shall be conspicuously labeled, "Ballot Box for Constitutional Amendment Election."

SEC. 6. That, except as herein provided, the election upon the several amendments herein designated shall be conducted in the same manner and under the same rules and regulations as provided under the laws governing general elections and in force at the time of said general election at which these amendments shall be submitted. The said election shall be held and the votes returned, compared, counted, and canvassed, and the result announced, under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and fourteen for returning, comparing, counting, and canvassing the votes for Governor; and if the majority of the votes cast be in favor of any amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

SEC. 7. That at least six months prior to the said election the Secretary of State shall cause to be printed not less than five hundred thousand (500,000) copies of the amendments to be submitted to the said election, in one pamphlet, together with a copy of the Constitution as it now stands, and a form of ballot, including number, title, description, and instructions to voters as shown hereinbefore; and that at least one thousand (1,000) of said pamphlets shall be forwarded within thirty days after publication to the register of deeds of each county in the State for distribution; and that the remainder of said pamphlets shall be distributed under the supervision of the Governor and Secretary of State.

SEC. 8. Each amendment on which the number of affirmative votes shall exceed the number of negative votes shall become a part of the Constitution; and any amendment so adopted shall take effect on the second Wednesday after the first Monday in January in the year one thousand nine hundred and fifteen. Any provision of the amendments passed and submitted by this General Assembly and so adopted by the qualified voters inconsistent with or in conflict with any provisions of the present Constitution shall be held to prevail.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this the 13th day of October, A. D. 1913.

(The ten constitutional changes were submitted to the people who voted on them on November 3, 1914 with the following results:

Amendment I: Rejected by a vote of 61,031 to 57,816,

Amendment II: Rejected by a vote of 68,149 to 50,722,

Amendment III: Rejected by a vote of 62,953 to 54,727,

Amendment IV: Rejected by a vote of 60,220 to 57,321,

Amendment V: Rejected by a vote of 62,981 to 56,255,

Amendment VI: Rejected by a vote of 26,728 to 54,414,

Amendment VII: Rejected by a vote of 68,148 to 50,520,

Amendment VIII: Rejected by a vote of 63,201 to 54,358,

Amendment IX: Rejected by a vote of 63,027 to 53,887,

Amendment X: Rejected by a vote of 61,317 to 59,519.)

AMENDMENTS OF 1915

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF
NORTH CAROLINA.¹¹⁰

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:

I. By adding at the end of Article II a new section, to wit:

“SEC. 29. The General Assembly shall not pass any local, private or special act or resolution:

“Relating to the establishment of courts inferior to the superior court:

“Relating to the appointment of justices of the peace;

“Relating to health, sanitation and abatement of nuisances;

“Changing the names of cities, towns and townships;

“Authorizing the laying out, opening, altering, maintaining or discontinuing highways, streets or alleys;

“Relating to ferries or bridges;

“Relating to non-navigable streams;

“Relating to cemeteries;

“Relating to the pay of jurors;

“Erecting 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;

“Nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it.

“Any local, private or special act or resolution passed in violation of the provisions of this section shall be void.

“The General Assembly shall have power to pass general laws regulating matters set out in this section.”

II. By adding at the end of section eleven of Article IV the following: "and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the superior courts of any county or district, when the judges assigned thereto by reason of sickness, disability, or other cause, is unable to attend and hold said courts, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the superior courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation."

III. By striking out section one of Article VIII and substituting therefore the following:

"SECTION 1. 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."

IV. By striking out section four of Article VIII, and substituting therefor the following:

"It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assesment and in contracting debts by such municipal corporations."

SEC. 2. That the several amendments to the Constitution hereinbefore set forth as numbered from one to four inclusive, respectively, shall be and are hereby submitted to the qualified voters of the whole State at the next general election as separate amendments to the Constitution, all amendments proposed under each number respectively being regarded as one amendment.

SEC. 3. That the said several proposed amendments shall be designated on one ballot by their appropriate article and section numbers, and also by their appropriate descriptive titles, and as so designated on said ballot shall be consecutively numbered in the manner and form hereinafter set forth.

SEC. 4. That the adoption of any amendment by its title by marking the said ballot as hereinafter indicated shall have the effect of adopting the amendment in full as agreed upon by this General Assembly; and the rejection of any amendments by its title, by marking the said ballot as hereinafter indicated, shall have the effect of rejecting the said amendment as a whole, but shall not affect any other amendment.

SEC. 5. The said ballot shall be in form substantially as follows: (The sample form of the "Official Ballot" has been ommitted from the text of the bill.)

SEC. 6. That, except as herein provided, the election upon the several amendments herein designated shall be conducted in the same manner and under the same rules and

regulations as provided under the laws governing general elections and in force at the time of said general election at which these amendments shall be submitted. The said election shall be held and the votes returned, compared, counted and canvassed, and the result announced, under the same rules and regulations as are in force at the general election in the year of one thousand nine hundred and sixteen for returning, comparing, counting and canvassing the votes for Governor; and if the majority of the votes cast be in favor of any amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

SEC. 7. That at least six months prior to the said election the Secretary of State shall cause to be printed not less than five hundred thousand (500,000) copies of the amendments to be submitted at the said election, in one pamphlet, together with a copy of the Constitution as it now stands, and a form of ballot, including number, title description, and instructions to voters as shown hereinbefore; and that at least one thousand (1,000) of said pamphlets shall be forwarded within thirty days after publication to the register of deeds of each county in the State for distribution; and that the remainder of said pamphlets shall be distributed under the supervision of the Governor and Secretary of State.

SEC. 8. Each amendment on which the number of affirmative votes shall exceed the number of negative votes shall become a part of the Constitution; and any amendment so adopted shall take effect on the second Wednesday after the first Monday in January in the year one thousand nine hundred and seventeen. Any provision of the amendments passed and submitted by this General Assembly and so adopted by the qualified voters inconsistent with or in conflict with any provisions of the present Constitution shall be held to prevail.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9th day of March, 1915.

(The four constitutional changes were submitted to the people who voted on them on November 7, 1916 with the following results:

Amendment I: Ratified by a vote of 57,465 to 22,171,

Amendment II: Ratified by a vote of 56,721 to 23,132,

Amendment III: Ratified by a vote of 56,345 to 22,250,

Amendment IV: Ratified by a vote of 55,783 to 22,681.)

AMENDMENTS OF 1917

I. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA IN REGARD TO THE TAXATION OF HOMESTEAD NOTES AND MORTGAGES.¹¹¹

The General Assembly of North Carolina do enact:

SECTION 1. That section three of article five of the Constitution of North Carolina be and the same is hereby amended by striking out the period after the word "money" at the end of the first sentence, and by inserting a colon in lieu thereof, and inserting between the colon and the word "The" in the next sentence the following: "*Provided*, notes, mortgages, and all other evidence of indebtedness given in good faith for the purchase price of a home, when said purchase price does not exceed three thousand dollars, and said notes, mortgages, and other evidence of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent."

SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the said election shall be held and the votes returned, compared, counted, and canvassed, and the result announced, under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and eighteen for returning, comparing, counting, and canvassing the votes for Governor; and if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March A. D. 1917.

(Ratified by the people on November 5, 1918 by a vote of 79,946 to 19,846.)

II. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO INSURE A SIX MONTHS SCHOOL TERM.¹¹²

The General Assembly of North Carolina do enact:

SECTION 1. That section three, article nine of the Constitution of North Carolina be and the same is hereby amended by striking out therefrom the words "four months" and inserting in lieu thereof the words "six months."

SEC. 2. That this amendment shall be submitted, at the next general election, to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

(Ratified by the people on November 5, 1918 by a vote of 120,062 to 20,095.)

AMENDMENTS OF 1919

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.¹¹³

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:

I. Amended Article 5, Section 3, by repealing the proviso in said section "that no income shall be taxed when the property from which the income is derived is taxed," and substituting in lieu thereof the following: "*Provided*, the rate of tax on incomes shall in no case exceed six per cent, and there shall be allowed the following exemptions in the nature of a deduction from the amount of annual incomes, to wit: of a married man with a wife living with him, and of a widow or widower having minor child or children, not less than two thousand dollars, and of all other persons not less than one thousand dollars: *Provided further*, the General Assembly may tax, without exemption, the income or interest received or accrued from solvent credits, at a rate not exceeding twenty per cent, in lieu of all other taxes on such property."

II. By striking out section one of Article V and substituting therefor the following: "Section 1. The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity."

III. By adding to section 6 of Article V the following:

"The total of the State and county tax on property shall not exceed sixty-six and two-thirds cents on the one hundred dollars value of property except when the county property tax is levied for a special purpose and with the special approval of the General Assembly."

IV. By striking out the first sentence of section 2 of Article VI, and substituting therefor the following:

"He shall reside in the State of North Carolina for one year and in the precinct, ward or other election district in which he offers to vote four months next preceding the election."

V. By striking out of section 4 of Article VI the following:

"And before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, section 1, of the Constitution."

SEC. 2. That Amendments I, II, and III to the Constitution shall be considered as one amendment, and Amendments IV and V be considered as one amendment, and shall be submitted to the qualified voters of the whole State at the next general election.

SEC. 3 and SEC. 4. (These sections contained descriptions of the ballot proposals.)

SEC. 5. That the election upon the amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of amendments, or either of them, it shall be the duty of the Governor of the State to certify the amendment or amendments receiving a majority of votes cast under the seal of the State to the Secretary of State, who shall enroll the said amendment or amendments so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 5th day of March, A. D. 1919.

(The five constitutional changes were submitted to the people in two groups — group one consisted of Amendments I, II, and III, and group two consisted of Amendments IV and V. Group one was ratified by the people on November 2, 1920 by a vote of 262,873 to 81,109. Group two was ratified the same day by a vote of 235,608 to 83,366.)

AMENDMENT OF 1921**AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, RELATIVE TO COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.¹¹⁴**

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and in form as follows: Strike out all of section twenty-eight, article two, and insert in lieu thereof the following:

“SEC. 28. *Pay of members and officers of the General Assembly; extra session.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their service the sum of ten dollars per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile both while coming to the seat of Government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two houses shall be twelve dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.”

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the vote cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1921.

(Rejected by the people on November 7, 1922 by a vote of 138,765 to 72,297.)

AMENDMENT OF 1923

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA TO PUT A LIMITATION UPON THE STATE DEBT.¹¹⁵

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:

By striking out from section four of article five of the Constitution the words "Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually," and by inserting in lieu of the words so stricken the following:

"Except for the refunding of valid bonded debt, and except to supply a casual deficit, or for suppressing invasions or insurrections, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State to an amount exceeding in the aggregate, including the then existing debt recognized by the State, and deducting sinking funds then on hand, and the par value of the stock in the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company owned by the State, seven and one-half per cent of the assessed valuation of taxable property within the State as last fixed for taxation."

SEC. 2. That this amendment shall be submitted to the qualified voters of all the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if a majority of the votes cast be in favor of the amendment it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1923.

(Ratified by the people on November 4, 1924 by a vote of 127,937 to 43,026.)

AMENDMENTS OF 1924

I. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, RELATIVE TO COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.¹¹⁶

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and in form as follows: Strike out all of section twenty-eight, article two, and insert in lieu thereof the following:

“SEC. 28. *Pay of members and officers of the General Assembly; extra session.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of six hundred dollars for a session of not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two houses shall be the same as members. Should an extra session of the General Assembly be called, the members and presiding officers shall receive two hundred dollars (\$200) for a period not exceeding twenty days.”

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election, to be held in November, one thousand nine hundred and twenty-four.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A. D. 1924.

(Rejected by the people on November 2, 1924 by a vote of 112,606 to 97,248.)

II. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, TO PROVIDE FOR THE INVIOABILITY OF SINKING FUNDS.¹¹⁷

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of North Carolina be and the same is hereby amended in manner and form as follows: Insert a new section, which shall be known as section thirty of article two, said section to read as follows:

“SEC. 30. The General Assembly shall not use, nor authorize to be used, any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.”

SEC. 2. That this amendment shall be submitted to all the qualified voters of the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 4 of Amendment I.)

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 23rd day of August, A. D. 1924.

(Ratified by the people on November 4, 1924 by a vote of 109,434 to 50,571.)

III. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA IN REGARD TO THE TAXATION OF HOMES, HOMESTEADS, NOTES, AND MORTGAGES.¹¹⁸

The General Assembly of North Carolina do enact:

SECTION 1. That section three of article five of the Constitution of North Carolina be and the same is hereby amended by striking out “*Provided*, notes, mortgages, and all other evidence of indebtedness, given in good faith for the purchase price of a home when said purchase price does not exceed three thousand dollars (\$3,000), and said notes, mortgages, and other evidences of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent,” and inserting in lieu thereof the following:

“*Provided*, notes, mortgages and all other evidences of indebtedness, or any renewal thereof, given in good faith to build, repair, or purchase a home, when said loan does not exceed eight thousand dollars (\$8,000), and said notes and mortgages and other evidences of indebtedness, or any renewal thereof, shall be made to run for not less than one nor more than thirty-three years, shall be exempt from taxation of every kind for fifty per cent of the value of the notes and mortgages: *Provided*, the holder of said note or notes must reside in the county where the land lies, and there list it for taxation: *Provided further*, that when said notes and mortgages are held and taxed in the county where the home is situated, then the owner of the home shall be exempt from taxation of every kind for fifty per cent of the value of said notes and mortgages. The word “home” is defined to mean lands, whether consisting of a building lot or a larger tract, together with all the buildings and outbuildings which the owner in good faith intends to use as a dwelling place for himself or herself, which shall be conclusively established by the actual use and occupancy of such premises as a dwelling place of the purchaser or owner for a period of three months.

SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after the ratification.

Ratified this the 23d day of August, A. D. 1924.

(Ratified by the people on November 4, 1924 by a vote of 149,151 to 46,827.)

AMENDMENT OF 1925

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA, RELATING TO ELECTION RETURNS FOR OFFICERS OF THE EXECUTIVE DEPARTMENT.¹¹⁹

The General Assembly of North Carolina do enact:

SECTION 1. That section three of article three of the Constitution of North Carolina be and the same is hereby amended by striking out all of section three and inserting in lieu thereof the following: "Section three. The return 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."

SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the said election shall be held and the votes returned, compared, counted and canvassed, and the result announced under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and twenty-six for returning, comparing, counting and canvassing the votes for Governor; and if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 28th day of February, A. D. 1925.

(Ratified by the people on November 2, 1926, by a vote of 47,618 to 24,800.)

AMENDMENTS OF 1927

I. AN ACT TO AMEND SECTION 23 OF ARTICLE IV OF THE CONSTITUTION OF NORTH CAROLINA RELATING TO SOLICITORS.¹²⁰

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-three of article four of the Constitution of North Carolina be and the same is hereby amended so as hereafter to read as follows: "The State shall be divided into twenty-four solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justices in his district. But the General Assembly may reduce or increase the number of districts."

SEC. 2. That this amendment shall be submitted to the qualified voters of the State at the next general election.

SEC. 3. That this amendment shall be submitted to the qualified voters of the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and very part thereof from and after the date of such certification.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1927.

(Rejected by the people on November 6, 1928 by a vote of 150,061 to 123,249.)

II. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, RELATIVE TO COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.¹²¹

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina, be and it is hereby amended, by striking out section twenty-eight, article two, and inserting in lieu thereof, the following:

"Section twenty-eight. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers 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."

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election after the ratification of this act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 4 of Amendment I.)

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1927.

(Ratified by the people on November 6, 1928 by a vote of 147,946 to 147,734.)

III. AN ACT TO AMEND SECTION THREE OF ARTICLE FIVE OF THE CONSTITUTION SO AS TO AUTHORIZE THE CLASSIFICATION OF INTANGIBLE PERSONAL PROPERTY, AND TO REPEAL SECTION NINE OF ARTICLE SEVEN OF THE CONSTITUTION.^{1 22}

The General Assembly of North Carolina do enact:

SECTION 1. That section three of article five (V) of the Constitution of North Carolina be amended to read as follows:

"Section three; *taxes to be levied*: Laws shall be passed taxing all real and personal property, including moneys, bonds, notes, investments in stock, and all other choses in action, according to their true value in money. The rate of taxation on real property and tangible personal property shall be uniform within the territorial limits of the authority levying the tax, but intangible personal property may be classified by the General Assembly, which shall prescribe a uniform rate of tax throughout the State for each class.

"The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, that the rate of tax on incomes shall not in any case exceed six per cent (6%) and there shall be allowed against the income the following exemptions, to-wit: for a married man with a wife living with him, or for a widow or widower having a minor child or children, natural or adopted, not less than (\$2,000) two thousand dollars; for all other persons, not less than one thousand dollars (\$1,000), and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed."

SEC. 2. That article seven (VII) of the Constitution of North Carolina be amended by striking therefrom section nine.

SEC. 3. That these amendments shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

SEC. 4. (This section contained a description of the ballot proposal.)

SEC. 5. (This section is similar to Sec. 4 of Amendment I.)

SEC. 6. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1927.

(Rejected by the people on November 6, 1928 by a vote of 158,354 to 124,894.)

AMENDMENTS OF 1929

I. AN ACT TO AMEND SECTION 3 OF ARTICLE 5 OF THE CONSTITUTION SO AS TO PERMIT TAXING PROPERTY BY A RULE THAT IS UNIFORM AS TO EACH CLASS OF PROPERTY, AND TO REPEAL SECTION 9 OF ARTICLE 7 OF THE CONSTITUTION.¹²³

The General Assembly of North Carolina do enact:

SECTION 1. That section three of article five (V) of the Constitution of North Carolina be amended to read as follows:

Taxation shall be ad valorem and uniform as to each class of property. Laws shall be passed taxing, by a rule that is uniform as to each class of property, all moneys, credits, investments in bonds, stocks joint-stock companies, or otherwise; and, also, all real and personal property according to its true value in money. The General Assembly may adopt such classification of real property and of personal property as it may find to be reasonable. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, the rate of tax on incomes shall not in any case exceed six per cent (6%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: For married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 2. That article seven (VII) of the Constitution of North Carolina be amended by striking therefrom section nine.

SEC. 3. That these amendments shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law governing general elections in this State.

SEC. 4. (This section contained a description of the ballot proposal.)

SEC. 5. Said election shall be held and the vote returned, compared, counted and canvassed and the result announced under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendments it shall be the duty of the Governor of the State to certify said amendments under the seal of the State to the Secretary of State who shall enroll the said amendments so certified among the permanent records of his office.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1929.

(Rejected by the people on November 4, 1930 by a vote of 152,760 to 120,264.)

II. AN ACT TO AMEND SECTION 23 OF ARTICLE 4 OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO SOLICITORS.¹²⁴

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-three of article four of the Constitution of North Carolina be and the same is hereby amended so as hereafter to read as follows: "The State shall be divided into twenty solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justices in his district. But the General Assembly may reduce or increase the number of districts."

SEC. 2. That this amendment shall be submitted to the qualified voters of the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 5. of Amendment I.)

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 13th day of March, A. D. 1929.

(Rejected by the people on November 4, 1930 by a vote of 153,332 to 102,705.)

III. AN ACT TO AMEND SECTION 6, ARTICLE 4, OF THE CONSTITUTION OF NORTH CAROLINA, RELATIVE TO SUPREME COURT JUSTICES.¹²⁵

The General Assembly of North Carolina do enact:

SECTION 1. That section six of article four of the Constitution of North Carolina be and the same is hereby amended so as hereafter to read as follows: "The Supreme Court shall consist of a Chief Justice and six Associate Justices."

SEC. 2. That this amendment shall be submitted to the qualified voters of the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Sec. 5 of Amendment I.)

SEC. 5. That thereupon the Governor of the State shall appoint two additional Associate Justices of the Supreme Court, who shall serve under said appointments until the next general election, at which time they or their successors shall each be elected for a full term of eight years and thereafter elected or appointed as provided by law for the election or appointment of the other Justices of said Court.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified, this the 13th day of March, A. D. 1929.

(Rejected by the people on November 4, 1930 by a vote of 180,950 to 96,062.)

AMENDMENTS OF 1931

I. AN ACT TO AMEND SECTION TWENTY-FOUR, ARTICLE FOUR, OF THE CONSTITUTION OF NORTH CAROLINA RELATIVE TO SHERIFFS AND CORONERS.¹²⁶

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-four of article four of the Constitution of North Carolina be and the same is hereby amended so as hereafter to read as follows: "In each county a sheriff and coroner shall be elected by the qualified voters thereof as is prescribed for the members of the General Assembly and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof who shall hold his office for a period of two years. When there is no coroner in a county the clerk of the superior court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section the commissioners of the county may appoint to such office for the unexpired term."

SEC. 2. That at the next general election to be held in the State of North Carolina in one thousand nine hundred and thirty-two this amendment shall be submitted to the qualified voters of the whole State, and it shall be the duty of the State Board of Elections to prescribe, provide and print the official amendment ballots to be voted on at said election.

(The instructions on how the "Official Ballot" was to be printed have been omitted from the text of the bill.)

SEC. 3. Except as otherwise provided in this act, the said election shall be held and conducted under the same laws, rules and regulations as now prescribed for the holding and conducting of elections for members of the General Assembly, and the returns of said election shall be canvassed and declared as is now prescribed by law for the election of State officers.

SEC. 4. That if upon the canvass of the election upon the amendment it shall be ascertained that a majority of the votes cast in said election are in favor of the amendment it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of the State who shall enroll said amendment so certified among the permanent records of his office, and the same shall be in force and every part thereof from and after the date of such certification.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1931.

(Rejected by the people on November 8, 1932 by a vote of 275,458 to 187,834.)

II. AN ACT TO AMEND SECTION TWO OF ARTICLE THIRTEEN OF THE CONSTITUTION, AS IT RELATES TO THE SUBMISSION TO THE PEOPLE OF AMENDMENTS.¹²⁷

The General Assesmbly of North Carolina do enact, three-fifths of each House of the General Assembly concurring:

SECTION 1. That section two of article thirteen of the Constitution be, and the same is, hereby amended, so as to read as follows:

"Section 2. *How the Constitution may be amended.* No part of the Constitution of this State shall be altered unless the 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 either at the next general election, or at a special election to be called for the purpose, as the General Assembly may determine, to the qualified voters of the whole State, in such manner as may be prescribed by law. And in 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."

SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law governing general elections in the State.

SEC. 3. (This section is similar to Section 3 of Amendment I.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. This act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A. D. 1931.

(Rejected by the people on November 8, 1932 by a vote of 226,252 to 162,598.)

III. AN ACT TO SUBMIT A PROPOSED AMENDMENT TO THE CONSTITUTION OF NORTH CAROLINA TO PROTECT INSURANCE FOR WIVES AND CHILDREN FROM CREDITORS DURING LIFE OF INSURED.¹²⁸

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be submitted to the Electorate of North Carolina at the next general election for State officers a proposition to amend the Constitution of this State, article ten, section seven (7), and it shall be the duty of the Board of Elections to cause ballots and proper boxes to be prepared to that end and purpose, which ballots shall read "For Amendment to Constitution to Protect Insurance for Widows and Children Against Creditors of Insured," and ballots on which shall be written "Against Constitutional Amendment to Protect Insurance for Widows and Children Against Creditors of Insured."

SEC. 2. That if a majority of the votes cast shall be "For Amendment to Constitution to Protect Insurance for Widows and Children Against Creditors of Insured," then, and in that event, article ten, section seven (7), of the Constitution of this State shall be, and become amended as follows, at the end thereof, to wit:

"And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children."

SEC. 3. (This section is similar to Section 4 of Amendment I.)

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of April, A. D. 1931.

(Ratified by the people on November 8, 1932 by a vote of 304,885 to 145,448.)

IV. AN ACT TO AMEND SECTION TWENTY-THREE OF ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO SOLICITORS.¹²⁹

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-three of article four of the Constitution of North Carolina be and the same is hereby amended so as hereafter to read as follows: "The State shall be divided into twenty solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justices in his district. But the General Assembly may reduce or increase the number of districts."

SEC. 2. That this amendment shall be submitted to the qualified voters of the State at the next general election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 6th day of May, A. D. 1931.

(Rejected by the people on November 8, 1932 by a vote of 199,903 to 150,881.)

AMENDMENTS OF 1935

I. AN ACT TO AMEND THE CONSTITUTION TO PERMIT CLASSIFICATION OF PROPERTY FOR TAXATION, ENCOURAGEMENT OF HOME OWNERSHIP, TO INCREASE THE LIMIT FOR INCOME TAXATION AND TO LIMIT THE POWER OF STATE AND LOCAL GOVERNMENT TO BORROW MONEY WITHOUT A VOTE OF THE PEOPLE.¹³⁰

The General Assembly of North Carolina do enact:

SECTION 1. That article seven of the Constitution of North Carolina be amended by striking out sub-section nine, and re-numbering the remaining sub-sections, and that article five of the Constitution of North Carolina be amended by striking out all of section three of said article down to, and including, the word "months," in line twenty-six (as printed in the Public Laws of North Carolina, Session of 1933), and substituting in lieu thereof the following:

"SEC. 3. *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 on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied."

SEC. 2. That article five of the Constitution of North Carolina be further amended by striking out in lines twenty-eight and twenty-nine of sub-section three of said Article (as printed in the Public Laws of North Carolina, Session of 1933) the words and figures "six per cent (6%)," and inserting in lieu thereof the words and figures "ten per cent (10%)."

SEC. 3. That Article five of the Constitution of North Carolina, as printed in the Public Laws of North Carolina, Session of 1933, be amended by striking out all of section four of said Article down to and including the word "taxation" in line twelve, and substituting in lieu thereof the following:

"SEC. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit 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, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceeding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract

debts, and counties and municipalities shall not contract debts, during any fiscal year to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon."

SEC. 4. That sections one (1), two (2) and three (3) of this act be submitted separately at the next General Election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 5, 6, and 7. (These sections contained descriptions of the ballot proposals.)

SEC. 8. That the election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of any one or more of these amendments, it shall be the duty of the Governor of the State to certify the amendment or amendments so adopted under the seal of the State to the Secretary of State, who shall enroll the said amendment or amendments so certified among the permanent records of his office, and the amendment or amendments so certified shall be in force, and every part thereof, from and after the date of such certification.."

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of April, A. D. 1935.

(Sections 1, 2, and 3 of the preceding act were submitted to the people as separate amendments. Votes were cast on November 3, 1936 with the following results:

Section 1: Ratified by a vote of 242,899 to 152,516,

Section 2: Ratified by a vote of 242,492 to 178,373,

Section 3: Ratified by a vote of 255,416 to 149,086.)

II. AN ACT TO AMEND SECTION SIX OF ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA RELATING TO THE SUPREME COURT, AND TO AMEND SECTION FIVE OF ARTICLE FIVE OF THE CONSTITUTION OF NORTH CAROLINA AUTHORIZING THE GENERAL ASSEMBLY TO PASS LAWS EXEMPTING FROM TAXATION NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000.00) IN VALUE OF PROPERTY HELD AND USED AS PLACE OF RESIDENCE OF THE OWNER.¹³¹

The General Assembly of North Carolina do enact:

SECTION 1. That section six of article four of the Constitution of North Carolina be stricken out and the following inserted in lieu thereof:

"Supreme Court. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not

more than six 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 a majority of all the justices; and 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. All sessions of the Court shall be held in the City of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof."

SEC. 2. That section five of article five of the Constitution of North Carolina be amended by adding at the end of section five the following: "The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000.00) in value of property held and used as the place of residence of the owner."

SEC. 3. That sections one and two of this act be submitted separately at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the laws governing general elections in the State.

SEC. 4. and Sec. 5. (These sections contained descriptions of the ballot proposals.)

SEC. 6. (This section is similar to Section 8 of Amendment I.)

SEC. 7. This act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of May, A. D. 1935.

(Sections 1 and 2 of the preceding act were submitted to the people as separate amendments. Votes were cast on November 3, 1936 with the following results:

Section 1: Ratified by a vote of 257,980 to 168,496,

Section 2: Ratified by a vote of 312,976 to 166,752.)

AMENDMENTS OF 1937

I. AN ACT TO AMEND SECTION TWENTY-FOUR OF ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA RELATIVE TO SHERIFFS.¹³²

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-four of article four of the Constitution of North Carolina be and the same is hereby amended to read as follows:

“SEC. 24. *Sheriffs and Coroners.* In each county a sheriff and a coroner shall be elected by the qualified voters thereof as is prescribed for the members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section the commissioners of the county may appoint to such office for the unexpired term.”

SEC. 2. That at the next general election to be held in North Carolina in the year one thousand nine hundred and thirty-eight this amendment shall be submitted to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the laws governing general elections in the State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon this amendment, except as otherwise provided in this Act, shall be held and conducted under the same laws, rules and regulations as now prescribed for the holding and conducting of elections for members of the General Assembly, and the returns of said election shall be canvassed and declared as is now prescribed by law for the election of State officers.

SEC. 5. That if, upon the canvass of the election upon this amendment, it shall be ascertained that a majority of the votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment and every part thereof so certified shall be in force from and after the date of such certification.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D. 1937.

(Ratified by the people on November 8, 1938 by a vote of 206,069 to 197,593.)

II. AN ACT TO AMEND THE CONSTITUTION TO PERMIT THE GENERAL ASSEMBLY TO CREATE A DEPARTMENT OF JUSTICE IN ORDER TO SECURE THE UNIFORM AND ADEQUATE ADMINISTRATION OF THE CRIMINAL LAWS OF THE STATE.¹³³

The General Assembly of North Carolina do enact:

SECTION 1. That Article three of the Constitution of North Carolina be amended by adding a new section as follows:

“Section 18. The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney General, and to enact suitable laws defining the authority of the Attorney General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.”

SEC. 2. That section one of this Act be submitted at the next general election to the qualified voters in the State, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section was similar to Sections 4 and 5 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of March, A. D. 1937.

(Ratified by the people on November 8, 1938 by a vote of 172,583 to 145,103.)

AMENDMENTS OF 1941

I. AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR THE ORGANIZATION OF THE STATE BOARD OF EDUCATION AND THE POWERS AND DUTIES OF THE SAME.¹³⁴

The General Assembly of North Carolina do enact:

SECTION 1. That Article IX, Sections eight and nine, of the Constitution of North Carolina be amended by substituting for the said sections the following:

“SEC. 8. 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, from and after the first day of April, one thousand nine hundred and forty-three, be vested in a State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and one member from each Congressional District to be appointed by the Governor. The State Superintendent of Public Instruction shall have general supervision of the public schools and shall be secretary of the board. There shall be a comptroller appointed by the Board, subject to the approval of the Governor as director of the Budget who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The appointive members of the State Board of Education shall be subject to confirmation by the General Assembly in joint session. A majority of the members of said board shall be persons of training and experience in business and finance, who shall not be connected with the teaching profession or any educational administration of the State. The first appointments under this section shall be members from odd numbered Congressional Districts for two years, and members from even numbered Congressional Districts 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, which appointments shall not be subject to confirmation. The board shall elect a chairman and a vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members of the board shall be provided by the General Assembly.”

SEC. 2. That Article IX, Sections ten, eleven, twelve and thirteen, of the Constitution of North Carolina, be amended by substituting thereof one section, to be designated as Section nine, which shall be as follows:

“SEC. 9. Powers and Duties of the Board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; 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.”

SEC. 3. That Sections fourteen and fifteen of Article IX of the Constitution of North Carolina shall be changed to Sections ten and eleven of Article IX of the Constitution of North Carolina.

SEC. 4. That Sections one, two and three of this Act shall be submitted at the next general election of the qualified voters in the State, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 5. (This section contained a description of the ballot proposal.)

SEC. 6. That the election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify the amendments under the Seal of the State to the Secretary of State, who shall enroll said amendments so certified among the permanent records of his office, and the amendments so certified, and every part thereof, shall be in force from and after the date of such certification.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

(Ratified by the people on November 3, 1942 by a vote of 148,517 to 109,798.)

II. AN ACT TO AMEND SECTION TWENTY-THREE OF ARTICLE FOUR OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO SOLICITORS.^{1 3 5}

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty-three of Article four of the Constitution of North Carolina be, and the same hereby is, amended to read as follows:

“SEC. 23. The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.”

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 6 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

(Ratified by the people on November 3, 1942 by a vote of 107,702 to 92,883.)

AMENDMENTS OF 1943

I. AN ACT TO AMEND THE CONSTITUTION TO MAKE THE COMMISSIONER OF AGRICULTURE AND THE COMMISSIONER OF LABOR CONSTITUTIONAL OFFICERS AND MEMBERS OF THE COUNCIL OF STATE.¹³⁶

The General Assembly of North Carolina do enact:

SECTION 1. Section one of Article three of the Constitution of North Carolina is hereby amended to read as follows:

“SECTION 1. Officers of the executive department; terms of office. The executive department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who 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 term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified; Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and fater the first day of January.”

SEC. 2. That Section thirteen of Article three of the Constitution of North Carolina is hereby amended to read as follows:

“SEC. 13. Duties of other executive officers. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance 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 selected 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.”

SEC. 3. That Section fourteen of Article three of the Constitution of North Carolina is hereby amended to read as follows:

“SEC. 14. Council of State. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance 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.”

SEC. 4. Sections one, two and three of this Act shall be submitted at the next general election to the qualified voters in the State, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 5. (This section contained a description of the ballot proposal.)

SEC. 6. The election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify these amendments under the Seal of the State to the Secretary of State, who shall enroll the said amendments so certified among the permanent records of his office, and the amendments so certified shall be in force, and every part thereof, from and after the date of such certification.

SEC. 7. The persons elected to the offices of Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance in the general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and forty-four, shall, in the event the amendments proposed in Sections one, two and three of this Act are adopted, be deemed to have been elected to the constitutional offices of Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

(Ratified by the people on November 7, 1944 by a vote of 234,683 to 106,321.)

II. AN ACT TO AMEND SECTION SEVEN OF ARTICLE FOURTEEN OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO DOUBLE OFFICE HOLDING.¹³⁷

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven of Article fourteen of the Constitution of North Carolina be, and the same hereby is, amended by rewriting the proviso of said section to read as follows, it being the intent and purpose of this amendment to exempt notaries public from the prohibition of double office holding:

“Provided, that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.”

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 6 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

(Ratified by the people on November 7, 1944 by a vote of 205,373 to 127,965.)

III. AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR THE ORGANIZATION OF THE STATE BOARD OF EDUCATION.¹³⁸

The General Assesmbly of North Carolina do enact:

SECTION 1. Article IX, Section eight, of the Constitution of North Carolina is hereby amended by substituting for the said section the following:

“SEC. 8. 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, except those mentioned in Section five of this Article, shall, from and after the first day of April one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.”

SEC. 2. Section one of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 6 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

(Ratified by the people on November 7, 1944 by a vote of 164,723 to 107,742.)

IV. AN ACT TO AMEND ARTICLE III, SECTION ELEVEN, OF THE CONSTITUTION, WITH REFERENCE TO THE COMPENSATION OF THE LIEUTENANT GOVERNOR.¹⁵⁹

The General Assembly of North Carolina do enact:

SECTION 1. That Article III, Section eleven, of the Constitution of North Carolina be, and the same hereby is, amended by rewriting said section so as to read as follows:

“The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.”

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 6 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

(Ratified by the people on November 7, 1944 by a vote of 181,083 to 140,477.)

V. AN ACT TO AMEND SECTION EIGHT OF ARTICLE I OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO DEEDS TO HOMESTEADS, TO PROVIDE FOR A VOTE OF THE PEOPLE ON THE QUESTION OF ABOLISHING PRIVATE EXAMINATION OF MARRIED WOMEN.¹⁴⁰

The General Assembly of North Carolina do enact:

SECTION 1. Section eight of Article ten of the Constitution is hereby amended to read as follows:

“SEC. 8. Nothing contained in the foregoing sections of the 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 signature and acknowledgement of his wife.”

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 6 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

(Ratified by the people on November 7, 1944 by a vote of 183,802 to 155,359.)

AMENDMENTS OF 1945

I. AN ACT TO AMEND SECTIONS, ONE, SEVEN, ELEVEN, THIRTEEN, NINETEEN AND TWENTY-SIX OF ARTICLE I OF THE CONSTITUTION OF NORTH CAROLINA, AND TO REWRITE SAID SECTIONS CHANGING THE WORD "MEN" TO "PERSONS" THEREIN; TO PROVIDE AGAINST EXCLUSION OF WOMEN FROM JURY SERVICE ON ACCOUNT OF SEX, AND TO AMEND SECTION ONE OF ARTICLE VI THEREOF BY REWRITING THE SAME OMITTING THE WORD "MALE," LIMITING THE RIGHT TO VOTE IN THIS STATE.¹⁴¹

The General Assembly of North Carolina do enact:

SECTION 1. That Sections one, seven, eleven, thirteen, nineteen and twenty-six of Article I of the Constitution of North Carolina be rewritten so as to read as follows:

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

SEC. 7. Exclusive emoluments, et cetera. No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 11. In criminal prosecutions. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 13. Right of jury. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

SEC. 19. 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. No person shall be excluded from jury service on account of sex.

SEC. 26. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 2. That Section one of Article VI of the Constitution of North Carolina be amended to read as follows:

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, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

SEC. 3. That these amendments shall be submitted to the qualified voters in the State at the next general election in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 4. (This section contained a description of the ballot proposal.)

SEC. 5. That the election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendments, it shall be the duty of the governor of the State to certify the amendments under the seal of the State to the Secretary of State, who shall enroll the same amendments so certified among the permanent records of his office, and the same shall be in force and every part thereof, from and after the date of such certification.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

(Ratified by the people on November 5, 1946 by a vote of 186,540 to 133,396.)

II. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA PROVIDING FOR THE EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY.¹⁴²

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be, and it is hereby, amended by adding at the end of Section twenty-eight of Article II, a new sentence to read as follows:

Provided further, that for the duration of both regular and special sessions the members shall receive, in addition to the salaries herein provided for the sum of ten dollars per day for each day not to exceed sixty days in any one session in commutation for expenses incurred for travel to and from their homes to the seat of government, subsistence, and other necessary expenses.

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after the ratification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 5 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

(Rejected by the people on November 5, 1945 by a vote of 143,918 to 143,021.)

AMENDMENTS OF 1947

I. AN ACT TO REMOVE THE DEBT LIMITATION UPON THE STATE, COUNTIES, AND MUNICIPALITIES FOR NECESSARY EXPENSES BY REPEALING SECTION 4 OF ARTICLE V OF THE CONSTITUTION OF NORTH CAROLINA.¹⁴³

The General Assembly of North Carolina do enact:

SECTION 1. That Section 4 of Article V of the Constitution of North Carolina imposing a limitation upon the increase of public debt of the State, counties and municipalities, be repealed in its entirety; and that said Section 4 of Article V be rewritten to provide as follows:

SECTION 4. Power to contract debts. The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit.

SEC. 2. That Section 1 of this Act be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That if a majority of the votes cast shall be in favor of the amendment in Section 1 of this Act, it shall be the duty of the Governor of the State to certify the amendment so adopted under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

(Ratified by the people on November 2, 1948 by a vote of 287,350 to 141,858.)

II. AN ACT TO AMEND SECTION 6 OF ARTICLE V OF THE CONSTITUTION TO INCREASE THE AMOUNT OF TOTAL STATE AND COUNTY TAX WHICH MAY BE LEVIED ON PROPERTY, BY CHANGING THE LIMITATION ON SAID TAX FROM 15c ON THE \$100.00 VALUATION TO 25c ON THE \$100.00 VALUATION.¹⁴⁴

The General Assembly of North Carolina do enact:

SECTION 1. Section 6 of Article V of the Constitution of North Carolina is hereby amended by striking out in the first sentence of said Section the word "fifteen" and inserting in lieu thereof the words "twenty-five."

SEC. 2. This amendment shall be submitted to the qualified voters in the State at the next general election in the same way and manner and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 21st day of March, 1947.

(Rejected by the people on November 2, 1948 by a vote of 248,786 to 235,535.)

III. AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR DETERMINING RESULT OF SPECIAL ELECTIONS BY MAJORITY OF THOSE VOTING THEREIN.¹⁴⁵

The General Assembly of North Carolina do enact:

SECTION 1. Article VII, Section 7 of the Constitution of North Carolina is hereby amended by substituting for said Section the following:

“SEC. 7. No debt or loan except by a majority of voters. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.”

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

(Rejected by the people on November 2, 1948 by a vote of 374,154 to 90,414.)

IV. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO FIX THE SALARIES OF MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY AT TWELVE HUNDRED DOLLARS (\$1,200.00) AND FIFTEEN HUNDRED DOLLARS (\$1,500.00) RESPECTIVELY AND TO FIX THEIR SALARIES FOR EXTRA SESSIONS AT TWO HUNDRED AND FIFTY DOLLARS SESSIONS AT TWO HUNDRED AND FIFTY DOLLARS (\$250.00) AND THREE HUNDRED DOLLARS (\$300.00) RESPECTIVELY.¹⁴⁶

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 28, Article 2, and inserting in lieu thereof the following:

SEC. 28. Pay of Members and Presiding Officers of the General Assembly. The Members of the General Assembly for the term of their office shall receive a salary for their services of twelve hundred dollars (\$1,200.00) each. The salaries of the Presiding Officers of the two Houses shall be fifteen hundred dollars (\$1,500.00) 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 two hundred and fifty dollars (\$250.00) and the Presiding Officers of the two Houses three hundred dollars (\$300.00) for such Extra Session.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election after ratification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

(Rejected by the people on November 2, 1948 by a vote of 273,409 to 164,063.)

AMENDMENTS OF 1949

I. AN ACT TO AMEND THE CONSTITUTION SO AS TO PERMIT THE ELECTION OF MORE THAN ONE REGULAR SUPERIOR COURT JUDGE IN ANY DISTRICT.¹⁴⁷

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 10, Article IV, and inserting in lieu thereof the following:

SEC. 10. Judicial Districts for Superior Courts. The General Assembly shall divide the State into a number of judicial districts which may be increased or reduced and shall provide for the election of one or more Superior Court judges for each district. There shall be a Superior Court in each county at least twice in each year to continue for such time in each county as may be prescribed by law.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7 1950.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force in every part thereof from and after date of such certification.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

(Ratified by the people on November 7, 1950 by a vote of 213,922 to 88,664.)

II. AN ACT TO AMEND THE CONSTITUTION AS TO PERMIT ANY PERSON, WHEN REPRESENTED BY COUNSEL, TO WAIVE INDICTMENT IN ALL EXCEPT CAPITAL CASES.¹⁴⁸

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be, and is hereby, amended by adding to Section 12, Article I the following: But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7, 1950.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

(Ratified by the people on November 7, 1950 by a vote of 213,156 to 92,205.)

III. AN ACT TO AMEND THE CONSTITUTION SO AS TO TRANSFER TO THE CHIEF JUSTICE OF THE SUPREME COURT THE AUTHORITY NOW EXERCISED BY THE GOVERNOR IN THE ASSIGNMENT OF JUDGES AND TO EMPOWER THE LEGISLATURE TO DEFINE THE JURISDICTION OF THE SPECIAL JUDGES.¹⁴⁹

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina, be and is hereby amended by striking out Section 11, Article IV, and inserting in lieu thereof the following:

SEC. 11. Judicial Districts; Rotation; Special Superior Court Judges; Assignment of Superior Court Judges by Chief Justice. Each Judge of the Superior Court shall reside in the district for which he is elected. The General Assembly may divide the State into a number of judicial divisions. The judges shall preside in the courts of the different districts within a division successively; but no judge shall hold all the courts in the same district oftener than once in four years. The General Assembly may provide by general laws for the selection or appointment of Special or Emergency Superior Court Judges not assigned to any judicial district, who may be designated from time to time by the Chief Justice to hold court in any district or districts within the State; and the General Assembly shall define their jurisdiction and shall provide for their reasonable compensation. 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.

SEC. 2. This amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7, 1950.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

AN ACT TO SUPPLY AN INADVERTENT OMISSION IN CHAPTER 775 OF THE SESSION LAWS OF 1949 (HOUSE BILL NO.154), THE SAME BEING "AN ACT TO AMEND THE CONSTITUTION SO AS TO TRANSFER TO THE CHIEF JUSTICE OF THE SUPREME COURT THE AUTHORITY NOW EXERCISED BY THE GOVERNOR IN THE ASSIGNMENT OF JUDGES AND TO EMPOWER THE LEGISLATURE TO DEFINE THE JURISDICTION OF THE SPECIAL JUDGES," RATIFIED APRIL 4, 1949.¹⁵⁰

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 775 of the Session Laws of 1949 (House Bill 154), as ratified April 4, 1949, is hereby amended by inserting in said Section, immediately after the words "assignment of judges" where those words first appear in said Section, the words: "and the calling of special terms of court,"

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

(Ratified by the people on November 7, 1950 by a vote of 207,153 to 91,743.)

IV. AN ACT TO AMEND ARTICLE II OF THE CONSTITUTION SO AS TO SAFEGUARD THE FUNDS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.¹⁵¹

The General Assembly of North Carolina do enact:

SECTION 1. That Article II of the Constitution of the State of North Carolina be, and it is hereby, amended by adding at the end of said Article II a new Section to be designated as Section 31 and shall read as follows:

"SEC. 31. The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: *Provided*, that nothing in this Section shall prohibit the use of said funds for the payment of benefits, administrative expenses and refunds as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law."

SEC. 2. That this amendment shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day fo April, 1949.

(Ratified by the people on November 7, 1950 by a vote of 299,187 to 65,512.)

V. AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO PROVIDE FOR PAYING MEMBERS OF THE GENERAL ASSEMBLY \$15.00 PER DAY AND PRESIDING OFFICERS \$20.00 PER DAY FOR NOT MORE THAN 90 DAYS FOR A REGULAR SESSION AND 25 DAYS FOR AN EXTRA SESSION.¹⁵²

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 28, Article 2, and inserting in lieu thereof the following:

“SEC. 28. Pay of members and Presiding Officers of the General Assembly. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen (\$15.00) per day for each day of their session, for a period not exceeding ninety days; and should they remain longer in session they shall serve without compensation. The compensation of the presiding officers of the two houses shall be twenty dollars (\$20.00) per day for a period not exceeding ninety days. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty-five days.”

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section smiliar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

(Ratified by the people on November 7, 1950, by a vote of 213,269 to 108,672.)

AMENDMENTS OF 1951

I. AN ACT TO AMEND SECTION 6 OF ARTICLE 5 OF THE CONSTITUTION TO LIMIT THE AMOUNT OF TOTAL STATE AND COUNTY TAX WHICH MAY BE LEVIED ON PROPERTY TO TWENTY CENTS ON THE ONE HUNDRED DOLLARS VALUATION.¹⁵³

The General Assembly of North Carolina do enact:

SECTION 1. Section 6 of Article 5 of the Constitution of North Carolina is rewritten to read as follows:

“Section 6. Taxes levied for counties. The total of the State and county tax on property shall not exceed twenty cents (20c) on the one hundred dollars (\$100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article 9, Section 3, of the Constitution; Provided, further, the State tax shall not exceed five cents (5c) on the one hundred dollars (\$100.00) value of property.”

SEC. 2. (This section contained a description of the ballot proposal.)

SEC. 3. This amendment shall be submitted to the qualified voters in the State at the next general election, which shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if a majority of the votes be cast in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

(Ratified by the people on November 4, 1952 by a vote of 449,900 to 355,602.)

II. AN ACT TO AMEND ARTICLE II, SECTION 13, OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO PROVIDE A MORE EXPEDIENT METHOD OF FILLING VACANCIES OCCURRING IN THE GENERAL ASSEMBLY.¹⁵⁴

The General Assembly of North Carolina do enact:

SECTION 1. Section 13 of Article 11 of the Constitution of the State of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

“If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election..”

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after the raification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (The section is similar to Section 3 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

(Ratified by the people on November 4, 1952 by a vote of 460,856 to 251,394.)

III. AN ACT TO AMEND THE CONSTITUTION SO AS TO PROVIDE A UNIFORM METHOD FOR FILLING VACANCIES IN CERTAIN STATE OFFICES.¹⁵⁵

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina is hereby amended by rewriting the first sentence of Section 25 of Article IV to read as follows:

“All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly that is held more than 30 days after such vacancy occurs, when elections shall be held to fill such offices.”

SEC. 2. This amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 4, 1952.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 3 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

(Ratified by the people on November 4, 1952 by a vote of 474,602 to 204,488.)

AMENDMENTS OF 1953

I. AN ACT TO AMEND ARTICLE IV, SECTION 6, OF THE CONSTITUTION OF NORTH CAROLINA RELATING TO THE RETIREMENT OF MEMBERS OF THE SUPREME COURT AND THE RECALL OF RETIRED MEMBERS TO SERVE ON SAID COURT IN LIEU OF ANY ACTIVE MEMBER WHO FOR ANY CAUSE IS TEMPORARILY INCAPACITATED.¹⁵⁶

The General Assembly of North Carolina do enact:

SECTION 1. Article IV, Section 6, of the Constitution of North Carolina be, and the same is hereby, amended by adding at the end of said Section 6 the following:

“The General Assembly is vested with authority to provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on said Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.”

SEC. 2. Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in the year of 1954, and such submission shall be in the way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1953.

(Ratified by the people on November 2, 1954 by a vote of 205,788 to 137,086.)

II. AN ACT TO AMEND ARTICLE III, SECTION 6, OF THE CONSTITUTION, SO AS TO AUTHORIZE THE GENERAL ASSEMBLY TO ESTABLISH A BOARD OF PAROLES WITH COMPLETE AUTHORITY TO GRANT, REVOKE AND TERMINATE PAROLES.¹⁵⁷

The General Assembly of North Carolina do enact:

SECTION 1. Article III, Section 6, of the Constitution of the State of North Carolina, is hereby amended by adding the following sentences at the end thereof:

“The terms reprieves, commutations and pardons shall not include paroles. The General Assembly is authorized and empowered to create a Board of Paroles, provided for the appointment of the members thereof, and enact suitable laws defining the duties and authority of such board to grant, revoke and terminate paroles. The Governor’s power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.”

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1953.

(Ratified by the people on November 2, 1954 by a vote of 213,088 to 124,797.)

III. AN ACT TO AMEND SECTION 4 OF ARTICLE II OF THE CONSTITUTION OF NORTH CAROLINA SO THAT A SENATORIAL DISTRICT CONSISTING OF ONE COUNTY SHALL NOT BE ENTITLED TO MORE THAN ONE SENATOR IN THE GENERAL ASSEMBLY.¹⁵⁸

The General Assembly of North Carolina do enact:

SECTION 1. Section 4 of Article II of the Constitution of North Carolina is rewritten to read as follows:

“SEC. 4. Regulations in Relation to Districting the State for Senators. The senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and where any senatorial district consists of one county, such county shall only be entitled to one senator in the General Assembly of North Carolina; provided that in no event shall any one county be entitled to more than one senator at any one time.”

SEC. 2. (This section contained a description of the ballot proposal.)

SEC. 3. (This section is similar to Section 4 of Amendment I.)

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1953.

(Rejected by the people on November 2, 1954 by a vote of 200,436 to 147,588.)

IV. AN ACT TO AMEND ARTICLE VI, SECTION 2, OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO REDUCE THE LENGTH OF RESIDENCE FOR VOTING IN A VOTING PRECINCT FROM FOUR MONTHS TO THIRTY DAYS PRIOR TO AN ELECTION.¹⁵⁹

The General Assembly of North Carolina do enact:

SECTION 1. The first sentence of Section 2, of Article VI of the Constitution of the State of North Carolina is hereby rewritten so that the first sentence shall thereafter read as follows:

“Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal.”

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the 1954 General Election.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1953.

(Ratified by the people on November 2, 1954 by a vote of 195,474 to 148,698.)

V. AN ACT TO AMEND ARTICLE III, SECTION 13, AND ARTICLE IV, SECTION 25, OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO ABOLISH SHORT TERMS OF OFFICES OCCURRING BETWEEN THE GENERAL ELECTION AND JANUARY FIRST.¹⁶⁰

The General Assembly of North Carolina do enact:

SECTION 1. Section 13 of Article III of the Constitution of North Carolina be amended by adding the following to the end of said Section:

“Provided, that when the unexpired term of any of the offices named in this Section in which such vacancy has occurred expires on the first day of January succeeding the next General Election, the Governor shall appoint to fill said vacancy for the unexpired term of said office.”

SEC. 2. Section 25 or Article IV of the Constitution of North Carolina be amended by adding the following to the end of the first sentence thereof:

"Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next General Election, the Governor shall appoint to fill said vacancy for the unexpired term of said office."

SEC. 3. This amendment shall be submitted to the qualified voters of the entire State at the 1954 General Election.

SEC. 4. (This section contained a description of the ballot proposal.)

SEC. 5. (This section is similar to Section 4 of Amendment I.)

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1953.

(Ratified by the people on November 2, 1954 by a vote of 190,098 to 135,683.)

AMENDMENTS OF 1955

I. AN ACT TO AMEND SECTION 28 OF ARTICLE II OF THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR COMPENSATION AND SUBSISTENCE OF THE MEMBERS OF THE GENERAL ASSEMBLY.¹⁶¹

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina is hereby amended by striking out Section 28 of Article II and by rewriting and inserting in lieu thereof the following:

“SEC. 28. Pay of Members and Presiding Officers of the General Assembly. — The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars (\$15.00) per day for each day of their Session for a period not exceeding 120 days. The compensation of the Presiding Officers of the two houses shall be twenty dollars (\$20.00) per day for a period not exceeding 120 days. Should an Extra Session of the General Assembly be called, the members and Presiding Officers shall receive a like rate of compensation for a period not exceeding 25 days. The members and Presiding Officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally.”

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters of the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in the favor of this amendment it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in full force and every part thereof, from and after the date of such certification.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

(Ratified by the people on September 8, 1956 by a vote of 343,351 to 137,944.)

II. AN ACT TO AMEND ARTICLE X, SECTION 6, OF THE CONSTITUTION, SO AS TO AUTHORIZE A MARRIED WOMAN TO EXECUTE A POWER OF ATTORNEY CONFERRED BY HER HUSBAND.¹⁶²

The General Assembly of North Carolina do enact:

SECTION 1. Article X, Section 6 of the Constitution of the State of North Carolina, is hereby amended by adding the following sentences at the end of said Section :

“Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by her or by herself and her husband or by her husband.”

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

(Ratified by the people on September 8, 1956 by a vote of 412,655 to 70,316.)

III. AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR MEETINGS OF THE GENERAL ASSEMBLY ON THE FIRST WEDNESDAY AFTER THE FIRST MONDAY IN FEBRUARY NEXT AFTER THEIR ELECTION.¹⁶³

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Article II of the Constitution of North Carolina is rewritten to read as follows :

“The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; 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.”

SEC. 2. (This section contained a description of the ballot proposal.)

SEC. 3. (This section is similar to Section 4 of Amendment I.)

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 25th day of May, 1955.

(Ratified by the people on September 8, 1956 by a vote of 382,968 to 84,695.)

AMENDMENT OF 1956

AN ACT TO AMEND ARTICLE IX OF THE CONSTITUTION OF NORTH CAROLINA SO AS TO AUTHORIZE EDUCATION EXPENSE GRANTS AND TO AUTHORIZE LOCAL OPTION TO SUSPEND OPERATION OF PUBLIC SCHOOLS.¹⁶⁴

The General Assembly of North Carolina do enact:

SECTION 1. Article IX of the Constitution of North Carolina is hereby amended by adding a Section 12 which shall read as follows:

“§ 12. Education expense grants and local option. Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for private education of a child who is assigned against the wishes of his parents, or the person having control of such child, to a public school attended by a child of another race. A grant shall be available only for education in a nonsectarian school, and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

“Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

“No action taken pursuant to the authority of this Section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created.”

SEC. 2. This amendment shall be submitted to the qualified voters of the State at the next general election, which shall be conducted under the laws now governing general elections in this State, or under such laws as may be provided by the General Assembly.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. If a majority of the votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified shall be in full force and effect from and after the date of certification.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of July, 1956.

(Ratified by the people on September 8, 1956 by a vote of 471,657 to 101,767.)

AMENDMENT OF 1957

AN ACT TO AMEND SECTION 27 OF ARTICLE IV OF THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE GENERAL ASSEMBLY TO GIVE JURISDICTION TO JUSTICES OF THE PEACE IN CIVIL ACTIONS WHERE THE VALUE OF THE PROPERTY IN CONTROVERSY DOES NOT EXCEED TWO HUNDRED DOLLARS.¹⁶⁵

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina is amended by striking out Section 27 of Article IV, and by rewriting and inserting in lieu thereof the following:

“§ 27. Jurisdiction of justices of the peace.—The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars (\$200.00), and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars (\$50.00) or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed two hundred dollars (\$200.00). When an issue of fact shall be joined before a justice, on demand of either party there-to he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.”

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters of the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (This section contained a description of the ballot proposal.)

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of this amendment it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in full force and every part thereof, from and after the date of such certification.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1957.

(Rejected by the people on November 4, 1958 by a vote of 301,090 to 199,240.)

AMENDMENTS OF 1961

I. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA BY REWRITING ARTICLE IV THEREOF AND MAKING APPROPRIATE AMENDMENTS OF OTHER ARTICLES SO AS TO IMPROVE THE ADMINISTRATION OF JUSTICE IN NORTH CAROLINA.¹⁶⁶

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of North Carolina is amended by rewriting Article IV thereof to read as follows:

“ARTICLE IV.
“*Judicial Department.*

“Section 1. Division of judicial power. The judicial power of the State shall, except as provided in Section 3 of this Article be vested in a court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

“SEC. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration; and shall consist of an appellate division, a Superior Court division, and a District Court division.

“SEC. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

“SEC. 4. Court for the 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. When the Governor or Lieutenant-Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

“SEC. 5. Appellate Division. The appellate division of the General Court of Justice shall consist of the Supreme Court.

“SEC. 6. Supreme Court.

“(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or

temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available is authorized to discharge such duties. The General Assembly may provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

“(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

“SEC. 7. Superior Courts.

“(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

“(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

“(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

“SEC. 8. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit; but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner provided by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled, for the unexpired term, in a manner provided by law. Vacancies in the office of Magistrate shall be filled, for the unexpired term, in the manner provided for original appointment to the office.

“SEC. 9. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various

districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

“SEC. 10. Jurisdiction of the General Court of Justice.

“(1) 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. The jurisdiction of the Supreme Court over ‘issues of fact’ and ‘questions of fact’ shall be the same exercised by it prior to the adoption of this Article, 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 other 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; the decisions shall be reported to the next Session of the General Assembly for its action.

“(2) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall provide by general law uniformly applicable in every county of the State.

“(3) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

“(4) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

“(5) Appeals. The General Assembly shall, by general law, provide a proper system of appeals: Provided, that appeals from Magistrates shall be heard *de novo*, with the right of trial by jury as defined in this constitution and the laws of this State.

“SEC. 11. Forms of action; rules of procedure.

“(1) Forms of action. 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 in which there shall be a right to have issues of fact tried before a jury. 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.

“(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the appellate division. The General Assembly shall have authority to make rules of procedure and practice for the Superior Court and District Court divisions, and the General Assembly may delegate this authority of the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court divisions.

“SEC. 12. Waiver of jury trial. In all issues of fact joined in any court, the parties in any civil case may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

“SEC. 13. Administration. The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

“SEC. 14. Term of office and election of Justices of Supreme Court and Judges of Superior Court. Justices of the Supreme Court and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.

“SEC. 15. Removal of judges and clerks.

“(1) Justices of Supreme Court and Judges of Superior Court. Any Justice of the Supreme Court or Judge of the Superior Court may be removed from office for mental or physical incapacity by joint resolution of two-thirds of both houses of the General Assembly. Any Justice or Judge 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. Removal from office for any other cause shall be by impeachment.

“(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

“(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Clerks of District Courts shall be removed for such causes and in such manner as the General Assembly may provide by general law. Any clerk so removed from office shall be entitled to an appeal as provided by law.

“SEC. 16. Solicitors and solicitorial districts.

“(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each of which a Solicitor shall be chosen for a term of four years by the qualified voters thereof, as is prescribed for members of the General Assembly. When the Attorney General determines that there is serious imbalance in the work loads of the Solicitors, or that there is other good cause, he shall recommend redistricting to the General Assembly. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

“(2) Prosecution in District Court division. Criminal actions in the District Court division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

“SEC. 17. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than thirty days after such vacancy occurs, when elections shall be held to fill such offices: Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of said offices shall neglect and fail to qualify, such office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

“SEC. 18. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

“SEC. 19. Fee, 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 judges shall not be diminished during their continuance in office. In no case shall the compensation of any judge or magistrate be dependent upon his decision or upon the collection of costs.

“SEC. 20. Effect of uniform general law requirement. Where the General Assembly is required by the provisions of this Article to enact only general laws uniformly applicable throughout the State or in every county or local court district thereof, no special, public-local, or private law shall be enacted relating to the subject-matter of those provisions, and every amendment or repeal of any law relating to such subject-matter shall also be general and uniform in its application and effect throughout the State.

“SEC. 21. Schedule. Immediately upon the certification by the Governor to the Secretary of State of the amendments constituting this Article, the Supreme Court and the Superior Courts shall be incorporated within the General Court of Justice, as provided in this Article. All Justices of the Supreme Court and Judges of the Superior Court shall continue to serve as such within the General Court of Justice for the remainder of their respective terms.

“The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, in force at the time the amendments constituting this Article are ratified by the people, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to Section 11(2) of this Article.

“Upon certification of the Governor to the Secretary of State of the amendments constituting this Article, the General Assembly shall proceed, as rapidly as practicable, to provide for the creation of local court districts and the establishment of District Courts therein; District Courts shall be established to serve every county of the State by not later than January 1, 1971. As of January 1, 1971, all previously existing courts inferior to the Superior Court shall cease to exist, and cases pending in these courts shall be transferred as provided in the next succeeding paragraph of this Section. Until a District

Court has been thus established to serve a county, all of the courts of that county, including the Superior Court, shall continue to be financed and the revenues of these courts shall continue to be paid as they were immediately prior to the certification of the amendments constituting this Article; and the laws and rules governing these courts and appeals from the inferior courts to the Superior Court shall continue in force and shall be deemed to comply with the provisions of this Article.

“As soon as a District Court shall have been established for a county, all of the provisions of this Article shall become fully effective with respect to the courts in that county, and all previously existing courts inferior to the Superior Court shall cease to exist. All cases pending in these inferior courts shall be transferred to the appropriate division of the General Court of Justice, and all records of these courts shall be transferred to the appropriate clerk’s office pursuant to rule of the Supreme Court. Judges of these inferior courts, except mayors’ courts and justice of the peace courts, shall become District Judges and shall serve as such for remainders of their respective terms.

“As soon as a District Court has been established to serve every county of the State, all of the provisions of this Article shall become fully effective throughout the State.”

SEC. 2. The Constitution of North Carolina is amended by renumbering Article I, Section 37, as Article I, Section 38, and by inserting in Article I an additional Section, to be designated Section 37, which shall follow immediately after Section 36, and which shall read as follows:

“SEC. 37. 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.”

SEC. 3. The Constitution of North Carolina is amended by striking from Article II, Section 29 thereof the words “relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace;” which follow immediately the word “resolution” in Section 29.

SEC. 4. The Constitution of North Carolina is amended by striking out Section 5 of Article VII, and by inserting a new Section 5 to read as follows:

“SEC. 5. Sheriffs. In each county a Sheriff shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold his office for a period of four years. In case of a vacancy existing for any cause in any Sheriff’s office, the governing authority of the county shall fill such vacancy by appointment for the unexpired term.”

SEC. 5. The Constitution of North Carolina is amended by striking out Sections 6, 9, and 10 of Article VII, and renumbering the succeeding Sections of Article VII appropriately.

SEC. 6. The Constitution of North Carolina is amended by rewriting and renumbering Article VII, Section 13 thereof to read as follows:

“SEC. 10. Powers of General Assembly over municipal corporations. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except Sections 5, 6, 7, and 9.”

SEC. 7. The Constitution of North Carolina is amended by rewriting Article XIV, Section 7, thereof to read as follows:

“SEC. 7. Dual office-holding. 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, notaries public, commissioners of public charities, or commissioners for special purposes.”

SEC. 8. The amendments set out in Sections 1 through 7 of this Act shall be submitted to the qualified voters of the State at the next general election. Voting on these amendments shall be conducted under the laws now governing general elections in this State.

SEC. 9. (A description of the ballot issue followed.)

SEC. 10. If a majority of the votes cast thereon be in favor of these amendments, the Governor shall certify the amendments under the Great Seal of the State to the Secretary of State, who shall enroll the amendments so certified among the permanent records of his office, and the amendments so certified shall be in full force and effect from and after the date of certification.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. This Act shall take effect immediately upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1961.

(Ratified by the people on November 6, 1962 by a vote of 357,067 to 232,774.)

II. AN ACT TO AMEND SECTION 5 OF ARTICLE II OF THE CONSTITUTION OF NORTH CAROLINA FOR THE PURPOSE OF PROVIDING AN AUTOMATIC REAPPORTIONMENT OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.¹⁶⁷

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina is amended by striking out Section 5 of Article II of said Constitution and by rewriting and inserting in lieu thereof the following:

“SEC. 5. Regulations in relation to apportionment of Representatives. The House of Representatives shall be composed of 120 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

Speaker of the House of Representatives at the first regular Session of the General Assembly convening after the return of every enumeration by order of Congress. The formula set out in Section 6 of this Article shall be applied by the Speaker and the new apportionment entered on the Journal of the House of Representatives on or before the 60th calendar day of the Session. When so entered, the new apportionment shall have the same force and effect as an Act of the General Assembly, and shall become effective at the next election for members of the General Assembly.”

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters of the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. (This section was similar to sections 8 and 10 of Amendment 1.)

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1961.

(Ratified by the people on November 6, 1962 by a vote of 311,586 to 231,329.)

III. AN ACT TO AMEND ARTICLES II, III AND XIV OF THE CONSTITUTION OF NORTH CAROLINA WITH RESPECT TO SUCCESSION TO ELECTIVE STATE EXECUTIVE OFFICES, THE APPOINTMENT OF ACTING OFFICERS IN CERTAIN INSTANCES THE DETERMINATION OF THE INCAPACITY OF ELECTED STATE EXECUTIVE OFFICERS TO PERFORM THE DUTIES OF THEIR OFFICES, AND FIXING A PERMANENT SEAT OF GOVERNMENT.¹⁶⁸

The General Assembly of North Carolina do enact:

SECTION 1. Article II of the Constitution of North Carolina is hereby amended by re-writing Section 20 thereof to read as follows:

“SEC. 20. Other senatorial officers. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant-Governor-elect to qualify, or upon succession by the Lieutenant-Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

“During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate. The Senate shall elect its other officers.”

SEC. 2. Article III of the Constitution of North Carolina is hereby amended by re-writing Section 2 thereof to read as follows:

“SEC. 2. Qualifications of Governor and Lieutenant-Governor. No person shall be eligible for election to the office of Governor or Lieutenant-Governor, unless he shall have

attained the age of 30 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 a person elected to either of these two offices be eligible for election for the next succeeding term of the same office."

SEC. 3. Article III of the Constitution of North Carolina is hereby amended by re-writing Section 12 thereof to read as follows:

"SEC. 12. Succession to office of Governor. The Lieutenant-Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant-Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

"During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant-Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

"The Governor may, by a written statement filed with the Secretary of State, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

"The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a Joint Session of the General Assembly before it takes final action. When the General Assembly is not in Session, the Council of State, a majority of its members concurring, may convene it in Extra Session for the purpose of proceeding under this paragraph.

"Removal of the Governor from office for any other cause shall be by impeachment."

SEC. 4. Article III of the Constitution of North Carolina is hereby amended by re-writing Section 13 thereof to read as follows:

"SEC. 13. Duties of other executive officers. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of these officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor be elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 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: Provided, that when a vacancy occurs in the office of any of the officers named in this Section and the term expires

on the first day of January succeeding the next election for members of the General Assembly the, Governor shall appoint to fill the vacancy for the unexpired term of the office.

“Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of the office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

“During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to the provisions of this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

“The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.”

SEC. 5. Article XIV of the Constitution of North Carolina is hereby amended by re-writing Section 6 thereof to read as follows:

“SEC. 6. Seat of Government. The permanent seat of Government in this State shall be at the City of Raleigh.”

SEC. 6. The amendments set out in Sections 1, 2, 3, 4, and 5 of this Act shall be submitted to the qualified voters of the State as a single proposition at the next general election. The election shall be conducted under the laws then governing general elections in this State.

SEC. 7. (A description of the ballot proposal followed.)

SEC. 8. (This section is similar to Section 9 of Amendment I.)

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1961.

(Ratified by the people on November 6, 1962 by a vote of 321,423 to 233,670.)

IV. AN ACT TO AMEND ARTICLE VI, SECTION 2, OF THE CONSTITUTION OF NORTH CAROLINA SO AS TO PERMIT NEW RESIDENTS NOT QUALIFIED TO VOTE ONLY BECAUSE OF INSUFFICIENT RESIDENCE TIME, TO VOTE FOR PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTORS.¹⁶⁹

The General Assembly of North Carolina do enact:

SECTION 1. Article VI, Section 2, of the Constitution of the State of North Carolina is hereby amended by adding the following sentence at the end of said Section:

“The General Assembly may, however, reduce the time of residence, preceding a Presidential Election, for a person possessing all other qualifications of a voter, in which such

person shall be entitled to vote for the choice of electors for President and Vice President of the United States only. Any person eligible to vote for electors for President and Vice President of the United States by reason of a reduction in time of residence shall not thereby become eligible to hold office in this State."

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election following the ratification of this Act.

SEC. 3. (A description of the ballot proposal followed.)

SEC. 4. (This section was similar to Section 9 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1961.

(Ratified by the people on November 6, 1962 by a vote of 332,731 to 223,588.)

V. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO PROVIDE FOR GREATER LEGISLATIVE AUTHORITY OVER THE SALARIES OF THE STATE EXECUTIVE OFFICERS.¹⁷⁰

The General Assembly of North Carolina do enact:

SECTION 1. Section 15 of Article III of the North Carolina Constitution is rewritten to read as follows:

"SEC. 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 the General Assembly, which shall not be diminished during the time for which they shall have been elected."

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. (This section was similar to Section 9 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1961.

(Ratified by the people on November 6, 1962 by a vote of 296,440 to 252,393.)

VI. AN ACT TO AMEND SECTION 3, ARTICLE V, AND SECTION 5, ARTICLE V, OF THE CONSTITUTION OF NORTH CAROLINA RELATIVE TO THE POWER OF THE GENERAL ASSEMBLY TO EXEMPT AND TO CLASSIFY PROPERTY FOR AD VALOREM TAX PURPOSES.¹⁷¹

The General Assembly of North Carolina do enact:

SECTION 1. The first three sentences of Section 3 or Article V of the Constitution of North Carolina are hereby deleted and the following is inserted in lieu thereof:

“The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away. Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly’s power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes.”

SEC. 2. Section 5 of Article V of the Constitution of North Carolina is hereby rewritten to read as follows:

“Property belonging to the State, counties and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding three hundred dollars (\$300.00), any personal property. The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000.00) in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions and the General Assembly shall not delegate the powers accorded to it by this Section.”

SEC. 3. Sections 1 and 2 of this Act shall be submitted at the next general election to the qualified voters of the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 4. (A description of the ballot issue followed.)

SEC. 5. (This section was similar to Section 9 of Amendment I.)

SEC. 6. In the event a majority of the votes cast be in favor of the amendment to classify property for taxation only on a State-wide basis, and the amendment thereupon shall be in full force and effect, then and in such event G. S. 105-294.1 shall thereafter read as follows: “Any agricultural product held in North Carolina by any manufacturer or processor for manufacturing or processing, which agricultural product is of such nature as customarily to require storage and processing for periods of more than one year in order to age or condition such product for manufacture, is hereby classified as a special class of property under authority of Section 3, Article V of the Constitution. Such agricultural products so classified shall be taxed uniformly as a class in each local taxing unit at sixty per cent (60%) of the rate levied for all purposes upon real estate and other tangible personal property by said taxing unit in which such agricultural product is listed for taxation.”

SEC 7. In the event a majority of the votes cast be in favor of the amendment to classify property for taxation only on a State-wide basis, and the amendment thereupon shall be in full force and effect, then and in such event G. S. 105-294.2 shall thereafter read as follows: “Peanuts held in North Carolina in the year following the year in which such

peanuts are grown are hereby classified as a special class of property under authority of Section 3, Article V of the Constitution. Such peanuts so classified shall be taxed uniformly as a class in each local taxing unit at twenty per cent (20%) of the rate levied for all purposes upon real estate and other tangible personal property by said taxing unit in which such peanuts are listed for taxation."

SEC. 7½. In the event a majority of the votes cast be in favor of the amendment to classify property for taxation only on a State-wide basis, and the amendment thereupon shall be in full force and effect, then and in such event there shall be a new Section added to Chaper 105 of the General Statutes, to be numbered 105-294.3, and to read as follows: "Cotton in bales held for manufacture or processing in North Carolina is hereby classified as a special class of property under authority of Section 3, Article V of the Constitution. Such cotton so classified shall be taxed uniformly as a class in each local taxing unit at fifty per cent (50%) of the rate levied for all purposes upon real estate and other tangible personal property by said taxing unit in which such cotton is listed for taxation. This classification shall not be held to repeal any other classification or exemption granted to cotton under any existing law of State-wide application."

SEC. 8. In the event a majority of the votes cast be in favor of the amendment to classify property for taxation on a State-wide basis, and the amendment thereupon shall be in full force and effect, then and in such event subdivisions (10), (14), and (17) of G. S. 105-297 shall be repealed, and G. S. 105-281 shall be amended by adding thereto a new paragraph to read as follows: "Cotton, tobacco, other farm products, goods, wares, and merchandise which are held or stored for shipment to any foreign country, or held or stored at a seaport terminal awaiting further shipment after being imported from a foreign country through any seaport terminal in North Carolina, except any such products, goods, wares, and merchandise which have been so stored for more than twelve months on the date as of which property is assessed for taxation, are hereby designated a special class of personal property and shall not be assessed for taxation. It is hereby declared to be the policy of this State to use its system of property taxation in such manner, through the classification of the aforementioned property, as to encourage the development of the ports of North Carolina. For purposes of this Section and of this Subchapter, the term 'property, real and personal,' as used in the first paragraph of this Section, shall not include the property hereinabove in this paragraph so specially classified."

SEC. 8½. In the event a majority of the votes cast be in favor of the amendment to classify property for taxation only on a State-wide basis, and the amendment thereupon shall be in full force and effect, then and in such event there shall be a new subdivision added to G. S. 105-297 to read as follows: "Wheat grown in North Carolina and stored in an unmanufactured state, owned or held by one other than a processor of wheat, upon which there is money borrowed and said money borrowed being secured by a mortgage on said wheat, shall be exempt for the year following the year in which grown."

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed. Provided, however, that this Section shall not have the effect of repealing any statute now in effect relating to classifications or exemptions which have State-wide applicability.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 22nd day of June, 1961.

(Ratified by the people on November 6, 1962 by a vote of 300,518 to 244,529.)

AMENDMENTS OF 1963**I. AN ACT TO AMEND ARTICLE X, SECTION 6 OF THE CONSTITUTION OF NORTH CAROLINA, WITH RESPECT TO A MARRIED WOMAN'S RIGHT TO TRANSFER HER SEPARATE PROPERTY BY DEED AND BY WILL AND TO EXERCISE POWERS OF ATTORNEY CONFERRED UPON HER BY HER HUSBAND.¹⁷²**

The General Assembly of North Carolina do enact:

SECTION 1. Article X, Section 6 of the Constitution of North Carolina, as it relates to the right of a married woman to transfer her separate property by deed and by will and to exercise powers of attorney conferred upon her by her husband, is hereby amended by striking the last sixteen words of the first sentence thereof together with the comma preceding them, which words read as follows: “, and, with the written assent of her husband, conveyed by her as if she were unmarried,” and inserting in lieu thereof the following: “and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe”; and by striking the words “by her or” from the second sentence thereof; so that the said Article X, Section 6 as amended, shall read: “The real and personal property of any female 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 female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.”

SEC. 2. The amendments set out in Section 1 of this Act shall be submitted to the qualified voters of this State at the next general election. Voting on the amendments shall be conducted under the laws governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. If a majority of the votes cast thereon in such general election be in favor of the amendments, the Governor shall certify the amendments under the Great Seal of the State to the Secretary of State, who shall enroll the amendments so certified among the permanent records of his office, and the amendments so certified shall be in full force and effect from and after the date of certification.

SEC. 4.1. From and after the date of certification of the amendments set out in Section 1 of this Act, wherever the word “spouse” appears in the General Statutes with reference to testate or intestate successions, it shall apply alike to both husband and wife.

SEC. 4½. In the event that a majority of the voters in such general election be in favor of the amendments hereinbefore provided for, North Carolina G. S. 52-4 shall be repealed and said repeal shall be effective on the date the Governor certifies the amendments to the Secretary of State.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1963.

(Ratified by the people on January 14, 1964 by a vote of 274,291 to 66,676.)

II. AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO INCREASE THE MEMBERSHIP OF THE SENATE AND TO PROVIDE FOR COMPULSORY REDISTRICTING OF THE SENATE AFTER EACH FEDERAL DECENNIAL CENSUS AND TO PROVIDE FOR ONE REPRESENTATIVE FROM EACH COUNTY.¹⁷³

The General Assembly of North Carolina do enact:

SECTION 1. Article II of the Constitution of North Carolina is amended by rewriting Sections 3, 4, 5 and 6 thereof to read as follows:

“SEC. 3. Number of Senators. The Senate shall consist of seventy Senators, biennially chosen by ballot.

“SEC. 4. Senatorial Districts; Apportionment of Senators; Senate Redistricting Commission. The Senators shall be elected from districts. The General Assembly, at the first regular Session convening after the effective date of this Section as amended, and thereafter, at the first regular Session convening after the return of every Federal decennial census, shall revise the Senatorial Districts and the apportionment of Senators subject to the following requirements:

“(1) The number of inhabitants for each Senator in the Senatorial Districts shall not vary more than twenty-five per cent (25%) from the quotient obtained by dividing the total population of the State by seventy.

“(2) Each Senatorial District shall at all times consist of contiguous territory.

“(3) No county shall be divided in the formation of a Senatorial District, unless that county shall be entitled to two or more Senators.

“(4) When established, the Senatorial Districts and the apportionment of Senators among those districts shall remain unaltered until the return of the next decennial census taken by order of Congress.

“(5) If the first regular Session of the General Assembly convening after the effective date of this Section as amended, and after the return of every decennial census taken by order of Congress shall fail to revise the Senatorial Districts and the apportionment of Senators among those districts in accordance with the standards set forth in this Section, then within ten days after adjournment sine die of that Legislative Session, or on July 1 of that year, whichever is earlier, the Senatorial Redistricting Commission shall be convened. The Commissioners shall consist of the President of the Senate ex officio, one Senator appointed by the President of the Senate, the Speaker of the House, one Representative appointed by the Speaker of the House, and one Senator or Representative appointed by the Governor. The President of the Senate shall be Chairman, but shall have no vote except in case of a tie. The members of the Commission shall receive such compensation as shall

be fixed by the Governor and Council of State. Service on the Commission shall not constitute holding office within the meaning of Article XIV, Section 7, of the Constitution. The Commission shall revise the Senatorial Districts and the apportionment of Senators among those districts in accordance with the provisions of this Section, and shall file its report with the Secretary of State within 120 days from the date on which it was first convened. Upon the filing in the Office of the Secretary of State of the report of the Commission within the time set out in this Section, the report shall be deemed to be an Act of the General Assembly and shall govern the next and all subsequent elections for members of the Senate until the next revision of the Senatorial Districts and the apportionment of Senators is made in accordance with this Section.

“SEC. 5. Number of Representatives. The House of Representatives shall consist of one Representative from each county in the State, biennially chosen by ballot.

“SEC. 6. Schedule. The new and amended provisions of Sections 3, 4 and 5 of this Article shall apply to the composition, nomination and election of the membership of the House of Representatives and Senate of the General Assembly of 1967 and thereafter. The former provisions of Sections 3, 4, 5 and 6 of Article II of this Constitution shall continue in full force and effect as to the composition, nomination and election of the membership of the House of Representatives and Senate of the General Assembly of 1965. Provided, however, the General Assembly of 1965 shall revise the Senatorial Districts and apportion the seventy Senators as required by the provisions of the new and amended Section 4 of this Article, and if the General Assembly of 1965 shall fail to do so, the Senatorial Redistricting Commission shall be constituted, convened and shall comply with the provisions of said Section 4 of this Article.”

SEC. 2. The amendment set out in Section 1 of this Act shall be submitted as a unit to the qualified voters of the State at the next general election. The election shall be conducted under the laws then governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. (This section is similar to Section 4 of Amendment I.)

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of October, 1963.

(Rejected by the people on January 14, 1964 by a vote of 224,488 to 125,334.)

AMENDMENT OF 1965

AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE WITHIN THE APPELLATE DIVISION OF THE GENERAL COURT OF JUSTICE AN INTERMEDIATE COURT OF APPEALS.¹⁷⁴

The General Assembly of North Carolina do enact:

SECTION 1. Article IV of the Constitution of North Carolina is amended as follows:

(a) Section 5 is rewritten to read as follows:

“SEC. 5. Appellate Division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals.”

(b) Immediately after Section 6, and before Section 7, a new “Section 6A” is inserted, to read as follows:

“SEC. 6A. Court of Appeals. The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.”

(c) In Section 10, immediately after subsection (1) and before subsection (2), a new subsection “(2)” is inserted, to read as follows:

“(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.”, and the present subsections (2) through (5) are renumbered “(3)” through “(6)” respectively.

(d) Section 14 is rewritten to read as follows:

“SEC. 14. Terms of Office and Election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals and Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.”

(e) The caption and first sentence of subsection (1) of Section 15 is rewritten to read as follows:

“Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals or Judge

of the Superior Court may be removed from office for mental or physical incapacity by Joint Resolution of two-thirds of both houses of the General Assembly.”

SEC. 2. The amendments set out in Section 1 of this Act shall be submitted to the qualified voters of the State at a general election to be held on the Tuesday next after the first Monday in November, 1965. Voting on these amendments shall be conducted under the laws now governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. If a majority of the votes cast thereon in such general election be in favor of the amendments, the Governor shall certify the amendments under the Great Seal of the State to the Secretary of State, who shall enroll the amendments so certified among the permanent records of his office, and the amendments so certified shall be in full force and effect from and after the date of certification.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed,

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1965.

(Ratified by the people on November 2, 1965 by a vote of 227,917 to 81,701.)

AMENDMENTS OF 1967

I. AN ACT TO REWRITE ARTICLE II, SECTION 28, OF THE CONSTITUTION OF NORTH CAROLINA WITH RESPECT TO THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.¹⁷⁵

The General Assembly of North Carolina do enact:

SECTION 1. Article II of the Constitution of North Carolina is amended by rewriting Section 28 thereof to read as follows:

“SEC. 28. Compensation of Members and Officers of the General Assembly. The members and officers of the General Assembly shall receive for their services a compensation to be established by the General Assembly. An increase in the compensation of members shall become effective at the beginning of the next regular Session of the General Assembly.”

SEC. 2. The amendment set out in Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing general elections in this State.

SEC. 3. (A description of the ballot issue followed.)

SEC. 4. If a majority of the votes cast thereon be in favor of the amendment set out in Section 1 of this Act, the Governor shall certify that amendment under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and the amendment shall become effective upon that certification.

SEC. 5. All laws and clauses of laws in conflict with this Act are repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1967.

(Ratified by the people on November 5, 1968 by a vote of 573,289 to 465,225.)

II. AN ACT TO REWRITE ARTICLE II, SECTIONS 4, 5, AND 6 OF THE CONSTITUTION OF NORTH CAROLINA, WITH RESPECT TO REPRESENTATION IN THE GENERAL ASSEMBLY OF NORTH CAROLINA.¹⁷⁶

The General Assembly of North Carolina do enact:

SECTION 1. Article II of the Constitution of North Carolina is amended by rewriting Section 4 thereof to read as follows:

“SEC. 4. Senate Districts; Apportionment of Senators. The Senators shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Senate Districts and the apportionment of Senators among those districts, subject to the following requirements:

“(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Senator represents being determined for this purpose by dividing the population of the district he represents by the number of Senators apportioned to that district;

“(2) Each Senate District shall at all times consist of contiguous territory;

“(3) No county shall be divided in the formation of a Senate District;

“(4) When established, the Senate Districts and the apportionment of Senators shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

“The duty imposed upon the General Assembly by this Section shall continue until performed.”

SEC. 2. Article II of the Constitution of North Carolina is amended by rewriting Section 5 thereof to read as follows:

“SEC. 5. Number of Representatives. The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.”

SEC. 3. Article II of the Constitution of North Carolina is amended by rewriting Section 6 thereof to read as follows:

“SEC. 6. Representative Districts; Apportionment of Representatives. The Representatives shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Representative Districts and the apportionment of Representatives among those districts, subject to the following requirements:

“(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Representative represents being determined for this purpose by dividing the population of the district he represents by the number of Representatives apportioned to that district;

“(2) Each Representative District shall at all times consist of contiguous territory;

“(3) No county shall be divided in the formation of a Representative District;

“(4) When established, the Representative Districts and the apportionment of Representatives shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

“The duty imposed upon the General Assembly by this Section shall continue until performed.”

SEC. 4. Article II of the Constitution of North Carolina is amended by rewriting Section 13 thereof to read as follows:

“SEC. 13. Vacancies. Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.”

SEC. 5. Article II of the Constitution of North Carolina is amended by striking from Section 8 thereof the word “county” and inserting in lieu thereof the word “district”.

SEC. 6. Article II of the Constitution of North Carolina is amended by striking from Section 27 thereof the words "and counties," as they appear in the first sentence of that Section.

SEC. 7. The amendments set out in Sections 1 through 6 of this Act shall be submitted as a unit to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing general elections in this State.

SEC. 8. (A description of the ballot issue followed.)

SEC. 9. (This section is similar to Section 4 of Amendment I.)

SEC. 10. All laws and clauses of laws in conflict with this Act are repealed.

SEC. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

(Ratified by the people on November 5, 1968 by a vote of 582,633 to 373,395.)