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## North Carolina

### *North Carolina Declaration of Rights, 1776*

#### A DECLARATION of RIGHTS, &c. 1776

1. That all political power is vested in, and derived from, the people only.
2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.
3. That no man, or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.
4. That the legislative[,] executive, and supreme judicial powers of government, ought to be for ever separate and distinct from each other.
5. That all powers of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.
6. That elections of members, to serve as representatives in general assembly, ought to be free.
7. That in all criminal prosecutions every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.
8. That no freeman shall be put to answer any criminal charge but by indictment, presentment, or impeachment.
9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court as heretofore used.
10. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.
11. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.
12. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.
13. That every freeman restrained of his liberty, is intitled to a remedy, to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

14. That in all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the people, and ought to remain sacred and inviolable.

15. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

16. That the people of this state ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in general assembly freely given.

17. That the people have a right to bear arms for the defence of the state; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

18. That the people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

19. That all Men have a natural and unalienable right to worship Almighty God, according to the dictates of their own conscience.

20. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

22. That no hereditary emoluments, privileges, or honors, ought to be granted or conferred in this state.

23. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

24. That retrospective laws punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, wherefore no *ex post facto* law ought to be made.

25. The property of the soil in a free government being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision; and as the former temporary line between North and South-Carolina was confirmed and extended by commissioners, appointed by the legislatures of the two States, agreeable to the order of the late King George II in council, that line, and that only, should be esteemed the southern boundary of this state, that is to say, beginning on the sea side at a cedar stake, at or near the mouth of Little River (being the southern extremity of Brunswick County) and running from thence a north-west course through the boundary-house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude, and from thence a west course, so far as is mentioned in the charter of King Charles II, to the late proprietors of Carolina: Therefore all the territory, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of King Charles, are the right and property of the people of this state, to be held by them in sovereignty; any partial line, without the consent of the legislature of this state, at any time thereafter directed, or laid out in anywise notwithstanding. *Provided always*, That this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them,

by any former or future legislature of this state. *And provided also*, That it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature. *And provided further*, That nothing herein contained shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George III or his predecessors, or the late lords proprietors, or any of them.

***North Carolina Constitution, 1776 (excerpts)***

9. That all persons possessed of a freehold in any town in this state, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons.

Provided always, That this section shall not entitle any inhabitant of such town to vote for members of the house of commons, for the county in which he may reside, nor any freeholder in such county who resides without or beyond the limits of such town, to vote for a member for said town. . . .

31. That no clergyman or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of the pastoral function.

32. That no person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority either of the Old or New-Testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit in the civil department within this State. . . .

34. That there shall be no establishment of any one religious church or denomination in this state in preference to any other, neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship.

*Provided*, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment. . . .

39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties unless for capital offences, when the proof is evident, or the presumption great.

40. That every foreigner who comes to settle in this state, having first taken an oath of allegiance to the same, may purchase, or, by other just means acquire, hold, and transfer land, or other real estate; and after one years residence, shall be deemed a free citizen. . . .

44. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated, on any pretence whatsoever.

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