

NORTH CAROLINA CONSTITUTION OF 1776 – A DECLARATION OF RIGHTS

A Declaration of Rights, made by the Representatives of the Freeman of the State of North Carolina.

DIRECTIONS: For each item in the NC Constitution of 1776, Declaration of Rights (below), briefly explain in the box to the right what right or freedom is being granted.

1. That all political power is vested, in and derived from, the people only.	1.
2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.	2.
3. That no men, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.	3.
4. That the legislative, executive and supreme judicial powers of government, ought to be forever separate and distinct from each other.	4.
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.	5.
6. That elections of members to serve as representatives in general assembly ought to be free.	6.
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.	7.

<p>8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.</p>	<p>8.</p>
<p>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.</p>	<p>9.</p>
<p>10. That excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.</p>	<p>10.</p>
<p>11. That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offenses are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.</p>	<p>11.</p>
<p>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.</p>	<p>12.</p>
<p>13. That every freeman restrained of his liberty is entitled to a remedy, to inquire in to the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.</p>	<p>13.</p>
<p>14. That 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.</p>	<p>14.</p>
<p>15. That the freedom of the press is one of the great bulwarks of liberty; and therefore ought never to be restrained.</p>	<p>15.</p>

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 the general assembly freely given.	16.
17. That the people have a right to bear arms, for the defense 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.	17.
18. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.	18.
19. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience.	19.
20. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.	20.
21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.	21.
22. That no hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.	22.
23. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.	23.

<p>24. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no ex post facto law ought to be made.</p>	<p>24.</p>
<p>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 seaside at a cedar stake at or near the mouth of Little River, (being the southern extremity of Brunswick County), and running from thence a northwest course, through the boundary-house, which stands in thirty-three degrees fifty-six minutes, to a 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 harbors, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the seashore, 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 any wise 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 II, or his predecessors, or the late lords proprietors, or any of them.</p>	
<p>25.</p>	