

NORTH CAROLINA STATE  
CONSTITUTION, WITH  
HISTORY AND COMMENTARY

BY  
JOHN V. ORTH



# North Carolina State Constitution With History And Commentary

**Walter H. Conser Jr.**



## **North Carolina State Constitution With History And Commentary:**

The North Carolina State Constitution John V. Orth, 1995 In *The North Carolina State Constitution* originally published in 1993 John Orth provides a definitive study of the historical context and significant features of each of the state's three successive constitutions The book begins with a

**The North Carolina State Constitution** John V. Orth, Paul M. Newby, 2013-04-11 North Carolina's state constitution charts the evolution over two centuries of a modern representative democracy In *The North Carolina State Constitution* John V. Orth and Paul M. Newby provide an outstanding constitutional and historical account of the state's governing charter In addition to an overview of North Carolina's constitutional history it provides an in-depth section-by-section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting This treatment along with a table of cases index and bibliography provides an unsurpassed reference guide for students scholars and practitioners of North Carolina's constitution Co-authored by Paul M. Newby a sitting justice of the North Carolina Supreme Court the second edition includes significant constitutional amendments adopted since the date of the first edition Almost every article was affected by the changes Some were minor such as the lengthening the term of magistrates and some were more significant such as spelling out the rights of victims of crimes One was obviously major granting the governor the power to veto legislation making North Carolina's governor the last American governor to be given that power In addition the North Carolina Supreme Court has continued the seemingly never-ending process of constitutional interpretation Some judicial decisions answered fairly routine questions about the powers of office such as the governor's clemency power Others were politically contentious such as deciding the constitutional constraints on legislative redistricting And one continues to have momentous consequences for public education recognizing the state's constitutional duty to provide every school child in North Carolina with a sound basic education

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*Blackstone and his Commentaries* Wilfrid Prest, 2009-07-06 One of the most celebrated works in the Anglo-American legal tradition William Blackstone's *Commentaries on the Laws of England* 1765-9 has recently begun to attract renewed interest from legal and other scholars The *Commentaries* no longer dominate legal education as they once did especially in North America during the century after their first publication But they continue to be regularly cited in the judgments of superior courts of review

on both sides of the Atlantic and elsewhere throughout the common law world They also provide constitutional cultural intellectual and legal historians with a remarkably comprehensive account of the role of law lawyers and the courts in the imperial superpower that was England on the cusp of the industrial revolution The life and character of Blackstone himself the nature and sources of his jurisprudence as expounded in the Commentaries and the impact of his great book both within and beyond his native shores are the main themes of this collection Individual essays treat Blackstone s early architectural treatises and their relationship to the Commentaries his idiosyncratic book collecting his views of the role of judges interpretation of statutes the law of marriage the status of wives natural law property law and the legalities of colonisation and the varied reception of the Commentaries in America and continental Europe Blackstone s bibliography and iconography also receive attention Combining the work of both eminent and emerging scholars this interdisciplinary venture sheds welcome new light on a legal classic and its continued influence

I Life 1 Blackstone and Biography Wilfrid Prest 2 A Model of the Old House Architecture in Blackstone s Life and Commentaries Carol Matthews 3 A Mighty Consumption of Ale Blackstone Buckler and All Souls College Oxford Norma Aubertin Potter 4 William Blackstone and William Prynne an Unlikely Association Ian Doolittle II Thought 5 Blackstone on Judging John H Langbein 6 Blackstone s Rules for the Construction of Statutes John V Orth 7 Blackstone and Bentham on the Law of Marriage Mary Sokol 8 Coverture and Unity of Person in Blackstone s Commentaries Tim Stretton 9 Blackstone s Commentaries on Colonialism Australian Judicial Interpretations Thalia Anthony 10 Restoring the Real to Real Property Law A Return to Blackstone Nicole Graham III Influence 11 American Blackstones Michael Hoeflich 12 Did Blackstone get the Gallic Shrug John Emerson 13 Blackstone in Germany Horst Dippel

IV Sources 14 Bibliography Morris Cohen 15 Iconography J H Baker and Wilfrid Prest Contributors Thalia Anthony lectures in law at the University of Sydney Norma Aubertin Potter is Librarian in Charge of the Codrington Library All Souls College Oxford J H Baker Downing Professor of the Laws of England at the University of Cambridge is Literary Director of the Selden Society Morris Cohen Professor Emeritus and Professorial Lecturer in Law is the former Librarian of Yale Law School Horst Dippel is Professor of British and American Studies at the University of Kassel Ian Doolittle formerly a Junior Research Fellow at Christ Church Oxford is a partner in the law firm Trowers and Hamllins LLP in London John Emerson holds a Visiting Research Fellowship in the Law School University of Adelaide Nicole Graham is Senior Lecturer in the Faculty of Law University of Technology Sydney Michael Hoeflich is John H and John M Kane Distinguished Professor in the Law School University of Kansas John Langbein is Sterling Professor of Law and Legal History at Yale Law School Carol Matthews teaches in the School of History and Politics at the University of Adelaide John V Orth holds the William Rand Kenan Jr Chair of Law at the University of North Carolina Chapel Hill Wilfrid Prest is Professor Emeritus and Visiting Research Fellow in the Law School and School of History and Politics University of Adelaide Mary Sokol holds an Honorary Research Fellowship in the Bentham Project at University College London Tim Stretton teaches history at St Mary s University Halifax Nova Scotia

Anatomy of a Purple State Christopher A. Cooper, 2024-10-09 North Carolina represents a perfect distillation of the promise and peril of modern American democracy hyperpartisanship gerrymandering dissatisfaction with the two party system the urban rural divide these issues are all brought into sharp relief in the Tar Heel State For that reason North Carolina politics and government are increasingly of interest not just to North Carolina citizens but to journalists political observers and people across the country Political scientist Christopher A Cooper to whom the national media go when they need a quote about North Carolina politics offers a primer made for all people no matter their political leanings Readers will be introduced to everything that has made North Carolina the most purple of purple states from the state constitution and the influence of think tanks to the growing racial diversity of the state and the limitations on the governor's power By explaining how we came to be in the political situation we are in Cooper shows us where we might go next And as many have said As North Carolina goes so goes the nation

The American Constitutional Tradition H. Lowell Brown, 2017-05-24 The book is a work of non fiction The book is a historical analysis of the evolution of a uniquely American constitutionalism that began with the original English royal charters for the exploration and exploitation of North America When the U S Constitution was written in 1787 the accepted conception of a constitution was that of the British constitution upon which the colonists had relied in asserting their rights with respect to the imperium comprised of ancient documents parliamentary enactments administrative regulations judicial pronouncements and established custom Of equal significance the laws comprising the constitution did not differ from other statutes and as a consequence there was no law endowed with greater sanctity than other legislative enactments In framing the revolutionary state constitutions following the retreat of the crown governments in the colonies as well as the later federal Constitution the Revolutionaries fundamentally reconceived a constitution as being the single authoritative source of fundamental law that was superior to all other statutes regulations and judicial decisions that was ratified by the states and that was subject to revision only through a formal amendment process This new constitutional conception has been hailed as the great innovation of the revolutionary period and deservedly so This American constitutionalism had its origins in the now largely overlooked royal charters for the exploration of North America beginning with the charter granted to Sir Humphrey Gilbert by Elizabeth I in 1578 The book follows the development of this constitutional tradition from the early charters of the Virginia Companies and the covenants entered of the New England colonies through the proprietary charters of the Middle Atlantic colonies On the basis of those foundational documents the colonists fashioned governments that came to be comprised not only of an executive but an elected legislature and a judiciary In those foundational documents and in the acts of the colonial legislatures the settlers sought to harmonize their aspirations for just institutions and individual rights with the exigencies and imperatives of an alien and often hostile environment When the colonies faced the withdrawal of the crown governments in 1775 they drew on their experience which they formalized in written constitutions This uniquely American constitutional tradition of the charters covenants and state

constitutions was the foundation of the federal Constitution and of the process by which the Constitution was written and ratified a decade later

**North Carolina Reports** North Carolina. Supreme Court, 1942 Cases argued and determined in the Supreme Court of North Carolina

**The Lumbee Indians** Malinda Maynor Lowery, 2018-09-10 Jamestown the Lost Colony of Roanoke and Plymouth Rock are central to America's mythic origin stories Then we are told the main characters the friendly Native Americans who met the settlers disappeared But the history of the Lumbee Tribe of North Carolina demands that we tell a different story As the largest tribe east of the Mississippi and one of the largest in the country the Lumbees have survived in their original homelands maintaining a distinct identity as Indians in a biracial South In this passionately written sweeping work of history Malinda Maynor Lowery narrates the Lumbees extraordinary story as never before The Lumbees journey as a people sheds new light on America's defining moments from the first encounters with Europeans to the present day How and why did the Lumbees both fight to establish the United States and resist the encroachments of its government How have they not just survived but thrived through Civil War Jim Crow the civil rights movement and the war on drugs to ultimately establish their own constitutional government in the twenty first century Their fight for full federal acknowledgment continues to this day while the Lumbee people's struggle for justice and self determination continues to transform our view of the American experience Readers of this book will never see Native American history the same way

*The Unfinished American Project* Steven J. L. Taylor, 2024-10-07 This book delves into democratic deficiencies in the United States federal government especially those that disenfranchise minority communities It highlights key contemporary and persistent challenges to American democracy examines them in their historical context and proposes reforms to remedy them It will serve as unique secondary text for US government politics African American racial ethnic politics and public policy courses

Framing the Solid South Paul E. Herron, 2017-06-02 The South was not always the South In the eighteenth and early nineteenth centuries those below the Potomac River for all their cultural and economic similarities did not hold a separate political identity How this changed and how the South came to be a political entity that coheres to this day emerges clearly in this book the first comprehensive account of the Civil War Era and late nineteenth century state constitutional conventions that forever transformed southern politics From 1860 to the turn of the twentieth century southerners in eleven states gathered forty four times to revise their constitutions Framing the Solid South traces the consolidation of the southern states through these conventions in three waves of development Secession Reconstruction and Redemption Secession conventions Paul Herron finds did much more than dissolve the Union they acted in concert to raise armies write law elect delegates to write a Confederate Constitution ratify that constitution and rewrite state constitutions During Reconstruction the national government forced the southern states to write and rewrite constitutions to permit re entry into the Union recognizing federal supremacy granting voting rights to African Americans enshrining a right to public education and opening the political system to broader participation Black southerners were essential participants in

democratizing the region and reconsidering the nature of federalism in light of the devastation brought by proponents of states rights and sovereignty Many of the changes by the postwar conventions Herron shows were undermined if not outright abolished in the following period as Redeemers enshrined a system of weak states the rule of a white elite and the suppression of black rights Southern constitution makers in all three waves were connected to each other and to previous conventions unlike any others in American history These connections affected the content of the fundamental law and political development in the region Southern politics to an unusual degree has been a product of the process Herron traces What his book tells us about these constitutional conventions and the documents they produced is key to understanding southern history and the South today

*Searching the Law - The States* Francis R Doyle, 2022-11-14 This revised two volume set reproduces the easy to use logically organized format of *Searching the Law* for each of the 50 U S states Arranged by state and by topic within each state it features a complete list of all the legal research materials available for each state jurisdiction thousands of citations to the legal literature of each state materials applicable to more than one topic listed under each topic repeated listings under each state and topic where they apply and author title publisher format and the latest known supplement for each citation *Searching the Law The States* is the companion text to *Searching the Law* Together the sets form one of the most comprehensive logical legal reference sources available Published under the Transnational Publishers imprint The print edition is available as a set of two volumes 9781571052872

**Commentaries on the Constitution of the United States, Historical and Juridical** Roger Foster, 1896

*The South Carolina State Constitution* Cole Blease Graham, 2011 South Carolina s current constitution is a unique reflection of America s cultural and political history It has roots dating back to the state s original colonial charter comprising an uneasy alliance of post Civil War history late 19th century return to segregation and post 1960s liberalizing reforms In *The South Carolina State Constitution* Cole Blease Graham illustrates the success of positive political forces pitted against the social norms of a Deep South state His informed analysis challenges advocates of constitutional reform to continue revision efforts making this volume an important contribution to the study of state politics and the principles of democratic government *The South Carolina State Constitution* provides an outstanding constitutional and historical account of the state s governing charter In addition to an overview of South Carolina s constitutional history it provides an in depth section by section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting This treatment along with a table of cases index and bibliography provides an unsurpassed reference guide for students scholars and practitioners of South Carolina s constitution Previously published by Greenwood this title has been brought back in to circulation by Oxford University Press with new verve Re printed with standardization of content organization in order to facilitate research across the series this title as with all titles in the series is set to join the dynamic revision cycle of *The Oxford Commentaries on the State Constitutions of the United States* *The Oxford Commentaries on the State Constitutions of the United States* is

an important series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions Each volume in this innovative series contains a historical overview of the state s constitutional development a section by section analysis of its current constitution and a comprehensive guide to further research Under the expert editorship of Professor G Alan Tarr Director of the Center on State Constitutional Studies at Rutgers University this series provides essential reference tools for understanding state constitutional law Books in the series can be purchased individually or as part of a complete set giving readers unmatched access to these important political documents

Thomas Day Patricia Phillips Marshall,Jo Ramsay Leimenstoll,2010 Marshall and Leimenstoll have researched Day s remarkable life and work thoroughly identifying a great quantity of his known and attributed furniture and interior woodwork finding myriad published sources for his design elements and examining a wide range of documents to trace his career and describe his world Their research along with the wealth of images of Day s unique furniture and interiors constitutes a book of major lasting value Catherine Bishir author of North Carolina Architecture This book featuring the story and workmanship of Thomas Day a free man of color in slaveholding North Carolina is a fascinating addition to the corpus of literature concerning the anomalies and complexities of life in the Old South A slaveholder as well as a skilled craftsman Thomas Day occupied an unusual and privileged position These fine illustrations of his craftsmanship help to explain why Daniel c Littlefield University of South Carolina Thomas Day s creative genius his skill in the design and fabrication of furniture and decorative woodwork and the scope of his business establish him as a major founder of the North Carolina furniture industry John H Haley Associate Professor of History Emeritus University of North Carolina Wilmington

THE NORTH CAROLINA MUSEUM OF HISTORY THE UNIVERSITY OF NORTH CAROLINA PRESS CHAPEL HILL A Bibliography of North Carolina North Carolina State Library,1919 **Catalogue** Brooklyn libr,1877 *A-C, pages 1-400* Brooklyn Library,1877 Catalogue...authors, Titles, Subjects, and Classes Brooklyn Public Library,1877 Catalogue of the Mercantile Library of Brooklyn: A-C Mercantile Library Association of Brooklyn,1877 Catalogue of the Brooklyn Library Brooklyn Public Library,1877 **A Coat of Many Colors** Walter H. Conser Jr.,2006-09-04 While religious diversity is often considered a recent phenomenon in America the Cape Fear region of southeastern North Carolina has been a diverse community since the area was first settled Early on the region and the port city of Wilmington were more urban than the rest of the state and thus provided people with opportunities seldom found in other parts of North Carolina This area drew residents from many ethnic backgrounds and the men and women who settled there became an integral part of the region s culture Set against the backdrop of national and southern religious experience A Coat of Many Colors examines issues of religious diversity and regional identity in the Cape Fear area Author Walter H Conser Jr draws on a broad range of sources including congregational records sermon texts liturgy newspaper accounts family memoirs and technological developments to explore the evolution of religious life in this area Beginning with the story of prehistoric Native Americans and continuing

through an examination of life at the end of twentieth century Conser tracks the development of the various religions denominations and ethnic groups that call the Cape Fear region home From early Native American traditions to the establishment of the first churches cathedrals synagogues mosques and temples A Coat of Many Colors offers a comprehensive view of the religious and ethnic diversity that have characterized Cape Fear throughout its history Through the lens of regional history Conser explores how this area s rich religious and racial diversity can be seen as a microcosm for the South and he examines the ways in which religion can affect such diverse aspects of life as architecture and race relations

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