

Primary Source: Plans for Democracy ^[1]

As Orange County prepared to send its delegates to the Fifth [Provincial Congress](#) ^[2], its people commissioned their representatives with a document outlining their desires. This document was handwritten by Thomas Burke, who chaired the committee to draft a constitution in April, 1776 and who later became governor of North Carolina.

Instructions to the Delegates from Orange in the Halifax Congress, to be held in November, 1776.

We, the people of the County of Orange, who have chosen you to represent us in the next Congress of Representatives delegated by the people of this State require you to take notice that the following are our instructions to you which you are required to follow in every particular with the strictest regard. First, [We desire you to consider the following propositions as maxims to which you and every other delegate shall plainly and implicitly subscribe and assent](#) and which are to be the foundation of all your following proceedings.

1. Political power is of two kinds, one principal and supreme the other [derived](#) ^[3] and inferior.
2. The principal and supreme power is possessed only by the people at large, the derived and inferior power by the servants they employ.
3. Whatever persons are delegated chosen or employed or intrusted by the people are their servants and can possess only derived inferior power.
4. Whatsoever is constituted and ordained by the principal supreme power cannot be altered, superseded or abrogated by any other, but the same power that ordained may alter suspend or abrogate its own ordinances.
5. The rules whereby the derived inferior power is to be exercised are to be constituted by the principal supreme power and can be altered, suspended abrogated by the same and no other.
6. No authority can exist or be exercised but what shall appear to be ordained and created by the principal supreme power or by some derived inferior power which the principal supreme power has authorized to create such authority.
7. The derived inferior power can by no construction assume authority [injurious](#) ^[4] to or subversive to the principal supreme power.

Secondly. We require that [the civil and religious constitution](#) which we [apprehend](#) ^[5] to contain the rules whereby the inferior derived power is to be exercised be framed and prepared by the delegates and be sent to every County to be laid before the people for their [assent](#) ^[6] if the people shall think proper to give it, to the end that it may derive its authority from the principal supreme power and be afterward alterable by that alone agreeable to the fifth [maxim](#) ^[7] before set down.

Thirdly. We require that in framing the religious constitution you insist upon [a free and unrestrained exercise of religion](#) to every individual agreeable to that mode which each man shall choose for himself and that no one shall be compelled to pay towards the support of any clergyman except such as he shall choose to be instructed by, and that every one regularly called and appointed shall have power to solemnize marriages under such regulations as shall be established by law for making the marriage contract notorious: Provided however, [persons who are intrusted in the discharge of any office shall give assurances that they do not acknowledge supremacy ecclesiastical or civil in any foreign power or spiritual infallibility or authority to grant the Divine Pardon to any person who may violate moral duties or commit crimes injurious to the community](#) -- and we positively enjoin you that on no [pretence](#) ^[8] you consent to any other religious constitution or that the establishing of this shall be waived, postponed or delayed.

Fourthly. [We require that in framing the civil constitution the derived inferior power shall be divided into three branches, to wit: The power of making laws, the power of executing and the power of judging.](#)

Fifthly. That the power of making laws shall have authority to provide remedies for any evils which may arise in the community, subject to the limitations and restraints provided by the principal supreme power.

Sixthly. That by such limitations and restraints they shall be prevented from making any alterations in the distribution of power or of depriving any individual of his civil or natural rights unless by way of punishment for some declared offence clearly and plainly adjudged against him by the judging power.

Sevently. That the executive power shall have authority to apply the remedies provided by the law makers in that manner only which the laws shall direct, and shall be entirely distinct from the power of making laws.

Eighthly. That the judging power shall be entirely distinct from and independent of the law making and executive powers.

Ninthly. That no person shall be capable of acting in the exercise of any more than one of these branches at the same time lest they should fail of being the proper checks on each other and by their united influence become dangerous to any individual who might oppose the ambitious designs of the persons who might be employed in such power.

Tenthly. That in constituting the law making power the same be divided into [two Assemblies each independent of the other and both dependent on the people.](#)

Eleventhly. That one Assembly shall consist of Representatives chosen by all the [freeholders and householders](#) and the other Representatives chosen by the freeholders only.

Twelfthly. That [all elections shall be by ballot](#).

Thirteenthly. That [in constituting the executive power the same be made elective every year](#) and that no person shall be capable of serving therein more than three years or capable of being elected thereto until he has been three years out.

References:

Saunders, William L. 1776. "Instructions from inhabitants of Orange County to their delegates for the Provincial Congress of North Carolina," The Colonial Records of North Carolina. Volume X, 1775-1776: 870f-870h. Raleigh, Josephus Daniels, Printer to the State, 1886. <https://archive.org/details/colonialrecordso10nort> ^[9] (accessed July 11, 2018).

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