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THE
CONSTITUTION

OF THE

State of South Carolina,

WITH THE

ORDINANCES THEREUNTO APPENDED,

ADOPTED BY THE CONSTITUTIONAL CONVENTION, WHICH
WAS HELD AT CHARLESTON, AND ADJOURNED ON
THE 17TH MARCH, 1868.

CHARLESTON, S. C.
DENNY & PERRY, BOOK AND JOB PRINTERS,
163 Meeting Street.
1868.

CHARLESTON, S. C., 17th March, 1868.

This is to certify that this Constitution and the Ordinances thereunto appended, were adopted by a majority of votes by the Constitutional Convention of the State of South Carolina, assembled under the Reconstruction Acts of Congress, and which was held at Charleston, beginning on the 14th day of January, and ending on the 17th day of March, 1868.

A. G. MACKEY,
President.

ATTEST:

C. J. STOLBRAND,
Secretary.

CONSTITUTION.

We, the People of the State of South Carolina, in Convention assembled, Grateful to Almighty God for this opportunity, deliberately and peaceably of entering into an explicit and solemn compact with each other, and forming a new Constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the people in all that pertains to their freedom, safety and tranquility, and imploring the direction of the Great Legislator of the Universe, do agree upon, ordain and establish the following

DECLARATION OF RIGHTS AND FORM OF GOVERNMENT AS THE CONSTITUTION OF THE COMMONWEALTH OF SOUTH CAROLINA.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are born free and equal—endowed by their Creator with certain inalienable rights, among which are the rights of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

SECTION 2. Slavery shall never exist in this State ; neither shall involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SECTION 3. All political power is vested in and derived from the people only ; therefore they have the right, at all times, to modify their form of government in such manner as they may deem expedient, when the public good demands.

SECTION 4. Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force.

SECTION 5. This State shall ever remain a member of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve the said Union, shall be resisted with the whole power of the State.

SECTION 6. The right of the people peaceably to assemble, consult for the common good, and to petition the Government any department thereof, shall never be abridged.

SECTION 7. All persons may freely speak, write and publish their sentiments on any subject, being responsible for the abuse of that right; and no laws shall be enacted to restrain or abridge the liberty of speech or of the press.

SECTION 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall be the judges of the law and the facts.

SECTION 9. No person shall be deprived of the right to worship God according to the dictates of his own conscience; *Provided*, That the liberty of conscience hereby declared shall not justify practices inconsistent with the peace and moral safety of society.

SECTION 10. No form of religion shall be established by law; but it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship.

SECTION 11. The right of trial by jury shall remain inviolate.

SECTION 12. No person shall be disqualified as a witness, or be prevented from acquiring, holding and transmitting property, or be hindered in acquiring education, or be liable to any other punishment for any offence, or be subjected in law to any other restraints or disqualifications in regard to any personal rights than such as are laid upon others under like circumstances.

SECTION 13. No person shall be held to answer for any crime or offence until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defence by himself or by his counsel, or by both, as he may elect.

SECTION 14. No person shall be arrested, imprisoned, despoiled or dispossessed of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land. And the General Assembly shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished but by virtue of a law already established, or promulgated prior to the offence, and legally applied.

SECTION 15. All Courts shall be public, and every person, for any injury that he may receive in his lands, goods, person or reputation, shall have remedy by due course of law and justice administered without unnecessary delay.

SECTION 16. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is

evident or the presumption great; and excessive bail, shall not, in any case, be required, nor corporal punishment inflicted.

SECTION 17. The privilege of the writ of *Habeas Corpus* shall not be suspended, except when, in case of insurrection, rebellion or invasion, the public safety may require it.

SECTION 18. No person, after having been once acquitted by a jury, shall again, for the same offence, be put in jeopardy of his life or liberty.

SECTION 19. All offences less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment or intervention of a Grand Jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher crime or offence unless on presentment of a Grand Jury, except in cases arising in the land and naval service, or in the militia when in actual service in time of war or public danger.

SECTION 20. No person shall be imprisoned for debt, except in cases of fraud; and a reasonable amount of property, as a homestead, shall be exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such obligations as are provided for in this Constitution.

SECTION 21. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be enacted; and no conviction shall work corruption of blood or forfeiture of estate.

SECTION 22. All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers or possessions. All warrants shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest one or more suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws.

SECTION 23. Private property shall not be taken or applied for public use, or for the use of corporations, or for private use, without the consent of the owner or a just compensation being made therefor; *Provided, however*, that laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations, turnouts, etc.; but a just compensation, shall, in all cases, be first made to the owner.

SECTION 24. The power of suspending the laws, or the execution of the laws, shall never be exercised but by the General Assembly, or by authority derived therefrom; to be exercised in such particular cases only as the General Assembly shall expressly provide for.

SECTION 25. No person shall, in any case, be subject to martial law, or to any pains or penalties by virtue of that law, except those employed in the army or navy of the United States, and except the militia in actual service, but by authority of the General Assembly.

SECTION 26. In the government of this Commonwealth, the Legislative, Executive and Judicial powers of the Government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

SECTION 27. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws as the common good may require.

SECTION 28. The people have a right to keep and bear arms for the common defence. As in times of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the General Assembly. The military power ought always to be held in an exact subordination to the civil authority and be governed by it.

SECTION 29. In time of peace no soldier shall be quartered in any house without the consent of the owner; and, in time of war, such quarters shall not be made but in a manner prescribed by law.

SECTION 30. No person who conscientiously scruples to bear arms shall be compelled so to do, but he shall pay an equivalent for personal service.

SECTION 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this Constitution, shall have an equal right to elect officers and be elected to fill public office.

SECTION 32. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created, the appointment to which shall be for a longer time than good behavior. After the adoption of this Constitution, any person who shall fight a duel, or send or accept a challenge for that purpose, or be an aider or abetter in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

SECTION 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

SECTION 34. Representation shall be apportioned according to population, and no person in this State shall be disfranchised or deprived of any of the rights or privileges now enjoyed except by the law of the land or the judgment of his peers.

SECTION 35. Temporary absence from the State shall not forfeit a residence once obtained.

SECTION 36. All property subject to taxation shall be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, liberty and property according to standing laws. He should, therefore, contribute his share to the expense of his protection and give his personal service when necessary.

SECTION 37. No subsidy, charge, impost tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled.

SECTION 38. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained.

SECTION 39. No title of nobility or hereditary emolument shall ever be granted in this State. Distinction on account of race or color, in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.

SECTION 40. All navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll imposed; and, no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity, for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.

SECTION 41. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together the "General Assembly of the State of South Carolina."

SECTION 2. The House of Representatives shall be composed of members chosen by ballot every second year, by the citizens of this State, qualified as in this Constitution is provided.

SECTION 3. The Judicial Districts shall hereafter be designated as Counties, and the boundaries of the several Counties shall remain as they are now established, except the County of Pickens, which is hereby divided into two Counties, by a line leaving the southern boundary of the State of North Carolina where the White Water River enters this State, and thence down the centre of said River, by whatever names known, to Ravenel's Bridge, on Seneca River, and thence along the centre of the road leading to Pendleton Village, until it intersects the line of the County of Anderson; and the territory lying east of said line shall be known as the County of Pickens; and the territory lying west of said line shall be known as the County of Oconee; *Provided*, That the General Assembly shall have the power at any time to organize new Counties by changing the boundaries of any of the old ones; but no new County shall be hereafter formed of less extent than six hundred and twenty-five square miles, nor shall any existing Counties be reduced to a less extent than six hundred and twenty-five square miles. Each County shall constitute one election district.

SECTION 4. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several counties according to the number of inhabitants contained in each. An enumeration of the inhabitants, for this purpose, shall be made in eighteen hundred and sixty-nine, and again in eighteen hundred and seventy-five, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and Representatives shall be assigned to the different counties in the above mentioned proportion, by Act of the General Assembly at the session immediately succeeding every enumeration; *Provided*, That until the apportionment, which shall be made upon the next enumeration shall take effect, the representation of the several counties, as herein constituted, shall be as follows:

Abbeville five, Anderson three, Barnwell six, Beaufort seven, Charleston eighteen, Chester three, Clarendon two, Colleton five, Chesterfield two, Darlington four, Edgefield seven, Fairfield three, Georgetown three, Greenville four, Horry two, Kershaw three, Lancaster two, Laurens four, Lexington two, Marion four, Marlboro two, Newberry three, Oconee two, Orangeburg five, Pickens one, Richland four, Spartanburg four, Sumter four, Union three, Williamsburg three, York four.

SECTION 5. If the enumeration herein directed shall not be made in the course of the year appointed for the purpose, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

SECTION 6. In assigning representatives to the several counties, the General Assembly shall allow one representative to every one hundred and twenty-fourth part of the whole number of inhabi-

tants in the State ; *Provided*, That if in the apportionment of representatives any county shall appear not to be entitled, from its population, to a representative, such county shall nevertheless send one representative ; and if there be still a deficiency of the number of representatives required by Section fourth of this Article, such deficiency shall be supplied by assigning representatives to those counties having the largest surplus fractions.

SECTION 7. No apportionment of representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

SECTION 8. The Senate shall be composed of one member from each county, to be elected, for the term of four years, by the qualified voters of the State, in the same manner in which members of the House of Representatives are chosen ; except the County of Charleston, which shall be allowed two Senators.

SECTION 9. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this Constitution, the Senators shall be divided, by lot, into two classes, as nearly equal as may be ; the seats of the Senators of the first class to be vacated at the expiration of two years after the Monday following the general election, and of those of the second class at the expiration of four years ; so that, except as above provided, one-half of the Senators may be chosen every second year.

SECTION 10. No person shall be eligible to a seat in the Senate or House of Representatives who at the time of his election is not a citizen of the United States ; nor any one who has not been for one year next preceding his election a resident of this State, and for three months next preceding his election a resident of the county whence he may be chosen, nor any one who has been convicted of an infamous crime. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SECTION 11. The first election for Senators and Representatives under the provisions of this Constitution shall be held on the fourteenth, fifteenth and sixteenth days of April, of the present year ; and the second election shall be held on the third Wednesday in October, eighteen hundred and seventy, and forever thereafter on the same day in every second year in such manner and at such places as the Legislature may hereafter provide.

SECTION 12. The first session of the General Assembly after the ratification of this Constitution, shall be convened on the second Tuesday of May of the present year in the city of Columbia (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation), and thereafter on the fourth Tuesday in November annually. Should the casualties of war or contagious diseases render it unsafe to meet at the seat of government, then the

Governor may, by proclamation, appoint a more secure and convenient place of meeting.

SECTION 13. The terms of office of the Senators and Representatives chosen at a general election, shall begin on the Monday following such election.

SECTION 14. Each House shall judge of the election returns and qualifications of its own members; and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

SECTION 15. Each House shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

SECTION 16. Each House may punish by imprisonment, during its sitting, any person not a member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the House; *Provided*, that such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

SECTION 17. The members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from, the General Assembly, and ten days previous to the sitting, and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

SECTION 18. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered or rejected by the other.

SECTION 19. The style of all laws shall be, "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

SECTION 20. Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

SECTION 21. No bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the Great Seal of State affixed to it, and has been signed

in the Senate House, by the President of the Senate and the Speaker of the House of Representatives.

SECTION 22. No money shall be drawn from the treasury, but in pursuance of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

SECTION 23. Each member of the first General Assembly under this Constitution shall receive six dollars per diem while in session; and the further sum of twenty cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation as are fixed by law for the regular session, and none other.

SECTION 24. In all elections by the General Assembly, or either House thereof, the members shall vote "*viva voce*," and their votes, thus given, shall be entered upon the journal of the House to which they respectively belong.

SECTION 25. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

SECTION 26. Each House shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals. Any member of either House shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals.

SECTION 27. The doors of each House shall be open, except on such occasions as in the opinion of the House may require secrecy.

SECTION 28. No person shall be eligible to a seat in the General Assembly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, magistrates, or justices of inferior Courts, while such justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat; *Provided*, That this prohibition shall not extend to the members of the first General Assembly.

SECTION 29. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a

member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 30. Members of the General Assembly, and all officers before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath :

“I do solemnly swear (or affirm as the case may be) that I am duly qualified according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been elected (or appointed,) and that I will faithfully discharge to the best of my abilities the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States, over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States and the Constitution of South Carolina, as ratified by the people, on the _____ day of _____ 1868. So HELP ME GOD.” And the President of this Convention is authorized to fill the blanks in this section whenever he shall receive satisfactory information of the day on which this Constitution shall be ratified.

SECTION 31. Officers shall be removed for incapacity, misconduct, or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this Constitution.

SECTION 32. The family homestead of the head of each family, residing in this State, such homestead consisting of dwelling house, out-buildings and lands appurtenant, not to exceed the value of one thousand dollars, and yearly product thereof, shall be exempt from attachment, levy or sale on any mesne or final process issued from any court. To secure the full enjoyment of said homestead exemption to the person entitled thereto, or to the head of any family, the personal property of such person, of the following character, to wit: household furniture, beds and bedding, family library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine, goats and sheep, not to exceed in value in the aggregate the sum of five hundred dollars, shall be subject to like exemption as said homestead, and there shall be exempt in addition thereto all necessary wearing apparel: *Provided*, That no property shall be exempt from attachment, levy or sale, for taxes, or for payment of obligations contracted for the purchase of said home-

stead, or the erection of improvements thereon: *Provided further*, That the yearly products of said homestead shall not be exempt from attachment, levy or sale, for the payment of obligations contracted in the production of the same. It shall be the duty of the General Assembly at their first session to enforce the provisions of this Section by suitable legislation.

SECTION 33. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. The Supreme Executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina."

SECTION 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this Constitution for members of the General Assembly, and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such day as shall be provided for by law. The other State officers elect shall, at the same time, enter upon the performance of their duties.

SECTION 3. No person shall be eligible to the office of Governor who denies the existence of the Supreme Being; or who at the time of such election has not attained the age of thirty years, and who, except at the first election under this Constitution, shall not have been a citizen of the United States and a citizen and resident of this State for two years next preceding the day of election. No person while Governor shall hold any other office or commission (except in the militia) under this State, or any other power, at one and the same time.

SECTION 4. The returns of every election of Governor shall be sealed up by the managers of elections in their respective counties, and transmitted, by mail, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and a duplicate of said returns shall be filed with the Clerks of the Courts of said Counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof, upon

being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County, and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly; and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two Houses, the Speaker shall open and publish them in the presence of both Houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal, and highest in votes, the General Assembly shall, during the same session, in the House of Representatives choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SECTION 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex-officio* be President of the Senate.

SECTION 6. The Lieutenant Governor, while presiding in the Senate, shall have no vote, unless the Senate be equally divided.

SECTION 7. The Senate shall choose a President *pro tempore*, to act in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

SECTION 8. A member of the Senate, or of the House of Representatives, being chosen and acting as Governor or Lieutenant Governor, shall thereupon vacate his seat, and another person shall be elected in his stead.

SECTION 9. In case of the removal of the Governor from his office, or his death, resignation, removal from the State, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor, and the General Assembly, at its first session, after the ratification of this Constitution, shall, by law, provide for the case of removal, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor, and such officer shall act accordingly, until such disability shall have been removed, or a Governor shall have been elected.

SECTION 10. The Governor shall be commander-in-chief of the militia of the State, except when they shall be called into the actual service of the United States.

SECTION 11. He shall have power to grant reprieves and pardon

after conviction, (except in cases of impeachment,) in such manner, on such terms, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereunto.

SECTION 12. He shall take care that the laws be faithfully executed, in mercy.

SECTION 13. The Governor and Lieutenant Governor shall, at stated times, receive for their services a compensation, which shall be neither increased nor diminished during the period for which they shall have been elected.

SECTION 14. All Officers in the Executive Department shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices.

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

SECTION 16. He may, on extraordinary occasions, convene the General Assembly; and should either House remain without a quorum for five days, or in case of disagreement between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper; not beyond the time of the annual session then next ensuing.

SECTION 17. He shall commission all officers of the State.

SECTION 18. There shall be a Seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

SECTION 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor and countersigned by the Secretary of State.

SECTION 20. The Governor and the Lieutenant Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article two, section thirty of this Constitution.

SECTION 21. The Governor shall reside at the capital of the State; but during the sittings of the General Assembly he shall reside where its sessions are held, except in case of contagion.

SECTION 22. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and, if

he approve, he shall sign it; if not, he shall return it, with his objections to the House in which it shall have originated; which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of that House, it shall have the same effect as if it had been signed by the Governor; but, in all such cases the vote of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution, shall be entered on the journals of both Houses respectively. If a bill or joint resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect, as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not have such force and effect unless returned within two days after their next meeting.

SECTION 23. There shall be elected by the qualified voters of the State, a Comptroller-General, a Treasurer, and a Secretary of State, who shall hold their respective offices for the term of four years, and whose duties and compensation shall be prescribed by law.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only; in Probate Courts, and in Justices of the Peace. The General Assembly may also establish such municipal and other inferior Courts as may be deemed necessary.

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, two of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of six years, and shall continue in office until their successors shall be elected and qualified. They shall be so classified that one of the Justices shall go out of office every two years.

SECTION 3. The Chief Justice elected under this Constitution shall continue in office for six years, and the General Assembly immediately after the said election shall determine which of the two Associate Justices elect shall serve for the term of two years and which for the term of four years; and having so determined the same, it shall be the duty of the Governor to commission them accordingly.

SECTION 4. The Supreme Court shall have appellate jurisdiction only in cases of Chancery, and shall constitute a Court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe; *Provided*, The said Court shall always have power to issue writs of injunction, *mandamus, quo warranto, habeas corpus*, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other Courts in the State.

SECTION 5. The Supreme Court shall be held at least once in each year, at the seat of Government, and at such other place or places in the State as the General Assembly may direct.

SECTION 6. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the Court or the Judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this section for cases of the Supreme Court.

SECTION 7. There shall be appointed by the Judges of the Supreme Court a reporter and clerk of said Court, who shall hold their offices for two years, and whose duties and compensation shall be prescribed by law.

SECTION 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause, and fairly arising upon the record of the case, shall be considered and decided; and the reasons therefor shall be concisely and briefly stated in writing, and preserved with the records of the case.

SECTION 9. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

SECTION 10. No person shall be eligible to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States, and has not attained the age of thirty years, and been a resident of this State for five years next preceding his election, or from the adoption of this Constitution.

SECTION 11. All vacancies in the Supreme Court or other inferior

tribunals shall be filled by election as herein prescribed; *Provided*, That if the unexpired term does not exceed one year, such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

SECTION 12. In all cases decided by the Supreme Court, a concurrence of two of the Judges shall be necessary to a decision.

SECTION 13. The State shall be divided into convenient circuits, and for each circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the circuit of which he is Judge.

SECTION 14. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

SECTION 15. The Courts of Common Pleas shall have exclusive jurisdiction in all cases of divorce, and exclusive original jurisdiction in all civil cases and actions *ex delicto*, which shall not be cognizable before Justices of the Peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

SECTION 16. The Court of Common Pleas shall sit in each Judicial District in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have jurisdiction in all matters of Equity, but the Courts heretofore established for that purpose shall continue as now organized until the first day of January one thousand eight hundred and sixty-nine for the disposition of causes now pending therein, unless otherwise provided by law.

SECTION 17. The General Assembly shall provide by law for the preservation of the records of the Courts of Equity, and also for the transfer to the Court of Common Pleas and Probate Courts for final decision of all causes that may remain undetermined. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of court at which the causes were heard.

SECTION 18. The Court of General Sessions, shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each County in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

SECTION 19. The qualified electors of each County shall elect three persons for the term of two years, who shall constitute a Board of County Commissioners which shall have jurisdiction over

roads, highways, ferries, bridges, and in all matters relating to taxes, disbursements of money for County purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective Counties: *Provided*, That in all cases there shall be the right of appeal to the State Courts.

SECTION 20. A Court of Probate shall be established in each County, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower in cases of idiocy and lunacy, and persons *non compos mentis*. The Judge of said Court shall be elected by the qualified electors of the respective Counties for the term of two years.

SECTION 21. A competent number of Justices of the Peace and Constables shall be chosen in each County by the qualified electors thereof, in such manner as the General Assembly may direct; they shall hold their offices for a term of two years and until their successors are elected and qualified. They shall reside in the County, city or beat for which they are elected, and the Justices of the Peace shall be commissioned by the Governor.

SECTION 22. Justices of the Peace, individually, or two or more of them jointly, as the General Assembly may direct, shall have original jurisdiction in cases of bastardy, and in all matters of contract, and actions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto*, where the damages claimed do not exceed one hundred dollars; and prosecutions for assault and battery and other penal offences less than felony, punishable by fines only.

SECTION 23. They may also sit as examining Courts and commit, discharge, or recognize (except in capital cases) persons charged with offences, subject to such regulations as the General Assembly may provide; they shall also have power to bind over to keep the peace, or for good behavior. For the foregoing purposes they shall have power to issue all necessary processes.

SECTION 24. Every action cognizable before Justices of the Peace instituted by summons or warrant, shall be brought before some Justice of the Peace in the County or city where the defendant resides, and in all such causes tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law.

SECTION 25. The Judges of Probate, County Commissioners, Justices of the Peace, and Constables, shall receive for their services such compensation and fees as the General Assembly may from time to time by law direct.

SECTION 26. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

SECTION 27. There shall be elected in each County, by the electors thereof, one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other Courts of Record held therein; but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of Record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as the General Assembly may direct. Clerks of Courts shall be removable for such cause, and in such manner as shall be prescribed by law.

SECTION 28. There shall be an Attorney-General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall receive for his services such compensation as shall be fixed by law.

SECTION 29. There shall be one Solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an Attorney for the State, of any circuit, fails to attend and prosecute, according to law, the Court shall have power to appoint an Attorney *pro tempore*.

SECTION 30. The qualified electors of each County shall elect a Sheriff and a Coroner, for the term of four years, and until their successors are elected and qualified; they shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time, if it should appear that they or either of them are in default for monies collected by virtue of their respective offices.

SECTION 31. All writs and processes shall run, and all prosecutions shall be conducted in the name of the State of South Carolina; all writs shall be attested by the clerk of the court from which they shall be issued; and all indictments shall conclude against the peace and dignity of the State.

SECTION 32. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

SECTION 33. The first General Assembly convened under this Constitution, at their first session, immediately after their permanent organization, shall ratify the amendment to the Constitution of the United States, known as the Fourteenth Article, proposed by the Thirty-Ninth Congress.

SECTION 34. All contracts, whether under seal or not, the consideration of which were for the purchase of slaves, are hereby

declared null and void and of no effect, and no suit, either at law or equity, shall be commenced or prosecuted for the enforcement of such contracts, and all proceedings to enforce satisfaction or payment on judgments or decrees, rendered, recorded, enrolled or entered up on such contracts, in any Court of this State, are hereby prohibited, and all orders heretofore made in this State, in relation to such contracts, whereby property is held subject to decision as to the validity of such contracts, are also hereby declared null and void and of no effect.

ARTICLE V.

JURISPRUDENCE.

SECTION 1. The General Assembly shall pass such laws as may be necessary and proper, to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

SECTION 2. It shall be the duty of the General Assembly to pass the necessary laws for the change of venue in all cases, civil and criminal, over which the Circuit Courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the County where such trial or prosecution was commenced.

SECTION 3. The General Assembly, at its first session after the adoption of this Constitution, shall make provision to revise, digest, and arrange, under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice may be administered in a uniform mode of pleading without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify, and abridge the rules, practice, pleadings, and forms of the courts now in use in this State.

ARTICLE VI.

EMINENT DOMAIN.

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the

same; and they, together with all other navigable waters within the limits of the State shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

SECTION 2. The title to all lands and other property, which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats, or otherwise, shall vest in the State of South Carolina the same as though no change had taken place.

SECTION 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from defect of heirs, shall revert, or escheat to the people.

ARTICLE VII.

IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached, shall thereby be suspended from office until judgment in the case shall have been pronounced.

SECTION 2. All impeachments shall be tried by the Senate, and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of all the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or the senior Judge, shall preside, with a casting vote in all preliminary questions.

SECTION 3. The Governor and all other executive and judicial officers, shall be liable to impeachment; but judgment in such case shall not extend further than removal from office. The persons convicted, shall nevertheless, be liable to indictment, trial and punishment according to law.

SECTION 4. For any wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly. *Provided*, that the cause, or causes, for which said removal may be required, shall be stated at length in such address, and entered on the journals of each House. *And provided further*, that the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defence, before any vote for such address; and in all cases, the vote shall be taken by yeas and nays, and be entered on the journals of each House respectively.

ARTICLE VIII.

RIGHT OF SUFFRAGE.

SECTION 1. In all elections by the people the electors shall vote by ballot.

SECTION 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the County in which he offers to vote, sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections; *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; *Provided further*, That no person, while kept in any alms house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SECTION 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors.

SECTION 4. For the purpose of voting no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SECTION 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

SECTION 6. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

SECTION 7. Every person entitled to vote at any election shall be eligible to any office which now is or hereafter shall be elective by the people in the County where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

SECTION 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage except for treason, murder, robbery, or duelling, whereof the persons shall have been duly tried and convicted.

SECTION 9. Presidential electors shall be elected by the people.

SECTION 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

SECTION 11. The provision of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the General Assembly at its first session.

SECTION 12. No person shall be disfranchised for felony, or other crimes committed while such person was a slave.

ARTICLE IX.

FINANCE AND TAXATION.

SECTION 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

SECTION 2. The General Assembly may provide annually for a poll tax not to exceed one dollar on each poll, which shall be applied exclusively to the public school fund. And no additional poll tax shall be levied by any municipal corporation.

SECTION 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

SECTION 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object such tax shall be applied.

SECTION 5. It shall be the duty of the General Assembly to enact laws for the exemption from taxation of all public schools, colleges, and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, all public libraries, churches and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, County or

Municipal taxation; *Provided*, That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches and burial grounds, although connected with charitable objects.

SECTION 6. The General Assembly shall provide for the valuation and assessment of all lands and the improvements thereon prior to the assembling of the General Assembly of one thousand eight hundred and seventy, and thereafter on every fifth year.

SECTION 7. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall be authorized by law for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the General Assembly, to be recorded by yeas and nays on the journals of each House respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt.

SECTION 8. The corporate authorities of Counties, Townships, School Districts, Cities, Towns and Villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted within the limits of municipal corporations, shall be taxed for the payment of debts contracted under authority of law.

SECTION 9. The General Assembly shall provide for the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

SECTION 10. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock, bonds, or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

SECTION 11. An accurate statement of the receipt and expenditures of the public money shall be published with the laws of each regular session of the General Assembly in such manner as may, by law, be directed.

SECTION 12. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

SECTION 13. The fiscal year shall commence on the first day of November in each year.

SECTION 14. Any debt contracted by the State shall be by loan on State Bonds, of amounts not less than fifty dollars each, on interest, payable within twenty years after the final pas-

sage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SECTION 15. Suitable laws shall be passed by the General Assembly for the safe keeping, transfer and disbursement of the State, County and School funds, and all officers and other persons charged with the same, shall keep an accurate entry of each sum received, and of each payment and transfer; and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State; *Provided, however,* That the General Assembly, by a two-third vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

SECTION 16. No debt contracted by this State in behalf of the late rebellion, in whole or in part, shall ever be paid.

ARTICLE X.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

SECTION 2. There shall be elected biennially, in each County, by the qualified electors thereof, one School Commissioner, said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be Chairman; the powers, duties, and compensation of the members of said Board shall be determined by law.

SECTION 3. The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable School Districts. There shall be kept open at least six months in each year one or more schools in each School District.

SECTION 4. It shall be the duty of the General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between the ages of six and sixteen years,

not physically or mentally disabled, for a term equivalent to twenty-four months, at least: *Provided*, That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

SECTION 5. The General Assembly shall levy at each regular session after the adoption of this Constitution an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes. *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this section. The School Tax shall be distributed among the several School Districts of the State, in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to, or control of any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

SECTION 6. Within five years after the first regular session of the General Assembly, following the adoption of this Constitution, it shall be the duty of the General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

SECTION 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other benevolent institutions, as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

SECTION 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State Reform School for juvenile offenders.

SECTION 9. The General Assembly shall provide for the maintenance of the State University, and as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the land given to this State, for the support of such a college, by the Act of Congress, passed July second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purpose, for the support and maintenance of such college, and may make the same a branch of the State University, for instruction in Agriculture, the Mechanic Arts, and the Natural Sciences connected therewith.

SECTION 10. All the public schools, colleges, and universities of this State supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color.

SECTION 11. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State School Fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

ARTICLE XI.

CHARITABLE AND PENAL INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, deaf and dumb, and the poor, shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may enact.

SECTION 2. The Directors of the Penitentiary shall be elected or appointed, as the General Assembly may direct.

SECTION 3. The Directors of the benevolent and other State institutions, such as may be hereafter created, shall be appointed by the Governor, by and with the consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by yeas and nays, and entered upon the journals.

SECTION 4. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and until a successor or successors shall be appointed and confirmed.

SECTION 5. The respective Counties of this State shall make such provision, as may be determined by law, for all those inhabitants who by reason of age, and infirmities or misfortunes, may have a claim upon the sympathy and aid of society

SECTION 6. The Physician of the Lunatic Asylum, who shall be superintendent of the same, shall be appointed by the Governor, with the advice and consent of the Senate. All other necessary officers and employes shall be appointed by the Governor.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws; but all such laws may from time to time be altered or repealed.

SECTION 2. The property of corporations now existing or hereafter created, shall be subject to taxation, except in cases otherwise provided for in this Constitution.

SECTION 3. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made, or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a Court of Record, as shall be prescribed by law.

SECTION 4. Dues from corporations shall be secured by such individual liability of the stockholders and other means, as may be prescribed by law.

SECTION 5. All general laws and special acts passed pursuant to this section, shall make provisions therein for fixing the personal liability of stockholders under proper limitations; and shall prevent and punish fraudulent misrepresentations as to the capital property and resources of such corporations; and shall also regulate the public use of all franchises which have heretofore been, or hereafter may be created or granted, by or under the authority of this State, and shall limit all tolls, imposts, and other charges and demands under such laws.

SECTION 6. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporations now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities, upon note, bill, or otherwise; and upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation; and if any director or other officer shall be convicted upon indictment of directly or indirectly violating this Section, he shall be punished by fine or imprisonment, at the discretion of the Court. The books, papers, and accounts of all banks shall be open to inspection, under such regulations as may be prescribed by law.

ARTICLE XIII.

MILITIA.

SECTION 1. The Militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen

and forty-five years, except such persons as are now, or may hereafter be, exempted by the laws of the United States, or who may be adverse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide.

SECTION 2. The Governor shall have power to call out the militia to execute the laws, repel invasion, repress insurrection, and preserve the public peace.

SECTION 3. There shall be an Adjutant and Inspector-General elected by the qualified electors of the State, at the same time and in the same manner as other State officers, who shall rank as a Brigadier-General, and whose duties and compensation shall be prescribed by law. The Governor shall appoint, by and with the advice and consent of the Senate, such other staff officers as the General Assembly may direct.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. No person shall be elected or appointed to any office in this State, unless he possess the qualifications of an elector.

SECTION 2. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the General Assembly shall prevent the same by penal laws.

SECTION 3. The State Library shall be subject to such regulations as the General Assembly may prescribe.

SECTION 4. The General Assembly may direct, by law, in what manner claims against the State may be established and adjusted.

SECTION 5. Divorces from the bonds of matrimony shall not be allowed but by the judgment of a Court, as shall be prescribed by law.

SECTION 6. No person who denies the existence of the Supreme Being shall hold any office under this Constitution.

SECTION 7. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other departments of State, shall be let, on contract, in such manner as shall be prescribed by law.

SECTION 8. The real and personal property of a woman, held at the time of her marriage, or that which she may thereafter acquire either by gift, grant, inheritance, devise, or otherwise, shall not be subject to levy and sale for her husband's debts; but shall be held as her separate property and may be bequeathed, devised, or alienated by her the same as if she were unmarried; *Provided*,

That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

SECTION 9. The General Assembly shall provide for the removal of all causes, which may be pending when this Constitution goes into effect, to Courts created by the same.

SECTION 10. The election for all State officers shall take place at the same time as is provided for that of members of the General Assembly, and the election for those officers whose terms of service are for four years, shall be held at the time of each alternate general election

ARTICLE XV.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution, may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives, and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next General Assembly shall, after such an election, and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days in each House.

SECTION 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SECTION 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend, or change this Constitution, they shall recommend to the electors to vote at the next election for Representatives, for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members, not less than that of the most numerous branch of the General Assembly.

LIST OF DELEGATES.

A. G. MACKEY, of Charleston, President.

ABBEVILLE.

Jno. A. Hunter, Wm. N. Joiner,
Hutson J. Lomax, Bailey Milford,
Thos. Williamson.

ANDERSON.

Samuel Johnson, N. J. Newell,
Wm. Perry.

BERKLEY.

M. F. Becker, Benjamin Byas,
D. H. Chamberlain, W. H. W. Gray,
Timothy Hurley, Joseph H. Jenks,
Wm. Jervey, George Lee,

A. C. Richmond.

BEAUFORT.

James D. Bell, R. G. Holmes,
L. S. Langley, Robert Smalls,
W. J. Whipper, Francis E. Wilder,
J. J. Wright.

BARNWELL.

James N. Hayne, Charles D. Hayne,
Charles P. Leslie, Julius Mayer,
Abram Middleton, Niles G. Parker.

CHARLESTON.

C. C. Bowen, Richard H. Cain,
Francis L. Cardoza, Robert C. DeLarge,
Wm. McKinlay, Gilbert Pillsbury,

A. J. Ransier.

CHESTER.

P. Alexander, B. Burton,
S. Sanders.

COLLETON.

Jesse S. Craig, Wm. Driffle,
Wm. M. Thomas, Wm. M. Viney.

CLARENDON.

Elias Dickson, Wm. Nelson.

CHESTERFIELD.

R. J. Donaldson, H. L. Shrewsbury.

DARLINGTON.

Isaac Brockenton, Richard Humbird,
Jordan Lang, B. F. Whittemore.

EDGEFIELD.

Frank Arnim, John Bonum,
R. B. Elliott, David Harris.
P. R. Rivers, John Wooley.

FAIRFIELD.

H. D. Edwards, Henry Jacobs,
James M. Rutland.

GREENVILLE.

James M. Allen, Wilson Cooke,
James M. Runion, Wm. B. Johnson.

GEORGETOWN.

Franklin F. Miller, Joseph H. Rainey,
Henry W. Webb.

HORRY.

Henry Jones, Augustus Thompson.

KERSHAW.

John A. Chesnut, S. G. W. Dill,
J. K. Jillson.

LEXINGTON.

Lemuel Boozer, Simeon Corley.

LANCASTER.

Albert Clinton, Charles Jones.

LAURENS.

Joseph Crews, Nelson Davis,
Harry McDaniels, Y. J. P. Owens.

MARION.

Wm. S. Collins, H. E. Hayne,
J. W. Johnson, Benj. A. Thompson.

MARLBORO.

George Jackson, Calvin Stubbs.

NEWBERRY.

B. Odell Duncan, James Henderson,
Lee Nance.

ORANGEBURG.

E. J. Cain, E. W. M. Mackey,
W. J. McKinlay, T. K. Sasportas,
Benj. F. Randolph.

PICKENS.

Alexander Bryce, L. B. Johnson,
M. Mauldin.

RICHLAND.

Wm. B. Nash, Thomas J. Robertson,
Samuel B. Thompson, Charles M. Wilder.

SUMTER.

T. J. Coghlan, W. E. Johnston,
Samuel Lee, F. J. Moses, Jr.

SPARTANBURG.

J. P. F. Camp, H. H. Foster,
John S. Gentry, C. Wingo.

UNION.

Abram Dogan, James H. Goss,
Samuel Nuckles.

WILLIAMSBURG.

William Darrington, C. M. Olsen,
S. A. Swails.

YORK.

John W. Mead, J. L. Neagle,
W. E. Rose, J. H. White.

C. J. STOLBRAND, *Secretary*

ORDINANCES.

AN ORDINANCE

Declaring null and void all Contracts and Judgments and Decrees heretofore made and entered up, where the consideration was for the purchase of slaves.

We, the People of South Carolina, in Convention met, do hereby ordain, That all contracts, whether under seal or not, the consideration of which was the purchase of slaves, are hereby declared null, void, and of no effect; and no suit, either at law or in equity, shall be commenced or prosecuted for the enforcement of such contracts.

SECTION 2. That all proceedings to enforce satisfaction or payment of judgment or decrees rendered, recorded, enrolled or entered up on such contracts in any Court of this State are hereby prohibited.

SECTION 3. That all orders heretofore made in any Court in this State in relation to such contracts, whereby property is held subject to decision, as to the validity of such contracts, are also hereby declared null, void, and of no effect.

Done in Convention, at the city of Charleston, this thirtieth day of January, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

AN ORDINANCE

Defining the Pay and Mileage of the Members and Officers of this Convention.

We, the People of South Carolina, in Convention assembled, do ordain: That the pay, per diem, of the members shall be eleven dollars (\$11.00); Sergeant-at-Arms, eleven dollars (\$11.00); Secretary, eleven dollars (\$11.00); Assistant Sergeant-at Arms, eight dollars, (\$8.00); Assistant Secretary, eight dollars, (\$8.00); Engrossing Clerk, eight dollars, (\$8.00); Reading Clerk, seven dollars (\$7.00); Doorkeeper, eight dollars (\$8.00);

Assistant Doorkeeper, six dollars (\$6.00); Two Messengers, five dollars (\$5.00) each; and Janitor, four dollars (\$4.00); in bills receivable of the State, which have not the par value of United States currency.

SECTION 2. *And be it further ordained,* That the mileage of members and officers of the Convention shall be twenty (20) cents per mile to and from the Convention by the usual mail routes.

SECTION 3. *And be it further ordained,* That all payments made in conformity to the several provisions of this Ordinance or Ordinances, shall be upon the recommendation of the Finance Committee and upon the authority of the President of the Convention.

Done in Convention, at the city of Charleston, this thirty-first day of January, in the year of our Lord, one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President Constitutional Convention.

ATTEST:

C. J. STOLBRAND,
Secretary.

AN ORDINANCE

To Levy a Special Tax to Defray the Expenses of this Convention and preserve the credit of the State.

We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain, That there shall be assessed and collected by the Tax Collectors of the several Districts and Parishes in this State, in addition to the tax already levied under General Order, No. 139, issued from Headquarters Second Military District, by Brevet Major General E. R. S. Canby, commanding said District, dated Charleston, December 3, 1867, the following taxes, which shall be collected by the persons, and at the times and in the manner prescribed by said General Order: On all real estate seven and a half cents on every hundred dollars, excepting such lands as are exempted in Article 1 of said General Order. On articles manufactured for sale, barter or exchange, between the first day of January, 1868, and the first day of January, 1869, fifteen cents on every hundred dollars, to be paid by the manufacturer. On buggies, carriages, gold and silver plate, watches, jewelry and pianos, on hand on the first of January, 1868, except when held by dealers for purposes of sale, fifty cents on every hundred dollars. From the sale of goods, wares, or merchandize, embracing all the articles of trade, sale, barter, or exchange, (the cotton taxed by the United States excepted,) which any person

shall make between the first day of January, 1868, and the thirty-first day of December, 1868, fifteen cents on every one hundred dollars. And the Tax Collectors, Sheriffs, or any other persons whose duty it may be to collect, or the Treasurer of the State, whose duty it is to receive, shall be liable upon their respective official bonds for neglecting or refusing to collect, safely keep, pay over, and disburse the same in conformity to the orders of this Convention.

SECTION 2. *Be it further ordained*, That a sufficient amount of the sum thus realized is hereby appropriated to refund to the Treasurer of the State of South Carolina any sum or sums which may be advanced by the order of General Canby, or otherwise, for the payment of the *per diem*, mileage, or other expenses of this Convention, in Bills Receivable of the State.

SECTION 3. *Be it further ordained*, That the faith and credit of the State are hereby pledged for the redemption of Bills Receivable of the State of South Carolina, issued in conformity to an Act of the General Assembly of the said State in December, 1865, and subsequently the Act of September, 1866; and also for the payment of the bonds and other obligations of the State: *Provided*, That all obligations created for the purpose of aiding the rebellion, and for maintaining a hostile government to the laws and authorities of the United States are hereby declared to be null and void, and shall never be paid by any tax to be imposed upon the people of South Carolina.

SECTION 4. *Be it further ordained*, That for the purpose of defraying the current expenses of this Convention, the payment of its officers, members, and contingent accounts, Brevet Major General E. R. S. Canby, Commanding the Second Military District, be requested to issue from time to time, as may be necessary, such orders upon the Treasury of the State of South Carolina, for the payment of such sums as may be authorized by this Convention, in such amounts as may be agreed upon between the President of the Convention and the General Commanding to the officers and members of this body, for their *per diem* and mileage, and for the current expenses of the same; and that the amount of tax herein authorized to be levied, shall be placed in the Treasury of the State to reimburse said advances.

SECTION 5. *Be it further ordained*, That if the taxes levied and assessed under this Ordinance should be in excess of the whole expenses of this Convention, they shall be retained in the Treasury, subject to the future order of this Convention, or of the General Assembly, which may meet in conformity to the provisions of the Constitution to be adopted by this Convention. Should there be any deficiency in the sum required to be raised by taxation under this Ordinance to reimburse the Treasury for its outlay, the first General Assembly which shall assemble hereafter shall make such

further provision as may be necessary to raise funds for the purpose.

Done in Convention, at the City of Charleston, this twenty-ninth day of January, in the year of our Lord, one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President Constitutional Convention.

Attest :

C. J. STOLBRAND, Secretary.

AN ORDINANCE

To divide Pickens District into two Election and Judicial Districts.

We, the People of South Carolina, in Convention met, do ordain, That Pickens District be divided into two Judicial and Election Districts, by a line leaving the southern boundary of the State of North Carolina where the White Water River enters this State, and thence down the centre of said River, by whatsoever names known, to Ravenel's Bridge, on Seneca River, and thence along the centre of the road leading to Pendleton Village, until it intersects the line of the District of Anderson; that the territory lying east of said line shall hereafter constitute the Judicial and Election District of Pickens; and the territory lying west of said line shall constitute a new Judicial and Election District, to be called Oconee District.

SECTION 2. That James Lewis, James H. Ambler, Rees Bowen, James A. Hagood and W. T. Fields be and they are hereby appointed Special Commissioners to select a proper site, and locate a new Court House Town for Pickens District, which site shall be as near the centre of the District as may be practicable; and for this purpose they are hereby authorized to purchase in the name of the State a tract of not less than one hundred, nor more than four hundred acres of land, and after reserving a sufficient quantity for the public buildings, lay out the balance into town lots of various sizes, as they shall deem most desirable, and after not less than two months' previous public notice sell the same at public sale to the highest bidder, for cash, or otherwise as may seem to them best, making titles thereto in the name of the State, the proceeds of said sale, after paying for the lands purchased, to be applied by said Commissioners to the erection of a court house and jail, which shall be completed as soon as is practicable.

SECTION 3. That Wesly Pitchford, W. E. Holcombe, Bry Frotwell, M. F. Mitchel and Dr. O. M. Doyle be, and they are hereby appointed Special Commissioners to select a proper site, and locate and erect a court house and jail for Oconee District, which location

shall be either at the town of Walhalla, or at some point on the Blue Ridge Railroad between that place and Perryville, and for the purpose of erecting said court house and jail said Commissioners are hereby authorized, if sufficient contributions and means cannot be otherwise raised, to purchase in the name of the State so much land, not exceeding the amount limited to Pickens District, as they shall deem necessary, and to lay out, sell and convey the same as the Commissioners for Pickens District are authorized to do; the proceeds of said sale, after paying for the lands purchased to be applied by the said Commissioners to the erection of a court house and jail for said District, which shall be completed as soon as practicable.

SECTION 4. That the two Boards of Commissioners acting together are hereby authorized to sell the present court house and jail, with the public grounds of Pickens District, and convey the same in the name of the State, upon such terms as they shall deem most desirable; the proceeds of said sale to be equally divided between the two Boards, and applied by them to the erection of the new buildings for their respective Districts: *Provided*, That the present court house and jail shall be used for the two Districts until new jails are erected and some convenient arrangements, temporarily or otherwise, for holding the Courts separately at the new locations, as to one or both, shall have been made.

SECTION 5. That it shall be the duty of the said Boards of Commissioners to report their action respectively in the premises to the first session of the first General Assembly that shall assemble by authority of the Constitution adopted by this Convention, and of the said General Assembly in the same session to perfect the division and complete the organization of the said Districts of Pickens and Oconee, as the other Judicial and Election Districts of the State.

Done in Convention, at the city of Charleston, this twenty-ninth day of January, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

AN ORDINANCE

To provide for the Ratification of the Constitution, and for the Election of certain Officers.

We, the People of South Carolina, in Convention met, do ordain, That on the 14th, 15th and 16th days of April, 1868, the Constitution adopted by this Convention shall be sub-

mitted for ratification or rejection to the registered voters of this State; and also that, at the same time, an election shall be held for Governor, Lieutenant-Governor, Adjutant and Inspector-General, Secretary of State, Comptroller-General, Treasurer, Attorney-General, Superintendent of Education, and members of the General Assembly. And, furthermore, that at the same time an election shall be held in each Congressional District for a member of the House of Representatives of the United States Congress.

SECTION 2. That the election for the ratification or rejection of the Constitution and for the aforementioned officers shall be held at such places and under such regulations as may be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

SECTION 3. That in voting for or against the adoption of the Constitution the words "For Constitution," or "Against Constitution," shall be written or printed on the ballot of each voter; but no voter shall vote for or against the Constitution on a separate ballot from that cast by him for officers.

SECTION 4. That a Board of Commissioners is hereby appointed, to consist of Messrs. E. W. M. Mackey, F. L. Cardozo, A. J. Rancier, and C. C. Bowen, who shall keep an office for the transaction of business in the city of Charleston, and who may employ such clerical force as may be necessary, and who are empowered to cause to be appointed suitable persons for managers of elections in each County in the State to hold the election provided for by this Ordinance. Said Commissioners shall have power to use all the necessary means to secure a full and fair vote upon the Constitution and the election of officers.

SECTION 5. That in case of the death, resignation, or inability to serve of any member or members of said Board of Commissioners, the President of this Convention shall have power to fill such vacancy.

SECTION 6. That should the said Board of Commissioners deem it necessary or expedient, they are hereby authorized to extend in any County or Counties, election precinct or precincts, the number of days during which the election aforesaid is to be held from three to five.

SECTION 7. That within thirty days after the ratification of this Constitution, an election shall be held in and for each county, at such time and places, and under such regulations as may be prescribed by said Board of Commissioners for the election of all county officers required by this Constitution to be elected by the people. And the said Board shall also have authority to call elections for all municipal officers, at present elected by the people, at the same time, and subject to such regulations as said Board may prescribe, not inconsistent with this Constitution or the charters of such municipal bodies. And at such elections every qualified

elector under the provisions of this Constitution may vote for all officers to be elected.

SECTION 8. That the Commissioners herein appointed shall receive for their services five dollars per day in United States currency, or its equivalent in bills receivable of this State.

SECTION 9. That the President of this Convention, upon the requisition of said Board of Commissioners, shall have power to draw from the Treasury of the State all monies necessary to pay the expenses incurred under this Ordinance, and which the General Commanding this Military District is not authorized to assume.

SECTION 10. That the said Board of Commissioners, as soon as they have carried out the provisions of this Ordinance, shall make to the General Assembly a report of their proceedings, and a statement of the monies expended by them.

Done in Convention, at the city of Charleston, this seventh day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

AN ORDINANCE

To Divide the State into Four Congressional Districts.

We, the People of the State of South Carolina, in Convention met, do ordain, That the State of South Carolina shall be, and the same is hereby, divided into four Congressional Districts, as follows: First Congressional District, to be composed of the Counties of Lancaster, Chesterfield, Marlborough, Darlington, Marion, Horry, Georgetown, Williamsburg, Sumter, Clarendon, and Kershaw. Second Congressional District to be composed of the Counties of Charleston, Colleton, Beaufort and Barnwell. Third Congressional District to be composed of the Counties of Orangeburg, Lexington, Richland, Newberry, Edgefield, Abbeville and Anderson; and the fourth Congressional District to be composed of the Counties of Oconee, Pickens, Greenville, Laurens, Spartanburg, Union, York, Chester and Fairfield.

SECTION 2. That until the next apportionment be made by the Congress of the United States, each of the said Congressional Districts shall be entitled to elect one member to represent this State in the Congress of the United States. After such new apportionment by Congress, the General Assembly shall divide the State into as many Congressional Districts as we are entitled to members in the House of Representatives.

SECTION 3. That at the first election under this Constitution, two Representatives shall be elected at large on the State ticket, to represent the overplus of our population. Should they obtain seats, they shall continue to be so elected until the new apportionment after the census of 1870.

Done in Convention, at the city of Charleston, this eighth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President Constitutional Convention.

ATTEST :

C. J. STOLBRAND,
Secretary.

AN ORDINANCE

To amend an Ordinance entitled "An Ordinance to provide for the ratification of the Constitution and Ordinances and for the election of certain Officers."

We, the People of the State of South Carolina, in Convention met, do ordain, That the aforesaid Ordinance be so amended as to strike out the words "and ordinances" in the following places, to wit: In the first line of section 2, first line of section 3, second line of section 3, sixth line of section 4, and wherever else they occur.

Done in Convention, at the city of Charleston, this ninth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,
President Constitutional Convention.

ATTEST :

C. J. STOLBRAND,
Secretary.

AN ORDINANCE

To repeal all Acts of Legislation passed since the twentieth day of December, one thousand eight hundred and sixty, which pledge the faith and credit of the State for the benefit of any Corporate Body.

WHEREAS, it is inexpedient that when the credit of the State is advanced or pledged for the benefit of public enterprises and works, in which the people of the State are interested, that power

should be lodged in the General Assembly to exercise a salutary control over such public enterprises and works, to the end that the commerce and industry of the State should be adequately fostered and promoted; therefore,

We, the People of South Carolina, in Convention met, do ordain, That all acts or pretended acts of legislation purporting to have been passed by the General Assembly of the State since the twentieth day of December, A. D. 1860, pledging the faith and credit of the State for the benefit of any corporate body or private individual, are hereby suspended and declared inoperative until the General Assembly shall assemble and ratify the same. And it shall be the duty of the General Assembly at its first session after the passage of this Ordinance to attend to the same.

Done in Convention, at the city of Charleston, this fifteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,

President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

AN ORDINANCE

To provide for the Organization of the General Assembly at its first session and for the Inauguration of the Governor and Lieutenant Governor.

We, the People of South Carolina, in Convention met, do ordain: That the members of the General Assembly, elected under the provisions of the Constitution, shall assemble in the Capitol, at the city of Columbia, on Tuesday, the twelfth day of May, 1868, at 12 o'clock, M.

SECTION 2. That each House shall be temporarily organized by the election of a presiding officer, to whom the oath of office shall be administered by the President of this Convention, and which presiding officer shall then administer the said oath to the other members.

SECTION 3. That as soon as the House of Representatives is permanently organized by the election of a Speaker, and shall have appointed a day for that purpose, the Governor shall be installed into office in the presence of both Houses, and the oath of office shall be administered to him by the President of this Convention, who shall immediately thereafter administer the said oath to the Lieutenant Governor in the Senate Chamber.

SECTION 4. That for the purpose of administering these oaths of

