

ORDINANCES
AND
CONSTITUTION
OF THE
STATE OF SOUTH CAROLINA,
WITH THE
CONSTITUTION
OF THE
PROVISIONAL GOVERNMENT
AND OF THE
CONFEDERATE STATES OF AMERICA.

PUBLISHED BY ORDER OF THE CONVENTION.

CHARLESTON:
EVANS & COGSWELL, PRINTERS TO THE CONVENTION,
Nos. 3 Broad and 103 East Bay Streets.
1861.

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ORDINANCES.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twentieth day of December, in the same year.

AN ORDINANCE

TO DISSOLVE THE UNION BETWEEN THE STATE OF SOUTH CAROLINA AND OTHER STATES UNITED WITH HER UNDER THE COMPACT ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all Acts and parts of Acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the Union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

D. F. JAMISON, *Del. from Barnwell, and Pres't Convention.*

THOS. CHILES PERRIN,

J. H. WILSON,

EDW. NOBLE,

THOS. THOMSON,

DAVID LEWIS WARDLAW,	HENRY CAMPBELL DAVIS,
JNO. ALFRED CALHOUN,	JNO. BUCHANAN,
JOHN IZARD MIDDLETON,	JAMES C. FURMAN,
BENJAMIN E. SESSIONS,	P. E. DUNCAN,
J. N. WHITNER,	W. K. EASLEY,
JAMES L. ORR,	JAMES HARRISON,
J. P. REED,	W. H. CAMPBELL,
R. F. SIMPSON,	T. J. WITHERS,
BENJAMIN FRANKLIN MAULDIN,	JAMES CHESNUT, JR.,
LEWIS MALONE AYER, JR.,	JOSEPH BREVARD KERSHAW,
W. PERONNEAU FINLEY,	THOS. W. BEATY,
J. J. BRABHAM,	WM. J. ELLIS,
BENJ. W. LAWTON,	R. L. CRAWFORD,
JNO. MCKEE,	W. C. CAUTHEN,
THOMAS W. MOORE,	D. P. ROBINSON,
RICHARD WOODS,	H. C. YOUNG,
A. Q. DUNOVANT,	H. W. GARLINGTON,
JOHN A. INGLIS,	JOHN D. WILLIAMS,
HENRY McIVER,	W. D. WATTS,
STEPHEN JACKSON,	THOS. WIER,
W. PINCKNEY SHINGLER,	H. I. CAUGHMAN,
PETER P. BONNEAU,	JOHN C. GEIGER,
JOHN P. RICHARDSON,	PAUL QUATTLEBAUM,
JOHN L. MANNING,	W. B. ROWELL,
JOHN J. INGRAM,	CHESLEY D. EVANS,
EDGAR W. CHARLES,	WM. W. HARLLEE,
JULIUS A. DARGAN,	A. W. BETHEA,
ISAAC D. WILSON,	E. W. GOODWIN,
JOHN M. TIMMONS,	WILLIAM D. JOHNSON,
FRANCIS HUGH WARDLAW,	ALEX. McLEOD,
R. G. M. DUNOVANT,	JOHN P. KINARD,
JAMES PARSONS CARROLL,	ROBERT MOORMAN,
WM. GREGG,	JOSEPH CALDWELL,
ANDREW J. HAMMOND,	SIMEON FAIR,
JAMES TOMPKINS,	THOMAS WORTH GLOVER,
JAMES C. SMYLY,	LAWRENCE M. KEITT,
JOHN HUGH MEANS,	DONALD ROWE BARTON,
WILLIAM STROTHER LYLES,	WM. HUNTER,

ANDREW F. LEWIS,
 ROBT. A. THOMPSON,
 WILLIAM S. GRISHAM,
 JOHN MAXWELL,
 JNO. E. FRAMPTON,
 W. FERGUSON HUTSON,
 W. F. DESAUSSURE,
 WILLIAM HOPKINS,
 JAMES H. ADAMS,
 MAXCY GREGG,
 JOHN H. KINSLER,
 EPHRAIM M. CLARKE,
 ALEX. H. BROWN,
 E. S. P. BELLINGER,
 MERRICK E. CARN,
 E. R. HENDERSON,
 PETER STOKES,
 DANIEL FLUD,
 DAVID C. APPLEBY,
 R. W. BARNWELL,
 JOS. DAN'L POPE,
 C. P. BROWN,
 JOHN M. SHINGLER,
 DANIEL DU PRE,
 A. MAZYCK,
 WILLIAM CAIN,
 P. G. SNOWDEN,
 GEO. W. SEABROOK,
 JOHN JENKINS,
 R. J. DAVANT,
 E. M. SEABROOK,
 JOHN J. WANNAMAKER,
 ELIAS B. SCOTT,
 JOSEPH E. JENKINS,
 LANGDON CHEVES,
 GEORGE RHODES,
 A. G. MAGRATH,
 WM. PORCHER MILES,

JOHN TOWNSEND,
 ROBERT N. GOURDIN,
 H. W. CONNER,
 THEODORE D. WAGNER,
 R. BARNWELL RHETT,
 C. G. MEMMINGER,
 GABRIEL MANIGAULT,
 JOHN JULIUS PRINGLE SMITH,
 ISAAC W. HAYNE,
 JNO. H. HONOUR,
 RICHD DE'TREVILLE,
 THOS. M. HANCKEL,
 A. W. BURNET,
 THOS. Y. SIMONS,
 L. W. SPRATT,
 WILLIAMS MIDDLETON,
 F. D. RICHARDSON,
 B. H. RUTLEDGE,
 EDWARD MCCRADY,
 FRANCIS J. PORCHER,
 T. L. GOURDIN,
 JOHN S. PALMER,
 JOHN L. NOWELL,
 JOHN S. O'HEAR,
 JOHN G. LANDRUM,
 B. B. FOSTER,
 BENJAMIN F. KILGORE,
 JAS. H. CARLISLE,
 SIMPSON BOBO,
 WM. CURTIS,
 H. D. GREEN,
 MATTHEW P. MAYES,
 THOMAS REESE ENGLISH, SR.
 ALBERTUS CHAMBERS SPAIN,
 J. M. GADBERRY,
 J. S. SIMS,
 WM. H. GIST,
 JAMES JEFFERIES,

ANTHONY W. DOZIER,
JOHN G. PRESSLEY,
R. C. LOGAN,
FRANCIS S. PARKER,
BENJ. FANEUIL DUNKIN,
SAMUEL TAYLOR ATKINSON,
ALEX. M. FORSTER,

WM. BLACKBURN WILSON,
ROBERT T. ALLISON,
SAMUEL RAINEY,
A. BAXTER SPRINGS,
A. I. BARRON,
A. T. DARBY.

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twenty-second day of December, in the same year.

AN ORDINANCE

To alter the Constitution of the State of South Carolina, in respect to the Oath of Office.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the Fourth Article of the Constitution of the State of South Carolina, heretofore amended, be now altered so as to read as follows, to wit:

“All persons who shall be elected or appointed to any office of profit or trust, before entering on the execution thereof, shall take (besides special oaths not repugnant to this Constitution, prescribed by the General Assembly) the following oath: I do solemnly swear (or affirm) that I will be faithful, and true allegiance bear, to the State of South Carolina, so long as I may continue a citizen thereof, and that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State. So help me God.”

Done at Charleston, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twenty-second day of December, in the same year.

AN ORDINANCE

To make Provisional Postal Arrangements in South Carolina.

Whereas, The State of South Carolina owes it to her own citizens, and to those of the other States, that, as one of the contracting parties, she should not prevent or interrupt the performance of the pending contract for carrying and delivering of the Mails made by the United States while South Carolina was one of said States: *Be it ordained by the People of South Carolina, in Convention assembled*, That the existing postal contracts and arrangements shall be continued, and the persons charged with the duties thereof shall continue to discharge said duties until a Postal Treaty or Treaties shall be concluded, or until otherwise ordered by this Convention.

Done at Charleston, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON, *President*.

Attest: B. F. ARTHUR, *Clerk*.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twenty-sixth day of December, in the same year.

AN ORDINANCE

To make Provisional Arrangements for the Continuance of Commercial Facilities in South Carolina.

Whereas, It is due to our late confederates in the political Union, known as the United States of America, as also to the citizens of South Carolina engaged in commerce, that no abrupt or sudden change be made in the rate of duties upon imports into this State; and, whereas, it is not desired by this State to secure any advantage in trade to her own ports above those of any of the slaveholding States, her late confederates in the said Union; and, whereas, this Ordinance, for the considerations indicated, is designed to be provisional merely; therefore,

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

First: That all citizens of this State, who, at the date of the Ordinance of Secession, were holding office connected with the Customs, under the Government of the United States, within the limits of South Carolina, be, and they are hereby appointed to hold, under the Government of this State, exclusive of any further connection whatever with the Federal Government of the United States, the same offices they now fill, until otherwise directed, and to receive the same pay and emoluments for their services.

Second: That until this Convention, or the General Assembly, shall otherwise provide, the Governor shall appoint to all vacancies which may occur in such offices.

Third: That, until otherwise provided by this Convention, or the General Assembly, the revenue, collection and navigation laws of the United States, so far as they may be applicable, be, and they are hereby adopted, and made the laws of this State, saving that no duties shall be collected upon imports from the States forming the late Federal Union, known as the United States of America, nor upon the tonnage of vessels owned in whole or in part by the citizens of the said States, and saving and excepting the Act of Congress, adopted the 3d day of March, 1817, entitled "An Act authorizing the deposit of papers of foreign vessels with the Consuls of their respective nations," which said Act is hereby declared to be of no force within the limits of this State.

Fourth: That all vessels built in South Carolina, or elsewhere, and owned to the amount of one-third by a citizen or citizens of South Carolina, or any of the slaveholding commonwealths of North America, and commanded by a citizen thereof, and no other, shall be registered as vessels of South Carolina, under the authority of the Collector and Naval Officer.

Fifth: That all the official acts of the officers aforesaid, in which it is usual and proper to set forth the authority under which they act, or the style of documents issued by them, or any of them, shall be in the name of the State of South Carolina.

Sixth: That all moneys hereafter collected by any of the officers aforesaid shall, after deducting the sums necessary for the compensation of officers and other expenses, be paid into the Treasury of the State of South Carolina, for the use of the said State, subject to the order of this Convention, or the General Assembly.

Seventh: That the officers aforesaid shall retain in their hands all property of the United States in their possession, custody, or control, subject to the disposal of this State,

who will account for the same upon a final settlement with the Government of the United States.

Done at Charleston, the twenty-sixth day of December,
in the year of our Lord one thousand eight hundred
and sixty.

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twenty-seventh day of December, in the same year.

AN ORDINANCE

To amend the Constitution of the State of South Carolina in respect to the Executive Department.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the Governor shall have power to receive ambassadors, ministers, consuls, and agents from foreign powers; to appoint such agents, to be paid out of the contingent fund, as in his discretion he may choose to employ; to conduct negotiations with foreign powers; to make treaties by and with the advice and consent of the Senate, provided two-thirds of the Senators present agree; to nominate, and by and with the advice and consent of the Senate, to appoint such ambassadors, other public ministers and consuls, as the General Assembly shall have previously directed to be appointed, and also all other officers, whose appointment otherwise shall not have been provided for by law; to fill all vacancies that may happen during the recess of the Senate, in the offices to which he had the power to nominate as above mentioned, by granting commissions which shall expire at the end of the next session of the Senate, and to convene the Senate whenever, in his opinion, it may be necessary: *Provided, nevertheless,* That, during the exist-

ence of a Convention, all treaties and directions for appointment of ambassadors, ministers, or consuls, shall be subject to the advice and consent of the Convention, or to its separate action.

And it is further ordained, That the Governor shall immediately appoint four persons, with the advice and consent of this Convention, who, together with the Lieutenant-Governor, shall form a Council, to be called the Executive Council, whose duty it shall be, when required by the Governor, to advise with him upon all matters which may be submitted to their consideration: and that a record of such consultations shall be kept: *Provided, nevertheless,* That the Governor shall, in all cases, decide upon his own action.

Done at Charleston, the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the twenty-seventh day of December in the same year.

AN ORDINANCE

To alter the Constitution of the State of South Carolina, by striking out certain words in sundry places.

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the Constitution of the State of South Carolina be altered by striking therefrom certain words in sundry places, as follows, to wit: In the Twenty-first Section of the First Article, strike out in two places where they occur in this Section, the following words—"the United States or either of them." In the Third Clause of the Second Section of the Second Article, strike out the following words—"or under any State or the United States." In the Sixth Section of the Second Article, strike out the following words—"except when they shall be called into the actual service of the United States." In the Second Clause of the First Section of the Third Article, strike out the following words—"the United States." In the amendment of the amendment of the Fourth Section of the First Article, (which amendment of the amendment was ratified December twentieth, one thousand eight hundred and fifty-six,) strike out the following words—"and non-commissioned officers and private soldiers of the Army of the United States." In the Fifth Section of Second

Article, strike out in the places where they occur in this Section, the word "absence," and in lieu thereof, insert "removal;" also strike out "being absent," and insert in lieu thereof, "removal from the State."

Done at Charleston, the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the thirty-first day of December, in the same year.

AN ORDINANCE

Concerning Powers lately vested in the Congress of the United States.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That all powers which, by this State, were heretofore delegated to the Congress of the United States, shall be vested in the General Assembly, except that during the existence of this Convention, the powers of the General Assembly shall not extend, without the direction of this Convention, to any of these subjects, viz: Duties and Imposts, the Post-Office, the Declaration of War, Treaties, Confederacy with other States, Citizenship and Treason.

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

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the thirty-first day of December, in the same year.

AN ORDINANCE

To Define and Punish Treason.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That in addition to what has been already declared to be treason by the General Assembly, treason against this State shall consist only in levying war against the State, or adhering to its enemies, giving them aid and comfort; and that treason shall be punished by death, without benefit of clergy.

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

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty.

AN ORDINANCE

Concerning Judicial Powers.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the judicial power heretofore delegated by this State, so as to form a part of the judicial power of the United States, having reverted to this State, shall be exercised by such Courts as the General Assembly shall direct.

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

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and there, by divers adjournments, to the first day of January in the year of our Lord one thousand eight hundred and sixty-one.

AN ORDINANCE

Concerning Citizenship.

We, the People of the State of South Carolina in Convention assembled, do declare and ordain, and it is hereby declared and ordained;

1. Every person who, at the date of the Ordinance of Secession, was residing in this State, and was then by birth, residence, or naturalization, a citizen of this State, shall continue a citizen of this State, unless a foreign residence shall be established by such person with the intention of expatriation.

2. So, also, shall continue every free white person who, after the date aforesaid, may be born within the territory of this State, or may be born outside of that territory, of a father who then was a citizen of this State.

3. So, also, every person, a citizen of any one of the States now confederated under the name of the United States of America, who, within twelve months after the date of the Ordinance of Secession, shall come to reside in this State, with the intention of remaining, upon such person's taking the oath of allegiance to this State, below provided.

4. So, also, every free white person who shall be engaged in the actual service, military or naval, of the State, and shall take an oath of his intention to continue in such ser-

vice for at least three months, unless sooner discharged honorably, and also the oath of allegiance below prescribed. In this case, the oaths shall be administered by some commissioned officer of the service, in which the applicant for citizenship may be engaged, superior in rank to the applicant, and thereupon certificate of the citizenship of the applicant shall be signed by the officer, and delivered to the applicant.

5. So, also, every free white person, not a citizen of any of the States above mentioned, who, at the date of the Ordinance of Secession, was residing in this State, or who, within one year from that date, shall come to reside in this State, with the intention of remaining, upon such person's appearing before the Court of Common Pleas for any of the Districts of this State, establishing, by his or her own oath, the residence and intention here required, and taking the oath of allegiance and abjuration below prescribed.

6. So, also, every person, not a citizen of any of the States above mentioned, at the date aforesaid, who may come to reside in this State, with the intention of remaining, and may be naturalized according to the naturalization laws of this State. Until they may be altered or repealed, the naturalization laws of the United States, accommodated to the special condition of the State, are hereby made the laws of this State, except that instead of the oaths required by those laws in the final Act, the oath of allegiance to this State, and of abjuration below provided, shall be taken.

7. In all cases, the citizenship of a man shall extend to his wife, present or future, whenever she shall have a residence in the State, and shall extend also to each of his children that, under the age of eighteen years, may have a residence in the State. In like manner, the citizenship of a woman shall extend to each of her children, that, under the age of eighteen years, may have a residence in the State; *Provided*, That in no case shall citizenship extend to any person who is not a free white person.

8. That the oath of allegiance to this State shall be in the following form, to wit: "I do swear (or affirm) that I

will be faithful, and true allegiance bear, to the State of South Carolina, as long as I may continue a citizen thereof."

9. The oath of abjuration shall be in the following form, to wit: "I do swear (or affirm) that I do renounce, and forever abjure, all allegiance and fidelity to every prince, potentate, state, or sovereignty whatsoever, except the State of South Carolina."

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

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there, by divers adjournments, to the fifth day of January, in the year of our Lord one thousand eight hundred and sixty-one.

AN ORDINANCE

To vest in the General Assembly the power to establish
Postal Arrangements.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That all power necessary to make Postal Arrangements, and enact Postal Laws, is hereby vested in the General Assembly.

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

D. F. JAMISON, *President.*

Attest: B. F. ARTHUR, *Clerk.*

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments, to the fourth day of April, in the same year.

AN ORDINANCE

To alter the tenth Section of the first Article of the Constitution of the State of South Carolina, and the amendment thereof, ratified the twenty-eighth day of January, one thousand eight hundred and sixty-one; also, to alter the tenth Section of the Amendments, ratified on the seventeenth day of December, eighteen hundred and eight; and likewise, the second Clause of the eleventh Article of the Constitution aforesaid.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, as follows :

The tenth Section of the first Article of the Constitution of the State of South Carolina, and the Amendments thereof, ratified in the Senate house, on the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, shall be altered to read as follows :
 “Senators and Members of the House of Representatives shall be chosen at a General Election, on the Tuesday after the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two; and on the same day in every second year thereafter, in such manner and for such terms of office as are herein directed. They shall meet on the fourth Monday in November, annually, at

Columbia (which shall remain the seat of Government, until otherwise determined by the concurrence of two-thirds of both branches of the Representation), unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the Governor or Commander-in-Chief, for the time being, may, by proclamation, appoint a more secure and convenient place of meeting. From the next General Election shall, however, be excepted those Senators, whose term of office will not expire in the year one thousand eight hundred and sixty-two. The terms of office of the Senators and Members of the House of Representatives, shall begin on the Monday following a General Election." The tenth Section of the Amendments to the Constitution aforesaid, ratified December seventeenth, one thousand eight hundred and eight, shall be altered to read as follows: "The Senators having heretofore been divided by lot into two classes, the seats of the Senators of the first class shall be vacated at the expiration of the second year after the Monday following a General Election; and of the second class, at the expiration of the fourth year; and the number of these classes shall be so proportioned, that one-half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter every second year." The second Clause of the eleventh Article of the Constitution aforesaid, shall be altered to read as follows: "No part of this Constitution shall be altered unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to at the second and third readings by two-thirds of the whole Representation in each branch of the Legislature. Neither shall any alteration take place until the bill so agreed to be published three months previous to a new election for Members of the House of Representatives; and if the alteration proposed by the Legislature shall be agreed to in their first session by two-thirds of the whole Representation in each branch of the Legislature, after the same shall have been read on three several days, in each

House, then, and not otherwise, the same shall become a part of the Constitution.”

Done at Charleston, the fourth day of April, in the year of our Lord one thousand eight hundred and sixty-one.

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments to the fourth day of April, in the same year.

AN ORDINANCE

To amend an Ordinance concerning Citizenship.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the first Section of an Ordinance, entitled, "An Ordinance concerning Citizenship," ratified the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby altered and amended, so as to read as follows: "Every person who, at the date of the Ordinance of Secession, was by birth, residence, or naturalization, a citizen of this State, shall continue a citizen thereof, unless a foreign residence shall be established by such person, with the intention of expatriation."

Done at Charleston, the fourth day of April, in the year of our Lord one thousand eight hundred and sixty-one.

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments, to the fourth day of April, in the same year.

AN ORDINANCE

To repeal sundry Ordinances, and to alter the fourth Article and sundry Sections of the Constitution.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, as follows:

The Ordinance ratified by us in Convention, on the twenty-second day of December, one thousand eight hundred and sixty, entitled "An Ordinance to make provisional Postal Arrangements in South Carolina:" also, the Ordinance ratified on the twenty-sixth day of December, one thousand eight hundred and sixty, entitled "An Ordinance to make provisional arrangements for the continuance of Commercial Facilities in South Carolina:" also, the Ordinance ratified on the twenty-seventh day of December, one thousand eight hundred and sixty, entitled "An Ordinance to alter the Constitution of the State of South Carolina, by striking out certain words in sundry places:" also, the Ordinance ratified on the fifth day of January, one thousand eight hundred and sixty-one, entitled "An Ordinance to vest in the General Assembly the power of establishing Postal Arrangements," shall be, and the same are hereby repealed. The Ordinance, ratified on the thirty-first day of December, one thousand eight hundred and

sixty, entitled "An Ordinance concerning powers lately vested in the Congress of the United States;" also, the Ordinance, ratified on the thirty-first day of December, one thousand eight hundred and sixty, entitled "An Ordinance concerning Judicial Powers," shall be, and the same are hereby repealed, so far as they are inconsistent with the Constitution of the Confederate States of America. The various amendments heretofore made to the fourth Article of the Constitution of the State of South Carolina, shall be, and the same are hereby repealed. And the fourth Article, and sundry Sections of the Constitution of the State of South Carolina, be altered and amended, so as to read as follows, to wit:

ARTICLE I, Section 4. Every free white man of the age of twenty-one years, paupers, and non-commissioned officers and private soldiers of the army of the Confederate States of America excepted, who hath been a citizen and resident of this State two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or not having such freehold, or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members, to serve in either branch of the Legislature, for the election district, in which he holds such property, or is so resident. Section 21. No person shall be eligible to a seat in the Legislature, whilst he holds any office of profit or trust under this State, the Confederate States of America, or either of them, or under any other power, except officers in the militia, army or navy of this State, Justices of the Peace, or Justices of the County Courts, while they receive no salaries; nor shall any contractor of the army or navy of this State, the Confederate States of America, or either of them, or the agents of such contractor, be eligible to a seat in either House. And if any member shall accept, or exercise any of the said disqualifying offices, he shall vacate his seat.

ARTICLE II, Section 2, Clause 3. No person shall hold the office of Governor, and any other office or commission, civil or military, (except in the militia,) either in this State, or under the Confederate States of America, or either of them, or under any other power at one and the same time. Section 5. In case of the impeachment of the Governor, or his removal from office, death, resignation, or removal from the State, the Lieutenant-Governor shall succeed to his office. And in case of the impeachment of the Lieutenant-Governor, or his removal from office, death, resignation, or removal from the State, the President of the Senate shall succeed to his office, till a nomination to those offices, respectively, shall be made by the Senate and House of Representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or removed from the State, was elected. Section 6. The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the actual service of the Confederate States of America.

ARTICLE III, Section 1. The judicial power shall be vested in such Superior and Inferior Courts of Law and Equity as the Legislature shall from time to time direct and establish. The Judges of each shall hold their commissions during good behavior; and Judges of the Superior Courts shall, at stated times, receive a compensation for their services, which shall neither be increased nor diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the Confederate States of America, or any other power.

ARTICLE IV. All persons who shall be elected, or appointed to any office of profit or trust, before entering on the execution thereof, shall take (besides special oaths not repugnant to this Constitution, prescribed by the General Assembly) the following oath: "I do solemnly swear (or affirm) that I will be faithful, and true allegiance bear to the State of South Carolina, so long as I may continue a

citizen thereof, and that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the Confederate States of America. So help me God."

Done at Charleston, the fourth day of April, in the year of our Lord one thousand eight hundred and sixty-one.

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments to the eighth day of April in the same year.

AN ORDINANCE

To transfer to the Government of the Confederate States of America the use and occupancy of the forts, arsenals, navy yards, custom houses, and other public sites, within the limits of this State.

We, the People of South Carolina, in Convention assembled, do ordain and declare, and it is hereby ordained and declared, by the authority of the same,

That the Government of the Confederate States of America is hereby authorized to occupy, use and hold possession of all forts, navy yards, arsenals, custom houses, and other public sites, within the limits of this State, and their appurtenances, lately in the possession of the United States of America, together with Fort Sumter, and to repair, rebuild and control the same at its discretion, until this Ordinance be repealed by a Convention of the People of this State.

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

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued, by divers adjournments, to the eighth day of April, in the same year.

AN ORDINANCE

To repeal in part, and alter in part, the Ordinance entitled, "An Ordinance to amend the Constitution of the State of South Carolina, in respect to the Executive Department."

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, as follows,

The first Section of the Ordinance, ratified on the twenty-seventh day of December, one thousand eight hundred and sixty, entitled "An Ordinance to amend the Constitution of the State of South Carolina, in respect to the Executive Department," is hereby repealed. The second Section of the said Ordinance is hereby altered, so that the faithful servants of the State, who have heretofore constituted the Executive Council, shall be relieved from the duties which have been assigned to them under that section, so soon as, in the opinion of the Governor, the pressing exigencies of public affairs will permit, except two, to wit: the Lieutenant Governor, and a member of the Council, who may be charged with the Treasury Department, and these two, at the discretion of the Governor, may be retained, but not beyond the adjournment of the Legislature, after its next sitting, unless the Legislature should otherwise direct.

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

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

A BILL

To alter and amend the Third Section of the First Article of the Constitution of this State.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Election District declared and known in the Constitution by the name of Claremont, shall be hereafter known and recognized by the name of Sumter.

II. *Be it further enacted by the authority aforesaid*, That the Election District declared and known in the Constitution by the name of Liberty, shall be hereafter known and recognized by the name of Marion.

In the Senate House, the fourth day of December, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

We do certify that the foregoing Bill has been read three times, on three several days, in the House of Representatives, and three times, on three several days, in the Senate, and was agreed to by two-thirds of the whole representation in both branches of the Legislature.

WILLIAM D. PORTER,
President of the Senate.

JAMES SIMONS,
Speaker House of Representatives.

A BILL

To alter and amend the Tenth Section of the First Article of the Constitution of the State of South Carolina.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tenth Section of the first Article of the Constitution of this State be altered and amended, to read as follows: Senators and Members of the House of Representatives shall be chosen on the Tuesday after the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every second year thereafter, in such manner and at such times as are herein directed, and shall meet on the fourth Monday in November, annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the Governor or Commander-in-Chief for the time being may, by proclamation, appoint a more secure and convenient place of meeting; *Provided*, That nothing herein contained shall be so construed as to apply to those Senators whose term of office will not expire on the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

We certify that this Bill has been read three times in

the House of Representatives, and three times in the Senate, at the present session, and was agreed to by two-thirds of the whole representation.

WILLIAM D. PORTER,

President of the Senate.

JAMES SIMONS,

Speaker House of Representatives.

RESOLUTION

For Engrossing the Constitution of the State.

Resolved, That the Constitution of the State shall be engrossed, omitting all temporary provisions, and incorporating all amendments, so as to present a symmetrical whole, and that after having been read and approved by the Convention, it shall be ratified.

THE
CONSTITUTION
OF THE
STATE OF SOUTH CAROLINA,

APRIL 8, 1861.

We, the People of the State of South Carolina, in Preamble
Convention assembled, do ordain and establish this Con-
stitution, for the Government of the said State :

ARTICLE I.

Section 1. The Legislative authority of this State Legisla-
shall be vested in a General Assembly, which shall ture.
consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be Represent-
composed of Members, chosen by ballot, every tatives, how
second year, by the citizens of this State, qualified chosen, and
as in this Constitution is provided. for what
time.

Section 3. The Election Districts in this State Election
shall be as follows, to wit : Districts.

CHARLESTON, (including St. Philip and St.
Michael,)
CHRIST CHURCH,
ST. JOHN, BERKLEY,
ST. ANDREW,

ST. GEORGE, DORCHESTER,
 ST. JAMES, GOOSE CREEK,
 ST. THOMAS and ST. DENNIS,
 ST. PAUL,
 ST. BARTHOLOMEW,
 ST. JAMES, SANTEE,
 ST. JOHN, COLLETON,
 ST. STEPHEN,
 ST. HELENA,
 ST. LUKE,
 PRINCE WILLIAM,
 ST. PETER,
 ALL SAINTS, (including its ancient bound-
 aries,)
 WINYAW, (not including any part of All
 Saints,)
 KINGSTON, (not including any part of All
 Saints,)
 WILLIAMSBURG,
 MARION,
 MARLBOROUGH,
 CHESTERFIELD,
 DARLINGTON,
 YORK,
 CHESTER,
 FAIRFIELD,
 RICHLAND,
 LANCASTER,
 KERSHAW,
 SUMTER,
 CLARENDON,
 ABBEVILLE,
 EDGEFIELD,
 NEWBERRY,
 LAURENS,
 UNION,
 SPARTANBURG, (heretofore called Spartan,)
 GREENVILLE,

ANDERSON,
 PICKENS,
 ST. MATTHEW,
 ORANGE,
 BARNWELL,
 LEXINGTON.

Section 4. The boundaries of the Election Districts shall remain as they have heretofore been established. Boundaries of Districts.

Section 5. The House of Representatives shall consist of one hundred and twenty-four Members, to be apportioned among the several Election Districts of the State, according to the number of white inhabitants contained, and the amount of all taxes raised by the Legislature, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other District, and adding thereto all taxes elsewhere paid on account of property held in such District; an enumeration of the white inhabitants, for this purpose, was made in the year one thousand eight hundred and fifty-nine, 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 Districts, in the above-mentioned proportion, by Act of the Legislature, at the session immediately succeeding every enumeration. 124 Representatives, apportioned according to white population and Taxes. Census to be taken.

Section 6. If the enumeration herein directed should not be made in the course of the year appointed for the purpose, it shall be the duty of the Government to have it effected as soon thereafter as shall be practicable. Omission to be supplied.

Section 7. In assigning Representatives to the Fractions

several Districts of this State, the Legislature shall allow one Representative for every sixty-second part of the whole number of white inhabitants in the State; and one Representative, also, for every sixty-second part of the whole taxes raised by the Legislature of the State. The Legislature shall further allow one Representative for such fractions of the sixty-second part of the white inhabitants of the State, and of the sixty-second part of the taxes raised by the Legislature of the State as when added together, form a unit.

Taxes—
how esti-
mated.

Section 8. In every apportionment of representation which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years.

Each Dis-
trict one
Represent-
ative.

Section 9. If, in the apportionment of Representatives, any Election District shall appear not to be entitled, from its population and its taxes, to a Representative, such Election District shall nevertheless send one Representative; and if there should be still a deficiency of the number of Representatives required by section fifth, such deficiency shall be supplied by assigning Representatives to those Election Districts having the largest surplus fractions, whether those fractions consist of a combination of population and taxes, or of taxes separately, until the number of one hundred and twenty-four members be provided.

When ap-
portion-
ment shall
take effect.

Section 10. No apportionment of Representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

Senators.

Section 11. The Senate shall be composed of one member from each Election District, except the

District formed by the Parishes of St Philip and St. Michael, to which shall be allowed two Senators as heretofore.

Section 12. The Senators having been heretofore Classed. divided, by lot, into two classes, the seats of the Senators of the first class shall be vacated at the expiration of the second year after the Monday following a general election, and of the second class at the expiration of the fourth year; and the number of these classes shall be so proportioned that one-half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter every second year.

Section 13. Every free white man of the age of Qualifica-
tion of vot-
ers. twenty-one years, paupers, and non-commissioned officers and private soldiers of the army of the Confederate States of America excepted, who hath been a citizen and resident in this State two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election; or not having such freehold or town lot, hath been a resident in the Election District, in which he offers to give his vote, six months before the said election, shall have a right to vote for a member, or members, to serve in either branch of the Legislature for the Election District in which he holds such property, or is so resident.

Section 14. The returning officer, or any other How
proved or
examined. person present, entitled to vote, may require any person, who shall offer his vote at an election, to produce a certificate of his citizenship, and other qualification, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote, agreeably to this Constitution.

Qualifica-
of Repre-
sentatives.

Section 15. No person shall be eligible to a seat in the House of Representatives unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this State three years previous to his election. If a resident in the Election District, he shall not be eligible to a seat in the House of Representatives unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes; or of a real estate of the value of one hundred and fifty pounds, sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein of the value of five hundred pounds, sterling, clear of debt.

Who shall
not be eli-
gible to the
Senate.

Section 16. No person shall be eligible to a seat in the Senate unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this State five years previous to his election. If a resident in the Election District, he shall not be eligible, unless he be legally seized and possessed, in his own right, of a settled freehold of the value of three hundred pounds, sterling, clear of debt. If a non-resident in the Election District, he shall not be eligible, unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said District, of the value of one thousand pounds, sterling, clear of debt.

Members
of Legisla-
ture—when
chosen.

Section 17. Senators and Members of the House of Representatives shall be chosen at a general election on the Tuesday after the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every second year thereafter, in such manner and for such terms of office as are herein directed.

They shall meet on the fourth Monday in November, annually, at Columbia (which shall remain the seat of Government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation), unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the Governor, or Commander-in-Chief, for the time being may, by proclamation, appoint a more secure and convenient place of meeting. From the next general election shall, however, be excepted those Senators now in office, whose term of service will not expire in the year one thousand eight hundred and sixty-two.

When to meet, and where.

Senators excepted.

Section 18. The terms of office of the Senators and Members of the House of Representatives shall begin on the Monday following a general election.

Terms of office.

Section 19. Each House shall judge of the elections, 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 be authorized to compel the attendance of absent Members in such manner and under such penalties as may be provided by law.

Validity of elections—how determined.

Adjournment from day to day.

Section 20. Each House shall choose, by ballot, its own officers, determine its rules of proceeding, punish its Members for disorderly behaviour, and with the concurrence of two-thirds, expel a Member, but not a second time for the same cause.

Each House to elect their own officers.

Section 21. Each House may punish, by imprisonment during its sitting, any person not a Member, who shall be guilty of disrespect to the House

Power of House to punish for contempt.

by any disorderly or contemptuous behaviour 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 to or returning therefrom, or who shall rescue any person arrested by order of the House.

Privileges
of Mem-
bers and
their es-
tates.

Section 22. The Members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from the Legislature, and ten days previous to the sitting, and ten days after the adjournment of the Legislature. 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.

Revenue
bills.

Section 23. 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.

Other bills.

What shall
give the
force of a
law.

Section 24. No bill or ordinance 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 affixed to it, and has been signed in the Senate House by the President of the Senate and Speaker of the House of Representatives.

Only Leg-
islature to
draw mon-
ey.

Section 25. No money shall be drawn out of the Public Treasury, but by the legislative authority of the State.

Section 26. The Members of the Legislature, who shall assemble under this Constitution, shall be entitled to receive out of the Public Treasury, for their expenses during their attendance on, going to, and returning from the Legislature, the compensation now fixed by law; and the same may be increased or diminished by law, if circumstances shall require; but no alteration shall be made by any Legislature to take effect during the existence of the Legislature which shall make such alteration.

Compensation to Members.

Section 27. Neither House, during their session, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Adjournment of House.

Section 28. No bill or ordinance, which shall have been rejected by either House, shall be brought in again during the sitting, without leave of the House, and notice of six days being previously given.

Regulation about bringing in bills, &c., once rejected.

Section 29. No person shall be eligible to a seat in the Legislature whilst he holds any office of profit or trust under this State, the Confederate States of America, or either of them, or under any other power, except officers in the militia, army, or navy of this State, Justices of the Peace, or Justices of the County Courts, while they receive no salaries; nor shall any contractor of the army or navy of this State, the Confederate States of America, or either of them, or the agents of such contractor, be eligible to a seat in either House. And if any Member shall accept or exercise any of the said disqualifying offices he shall vacate his seat.

What persons are excluded from the Legislature

How vacancies in the Legislature shall be filled.

Section 30. 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 should refuse to qualify and take his seat, or should die, depart the State, or accept any disqualifying office, 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 up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the State, or accepting a disqualifying office, was elected to serve.

Clergymen excluded.

Section 31. And whereas the ministers of the Gospel are, by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the Gospel, or public preacher of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Governor, Lieutenant-Governor, or to a seat in the Senate or House of Representatives.

ARTICLE II.

Executive.

Section 1. The Executive authority of this State shall be vested in a Governor, to be chosen in the manner following: As soon as may be after the first meeting of the Senate and House of Representatives, and at every first meeting of the House of Representatives thereafter, when a majority of both Houses shall be present, the Senate and House of Representatives shall jointly, in the House of Representatives, choose by ballot a Governor, to continue for two years, and until a new election shall be made.

How chosen—
for two
years.

Section 2. No person shall be eligible to the office of Governor unless he hath attained the age of thirty years, and hath resided within the State, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

Qualification of Governor.

No person having served two years as Governor shall be re-eligible to that office till after the expiration of four years.

Not re-eligible for four years.

No person shall hold the office of Governor, and any other office, or commission, civil or military, except in the militia, either in this State, or under the Confederate States of America, or either of them, or under any other power, at one and the same time.

Disqualification

Section 3. 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.

Lieutenant Governor—how chosen. &c.

Section 4. A Member of the Senate or House of Representatives being chosen, and acting as Governor or Lieutenant-Governor, shall vacate his seat, and another person shall be elected in his stead.

Member of Legislature vacates his seat on being chosen Governor or Lieutenant-Governor.

Section 5. In case of the impeachment of the Governor, or his removal from office, death, resignation, or removal from the State, the Lieutenant-Governor shall succeed to his office. And in case of the impeachment of the Lieutenant-Governor, or his removal from office, death, resignation, or removal from the State, the President of the Senate shall succeed to his office, until a nomination to those offices, respectively, shall be made by the Senate and House of Representatives, for the remainder of the time for which the officer so

Vacancies—how filled

impeached, removed from office, dying, resigning, or removed from the State, was elected.

Governor to command army, &c.

Section 6. The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the actual service of the Confederate States of America.

May grant pardons, &c

Section 7. He shall have power to grant reprieves and pardons 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.

Shall execute the laws.

Section 8. He shall take care that the laws be faithfully executed, in merey.

May prohibit the exportation of provisions.

Section 9. He shall have power to prohibit the exportation of provisions, for any time not exceeding thirty days.

His compensation.

Section 10. He shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished, during the period for which he shall have been elected.

Executive Officers shall give information to the Governor.

Section 11. All the officers in the Executive Department, when required by the Governor, shall give him information, in writing, upon any subject relating to the duties of their respective offices.

Governor shall give information to Assembly.

Section 12. 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 13. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

May convene General Assembly on extraordinary occasions, and adjourn Legislature when they cannot agree.

ARTICLE III.

Section 1. The judicial power shall be vested in such Superior and Inferior Courts of Law and Equity, as the Legislature shall from time to time direct and establish. The judges of each shall hold their commissions during good behaviour; and Judges of the Superior Courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this State, the Confederate States of America, or any other power.

Judiciary.
Courts of Law and Equity.
Judges shall hold commissions during good behaviour, receive compensation, and disqualified from holding any other office

Section 2. The style of all process shall be, "The State of South Carolina." All prosecutions shall be carried on in the name and by the authority of the State of South Carolina, and conclude—"Against the peace and dignity of the same."

Style of process.

ARTICLE IV.

All persons who shall be elected or appointed to any office of profit or trust, before entering on the execution thereof, shall take (besides special oaths not repugnant to this Constitution, prescribed by the General Assembly) the following oath: "I do solemnly swear (or affirm) that I will be faith-

Oath of office.

ful, and true allegiance bear to the State of South Carolina, so long as I may continue a citizen thereof; and that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the Confederate States of America. So help me God."

ARTICLE V.

Representatives shall impeach.

Section 1. The House of Representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the House of Representatives.

Senate to try impeachments.

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath, or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Members present.

Who liable to impeachment

Section 3. The Governor, Lieutenant-Governor, and all civil officers shall be liable to impeachment for high crimes and misdemeanors, for any misbehaviour in office, for corruption in procuring office, or for any act which shall degrade their official character. But judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

Punishment in case of conviction.

All district offices to be regulated by law

Section 4. All civil officers, whose authority is limited to a single Election District, a single Judicial District, or part of either, shall be appointed,

hold their office, be removed from office, and in addition to liability to impeachment, may be punished for official misconduct in such manner as the Legislature, previous to their appointment, may provide.

Section 5. If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent bodily or mental infirmity, his office may be declared to be vacant by joint resolution, agreed to by two-thirds of the whole Representation in each branch of the Legislature. *Provided,* That such resolution shall contain the grounds for the proposed removal, and, before it shall pass either House, a copy of it shall be served on the officer, and a hearing be allowed him.

Removal
for infirm-
ity.

ARTICLE VI.

Section 1. The Judges of the Superior Courts, the Commissioners of the Treasury, Secretary of the State, and Surveyor-General, shall be elected by the joint ballot of both Houses, in the House of Representatives. The Commissioners of the Treasury, Secretary of the State, and Surveyor-General, shall hold their offices for four years, but shall not be eligible again for four years after the expiration of the time for which they shall have been elected.

How offi-
cers shall
be elected.

Limitation
of some
commis-
sions.

Section 2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but a sheriff shall not be again eligible for four years after the term for which he shall have been elected.

Other offi-
cers — how
appointed.
Sheriff not
re-eligible
for four
years.

Section 3. All commissions shall be in the name and by the authority of the State of South Caroli-

Style of
commis-
sions.

na, and be sealed with the seal of the State, and be signed by the Governor.

ARTICLE VII.

Laws to continue of force until altered.

All laws of force in this State, at the passing of this Constitution, shall so continue, until altered or repealed by the Legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by Act of the Legislature.

ARTICLE VIII.

Free exercise of any religious profession.

Proviso.

Section 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, forever hereafter be allowed within this State, to all mankind, provided that the liberty of conscience hereby declared shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Rights, &c. preserved to corporate and other bodies.

Section 2. The rights, privileges, immunities and estates of both civil and religious societies, and of corporate bodies, shall remain as if the Constitution of this State had not been altered or amended.

ARTICLE IX.

Declaration of rights.

Section 1. All power is originally vested in the people, and all free governments are founded on their authority, and are instituted for their peace, safety and happiness.

Section 2. No freeman of this State shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers,

or by the law of the land; nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts ever be passed by the Legislature of this State.

Section 3. The military shall be subordinate to the civil power.

Section 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Section 5. The Legislature shall not grant any title of nobility, or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behaviour.

Section 6. The trial by jury, as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved.

Section 7. The rights of primogeniture shall not be re-established, and there shall not fail to be some legislative provision for the equitable distribution of the estates of intestates.

ARTICLE X.

Section 1. The business of the Treasury shall be in future conducted by two Treasurers, one of whom shall hold his office and reside in Columbia, the other shall hold his office and reside in Charleston.

Treasury
—how con-
ducted.

Section 2. The Secretary of State and the Surveyor General shall hold their offices both in Columbia and Charleston. They shall reside at one place, and their Deputies at the other.

A Secre-
tary's office.

Times and places of the meetings of Judges at the discretion of Legislature

Section 3. The Judges shall, at such times and places as shall be prescribed by Act of the Legislature of this State, meet and sit, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them.

Governor shall reside where Legislature sits during Session.

Section 4. The Governor shall always reside, during the sitting of the Legislature, at the place where their Session may be held; and at all other times wherever, in his opinion, the public good may require.

ARTICLE XI.

Convention to be called by two-thirds of the Legislature.

Section 1. No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole Representation.

Constitution—how altered.

Section 2. No part of this Constitution shall be altered, unless a bill to alter the same shall have been read, on three several days, in the House of Representatives, and on three several days in the Senate, and agreed to at the second and third readings, by two-thirds of the whole Representation in each branch of the Legislature; neither shall any alteration take place until the bill so agreed to be published three months previous to a new election for Members of the House of Representatives; and if the alteration proposed by the Legislature shall be agreed to, in their first Session, by two-thirds of the whole Representation, in each branch of the Legislature, after the same shall have been read on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

Done in Convention at Charleston, in the State

of South Carolina, the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty of the State of South Carolina.

D. F. JAMISON,
President.

Attest: B. F. ARTHUR,
Clerk of the Convention.



CONSTITUTION

FOR THE

PROVISIONAL GOVERNMENT

OF THE

CONFEDERATE STATES OF AMERICA.

We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichever shall first occur.

ARTICLE I.

SECTION I.

All legislative powers herein delegated shall be vested in this Congress now assembled, until otherwise ordained.

SECTION II.

When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

SECTION III.

1. The Congress shall be the judge of the elections, returns and qualifications of its members; any number of Deputies from a majority of the States being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its Deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

SECTION IV.

The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

SECTION V.

1. Every bill which shall have passed the Congress, shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections, to the Congress who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsidera-

tion, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

3. Until the inauguration of the President, all bills, orders, resolutions and votes adopted by the Congress shall be of full force without approval by him.

SECTION VI.

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy. And this Congress shall also exercise executive powers, until the President is inaugurated:

2. To borrow money on the credit of the Confederacy:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy.

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

SECTION VII.

1. The importation of African negroes from any foreign country other than the slaveholding States of the United States, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder, or ex post facto law, shall be passed.

5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the treasury unless it be asked for by the President or some one of the heads of Departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind, whatever, from any king, prince or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in

any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself: nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the Confederacy than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. The enumeration, in the Constitution, of certain

rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

SECTION VIII.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The Executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year, or until this Provisional Government shall be superseded by a Permanent Government, whichever shall first occur.

2. The President and Vice President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

3. No person except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress), the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

5. The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive, during that period, any other emolument from this Confederacy, or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.”

SECTION II.

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the Militia of the several States, when called into the actual service of

the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties, provided two-thirds of the Congress concur: and he shall nominate, and by and with the advice and consent of the Congress shall appoint ambassadors, other public ministers and consuls, Judges of the Court, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

ARTICLE III.

SECTION I.

1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior Courts as are herein directed, or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a district in which there shall be a court called a District Court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the District and Circuit Courts of the United States for that State; the Judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the Judges of the District and Circuit Courts of the United States, for that State, and shall appoint the times and places at which the Courts shall be held. Appeals may be taken directly from the District Courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States or under such other regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the District Judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the Courts of the United States, to the Courts of the Confederacy, and for the execution of the orders, decrees and judgments heretofore rendered by the said Courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments or decrees, their heirs, personal representatives or assignees.

SECTION II.

1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls: to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party: controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect of such proof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State, escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found; and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party by the State in which such abduction or rescue shall take place.

SECTION III.

1. The Confederacy shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

ARTICLE VI.

1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that Union, upon the principles of right, justice, equity, and good faith.

3. Until otherwise provided by the Congress, the City of Montgomery, in the State of Alabama, shall be the seat of Government.

4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

5. The Congress shall have power to admit other States.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments to the eighth day of April, in the same year.

AN ORDINANCE

To Ratify the Provisional Constitution and Government of the Confederate States of America.

We, the People of South Carolina, now met and sitting in Convention, do hereby ordain,

That the Provisional Constitution for the Confederate States of America, framed and agreed to by our deputies, at the City of Montgomery, in the State of Alabama, on the day of February last, be, and it is hereby accepted and ratified; and that the Government organized in pursuance thereof is hereby approved and made valid, according to the terms of limitation expressed in said Constitution.

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

D. F. JAMISON,
President of the Convention.

Attest: B. F. ARTHUR,
Clerk of the Convention.

CONSTITUTION
OF THE
CONFEDERATE STATES OF AMERICA.

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal Government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution of the Confederate States of America.

ARTICLE I.

SECTION I.

1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of Members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or federal.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective numbers—which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall, by law, direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have, at least, one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six, the State of Georgia ten, the State of Alabama nine, the State of Florida two, the State of Mississippi seven, the State of Louisiana six, and the State of Texas, six.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment; except that any judicial or other federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

SECTION III.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in conse-

quence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice President of the Confederate States shall be President of the Senate; but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each

State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two-thirds of the whole number, expel a Member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at

the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a Member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measure appertaining to his department.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill, which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjourn-

ment, prevent its return, in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment), shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises, for revenue necessary to pay the debts, provide for the common defence, and to carry on the government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States:

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce, except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of

harbors, and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof:

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the confederated States; but no law of Congress shall discharge any debt contracted before the passage of the same:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the

officers, and the authority of training the militia according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States ; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

SECTION IX.

1. The importation of negroes of the African race, from any foreign country, other than the slaveholding States or Territories of the United States of America, is hereby forbidden ; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves, shall be passed.

5. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of

commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of department, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify, in federal currency, the exact amount of each appropriation, and the purposes for which it is made: and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press: or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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

SECTION X.

1. No State shall enter into any treaty, alliance, or con-

federation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury; nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice President shall be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to

the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the Confederate States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no such person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice President shall be the Vice President, if such number

be a majority of the whole number of electors appointed ; and, if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the Confederate States.

7. No person, except a natural born citizen of the Confederate States, or a citizen thereof, at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President ; and the Congress may, by law, provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected ; and he shall not receive within that period any other emolument from the Confederate States, or of any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation :

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect and defend the Constitution thereof.”

SECTION II.

1. The President shall be Commander-in-Chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, and upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the

removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be re-appointed to the same office during their ensuing recess.

SECTION III.

1. The President shall, from time to time, give to the Congress information of the State of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such a time as he shall think proper; he shall receive ambassadors and other public ministers: he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

SECTION IV.

1. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State where the State is plaintiff; between citizens claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens or subjects: but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work

corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave, or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

SECTION III.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within

the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress, and by the territorial Government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature (or of the Executive, when the Legislature is not in session), against domestic violence.

ARTICLE V.

1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Con-

vention—voting by States—and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof—as one or the other mode of ratification may be proposed by the general Convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ARTICLE VI.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States, made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers; both of the Confederate States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

ARTICLE VII.

1. The ratification of the Conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner above specified, the Congress, under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice President; and, for the meeting of the Electoral College; and, for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of Members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them—not extending beyond the time limited by the Constitution of the Provisional Government.

THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, reassembled by appointment of the President thereof, at Charleston, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued, by divers adjournments, to the third day of April, in the same year.

AN ORDINANCE

To Ratify the Constitution of the Confederate States of America.

We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the State of South Carolina does hereby assent to and ratify the articles of compact, called the "Constitution of the Confederate States of America," adopted at Montgomery, in the State of Alabama, on the eleventh day of March, in the present year (one thousand eight hundred and sixty-one), by the convention of Delegates from the States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, and does hereby agree with such other of the said States as shall ratify the same, to enter with them into a Federal Association of States upon the terms therein proposed.

Done at Charleston, the third day of April, in the year of our Lord one thousand eight hundred and sixty-one.

D. F. JAMISON.

President of the Convention.

Attest: B. F. ARTHUR.

Clerk of the Convention.



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