THE CONSTITUTION
OF
SOUTH CAROLINA.

WE, THE PEOPLE OF THE STATE OF SOUTH CAROLINA, BY OUR DELEGATES IN CONVENTION MET, DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE GOVERNMENT OF THE SAID STATE:

ARTICLE I.

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

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

SECTION 3. Each Judicial District in the State shall constitute one Election District (except Charleston District, which shall be divided into two Election Districts, one consisting of the late Parishes of St. Phillip and St Michael, to be designated the Election District of Charleston; the other consisting of all that part of the Judicial District, which is without the limits of said Parishes, to be known as the Election District of Berkeley

SECTION 4. The boundaries of the several Judicial and Election Districts shall remain as they are now established.

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 in each, and the amount of all taxes raised by the General Assembly, whether direct or indirect, or of whatever species paid in each, deducting therefrom all taxes paid on account of property held in such 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 General Assembly at the session immediately succeeding every enumeration: *Provided*, That until the apportionment, which shall be made upon the next enumeration, shall take effect the representation of the several Election Districts, as herein constituted, shall continue as assigned at the last apportionment each District which has been heretofore divided into smaller Districts, known as Parishes, having the aggregate number of Representatives which the Parishes heretofore embraced within its limits have had since that apportionment the Representative to which the Parish of All Saints has been heretofore entitled, being during this interval, assigned to Horry Election District

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

SECTION 7. In assigning Representatives to the several Districts the General Assembly shall allow one Representative to 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 General Assembly. There shall be further allowed one Representative for such fractions of the sixty second part of the white inhabitants, and of the sixty second part of the taxes, as when added together form a unit.

SECTION 8. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by the assessment made for the purpose of laying such tax. In the first apportionment which shall be made under this Constitution, the amount of taxes shall be estimated from the average of the two years next preceding such apportionment; but in every subsequent apportionment, from the average of the ten years next preceding.

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 be such 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 population or taxes separately, until the number of one hundred and twenty-four Members be made up: *Provided, however*, That not more than twelve Representatives shall, in any apportionment, be assigned to any one Election District

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

SECTION 11. The Senate shall be composed of one member from each Election District, except the Election District of Charleston, to which shall be allowed two Senators.

SECTION 12. Upon the meeting of the first General Assembly, which shall be chosen under the provisions of this Constitution the Senators shall be divided, by lot, into two classes; the seats of the Senators of the one class to be vacated at the expiration of four years; 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 the reafter every second year.

SECTION 13. No person shall be eligible to, or take or retain, a seat in the House of Representatives, unless he is a free white man, who hath attained the age of twenty-one years, hath been a citizen and a resident of this State three years next preceding the day of election, and hath been for the last six months of this time, and shall continue, a resident of the District which he is to represent.

SECTION 14 No person shall be eligible to, or take or retain, a seat in the Senate, unless he is a free white man, who hath attained the age of thirty years, hath been a citizen and resident of this State five years next preceding the day of election, and hath been, for the last six months of this time, and shall continue to be, a resident of the District which he is to represent.

SECTION 15. Senators and Members of the House of Representatives, shall be chosen at a general election on the third Wednesday in October in the present year, 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 of Government until otherwise ordained by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war or contagious disorders shall 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.

SECTION 16. The [illegible] of the Senate and House of Representatives shall commence on the day of their election, except when the election shall happen on a Sunday, and then on the next day. The seats of Members in the Senate and House of Representatives, shall be vacated at the end of two years from the commencement of the session of the General Assembly, next succeeding their respective elections, except that the seats of the Senators of the class whose term of service will then expire, shall be vacated at the end of four years from the commencement of the session of the General Assembly next succeeding their respective elections, returns and qualifications of their 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.

SECTION 18 Each House shall choose its own officers, determine its rules of proceeding, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member, but not a second time for the same cause

SECTION 19 Each House may punish, by imprisonment, during its sitting, any person not a Member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any Member for anything said or done in either House; or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his going thereto, or returning therefrom; or who shall rescue any person arrested by order of the House

SECTION 20. The Members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from, the General Assembly, and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any Member who shall be charged with treason, felony, or breach of the peace.

SECTION 21 Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered or rejected by the other

SECTION 22. Every Act or Resolution having the force of law shall relate to but one subject, and that subject shall be expressed in the title.

SECTION 23 No bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the seal of the State affixed to it, and has been signed in the Senate House by the President of the Senate and the Speaker of the House of Representatives.

SECTION 24. No money shall be drawn out of the Public Treasury but by the legislative authority of the State.

SECTION 25. In all elections by the General Assembly, or either House thereof, the members shall vote "*viva voce*," and their votes thus given, shall be entered upon the journals of the House to which they respectively belong.

SECTION 26 The members of the General Assembly, who shall meet 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 General Assembly, five dollars for each day's attendance, and twenty cents for every mile of the ordinary route of travel between the residence of the Member and the capital or other place of sitting of the General Assembly, both going and returning; and the same may be increased or diminished by law, if circumstances shall require; but no alteration shall be made to take effect during the existence of the General Assembly which shall make such alteration.

SECTION 27 Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn, for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

SECTION 28. No person shall be eligible to a seat in the General Assembly whilst he holds any office or profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, army or navy of this State, Magistrates or Justices of Inferior Courts, while such Justices receive no salaries; nor shall any contractor of the army or navy of this State, the United States of America, or any 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

SECTION 29. If any Election District shall neglect to choose a member or members on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting Election District ought to have chosen a member or members.

SECTION 30 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 functions, therefore, a 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 the House of Representatives

ARTICLE II.

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

SECTION 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for four years, and until his successor shall be chosen and qualified; but the same person shall not be Governor for two consecutive terms

SECTION 3 No person shall be eligible to the office of Governor, unless he hath attained the age of thirty years, and hath been a citizen and resident of this State for the ten years next preceding the day of election. And no person shall hold the office of Governor and any other office or commission, civil or military, (except in militia,) under this State or the United States, or any of them, or any other power, at one and the same time.

SECTION 4. The returns of every election of Governor shall be sealed up by the Managers of Elections in their respective Districts, and transmitted, by a messenger chosen by them, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly, during the first week of which session the Speaker shall open and publish them in the presence of both Houses of the General Assembly The person having the highest number of votes, shall be Governor, but if two or more shall be equal and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor upon vote. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law

SECTION 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be [illegible] the qualifications of the Governor

SECTION 6. The Lieutenant Governor shall be President of the Senate, and shall have no vote, unless the Senate be equally divided.

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

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

SECTION 9 In case of the impeachment of the Governor or his removal from office, death, resignation, disqualification, disability 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, disqualification, disability or removal from the State, the President *pro tempore* of the Senate shall succeed to his office; and when the office of the Governor, Lieutenant Governor and President *pro tempore* of the Senate shall become vacant in the recess of the Senate; the Secretary of State, for the time being, shall, by proclamation, convene the Senate, that a President *pro tempore* may be chosen to exercise the office of Governor for the unexpired term

SECTION 10. 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 United States.

SECTION 11. He shall have power to grant reprieves and pardons after conviction, (except in cases of impeachment,) in such manner, on such terms and upon such restrictions as he shall think proper, and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly at the next regular session thereafter all pardons granted by him, with a full statement of each case and the reasons moving him therefor

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

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

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

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

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

SECTION 17 He shall commission all officers of the State.

SECTION 18 It shall be the duty of the Managers of Elections of this State, at the first general elections under this Constitution, and at each alternate general election thereafter, to hold an election for Governor and Lieutenant Governor.

SECTION 19 The Governor and the Lieutenant Governor before entering upon the duties of their respective offices, shall, in the presence of the General Assembly, take the oath of office prescribed in this Constitution.

SECTION 20 The Governor shall reside during the sitting of the General Assembly, at the place where its session may be held; and the General Assembly may by law, require him to reside at the Capitol of the State.

SECTION 21 Every Bill which shall have passed the General Assembly, shall, before it become a law, be presented to the Governor. 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 a majority of the whole representation 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 a majority of the whole representation of that other 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 Governor within two 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. And that time may always be allowed the Governor to consider Bills passed by the General Assembly, neither House shall read any Bill on the last day of its session, except such Bills as have been returned by the Governor as herein provided.

ARTICLE III.

SECTION 1. The judicial power shall be vested in such Superior and Inferior Courts of Law and Equity as the General Assembly shall, from time to time, direct and establish The Judges of the Superior Courts shall be elected by the General Assembly shall hold their offices during good behavior, and 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 United States of America, or any of them or any other power. The General Assembly shall, as soon as possible, establish to each District in the State an inferior Court or Courts, to be styled "The District Court," the Judge whereof shall be resident in the District while in office, shall be elected by the General Assembly for four years, and shall be re-eligible which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal cases wherein the accused is a person of color, and the General Assembly is empowered to extend the jurisdiction of the said Court to other subjects

SECTION 2. The Judges shall meet and sit at Columbia, at such time as the General Assembly may by Act prescribe, for the purpose of hearing and determining all motions for new trials and in arrest of judgment, and such points of law as may be submitted to them, and the General Assembly may by Act appoint such other places for such meeting as in their discretion may seem fit

SECTION 3. The style of all processes 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."

ARTICLE IV.

In all elections to be made by the people of this State, or of any part thereof, for civil or political offices, every person shall be entitled to vote, who has the following qualifications, to wit:

He shall be a free white man, who has attained the age of twenty one years, and has resided in this State for the two years next preceding the day of election, and for the same period, an emigrant from Europe, who has declared his intention to become a citizen of the United States, according to the Constitution and Laws of the United States. He shall have resided in this State for at least two years next preceding the day of election, and, for the last six months of that time, in the District in which he offers to vote, *provided, however*, That the General Assembly may, by requiring a registry of voters, or other suitable legislation, guard against frauds in elections, and usurpations of the right of suffrage, may impose disqualification to vote as a punishment for crime, and may prescribe additional qualifications for voters in municipal elections.

ARTICLE V.

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 swear (or affirm) 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 (not of the United States. So help me God."

ARTICLE VI.

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

SECTION 2. All impeachments shall be tried by the Senate. When sitting on 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

SECTION 3 The Governor, Lieutenant-Governor, and all civil officers, shall be liable to impeachment for high crimes and misdemeanors, or malpractices or neglect for corruption in performing offices, 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

SECTION 4 All civil officers, whose authority is limited to a single Judicial District, a single Election 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 General Assembly, 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 House of the General Assembly: *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.

ARTICLE VII

SECTION 1. The Treasurer and the Secretary of State shall be elected by the General Assembly, in the House of Representatives, shall hold their offices for four years and shall not be eligible for the next succeeding term

SECTION 2 All other officers shall be appointed, as they hitherto have been, until otherwise directed by law; but the same person shall not hold the office of sheriff for two consecutive terms.

SECTION 3. All commissions shall be in the name and by the authority of the State of South Carolina, be sealed with the seal of the State, and be signed by the Governor.

ARTICLE VIII

All laws of force in this State, at the adoption of this Constitution, and not repugnant hereto, shall so continue, until altered or repealed by the General Assembly, 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 General Assembly.

ARTICLE IX.

SECTION 1 All power is originally invested in the people, and all free Governments are founded on their authority, and are instituted for their peace, safety and happiness

SECTION 2 No person shall be taken, or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by due process of law; nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the General Assembly

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

SECTION 4 The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety require it.

SECTION 5. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SECTION 6. The General Assembly 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 behavior

SECTION 7. The trial by jury, as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved. But the General Assembly shall have power to determine the number of persons who shall constitute the jury in the Inferior or District Courts

SECTION 8 The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be allowed within this State, to all mankind; *Provided*, The liberty of conscience hereby declared shall not be construed so as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SECTION 9 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.

SECTION 10 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.

SECTION 11 The slaves of South Carolina having been emancipated by the action of the United States authorities, neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be re-established in this State.

ARTICLE X.

SECTION 1. The General Assembly, whenever a tax is levied upon land, shall, at the same time, impose a capitation tax, which shall not be less upon each poll than one-fourth of the tax levied upon [illegible] hundred dollars worth of land [illegible] however, from the operation of some capitation tax, all such classes of persons, as from disability or otherwise, ought, in the judgment of the General Assembly, to be exempted.

ARTICLE XI.

SECTION 1 The business of the Treasury shall be conducted by one Treasurer, who shall hold his office and reside at the seat of Government.

SECTION 2. The Secretary of State shall hold his office and reside at the seat of Government.

ARTICLE XII.

SECTION 1 No Convention of the people shall be called unless by the concurrence of two-thirds of the whole representation in each House of the General Assembly.

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 House of the General Assembly; neither shall any alteration take effect, until the bill, so agreed to, shall be published for three months previous to a new election for members of the House of Representatives; and, if the alteration proposed by the preceding General Assembly, shall be agreed to, by the new General Assembly, in their first session, by the concurrence of two-thirds of the whole representation in each House, after the same shall have been read on three several days in each, then and not otherwise, the same shall become a part of the Constitution

Done in Convention, at Columbia, in the State of South Carolina, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW,
President of the Convention.

Attest: JOHN T. SLOAN, Clerk of the Convention

Government of the United States.

President—Andrew Johnson, of Tennessee.

Secretary of State—W. H. Seward, of New York.

Secretary of War—Edwin M. Stanton, of Pennsylvania.

Postmaster General—William Dennison, of Ohio.

Secretary of the Navy—Gideon Welles, of Connecticut.

Secretary of the Interior—James Harlan, Iowa.

Secretary of the Treasury—Hugh McCulloch, of Illinois.

Attorney General—James Speed, of Kentucky.

President of the Senate—Lafayette S. Foster, of Connecticut.

Speaker of the House—Schuyler Colfax, of Indiana.

SUPREME COURT.

Salmon C. Chase, Ohio, Chief Justice.
1. James M. Wayne, Georgia.
2. Samuel Nelson, New York.
3. Robert C. Grier, Pennsylvania.
4. Nathan Clifford, Maine.
5. Noah H. Swayne, Ohio.
6. Daniel Davis, Illinois.
7. Samuel Miller, Iowa.
8. Samuel F. Field, California.

LIEUTENANT GENERALS.

Winfield Scott, Virginia.
Ulysses S. Grant, of Ohio.
Adjutant General Lorenzo Thomas, Delaware.
Judge Advocate General, Joseph Holt, D. C.
Quartermaster General, Montgomery C. Meigs, of Pennsylvania.

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