

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 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 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 Holy 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 for every six hundred and twenty five 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 every five hundred and thirty three of the white inhabitants, and one for every six hundred and twenty five 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 the 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 then 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 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 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 thereafter every second year.

SECTION 13. No person shall be eligible, 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, 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 6th 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 assent of the Governor or Commander in Chief, it shall be necessary to meet there; in either of these 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 terms of office of the Senators and Representatives, chosen at a general election, shall begin on Monday following

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.

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 previous to the sitting, and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any Member who shall be charged with treason, felony, or breach of the peace.

SECTION 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 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, and 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 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, who shall receive no salaries; nor shall any contractor of the army or navy of this State, 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, 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 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 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 viva voce. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SECTION 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, and to hold office for the same period, and to possess of the same qualifications as the Governor; and shall, in absence of the Governor,

to any person offering himself as a servant, such person shall be guilty of misdemeanor.

Sec. XVI. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever or in any station or locality whatever, other than that for which, or in which such servant shall have been hired or retained, such person offending shall be guilty of misdemeanor.

Sec. XVII. If any person shall wilfully and wilfully pretend, or falsely assert in writing, that any servant was discharged, or left his service, on any other time than that at which he was discharged or actually left such service, or that any such servant had not been hired or employed in any person's service, contrary to truth, then, in either of these cases, such person shall be guilty of misdemeanor.

Sec. XVIII. If any person shall offer himself as a servant, asserting or pretending that he had served in any service which he had not actually performed, or with a false, forged or counterfeit certificate of his character, or in any way, add to, or alter, efface or erase any deed, matter or thing contained in, or referred to, in any certificate given on or by his last or former master or employer, or by any other person authorized by such master or employer to give the same, in, in either of these cases, such person offending shall be guilty of a misdemeanor.

Sec. XIX. Any person, having been in service, shall, when offered himself as servant in any service whatsoever, falsly and wilfully pretend to have been or retained in any previous service such person so offending shall be guilty of a misdemeanor.

Sec. XX. A person convicted of any of the misdemeanors specified in five sections preceding, the punishment shall be a fine not exceeding five hundred dollars; and in case the fine shall not be immediately paid, there shall be substitution of other punishments, as hereafter provided.

Sec. XXI. Every wilful trespass is hereby declared to be a misdemeanor, and any person guilty thereof may be either arrested or prosecuted for the same, at the option of the party injured; and in case of conviction of the same, the punishment shall be the same as is provided for the same in the laws of the State of South Carolina.

ARTICLE III.

SECTION 1. Every Bill which shall have passed the General Assembly, and become a law, shall be presented to the Governor, if he approve, he shall sign it; or, if not, he shall return it, with his objections to that House in which it shall have originated, and the objections shall be entered upon the journal; and the House in which it shall have originated, may reconsider it, after such reconsideration, a majority of the whole representation of that House shall pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and approved by a majority of the whole representation of that other House, it shall become a law; but in all such cases, the names of the yeas and nays, of the members voting for or against the Bill shall be entered on the journal of each House respectively. If any Bill shall be returned by the Governor within two (Sundays) excepted days, it shall have been presented to him, he shall sign it, in a public manner, as if he had assented to it. And at any time may always be altered by the Governor to conform to the sense of the General Assembly, neither House shall pass any Bill on any day of its session, except such Bills have been returned by the Governor, herein provided.

ARTICLE IV.

SECTION 1. The judicial power shall be vested in a Chief Justice and three Justices of Law and Equity as the General Assembly shall, from time to time, determine and establish. The Justices of the Superior Courts shall be elected by the General Assembly, shall hold their offices during good behavior, and shall, at stated times, receive compensation for their services, which shall neither be increased nor diminished during their continuance in office; but they shall receive no fees or perquisites; neither shall any other office or profit be under the State, the United States of America, or of any of them, or any other power. The General Assembly shall, as soon as possible, establish each District in the State a Superior Court or Courts, to be styled "The District Court of the District whereof shall be held in the District while in office, shall be held by the General Assembly for four years; it shall be eligible, which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, shall criminal cases wherein the accused is a person of color, and the General Assembly may extend the jurisdiction of said Court to other subjects.

SECTION 2. The Judges shall meet and sit at Columbia, at such times as the General Assembly may prescribe, for the purpose of hearing and determining all motions for new trials or arrest of judgment, and such points of law as may be submitted to them, and the General Assembly may by Act appoint such other persons to sit and meet as in their discretion they may think proper.

SECTION 3. The style of all processes shall be, "The State of South Carolina." All processes shall be carried on in the name and by the authority of the State of South Carolina, against the peace and dignity of the same.

In actions to be made by the people of this State, or by any part thereof, for civil purposes, every person shall be entitled to be heard in his own defense, and to be represented by counsel.

at Trebizond, after having been by ceased. Other places are afflicted in like manner. At Naples, November 15th, there were 255 cases of cholera, and 147 deaths. The deaths from cholera in France during the month of October were 4,020, and 379 from the 6th to the 12th of November.

WINNSBORO

Thursday Morning, December

New Advertisements.

We refer our patrons of all classes to the advertisement of D. F. Fleming & Co., wholesale dealers in Boots, Shoes, etc., No. 2 Hayne-street, Charleston. They have resumed business at their old stand and are especially commended to the consideration of our mercantile readers throughout the District.

We also appear in behalf of John Cummins, Boot Shoe and Hat House and agent for Lead Works, Linsced and Kerosene Oils, etc. Read his card.

Jno. Bratton offers for rent the several plantations comprising estate of T. S. DuBose. We invite attention to the notice in another column.

The following advertisements will also be found in this issue:

Hardware, Crockery, &c., by Elliott & Co.

Estate Sale by Jas. M. Rutland and C. D. Ford

Notice, from Miss Peronneau.

Notice, from Miss Dargan.

Horse Stolen, by J. T. Aldrich.

Cooking Stove for sale.

The following appointments of Assistant Assessors for this District, have been made by the President, viz:

Fairfield—Richard W. Gaillard, Robert Hawthorn.

We publish this morning as much of the Acts of the Legislature as we could without encroaching too largely upon our reading columns.

This publication will be continued until the most material and important are presented to our readers.

In our next issue we will advertise the scale of charges that will control this office during the ensuing year. It will be found to be greatly reduced.

The President has relieved BENJAMIN PERRY, Provisional Governor of South Carolina, and directed him to transfer the property of the State to the Governor elect, James L. Orr. The patches announcing this action are precisely similar to those addressed a week or two ago to the Governors of Alabama and Georgia.

District Judge.

Our District-at large will be gratified by the announcement of the election of WILLIAM R. ROBERTSON to the District Judgeship.

It is a most responsible and delicate duty; to protect in good faith the negro in the exercise of his new franchise; to indicate the multifarious and perplexed questions that will be referred to the Court, and to inaugurate a system of jurisprudence suitable to "freedmen" that will act as a pledge of justice to them.

A novel and original institution, without precedent or practice to assist in the administration of its duties, much must of necessity depend upon the spirit of equity of the incumbents, their firmness, sound judgment and strong practical sense. ROBERTSON presents these qualifications conspicuously and possesses the advantage of a long professional experience.

We congratulate the District upon its selection.

BROKEN BANKS.—Our citizens will well remember that the following banks are reported broken, and that money is being liberally distributed through the South:

- First National Bank of New York.
National Bank of Africa, N. Y.
" " Bedford, Me.
" " Hallowsell, Me.
" " Pittsburg, Pa.
" " Syracuse, N. Y.
" " Salem, Mass.
" " Bangor, Me.

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 three several days, in the House of Representatives, and on three several days in the Senate, and agree to it 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, as 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.

SECTION 3. 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. WARLAW, 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, of 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.

1. Salmon C. Chase, Ohio, Chief Justice.

2. James M. Wayne, Georgia.

3. Robert C. Grier, Pennsylvania.

4. Nathan Clifford, Maine.

5. Noah H. Swayne, Ohio.

6. Daniel Davis, Illinois.

7. Samuel Miller, Iowa.

8. Samuel E. Field, California.

DEPUTY GENERALS.

1. Winfield Scott, Virginia.

2. Ulysses S. Grant, of Ohio.

Adjutant General—Levenzo Thomas Delaware.

Judge Advocate General, Joshua Holt, of Florida.

Quartermaster General, Montgomery C. Meigs, of Pennsylvania.

The Daily Express.

PETERSBURG, VA.

AS an establishment in its fifth year, in an enlarged form, with the type, under the management of Mr. Hatterling, has a large and increasing circulation, it offers a large and valuable medium for the dissemination of information to the Southern public, advantages unobtainable by any other publication.

ADVERTISING RATES:

Table with columns for ONE SQUARE and TWO SQUARES, listing rates for one week, one month, three months, six months, and one year.

SUBSCRIPTION RATES:

Table with columns for THE DAILY EXPRESS (mailed) and THE DAILY EXPRESS (not mailed), listing rates for one year, six months, and three months.

THE NEW YORK DAY BOOK

THE NEW YORK DAY BOOK, published daily, contains the most complete and reliable information for the business of the day.

ADVANCE.

Three copies one year, \$2.00; five copies one year, and one to the Editor, \$5.00.

For sale by all news dealers in cities and towns.