

EXTRA.

DARLINGTON, S. C.

WEDNESDAY, DECEMBER 25, 1895.

THE NEW CONSTITUTION

THE LAW THE PEOPLE MUST NOW LIVE UNDER.

DOCUMENT WELL WORTH KEEPING.

The Full Text of South Carolina's New Organic Law As Adopted.

Following is the full text of the New Constitution, as finally adopted by the recent South Carolina Constitutional Convention:

We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All political power is vested in and derived from the people only, therefore they have the right at all times to modify their form of government.

Sec. 2. Representation in the house of representatives shall be apportioned according to population.

Sec. 3. The general assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require.

Sec. 4. The general assembly 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 or any department thereof for a redress of grievances.

Sec. 5. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws.

Sec. 6. All property subject to taxation shall be taxed in proportion to

Sec. 7. No tax, subsidy, charge, impost tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled.

Sec. 8. No bill of attainder, except factio law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emoluments, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 9. The right of suffrage, as regulated in this Constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

Sec. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers who are elected to fill public office.

Sec. 11. No property qualification, unless prescribed in this Constitution, shall be necessary for an election to or the holding of any office. No person shall be elected or appointed to office in this State for life or during good behavior, but the terms of all officers shall be for some specified period, except notaries public and officers in the militia. After the adoption of this Constitution any person who shall fight a duel or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

Sec. 12. Temporary absence from the State shall not forfeit a residence once obtained.

Sec. 13. The power of suspending the laws or the execution of the laws shall only be exercised by the general or by its authority in particular expressly provided for

In the government of this State the legislative, executive and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Sec. 14. All courts shall be public, and every person shall have speedy remedy therefor for wrongs sustained.

Sec. 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 person or thing to be seized.

Sec. 17. No person shall be held to answer for any crime where the punishment exceeds a fine of \$100 or imprisonment for 30 days, with or without

out hard labor, unless on a presentment or indictment of a grand jury of the county where the crime shall have been committed, 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 liberty, nor shall be compelled in any criminal case to be a witness against himself. Private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor.

Sec. 18. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury, and to be fully 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 be fully heard in his defense by himself or by his counsel or by both.

Sec. 19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, nor shall witnesses be unreasonably detained. Corporal punishment shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the State penitentiary.

Sec. 20. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Sec. 21. In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and the facts.

Sec. 22. Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except upon testimony of at least two witnesses to the same overt act or upon confession in open court.

Sec. 23. The privileges of the writ of habeas corpus shall not be suspended unless when, in case of insurrection, rebellion or invasion, the public safety may require it.

Sec. 24. No person shall be imprisoned for debt except in cases of fraud.

Sec. 25. The right of trial by jury shall be preserved inviolate.

Sec. 26. 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. As in times of peace arms are dangerous to liberty, they shall not be maintained without the consent of the general assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. 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 the manner to be prescribed by law.

Sec. 27. No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the army and navy of the United States, and except the militia in actual service, as by the authority of the general assembly.

Sec. 28. All navigable waters shall forever remain public highways, free to the citizens of the States and the United States without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owners of any merchandise or commodity for the use of the shores or any wharf erected on the shores or in or over the waters of any navigable stream unless the same be authorized by the general assembly.

Sec. 29. The provisions of the Constitution shall be taken, deemed and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.

ARTICLE II.

RIGHT OF SUFFRAGE.

Section 1. All elections by the people shall be by ballot and elections shall never be held or the ballots counted in secret.

Sec. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time, except that any person holding another office may at the same time be an officer in the militia and a notary public.

Sec. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this Constitution and possessing the qualifications required by it, shall be an elector.

Sec. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable; provided, however, that ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months residence in the State, if otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector in ten years and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to

by the registration officer shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(b) Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered; provided, that he can both read and write any section of this Constitution submitted to him by the registration officer, or can show that he owns and has paid all taxes collectible during the previous year on property in this State assessed at \$300 or more.

(e) Managers of elections shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in subsection (c).

Sec. 2. The house of representatives shall be composed of members chosen by ballot every second year by citizens of this State, qualified as in this Constitution is provided.

Sec. 3. The house of representatives shall consist of 124 members, to be apportioned among the several counties according to the number of inhabitants contained in each. Each county shall constitute one election district. An enumeration of the inhabitants for this purpose shall be made in the year 1901, and shall be made in the course of every 10th year thereafter, in such manner as shall be by law directed: Provided, that the general assembly may at any time in its discretion, adopt the immediately preceding United States census as a true and correct enumeration of the inhabitants of the several counties, and make the apportionment of representatives among the several counties according to said enumeration: Provided, further, that until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several counties as they now exist (including the county of Saluda established by ordinance) shall be as follows: Abbeville, 5; Aiken, 3; Anderson, 6; Barnwell, 5; Beaufort, 4; Berkeley, 4; Charleston, 9; Chester, 3; Chesterfield, 2; Clarendon, 8; Colleton, 4; Darlington, 3; Edgefield, 2; Fairfield, 3; Florence, 8; Georgetown, 2; Greenville, 5; Hampshire, 2; Irmo, 2; Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, 3; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 2; Saluda, 2; Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4; Provided, further, that in the event other counties are hereafter established, then the general assembly shall reapportion the representatives between the counties.

Sec. 4. In assigning representatives to the several counties, the general assembly shall allow one representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, that if in the apportionment of representatives any county shall appear not to be entitled, from its population, to a representative, such county shall, nevertheless, send one representative; and if there be still a deficiency in the number of representatives required by section third of this article, such deficiency shall be supplied by assigning representatives to those counties having the largest surplus fractions.

Sec. 5. No apportionment of representatives shall take effect until the general election which shall succeed such apportionment.

Sec. 6. The senate shall be composed of one member from each county, to be elected for the term of four years by the qualified electors in each county, in the same manner in which members of the house of representatives are chosen.

Sec. 7. No person shall be eligible to a seat in the senate or house of representatives who at the time of his election, is not a duly qualified elector under this Constitution in the county in which he may be chosen. Senators shall be at least 25 and representatives at least 21 years of age.

Sec. 8. The first election for members of the house of representatives under this Constitution shall be held on Tuesday after the first Monday in November, 1896, and every fourth year thereafter except in counties in which there was an election for senator in 1894 for a full term, in which counties no election for senator shall be held until the general election to be held in 1898 and every fourth year thereafter, except to fill vacancies. Senators shall be so classified that one-half of their number, as nearly as practicable, shall be chosen every two years. Whenever the general assembly shall establish more than one county at any session, it shall so prescribe the first term of the senators from such counties as to observe such classification.

Sec. 9. Electors in municipal elections shall possess the qualifications and be subject to the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the county as an elector at a precinct included in the incorporated city or town in which the voter desires to vote is declared a condition prerequisite to his obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the corporate limits at least four months before the election and have paid all taxes due and collectible for the preceding fiscal year. The general assembly shall provide for the registration of all voters before each election in municipalities; provided, that nothing herein contained shall apply to municipal elections which may be held prior to the general election of the year 1896.

Sec. 10. In authorizing a special election in any incorporated city or town in this State for the purpose of filling a vacancy created by the death, removal or disqualification of a member of the general assembly, the general assembly shall fix the day and hour of the election, and the registration officer shall cause the election to be held at such hour and day as the general assembly shall direct.

town in this State for the purpose of bonding the same, the general assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town as shown by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under section 12 of this article, and who have paid all taxes, State, county and municipal, for the previous year, shall be allowed to vote, and the vote of a majority of those voting in said elections shall be necessary to authorize the issue of said bonds.

Sec. 14. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at the polls and going and returning therefrom.

Sec. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in the State.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

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

Sec. 2. The house of representatives shall be composed of members chosen by ballot every second year by citizens of this State, qualified as in this Constitution is provided.

Sec. 3. The house of representatives shall consist of 124 members, to be apportioned among the several counties according to the number of inhabitants contained in each. Each county shall constitute one election district. An enumeration of the inhabitants for this purpose shall be made in the year 1901, and shall be made in the course of every 10th year thereafter, in such manner as shall be by law directed: Provided, that the general assembly may at any time in its discretion, adopt the immediately preceding United States census as a true and correct enumeration of the inhabitants of the several counties, and make the apportionment of representatives among the several counties according to said enumeration: Provided, further, that until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several counties as they now exist (including the county of Saluda established by ordinance) shall be as follows: Abbeville, 5; Aiken, 3; Anderson, 6; Barnwell, 5; Beaufort, 4; Berkeley, 4; Charleston, 9; Chester, 3; Chesterfield, 2; Clarendon, 8; Colleton, 4; Darlington, 3; Edgefield, 2; Fairfield, 3; Florence, 8; Georgetown, 2; Greenville, 5; Hampshire, 2; Irmo, 2; Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, 3; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 2; Saluda, 2; Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4; Provided, further, that in the event other counties are hereafter established, then the general assembly shall convene in extra session and shall apportion the representatives between the counties.

Sec. 4. In assigning representatives to the several counties, the general assembly shall allow one representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, that if in the apportionment of representatives any county shall appear not to be entitled, from its population, to a representative, such county shall, nevertheless, send one representative; and if there be still a deficiency in the number of representatives required by section third of this article, such deficiency shall be supplied by assigning representatives to those counties having the largest surplus fractions.

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Sec. 7. No person shall be eligible to a seat in the senate or house of representatives who at the time of his election, is not a duly qualified elector under this Constitution in the county in which he may be chosen. Senators shall be at least 25 and representatives at least 21 years of age.

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Sec. 9. The annual session of the general assembly heretofore elected, fixed by the Constitution of the year 1868 to commence on the fourth Tuesday of November, in the year, 1895, is hereby postponed, and the same shall be convened and held in the city of Columbia on the second Tuesday in January, in the year 1896. The first session of the general assembly elected under this constitution shall convene

in Columbia on the second Tuesday in January, in the year 1897, and thereafter annually at the same time and place. Should the casualties of war or contagious diseases render it unsafe to meet at the seat of government then the governor may by proclamation appoint a more secure and convenient place of meeting. Members of the general assembly shall not receive any compensation for more than forty days of any one session: Provided, that this limitation shall not affect the first four sessions of the general assembly under this constitution.

Sec. 10. The terms of office of the senators and representatives chosen at a general election shall begin on the Monday following such election.

Sec. 11. Each house shall judge of the election returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and in the attendance of absentees.

Sec. 12. Each house shall choose its own officers, determine its rules of procedure, 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.

Sec. 13. 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 the body or estate of any member for anything said or done in either house, or who shall assault or arrest any witness or other person ordered to attend the house in going to or returning thereto or returning therefrom, or who shall rescue any person arrested by order of the house: Provided, that such imprisonment shall not in any case extend beyond the session of the general assembly.

Sec. 14. 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 10 days previous to the sitting and 10 days after