

and void. No unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of 14 years.

Sec. 34. The general assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to-wit:

I. To change the names of persons or places.

II. To lay out, open, alter or work roads or highways.

III. To incorporate cities, towns or villages, or change, amend or extend the charter thereof.

IV. To incorporate educational, religious, charitable, social, manufacturing or banking institutions not under the control of the State, or amend or extend the charters thereof.

V. To incorporate school districts.

VI. To authorize the adoption or legitimation of children.

VII. To provide for the protection of game.

VIII. To summon and empanel grand or petit juries.

IX. To provide for the age at which citizens shall be subject to road or other public duty.

X. To fix the amount or manner of compensation to be paid to any county officer, except that the laws may be so made as to grade the compensation in proportion to the population and necessary service required.

XI. In all other cases, where a general law can be made applicable, no special law shall be enacted.

XII. The general assembly shall forthwith enact general laws concerning said subjects for said purposes, which shall be uniform in their operations: Provided, That nothing contained in this section shall prohibit the general assembly from enacting special provisions in general laws.

XIII. The provisions of this section shall not apply to charitable and educational corporations where, under the terms of a gift, devise or will, special incorporation may be required.

Sec. 35. It shall be the duty of the general assembly to enact laws limiting the number of acres of land which any alien or any corporation controlled by aliens may own within this State.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Section 1. The supreme executive authority of this State shall be vested in a chief magistrate, who shall be styled "the governor of the State of South Carolina."

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

Sec. 3. No person shall be eligible to the office of governor who denies the existence of the Supreme Being; or who at the time of such election has not attained the age of 30 years; and who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election. No person while governor shall hold any office or other commission (except in the militia) under the authority of this State, or of any other power, at one and the same time.

Sec. 4. The returns of every election for governor shall be sealed up by the boards of canvassers in the respective counties and transmitted by mail to the seat of government, directed to the secretary of state who shall deliver them to the speaker of the house of representatives at the next ensuing session of the general assembly; and duplicates of said returns shall be filed with the clerks of the court of said counties. It shall be the duty of any clerk of court to forward to the secretary of state a certified copy of said returns upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the secretary of state, after the expiration of seven days from the day upon which the votes have been canvassed by the county board if the returns thereof from any county have not been received, to notify the clerk of court of said county, and order a copy of the returns filed in his office to be forwarded forthwith. The secretary of state shall deliver the returns to the speaker of the house of representatives, at the next ensuing session of the general assembly; and during the first week of the session, or as soon as the general assembly shall have organized by the election of the presiding officers of the two houses, the speaker shall open and publish them in the presence of both houses. The person having the highest number of votes shall be governor; but if two or more shall be equal, and highest in votes, the general assembly shall during the same session, in the house of representatives, choose one of them governor, viva voce. Contested elections for governor shall be determined by the general assembly in such manner as shall be prescribed by law.

Sec. 5. A lieutenant governor shall be chosen at the same time, in the same manner, continue in office for the same period and be possessed of the same qualifications as the governor, and shall, ex-officio, be president of the senate.

Sec. 6. The lieutenant governor while presiding in the senate shall have no vote unless the senate be equally divided.

Sec. 7. The senate shall as soon as practicable after the convening of the general assembly, choose a president

pro tempore to act in the absence of the lieutenant governor, or when he shall fill the office of governor.

Sec. 8. A member of the senate acting as governor or lieutenant governor shall thereupon vacate his seat and another person shall be elected in his stead.

Sec. 9. In case of the removal of the governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the lieutenant governor shall then be governor; and in case of the removal of the last named officer from his office by impeachment, death, resignation, disqualification, disability, or removal from the State, the president pro tempore of the senate shall be governor; and the last named officer shall then forthwith, by proclamation, convene the senate in order that a president pro tempore may be chosen. In case the governor be impeached, the lieutenant governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In case of the temporary disability of the governor the lieutenant governor shall perform the duties of the governor.

Sec. 10. The governor shall be commander-in-chief of the militia of the State, except when they shall be called into the active service of the United States.

Sec. 11. He shall have power to grant reprieves, commutations 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 no 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 the report of the board of pardons. Every petition for pardon or commutation of sentence may be first referred by him to a board of pardons, to be provided by the general assembly, which board shall hear all such petitions under such rules and regulations as the general assembly may provide. The governor may adopt the recommendations of said board but in case he does not he shall submit his reasons to the general assembly.

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

Sec. 13. The governor and lieutenant governor shall, at stated times, receive for their services compensation, which shall be neither increased nor diminished during the period for which they shall have been elected.

Sec. 14. All officers in the executive department, and all boards of public institutions, shall, when required by the governor, give him information in writing upon any subject relating to the duties of their respective offices or the concerns of their respective institutions, including itemized accounts of receipts and disbursements.

Sec. 15. The governor shall, from time to time, give to the general assembly information of the condition of the State, and recommend for its consideration such measures as he shall deem necessary or expedient.

Sec. 16. He may on extraordinary occasions convene the general assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

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

Sec. 18. The seal of the State now in use shall be used by the governor officially, and shall be called "the great seal of the State of South Carolina."

Sec. 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the great seal, signed by the governor and countersigned by the secretary of State.

Sec. 20. The governor and lieutenant governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in article 3, section 26, of the Constitution.

Sec. 21. The governor shall reside at the capital of the State, except in cases of contagion or the emergencies of war; but during the sittings of the general assembly he shall reside where its sessions are held.

Sec. 22. Whenever it shall be brought to the notice of the governor by affidavit that any officer who has the custody of public or trust funds, is probably guilty of embezzlement or the appropriation of public or trust funds to private use, then the governor shall direct his immediate prosecution by the proper officer and upon true bill found the governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted by the verdict of a jury. In case of conviction, the office shall be declared vacant and the vacancy filled as may be provided by law.

Sec. 23. Every bill or joint resolution which shall have passed the general assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the governor, and if he approve he shall sign it; if not, he shall return it with his objections, to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by two-thirds of that house it shall have the same effect as if it had been signed by the governor; but in all such cases the vote of both houses shall be taken by

yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the journals of both houses respectively. Bills appropriating money out of the treasury shall specify the object and purposes for which the same are made and appropriate to them respectively their several amounts in distinct items and sections. If the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill originated, which house shall enter the objections at large upon its journal and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the two houses of the general assembly, it shall become a part of said law notwithstanding the objections of the governor. If a bill or joint resolution shall not be returned by the governor within three days after it shall have been presented to him, Sunday's excepted, it shall have the same force and effect as if he had signed it unless the general assembly, by adjournment, prevent its return, in which case it shall have such force and effect unless returned within two days after the next meeting.

Sec. 24. There shall be elected by the qualified voters of the State a secretary of state, a comptroller-general, an attorney-general, a treasurer, an intendant and inspector-general, and a superintendent of education, who shall hold their respective offices for the term of two years, and until their several successors have been chosen and qualified; and whose duties and compensations shall be prescribed by law. The compensation of such officers shall be neither increased nor diminished during the period for which they shall have been elected.

ARTICLE V.

JUDICIAL DEPARTMENT.

Sec. 1. The judicial power of this State shall be vested in a supreme court, in two circuit courts, to-wit: A court of common pleas having civil jurisdiction and a court of general sessions with criminal jurisdiction only. The general assembly may also establish county courts, municipal courts or such courts in any and all of the counties of this State inferior to circuit courts as may be deemed necessary, but none of such courts shall ever be invested with jurisdiction to try cases of murder, manslaughter, rape or attempt to rape, arson, common law burglary, bribery or perjury: Provided, Before a county court shall be established in any county it must be submitted to the qualified electors and a majority of those voting must vote for its establishment.

Sec. 2. The supreme court shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum for the transaction of business. The chief justice shall preside, and in his absence the senior associate justice. They shall be elected by a joint viva voce vote of the general assembly for the term of eight years, and shall continue in office until their successors shall be elected and qualified, and shall be so classified that one of them shall go out of office every two years.

Sec. 3. The present chief justice and associate justices of the supreme court are declared to be the chief justice and two of the associate justices of said court as herein established until the terms for which they were elected shall expire, and the general assembly at its next session shall elect the third associate justice and make suitable provision for accomplishing the classification above directed.

Sec. 4. The supreme court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other original and remedial writs. And said court shall have appellate jurisdiction only in cases of chancery and in such appeals they shall review the findings of fact as well as the law, except in chancery cases where the facts are settled by a jury and the verdict not set aside and shall constitute a court for the correction of errors at law under such regulations as the general assembly may by law prescribe.

Sec. 5. The supreme court shall be held at least twice in each year at the seat of government and at such other place or places in the State as the general assembly may direct.

Sec. 6. No judge shall preside at the trial of any cause in the event of which he may be interested, or when either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior court. In case all or any of the justices of the supreme court shall be thus disqualified, or be otherwise prevented from presiding in any cause or causes, the court or the justices thereof shall certify the same to the governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the circuit and inferior courts as is prescribed in this section for cases of the supreme court. The general assembly shall provide by law for the temporary appointment of men learned in the law to hold either special or regular terms of the circuit courts where ever there may be necessity for such appointment.

Sec. 7. There shall be appointed by

the justices of the supreme court a reporter and clerk of said court, who shall hold their offices for four years and whose duties and compensation shall be prescribed by law.

Sec. 8. When a judgment or decree is reversed or affirmed by the supreme court, every point made and distinctly stated in the cause and fairly arising upon the record of the case shall be considered and decided and the reason thereof shall be concisely and briefly stated in writing and preserved with the record of the case.

Sec. 9. The justices of the supreme court and judges of the circuit court shall each receive compensation for their services to be fixed by law, which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States or any other power.

Sec. 10. No person shall be eligible to the office of chief justice, associate justice, or judge of the circuit court who is not at the time of his election a citizen of the United States and of this State and has not attained the age of 26 years, has not been a licensed attorney at law for at least five years and been a resident of this State for five years next preceding his election.

Sec. 11. All vacancies in the supreme court or inferior tribunals shall be filled by elections as herein prescribed; provided, that if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. All judges, by virtue of their office, shall be conservators of the peace throughout the State, and when a vacancy is filled by either appointment or election, the incumbent shall hold only for the unexpired term of his predecessor.

Sec. 12. In all cases decided by the supreme court the concurrence of three of the justices shall be necessary for a reversal of the judgment below, but if the four justices equally divide in opinion the judgment below shall be affirmed, subject to the provisions hereinafter prescribed. Whenever, upon the hearing of any cause or question before the supreme court, in the exercise of its original or appellate jurisdiction, it shall appear to the justices thereof or any two of them, that there is involved a question of constitutional law, or conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, upon the determination of which the entire court is not agreed; or whenever the justices of said court, or any two of them desire it on any cause or question so before said court, the chief justice, only in his absence the presiding associate justice, shall call to the assistance of the supreme court all of the judges of the circuit court; provided, however, that when the matter to be submitted is involved in an appeal from the circuit court, the circuit judge who tried the case shall not sit. A majority of the justices of the supreme court and circuit judges shall constitute a quorum. The decision of the court so constituted, and a majority of the justices and judges sitting, shall be final and conclusive. In such case the chief justice, or in his absence the presiding associate justice, shall preside. Whenever the justices of the supreme court and the circuit judges meet together for the purposes aforesaid, if the number thereof of qualified to sit constitute an even number, then one of the circuit judges must retire; and the circuit judges present shall determine by lot which of their number shall retire.

Sec. 13. The State shall be divided into as many judicial circuits as the general assembly may prescribe, and for each circuit a judge shall be elected by joint viva voce vote of the general assembly, who shall hold his office for a term of four years; and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge. The present judges of the circuit courts shall continue in office until the expiration of the terms for which they were elected, and, should a new division of the judicial circuits be made shall be the judges of the respective circuits in which they shall reside after said division.

Sec. 14. Judges of the circuit courts shall interchange circuits with each other and the general assembly shall provide therefor.

Sec. 15. The courts of common pleas shall have original jurisdiction, subject to appeal to the supreme court, to issue writs or orders of injunction, mandamus, habeas corpus, and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior courts, except from such inferior courts from which the general assembly shall provide an appeal directly to the supreme court.

Sec. 16. The court of common pleas shall sit in each county in this State at least twice in every year at such stated times and places as may be appointed by law.

Sec. 17. It shall be the duty of the justices of the supreme court to file their decisions within 60 days from the last day of the court at which the cases were heard; and the duty of the judges of the circuit courts to file their decisions within 60 days from the rising of the last court of the circuit then being held.

Sec. 18. The court of general sessions shall have jurisdiction in all criminal cases except those cases in which exclusive jurisdiction shall be given to inferior courts, and in these it shall have appellate jurisdiction. It shall also have concurrent jurisdiction with, as well as appellate jurisdiction from, the inferior courts in all cases of riot, assault and battery, and larceny. It shall sit in each county in the State at

least twice in each year at such stated times and places as the general assembly may direct.

Sec. 19. The court of probate shall remain as now established in the county of Charleston. In all other counties of the State the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy, and persons non compos mentis, shall be vested as the general assembly may provide, and until such provision such jurisdiction shall remain in the court of probate as now established.

Sec. 20. A sufficient number of magistrates shall be appointed and commissioned by the governor, by and with the advice and consent of the Senate, for each county, who shall hold their offices for the term of two years and until their successors are appointed and qualified. Each magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more constables to execute writs and processes issued by him. The present trial justices are declared magistrates as herein created, and shall exercise the powers and duties of said office of magistrate until their successors shall be appointed and qualified. Each magistrate shall receive a salary, to be fixed by the general assembly, in lieu of all fees in criminal cases.

Sec. 21. Magistrates shall have jurisdiction in such civil cases as the general assembly may prescribe; provided, such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed, exceeds \$100, or to cases where the title to real estate is in question, or to cases in chancery. They shall have exclusive jurisdiction in such criminal cases as the general assembly may prescribe; provided, further, such jurisdiction shall not extend to cases where the punishment exceeds a fine of \$100 or imprisonment for 30 days. In criminal matters beyond their jurisdiction to try, they shall sit as examining courts and commit, discharge or (except in capital cases) recognize persons charged with such offenses, subject to such regulations as the general assembly may provide. They shall also have the power to bind over to keep the peace and for good behavior for a time not to exceed 12 months.

Sec. 22. All persons charged with an offence shall have the right to demand and obtain a trial by jury. The jury in cases civil or criminal in all municipal courts and courts inferior to circuit courts, shall consist of six. The grand jury of each county shall consist of 18 members, 12 of whom must agree in a matter before it can be submitted to the court.

The petit jury of the circuit courts shall consist of 12 men, all of whom must agree to a verdict in order to render the same.

Each juror must be a qualified elector under the provisions of this Constitution, between the ages of 21 and 65 years, and of good moral character.

Sec. 23. Every civil action cognizable by magistrates shall be brought before a magistrate in the county where the defendant resides, and every criminal action in the county where the offence was committed. In all cases tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law; provided, that in counties where magistrates have separate and exclusive territorial jurisdiction, criminal cases shall be tried in the magistrate's district where the offence was committed, subject to such provision for change of venue from one magistrate's district to another in the same county as may be provided by the general assembly.

Sec. 24. All officers other than those named in section 9 provided for in this article shall receive for their services compensation as the general assembly may from time to time by law direct.

Sec. 25. Each of the justices of the supreme court and judges of the circuit court shall have the same power at chambers to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and interlocutory writs or orders of injunction as when in open court. The judges of the circuit courts shall have such powers at chambers as the general assembly may provide.

Sec. 26. Judges shall not charge juries in respect to matters of fact, but shall declare the law.

Sec. 27. There shall be elected in each county, by the electors thereof, one clerk for the court of common pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts or records held therein, but the general assembly may provide by law for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court under such regulations as the general assembly may direct. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

Sec. 28. There shall be an attorney general for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of two years and shall receive for his services such compensation as shall be fixed by law.

Sec. 29. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases when an attorney for the State of any circuit fails to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore. In the event of the establishment of county courts the

general assembly may provide for one solicitor for each county in the place and instead of the circuit solicitor, and may prescribe his powers, duties and compensation.

Sec. 30. The qualified electors of each county shall elect a sheriff and coroner, for the term of four years, and until their successors are elected and qualified; they shall reside in their respective counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

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

Sec. 32. The general assembly shall provide by law for the speedy publication of the decisions of the supreme court made under this Constitution.

Sec. 33. Circuit courts and courts inferior thereto and municipal courts shall have the power, in their discretion, to impose sentence of labor upon highways, streets and other public works upon persons by them sentenced to imprisonment.

Sec. 34. All matters, civil and criminal, now pending within the jurisdiction of any of the courts of this State shall continue therein until disposed of according to law.

ARTICLE VI.

JURISPRUDENCE.

Section 1. The general assembly shall pass laws allowing differences to be decided by arbitrators, to be appointed by the parties who may choose that mode of adjustment.

Sec. 2. It shall be the duty of the general assembly to pass laws for the change of venue in all cases, civil and criminal, over which the circuit courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the county where such action or prosecution was commenced. The State shall have the same right to move for a change of venue that a defendant has for such offences as the general assembly may prescribe. Unless a change of venue be had under the provisions of this article the defendant shall be tried in the county where to offence was committed: Provide, however, That no change of venue shall be granted in criminal cases until after a true bill has been found by the grand jury: And provided, further, That if a change be ordered it shall be to a county in the same judicial circuit.

Sec. 3. Justice shall be administered in a uniform mode of pleading without distinction between law and equity.

Sec. 4. Every statute shall be a public law, unless otherwise declared in the statute itself.

Sec. 5. The general assembly, at its first session after the adoption of this Constitution, shall provide for the appointment or election of a commissioner, whose duty it shall be to collect and revise all the general statute law of this State then of force as well as that which shall be passed from time to time, and to properly index and arrange the said statutes when so passed. And the said commissioner shall reduce into a systematic code the general statutes, including the code of civil procedure, with all the amendments thereto, and shall, on the first day of the session for the year 1901 and at the end of every subsequent period of not more than 10 years, report the result of his labors to the general assembly, with such recommendations and suggestions as to the abridgement and amendments as may be deemed necessary or proper. Said report, when ready to be made, shall be printed and a copy thereof laid upon the desk of each member of both houses of the general assembly on the first day of the first session, but shall not be taken up for consideration until the next session of said general assembly. The said code shall be declared by the general assembly, in an act passed according to the forms in this Constitution for the enactment of laws, to be the only general statutory law of the State; but no alterations or additions to any of the laws therein contained shall be made except by bill passed under the formalities heretofore prescribed for the passage of laws. Provision shall be made by law for filling vacancies, regulating the terms of office and the compensation of said commissioner, not exceeding \$500 per annum, and imposing such other duties as may be desired. And the general assembly shall by committee inquire into the progress of his work at each session.

Sec. 6. In the case of any prisoner lawfully in the charge, custody or control of any officer, State, county or municipal, being seized and taken from said officer through his negligence, permission or connivance, by a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and, upon true bill found, shall be deposed from his office pending his trial, and upon conviction shall forfeit his office, and shall, unless pardoned by the governor, be ineligible to hold any office of trust or profit within this State. It shall be the duty of the prosecuting attorney within whose circuit or county the offense may be committed to forthwith institute a prosecution against said officer, who shall be tried in such county in the same circuit other than the one in which the offence was committed, as the attorney general may elect. The fees and mileage of all material witnesses, both for the State and for the defense, shall be paid by the State treasurer, in such manner as may be provided by law: Provided, In all cases of lynching when death ensues, the county where such lynching