

takes place shall, without regard to the conduct of the officers, be liable in exemplary damages of not less than \$2,000 to the legal representatives of the person lynched: Provided, further, That any county against which a judgment has been obtained for damages in any case of lynching shall have the right to recover the amount of said judgment from the parties engaged in said lynching in any court of competent jurisdiction.

ARTICLE VII.

COUNTIES AND COUNTY GOVERNMENT.

Sec. 1. The general assembly may establish new counties in the following manner: Whenever one-third of the qualified electors within the area of each section of an old county proposed to be cut off to form a new county shall petition the governor for the creation of a new county, setting forth the boundaries and showing compliance with the requirements of this article, the governor shall order an election, within a reasonable time thereafter, by the qualified electors within the proposed area, in which election they shall vote "Yes" or "No" upon the question of creating said new county; and at the same election the question of a name and a county seat for such county shall be submitted to the electors.

Sec. 2. If two-thirds of the qualified electors voting at such election shall vote "Yes" upon such questions, then the general assembly at the next session shall establish such new county: Provided, No section of the county proposed to be dismembered shall be thus cut off without consent by a two-thirds vote of those voting in such section; and no county shall be formed without complying with all the conditions imposed in this article. An election upon the question of forming the same proposed new county shall not be held oftener than once in four years.

Sec. 3. No new county hereafter formed shall contain less than one hundred and twenty-fourth part of the whole number of inhabitants of the State, nor shall it have less assessed taxable property than \$1,500,000 as shown by the last tax returns, nor shall it contain less area than 400 square miles.

Sec. 4. No old county shall be reduced to less area than 500 square miles, to less assessed taxable property than \$2,000,000, nor to a smaller population than 15,000 inhabitants.

Sec. 5. In the formation of new counties no old county shall be cut within eight miles of its courthouse building.

Sec. 6. All new counties hereafter formed shall bear a just apportionment of the valid indebtedness of the old county or counties from which they have been formed.

Sec. 7. The general assembly shall have the power to alter county lines at any time: Provided, That before any existing county line is altered the question shall be first submitted to the qualified electors of the territory proposed to be taken from one county and given to another, and shall have received two-thirds of the votes cast: Provided, further, That the change shall not reduce the county from which the territory is taken below the limits prescribed in sections 3, 4 and 5 of this article: Provided, That the proper proportion of the existing county indebtedness of the section so transferred shall be assumed by the county to which the territory is transferred.

Sec. 8. No county seat shall be removed except by a vote of two-thirds of the qualified electors of said county voting in an election held for that purpose, but such election shall not be held in any county oftener than once in five years.

Sec. 9. Each county shall constitute one election district, and shall be a body politic and corporate.

Sec. 10. The general assembly may provide for the consolidation of two or more existing counties if a majority of the qualified electors of such counties voting at an election held for that purpose shall vote separately therefor, but such election shall not be held oftener than once in four years in the same counties.

Sec. 11. Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic and corporate, but this shall not prevent the general assembly from organizing other townships or changing the boundaries of those already established; and the general assembly may provide such system of township government as it shall think proper in any and all the counties, and may make special provision for municipal government and for the protection of chartered rights and powers of municipalities.

Sec. 12. Until changed by the general assembly, as allowed by this Constitution the boundaries of the several counties shall remain as now established, except that the boundaries of the county of Edgefield shall undergo such changes as are made necessary by the formation of a new county from a portion of Edgefield, to be known as Saluda, the boundaries of which are set forth in a Constitutional ordinance. The election ordered in said ordinance for the location of its county seat shall be held under the Constitution, and laws now of force. And the general assembly shall provide for the assessment of property in the county of Saluda for the fiscal year beginning January 1st, 1896, and for the collection of said taxes when assessed.

Sec. 13. The general assembly may at any time arrange the various counties into judicial circuits, and into congressional districts, including the county of Saluda, as it may deem wise and proper, and may establish or alter the location of voting precincts in any county.

Sec. 14. Hereafter no county lines shall be so established as to pass through any incorporated city or town of this State.

ARTICLE VIII.

MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.

Section 1. The general assembly shall provide by general laws for the organization and classification of municipal corporations. The powers of each class shall be defined so that no such corporations shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters may re-organize under the general laws of the State, and when so re-organized their special charters shall cease and determine.

Sec. 2. No city or town shall be organized without the consent of the majority of the electors residing and entitled by law to vote within the district proposed to be incorporated; such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

Sec. 3. The general assembly shall restrict the powers of cities and towns to levy taxes and assessments, to borrow money and to contract debts, and no tax or assessment shall be levied or debt contracted except in pursuance of law, for public purposes specified by law.

Sec. 4. No law shall be passed by the general assembly granting the right to construct and operate a street or other railway, telegraph, telephone or electric plant, or to erect water or gas works for public use or to lay mains for any purpose, without first obtaining the consent of the local authorities in control of the streets or public places proposed to be occupied for any such or like purposes.

Sec. 5. Cities and towns may acquire, by construction or purchase, and may operate water works systems and plants for furnishing lights, and may furnish water and lights to individuals, firms and private corporations for reasonable compensation: Provided, that no such construction or purchase shall be made except upon a majority vote of the electors in said cities or towns who are qualified to vote on the bonded indebtedness of said cities or towns.

Sec. 6. The corporate authorities of cities and towns in this State shall be vested with power to assess and collect taxes for corporate purposes, said taxes to be uniform in respect to persons and property within the jurisdiction of the body composing the same; and all the property except such as is exempt by law, within the limits of cities and towns shall be taxed for the payment of debts contracted under authority of law. License or privileged taxes imposed shall be graduated so as to secure a just imposition of such tax upon the classes subject thereto.

Sec. 7. No city or town in this State shall hereafter incur any bonded debt, which, including existing bonded indebtedness, shall exceed 8 per centum of the assessed value of the taxable property therein, and no such debt shall be created without submitting the question as to the creation thereof to the qualified electors of such city or town, as provided in this Constitution for such special elections; and unless a majority of such electors voting on the question shall be in favor of creating such further bonded debt, none shall be created: Provided, that this section shall not be construed to prevent the issuing of certificates of indebtedness in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates are issued and payable out of such taxes: And provided, further, that such cities and towns shall on the issuing of such bonds create a sinking fund for the redemption thereof at maturity. Nothing herein contained shall prevent the issuing of bonds to an amount sufficient to refund bonded indebtedness existing at the time of the adoption of this Constitution.

Sec. 8. Cities and towns may exempt from taxation, by general or special ordinance, except for school purposes, manufactures established within their limits for five successive years from the time of the establishment of such manufactures: Provided, that such ordinance shall be first ratified by a majority of such qualified electors of such city or town as shall vote at an election held for that purpose.

Sec. 9. No armed police force or representatives of a detective agency shall ever be brought into this State for the suppression of domestic violence; nor any other armed or unarmed body of men be brought in for that purpose, except upon the application of the general assembly or of the executive of this State (when the general assembly is not in session,) as provided in the Constitution of the United States. The general assembly shall provide proper penalties for the enforcement of the provisions of this section.

Sec. 10. It shall be the duty of the general assembly to create boards of health wherever they may be necessary, giving to them power and authority to make such regulations as shall protect the health of the community and abate nuisances.

Sec. 11. In the exercise of the police power the general assembly shall have the right to prohibit the manufacture and sale and retail of alcoholic liquors or beverages within the State. The general assembly may license persons or corporations to manufacture and sell and retail alcoholic liquors or beverages within the State under such rules and restrictions as it deems proper; or the general assembly may prohibit the manufacture and sale and retail of alcoholic liquors and beverages within the State, and may authorize and empower the State, county and municipal officers, all or either, under the authority and in the name of the State, to buy in any market and retail within the State liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient; Provided, that no li-

cense shall be granted to sell alcoholic beverages in less quantities than one-half pint, or to sell them between sundown and sunrise, or to sell them to be drunk on the premises: And provided, further, that the general assembly shall not delegate to any municipal corporation the power to issue licenses to sell the same.

Sec. 12. All prize-fighting is prohibited in this State, and the general assembly shall provide by proper laws for the prevention and punishment of the same.

ARTICLE IX.

CORPORATIONS.

Section 1. The term corporation as used in this article includes all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships and excludes municipal corporations.

Sec. 2. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such charitable, educational, penal or reformatory corporations as may be under the control of the State, or may be provided for in this Constitution, but the general assembly shall provide by general laws for changing or amending existing charters, and for the organization of all corporations hereafter to be created, and any such law so passed, as well as all charters now existing or hereafter created, shall be subject to future repeal or alteration: provided, that the general assembly may by a two-thirds vote of each house on a concurrent resolution allow a bill for a special charter to be introduced, and when so introduced may pass the same as other bills.

Sec. 3. All railroad, express, canal and other corporations engaged in transportation for hire and all telegraph and other corporations engaged in the business of transmitting intelligence for hire are common carriers in their respective lines of business, and are subject to liability and taxation as such. It shall be unlawful for any such corporation to make any contract relieving it of its common law liability or limiting the same, in reference to the carriage of passengers.

Sec. 4. Every corporation organized or doing business in this State, other than religious, educational or benevolent associations, shall have and maintain at least one agent in this State upon whom process may be served, and at least one public office for the transaction of its business. Provided, This section shall not apply to mercantile corporations: Provided, That nothing contained in this section shall be construed to prohibit the general assembly from providing for the service of process on any agent of a corporation so as to bind such corporation.

Sec. 5. No discrimination in charges or facilities for transportation of the same classes of freight or passengers, or for the transmission of intelligence within this State, or coming from or going to any other State, shall be made by any railroad or other transportation or transmission company between places or persons.

Persons and property transported by any railroad or any other transportation or transmission company or corporation, shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, landing or port. Excursion and commutation tickets may be issued at special rates. This section shall not prevent the railroad commission from making such competitive rates as shall, in their judgment, be just and equitable between the railroads and the public, at all junctional and competitive points or at points where water competition controls the traffic or at points where the competition of points located in other States may make necessary the prescribing of different rates for the protection of the commerce of this State.

Sec. 6. Any railroad or other transportation corporation, and any telegraph or other transmitting corporation, organized under the laws of this State, shall have the right to connect its roads or lines, at the State line, with those in other States, and shall have the right to intersect with or cross any other railroad, street railway, transportation road or transmitting line, and shall each receive and transport the freight, passengers, cars (loaded or empty) and messages delivered to it by another without delay or discrimination.

Sec. 7. No railroad, or other transportation company, and no telegraph or other transmitting corporation, or the lessees, purchasers or managers of any such corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other railroad or other transportation, telegraph or other transmitting company owning or having under its control a parallel or competing line; and the question whether railroads or other transportation, telegraph or other transmitting companies are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil causes.

Sec. 8. The general assembly shall not grant to any foreign corporation or association a license to build, operate or lease any railroad in this State; but in all cases where a railroad is to be built or operated, or is now being operated, in this State, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporation or association lease or operate any railroad in this State, or purchase the same or any interest therein. Consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State. No

general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license of this State or under any existing lease, and no grant of any right or privilege and no exemption from any burden shall be made to any such foreign corporation, except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof, and shall thereafter operate and manage the same and the business thereof under said domestic charter.

Sec. 9. The general assembly shall have no power to grant any special charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, with such privileges, powers and limitations, not inconsistent with this Constitution, as it may deem proper. The general assembly shall provide by law for the thorough examination and inspection of all banking and fiscal corporations of this State.

Sec. 10. Stock or bonds shall not be issued by any corporation save for labor done, or money or property actually received or subscribed; and all fictitious increase of stock or indebtedness shall be void.

Sec. 11. The general assembly shall provide by law for the election of directors, trustees or managers of all corporations so that each stockholder shall be allowed to cast, in person or by proxy, as many votes as the number of shares he owns multiplied by the number of directors, trustees or managers to be elected, the same to be cast for any one candidate or to be distributed among two or more candidates.

Sec. 12. Corporations shall not engage in any business except that specifically authorized by their charters or necessarily incident thereto.

Sec. 13. The general assembly shall enact laws to prevent all trusts, combinations, contracts and agreements against the public welfare; and to prevent abuses, unjust discriminations and extortion in all charges of transporting and transmitting companies; and shall pass laws for the supervision and regulation of such companies by commission or otherwise, and shall provide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

Sec. 14. A commission is hereby established to be known as "the railroad commission," which shall be composed of not less than three members, whose powers over all transporting and transmitting corporations, and duties, manner of election and term of office shall be regulated by law; and until otherwise provided by law the said commissioners shall have the same powers and jurisdiction, perform the same duties and receive the same compensation as now conferred, prescribed and allowed by law to the existing railroad commissioners; provided, that the members thereof shall be elected at the expiration of the terms of the present railroad commissioners, who are hereby continued in office for the terms for which they were elected.

Sec. 15. Every employee of any railroad corporation shall have the same rights and remedies for any injury suffered by him from the acts or omissions of said corporation or its employees, as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having a right to control or direct the services of a party injured, and also when the injury results from the negligence of a fellow servant engaged in another department of labor from that of the party injured, or of a fellow servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances shall be no defence to an action for injury caused thereby, except to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, expressed or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any remedy or right that he now has by the law of the land. The general assembly may extend the remedies herein provided for to any other class or employees.

Sec. 16. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this Constitution shall be subject to the provisions of this article.

Sec. 17. The general assembly shall never remit the forfeiture of the franchise of any corporation now chartered, nor alter nor amend the charter thereof, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchise subject to the provisions of this Constitution, and the acceptance by any corporation of any provision of any such laws or the taking of any benefit or advantage from the same shall be conclusively held an agreement by such corporation to hold its charter and franchise under the provisions of this article.

Sec. 18. The stockholders of all insolvent corporations shall be individually liable to the creditors thereof only to the extent of the amount remaining due to the corporation upon the stock owned by them: Provided, That stockholders in banks or banking institutions shall be liable to depositors therein in a sum equal in amount to their stock over and above the face value of the same.

Sec. 19. Nothing prohibited in this article shall be permitted to be done by any corporation or company, persons or person, either for its or their own benefit or otherwise, by its or their holding or controlling in its or their own name or otherwise, or in the name of any other person or persons, or other corporation or company whatsoever, a majority of the capital stock, or of bonds having voting power, of any railroad or transportation company, or corporation created by or existing under the laws of this State, or doing business within this State.

Sec. 20. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner, or secured by a deposit of money, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of 12 men in a court of record, as shall be prescribed by law.

Sec. 21. The general assembly shall enforce the provisions of this article by appropriate legislation.

ARTICLE X.

FINANCE AND TAXATION.

Section 1. The general assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe regulations to secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the products of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes: Provided, however, That the general assembly may impose a capitation tax upon such domestic animals as from their nature and habits are destructive of other property: And provided, further, That the general assembly may provide for a graduated tax on incomes, and for a graduated license on occupations and business.

Sec. 2. The general assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever it shall happen that the ordinary expenses of the State for any year shall exceed the income of the State for such year the general assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year together with the estimated expenses of the ensuing year.

Sec. 3. No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same; to which object the tax shall be applied.

Sec. 4. There shall be exempted from taxation all county, township and municipal property used exclusively for public purposes and not for revenue, and the property of all schools, colleges, and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, except where the profits of such institutions are applied to private uses; all public libraries, churches, parsonages and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, county, or municipal taxation: Provided, That as to real estate this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches, parsonages and burial grounds, although connected with charitable objects.

Sec. 5. The corporate authorities of counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. All shares of the stockholders in any bank or banking association located in this State, whether now or hereafter incorporated, or organized under the laws of this State or of the United States, shall be listed at their true value in money, and taxed for municipal purposes in the city, ward, town or incorporated village where such bank is located, and not elsewhere: Provided, That the words "true value in money" as used in line 12 of this section shall be so construed as to mean and include all surplus or extra moneys, capital, and every species of personal property of value owned or in possession of any such bank: Provided, A like rule of taxation shall apply to the stockholders of all corporations other than banking institutions. And the general assembly shall require that all the property, except that herein permitted to be exempted within the limits of municipal corporations, shall be taxed for corporate purposes and for the payment of debts contracted under authority of law. The bonded debt of any county, township, school district, municipal corporation or political division or subdivision of this State shall never exceed 8 per centum of the assessed value of all the taxable property therein. And no county, township, municipal corporation or other political division of this State shall hereafter be authorized to increase its bonded indebtedness if at the time of any proposed increase thereof the aggregate amount of its already existing bonded debt amounts to 8 per centum of the value of all taxable property therein as ascertained by the valuation for State taxation.

And wherever there shall be several political divisions or municipal corporations covering or extending over the same territory, or portions thereof, possessing a power to levy a tax or contract debt, then each of such political divisions or municipal corporations shall so exercise its power to increase its debt under the foregoing 8 per cent limitation that the aggregate debt over and upon any territory of this State shall never exceed 15 per

centum of the value of all taxable property in such territory as valued for taxation by the State: Provided, That nothing herein shall prevent the issue of bonds for the purpose of paying or refunding any valid municipal debt heretofore contracted in excess of 8 per centum of the assessed value of all the taxable property therein.

Sec. 6. The credit of the State shall not be pledged or loaned for the benefit of any individual, company, association or corporation; and the State shall not become a joint owner of or stockholder in any company, association or corporation. The general assembly shall not have power to authorize any county or township to levy a tax or issue bonds for any purpose except for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses, and for ordinary county purposes, to support paupers, and pay past indebtedness.

Sec. 7. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 8. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the general assembly, in such manner as may be lawfully directed.

Sec. 9. Money shall be drawn from the treasury only in pursuance of appropriations made by law.

Sec. 10. The fiscal year shall commence on the first day of January in each year.

Sec. 11. To the end that the public debt of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the State, the general assembly is hereby forbidden to create any further debt or obligation, either by the loan of the credit of the State by guaranty, endorsement or otherwise, except for the ordinary and current business of the State, without first submitting the question as to the creation of such new debt, guaranty, endorsement or loan of its credit to the qualified electors of this State at a general State election; and unless two-thirds of the qualified electors of this State, voting on the question, shall be in favor of increasing the debt, guaranty, endorsement or loan of its credit, none shall be created or made. And any debt contracted by the State shall be by loan on State bonds, of amounts not less than \$50 each, bearing interest, payable not more than 40 years after final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the treasurer in numerical order, so as to always exhibit the number and amount unpaid, and to whom severally made payable. And the general assembly shall levy an annual tax sufficient to pay the annual interest on said bonds.

Sec. 12. Suitable laws shall be passed by the general assembly for the safe-keeping, transfer and disbursement of the State, county and school funds; and all officers and other persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer and shall give such security for the faithful discharge of such duties as the general assembly may provide. And it shall be the duty of the general assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of the deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: Provided, however, that the general assembly, by a two-thirds vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

Sec. 13. The general assembly shall provide for the assessment of all property for taxation; and State, county, township, school, municipal and all other taxes shall be levied on the same assessment, which shall be that made for State taxes; and the taxes for the subdivision of the State shall be levied and collected by the respective fiscal authorities thereof.

ARTICLE XI.

EDUCATION.

Section 1. The supervision of public instruction shall be vested in the State superintendent of education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the general assembly.

Sec. 2. There shall be a State board of education, composed of the governor, the state superintendent of education, and not exceeding seven persons to be appointed by the governor or every four years, of which board the governor shall be chairman, and the state superintendent of education, secretary. This board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships and have such other powers and duties as may be determined by law. The travelling expenses of the persons to be appointed shall be provided for by the general assembly.

Sec. 3. The general assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualification, powers, duties, compensation and terms of office.

Sec. 4. The salaries of the State and county school officers and compensation of county treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the general assembly.

Sec. 5. The general assembly shall provide for a liberal system of free