BY TELEGRAPH.

Our European Dispatches.

[BY ATLANTIC TELEGRAPH.] GARIBALDI AND FARRAGUT.

LONDON, February 4.-No marine disaster has been reported from Saturday's storm. A gale of Cork blew up the telegraph. The wires leading from the city have been cut, and the activity of the police has prevented any demonstrations.

The advance guard of the Abyssinian expedition has reached Autala.

The government candidates have been returned from Lilles, France.

Garibaldi has written Farragut a congratulatory letter on the occasion of the United States encouraging, by the presence of a fleet, the

natural aspirations of the government. LONDON, February 5 .- John Bright pleaded the wrongs of Ireland at a meeting at Birming-

London, February 4.—Noon.—Consols 934a 931. Bonds 714.

LONDON, February 5-Evening.-Consols 933; Bonds 714 LIVERPOOL, February 3.-Evening.-Cotton

closed quiet; Uplands 72; Orleans 8; sales 10,000 bales. Manchester advices unfavorable. LIVERPOOL, February 4.-Noon.-Cotton quiet and steady; sales 10,000 bales. Breadstuffs generally quiet.

LIVERPOOL, February 5-Evening.-Cotton closed firm; sales 15,000 bales; Uplands 72a 71d.; to arrive 7fd.; Orleans 8a8fd. Sugar quiet. Naval Stores quiet and unchanged.

Our Washington Dispatches. RECONSTRUCTION-REVENUE-THAT CORRESPON-

WASHINGTON, January 5 .- Eleven set speeches were delivered to-day on the Reconstruction

The Committee on Reconstruction will report favorably on the bill removing the disabilities

of Governor Patton. The House discussed to-day the Grant-John son correspondence, but deferred action on

The Revenue to-day, \$1,131,000.

General Howard has issued a circular that officers under the rank of Major that were mustered out but retained in the Bureau shall be paid \$150 per month.

THE RESIGNATION OF MINISTER ADAMS RECEIV-ED-NO PROSPECT OF A WAR WITH ENGLAND. Washington, February 3.—The resignation of Mr. Adams, Minister to England, has been received, and his successor decided upon. The change in the mission is not on account of any dissatisfaction as to the course of Mr. Adams in his conduct of our affairs in England, but it is done on the voluntary motion of Mr. Adams. This action has no reference to the settlement of the Alabama claims, which are to be prose

cuted vigorously to a finality.

The report that the President will declare war against England, should the answer of that government be unsatisfactory, is utterly unfounded. The Executive does not assume that he has the power to declare war, and there is no reason to apprehend hostilities between England and the United States.

Congressional.

FORFEITURE OF BAILROAD LANDS-MORE PRO-TECTION FOR GRANT & CO.

WASHINGTON, February 5 .- IN THE HOUSE Bepresentative Beatty, of Ohio, was sworn in and took his seat.

The bill forfeiting Southern railroad lands after being amended so as to except the Nashville and Decatur Road, was passed by a vote of eighty-six to seventy-three. The bill declares forfeited to the United States all public lands granted in 1856 in Alabama, Louisiana, roads, and declares such land open to homestead entry and settlement under the laws of

The consideration of the bill regarding the rights of American citizens abroad was re-

A joint resolution, authorizing the Secretary of War to employ counsel to defend Generals Grant, Meade and Ruger, and other officers and persons entrusted with the enforcement of the Reconstruction acts against any suit or proceeding in any court in regard to their official acts, was passed. Adjourned.

IN THE SENATE the joint resolution referred

to in the House proceedings was passed.

The Southern Railroad loan bill was referred to the Committee on Public Lands.

After a further consideration of the Recon-

an executive session, the

General Grant and the President. WASHINGTON, February 4.—The President

and Stanton had neither written nor personal conversation since August 12th. The President's letter to Grant, on January 31, contains this paragraph "You had found in our first conference that I was desirous of keeping Mr. Stanton out of office, whether sustained in his suspension or not. You know what reasons had

induced me to ask from you a promise. You also knew that, in case your views of duty did not accord with my convictions, it was my purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding between us, these conclusions were plainly deducible from our various conversations. It is certain, however, that, even under these circumstances, you did not offer to return the place to my possession, but, according to your own statements, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you what I was compelled to ask of your predecessor in the War Department, namely, a letter of resignation; or else to resort

ing you by a successor." Grant's letter, of February 3, alluding to the President's letter of January 31 and the newspaper articles, says: "It is a statement somewhat more in detail of the many and gross misrepresentations contained in these articles. and which my statement of the facts set forth in my letter of the 28th ult., was intended to correct; and I here reassert the correctness of

to the more disagreeable expedient of suspend-

my statements in that letter, anything in yours in reply notwithstanding.

The Reconstruction Conventions. RICHMOND, February 5 .- In the convention the fifth section of an ordinance on the Executive was adopted, with an amendment requir

ing the assent of two-thirds of the members of the legislature to call an extra session. NORTH CAROLINA. RALEIGH. February 5 .- The convention has been occupied for the past two days on the re-

lief measure; it passed to-day after considerable opposition, nearly as it was reported by the

The Conservative Convention met at Tucker Hall to-day, some fifty counties being represented by about three hundred delegates. E. H. Smith, Esq., of Halifax, was chosen temporary chairman. The Hon. William A. Graham, of Orange, was elected permanent chairman of the convention, with thirteen vice-

presidents. The several editors in attendance were chosen secretaries. The best spirit prevails, and many of the ablest men in the State

ATLANTA, February 5.—The relief clause was passed in the convention to-day by yeas 82, nays 45. It denies jurisdiction to the courts over all debts contracted prior to the surrender, but leaving it discretionary with the majority of the legislature to confer jurisdiction in all cases as to the purchase of slaves. Richardson, the member of the convention, who was shot by Timmony on the 3d inst., it is thought by the physicians, will not recover, the ball having passed through the right lung. MISSISSIPPI. JACKSON, February 5.—The convention met

and adjourned, to give way to the Republican nomination convention. There is a full attendance of this latter body. B. B. Eggleston, President of the Reconstruction Convention, is nominated for Governor. The convention is

Alabama Elections. MONTGOMERY, February 4.—Eleven hundred votes were polled to-day; six white men voted, four of them candidates. The election is progressing quietly.

Voting on the Alabama Constitution. MOBILE, February 5 .- Three thousand five hundred and seventy-two votes were polled yesterday and to-day, of which three thousand five hundred and thirty-six were colored, and

Market Reports.

NEW YORK, February 4-Noon.-Gold 41;. Old Bonds 1111; Virginia Sixes 444; Tennessee ex-coupons 61; new 601. Flour 5210c. lower. Wheat dull and drooping. Corn 1a2c. lower. Pork heavy at \$22 50. Lard steady at 14a14. Cotton dull at 19. Turpentine 59a594. Rosin

Evening.-Cotton firm; sales 2800 bales at 19. Flour heavy; State \$8 35a10 75; Southern \$10a15. Wheat heavy. Corn declining; Southern White \$1 20a1 30. Pork heavy at \$22 50. Lard firm. Naval Stores firm. Freights lower; on Cotton by steam, # to #. Gold active and

firm at 412. Governments active.

BALTIMORE, February 5.—Cotton dull. Flour steady. Wheat firm; prime to choice Southern \$2 70a2 85. Corn more active. Oats better, at 73a76c. Rye, nothing doing. Provisions more

active. Clear ribbed Ba an 18a184. Augusta, February 5 .- Cotton firmer; sales 695 bales: receipts 840; Middling 17c.

SAVANNAH. February 5 .- Cotton opened dull, closed active and advanced; Middling 174c.; sales 2500 bales; receipts 2620. MOBILE, February 5 .- Sales of Cotton 2000 bales; closed firm; Middlings 17c.; receipts

WILMINGTON, February 5 .- Spirits Turpentine advanced, and firm at 53. Rosins, lower grades in good demand; strained \$2 20; No. 2 \$2 25. Middling Cotton at 17c. Tar \$2 20, advanced 5c.

THE CONVENTION.

CONVENTION HELD BY AUTHORITY OF THE RECONSTRUCTION LAWS OF CONGRESS. TO FRAME A STATE CONSTITUTION

The convention yesterday was occupied chiefly in reading, for the first time, several important constituent parts of the proposed constitution. Discussion will probably ensue to-

where these documents are published in full. Thirty thousand dollars more of bills receivable are to be disbursed on Saturday, P. M., to the M. C's. Although brokers are not offering the said wharf, unless expressly authorized to five cents on the dollar-it is understood that outside parties are bagging all they can get almuch higher figures.

PROCEEDINGS OF THE CONVENTION. EIGHTEENTH DAY.

The convention assembled at 12 o'clock.
Prayer by Rev. Wm. Thomas, of Colleton. The
roll was called, and journal of the preceding
day read and approved.
L. Boozer explained to the convention that

his absence during the calling of the yeas and nays on the passage of the ordinance invalidat-ing contracts, &c., was owing to indisposition, and he asked leave to record his vote on the

journal.
On motion of C. C. Bowen, leave was granted, and Mr. Boozer voted "nay."
C. P. Leslie offered the following resolution, which, on motion of W. G. Whipper, was adopted:

Resolved, That the President of the conventions around a committee of three to and to conventions around a committee of three to and to conventions around a committee of three to and to conventions around a committee of three to and to conventions.

Resolved, That the President of the convention appoint a committee of three to audit contingent accounts and inquire into the correctness of all bills; and no money shall be paid until the alleged indebtedness shall have been investigated and reported to the convention.

The unfinished business of yesterday was taken up, being a resolution offered by J. M. Allen, of freenville, that the President be requested to draw from the Treasury of the State Allen, of Greenvine, and the Treasury of the State quested to draw from the Treasury of the State \$30,000 for the purpose of paying the per dum and mileage of officers and members of the convention, and that the same be paid on Saturday at three o'clock P. M.

A delegate moved to amend by striking out the word "mileage" and inserting after the word "members" the words "or other ex-

penses."

C. P. Leslie moved to amend by adding "Provided that no contingent expenses be paid until the same has been acted upon by the Committee to Audit Accounts, and approved by the con-

Discussion ensued on the amendments, in which C. P. Leslie took high ground against the disbursement of any of the tunds of the State until the accounts were first scrutinized by a competent committee. Subsequently the resolution as amended was adopted.

B. F. Randolph offered the following:

Resolved, That a committee of five be appointed to confer with General Canby in regard

to a plan for voting upon the ratification of the forthcoming constitution, and to report the result to this convention.

The delegate moved that it be referred to

The delegate moved that it be referred to the Committee on Franchise and Election".

C. P. Leslie said, "Don't do it." He was a member of that committee, and if such a recolution should be so referred, it would in all probability be the last ever heard from it, for the committee could not be got together if Gabriel should blow his horn.

R. C. DeLarge, as chairman of the committee, retorted that if the balance of the members "went on like the member from Barnwell, they never would be able to report." Nevertheless the report of the majority was completed and ready to be made.

ed and ready to be made.

L. S. Langley said he hoped the convention would not be hard on the chairman of the com-

would not be hard on the chairman of the committee, as he was understood to be an artist, and was very busy about these days.

[The allusion made was to several pencil sketches which had been going the grand rounds of the convention.]

The hour for the consideration of the special order having arrived, the convention took up the report of the Committee on the Bill of Rights, which received its first reading, and was laid over under the rules until to-morrow. Rights, which received its first reading, and was laid over under the rules until to-morrow. The reports of the Committee on the Judiciary and Committee on Education were disposed of in a similar manner, and, on motion of F. J. Moses, Jr., were made the special orders for half-past 12 o'clock.

The convention adjourned at 2 P. M.

ERRATA.

By a transposition of figures in our reference by a transposition of n ingures in our reference yesterday to the resolution of B. Byas, of Berkeley, providing for the payment of certain wages due to the freedmen since January 1, 1863, we made it read that all makes over 12 should receive \$10 per month, and all under 12 should receive \$8 per month. The figure 1 was a little behindhand, that's all; the age should have been 21 should have been 21.

CIVIL GOVERNMENT.

A DECLARATION OF RIGHTS. REMARKABLE DOCUMENT.

We lay before our readers this morning one of the most curious documents ever presented to a legislative body in South Carolina, reported yesterday in the Convention by the Committee on the Bill of Rights, and technically de scribed to be a "Declaration of Rights and Form of Government as the Constitution of the Commonwealth of South Carolina."

It will be observed that the existing constitulion of the State is proposed to be materially changed, both as regards matter and arrangemont. The several sections constitute a series of moral and political axioms on which, it is presumed, the future fabric of legislation in South Carolina is expected to be erected. First, it is set forth that "all men are born free and equal;" second, that slavery shall not hereafter exist; third, that power is vested in and derived only from the people; fourth, that the doctrine of States rights is forever dead and buried; fifth, that under no pretext shall another attempt be made to dissolve the Union; and, sixth, that all citizens shall possess equal civil and political rights.

Then follows a series of provisions descriptive of the rights and public privileges of persons. Among these provisions, it will be noticed that hereafter no person shall be imprisoned for debt, and that a homestead shall be exempted from seizure or sale. Private and corporate property is to be inviolate, yet laws may be made securing right of way over lands of either persons or corporations for purposes of internal improvement, but a just compensation, in all cases, is first to be made to the

Whoever prepared the document before us as evidently had a keen eye to the probabilities f future stay-laws, for, in section 26, it is exressly provided that the power of suspending he laws ought never to be exercised save by he legislature, or the authority derived rom it. Care is taken also that neither the egislative, nor the executive, nor the judicial lepartment of the government, shall in any wise trench upon the functions and powers of the others. Another provision, which would materially change the habits and customs of our people, is that which prevents any individual who shall fight a duel, or send or accept a challenge, or is in any way concerned in fighting a duel, from holding any office of honor or trust in the State, besides making him liable to such other punishment as the law may pre-

One of the worst features of the proposed constitution is, perhaps, the clause which provides that no property qualification shall be ssary for an election to or the holding of any office. In the present condition of affairs. if this provision be adopted, and carried into effect, the organization of the government will be so essentially democratic that in the wild rush for office that will be made by persons of all classes, for at least the next two or three years, many positions of trust and honor may be filled by individuals unidentified with the nterests of the State, whose only claim upon the suffrages of the people is a mere legalized

The evil influence of bribery, tumult and improper conduct in elections is guarded against; and no office is to be created, the appointment to which shall be for a longer time than during good behavior. All navigable streams are to be public highways, free to the citizens of the United States, without any imposition of tax or toll, and no owner of a wharf, erected on the shores of a navigable stream, is permitted to charge for the use of by the legislature

It is but truth to say that the document from which we have quoted bears upon its face the evidence of careful compilation, and, after perusing it, no one will gainsay the remark that its several propositions are clearly and succinctly stated.

THE JUDICIAL DEPARTMENT.

This article of the constitution, if adopted acording to the text published below, will affect grave changes in the judiciary of the State. The judicial power is vested in a Supreme Court, in two Circuit Courts-to wit: al Court of Common Pleas having civil jurisdiction, and Court of General Sessions having criminal jurisdiction only-and in District and Probate Courts and Justices of the Peace. The Supreme Court is to consist of three judges, who are to be elected by the General Assembly for the term of six years, and so classified that one of the judges shall go out of office every two years, the judge holding the shortest term of office under this classification to be the Chief Justice during his term of office.

The article provides in a very clear manne for filling all vacancies that may occur, the cironits which each judge shall occupy, and the jurisdiction which each judge shall exercise The circuit judge is to be elected by the people of his circuit, and shall hold office for the term of four years. The Courts of Common Pleas are to sit in each judicial district at least twice a year, and to have full jurisdiction in all matters of equity. But the courts now established for that purpose shall continue as at present organized until January 1, 1869, for the disposition of causes pending therein. The Court of General Sessions shall sit at least three times a year for the trial of criminal causes. A very important change is embodied in section 21, which provides for the election by the people of each judicial district of three persons who shall constitute a district court, which shall have full jurisdiction over roads, highways, ferries, bridges, and all matters relating to taxes, and the local concerns of the district. A Court of Probate is also to be established in each district, and the people are to elect justices of the peace and constables, who may hold office for the term of two years. No person who has arrived at the age of seventy car be elected or continued in office as a judge, and no judge shall charge juries in respect to matters of fact, but may state the testimony and declare the law. Necessary provisions are also made for the election of clerks of courts, an attorney-general, one solicitor for each circuit. sheriffs, coroners, and district surveyors.

It will be seen that the entire legal machin ery of the State, with but few exceptions, is to be created by the votes of the people. The experiment has been tried elsewhere with varied success, and the concurrent testimony in several States is contrary to the wisdom and propriety of surrounding so important a department of the government with influences which at best are generally capable of corruption. In South Carolina especially, situated as we are likely to be for some time to come, the election by the people of men who hold no property to the important and responsible positions of judicial offices, will tend to throw that department into the hands of the rabble, and will subject every member to popular influences which weak human nature is not likely to

Under this head it is provided that the Gene-

ral Assembly shall revise the civil and criminal that this operation shall be repeated every ten years. The form of pleading is to be made uni-

CHARLESTON, S. C., THURSDAY MORNING, FEBRUARY 6, 1868.

form, and the practice revised and simplified. The Governor, in connection with two-thirds of each house of the General Assembly, may remove any executive or judicial officer for wilful neglect of duty. The House of Representatives is vested with the sole power of impeachmen and any officer impeached shall be suspended from office until judgment shall have been pronounced. All impeachments to be tried by the

The report of the Committee on Education provides for the appointment of a State superintendent, to be elected by the people, and school commissioner for each district, who, together, are to constitute a board. The State is to be divided into school districts, and the compulsory attendance at free schools of all children between six and sixteen years of age, for at least twenty-four months, is ordained. To support the free schools, there shall be poll-tax of one dollar. There shall be a State chool for the reform of juvenile offenders, and an agricultural college; and all public schools colleges and universities of this State, support ed by the public funds, shall be open to all children, without regard to race or color.

WE THE PEOPLE OF THE STATE OF SOUTH CA-WE, THE PROPLE OF THE STATE OF SOUTH CABOLINA, IN CONVENTION ASSEMBLED, Grateful to
Almighty God for this opportunity, deliberately and peacefully, of entering into an explicit
and solemn compact with each other, and
forming a new constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the
body politic in all that pertains to their
freedom, safety and tranquility, and imploring the direction of the Great Legislator
of the universe, do arree unon, ordain and esof the universe, do agree upon, ordain and es-tablish the following

DECLARATION OF RIGHTS AND FORM OF GOV-ERNMENT AS THE CONSTITUTION OF THE COMMONWEALTH OF SOUTH CABOLINA.

ARTICLE I. DECLARATION OF BIGHTS.

SEC. 1. All men are born free and equal—endowed by their Creator with certain inalizable rights, among which may be reckoned the right of onjoying and defending their lives and liberties.

liberties, acquiring, possessing and protecting property, and seeking and obtaining their safety and happiness.

Sec. 2. Slavery shall not exist in this State, nor involuntary servitude, otherwise than fo the punishment of crime, whereof the part

shall have been duly convicted.

SEC. 3. 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 in such manner as they may deem expedient, when the public good depended.

SEC. 4. Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law ordinance of this State in contravention or SEC. 5. This State shall ever remain a mem-ber of the American Union, and all attempts,

ber of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve said Union, ought to be resisted with the whole power of the State.

SEC. 6. The right of the people, peaceably to assemble to consult for the common good, and to polition the government, or any department thereof, shall never be abridged.

SEC. 7. All persons resident in this State, born in the United States, or who have been naturalized, and shall have legally become citizens of South Carolina, possessing equal civil and political rights and public privileges as hereinafter declared by this constitution.

REC. 8. All persons may freely speak, write as hereinatter declared by this constitution.
Sec. 8. All persons may freely speak, write
and publish their sentiments on any subject,
being responsible for the abuse of that right;
and no laws shall be enacted to restrain or
chained the liberty of speak, or of the resear

and no laws shall be enacted to restant of abridge the liberty of speech or of the press.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in eviluation, the truth thereof may be given in eviluations. dence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court. Sec. 10. No person shall be deprived of the right to worship God according to the dictates of his own conscience; *Provided*, That the liberty of conscience hereby declared shall not justify practice inconsistent with the peace and

moral safety of society.

Sec. 11. No form of religion shall be established by law; but it shall be the duty of the legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship.

Sec. 12. The right of trial by jury shall remain involute.

SEC. 13. No person shall be disqualified as SEC. 13. No person shall be disqualined as a witness or be prevented from acquiring, holding and transmitting property, or be hable to any other punishment for any offence, or be hindered in acquiring education, or be subjected in law to any other restraints or disqualifications in regard to any personal rights than such as are laid upon others under like circumstances.

SEC. 14. No person shall be held to answe SEC. 14. No person shall be held to answer for any crime or offence until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defence of himself called the counsel as he may elect.

and to be fully heard in his defence of himself or by his counsel, as he may elect. SEC. 15. No person shall be arrested, im-prisoned, despoiled or dispossessed of his prop-erty, immunities or privileges, pat out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land. And the leg-islature shall not enact any law that shall sub-

islature shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished but by virtue of a law already established, or promulgated prior to the offence, and legally applied.

SEC. 16. All courts shall be open, and every person, for any injury that he may receive in his land, goods, person or reputation, shall have remeay by due course of law and justice administered without unnecessary delay.

SEC. 17. All persons shalls before conviction, be bailable by sufficient sureties, except for

be baitable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and excessive bailshall not, in any case, be required, nor corporeal punishment inflicted. punishment inflicted.
SEC. 18. The privilege of the writ of habeas corpus shall not be suspended, except in case of insurrection, rebellion or invasion, the pub-

of insurrection, repended of the safety may require it.

Sec. 19. No person, after having been once acquitted by a jury, can be again, for the same offence, put in jeopardy of his life or lib-

SEC. 20. No person shall be proceeded agains SEC. 20. No person shall be proceeded against criminally, by information for any indictable of fonce except in cases arising in the land and naval service, or in the militia when in actual service in the time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

SEC. 21. No person shall be imprisoned for labbt except in cases of fraudt and a reasonable.

debt, except in cases of fraud; and a reasonable amount of property, as a homestad, shall be exempted from seizure or sale fortho payment of any debts or liabilities, except for taxes, that may be contracted after the adoption of this

constitution.

SEC. 22. No bill of attainder, ex post-facto law, nor any law impairing the obligation of contracts, shall ever be enacted; and no conviction shall work corruption of blood or foreiture of estate.
SEC. 23. Treason against the State shall con-

SEC. 23. Treason against the State Shall consist in levying war against the same, or in adhering to its enemies, giving themaid and comfort. No person shall be convicted of treason unless on the testimony of two winesses to the same overt act, or on confession in open court.

SEC. 24. All persons have a right to be security and the second of the seco SEC. 24. All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers or possessions. All warrants, therefore, are contrary to this night, if the cause or foundation of them be not previously supported by affirmation or eath, and, if the order, in the warrant, to a civil sofficer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant of search arrest or seizure; and no warrant or held any other office of trust or profit unor hold any other office of trust or profit unor fine the cause, and fairly arising upon the record of the cause, shall be considered and decided; and the reasons therefor shall be concisely and briefly stated in writing, and preserved with the records of the case.

SEC. 11. The Judges of the Supreme Court and Gircuit Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit unof search, arrest or seizure; and no warrant shall be issued but in cases and with the for-malities prescribed by the laws.

SEC. 25. Private property shall not be taken or applied for public use, or for the use of corporations, other than municipal or for private use, without the consent of the owner and a just compensation being made therefor; Provided, however, that laws may be made securing to persons or corporations the right of use. vined, nowever, that laws may be made secur-ing to persons or corporations the right of way over the lands of either persons or corporations, and for works of internal improvement the right to establish depots, stations, turnouts, etc., but a just compensation, in all cases, be first made to the owner.

SEC. 26. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it; to be exercised in such particular cases only as the legislature shall expressly provide for.

SEC. 27. No person shall, in any case, be subject to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

SEC. 28. In the government of this commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them, to the end it may be a government of laws and not of men.

ment of laws and not of men.

SEC. 29. The legislature ought frequently to assemble for the redress of grievances—for correcting, strengthening and confirming the laws, and for making new laws as the common

good may require.

SEC. 30. The people have a right to keep and bear arms for the common defence. As in times of peace, armies are dangerous to liberty; they ought not to be maintained without the consent of the legislature. The military power shall always be held in an exact subordi-nation to the civil authority, and be governed SEC. 31. In time of peace no soldier ought to

be quartered in any house without the consent of the owner; and, in time of war, such quarters ought not to be made but in a manner prescribed by law.

Sec. 32. No person who consciously serules to bear arms shall be compelled to do so but he may pay an equivalent for personal ser-

SEC. 33. All elections shall be free and open, and every inhabitant of this commonwealth possessing the qualifications provided for in this constitution, shall have an equal right to elect officers and be elected for public employ-

SEC. 34. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created, the appointment to which shall be for a longer time than good behavior. After the adoption of this constitution, any person who shall tight a duel, or send or accept a challenge for that purpose, or be an aider or abetter 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 provide.

SEC. 35. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

SEC. 36. Representation shall be apportioned according to population, and no person in this SEC. 34. No property qualification shall be

according to population, and no person in this State shall be disfrauchised or deprived of any of the rights or privileges now enjoyed, except by the law of the land or the judgement of his SEC. 38. All property subject to taxation ought to be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, property and liberty, according to standing laws. He should, shall not forfeit a residence once obtained

therefore, contribute his share to the expense of his protection, and give his personal service when necessary.

SEC. 39. No subsidy, charge, impost tax or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled.

SEC. 40. Excessive fines shall not be imposed,

nor cruol and unusual punishment inflicted, nor shall witnesses be unreasonably detained. Sec. 41. No title of nobility or distinction, or hereditary emolument shall ever be granted in this State.

ever public highways, free to the citizens of the State and the United States, without tax, imor received from the owner of any merchan-dise 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, un-less the same be expressly authorized by the

less the same be expressly actioned by the Legislature.

Sec. 43. The enumeration of rights in this constitution shall not be construed to impair or deny others rotained by the people, and all powers not herein delegated remain with the

ARTICLE -

JUDICIAL DEPARTMENT. SEC. 1. The judicial power of this State shall

be vested in a Supreme Court, in two Circut Courts, to wit: A Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions with criminal jurisdiction only, in District and Probate Courts, and in Justices of District and Probate Courts, and in Justices of the Peace. The General Assembly may also establish such municipal and other inferior courts as may be deemed necessary. Sec. 2. The Supreme Court shall consist of three judges, two of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the terms of six

or the General Assembly for the terms of six years, and shall continue in office until their successors shall be elected and qualified.

SEC. 3. They shall be so classified that one of the judges shall go out of office every two years; and the judge holding the shortest term of office under such classification shall be Chief Justice of the court during his term of

Chief Justice of the court airring his term of office, and so on in rotation.

Sec. 4. The General Assembly, immediately after said election, shall determine by lot which of the three judges elect shall serve for the term of two years, which for the term of four years, and which for the term of six years; and having so determined the same, it shall be the duty of the Governor to commission them ac-

cordingly.

Sve. 5. The Supreme Court shall have appel-Sec. 5. The Supreme Court shall have apper-late jurisdiction ord, in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the General Assembly may by law presente; Pro-vided, The said court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas cormus, and such other original and remedial writs as may be neces-

original and remedial write as may be neces-sary to give it a general supervisory control over all other courts in the State. SEC. 6 The Supreme Court shall be held at least once in each year, at the seat of governleffst once 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. 7. No judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguity, within such degrees as may be prescribed by law, or in which he may have been counsel, or each other trials as a supplied to the parties of the second of have presided in any inferior court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus

the Judges of the Supreme Court shall be thus disqualified from presiding on any cause or causes, the court or the judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men of law knowledge for the trial and determination thereof. The same course shall be pursued in the circuit and inferior courts as prescribed in this section for cases of the Supreme Court.

SEC. 8. There shall be appointed by the Judges of the Supreme Court a reporter and clerk of said court, who shall hold their offices two years, and whose duties and compensation

clerk of said court, who shall hold their offices two years, and whose duties and compensation shall be prescribed by law.

SEC. 9. The Judges of the Supreme Court shall give their opinion upon important questions of constitutional law, and upon solemn occasions when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

SEC. 10. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause, and fairly arising upon the record of the case, shall be considered and decided; and the reasons therefor shall be concisely and

nor hold any other office of trust or profit un-der this State, the United States, or any other

SEC. 12. No person shall be eligible to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the Urited States, and has not attained the age of tairty years, and been a resident of this State for five years next preceding his election, or from the adoption of this constitution.

his constitution. SEC. 13. All vacancies in the Supreme Court Sgc. 13. All vacancies in the Supreme Court or other inferior tritunals shall be filled by election; 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 conserviters of the peace throughout the State.

Sgc. 14. In all cases decided by the Supreme Court, a concurrence of two of the Judges shall be necessary to a decision.

Sgc. 15. The State shall be divided into convenient circuits, and for each circuit a indee

SEC. 15. The State shall be divided into convenient circuits, and for each circuit a judge shall be elected by the qualified electors thereof, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the circuit of which he is judge. SEC. 16, Judges of the Circuit Courts shall interchange circuits with each other in such manner as may be detarmined by law.

SEC. 17. The Courts of Common Pleas shall have exclusive original jurisdiction in all cases of divorce, and exclusive original jurisdiction in all civil cases and actions ex deticto, which shall not be cognizable before Justices of the Peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, soure faciats, and all other writs which may be necessary for carying their powers fully into effect.

effect.
SEC. 18. The Court of Common Pleas shall sit in each Judicial District in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have full jurisdiction in all matters of equity, but the courts heretofore established for that purpose shall continue as now organized until the first day of January, one thousand eight hundred and sixty-nine, for the disposition of causes now pending therein.

causes now pending therein.

SEC. 19. The General Assembly shall provide by law for the preservation of the records of the Courts of Equity, and also for the transfer to the Court of Common Pleas and Probate Courts for final decision of all causes that may remain undetermined. remain undetermined.

have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each Judicial District in the State at least three times in each year at such stated times and places as the Genera Assembly may direc:.

SEC. 21. The qualified electors of each judicial district shall elect three persons for the term of two years, who shall constitute a District Court which shall have full jurisdiction

over roads, highwa's, ferries, bridges, and in all matters relating to taxes, disbursements of money for district purposes, and in every other case that may be necessary to the internal im-provement and local concerns of the respective provement and local concerns of the respective districts.

SEC. 22. A Court of Probate shall be established in each judicial district, with jurisdiction in all matters testamentry and of administrative statements and of administrative statements and other statements. tion, in business appertaining to minors and the allotment of dower in cases oridiotoy and luna-cy, and persons non compos mentis. The Judge of said court shall be elected by the qualified electors of the respective districts for the term

olectors of the respective districts for the term of two years.

Szc. 23. A competent number of Justices of the Peace and Constables shall be chosen in each district by the qualified electors thereof, in such manner as the General Assembly may direct; they shall hold their offices for a term of two years, and until their successors are elected and qualified. They shall reside in the district, city or beat, for which they are elected, and the Justices of the Peace shall be commissioned by the Governor.

diction in cases of bestardy, and in all matters of contract, and actions for the recovery of fines and forteitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions ex delicto, where the damages claimed does not exceed one hundred dollars; and prosecutions for assault and battery and other penal offences less than felony, punishable by lines only.

SEC. 25. They may also sit as examining courts, and commit discharge, or recognize

courts, and commit, discharge, or recognize persons charged with offences not capital, sub-ject to such regulations as the General Assem-bly may provide; they shall also have power to bind over to keep the peace, or for good beha-

viour. For the foregoing purposes they shall have power to issue all necessary process.

SEC. 26. Every action cognizable before Justices of the Peace, instituted by summons or warrant, shall be brought before some Justice of the Peace in the district or city where the defendant resides, and in all such causes tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law.

SEC. 27. The Judges of Probate, District

statices, shall receive for their services static compensation and fees as the General Assembly may from time to time by law direct.

SEC. 28. No person who has arrived at the age of seventy years, shall be appointed or elected to, or shall continue in the office of judge in this State.

SEC. 29. Judges shall not charge juries in remarkers of fact, but may estate the

SEC. 29. Judges shall not charge Juries in respect to mattern of fact, but may state the testimony and declare the law.

SEC. 30. There shall be elected in each Judicial District, by the electors thereof, one clerk for the Court of Common Pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all

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. 31. There shall be an Attorney-General for the State, who shall reside at the seat or government, and shall perform such duties as may be prescribed by law. He shall be elected by a joint vote of both branches of the General Assembly for the term of two years, and shall by a joint vote of both branches of the General Assembly for the term of two years, and shall receive for his services a compensation to be

fixed by law.
SEC. 32. 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, attend and prosecute, according to law, the court shall have power to appoint an attorney

protempore.
Sec. 33. The qualified electors of each dis-Sgc. 33. The qualined electors of each district shall elect a Sheriff, a Coroner, and a District Surveyor, for the term of two years, and until their successors are elected and qualified; they shall be commissioned by the Governor, reside in their respective districts during their continuance in office, and be disqualified for the office a second time, if it should appear that they or either of their are in default for moring collected by virtue of their respective. monies collected by virtue of their respective

all prosecutions shall be conducted in the name of the State of South Carolina; all writs shal be tested by the clerk of the court from which they sholl be issued; and all indictments shall conclude against the peace and dignity of the

SEC. 35. The General Assembly shall provide by law for the speedy publication by law for the speedy publication of the decis-ions of the Supreme Court made under this

JURISPRUDENCE.

Sec. 1. The General Assembly shall pass such laws as may be necessary and proper, to decide differences by arbitrators, to be ap-

such laws as may be necessary and proper, to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 2. It shall be the duty of the General Assembly to pass the necessary 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 carries, behavior had in the District where such trial cannot be had in the District where such

SEC. S. The General Assembly, at its first session after the adoption of this constitution, shall make provision to revise, digest, and arrange, under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice shall be administered in a uniform mode of

pleading, without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify, and abridge the rules practice, pleadings, and forms of the court now in use in this State. ARTICLE -

EMINENT DOMAIN.

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor.

SEC. 2. The title to all lands and other property, which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats, or otherwise, shall vest in the State of South Carolina the same as though no change had taken place.

SEC. 3. The people of the State, in their right of sovereignty are declared to possess the ultimate property in and to all lands, within the jurisdiction of the State; and all lands, the title to which shall fail from defect of heirs, shall revert; or escheat to the people: 101 Section 1. The State shall have concurren

ARTICLE -

ARTICLE—

IMPEACIMENTS.

SEC. 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached, shall thereby be suspended from office until judgment in the case shall have been pronounced.

SEC. 2. All impeachments shall be tried by the Senate, and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of all the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or the samior Judge, shall preside, with a casting vote in all preliminary questions.

inary questions.

SEC. S. The Governor and all other execu-

tive and judicial officers, shall be liable to impeachment; but judgment in such case shall not extend further than removal from office. The persons convicted, shall nevertheless, be liable to indictment, trial and punishment ac-Into persons convicted, shall nevertheless, be liable to indictment, trial and punishment according to law.

Sec. 4. For any wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly. Provided, That the cause, or causes, for which said removal may be required, shall be stated at length in such address, and entered on the journals of each House. And provided further, That the officer intended to be removed shall be admitted to a having in his own defence, before any vote for such address; and in all cases, the vote shall be taken by yeas and mays, and be entered on the journals of each House respectively.

REPORT OF THE COMMITTEE ON EDUCATION, THE ENOUGH OF THE COMMITTEE ON EDUCATION, THE ENOUGHAGEMENT OF LITERATURE, ETC.

Whereas, we hold these statements as axioms: that education is knowledge; that knowledge rightly applied is the best and highest hind of power; that the general and universal diffusion of education are intelligence among the neonle is the cation and intelligence among the people in the enrest guarantee of the enhancement, increase, purity and preservation of the great principles purity and preservation of the great principles of republican liberty; therefore it shall be the duty of the General Assemblies, in all future periods of this Commonwealth, to establish, provide for, and perpetuate a liberal system of free public schools, to cherish the interests of literature and the sciences, and all seminaries and public institutions, rewards and immunities for the promotion of agriculture, ark committees for public institutions, rewards and immunities for the promotion of agriculture, arts, commerce, trades, manufactures, and natural history of the country, to countenance and inculcate the principles of humanity and general benevo-lence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous

sobriety and all social affections and generous sentiments among the people.

SEC 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State in such manner as the Legislature shall provide; his powers, duties, term of office and compensation shall be defined by the General Assembly.

SEO. 2. There shall be elected biennially, in each district or county, by the qualified electors

each district or county, by the qualified electors of each district or county, one school Commis-sioner; said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be chairman; the powers, duties, and compensation of the members of said Board shall be determined

as practicable after the adoption of this con-stitution, provide for a liberal and uniform sys-tem of free public schools throughout the State, and shall also make provision for the division district.
SEC. 4. It shall be the duty of the General

SEC. 4. It shall be the duty of the General Assembly to provide for the compulsory attend-ance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months. SEC. 5. The General Assembly shall lavy at a term equivalent to twenty-four months.

SEC. 5. The General Assembly shall levy at each regular session after the adoption of this constitution an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be assolied solely to educational purposes. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this section. The school tax shall be distributed among the several school districts of the State, in proportion to their respective population between the age of tive and twenty-one years. No religious sect or sects shall have exclusive right to, or control of any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

SEC. 6. Within five years after the first regular session of the General Assembly, following

SEC. 6. Within five years after the first regular session of the General Assembly, following the adoption of this constitution, it shall be the duty of the General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

SEC. 7. Institutions for the benefit of all the insanc, blind and deaf and dumb, and such other henevolent institutions as the public good may require shall be established and

insanc, blind and dear and dumb, and such other benevolent institutions as the public good may require shall be established and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State Reform School for ju-

9. The respective districts or counties SEC. 9. The respective districts of course of the State shall make provisions, as may be determined by law, for all those inhabitants who determined by law, for all those inhabitants who determined by law, for all those into antants who by reason of age and infirmitios, or misfortunes, may have claim upon the sympathy and aid of society.

SEC. 10. The General Assembly shall provide

SEC. 10. The General Assembly shall provide for the maintenance of the State University, and as soon as practicable, provide for the establishment of an agricultural college, and shall appropriate the land donated to this State for the support of such a college by the act of Congress, passed July 2, 1868, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be granted or appropriated for such purposes, for the support and maintenance of such college, and may make the same a branch of the State University, for instruction in agriculture, the mechanic arts, and the natural sciphees connected the ewith.

SEC. 11. All the public schools, college and

culture, the mechanic arts, and the natural sciphees connected the ewith.

SEC. 11. All the public schools, college and universitica of this State, supported by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color.

SEC. 12. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State, and not otherwise appropriated by this State, and rot otherwise appropriated by this State, and not otherwise appropriate the state.

ed States to this State, and not otherwise ap-propriated by this State or the United States, and of all lands or other property given by in-dividuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacrealy prese ed as a State school fund, and the annual provide, shall be tathfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or