CONSTITUTION

OF THE

State of South Carolina,

RATIFIED

IN

CONVENTION,

DECEMBER 4, 1895.

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CONSTITUTION

OF THE

State of South Carolina.

ARTICLE I.

DECLARATION OF RIGHTS.

SEC. 1. Political power in people.
SEC. 2. Apportionment of Representatives.
SEC. 3. Meeting of General Assembly.
SEC. 4. Religious worship. Freedom of Speech. Petition.
SEC. 5. Equal protection of laws.
SEC. 6. Taxation.
SEC. 7. No taxation without consent.
SEC. 8. Bill of attainder. *Ex post facto* law.
SEC. 9. Right of suffrage protected.
SEC. 10. Elections free and open.
SEC. 11. Qualification of electors. Term of office. Dueling.
SEC. 12. Residence.
SEC. 13. Suspension of laws.
SEC. 14. Departments of government separate.
SEC. 15. Courts public.
SEC. 16. Searches. Seizures.
SEC. 17. Grand jury. Not tried twice. Private property.
SEC. 18. Criminal prosecutions.
SEC. 19. Bail. Corporal punishment. Contempt.
SEC. 20. Right to bail.
SEC. 21. Prosecutions for libel.
SEC. 22. Treason.
SEC. 23. *Habeas corpus.*
SEC. 24. Imprisonment for debt.
SEC. 25. Trial by jury.
SEC. 26. Military subordinate to civil. Quartering soldiers.
SEC. 27. Martial law.
SEC. 28. Navigable waters.
SEC. 29. Provisions of Constitution.

ARTICLE II.

RIGHT OF SUFFRAGE.

SEC. 1. Elections by ballot.
SEC. 2. Elector eligible to office. Two offices.
SEC. 3. Elector defined.
SEC. 4. Qualifications of electors; *a*—Residence; *b*—Registration; *c*—Read or understand Constitution; *d*—Read and write, or $300; *f*—Certificate of Registration.
SEC. 5. Appeal.
SEC. 6. Disqualification.
SEC. 7. Residence.
SEC. 8. Registration. Holding elections.
SEC. 9. Polling precincts.
SEC. 10. Primary elections.
SEC. 11. Closing Registration books.
SEC. 12. Municipal electors.
SEC. 13. Election for bonded debt.
SEC. 14. Arrest of electors.
SEC. 15. Right of suffrage unmolested.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 1. Legislative power.
SEC. 2. Members House of Representatives.
SEC. 3. Number of Representatives.
SEC. 4. Assignment.
SEC. 5. Apportionment.
SEC. 6. Members of Senate.
SEC. 7. Qualification of Senators.
SEC. 8. First election.
SEC. 9. Sessions. Place of Meeting.
SEC. 10. Terms of office.
SEC. 11. Judge of elections.
SEC. 12. Officers. Rules.
SEC. 13. Imprisonment of members.
SEC. 14. Members protected.
SEC. 15. Bills for revenue.
SEC. 16. Style of laws.
SEC. 17. One subject.
SEC. 18. Read three times.
SEC. 19. Compensation.
SEC. 20. Elections "*viva voce.*"
SEC. 21. Adjournments.
SEC. 22. Journals. "Ayes" and "Nays."
SEC. 23. Doors open.
SEC. 24. Two offices.
SEC. 25. Vacancies.
SEC. 26. Oath of office.
SEC. 27. Removal of officers.
SEC. 28. Homestead.
SEC. 29. Assessment.
SEC. 30. Extra compensation.
SEC. 31. Sale of lands.
SEC. 32. Salary of deceased officers. Pensions.
SEC. 33. Marriage — white and negro. Age of consent.

SEC. 34. Special laws.
SEC. 35. Lands held by aliens.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SEC. 1. Chief Magistrate.
SEC. 2. Election of Governor.
SEC. 3. Qualifications for office of Governor.
SEC. 4. Returns of election for Governor. Result.
SEC. 5. Lieutenant-Governor.
SEC. 6. Vote of Lieutenant-Governor.
SEC. 7. President *pro tempore* of Senate.
SEC. 8. Senator acting Governor or Lieutenant-Governor.
SEC. 9. Vacancy.
SEC. 10. Commander-in-Chief.
SEC. 11. Pardons. Board of Pardons.
SEC. 12. Execution of laws.
SEC. 13. Compensation.
SEC. 14. Officers and Boards report.
SEC. 15. Communications to General Assembly.
SEC. 16. Convene or adjourn General Assembly.
SEC. 17. Commission officers.
SEC. 18. Seal of State.
SEC. 19. Grants and commissions.
SEC. 20. Oath of office.
SEC. 21. Residence of Governor.
SEC. 22. Removal of officers.
SEC. 23. Signature of Governor. Veto.
SEC. 24. Other State officers.

ARTICLE V.

JUDICIAL DEPARTMENT.

SEC. 1. Judicial power.
SEC. 2. Supreme Court.
SEC. 3. Present Justices. Fourth Justice.
SEC. 4. Powers of Supreme Court.
SEC. 5. Times of holding.
SEC. 6. Judge disqualified. Vacancy filled.
SEC. 7. Clerk and Reporter.
SEC. 8. Judgments.
SEC. 9. Compensation.
SEC. 10. Qualification.
SEC. 11. Vacancies.
SEC. 12. Three Justices pronounce judgment. Circuit Judges.
SEC. 13. Circuits.
SEC. 14. Interchange of circuits.
SEC. 15. Jurisdiction of Common Pleas.
SEC. 16. Held twice in each County.
SEC. 17. Decisions.
SEC. 18. Jurisdiction of General Sessions.
SEC. 19. Court of Probate.
SEC. 20. Magistrates.
SEC. 21. Jurisdiction of Magistrates.
SEC. 22. Trial by Jury. Jurors.
SEC. 23. Actions cognizable by Magistrates.
SEC. 24. Compensation for officers.
SEC. 25. Powers at chambers.
SEC. 26. Charging juries.
SEC. 27. Clerk of Court.
SEC. 28. Attorney-General.
SEC. 29. Solicitor.
SEC. 30. Sheriff and Coroner.
SEC. 31. Writs and processes.
SEC. 32. Publication of decisions.
SEC. 33. Labor on highways.
SEC. 34. Matters now pending.

ARTICLE VI.

JURISPRUDENCE.

SEC. 1. Arbitration.
SEC. 2. Change of venue.
SEC. 3. Pleading.
SEC. 4. Statutes.
SEC. 5. Codification of Laws.
SEC. 6. Lynching.

ARTICLE VII.

COUNTIES AND COUNTY GOVERNMENT.

SEC. 1. New Counties.
SEC. 2. Petition for new Counties.
SEC. 3. Population, property, area.
SEC. 4. Old County. Area. Property.
SEC. 5. Eight mile limit.
SEC. 6. Indebtedness.
SEC. 7. County lines.
SEC. 8. County seat.
SEC. 9. Election district.
SEC. 10. Consolidation.
SEC. 11. Townships.
SEC. 12. County boundaries.
SEC. 13. Judicial and Congressional Districts.
SEC. 14. County lines in towns.

ARTICLE VIII.

MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.

SEC. 1. Municipal corporations.
SEC. 2. Organization of cities and towns.
SEC. 3. Restriction of powers.
SEC. 4. Street railway, &c.
SEC. 5. Waterworks, &c.
SEC. 6. Taxation.
SEC. 7. Bonded debt.
SEC. 8. Manufactories.
SEC. 9. Armed police force.
SEC. 10. Boards of Health.
SEC. 11. Alcoholic liquors.
SEC. 12. Prize fighting.

ARTICLE IX.

CORPORATIONS.

SEC. 1. Corporation defined.
SEC. 2. Charter.
SEC. 3. Common carrier defined.
SEC. 4. Local agent.
SEC. 5. Discrimination.
SEC. 6. Intersection. Transportation.
SEC. 7. Parallel lines.
SEC. 8. Domestic charter.
SEC. 9. Banking corporations.
SEC. 10. Stocks and bonds.
SEC. 11. Election officers.
SEC. 12. Business of corporation.
SEC. 13. Trusts, &c.
SEC. 14. The Railroad Commission.
SEC. 15. Injuries to employees.
SEC. 16. Existing charters.
SEC. 17. Forfeit of franchise.
SEC. 18. Liability of stockholders.
SEC. 19. Controlling interest in another corporation.
SEC. 20. Right of way.
SEC. 21. Provisions to be enforced.

ARTICLE X.

FINANCE AND TAXATION.

SEC. 1. Assessment and taxation.
SEC. 2. Expenses.
SEC. 3. Tax levied.
SEC. 4. Exemptions.
SEC. 5. Taxes for corporate purposes. Bonded debt.
SEC. 6. Credit of State.
SEC. 7. State indebtedness.
SEC. 8. Receipts and expenditures.
SEC. 9. Payment of money.
SEC. 10. Fiscal year.
SEC. 11. Increase of public debt.
SEC. 12. Account of public moneys. Embezzlement.
SEC. 13. All taxes based on State levy.

ARTICLE XI.

EDUCATION.

SEC. 1. Superintendent of Education.
SEC. 2. State Board.
SEC. 3. School officers.
SEC. 4. Salaries.
SEC. 5. School age. School districts.
SEC. 6. Three mill tax. Enrollment. Trustees. Supplementary tax.
SEC. 7. Separate schools.
SEC. 8. South Carolina University.
SEC. 9. Sectarian institutions.
SEC. 10. Gifts for educational purposes.
SEC. 11. Gifts. Escheated property. Direct taxes.
SEC. 12. Profit from sale of liquors.

ARTICLE XII.

CHARITABLE AND PENAL INSTITUTIONS.

SEC. 1. Insane. Blind, deaf and dumb.
SEC. 2. Officers and employees.
SEC. 3. County poor.
SEC. 4. Directors.
SEC. 5. Officers of Penitentiary.
SEC. 6. Convicts.
SEC. 7. Juvenile reformatory.
SEC. 8. Vacancies.
SEC. 9. Control of Penitentiary.

ARTICLE XIII.

MILITIA.

SEC. 1. Militia age.
SEC. 2. Arrest.
SEC. 3. Call out.
SEC. 4. Adjutant-General. Staff officers.
SEC. 5. Pensions.

ARTICLE XIV.

EMINENT DOMAIN.

SEC. 1. Jurisdiction of State.
SEC. 2. Title to lands.
SEC. 3. Lands revert.

ARTICLE XV.

IMPEACHMENT.

SEC. 1. Power of impeachment.
SEC. 2. Court of impeachment.
SEC. 3. Officers liable to.
SEC. 4. Removal of officers.

ARTICLE XVI.

AMENDMENT AND REVISION.

SEC. 1. Amendment.
SEC. 2. Two or more amendments.
SEC. 3. Constitutional Convention.

ARTICLE XVII.

MISCELLANEOUS MATTERS.

SEC. 1. Qualification of officers.
SEC. 2. Claims against the State.
SEC. 3. Divorces.
SEC. 4. Denying Supreme Being.
SEC. 5. Public printing.
SEC. 6. Removal of causes.
SEC. 7. Lotteries.
SEC. 8. Gambling and betting.
SEC. 9. Property of married woman.
SEC. 10. Laws now of force.
SEC. 11.
First—Laws now of force. Ordinances.
Second—Writs, &c.
Third—Present laws.
Fourth—Fines, penalties, &c.
Fifth—Actions, prosecutions, &c.
Sixth—Officers elected.
Seventh—Elections.
Eighth—Constitution in force and effect.
Ninth—Repeal of Constitution of 1868

The State of South Carolina:

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the Tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the Fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

CONSTITUTION

OF THE

STATE OF SOUTH CAROLINA.

Preamble.

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

ARTICLE I.

DECLARATION OF RIGHTS.

Political power in people.

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

Apportionment Representatives.

SECTION 2. Representation in the House of Representatives shall be apportioned according to population.

Meeting General Assembly

SECTION 3. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require.

Religious worship.

Freedom of speech.

Petition.

SECTION 4. The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government or any department thereof for a redress of grievances.

Privileges and immunities.

Protection of laws.

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

Taxation.

SECTION 6. All property subject to taxation shall be taxed in proportion to its value.

No tax without consent.

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

Attainder—*ex post facto* law.

SECTION 8. No bill of attainder, *ex post facto* law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Suffrage.

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

Elections free and open.

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

Property qualifications.

SECTION 11. No property qualification, unless prescribed in this Constitution, shall be necessary for an election to or the holding of any office. No person shall be elected or appointed to office in this State for life or during good behavior, but the terms of all officers shall be for some specified period, except Notaries Public and officers in the militia. After the adoption of this Constitution any person who shall fight a duel or send or accept a chal-

Term of office.

Dueling.

lenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

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

Suspension of laws. SECTION 13. The power of suspending the laws or the execution of the laws shall only be exercised by the General Assembly or by its authority in particular cases expressly provided for by it.

Departments separate. SECTION 14. In the government of this State the legislative, executive and judicial powers of the Government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Courts—remedy. SECTION 15. All Courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

Searches, seizures. SECTION 16. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

SECTION 17. No person shall be held to answer for any crime where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days, with or without hard labor, unless

Presentment of grand jury. on a presentment or indictment of a grand jury of the County where the crime shall have been committed, except in cases arising in the land or naval forces or in the militia when in actual

Not tried twice. service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or liberty, nor shall be compelled in any criminal case to be a witness against himself.

Private property. Private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor.

SECTION 18. In all criminal prosecutions the accused shall enTrial by jury. joy the right to a speedy and public trial by an impartial jury; and to be fully informed of the nature and cause of the accusation;

Witnesses. to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defence by himself or by his counsel or by both.

Excessive bail SECTION 19. Excessive bail shall not be required, nor excessive

Corporal punishment. fines imposed, nor cruel and unusual punishments inflicted, nor shall witnesses be unreasonably detained. Corporal punishment

Contempt. shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the State penitentiary.

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

Libel. SECTION 21. In all indictments or prosecutions for libel, the

truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and the facts.

Treason.

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

Habeas corpus.

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

Imprisonment for debt.

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

Trial by jury.

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

Keep and bear arms.

SECTION 26. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As in times of peace armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner to be prescribed by law.

General Assembly may maintain armies.

Soldier, how quartered.

Martial law.

SECTION 27. No person shall in any case be subject to Martial law or to any pains or penalties by virtue of that law, except those employed in the army and navy of the United States, and except the militia in actual service, but by the authority of the General Assembly.

Navigable waters free.

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

No tax for use of wharf.

Provisions of Constitution.

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

ARTICLE II.

RIGHT OF SUFFRAGE.

Elections by ballot.

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

Qualification for office.

SECTION 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time: *Provided*, That any person holding another office may at the same time be an officer in the militia or a Notary Public.

Two offices.

Electors.

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

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

Residence.

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

Registration.

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

Qualification for registration up to January, 1898.

(*c*) Up to January 1st, 1898, all male persons of voting age applying for registration who can read any Section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed, one copy with the Clerk of Court and one in the office of the Secretary of State, on or before February 1st, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

List of registered voters.

Qualification for registration after January, 1898.

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

Payment of taxes necessary for voting

(*e*) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a cer-

tificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

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

SECTION 5. Any person denied registration shall have the right to appeal to the Court of Common Pleas, or any Judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in this Article, and on such appeal the hearing shall be *de novo*, and the General Assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws. Appeal. Crimes against election laws.

SECTION 6. The following persons are disqualified from being registered or voting:

First, Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, house-breaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided*, That the pardon of the Governor shall remove such disqualification. Persons disqualified from voting.

Second, Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

SECTION 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning. Residence gained or lost.

SECTION 8. The General Assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided*, At the first registration under this Constitution, and until the first of January, 1898, the registration shall be conducted by a Board of three discreet persons in each County, to be appointed by the Governor, by and with the advice and consent of the Senate. For the first registration to be provided for under this Constitution, the registration books shall be kept open for at least six consecutive weeks; and thereafter from time to time at least one week in each month, up to thirty days next preceding the first election to be held under this Constitution. The registration books shall be public records open to the inspection of any citizen at all times. Registration provided. Elections. Board of registration. Books of registration.

Polling precincts.

SECTION 9. The General Assembly shall provide for the establishment of polling precincts in the several Counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

Primary elections.

SECTION 10. The General Assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

Closing books of registration.

SECTION 11. The registration books shall close at least thirty days before an election, during which time transfers and registration shall not be legal: *Provided*, Persons who will become of age during that period shall be entitled to registration before the books are closed.

Municipal elections.

SECTION 12. Electors in municipal elections shall possess the qualifications and be subject to the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the County as an elector at a precinct included in the incorporated city or town in which the voter desires to vote is declared a condition prerequisite to his obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the corporate limits at least four months before the election and have paid all taxes due and collectible for the preceding fiscal year. The General Assembly shall provide for the registration of all voters before each election in municipalities: *Provided*, That nothing herein contained shall apply to any municipal elections which may be held prior to the general election of the year 1896.

Registration in.

Bonded debt in municipalities.

SECTION 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same, the General Assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town as shown by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under Section 12 of this Article, and who have paid all taxes, State, County and municipal, for the previous year, shall be allowed to vote; and the vote of a majority of those voting in said election shall be necessary to authorize the issue of said bonds.

Arrests of electors.

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

Right of suffrage free.

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

ARTICLE III.

LEGISLATIVE DEPARTMENT.

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

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

SECTION 3. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Counties according to the number of inhabitants contained in each. Each County shall constitute one Election District. An enumeration of the inhabitants for this purpose shall be made in the year nineteen hundred and one, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed: *Provided*, That the General Assembly may at any time, in its discretion, adopt the immediately preceding United States Census as a true and correct enumeration of the inhabitants of the several Counties, and make the apportionment of Representatives among the several Counties according to said enumeration: *Provided, further*, That until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several Counties as they now exist (including the County of Saluda established by ordinance) shall be as follows: Abbeville, 5; Aiken, 3; Anderson, 5; Barnwell, 5; Beaufort, 4; Berkeley, 4; Charleston, 9; Chester, 3; Chesterfield, 2; Clarendon, 3; Colleton, 4; Darlington, 3; Edgefield, 3; Fairfield, 3; Florence, 3; Georgetown, 2; Greenville, 5; Hampton, 2; Horry, 2; Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, 3; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 4; Saluda, 2; Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4: *Provided, further*, That in the event other Counties are hereafter established, then the General Assembly shall reapportion the Representatives between the Counties. Number of members. Enumeration of inhabitants. Apportionment.

SECTION 4. In assigning Representatives to the several Counties, the General Assembly shall allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: *Provided*, That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency in the number of Representatives required by Section third of this Article, such deficiency shall be supplied by assign- Assignment of Representatives.

ing Representatives to those Counties having the largest surplus fractions.

Apportionment takes effect.

SECTION 5. No apportionment of Representatives shall take effect until the general election which shall succeed such apportionment.

Senate.

SECTION 6. The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified electors in each County, in the same manner in which members of the House of Representatives are chosen.

Qualification of Senators and members of House.

SECTION 7. No person shall be eligible to a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the County in which he may be chosen. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

Election of Senators and Representatives.

SECTION 8. The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe; and the first election for Senators shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and every fourth year thereafter, except in Counties in which there was an election for Senator in eighteen hundred and ninety-four for a full term, in which Counties no election for Senator shall be held until the general election to be held in eighteen hundred and ninety-eight, and every fourth year thereafter, except to fill vacancies. Senators shall be so classified that one-half of their number, as nearly as practicable, shall be chosen every two years. Whenever the General Assembly shall establish more than one County at any session, it shall so prescribe the first term of the Senators from such Counties as to observe such classification.

Classification of Senators.

Sessions General Assembly.

SECTION 9. The annual session of the General Assembly heretofore elected, fixed by the Constitution of the year eighteen hundred and sixty-eight to convene on the fourth Tuesday of November, in the year eighteen hundred and ninety-five, is hereby postponed, and the same shall be convened and held in the city of Columbia on the second Tuesday of January, in the year eighteen hundred and ninety-six. The first session of the General Assembly elected under this Constitution shall convene in Columbia on the second Tuesday in January, in the year eighteen hundred and ninety-seven, and thereafter annually at the same time and place. Should the casualties of war or contagious disease render it unsafe to meet at the seat of government, then the Governor may, by proclamation, appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty days of any one session:

Compensation of members of.

Provided, That this limitation shall not effect the first four sessions of the General Assembly under this Constitution.

Terms of office.

SECTION 10. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

Election returns.

SECTION 11. Each house shall judge of the election returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law or rule.

Quorum.

Absent members.

Officers.

Rules.

Expulsion.

SECTION 12. Each house shall choose its own officers, determine its rules of procedure, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Right of punishment.

SECTION 13. Each house may punish by imprisonment during its sitting any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to the body or estate of any member for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the house in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the house: *Provided*, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

Members protected.

SECTION 14. The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not protect any member who shall be charged with treason, felony or breach of the peace.

Bills for revenue.

Other Bills.

SECTION 15. Bills for raising revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; all other Bills may originate in either house, and may be amended, altered or rejected by the other.

Style of laws.

SECTION 16. The style of all laws shall be: "Be it enacted by the General Assembly of the State of South Carolina."

One subject.

SECTION 17. Every Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

Formalities of Act.

SECTION 18. No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: *Provided*, That either branch of the General Assembly may provide by rule for a first

and third reading of any Bill or Joint Resolution by its title only.

Mileage.

SECTION 19. Each member of the General Assembly shall receive five cents for every mile for ordinary route of travel in going to and returning from the place where its sessions are held; no General Assembly shall have the power to increase the per diem of its own members; and members of the General Assembly when convened in extra session shall receive the same compensation as is fixed by law for the regular session.

Increase of per diem.

Extra session.

Elections "*viva voce.*"

SECTION 20. In all elections by the General Assembly, or either house thereof, the members shall vote "*viva voce*," and their votes, thus given, shall be entered upon the journal of the house to which they respectively belong.

Adjournments

SECTION 21. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it shall be at the time sitting.

Journal.

SECTION 22. Each house shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of ten members of the House or five members of the Senate, respectively, be entered on the journal. Any member of either house shall have liberty to dissent from and protest against any Act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journal.

"Yeas" and "nays."

Doors open.

SECTION 23. The doors of each house shall be open, except on such occasions as in the opinion of the House may require secrecy.

Holding two offices.

SECTION 24. No person shall be eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia and Notaries Public; and if any member shall accept or exercise any of the said disqualifying offices or positions he shall vacate his seat.

Vacancies.

SECTION 25. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office or position, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disquali-

fied, was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 26. Members of the General Assembly, and all officers before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed,) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. I do further solemnly swear (or affirm) that I have not since the first day of January, in the year eighteen hundred and eighty-one, engaged in a duel as principal or second or otherwise; and that I will not, during the term of office to which I have been elected (or appointed) engage in a duel as principal or second or otherwise. So help me God." Oath of office.

SECTION 27. Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this Constitution. Removal of officer.

SECTION 28. The General Assembly shall enact such laws as will exempt from attachment, levy and sale under any mesne or final process issued from any Court, to the head of any family residing in this State, a homestead in lands, whether held in fee or any lesser estate, to the value of one thousand dollars, or so much thereof as the property is worth if its value is less than one thousand dollars, with the yearly products thereof, and to every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property to the value of five hundred dollars, or so much thereof as the property is worth if its value is less than five hundred dollars. The title to the homestead to be set off and assigned shall be absolute and be forever discharged from all debts of the said debtor then existing or thereafter contracted except as hereinafter provided: *Provided*, That in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to a like exemption as provided for the head of a family: *Provided, further*, That there shall not be an allowance of more than one thousand dollars' worth of real estate and more than five hundred dollars' worth of personal property to the husband and wife jointly: *Provided, further*, That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or personal property exemption or the erection or making of improvements or repairs thereon: *Provided, further*, That the yearly products of said homestead shall

Homestead.

Married woman's exemption.

Taxes.

Purchase money.

Yearly products.

not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same: *Provided, further*, That no waiver shall defeat the right of homestead before assignment except it be by deed of conveyance, or by mortgage, and only as against the mortgage debt; and no judgment creditor or other creditor whose lien does not bind the homestead shall have any right or equity to require that a lien which embraces the homestead and other property shall first exhaust the homestead: *Provided, further*, That after a homestead in lands has been set off and recorded the same shall not be waived by deed of conveyance, mortgage or otherwise, unless the same be executed by both husband and wife, if both be living: *Provided, further*, That any person not the head of a family shall be entitled to a like exemption as provided for the head of a family in all necessary wearing apparel and tools and implements of trade, not to exceed in value the sum of three hundred dollars.

Waiver.

Deed of husband and wife.

Exemption for single person.

Taxes laid upon actual value.

SECTION 29. All taxes upon property, real and personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

Extra compensation not permitted.

SECTION 30. The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service rendered, or contract made, nor authorize payment or part payment of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrection.

Appropriations for repelling invasion.

Public lands.

SECTION 31. Lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations, for a less price than that for which it can be sold to individuals. This, however, shall not prevent the General Assembly from granting a right of way, not exceeding one hundred and fifty feet in width, as a mere easement to railroads across State lands, nor to interfere with the discretion of the General Assembly in confirming the title to lands claimed to belong to the State, but used or possessed by other parties under an adverse claim.

Salary of deceased officer.

SECTION 32. The General Assembly shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death; nor grant pensions except for military and navy service; nor retire any officer on pay or part pay.

Marriage of whites and negroes.

Sexual intercourse.

SECTION 33. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more negro blood, shall be unlawful and void. No unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of fourteen years.

SECTION 34. The General Assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to wit: Special laws prohibited.

I. To change the names of persons or places.

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

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

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

V. To incorporate school districts.

VI. To authorize the adoption or legitimation of children.

VII. To provide for the protection of game.

VIII. To summon and empanel grand or petit jurors.

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

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

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

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

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

SECTION 35. It shall be the duty of the General Assembly to enact laws limiting the number of acres of land which any alien or any corporation controlled by aliens may own within this State. Lands owned by aliens.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina." Chief Magistrate.

SECTION 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall Governor.

be elected at the first general election held under this Constitution for members of the General Assembly, and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such day as shall be provided by law. The other State officers-elect shall at the same time enter upon the performance of their duties.

State officers.

Qualifications of Governor.

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

Boards of Canvassers transmit returns of election for Governor.

SECTION 4. The returns of every election for Governor shall be sealed up by the Boards of Canvassers in the respective Counties, and transmitted, by mail, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly; and duplicates of said returns shall be filed with the Clerks of the Courts of said Counties. It shall be the duty of any Clerk of Court to forward to the Secretary of State a certified copy of said returns upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been canvassed by the County Board, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County, and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly; and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two houses, the Speaker shall open and publish them in the presence of both houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal, and highest in votes, the General Assembly shall during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

Returns delivered to Speaker of House of Representatives.

Contested elections.

Lieutenant Governor.

SECTION 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period and be possessed of the same qualifications as the Governor, and shall *ex officio*, be President of the Senate.

Vote of Lieutenant Governor.

SECTION 6. The Lieutenant Governor while presiding in the Senate shall have no vote, unless the Senate be equally divided.

President *pro tempore* of Senate.

SECTION 7. The Senate shall, as soon as practicable after the convening of the General Assembly, choose a President *pro tempore* to act in the absence of the Lieutenant Governor, or when he shall fill the office of Governor.

Member of Senate acting as Governor.

SECTION 8. A member of the Senate acting as Governor or Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead.

Vacancy in office of Governor or Lieutenant Governor, how filled.

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

Commander-in-Chief.

SECTION 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the active service of the United States.

Pardons.

SECTION 11. He shall have power to grant reprieves, commutations and pardons after conviction (except in cases of impeachment), in such manner, on such terms and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with the report of the Board of Pardons. Every petition for pardon or commutation of sentence may be first referred by him to a Board of Pardons, to be provided by the General Assembly, which Board shall hear all such petitions under such rules and regulations as the General Assembly may provide. The Governor may adopt the recommendations of said Board, but in case he does not he shall submit his reasons to the General Assembly.

Board of Pardons.

Laws executed.

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

Compensation of Governor and Lieutenant Governor.

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

Officers and Boards report to Governor.

SECTION 14. All officers in the Executive Department, and all Boards of public institutions, shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices or the concerns of their

respective institutions, including itemized accounts of receipts and disbursements.

Information to Legislature.

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend for its consideration such measures as he shall deem necessary or expedient.

Extra sessions.

SECTION 16. He may on extraordinary occasions convene the General Assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time

Governor may adjourn General Assembly.

of adjournment, he may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

Commissions.

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

Seal of State.

SECTION 18. The Seal of the State now in use shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

Grants and commissioos.

SECTION 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

Oath of Governor and Lieutenant Governor.

SECTION 20. The Governor and Lieutenant Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article III, Section 26, of the Constitution.

Residence of Governor.

SECTION 21. The Governor shall reside at the Capital of the State, except in cases of contagion or the emergencies of war; but during the sittings of the General Assembly he shall reside where its sessions are held.

SECTION 22. Whenever it shall be brought to the notice of the Governor by affidavit that any officer who has the custody of public or trust funds is probably guilty of embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper

Suspension of officers.

officer, and upon true bill found the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted by the verdict of a jury. In case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law.

Bill or Joint Resolution must be signed or vetoed by the Governor.

SECTION 23. Every Bill or Joint Resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approve he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objection at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered,

and if approved by two-thirds of that house it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the Bill or Joint Resolution shall be entered on the Journals of both houses respectively. Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and Sections. If the Governor shall not approve any one or more of the items or Sections contained in any Bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the Bill with his objections to the items or Sections of the same not approved by him to the house in which the Bill originated, which house shall enter the objections at large upon its Journal and proceed to reconsider so much of said Bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire Bill returned by the Governor with his objections; and if any item or Section of said Bill not approved by the Governor shall be passed by two-thirds of each house of the General Assembly, it shall become a part of said law notwithstanding the objections of the Governor. If a Bill or Joint Resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by adjournment, prevent its return, in which case it shall have such force and effect unless returned within two days after the next meeting.

Other State officers.

SECTION 24. There shall be elected by the qualified voters of the State a Secretary of State, a Comptroller-General, an Attorney-General, a Treasurer, an Adjutant and Inspector-General, and a Superintendent of Education, who shall hold their respective offices for the term of two years, and until their several successors have been chosen and qualified; and whose duties and compensation shall be prescribed by law. The compensation of such officers shall be neither increased nor diminished during the period for which they shall have been elected.

ARTICLE V.

JUDICIAL DEPARTMENT.

Judicial power vested in certain Courts.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas having civil jurisdiction and a Court of General Ses-

sions with criminal jurisdiction only. The General Assembly may also establish County Courts, Municipal Courts and such Courts in any or all of the Counties of this State inferior to Circuit Courts as may be deemed necessary, but none of such Courts shall ever be invested with jurisdiction to try cases of murder, manslaughter, rape or attempt to rape, arson, common law burglary, bribery or perjury: *Provided*, Before a County Court shall be established in any County it must be submitted to the qualified electors and a majority of those voting must vote for its establishment.

Supreme Court.

SECTION 2. The Supreme Court shall consist of a Chief Justice and three Associate Justices, any three of whom shall constitute a quorum for the transaction of business. The Chief Justice shall preside, and in his absence the senior Associate Justice. They shall be elected by a joint *viva voce* vote of the General Assembly for the term of eight years, and shall continue in office until their successors shall be elected and qualified, and shall be so classified that one of them shall go out of office every two years.

Present Chief Justice and Associate Justice.

SECTION 3. The present Chief Justice and Associate Justices of the Supreme Court are declared to be the Chief Justice and two of the Associate Justices of said Court as herein established until the terms for which they were elected shall expire, and the General Assembly at its next session shall elect the third Associate Justice and make suitable provision for accomplishing the classification above directed.

Jurisdiction of Supreme Court.

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

Held twice a year at capital.

SECTION 5. The Supreme Court shall be held at least twice in each year at the seat of government and at such other place or places in the State as the General Assembly may direct.

Disqualification of Judges in certain cases.

SECTION 6. No Judge shall preside at the trial of any cause in the event of which he may be interested, or when either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court. In case all or any of the Justices of the Supreme Court shall be thus disqualified, or be otherwise prevented from presiding in any cause or causes, the Court or the Justices thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course

Vacancies, how filled.

shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court. The General Assembly shall provide by law for the temporary appointment of men learned in the law to hold either special or regular terms of the Circuit Courts whenever there may be necessity for such appointment. Holding Circuit Courts.

SECTION 7. There shall be appointed by the Justices of the Supreme Court a Reporter and a Clerk of said Court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law. Reporter. Clerk.

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

SECTION 9. The Justice of the Supreme Court and Judges of the Circuit Court shall each receive compensation for their services to be fixed by law, which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power. Compensation of Judges and Justices.

SECTION 10. No person shall be eligible to the office of Chief Justice, Associate Justice or Judge of the Circuit Court who is not at the time of his election a citizen of the United States and of this State, and has not attained the age of twenty-six years, has not been a licensed attorney at law for at least five years, and been a resident of this State for five years next preceding his election. Qualifications of.

SECTION 11. All vacancies in the Supreme Court or inferior tribunals shall be filled by elections as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State; and when a vacancy is filled by either appointment or election, the incumbent shall hold only for the unexpired term of his predecessor. Vacancies. Conservators. Unexpired term.

SECTION 12. In all cases decided by the Supreme Court the concurrence of three of the Justices shall be necessary for a reversal of the judgment below, but if the four Justices equally divide in opinion the judgment below shall be affirmed, subject to the provisions hereinafter prescribed. Whenever, upon the hearing of any cause or question before the Supreme Court, in the exercise of its original or appellate jurisdiction, it shall appear to the Justices thereof, or any two of them, that there is involved a question of constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, upon Three necessary for reversal. Constitutional questions.

the determination of which the entire Court is not agreed; or whenever the Justices of said Court, or any two of them, desire it on any cause or question so before said Court, the Chief Justice, or in his absence the presiding Associate Justice, shall call to the assistance of the Supreme Court all of the Judges of the Circuit Court: *Provided, however*, That when the matter to be submitted is involved in an appeal from the Circuit Court, the Circuit Judge who tried the cause shall not sit. A majority of the Justices of the Supreme Court and Circuit Judges shall constitute a quorum. The decision of the Court so constituted, or a majority of the Justices and Judges sitting, shall be final and conclusive. In such case the Chief Justice, or in his absence the presiding Associate Justice, shall preside. Whenever the Justices of the Supreme Court and the Circuit Judges meet together for the purposes aforesaid, if the number thereof qualified to sit constitute an even number, then one of the Circuit Judges must retire; and the Circuit Judges present shall determine by lot which of their number shall retire.

Judge shall not sit.

Number even, one must retire.

Judicial Circuits.

SECTION 13. The State shall be divided into as many Judicial Circuits as the General Assembly may prescribe, and for each Circuit a Judge shall be elected by joint *viva voce* vote of the General Assembly, who shall hold his office for the term of four years; and at the time of his election he shall be an elector of a County of, and during his continuance in office he shall reside in, the Circuit of which he is Judge. The present Judges of the Circuit Courts shall continue in office until the expiration of the terms for which they were elected, and, should a new division of the Judicial Circuits be made, shall be the Judges of the respective Circuits in which they shall reside after said division.

Election of Judges.

Present Judges.

Interchange of Circuits.

SECTION 14. Judges of the Circuit Courts shall interchange Circuits with each other, and the General Assembly shall provide therefor.

Jurisdiction of Courts of Common Pleas.

SECTION 15. The Courts of Common Pleas shall have original jurisdiction, subject to appeal to the Supreme Court, to issue writs or orders of injunction, mandamus, habeas corpus, and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior Courts, except from such inferior Courts from which the General Assembly shall provide an appeal directly to the Supreme Court.

Sit twice.

SECTION 16. The Court of Common Pleas shall sit in each County in this State at least twice in every year at such stated times and places as may be appointed by law.

Decisions, when filed.

SECTION 17. It shall be the duty of the Justices of the Supreme Court to file their decisions within sixty days from the last day of the Court at which the cases were heard; and the duty of the Judges of the Circuit Courts to file their decisions within

sixty days from the rising of the last Court of the Circuit then being held.

Court of General Sessions.

SECTION 18. The Court of General Sessions shall have jurisdiction in all criminal cases except those cases in which exclusive jurisdiction shall be given to inferior Courts, and in these it shall have appellate jurisdiction. It shall also have concurrent jurisdiction with, as well as appellate jurisdiction from, the inferior Courts in all cases of riot, assault and battery, and larceny. It shall sit in each County in the State at least twice in each year at such stated times and places as the Genral Assembly may direct.

Court of Probate.

SECTION 19. The Court of Probate shall remain as now established in the County of Charleston. In all other Counties of the State the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy, and persons *non compos mentis*, shall be vested as the General Assembly may provide, and until such provision such jurisdiction shall remain in the Court of Probate as now established.

Magistrates.

Term of office.

SECTION 20. A sufficient number of Magistrates shall be appointed and commissioned by the Governor, by and with the advice and consent of the Senate, for each County, who shall hold their offices for the term of two years and until their successors are appointed and qualified. Each Magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more Constables to execute writs and processes issued by him. The present Trial Justices are declared Magistrates as herein created, and shall exercise the powers and duties of said office of Magistrate until their successors shall be appointed and qualified. Each Magistrate shall receive a salary, to be fixed by the General Assembly, in lieu of all fees in criminal cases.

Constables.

Salary.

Jurisdiction of Magistrates.

SECTION 21. Magistrates shall have jurisdiction in such civil cases as the General Assembly may prescribe: *Provided*, Such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed, exceeds one hundred dollars, or to cases where the title to real estate is in question, or to cases in chancery. They shall have exclusive jurisdiction in such criminal cases as the General Assembly may prescribe: *Provided, further*, Such jurisdiction shall not extend to cases where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days. In criminal matters beyond their jurisdiction to try, they shall sit as Examining Courts, and commit, discharge or (except in capital cases) recognize persons charged with such offences, subject to such regulations as the General Assembly may provide. They shall also have the power to bind over to keep the peace and for good behavior for a time not to exceed twelve months.

Examining Courts.

Trial by Jury. SECTION 22. All persons charged with an offence shall have the right to demand and obtain a trial by jury. The jury in cases civil or criminal in all municipal Courts, and Courts inferior to Circuit Courts shall consist of six. The grand jury of each County shall consist of eighteen members, twelve of whom must agree in a matter before it can be submitted to the Court.

Jury in inferior Courts.

Grand jury.

Petit jury. The petit jury of the Circuit Courts shall consist of twelve men, all of whom must agree to a verdict in order to render the same.

Qualifications of jurors. Each juror must be a qualified elector under the provisions of this Constitution, between the ages of twenty-one and sixty-five years and of good moral character.

Actions in Magistrates' Courts. SECTION 23. Every civil action cognizable by Magistrates shall be brought before a Magistrate in the County where the defendant resides, and every criminal action in the County where the offence was committed. In all cases tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law: *Provided*, That in Counties where Magistrates have separate and exclusive territorial jurisdiction, criminal causes shall be tried in the Magistrate's district where the offence was committed, subject to such provision for change of venue from one Magistrate's district to another in the same County as may be provided by the General Assembly.

Compensation for all other officers. SECTION 24. All officers other than those named in Section nine provided for in this Article shall receive for their services such compensation as the General Assembly may from time to time by law direct.

Powers at Chambers. SECTION 25. Each of the Justices of the Supreme Court and Judges of the Circuit Court shall have the same power at chambers to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and interlocutory writs or orders of injunction as when in open Court. The Judges of the Circuit Courts shall have such powers at chambers as the General Assembly may provide.

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

Clerk of Court. SECTION 27. There shall be elected in each County, by the electors thereof, one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of all other Courts of record held therein, but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court under such regulations as the General Assembly may direct. Clerks of Courts shall be removable for such cause and in such manner as shall be prescribed by law.

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

SECTION 29. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases when an Attorney for the State of any Circuit fails to attend and prosecute according to law, the Court shall have power to appoint an Attorney *pro tempore*. In the event of the establishment of County Courts the General Assembly may provide for one Solicitor for each County in the place and instead of the Circuit Solicitor, and may prescribe his powers, duties and compensation. Solicitor.

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

SECTION 31. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued; and all indictment shall conclude "against the peace and dignity of the State." Writs. Indictments.

SECTION 32. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution. Decision of Supreme Court.

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

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

ARTICLE VI.

JURISPRUDENCE.

SECTION 1. The General Assembly shall pass laws allowing differences to be decided by arbitrators, to be appointed by the parties who may choose that mode of adjustment. Arbitration.

Change of venue.

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

Law and equity.

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

Statute public law.

SECTION 4. Every Statute shall be a public law, unless otherwise declared in the Statute itself.

Codification of laws.

SECTION 5. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment or election of a Commissioner, whose duty it shall be to collect and revise all the General Statute law of this State then of force as well as that which shall be passed from time to time, and to properly index and arrange the said Statutes when so passed. And the said Commissioner shall reduce into a systematic Code the general statutes, including the Code of Civil Procedure, with all the amendments thereto, and shall, on the first day of the session for the year nineteen hundred and one, and at the end of every subsequent period of not more than ten years, report the result of his labors to the General Assembly, with such recommendations and suggestions as to the abridgment and amendments as may be deemed necessary or proper. Said report when ready to be made, shall be printed and a copy thereof laid upon the desk of each member of both houses of the General Assembly on the first day of the first session, but shall not be taken up for consideration until the next session of said General Assembly. The said Code shall be declared by the General Assembly, in an Act passed according to the forms of this Constitution for the enactment of laws, to be the only general statutory law of the State; but no alterations or additions to any of the laws therein contained shall be made except by Bill passed under the formalities heretofore prescribed for the passage of laws. Provision shall be made by law for filling vacancies, regulating the term of office and the compensation of said Commissioner, not exceeding five hundred dollars per annum, and imposing such other duties as may be desired. And the General Assembly shall by committee inquire into the progress of his work at each session.

SECTION 6. In the case of any prisoner lawfully in the charge, custody or control of any officer, State, County or municipal, being seized and taken from said officer through his negligence, permission or connivance, by a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and, upon true bill found, shall be deposed from his office pending his trial, and upon conviction shall forfeit his office, and shall, unless pardoned by the Governor, be ineligible to hold any office of trust or profit within this State. It shall be the duty of the Prosecuting Attorney within whose Circuit or County the offence may be committed to forthwith institute a prosecution against said officer, who shall be tried in such County, in the same Circuit, other than the one in which the offence was committed, as the Attorney General may elect. The fees and mileage of all material witnesses, both for the State and for the defence, shall be paid by the State Treasurer, in such manner as may be provided by law: *Provided*, In all cases of lynching when death ensues, the County where such lynching takes place shall, without regard to the conduct of the officers, be liable in exemplary damages of not less than two thousand dollars 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.

Prisoner lynched through negligence of officer, penalty on officer.

County liable for damages.

ARTICLE VII.

COUNTIES AND COUNTY GOVERNMENT.

SECTION 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.

Formation of new Counties.

County seat and name.

SECTION 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

Section of old County to be cut off.

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.

Inhabitants, taxable property, area of new County.

SECTION 3. No new County hereafter formed shall contain less than one one hundred and twenty-fourth part of the whole number of inhabitants of the State, nor shall it have less assessed taxable property than one and one half millions of dollars as shown by the last tax returns, nor shall it contain less area than four hundred square miles.

Area, taxable property, and inhabitants of old County.

SECTION 4. No old County shall be reduced to less area than five hundred square miles, to less assessed taxable property than two million dollars, nor to a smaller population than fifteen thousand inhabitants.

Eight mile limit.

SECTION 5. In the formation of new Counties no old County shall be cut within eight miles of its court house building.

Indebtedness.

SECTION 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.

Alteration of County lines.

SECTION 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.

Removal of County seat.

SECTION 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.

Election district. Body corporate.

SECTION 9. Each County shall constitute one election district, and shall be a body politic and corporate.

Consolidation of two or more Counties

SECTION 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.

Townships.

SECTION 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

Body corporate.

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. Township government.

SECTION 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 first, eighteen hundred and ninety-six, and for the collection of said taxes when assessed. Boundaries of Counties. Boundaries of Counties of Saluda and Edgefield.

SECTION 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. Judicial and Congressional Districts.

SECTION 14. Hereafter no County lines shall be so established as to pass through any incorporated city or town of this State. No County line through city or town.

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 reorganize under the general laws of the State, and when so reorganized their special charters shall cease and determine. Organization and classification of municipal corporations.

SECTION 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. Electors must consent to organization.

SECTION 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. Taxes.

SECTION 4. No law shall be passed by the General Assembly granting the right to construct and operate a street or other rail- Street railway, &c.

way, telegraph, telephone or electric plant, or to erect water or gas works for public uses 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.

Water works and plants for furnishing lights.

SECTION 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.

Corporate taxes must be uniform.

SECTION 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.

License.

Bonded debt.

SECTION 7. No city or town in this State shall hereafter incur any bonded debt which, including existing bonded indebtedness, shall exceed eight 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.

Certificates of indebtedness.

Sinking fund.

Refunding bonded debt.

Manufactories may be exempt from taxation.

SECTION 8. Cities and towns may exempt from taxation, by general or special ordinance, except for school purposes, manufactories established within their limits for five successive years from the time of the establishment of such manufactories: *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.

SECTION 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 shall 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. Armed police force.

SECTION 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. Boards of Health.

SECTION 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 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 license 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. Alcoholic liquor and beverages.

SECTION 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. Prize fighting.

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. Corporation defined.

SECTION 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 Charter of incorporation.

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.

Transporting and transmitting corporations taxed as such.

SECTION 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.

Common law liability.

Agent of corporation.

SECTION 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.

Office of corporation.

Discrimination in charges.

SECTION 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.

Excursion tickets.

Competitive rates.

SECTION 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.

Transportation company may connect or cross lines of another.

SECTION 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.

Consolidation of stock with competing line.

Jury may decide whether lines are parallel or competing.

SECTION 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 any 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.

No foreign corporation can build or operate a railroad in this State.

No general or special law for foreign corporation, except on conditions.

SECTION 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.

Banks.

Stock issued for money or labor.

SECTION 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.

Election of officers of corporations.

SECTION 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.

Business of corporations.

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

Trusts, combinations, &c.

SECTION 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.

The Railroad Commission.

SECTION 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.

Rights and remedies of employees.

SECTION 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 corporations 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 as 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 of employees.

Existing charters.

SECTION 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.

Laws for benefit of corporation passed only on conditions.

SECTION 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.

Liability of stockholders.

SECTION 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.

In banks.

Corporations cannot do act prohibited through controlling interest in other corporations.

SECTION 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.

Right of way.

SECTION 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 corpora-

tion, which compensation shall be ascertained by a jury of twelve men, in a Court of record, as shall be prescribed by law.

SECTION 21. The General Assembly shall enforce the provisions of this Article by appropriate legislation.

ARTICLE X.

FINANCE AND TAXATION.

Taxation and assessment.

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.

Expenses of State Government.

SECTION 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.

Tax shall be levied in pursuance of law.

SECTION 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.

Property exempt from taxation.

SECTION 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.

SECTION 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 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 [line 12 of original MS. and line 9 of this printing.—EDITOR] 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 eight 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 eight per centum of the value of all taxable property therein as ascertained by the valuation for State taxation.

Taxes may be levied for corporate purposes.

Share of stockholders.

Limit of bonded debt.

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 a debt, then each of such political divisions or municipal corporations shall so exercise its power to increase its debt under the foregoing eight per cent. limitation that the aggregate debt over and upon any territory of this State shall never exceed fifteen 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 eight per centum of the assessed value of all the taxable property therein.

SECTION 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

Credit of State.

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.

For what purposes tax levied or bonds issued.

Scrip, certificate, or evidence of State debt.

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

Receipts and expenditures.

SECTION 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 by law be directed.

Money.

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

Fiscal year.

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

Public debt.

SECTION 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 fifty dollars each, bearing interest, payable not more than forty 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.

State bonds.

Safe-keeping of public funds.

SECTION 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 Gen-

eral 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.

Embezzlement of, felony.

General Assembly may remove.

SECTION 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 subdivisions of the State shall be levied and collected by the respective fiscal authorities thereof.

One assessment for all taxes.

ARTICLE XI.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a 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.

Superintendent of Education.

SECTION 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 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 traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

State Board of Education.

SECTION 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

School officers

SECTION 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.

Salaries of school officers and County Treasurer.

SECTION 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the Counties

Free public schools.

School districts.

into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: *Provided*, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: *Provided, further*, That when any school district laid out under this Section shall embrace cities or towns already embraced into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: *Provided, further*, That nothing in this Article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the Counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.

Bonded debt.

Graded school districts.

SECTION 6. The existing County Boards of Commissioners of the several Counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasury of the respective Counties; and the said fund shall be apportioned among the school districts of the County in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the Trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The General Assembly shall define "enrollment." Not less than three Trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain unchanged by the General Assembly: *Provided*, The manner of the selection of said Trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the age of fifty years,) an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each

Three mill tax for public schools.

Trustees disburse.

Enrollment.

Trustees.

Poll tax.

Supplementary tax.

County for the scholastic year ending the thirty-first day of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller-General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the Counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective Counties, in proportion to the respective deficiencies therein, on the warrant of the Comptroller-General, and shall be apportioned among the school districts of the Counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the Counties in proportion to the deficiencies therein and disbursed as other school funds. Any school district may by the authority of the General Assembly levy an additional tax for the support of its schools.

School district tax.

SECTION 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.

Separate schools.

SECTION 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land scrip given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: *Provided*, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University, and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricutural and Mechanical College of this State.

State University.
Clemson Agricultural College.

Land script.

Claflin University.
Colored Normal, Industrial, Agricultural and Mechanical College.

Property or credit of State shall not benefit sectarian institutions.

SECTION 9. The property or credit of the State of South Carolina, or of any County, city, town, township, school district, or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.

Gifts for educational purposes.

SECTION 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

Gifts to State.

SECTION 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth Section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

Assets of estates or copartnerships.

Direct tax.

State school fund.

Income from sale or licenses for sale of liquors.

SECTION 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth Section of this Article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: *Provided, however*, That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.

ARTICLE XII.

CHARITABLE AND PENAL INSTITUTIONS.

Institutions for blind, insane, deaf and dumb.

SECTION 1. Institutions for the care of the insane, blind, deaf and dumb and the poor shall always be fostered and supported by

this State, and shall be subject to such regulations as the General Assembly may enact.

State Hospital for Insane, officers of.

SECTION 2. The Regents of the State Hospital for the Insane and the Superintendent thereof, who shall be a physician, shall be appointed by the Governor, by and with the advice and consent of the Senate. All other physicians, officers and employees of the Hospital shall be appointed by the Regents, unless otherwise ordered by the General Assembly.

County poor.

SECTION 3. The respective Counties of this State shall make such provision as may be determined by law for all those inhabitants who by reason of age, infirmities and misfortune may have a claim upon the sympathy and aid of society.

Directors of benevolent and penal State institutions

SECTION 4. The Directors of the benevolent and penal State institutions which may be hereafter created shall be appointed or elected as the General Assembly may direct.

Directors of Penitentiary.

SECTION 5. The Directors and Superintendent of the Penitentiary shall be appointed or elected as the General Assembly may direct.

Convicts sentenced to hard labor.

SECTION 6. All convicts sentenced to hard labor by any of the Courts in this State may be employed upon the public works of the State or of the Counties and upon the public highways.

Reformatory for juvenile offenders.

SECTION 7. Provision may be made by the General Assembly for the establishment and maintenance by the State of a Reformatory for juvenile offenders separate and apart from hardened criminals.

Vacancies.

SECTION 8. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, except where otherwise provided for, with the power of removal until the next session of the General Assembly and until a successor or successors shall be appointed and confirmed.

Control of convicts.

SECTION 9. The Penitentiary and the convicts thereto sentenced shall forever be under the supervision and control of officers employed by the State; and in case any convicts are hired or farmed out, as may be provided by law, their maintenance, support, medical attendance and discipline shall be under the direction of officers detailed for those duties by the authorities of the Penitentiary.

ARTICLE XIII.

MILITIA.

Militia.

SECTION 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now or may be exempted by the laws of the United States or this State, or who from religious scruples may be averse to bearing arms, and shall be organized, officered, armed, equipped and disciplined as the General Assembly may by law direct.

When exempt from arrest.

SECTION 2. The volunteer and militia forces shall (except for treason, felony and breach of the peace) be exempt from arrest by warrant or other process while in active service or attending muster or the election of officers, or while going to or returning from either of the same.

Governor may call out.

SECTION 3. The Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace.

Adjutant and Inspector-General.

SECTION 4. There shall be an Adjutant and Inspector General elected by the qualified electors of the State at the same time and in the same manner as other State officers, who shall rank as Brigadier General, and whose duties and compensation shall be prescribed by law. The Governor shall, by and with the advice and consent of the Senate, appoint such other staff officers as the General Assembly may direct.

Staff officers.

Pensions.

SECTION 5. The General Assembly is hereby empowered and required, at its first session after the adoption of this Constitution, to provide such proper and liberal legislation as will guarantee and secure an annual pension to every indigent or disabled Confederate soldier and sailor of this State and of the late Confederate States who are citizens of this State, and also to the indigent widows of Confederate soldiers and sailors.

ARTICLE XIV.

EMINENT DOMAIN.

Boundary rivers.

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 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, unless the same be expressly provided for by the General Assembly.

Title to certain lands.

SECTION 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.

Ultimate property in lands.

SECTION 3. The people of the State 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.

ARTICLE XV.

IMPEACHMENT.

SECTION 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. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced; and the office shall be filled during the trial in such manner as may be provided by law. Power of impeachment. Officer impeached.

SECTION 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 a vote of two-thirds of all the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or if he be disqualified, the Senior Justice shall preside, with a casting vote in all preliminary questions. Senatetry impeachment. Chief Justice preside.

SECTION 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law. Officers liable to.

SECTION 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 notified of such cause or causes, and shall be admitted to a hearing in his own defence, or by his counsel, or by both, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the Journal of each house respectively. Removal of officers.

ARTICLE XVI.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the Journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the Amendments.

State at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and a majority of each branch of the next General Assembly shall, after such an election and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each house.

Two or more.

SECTION 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Constitutional Convention.

SECTION 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote for or against a Convention at the next election for Representatives; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at its next session, provide by law for calling the same; and such Convention shall consist of a number of members equal to that of the most numerous branch of the General Assembly.

ARTICLE XVII.

MISCELLANEOUS MATTERS.

Qualification of officers.

SECTION 1. No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector: *Provided*, The provisions of this Section shall not apply to the offices of State Librarian and Departmental Clerks, to either of which offices any woman, a resident of the State two years, who has attained the age of twenty-one years, shall be eligible.

Claims against State.

SECTION 2. The General Assembly may direct by law, in what manner claims against the State may be established and adjusted.

Divorces.

SECTION 3. Divorces from the bonds of matrimony shall not be allowed in this State.

Supreme Being.

SECTION 4. No person who denies the existence of a Supreme Being shall hold any office under this Constitution.

Public printing.

SECTION 5. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other de-

partments of the State, shall be let, on contract, in such manner as shall be prescribed by law.

Removal of causes.

SECTION 6. The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

Lotteries.

SECTION 7. No lottery shall ever be allowed, or be advertised by newspapers, or otherwise, or its tickets be sold in this State; and the General Assembly shall provide by law at its next session for the enforcement of this provision.

Gambling and betting.

SECTION 8. It shall be unlawful for any person holding an office of honor, trust or profit to engage in gambling or betting on games of chance; and any such officer, upon conviction thereof, shall become thereby disqualified from the further exercise of the functions of his office, and the office of said person shall become vacant, as in the case of resignation or death.

Property of married women.

SECTION 9. The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall be her separate property, and she shall have all the rights incident to the same to which an unmarried woman or a man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were unmarried.

Laws now of force.

SECTION 10. All laws now in force in this State and not repugnant to this Constitution shall remain and be enforced until altered or repealed by the General Assembly, or shall expire by their own limitations.

SECTION 11. That no inconvenience may arise from the change in the Constitution of this State, and in order to carry this Constitution into complete operation, it is hereby declared:

Laws now of force.

First. That all laws in force in this State, at the time of the adoption of this Constitution, not inconsistent therewith and constitutional when enacted, shall remain in full force until altered or repealed by the General Assembly or expire by their own limitation. All ordinances passed and ratified at this Convention shall have the same force and effect as if included in and constituting a part of this Constitution.

Ordinances.

Writs, actions, &c.

Second. All writs, actions, causes of action, proceedings, prosecutions, and rights of individuals, of bodies corporate and of the State, when not inconsistent with this Constitution, shall continue as valid.

Laws inconsistent with Constitution.

Third. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in force until such legislation is had.

Fines, &c., accruing.

Fourth. All fines, penalties, forfeitures and escheats accruing to the State of South Carolina under the Constitution and laws heretofore in force shall accrue to the use of the State of South

Carolina under this Constitution, except as herein otherwise provided.

Recognizances, &c.

Fifth. All recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution to the State, or to any County, township, city or town therein, and all fines, taxes, penalties and forfeitures due or owing to this State, or to any County, township, city or town therein, and all writs, prosecutions, actions and proceedings, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before the adoption of this Constitution may he prosecuted as if no change had been made, except as otherwise provided herein.

Indictments.

All officers hold over.

Sixth. All officers, State, executive, legislative, judicial, circuit, district, County, township and municipal, who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors as herein provided, shall hold their respective offices until their terms have expired and until their successors are elected or appointed and qualified as provided in this Constitution, unless sooner removed as may he provided by law; and shall receive the compensation now fixed by the Statute Laws in force at the adoption of this Constitution.

Compensation.

Elections.

Seventh. At all elections held for members of the General Assembly in case of a vacancy, or for any other office, State, County or municipal, the qualifications of electors shall remain as they were under the Constitution of eighteen hundred and sixty-eight until the first day of November, in the year eighteen hundred and ninety-six.

Takes effect.

Eighth. This Constitution, adopted by the people of South Carolina in Convention assembled, shall be in force and effect from and after the thirty-first day of December, in the year eighteen hundred and ninety-five.

Constitution of 1868 repealed.

Ninth. The provisions of the Constitution of eighteen hundred and sixty-eight and amendments thereto are repealed by this Constitution, except when re-ordained and declared herein.

Done in Convention in Columbia on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS,
President of the Convention.
IRA B. JONES,
Vice President of the Convention.

Attest:

S. W. VANCE,
Secretary of the Convention.

DELEGATES FROM ABBEVILLE:

FRANK B. GARY.
ROBERT R. HEMPHILL.
J. C. KLUGH.
I. H. McCALLA.
R. F. McCASLAN.
W. C. McGOWAN.

DELEGATES FROM AIKEN:

D. S. HENDERSON.
R. L. GUNTER.
F. P. WOODWARD.

DELEGATES FROM ANDERSON:

J. E. BREAZEALE.
GEO. E. PRINCE.
J. M. SULLIVAN.
D. H. RUSSELL.
J. PERRY GLENN.
L. D. HARRIS.

DELEGATES FROM BARNWELL:

W. C. SMITH.
C. M. HIERS.
A. HOWARD PATTERSON.
ROBERT ALDRICH.
G. DUNCAN BELLINGER.
GEO. H. BATES.

DELEGATES FROM BEAUFORT:

None.

DELEGATES FROM BERKELEY:

E. J. DENNIS.
J. B. MORRISON.
H. H. MURRAY.
JAS. B. WIGGINS.
R. C. McMAKIN.
A. H. DeHAY.

DELEGATES FROM CHARLESTON:

JULIAN MITCHELL.
J. N. NATHANS.
W. St. JULIEN JERVEY.
GEO. F. von KOLNITZ, Jr.
J. P. K. BRYAN.
JOS. L. OLIVER.
WILLIAM MOSELEY FITCH.

DELEGATES FROM CHESTER:

J. L. GLENN.
T. J. CUNNINGHAM.
R. O. ATKINSON.
GEORGE WILLIAMS GAGE.

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E. N. REDFEARN.
F. P. TAYLOR.

DELEGATES FROM CLARENDON:

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JOSEPH S. CANTEY.
JOHN W. KENNEDY.
*J. M. SPROTT.

DELEGATES FROM COLLETON:

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L. E. PARLER.
C. W. GARRIS.
M. R. COOPER.
M. P. HOWELL.

DELEGATES FROM DARLINGTON:

J. O. A. MOORE.
HENRY CASTLES BURN.
J. N. PARROTT.

DELEGATES FROM EDGEFIELD:

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W. J. TALBERT.
W. H. TIMMERMAN.
G. D. TILLMAN.
J. C. SHEPPARD.
R. B. WATSON.

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W. L. ROSBOROUGH.
THOS. W. BRICE.

DELEGATES FROM FLORENCE:

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W. F. CLAYTON.
BROWN B. McWHITE.
*J. O. BYRD.

DELEGATES FROM GEORGETOWN:

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E. F. MATHEWS.

*Died during session.

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G. G. WELLS.
J. THOMAS AUSTIN.
HUGH M. BARTON.
HUGH B. BUIST.
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DELEGATES FROM YORK:

A. H. WHITE.
W. BLACKBURN WILSON.
J. FRANK ASHE.

GENERAL INDEX.

	Art.	Sec.	Page.
Able-bodied male citizens between 18 and 45 compose militia	XIII	1	47
Absence, temporary, does not forfeit residence	I	12	8
Account of public moneys to be published each year	X	8	42
Accused confronted with witnesses	I	18	8
have public trial by jury	I	18	8
have compulsory process for witnesses	I	18	8
heard in defence	I	18	8
informed of accusation	I	18	8
Act or joint resolution shall relate to one subject, to be expressed in title	III	17	15
of Congress, proceeds of land scrip under	XI	8	45
Actions, all to continue except	XVII	11	51
Adjutant and Inspector-General, compensation, duties, election, rank	XIII	4	48
compensation, term of office, election by	IV	24	23
Age of school children	XI	5	43
Agent, no extra compensation	III	30	18
each corporation must keep one in State on whom process may be served	IX	4	36
Aliens, lands held by, to be limited	III	35	19
Amendments to Constitution, how proposed, to be entered on Journals, submitted to electors, ratified, read three times	XVI	1	49
when two or more proposed must be voted on separately	XVI	2	50
Appeal from Circuit Courts	V	4	24
Magistrates	V	23	28
Municipal Courts	V	15	26
Registration officer	II	5	11
Appropriations for repelling invasion, &c	III	30	18
Arbitrators to be provided for	VI	1	29
Arms, right to people to keep and bear	I	26	9
Armed body of men, none, or of armed police force, shall ever be brought into State, except when	VII	9	32
Armies shall not be maintained without consent of General Assembly	I	26	9
Arrest, volunteer and militia forces exempt from, when	XIII	2	48
electors privileged from, when	II	14	12
Associate Justices, election of	V	2	24
classification of	V	2	24
present, part of Court	V	3	24
term of office of	V	2	24
third, election of	V	3	24
Association, foreign, cannot build or lease a railroad in, or in part in this State	IX	8	37
Assessment, uniform rate provided for	X	1	40
Assets of estate or copartnerships not claimed for 70 years shall be invested as school funds	XI	11	46

	Art.	Sec.	Page.
Asylums, certain property of, exempt from taxation	X	4	40
Attainder, no bill of, shall be passed	I	8	7
Attendance of absent members may be compelled	III	11	15
Attorney-General, term of office of	V	28	29
to same effect	IV	24	23
compensation of	V	28	29
to same effect	IV	24	23
election by	V	28	29
duties of	V	28	29
Authority, supreme executive of the State vested in	IV	1	19
Bail, excessive shall not be required	I	19	8
Ballot, all elections shall be by	II	1	9
Ballots shall never be counted in secret	II	1	9
Bar, members of, oath of	III	25	16
Banks to be examined	IX	9	37
Banks, shares of stockholders must be taxed for municipal purposes where bank is situated	X	5	41
Banking corporations must operate under general laws	IX	9	37
Benevolent State institutions, directors of, how appointed	XII	4	47
Betting unlawful in officer	XVII	8	51
officer engaging in, loses office	XVII	8	51
Bills, printing of	XVII	5	50
appropriation, Governor may veto any part	IV	23	22
Governor must return in three days unless	IV	23	23
must be signed or vetoed by Governor	IV	23	23
revenue, must originate in House	III	15	15
others may originate in either house	III	15	15
or joint resolutions, read three times	III	18	15
must have "great seal"	III	18	15
signed by President of Senate	III	18	15
Speaker of House	III	18	15
Blind, institution provided for	XII	1	46
Board of Canvassers file duplicates of returns of elections for Governor with Clerk of Court	IV	4	20
forward returns of election for Governor to Secretary of State	IV	4	20
Pardons provided	IV	11	21
Registration provided	II	8	11
Boards of public institutions to report to Governor	IV	14	21
health may be selected	VIII	10	35
Bonds of municipalities, elections to issue	II	13	12
fictitious, void	IX	10	38
how issued in municipalities	VIII	7	34
issued only for labor, money or property	IX	9	37
Bonded municipal debt limited	VIII	7	34
may be refunded	VIII	7	34
question of issue must be submitted to electors	VIII	7	34
sinking fund must be created to redeem	VIII	7	34
debt of Counties, &c., limited	X	5	41
Books of registration, close of	II	11	12
Burying grounds exempt from taxation	X	4	40
Boundary rivers common highways	XIV	1	48
State has concurrent jurisdiction over	XIV	1	48

	Art.	Sec.	Page.
Causes, removal of, into Courts created herein	XVII	6	51
of action continue, except	XVII	11	51
Certificate or receipt of officer, authorized to collect, proof of payment of taxes	II	4	10
of registration must be issued to registered elector	II	4	11
renewal	II	4	11
requisite for voting in municipal election	II	12	12
of State indebtedness, none issued except for	X	7	42
of indebtedness may be issued	VIII	7	34
Challenge, person sending or accepting, deprived of holding office	I	11	8
Charge, none levied without consent	I	7	7
Charges, extortion in; to be prevented	IX	13	38
Charitable institutions, property of, exempt from taxation	X	4	40
Charleston County, Court of Probate in	V	18	27
Charter, bill for special, may be introduced, how	IX	2	35
Charters, not organized under, subject to the provisions of this Article	IX	16	39
Chief Justice, election of	V	2	24
term of office of	V	2	24
present, declared to be	V	3	24
may call in Circuit Judges	V	12	25
preside when Governor impeached	XV	2	49
Chief Magistrate, supreme executive authority	IV	1	19
vested in	IV	1	19
styled "The Governor of the State of South Carolina"	IV	1	19
Child of either race shall not attend school of the other	XI	7	45
Churches, property of, exempt from taxation	X	4	40
Circuit Court, judicial power vested in	V	1	23
General Assembly may provide for holding of, by men learned in the law	V	6	24
Judges of, powers at chambers	V	25	28
Circuit Courts have such powers as General Assembly may grant	V	25	28
petit jury in	V	22	28
may impose sentence of labor on highways	V	33	29
Circuit Judge, election of	V	13	26
file decisions in 60 days after last Court in Circuit	V	17	26
interchange Circuits	V	14	26
must be elector in County of Circuit in which elected	V	13	26
must reside in Circuit	V	13	26
one must retire if number in Supreme Court even	V	12	26
present, continue in office	V	13	26
who tried case cannot sit in Supreme Court on hearing appeal	V	12	26
powers of, at chambers	V	25	28
have such powers as General Assembly may grant	V	25	28
term of office of	V	13	26
Citizen, every male elector unless, &c	II	3	10
City, none organized except by consent of electors	VIII	2	33
no County line shall hereafter be cut through	VII	14	33
Cities, can levy no tax except in pursuance of law	VIII	3	33
may acquire and operate water and light plants	VIII	5	34
may collect taxes for corporate purposes	VIII	6	34
may exempt manufactories from taxation, how	VIII	8	34

	Art.	Sec.	Page.
Cities may be permitted to levy taxes for corporate purposes	X	5	41
may organize under general laws	VIII	1	33
powers to levy taxes restricted	VIII	3	33
special charters cease when	VIII	1	33
Civil action tried where defendant resides	V	23	28
Claims against State, how established	XVII	2	50
Claflin University shall be separated from Claflin College	XI	8	45
Clemson Agricultural College may be maintained	XI	8	45
certain funds donated to	XI	8	45
Clerk of Court of Common Pleas	V	27	28
Clerk of all other Courts of record, except	V	27	28
to file duplicate returns of election for Governor	IV	4	20
to forward copies to Secretary of State upon notice	IV	4	20
to keep a list of electors registered up to January, 1898	II	4	10
certificate of, sufficient to establish right to registration	II	4	11
how and when removed	V	27	28
shall attest writs	V	31	29
term of office of	V	27	28
Clerk of Supreme Court, appointment of	V	7	25
term of office of	V	7	25
Code of Civil Procedure to be prepared by Commissioner	VI	5	30
Colleges, property of, exempt from taxation	X	4	40
Colored Normal, Agricultural, Industrial and Mechanical College of this State	XI	8	45
Combinations shall be prevented	IX	13	38
Commissioner to codify laws, election of	VI	5	30
duties of	VI	5	30
report of, to be examined by Committee	VI	5	30
report of, to lay on desks of members 1 year	VI	5	30
compensation of	VI	5	30
Common law liability, corporations cannot relieve themselves of, as to carriage of passengers	IX	3	46
Commutations, Governor may grant	IV	11	21
Company, any transportation or transmission, may connect with or cross other lines	IX	6	37
shall receive, transport and transmit freight and messages without delay	IX	6	37
shall not consolidate or control stock of competing or parallel lines	IX	7	37
Companies, certain, to be regulated by Commission or otherwise	IX	13	38
Compensation of other officers than those in Section 9, Article 5	V	24	28
of Attorney General	V	28	29
of Solicitor	V	29	29
of members of General Assembly	III	9	14
no extra, to be allowed	III	30	18
of Governor	IV	13	21
of Lieutentant-Governor	IV	13	21
of Comptroller-General	IV	24	23
Comptroller-General, elected by	IV	24	23
term of office of	IV	24	23
compensation of	IV	24	23

	Art.	Sec.	Page.
County, body politic and corporate	VII	9	32
bonded debt of, limited	X	5	41
Courts, General Assembly may establish	V	1	23
establishment of, must be submitted to an election	V	1	24
County, each, one election district	III	3	14
each, one Senator	III	6	13
each, at least one Representative	III	4	13
each, one election district	VII	9	32
election on, not oftener than once in four years	VII	2	32
funds, safe keeping of, shall be provided for	X	12	42
in case of lynching, may obtain judgment against parties engaged in	VI	5	30
liable for damages in case of lynching	VI	6	31
may be authorized to levy tax or issue bonds for what purpose	X	6	42
new, inhabitants, taxable property, area	VII	3	32
new, shall bear just proportion of indebtedness	VII	6	32
no line of, to be hereafter run through a city or town	VII	14	33
no section of, to be cut off except by two-third vote	VII	2	31
of Edgefield, boundary of	VII	12	33
of Saluda, election in	VII	12	33
assessment in	VII	12	33
collection of taxes in	VII	12	33
may be put in Congressional and Judicial Districts	VII	13	33
old, inhabitants, taxable property, area	VII	5	32
old, not to be cut within 8 miles of court house building	VII	5	32
residence in, one year necessary to vote	II	4	10
seat, election for, shall not be held oftener than 5 years	VII	8	32
seat shall not be removed except upon election	VII	8	32
shall provide for poor	XII	3	47
Treasurer of, compensation of, for handling school fund			
shall not be paid out of same	XI	4	43
shall collect school tax	XI	6	44
Counties, boundaries of present, remain	VII	12	44
division into school district shall remain	XI	5	44
may be arranged into Congressional and Judicial Districts	VII	12	33
may be permitted to tax for corporate purposes	X	5	41
name and County seat, election on	VII	1	31
new, how established	VII	1	31
representation of, in House of Representatives	III	3	13
shall be divided into school districts	XI	5	44
two or more may be consolidated, how	VII	10	32
Court of Probate in Charleston County	V	19	27
jurisdiction of	V	19	27
Judge of, may perform duties of Clerk	V	27	28
Common Pleas, appeal to, from registration officer	II	5	11
from	V	15	26
appellate jurisdiction from inferior Courts	V	14	26
established	V	1	24
jurisdiction of	V	15	26
sit twice a year in each County	V	16	26
General Sessions, jurisdiction of	V	18	27
established	V	1	24
held twice a year in each County	V	18	27

	Art.	Sec.	Page.
Concurrent jurisdiction, State shall have, on boundary rivers	XIV	1	48
Confederate soldiers, pension of indigent	XIII	5	48
over 50 years old exempt from poll tax	XI	6	44
Congressional Districts, General Assembly may form	VII	13	33
Constables, how appointed	V	20	27
Constitution, takes effect when	XVII	11	51
of 1868 repealed	XVII	11	51
ratified	XVII	11	51
provisions of, mandatory and prohibitory, except	I	29	9
Constitutional law, questions of, to be decided by Justices and Judges, when	V	12	25
Convention to alter, amend or change Constitution, how called	XVI	3	50
composed of how many members	XVI	3	50
Contempt, punishment for, shall not extend to imprisonment in Penitentiary	I	19	8
Contract and agreement against public welfare shall be prevented.	IX	13	38
Convicts of Penitentiary shall be under control of State officers	XII	9	47
hired out shall be maintained, supported, disciplined, &c., under State officers	XII	9	47
sentenced to hard labor may be employed on public roads and highways	XII	6	47
Conviction shall not work corruption of blood or forfeiture of estate	I	8	7
Coroner, election of	V	30	29
term of office of	V	30	29
residence of	V	30	29
disqualified a second time, if	V	30	29
Corporate franchises not heretofore organized under in good faith subject to the provisions of this Constitution	IX	16	39
Corporation defined	IX	1	35
any, accepting certain provisions shall be held to what agreement	IX	17	39
domestic, only can consolidate railroads	IX	8	37
foreign, cannot build, operate, lease, any railroad or part of railroad in this State without domestic charter	IX	8	37
General Assembly may provide for service of process on any agent of	IX	4	36
must keep one agent in State on whom process can be served	IX	4	36
organized and doing business in this State must keep one business office in State	IX	4	36
shall not appropriate right of way except	IX	9	37
Corporations, banking, can have no special charter, but must operate under general laws	IX	9	37
cannot relieve themselves of common law liability as to passengers	IX	3	36
engaged in transportation or transmitting intelligence must be taxed as such	IX	3	36
fiscal, must be examined	IX	9	37
may buy public lands	III	31	18
public lands shall not be donated to	III	31	18
shall only engage in business authorized by law	IX	12	38
shall not do prohibited acts through controlling interests in other corporations	IX	19	39
alien, lands held by, limited	III	35	19

	Art.	Sec.	Page.
Court of General Sessions, may appoint Attorney for State *pro tempore*	V	29	29
Courts retain jurisdiction of matters now pending	V	6	24
shall be public	I	15	8
Credit of State shall not be pledged	X	6	41
shall never be used for benefit of any sectarian institution	XI	9	46
Crimes against election laws, correction of	II	5	11
Criminal action tried where crime committed	V	23	28
tried in Magistrate's district	V	23	28
Deaf and dumb, institutions for, provided	XII	1	46
Debt of State, not increased, except, how	X	11	42
municipal bonded, limitation of	VIII	7	34
may be refunded	VIII	7	34
question of, must be submitted to electors	VIII	7	34
to same effect	II	13	12
sinking fund must be created to redeem	VIII	7	34
no imprisonment for, except in cases of fraud	I	24	9
Decisions of Justices and Judges must be filed, when	V	17	26
of Supreme Court shall be published	V	32	29
Defendant tried where offence was committed unless, when	VI	1	29
Deficiences in expenses of State Government, how collected	X	2	40
Departments of government separate	I	14	8
Departmental clerks not subject to provisions of Article 17, Section 1	XVII	1	50
Detective agencies, representatives of, armed, shall never be brought in the State except	VIII	9	35
Directors of corporations, how elected	XI	11	38
benevolent and penal State institutions, how appointed or elected	XII	4	47
State Penitentiary, how appointed or elected	XII	5	47
"Direct tax" shall be invested as school fund	XI	11	46
Disability of embezzlement, how removed	X	12	43
Discrimination shall be prevented	IX	13	38
in charges, none can be made by transportation or transmission companies	IX	5	36
Districts, Congressional and Judicial, may be made	VII	13	33
Divorces shall not be allowed	XVII	3	50
Doors of each house shall be open, except	III	23	16
Duel, fighting, aiding or abetting, or sending challenge deprives of holding office	I	11	7
Duties shall not be levied without consent	I	7	7
Educational purposes, gifts for, shall be used as directed	XI	10	46
Election, Managers of, must require of voter payment of all taxes.	II	4	10
for Senators	III	8	14
Representatives	III	8	14
of members, each house judge of	III	11	15
district, each County one	III	3	13
to same effect	VII	9	32
for new County, name and County seat	VII	1	31
removal of County seat	VII	8	32
not often than 5 years	VII	8	32

	Art.	Sec.	Page.
Election for consolidation of 2 or more Counties	VII	10	32
special, for bonded municipal debt	VIII	7	34
for exempting manufactories from municipal taxation	VIII	8	34
increasing public debt	X	11	42
calling Constitutional Convention	XVI	3	50
on Constitutional amendments	XVI	1	49
Elections shall be free and open	I	10	7
by ballot	II	1	9
never be held in secret	II	1	9
rules for holding, shall be prescribed by General Assembly	II	8	11
ascertaining results shall be prescribed by General Assembly	II	13	12
in municipalities for bonded debt	II	13	12
in General Assembly *viva voce*	III	20	16
entered on Journals	III	20	16
prior to November 1st, 1896, shall be under Constitution of 1868.	XVII	11	51
Electric plant, how right to construct granted	VIII	4	33
Elector offering to vote must have paid all taxes for previous year.	II	4	10
every qualified eligible to office, except	II	3	10
defined	II	2	10
must register every ten years	II	4	10
Electors of city or town, consent of majority necessary to organize	VIII	2	33
who are, in municipalities on question of issuing bonds	II	13	12
when privileged from arrest	II	14	12
provisions for registration of, by General Assembly	II	8	11
in municipalities, a qualification of	II	12	12
Embezzlement, officer removed for	IV	22	22
of certain funds, felony	X	12	43
Employee of railroad, rights and remedies	IX	15	38
contract to waive benefit of this Section void	XI	15	39
Employee of railroad, death of, by injury, rights, and remedies to representatives.	IX	15	39
knowledge of defective or unsafe appliances no defense against, except	IX	15	38
remedies and rights herein may be extended to other corporations	IX	15	38
Enumeration of inhabitants, when had	III	3	13
Escheated property shall be vested in school funds	XI	11	46
Escheats accruing shall come to State	XVII	11	51
Evidence of State indebtedness shall not be issued except for	X	7	42
Expenses of State Government shall be annually provided for	X	2	40
Executive Department, all officers in, shall report to Governor	IV	14	21
Ex post facto laws shall not be passed	I	8	7
Felony to embezzle certain funds	X	12	43
Fiscal year commences	X	10	42
Fines, all accruing shall come to State	XVII	11	51
Forfeitures accruing shall come to State	XVII	11	51

	Art.	Sec.	Page.
Foreign corporation or association cannot build, operate or lease any railroad in, or partly in, this State	IX	8	37
shall have no general or special favors except on certain conditions	IX	8	37
Fraud, no imprisonment for, except in debt	I	24	9
at primary elections to be punished	II	10	12
Freeholders in municipalities must petition for election to issue bonds	II	13	12
Funds of estates and copartnerships not claimed in 70 years shall be vested as school funds	XI	11	46
Gambling, unlawful, for officer	XVII	8	51
officer engaging in, loses office	XVII	8	51
Gas works, how right to erect granted	VIII	4	34
General Assembly shall frequently assemble	I	3	7
may authorize suspension of laws	I	13	8
may consent to maintain army	I	26	9
may declare martial law	I	27	9
may authorize erection of wharves and collection of tolls	I	28	9
shall provide certificates of registration	II	4	10
shall provide for appeal from registration officers	II	5	11
for correction of illegal and fraudulent voting and crimes against election laws	II	5	11
shall provide for registration of electors and holding of elections	II	8	11
shall provide polling precincts	II	9	12
regulation of primary elections	II	10	12
consists of	III	1	13
session of 1895 postponed	III	9	14
sessions, when held	III	9	14
compensation of members of	III	9	14
members of, when protected	III	14	15
per diem	III	19	16
cannot increase compensation	III	19	16
same compensation in extra session	III	19	16
elections, in *viva voce*	III	20	16
entered on Journals	III	20	16
who eligible as member	III	24	16
oath of members	III	26	17
may grant right of way over public lands	III	31	18
may confirm title to public lands	III	31	18
shall not authorize payment of salary of deceased officer after death	III	32	18
shall not grant pensions, except	III	32	18
shall not retire officer on pay or part pay	III	32	18
cannot enact certain special laws	III	34	19
may limit number of acres of land held by aliens or alien corporations	III	35	19
must open returns of election of Governor	IV	4	20
shall elect Governor, when	IV	4	20

	Art.	Sec.	Page.
General Assembly shall prescribe how contested elections for Governor may be determined	IV	4	20
shall provide Board of Pardons	IV	11	21
may prescribe jurisdiction of Magistrates	V	21	27
may provide clerk for other Courts of record	V	27	28
may authorize Judge of Probate to perform duties of clerk	V	27	28
may provide one Solicitor for each County if County Courts established	V	29	29
shall provide for publication of decisions of Supreme Court	V	32	29
shall provide for arbitration of differences	VI	1	29
may establish new Counties, when	VII	1	31
to same effect	VII	2	31
may alter County lines, when	VII	7	32
may provide for consolidation of two or more Counties	VII	10	32
may establish or change townships	VII	11	32
may provide township government	VII	11	33
may make special provisions for municipal government	VII	11	33
may form Judicial and Congressional Districts	VII	13	33
shall pass general laws for organization and classification of municipal corporations	VIII	1	31
shall restrict municipalities in levying taxes	VIII	3	33
shall not grant right to construct street railways, &c., without consent of local authorities	VIII	4	34
may create Boards of Health	VIII	10	35
may prohibit manufacture or sale of liquors	VIII	11	35
may authorize State and County officers to buy and sell liquors	VIII	11	35
shall not grant special charters except on two-third vote	IX	2	36
Governor may convene, in extra session	IV	16	22
adjourn in case of disagreement	IV	16	22
may establish County, inferior and municipal Courts	V	1	24
shall elect Chief Justices	V	2	24
Associate Justices	V	2	24
third Associate Justice	V	3	24
Circuit Judges	V	13	26
shall provide for holding special or regular terms of Circuit Courts by men learned in the law	V	6	24
may divide the State into Judicial Circuits	V	13	26
shall provide for Judges to interchange Circuits	V	14	26
shall not license foreign corporation to build railroads in this State	IX	8	37
shall provide for examination of banking and fiscal corporations	IX	9	37
shall provide for directors of corporations by cumulative plan	IX	11	38
shall prevent trusts, combinations, &c	IX	13	38

	Art.	Sec.	Page.
General Assembly shall never remit the forfeiture of the franchise of any corporation, unless	IX	17	39
shall provide for uniform assessment and taxation	X	1	40
shall provide for annual expenses of State Government	X	2	40
shall provide for deficiency in expenses of State Government	X	2	40
may authorize County or township to issue bonds, for what purpose	X	6	42
forbidden to create debt except	X	11	42
shall provide for safe keeping of funds	X	12	42
shall make embezzlement of certain funds a felony	X	12	43
may remove disability of embezzlement, how	X	12	43
shall provide for assessment of all property	X	13	43
shall prescribe duties and powers of Superintendent of Education	XI	1	43
shall provide for all school officers, their powers, duties and compensation	XI	3	43
shall provide free public schools	XI	5	43
shall define "enrollment"	XI	6	44
shall apportion income of invested school funds	XI	11	46
shall provide for appointment or election of Directors of Penitentiary and State benevolent and charitable institutions	XII	4-5	47
may provide Reformatory for juvenile offenders	XII	7	47
shall provide pensions for indigent soldiers, sailors, and widows of	XIII	5	48
may charge tax or impost on navigable waters	XIV	1	48
may ask removal of executive or judicial officer	XV	4	49
may provide for calling Constitutional Convention	XVI	3	50
may direct how claims against State shall be established	XVII	2	50
shall provide for removal of causes	XVII	6	51
shall prohibit lotteries	XVII	7	51
General Sessions, Court of, jurisdiction of	V	18	27
appellate jurisdiction from inferior Courts	V	18	27
concurrent jurisdiction with inferior Courts in certain cases	V	18	27
Gifts for educational purposes shall be used as directed	XI	10	86
to State not otherwise designated shall be invested as school funds	XI	11	46
Graded school districts included in new district, new territory shall bear its part of bonded debt existing	XI	5	44
Graded school districts not repealed	XI	5	44
Grants of corporate franchises, not organized under in good faith, subject to	IX	16	39
how issued	IV	19	22
Grand Jury, presentment by, necessary in graver cases	I	17	8
consists of 18	V	22	28
12 must agree	V	22	28

	Art.	Sec.	Page.
Government, forms of, modified by people	I	1	7
Governor, pardon of, removes disqualification for voting	II	6	11
appoints Boards of Registration	II	8	11
may change place of meeting of General Assembly in case of contagion	III	9	14
elected by	IV	2	19
term of office of	IV	2	19
when elected	IV	2	20
installation of	IV	2	20
who eligible to office of	IV	3	20
hold no other office except	IV	3	20
returns of election of, how forwarded	IV	4	20
contested elections of, how determined	IV	4	20
vacancy in office of, how filled	IV	9	21
commander-in-chief of, militia, except	IV	10	21
grant reprieves, pardons, &c	IV	11	21
remit fines or forfeitures	IV	11	21
executes the laws	IV	12	21
compensation of	IV	13	21
may demand reports of executive officers and Boards of public institutions	IV	14	21
appoints Magistrates	V	20	27
order election for new County when	VIII	1	33
may apply for armed police force	VIII	9	35
shall give the General Assembly information of the condition of the State	IV	15	22
may recommend measures to the General Assembly	IV	15	22
shall commission all officers	IV	17	22
sign grants and commissions	IV	19	22
oath of office of	IV	20	22
reside at capital, except	IV	21	22
may suspend officer for embezzlement	IV	22	22
sign bill or joint resolution	IV	23	22
may veto bill or joint resolution	IV	23	22
any part of appropriation bill	IV	23	23
must return bill or joint resolution within three days unless	IV	23	23
shall commission one learned in law to act in place of disqualified Judge or Justice	V	6	24
appoint Justice or Judge for less time than one year	V	11	25
member of State Board of Education	XI	2	43
Chairman of such Board	XI	2	43
shall appoint Superintendent and Regents for State Hospital for Insane	XII	2	47
fill vacancies in offices in penal and charitable institutions	XII	8	47
may call out militia and volunteer forces when	XIII	3	48
appoint staff officers	XIII	4	48
impeachment of, Chief Justice presides	XV	2	49
may remove executive or judicial officers when	XV	4	49
Habeas corpus shall not be suspended unless	I	23	9
Highways, navigable waters and boundary rivers are	XIV	1	48

	Art.	Sec.	Page.
Homestead established	III	28	17
husband and wife must sign deed or mortgage of, after assigned	III	28	18
House, each shall judge of election and qualification of its members	III	11	15
majority of each, constitute a quorum	III	11	15
each, chooses it own officers	III	12	15
determine its own rules	III	12	15
punish its members	III	12	15
expel a member	III	12	15
may punish any person when	III	13	15
neither shall adjourn for more than three days without consent of the other, nor to any other place than	III	21	16
each shall keep a journal	III	22	16
shall cause its journal to be published	III	22	16
each, doors of, open except	III	23	16
House of Representatives, branch of legislative power	III	1	13
composed of	III	2	13
members of, elected every two years	III	2	13
number of members	III	3	13
present apportionment of members	III	3	13
qualification of members	III	7	14
members of, how apportioned	III	3	13
first election for members of	III	8	14
subsequent election for members of	III	8	14
bills for revenue shall originate in	III	15	15
ten members may demand "yeas" and "nays"	III	22	16
vacancies in membership of, how filled	III	25	16
has sole power of impeachments	XV	1	49
may propose amendments to Constitution	XVI	1	49
Husband and wife must both sign deed or mortgage of homestead after assignment, if both living	III	28	18
Immunities and privileges shall not be abridged	I	5	7
Impeachment, Governor, executive and judicial officers liable to	XV	3	49
judgment of, shall extend only to	XV	3	49
person convicted of, liable to indictment	XV	3	49
sole power of, in House of Representatives	XV	1	49
what necessary for	XV	1	49
tried by Senate	XV	2	49
two-third vote necessary to convict	XV	2	49
of Governor, who presides	XV	2	49
Implements and tools of single person exempt from levy and sale	III	28	18
Income from sale, or license for sale, of liquors shall be used for public schools in aid of supplementary tax	XI	12	46
Incorporation, special, may be had when required by terms of will	III	34	19
no charter of, shall be granted by special law except	IX	2	35
all charters of, must be had under general laws, except	IX	2	35
Indictments or prosecutions for libel, jury judges of law and fact	I	21	8
shall conclude how	V	13	26

	Art.	Sec.	Page.
Inferior Courts may impose sentence of labor on highways	V	33	29
General Assembly may establish	V	1	23
shall not have jurisdiction of certain crimes	V	1	24
jury in	V	22	28
Influences, undue, &c., voter to be protected from	I	9	7
Inhabitants, every, possessing qualifications may be elected to office	I	10	7
enumeration of	III	3	13
Insane, institutions for, provided	XII	1	46
Institutions, public, Boards of, report to Governor	IV	14	21
of learning, property of, exempt from taxation	X	4	40
for insane, blind, deaf and dumb provided	XII	1	46
Instruments entered into, heretofore voted, shall continue	XVII	11	52
Joint Resolution, read three times	III	18	15
signed by President of Senate	III	18	15
by Speaker of House of Representatives	III	18	15
have "great seal of State"	III	18	15
Governor must sign or veto	IV	23	22
must return in three days, unless	IV	23	23
Journal, each house must keep	III	22	16
yeas and nays entered on	III	22	16
member may enter dissent	III	22	16
Journals, causes for address of removal of officer spread at large on	XV	4	49
yeas and nays entered on, on each address	XV	4	49
Judge disqualified, vacancy filled, how	V	6	24
Judge who tried case cannot sit on hearing in Supreme Court	V	12	25
of Probate Court may perform duties of Clerk	V	27	28
Judges, powers at chambers	V	25	28
shall not charge juries on facts, but shall declare the law	V	26	28
compensation of	V	9	25
no fees or perquisites	V	9	25
hold no other office	V	9	25
qualifications of	V	10	25
conservators of the peace	V	11	25
filling vacancy holds for unexpired time	V	11	25
cannot sit in certain cases	V	6	24
Judgment of Supreme Court must be in writing and preserved in record of case	V	8	25
below reversed by concurrence of three Justices	V	12	25
Judicial Circuits, State divided into	V	13	26
General Assembly may form	VII	13	33
Jurisdiction of Court of Common Pleas	V	15	26
to same effect	V	1	23
of Supreme Court	V	4	24
of General Sessions	V	1	23
to same effect	V	18	27
of Probate	V	19	27
of Magistrates	X	21	8
Jury, accused tried by	I	18	8
judges of law and fact in prosecutions for libel	I	21	9
right of trial by, preserved	I	25	9
to same effect	V	22	28
in municipal and inferior Courts composed of six	V	22	28

	Art.	Sec.	Page.
Jury, may decide question of parallel or competing lines	IX	7	37
Juries, Judges shall not charge on facts	V	26	28
Juror, qualification of	V	22	28
Justices, concurrence of 3 necessary to reverse judgment below	V	12	25
of Supreme Court, when disqualified	V	6	24
term of office of	V	2	24
when disqualified, vacancy, how filled	V	6	24
appoint a Clerk and Reporter	V	7	25
compensation of	V	9	25
no fees or perquisites	V	9	25
hold no other office	V	9	25
qualifications of	V	10	25
if equally divided, opinion below affirmed, unless	V	12	25
may call to their aid judges of Circuit Court, when	V	12	26
have certain powers at chambers	V	25	28
Justice shall be administered without distinction between law and equity	VI	3	30
senior, shall preside in impeachment of Governor	XV	2	49
Juvenile offenders; reformatory for, may be provided	XII	7	47
Land held by aliens to be limited	III	35	19
scrip, proceeds of, how used	XI	8	45
Lands, public, not to be sold, except	III	31	18
not to be donated	III	31	18
title to certain, shall vest in State	XIV	2	48
ultimate property vested in people	XIV	3	48
title to, failing for want of heirs revert to people	XIV	3	48
Law, no *ex post facto*, shall be passed	I	8	7
impairing obligations of contracts shall not be passed	I	8	7
granting title of nobility or hereditary emolument shall not be passed	I	8	7
martial, no person subject to except	I	27	9
none ever passed for benefit if foreign corporation, except	IX	8	37
Laws, suspension of	I	13	8
equal rights under	I	1	7
crimes against election	II	5	11
style of	III	16	15
certain special, prohibited	III	34	19
Governor shall have, executed	IV	12	21
printing of	XVII	5	50
now of force	XVII	10	51
to same effect	XVII	11	51
repugnant to Constitution	XVII	10	51
inconsistent with Constitution	XVII	11	51
Legislative documents, printing of	XVII	5	50
Liability of stockholders	IX	18	39
in banks	IX	18	39
Libraries, public, property of, exempt from taxation	X	4	40
Liberty. no person to be deprived of, without due process of law	I	5	7
License on occupations and business	X	1	40
Licenses in municipalities	VIII	6	34
Life, no person deprived of, without due process of law	I	5	7
Lights, plants for furnishing	VIII	5	34

	Art.	Sec.	Page.
Lieutenant-Governor, when elected	IV	5	20
oath of office	IV	20	22
compensation of	IV	13	21
term of office	IV	5	20
qualifications	IV	5	20
President of Senate	IV	5	20
no vote while presiding unless	IV	6	20
vacancy, how filled	IV	9	21
when act as Governor	IV	9	21
Liquors, sale and manufacture of	VIII	11	35
State, County and municipal officers may be authorized to buy and sell	VIII	11	35
General Assembly may grant license to sell	VIII	11	35
municipal corporations cannot	VIII	11	35
Loan of credit of State forbidden	X	11	42
Lotteries forbidden	XVII	7	51
Lynching, damages for, in case of death	VI	6	31
Magistrates, how appointed	V	20	27
term of office of	V	20	27
appoint one or more Constables	V	20	27
salary of	V	20	27
jurisdiction of	V	21	27
sit as examining Courts	V	21	27
may recognize or discharge except in capital cases	V	21	27
may bind over to keep peace	V	21	27
try civil actions where	V	23	28
try criminal actions where	V	23	28
Militia, subject to martial law	I	27	9
Governor Commander-in-Chief of	IV	10	21
who shall compose	XIII	1	47
how organized, &c	XIII	1	47
when exempt from arrest	XIII	2	48
Governor may call out	XIII	3	48
Mains, how right to lay, granted	VIII	4	34
Managers of Election must require payment of taxes by voter	II	4	10
corporations, how elected	IX	11	38
Manufactories may be exempt from what taxation	VIII	8	34
Marriage of whites and negroes void	III	33	18
Married woman, property exemption	III	28	17
right of property	XVII	9	51
contract of	XVII	9	51
Matters civil and criminal now pending	V	34	29
Mines, products of taxed	X	1	40
Ministers, residence of, to vote	II	4	10
Members of bar, oath of	III	26	17
each house may be punished	III	12	15
both houses protected	III	14	15
House, 10 demand yeas and nays	III	22	16
Senate, 5 demand yeas and nays	III	22	16
either house may dissent on Journal	III	22	16
General Assembly, per diem of	III	19	16
mileage of	III	19	16
cannot increase compensation	III	19	16

	Art.	Sec.	Page.
Members of General Assembly compensation in extra session	III	19	16
oath of	III	26	17
Member of Senate acting as Governor or Lieutenant-Governor	IV	8	21
Misdemeanor to permit prisoner to be lynched	VI	6	31
Money, how drawn from Treasury	X	9	42
Municipal elections, registration for	II	12	12
qualification of electors in	II	12	12
Courts, jury in	V	22	28
may be established	V	1	24
Municipal Courts, may impose sentence of labor on highways	V	33	29
corporations, organization and classification of	VIII	1	30
cannot license sale of liquors	VIII	11	35
property, what exempt from taxation	X	4	40
corporation, bonded debt of	X	5	41
refunding or paying existing debt	X	5	41
Municipalities, special, government for	VII	11	33
Navigable waters, highways	XIV	1	48
Negro and white, marriages between	III	33	18
No conviction work corruption of blood, &c	I	8	7
No tax, &c., laid without consent	I	7	7
Notaries Public not limited in term	I	11	7
Oath of Governor and Lieutenant-Governor	IV	20	22
all officers	III	26	17
Obligations, heretofore made valid	XVII	11	52
Offence, not tried twice, for same	I	17	8
Offences, bailable, except	I	20	8
Office, who eligible to	I	10	7
to same effect	II	2	10
term of, for specified period	II	2	10
person fighting duel, &c., cannot hold	I	11	7
term of, Senators and Representatives begin	III	10	15
disqualifies for seat in General Assembly, except	III	24	16
of Governor, who eligible to	IV	3	20
corporation must keep one in this State	IX	4	36
Officer, none retired on pay or part pay	III	32	18
of registration submit any Section of Constitution to voter	II	4	10
must keep separate record of, when	II	4	10
swear to and file record of voters	II	4	10
require applicant to read and write, when; or have $300 worth of property	II	4	10
authorized to collect, receipt or certificate of, proof of payment of taxes	II	4	10
permitting prisoner lynched, penalty	VI	6	31
impeached, suspended	XV	1	49
when removed	XV	4	49
to same effect	IV	22	22
notified of intention to remove	XV	4	49
qualification of	XVII	1	50
to same effect	XVII	4	50
betting or gambling	XVII	8	51
in militia, not limited in term	I	11	7
deceased, salary of	III	32	18

	Art.	Sec.	Page.
Officers chosen by each house	III	12	15
oath of	III	26	17
all, elected by	I	10	7
removal of	III	27	17
Officers, other State, enter upon duties	IV	2	20
executive, report to Governor	IV	14	21
commissioned by Governor	IV	17	22
certain, compensation of	V	24	28
keep accounts	X	12	42
embezzling, felony	X	12	43
present, hold over	XVII	11	52
compensation of, present	XVII	11	52
Offices, two not held, except	II	2	10
Ordinances ratified by Convention have what effect	XVII	11	51
Pardon removes disqualifications	II	6	11
Pardons and commutations	IV	11	21
Board of	IV	11	21
Passengers, corporations cannot relieve themselves of common law liability in carriage of	IX	3	36
Penal State institutions, directors of	XII	4	47
Penalties, accruing, come to State	XVII	11	51
Penitentiary, Directors of	XII	5	47
controlled by State officers	XII	9	47
Pensions for indigent soldiers, sailors and widows, thereof	XIII	5	48
not granted, except for	III	32	18
People, political power vested in	I	1	7
right to assemble and petition	I	4	7
secure against unreasonable searches and seizures	I	16	8
keep and bear arms	I	26	9
Persons, all male, when qualified for registration, to January, 1898	II	4	10
all male, when qualified after January, 1898	II	4	10
disqualified from registering and voting	II	6	11
registered up to January, 1898, qualified electors for life	II	4	10
coming of age can register 30 days before elections	II	11	12
Petit jury consists of 12	V	22	28
all must agree	V	22	28
Petition for elections for new County	VII	1	31
of freeholders in municipality necessary for election to issue bonds	II	13	12
right of people to	I	4	7
Police, no armed force shall ever be brought into State	VIII	9	35
Political divisions of State, limitation of bonded debt of	X	5	45
power vested in people	I	1	7
Polling precincts to be provided	II	9	12
now existing continue	II	9	12
residence in, four months necessary to vote	II	4	10
Poll tax, payment of, necessary to vote	II	4	10
to same effect	II	4	11
fixed at one dollar	XI	6	44
Confederate soldiers over 50 years, exempt from	XI	6	44
how collected and disbursed	XI	6	44
Primary elections, regulations of	II	10	12
Prize fighting prohibited	VIII	12	35
Privileges and immunities not abridged	I	5	7

	Art.	Sec.	Page.
Population, representation apportioned according to	I	2	7
Power, political, vested in people	I	1	7
military, subordinate to civil	I	26	9
of government, separate	I	14	8
judicial, vested in certain Courts	V	1	24
Poor of County to be provided for	XII	3	47
Press, freedom of	I	4	7
Precinct, polling	II	9	12
each elector to vote at own	II	9	12
President of Senate, writ of elections to fill vacancies	III	25	16
Lieutenant-Governor shall be	IV	5	20
pro tempore chosen, when	IV	7	21
vacancy, how filled	IV	9	21
Prisoner lynched officer prosecuted	VI	6	31
Probate Court—see Court of Probate.			
Process, service of, on corporations	IX	4	36
Proceeds of land scrip	XI	8	45
Proceeding, present continue	XVII	11	51
Property, $300 alternative qualification for registration	II	4	10
not deprived of, without due process of law	I	5	7
taxed according to value	I	6	7
to same effect	III	29	18
private, not taken for private use	I	17	8
public use without compensation.	I	17	8
exempt from levy or sale	III	28	17
not for taxes or purchase money	III	28	17
assessed and taxed	X	1	40
certain exempt from taxation	X	4	40
of State never used for benefit of any sectarian institution	XI	9	46
of married women, how held	XVII	9	51
ultimate, in lands in people	XIV	3	48
in municipalities taxed uniform	VIII	6	34
Protection of laws not denied	I	5	7
Prosecutions or indictments for libel	I	21	8
present, continue	XVII	11	51
to same effect	XVII	11	51
Provisions of Constitution	I	29	9
laws remain	XVII	11	51
Printing of executive department	XVII	5	50
Public printing let on contract	XVII	5	50
Punishment, no corporal	I	19	8
Public institutions, Boards of, report to Governor	IV	14	21
Public moneys, account of, published	X	8	42
debt not increased, except	X	11	42
Qualification for voting, no property, except	I	11	7
members of General Assembly	III	7	14
of Governor	IV	3	20
of Lieutenant-Governor	IV	5	20
of Justices and Judges	V	10	25
of jurors	V	22	28
Questions of Constitutional law may be decided by Justices of Supreme Court and Judges of Circuit Court	V	12	26

	Art.	Sec.	Page.
Questions of whether companies are competing may be decided by jury	IX	7	37
Railroad Commission may make certain rates	IX	5	36
may connect with or cross other lines	IX	6	37
carry freight and passengers without discrimination	IX	6	37
not consolidate with or control stock of competing lines.	IX	7	37
only consolidated by domestic corporations	IX	8	37
Commission established	IX	14	38
duties, election of, and term of office to be regulated	IX	14	38
present, continued	IX	14	38
powers and duties of	IX	14	38
employees' rights and remedies	IX	15	38
rates, no discrimination in	IX	5	36
competitive, Railroad Commission may make	IX	5	36
Receipt, proof of payment of taxes	II	4	11
Record of persons registered up to January, 1898	II	4	10
Reformatory for juvenile offenders	XII	7	47
Regents of State Hospital for Insane, how appointed	XII	2	47
Records, public, registration book shall be	II	8	11
Recognizances heretofore entered into valid	XVII	11	52
Registration necessary to vote	II	4	10
every ten years	II	4	10
certificate of, to elector	II	4	10
of electors to be provided	II	8	11
to January, 1898, by Board	II	8	11
books open	II	8	11
of, public records	II	8	11
close 30 days before election	II	11	12
municipal elections	II	12	12
certificate of, in municipal elections	II	12	12
Religion, none established	I	4	7
Remedy for all wrongs	I	15	8
Removal of officers	III	27	17
Representation in House of Representatives	I	2	7
according to population	I	2	7
Representatives, apportionment of	III	3	13
how assigned	III	4	13
apportionment of, when to take effect	III	5	14
terms of, begin	III	10	15
Reporter of Supreme Court, appointment of	V	7	25
term of office of	V	7	25
Residence not lost by temporary absence	I	12	8
two years necessary to vote	II	4	10
not lost by temporary employment or navigation of seas	II	7	11
change of, change of precincts	II	9	12
of Governor	IV	21	22
Circuit Judge	V	13	26
Solicitor	V	29	29
Sheriff	V	30	29
Coroner	V	30	29
Resolution, but one subject, and expressed in title	III	17	15
Returns of election for Governor	IV	4	20

	Art.	Sec.	Page.
Revenue, bills for, orginate	III	15	15
Right of way over public lands	III	31	18
how appropriated	IX	20	39
value of, ascertained by jury	IX	20	40
Rights, present, of individuals and bodies corporate	XVII	11	51
Rivers, boundary, highways	XIV	1	48
Rules of procedure for each house	III	12	15
Salaries of school officers and County Treasurers	XI	4	43
of deceased officers	III	32	18
Sailors, indigent, pension of	XIII	5	48
Saluda—see County of.			
Scrip, none to be issued, except	X	7	42
Seal of State described	IV	18	22
Secretary of State have returns of election of Governor forwarded.	IV	4	20
countersign grant and commissions	IV	19	22
elected by	IV	24	23
term of office of	IV	24	23
compensation of	IV	24	23
copy of registered voters filed with	II	4	10
certificate of, sufficient for registration	II	4	10
receive returns of election for Governor	IV	4	20
deliver same to Speaker of House of Representatives	IV	4	20
Senate, Lieutenant-Governor President of	IV	5	20
President *pro tempore* chosen, when	IV	7	21
member acting as Governor or Lieutenant-Governor resign his seat	IV	8	21
vacancy, President *pro tempore*, how filled	IV	9	21
when convened by proclamation	IV	9	21
branch of legislative power	III	1	13
composed of	III	6	14
term of members of	III	6	14
bills for revenue amended in	III	15	15
other, may originate in	III	15	15
5 members may demand yeas and nays	III	22	16
Senate, vacancies in, how filled	III	25	16
try impeachments	XV	2	49
propose amendments to Constitution	XVI	1	49
Senators, qualification of	III	7	14
first election for	III	8	14
subsequent election for	III	8	14
classification of	III	8	14
terms of, begin	III	10	15
Seizures and searches, people secure against unreasonable	I	16	8
Service of process on corporations	IX	4	36
Servant, no extra compensation	III	30	18
Sexual intercourse	III	33	18
Sinking fund, must have, to redeem bonds	VIII	7	34
School property exempt from taxation	X	4	40
School districts may levy taxes	X	5	41
to same effect	XI	6	44
bonded debt limited	X	5	41
area	XI	5	44
officers to be provided	XI	3	43

	Art.	Sec.	Page.
School, free public, provided	XI	5	44
children, ages of	XI	5	43
districts, all territory in, bear just proportion of bonded debt	X	5	41
funds, how apportioned	XI	6	44
disbursed by Trustees	XI	6	44
Trustees, number of	XI	6	44
how elected	XI	6	44
Schools, separate, for white and colored	XI	7	45
Shares of stockholders of corporations must be taxed, where	X	5	41
Sheriff, election of	V	30	29
term of office of	V	30	29
residence of	V	30	29
disqualified for office second time, when	V	30	29
Soldier not quartered in private house, except	I	26	9
Solicitor, one for each Circuit	V	29	29
election of	V	29	29
term of office of	V	29	29
compensation of	V	29	29
one for each County, when	V	29	29
Speech, freedom of	I	4	7
Speaker of House of Representatives, issue writ of election to fill vacancy	III	25	16
open returns of election of Governor, when	IV	4	20
State have changes of venue, when	VI	2	30
Government, expenses of	X	2	40
shall not be joint owner or stockholder	X	6	41
bonds, denomination of	X	11	42
shall be registered	X	11	42
State bonds, annual tax for interest on	X	11	42
and County school funds, safe keeping of	X	12	42
Board of Education, composed of	XI	2	43
how appointed	XI	2	43
Chairman and Secretary of	XI	2	43
regulate examination of teachers	XI	2	43
award scholarships	XI	2	43
traveling expenses of	XI	2	43
Hospital for Insane—			
Regents of, to be physicians	XII	2	47
Superintendent of	XII	2	47
how appointed	XII	2	47
other physicians and officers appointed	XII	2	47
two years' residence in, necessary to vote	II	4	10
officers enter upon duties, when	IV	2	20
concurrent jurisdiction on boundary rivers	XIV	1	48
vested with title to certain lands	XIV	2	48
Librarian not subject to provisions of Article 17, Section 1	XVII	1	50
Statement of account of public moneys published	X	8	42
Staff officers, how appointed	XIII	4	48
Statute, every, public law, unless	VI	4	30

	Art.	Sec.	Page.
Statutes codified by Commissioner	VI	5	30
every ten years	VI	5	30
Street railway, how right to construct, granted	VIII	4	33
Student, residence of, attending institution of learning	II	7	11
Stock only issued for labor, money or property	IX	10	38
fictitious, void	IX	10	38
Stockholders, liability of	IX	18	39
in banks	IX	18	39
Style of laws	III	16	15
Subsidy not levied, without consent	I	7	7
Suffrage, right of, protected	I	9	7
to same effect	II	15	12
Sureties, all persons, bailable by, except	I	20	8
Superintendent of Education—			
term of office of	XI	1	43
to same effect	IV	24	23
time of election of	XI	1	43
duties and powers of, to be provided	XI	1	43
members of State Board	XI	2	43
Secretary of State Board	XI	2	43
elected by	IV	24	23
compensation of	IV	24	23
Supreme Court, judicial powers vested in	V	1	23
composed of	V	2	24
quorum	V	2	24
issue writs	V	4	24
jurisdiction of	V	4	24
held twice a year at capital	V	5	24
decide each point	V	8	25
put decree in writing	V	8	25
preserve decree in record	V	8	25
decisions of, published	V	32	29
Supreme Being, person denying existence of, cannot hold office	XVII	4	50
Supplementary taxes for schools	XI	6	44
how collected and disbursed	XI	6	45
income of sale of liquors in aid of	XI	12	46
not to be levied, when	XI	12	46
Tax, none for use of navigable waters, except	I	28	9
capitation, on certain domestic animals	X	1	40
on incomes may be provided	X	1	40
none, except in pursuance of law	X	3	40
how applied	X	3	40
for schools, 3 mills	XI	6	44
Taxes, payment of, for past year necessary to vote	II	4	10
certificate or receipt proof of payment	II	4	11
property not exempt from	III	28	17
laid according to actual value	III	29	18
in municipalities restricted	VIII	3	33
corporate must be uniform	VIII	6	34
privileged, how graduated	VIII	6	34
all, levied on same assessment	X	13	43
how collected	X	13	43

	Art.	Sec.	Page.
Taxation, in proportion to value	I	6	7
manufactories, how and when exempt from certain	VIII	8	34
uniform rate of	X	1	40
certain property exempt from	X	4	40
Teachers of public schools, residence of, for voting	II	4	10
Telephone plant, how right to construct, granted	VIII	4	34
Tickets, excursion or commutation, may be issued	IX	5	36
Title to certain lands vest in State	XIV	2	48
Toll, none on navigable waters, except	I	28	9
Tools and implements of single man exempt from levy and sale	III	28	18
Town, no County line through	VII	14	33
none organized, except how	VIII	2	33
Towns may organize under general laws	VIII	1	33
when special charters cease	VIII	1	33
power to levy taxes restricted	VIII	3	33
may acquire and operate water and light plants	VIII	5	34
collect taxes for corporate purposes	VIII	6	34
to same effect	X	5	41
may exempt manufactories from taxes, how	VIII	8	34
Townships corporate bodies	VII	11	32
government for, may be provided	VII	11	32
property exempt from taxation	X	4	40
may tax for corporate purposes	X	5	41
bonded debt of, limited	X	5	41
may issue bonds for what purpose	X	6	42
Treasurer, State, elected by	IV	24	23
term of office of	IV	24	23
compensation of	IV	24	23
Treason defined	I	22	9
how convicted of	I	22	9
Trial Justices declared Magistrates	V	20	27
by jury preserved	V	22	28
Trust funds, appropriating to private use, officers removed for	IV	22	22
Trusts shall be prevented	IX	13	21
"True value in money" defined	X	5	41
Trustees of corporations, how elected	IX	11	21
schools shall disburse school funds	XI	6	44
Truth in evidence in libel	I	21	9
University of South Carolina	XI	8	45
Claflin	XI	8	45
Vacancy in office of penal and charitable institution, how filled	XII	8	47
by impeachment, how filled	XV	1	49
Vacancies in Senate and House of Representatives, how filled	III	25	16
Supreme Court, or inferior tribunals, how filled	V	11	25
Venue, change of, in Magistrates' districts	V	23	28
all cases	VI	2	30
Veto to bill or joint resolutions	IV	23	23
to any part of appropriation bill	IV	23	23
Villages may be permitted to levy what taxes	X	5	41
Volunteer forces exempt from arrest when	XIII	2	48
may be called out when	XIII	2	48
Voting, persons disqualified from	II	6	11
Warrants, how issued	I	16	8

	Art.	Sec.	Page.
Water works, how right to erect, granted	VIII	4	34
and plants, cities may acquire	VIII	5	34
Waters, navigable, highways	I	28	9
free from tax, &c	I	28	9
Wharf, no tax for, unless	I	28	9
White person and negro cannot marry	III	33	18
Widows, certain, pensions for	XIII	5	48
Wife and husband, both sign deed or mortgage of homestead after assignment	III	28	18
Winthrop Normal and Industrial College	XI	8	45
Witness not compelled to be against himself	I	17	8
Witnesses, accused confronted by	I	18	8
shall have process to obtain	I	18	8
not be unduly detained	I	19	8
two, necessary in treason	I	22	9
in lynching cases paid by State	VI	6	31
Woman, unmarried, sexual intercourse of under 14	III	33	18
eligible to certain offices and clerkships	XVII	1	50
married, property of, how held	XVII	9	51
power to contract	XVII	9	57
Writs, certain, issued at chambers	V	25	28
and processes in name of State	V	31	29
attested by Clerk of Court	V	31	29
present, valid, except	XVII	11	51
continued	XVII	11	51
"Yeas" and "nays" may be demanded by five members of Senate	III	22	16
ten members of House	III	22	16
necessary to pass Bill over Governor's veto and entered on Journal	IV	23	22
on addresss of removal entered on Journals	XV	4	49
on amendments to Constitution entered on Journals	XVI	1	49

ORDINANCES

PASSED BY THE

South Carolina Constitutional Convention

OF 1895.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM A PORTION OF THE TERRITORY OF EDGEFIELD COUNTY, TO BE CALLED SALUDA, WITH BOUNDARIES AS HEREINAFTER DESCRIBED.

We, the people of the State of South Carolina, by our delegates in Convention assembled, do ordain:

SECTION 1. That a new judicial and election County, which shall be known as Saluda County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to wit:

Beginning at the centre of Big Saluda River at a point opposite the corner of Edgefield and Lexington Counties, thence the Edgefield and Lexington line to the corner of Lexington and Aiken Counties, thence the Edgefield and Aiken line to a point three miles north of where the public road crosses said line near Lybrand's old mill, thence a straight line to ten-mile post on public highway leading from Edgefield to Columbia near the residence of J. W. L. Bartley, thence a straight line to the junction of the public road leading from Pleasant Cross with the Long Cane road near Wm. Lott's, thence by the Long Cane road to Matt. Mathis' Cross Roads, thence a straight line to Owdom's post-office, thence a straight line to Little Red Hill school house near Dr. Landrum's old place, thence a straight line to a point on the northwestern line of Pine Grove Township, one mile north of Double Bridges, thence along the northwestern boundary of Pine Grove Township, to the point on the old Charleston and Cambridge road where it crosses Halfway Swamp Creek, thence down the middle of Halfway Swamp Creek to a point in the middle of Saluda River opposite the mouth of said creek, thence down the middle of Big Saluda River to

the initial point; and the territory embraced within the said lines shall be known as the County of Saluda.

SECTION 2. That J. H. Edwards, B. W. Crouch, Alvin Ethredge, P. C. Stevens, B. L. Canghman, James P. Bean, C. P. Boozer, J. R. Watson, and J. B. Suddath be, and are hereby, appointed Commissioners to have the boundaries of said new County Saluda as above indicated, surveyed and properly marked, as well as to designate and establish the County seat: *Provided*, That the County seat shall be located within three (3) miles of the geographical centre of the County, to be ascertained by drawing diagonal lines from the four corners of the County and taking the point of crossing as such centre, the particular site to be decided by vote of the people in said County at an election which shall be held in accordance with law by order of the Governor; and to provide suitable buildings for the several Court and County officers, and to select and purchase or procure sites for the usnal public buildings, and contract for and superintend the erection of the court house and jail thereon, and said public buildings shall be built at the expense of the citizens of the said County of Saluda; and to meet the said demand a special tax, not exceeding two mills on the dollar of the assessed value of real and personal property in said County, be levied by the proper County officials hereinafter provided for, in accordance with the laws now in force regulating the assessment and collection of taxes.

SECTION 3. That an election shall be held in the County of Saluda on Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereinafter, for members of the General Assembly and for the regular County officers provided for by the Constitution and laws of the State.

SECTION 4. That until the next apportionment of Representatives the said County of Saluda shall be entitled to two Representatives.

SECTION 5. That the voting precincts heretofore established by law in that portion of Edgefield County embraced in the limits of Saluda County shall be the precincts of Saluda County.

SECTION 6. That the County of Saluda be, and is hereby, attached to the Second Congressional District, and shall form part and parcel of the Fifth Judicial Circuit, and that the regular terms of the Courts of General Sessions and Common Pleas shall be held at such times as shall be fixed by law; and that the Trial Justices located in that portion of Edgefield County embraced in the limits of Saluda County shall be continued in office until their successors shall have been appointed and qualified: *Provided, however*, That from and after the time this ordinance goes into effect they shall be confined and limited in their official capacity, duty and power to said limits of Saluda County.

SECTION 7. That from and after the first day of December, A. D. 1896, all suits pending in the Courts of Edgefield of which the defendants reside in that portion of said County now established as the County of Saluda, and all indictments pending in the said County of Edgefield where the offence was committed in that part of said County now established as the County of Saluda, shall be transferred to the

Calendars of the Courts of the said County of Saluda; and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Saluda.

SECTION 8. That the Governor be, and is hereby, authorized and empowered to appoint a Commission of five persons, two of whom shall be residents of the County of Edgefield, two residents of the new County of Saluda, and one resident of some other County of the State, which said Commission shall divide and apportion between the two Counties herein provided for the present lawful *bona fide* indebtedness of the old County of Edgefield, having regard to the amount of unpaid taxes due to the said County of Edgefield.

SECTION 9. The General Assembly may pass any Act not inconsistent with this Ordinance to carry the same into effect.

Done in Columbia, the sixteenth day of October, in the year of our Lord, one thousand eight hundred and ninety-five.

JNO. GARY EVANS,
President of Convention.

Attest:
S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE AN ALPHABETICAL INDEX AND MARGINAL NOTES TO THE CONSTITUTION AND ORDINANCES OF THE CONVENTION OF THE YEAR 1895.

Whereas, it is desirable to facilitate and afford easy reference to the provisions of the Constitution of the year 1895; now,

Be it ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same:

SECTION 1. That C. M. Efird is hereby authorized and appointed to prepare a complete alphabetical index, with marginal notes, of the Constitution and Ordinances adopted by this Convention, to form a part of this Constitution and Ordinances when printed, and that he receive as compensation therefor fifty dollars, the same to be paid him by the State Treasurer upon the warrant of the Comptroller-General.

JNO. GARY EVANS,
President.

Attest:
S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the people of the State of South Carolina, begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE FOR THE PAYMENT OF INTEREST ON THE PUBLIC DEBT OF THE STATE OF SOUTH CAROLINA TO BECOME DUE ON THE FIRST DAY OF JANUARY, A. D. 1896, AND TO REQUIRE THE GENERAL ASSEMBLY TO MAKE APPROPRIATIONS FOR THAT PURPOSE.

We, the people of South Carolina, by our delegates in Convention assembled, do ordain:

SECTION 1. That the Governor and State Treasurer be, and are hereby, authorized to make arrangements for the payment of the semi-annual interest due on the public debt of the State on the first day of January, A. D. 1896, and, if necessary, in anticipation of the collection of taxes, they are hereby authorized to borrow for that purpose a sum not exceeding one hundred and sixty thousand dollars.

SECTION 2. That the General Assembly, at its next session, is hereby required and directed to make an appropriation for the payment of said loan.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina, begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO AUTHORIZE THE GENERAL ASSEMBLY TO PROVIDE FOR A SINKING FUND IN THE SEVERAL COUNTIES OF THE STATE TO ENABLE THE SAME TO DO BUSINESS ON A CASH BASIS.

Whereas in most, if not in all, of the Counties of the State the taxes are never realized until a year after the levy, and consequently the contracts for ordinary County purposes and for the running of the schools have to be made on a credit instead of a cash basis; and whereas this is an evil that ought to be remedied, Therefore,

Be it ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same:

SECTION 1. That the General Assembly may provide for an annual tax levy, not to exceed one-half of one mill, in each County not now on a cash basis. The proceeds of all such levies shall be used as a sinking fund for each and every County in which it is levied and collected, and shall be invested or paid out as the General Assembly shall direct, until an amount sufficient shall have been collected to put such Counties on a cash basis, then such annual levies shall cease.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the people of the State of South Carolina, begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

IN REGARD TO PAYING THE STATE PRINTER.

Be it ordained by the people of the State of South Carolina, in Convention assembled:

That the Comptroller-General be authorized to audit the accounts of the State Printer for work done for the Convention before or after the adjournment *sine die*, and to draw his warrant upon the State Treasurer therefor upon the production of the proper vouchers.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA.

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE FOR THE PAY OF THE COMMISSIONERS AND MANAGERS OF ELECTION.

Be it ordained by the people of the State of South Carolina:

That the General Assembly, at its next session, shall provide reasonable compensation for the Commissioners, Managers and other officers, who conducted the election for members of this Constitutional Convention.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS NECESSARY TO VALIDATE AND CARRY INTO EFFECT THE SUBSCRIPTIONS TO THE CAPITAL STOCK OF THE CAROLINA, KNOXVILLE AND WESTERN RAILROAD COMPANY, HERETOFORE VOTED FOR AND AUTHORIZED BY THE QUALIFIED ELECTORS OF GREENVILLE COUNTY.

We, the people of South Carolina, by our delegates in Convention assembled, do ordain:

SECTION 1. That nothing contained in the Constitution adopted by the people of South Carolina, now in Convention assembled, shall inhibit the General Assembly from enacting all laws necessary to validate and carry into effect the subscription to the capital stock of the Carolina, Knoxville and Western Railroad Company, heretofore voted for and authorized by the qualified electors of Greenville County: *Provided*, That said railroad company shall comply with all the conditions upon which the said bonds were originally voted: *And provided, further*, That the qualified electors of said County shall reaffirm the grant of authority to issue said bonds at an election called for the purpose within such time as the General Assembly may prescribe.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:
S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF DELEGATES, OFFICERS AND EMPLOYEES OF THE CONVENTION AND OTHER NECESSARY EXPENSES, AND TO REQUIRE THE GENERAL ASSEMBLY TO MAKE ADDITIONAL APPROPRIATIONS TO PAY THE SAME.

We, the people of South Carolina, by our delegates in Convention assembled, do ordain:

SECTION 1. That the amount of $30,000. if so much be necessary, in addition to the $30,000 appropriated by the last General Assembly, be, and is hereby, appropriated to pay the per diem and mileage of the delegates, officers and employees of the Convention and other necessary expenses.

SECTION 2. That the Governor and State Treasurer be, and they are hereby, authorized to borrow sufficient money to meet this additional appropriation, and the State Treasurer is hereby authorized to pay it out upon the warrants of the Comptroller-General, who is hereby required to issue his warrant or warrants for this additional appropriation, or so much thereof, as may be necessary to meet the purposes of this Ordinance.

SECTION 3. That the General Assembly is hereby required and directed, at its next session, to make an appropriation, sufficient to pay the amount of money the State Treasurer is herein authorized to borrow for the payment of the balance of the per diem and mileage of the delegates, officers and employees of the Convention, and other necessary expenses, after the exhaustion of the $30,000 already appropriated by the General Assembly.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:
S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS NECESSARY TO VALIDATE AND CARRY INTO EFFECT SUBSCRIPTIONS TO THE CAPITAL STOCK OF CERTAIN RAILROAD COMPANIES, HERETOFORE VOTED BY THE COUNTY OF FAIRFIELD, AND TO VALIDATE AND AUTHORIZE THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

Be it ordained by the people of South Carolina, in Convention assembled, That nothing contained in the Constitution adopted by the people of South Carolina, now in Convention assembled, shall prohibit the General Assembly from enacting laws necessary to validate and carry into effect the subscription to the capital stock of the Cape Fear and Cincinnati Railroad Company, and the subscription to the capital stock of the Wadesboro, Winnsboro and Camak Railroad Company, heretofore voted for and authorized by the qualified electors of Fairfield County, and to validate and authorize the issue of the bonds of said County in payment of the same: *Provided*, That the said railroad companies comply with all the conditions upon which said subscriptions and bonds were originally voted: *And provided, further*, That the qualified electors of said County reaffirm the grant of authority to issue said bonds in payment of said subscriptions to either or both of said railroad companies at the next general election for State and County officers.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:
S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA :

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

FIXING THE PAY AND MILEAGE OF THE MEMBERS, OFFICERS AND EMPLOYEES OF THIS CONVENTION.

We, the people of South Carolina, in Convention assembled, do ordain:

SECTION 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to pay the expenses of the Constitutional Convention from the tenth day of September, eighteen hundred and ninety-five, to the close of the session (except the time of the recess taken from the fourth day of October, eighteen hundred and ninety-five, to the fifteenth day of October, eighteen hundred and ninety-five,) to the close of the session, as follows : For the per diem of the members at two dollars, and an additional per diem of two dollars from the sixteenth day of October, eighteen hundred and ninety-five, to the end of the session; for the pay of S. W. Vance, Secretary of the Convention, six hundred dollars; for the pay of P. L. Melton, Assistant Secretary of the Convention, four dollars per day; for the pay of H. R. Flannigan, Second Assistant Secretary of the Convention, three dollars per day; for the pay of J. T. Gantt, Journal Clerk, three dollars per day and three dollars per day for indexing after adjournment, not to exceed twenty days, such number of days as are absolutely necessary to be certified to by the Secretary of the Convention; for the pay of D. H. Witherspoon, Bill Clerk, three dollars per day; for the pay of A. H. Dagnall, Reading Clerk, three dollars per day; for the pay of E. P. Jennings, Postal Clerk, two dollars per day; for the pay of R. M. Jolly, Doorkeeper, two dollars and fifty cents per day; for the pay of Joseph Witherspoon, Assistant Doorkeeper, two dollars per day; for the pay of W. J. Shelton, Gallery Doorkeeper, two dollars per day; for the pay of Glenn Smith, James Robinson, J. B. Hughes, Belton Drafts Caughman, J. W. McCalla, U. R. Brooks, Jr., Pages of the Constitutional Convention, each one dollar and fifty cents per day; for the pay of W. W. Lazenbury, West Oliphant, Damon Cantey, Council Cross, James Adamson and Aaron Owens, Laborers, each one dollar and fifty cents per day; for the pay of W. Boyd Evans, Clerk of Judiciary Committee, two dollars per day; for the pay of Benjamin W. Crouch, Clerk of the Suffrage Committee, two dollars per day; for the pay of Levi David, Clerk of the Educational Committee, two dollars per day; for the pay of A. R. Harmon, Clerk of the Executive Committee, two dollars per day; for the pay of J. W. Wessinger, Clerk of the Legislative Committee, two dollars per day; for the pay

of R. L. Freeman, Clerk of the Committee on Finance and Taxation, two dollars per day; for the pay of G. P. Smith, Clerk of the Committee on Declaration of Rights, two dollars per day; for the pay of E. W. Townsend, Clerk of the Committee on Miscellaneous Matters, two dollars per day; for the pay of G. H. Charles, Clerk of the Committee on Counties and County Government, two dollars per day; for the pay of W. H. Yeldell, Chief Clerk of the Engrossing Department, three dollars per day; for the pay of N. H. Stansell, Sergeant-at-Arms, three dollars per day; for the pay of the two Chaplains of the Convention, seventy-five dollars each.

SECTION 2. *Be it further ordained*, That the mileage of the members of the Convention shall be five cents per mile, to and from the Convention by the usual routes. *And be it further ordained*, That according to a resolution passed by the Constitutional Convention on the twenty-first day (Thursday, October third, eighteen hundred and ninety-five), the members, officers and employees of this Convention be paid five cents per mile going to their homes during the recess and returning therefrom.

SECTION 3. *Be it further ordained*, That the following sums, if so much be necessary, be appropriated: To pay for the printing connected with the Convention, ——— dollars; for lights, $700; for stationery, ——— dollars.

SECTION 4. The disbursing officer of this Convention shall, upon the adjournment thereof, or as soon thereafter as practicable, issue to the widows of the late J. O. Byrd, R. H. Hodges and J. M. Sprott, members of this Convention, who died while in attendance thereon, pay certificates for the amounts which would have been due their respective husbands had they lived and been in attendance upon this body when it adjourned.

SECTION 5. Each delegate, officer and employee be allowed mileage at five cents per mile going to his home and returning, for the recess from the twenty-seventh day of November to the third day of December; that no per diem be allowed for said recess to delegates, officers and employees, except to those who remained in Columbia sick during the recess and except those delegates who shall attend the meetings of the Committee on Order, Style and Revision, and the clerks employed by said Committee shall be paid four dollars per day.

Done in Convention, in Columbia, on the third day of December, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT SUCH LAWS AS MAY BE NECESSARY TO VALIDATE AND CARRY INTO EFFECT SUBSCRIPTIONS TO THE CAPITAL STOCK OF CERTAIN RAILROAD COMPANIES, HERETOFORE VOTED BY THE COUNTY OF CHESTERFIELD AND BY THE CITY OF SPARTANBURG, RESPECTIVELY, AND TO VALIDATE AND AUTHORIZE THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

Be it ordained by the people of South Carolina, in Convention assembled, That nothing in the Constitution ordained and established by the people of South Carolina, now in Convention assembled, shall prohibit the General Assembly from enacting such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Chesterfield and Lancaster Railroad Company, and to the Chesterfield and Kershaw Railroad Company, heretofore voted for and authorized by the qualified voters of Chesterfield County, and to validate and authorize the issue of the bonds of said County in payment of the same; or from enacting such laws as may be necessary to validate and carry into effect the subscription by the city of Spartanburg to the capital stock of the Spartanburg and Rutherfordton Railroad Company heretofore voted for and authorized by the qualified voters of the city of Spartanburg, and to validate and authorize the issue of the bonds of said city in payment of the same.

Done in Convention, in Columbia, on the twentieth day of November, A. D. 1895.

JNO. GARY EVANS,
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

THE STATE OF SOUTH CAROLINA:

At a Convention of the people of the State of South Carolina begun and holden at Columbia on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

AN ORDINANCE

TO POSTPONE THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY FROM THE FOURTH TUESDAY IN NOVEMBER, 1895, TO THE SECOND TUESDAY IN JANUARY, 1896.

Be it ordained by the people of South Carolina, in Convention assembled, and by authority of the same, That the next regular session of the General Assembly of this State, appointed by law, to be held on the fourth Tuesday of November, in the year of our Lord one thousand eight hundred and ninety-five, be, and the same is hereby, postponed until the second Tuesday of January, in the year of our Lord one thousand eight hundred and ninety-six; and that the Governor of the State, be, and is hereby, authorized and empowered to issue his proclamation to that effect.

Done in Convention this eighteenth day of November, 1895.

JNO. GARY EVANS.
President of Convention.

Attest:

S. W. VANCE,
Secretary of Convention.

INDEX TO ORDINANCES.

PAGE.

An Ordinance authorizing the Comptroller General to audit accounts of the State Printer.. 88
An Ordinance establishing the County of Saluda..... ..... 83, 84 and 85
An Ordinance fixing the pay of members, officers and employees.....92 and 93
An Ordinance postponing session of General Assembly for 1895..... 95
An Ordinance providing for index and marginal notes for Constitution and Ordinances..... 85
An Ordinance providing for payment of interest on public debt.. 86
An Ordinance providing for sinking fund in several Counties..... 87
An Ordinance providing for pay of Managers and Commissioners of Election. 88
An Ordinance providing for payment of members, officers and employees, and other expenses..... 90
An Ordinance validating subscription to Carolina, Knoxville and Western Railroad Company 89
An Ordinance validating subscription to Cape Fear and Cincinnati Railroad Company..... 91
An Ordinance validating subscription to the Chesterfield and Kershaw Railroad Company..... 94
An Ordinance validating subscription to the Chesterfield and Lancaster Railroad Company..... 94
An Ordinance validating subscription to the Spartanburg and Rutherfordton Railroad Company..... 94
An Ordinance validating subscription to the Wadesboro, Winnsboro and Camak Railroad Company... 91