

1: Victims' Bill of Rights – South Carolina Victim Assistance Network

The unannotated South Carolina Constitution, consisting only of Constitution text, numbering, history, and Editor's notes may be copied from this website at the reader's expense and effort without need for permission.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, 3 for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. The Senate shall chuse their other Officers, and also a President pro tempore , in the Absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. Judgment in Cases of impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators. T he Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, 5 unless they shall by Law appoint a different Day. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days Sundays excepted after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. To borrow Money on the credit of the United States; 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United

States; 5: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; 7: To establish Post Offices and post Roads; 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; 9: To constitute Tribunals inferior to the supreme Court; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District not exceeding ten Miles square as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines , Arsenals, dock-Yards, and other needful Buildings;â€”And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight , but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person. No Bill of Attainder or ex post facto Law shall be passed. No Capitation , or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. No Tax or Duty shall be laid on Articles exported from any State. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: No Money shall be drawn from the Treasury, but in Consequence of Appropriation s made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument , Office, or Title, of any kind whatever, from any King, Prince, or foreign State. No State shall, without the Consent of Congress, lay any Duty of Tonnage , keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows 2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, 9 the Same shall

devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session. Section 3 He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment , he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour , and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;â€”to all Cases affecting Ambassadors, other public Ministers and Consuls;â€”to all Cases of admiralty and maritime Jurisdiction ;â€”to Controversies to which the United States shall be a Party;â€”to Controversies between two or more States;â€”between a State and Citizens of another State; 10 â€”between Citizens of different States, â€”between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction , both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Trial of all Crimes, except in Cases of Impeachment , shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. A Person charged in any State with Treason , Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the

Consent of the Legislatures of the States concerned as well as of the Congress. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State. Section 4 The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive when the Legislature cannot be convened against domestic Violence. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. The Word "the", being interlined between the seventh and eight Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page.

2: South Carolina Constitution - Ballotpedia

The Constitution of the State of South Carolina is the governing document of the U.S. state of South Carolina. www.enganchecubano.com describes the structure and function of the state's government.

In the Constitution, the focus of voter registration became one of "intelligence" instead of "personhood." We can trust white men to do right by the inferior race, but we cannot trust the inferior race with power over the white man. Prior to 1790, the Constitution had been amended times, making it one of the longest state constitutions in the United States. It had become a somewhat chaotic document, in large part because most of the amendments dealt with matters addressed by statute in most other states. The great majority of these amendments dealt with bonded debt limits for local governments. Originally, changes in the bonded debt limits for counties could only be adopted by a statewide vote. Article XVI, Section 1 requires constitutional amendments to be approved by two-thirds of each house of the legislature, approved by the people in an election, and then ratified by a majority of each house of the legislature. If the legislature fails to ratify the amendment, it does not take effect even though it has been approved by the people. Some provisions of the Constitution of South Carolina have conflicted with the U. S. Constitution and the U. S. Supreme Court has had to resolve the constitutionality of some provisions of the former document. Article IV, Section 2, regarding the qualifications of the governor, states: The state supreme court underlined this in *Silverman v. Campbell*, a case which held that these provisions not only violated the Establishment Clause, but also the no religious test clause in Article VI of the United States Constitution. Article XI, Section 7 required racial segregation in schools: Article XI, Section 7 is removed from the current text of the constitution. On April 15, 1901, it was revised to permit divorce for certain reasons. It is believed that South Carolina is the only state in which the grounds for divorce are written into the constitution. The legislature is thus prohibited from creating additional grounds for divorce except by constitutional amendment. Other provisions of the Constitution of South Carolina are unique in certain respects: A two-thirds vote of the South Carolina House of Representatives is required to impeach the governor and other state officials, as opposed to the majority required by the U. S. Constitution and most other state constitutions. South Carolina is the only state where this is the case until when the Amendment 2 was passed to make it a Governor appointed position. Due to extremely strict annexation laws passed by the General Assembly in 1805, incorporated municipalities in South Carolina are usually much smaller in area and population than those elsewhere in the fast-growing Southeast. However, when adjacent suburbs which would be annexed elsewhere are added in, they exhibit sizes and rates of growth similar to many municipalities in neighboring states, such as Georgia and North Carolina.

3: Constitution of the State of South Carolina,

constitution of the state of south carolina 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.

Political power in people. 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. Religious freedom; freedom of speech; right of assembly and petition. 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; due process; equal protection of laws. 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. Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction. 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. Elections, free and open. 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. Temporary absence from the State shall not forfeit a residence once obtained. The power to suspend the laws shall be exercised only by the General Assembly or by its authority in particular cases expressly provided for by it. 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. All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. Searches and seizures; invasions of privacy. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy 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, the person or thing to be seized, and the information to be obtained. The General Assembly may provide for the waiver of an indictment by the accused. Nothing contained in this Constitution is deemed to limit or prohibit the establishment by the General Assembly of a state grand jury with the authority to return indictments irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide. No person shall be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall any person be compelled in any criminal case to be a witness against himself. Taking private property; economic development; remedy of blight. A Except as otherwise provided in this Constitution, 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 for the property. Private property must not be condemned by eminent domain for any purpose or benefit including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use. B For the limited purpose of the remedy of blight, the General Assembly may provide by law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property. Trial by jury; witnesses; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses. All persons shall be, before conviction, bailable by sufficient

sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained. 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 facts. 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. Suspension of habeas corpus. 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. No person shall be imprisoned for debt except in cases of fraud. Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered. 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 prescribed by law. 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 armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly. Procedure before administrative agencies; judicial review. No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review. Provisions of Constitution mandatory. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. B Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a wilful failure to comply with a writ of mandamus is punishable as contempt. C For purposes of this section: The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings. The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Elections to be by secret ballot; protection of right of suffrage. All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret. The right of suffrage, as regulated in this Constitution, shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct. Free exercise of right of suffrage. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State. Every citizen possessing the qualifications required by this Constitution and not laboring under the disabilities named in or authorized by it shall be an elector. Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law. Qualifications of municipal electors. Municipal electors shall possess the qualifications prescribed in this Constitution, but each such elector must have resided in the municipality in which he offers to vote for thirty days next preceding the election. General Assembly may require demonstration of literacy. The General Assembly may require each

person to demonstrate a reasonable ability, except for physical disability, to read and write the English language as a condition to becoming entitled to vote. Disqualifications by reason of mental incompetence or conviction of crime. The General Assembly shall establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and may provide for the removal of such disqualifications. Persons who are confined in any penal institution under the judgment of a court shall not be entitled to vote. The General Assembly shall provide for the registration of voters for periods not less than ten years in duration. Provision shall be made for registration during every year for persons entitled to be registered. The registration lists shall be public records. Appeal by person denied registration. 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 or authorized by this article, and on such appeal the hearing shall be de novo, and the General Assembly shall provide for such appeal. Nominations; conduct of elections; contests. The General Assembly shall provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the administration of elections and for absentee voting, insure secrecy of voting, establish procedures for contested elections, and enact other provisions necessary to the fulfillment and integrity of the election process. Electors privileged from arrest. 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 for voting, and going to and returning therefrom. Secret ballot; employee representation by labor organization. The fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization. Legislative power vested in two branches. 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. A Meeting of General Assembly. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require. 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. Number of members; enumeration of inhabitants. 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: In assigning Representatives to the several Counties, the General Assembly shall allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: Provided, That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency in the number of Representatives required by Section third of this Article, such deficiency shall be supplied by assigning Representatives to those Counties having the largest surplus fractions. When apportionment takes effect. No apportionment of Representatives shall take effect until the general election which shall succeed such apportionment. 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. Qualifications of members of Senate and House of Representatives. No person is eligible for 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 district in which he may be chosen. Senators must be at least twenty-five and Representatives at least twenty-one years of age. A candidate for the Senate or House of Representatives must be a legal resident of the district in which he is a candidate at the time he files for the office. However,

notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected. 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. Sessions of General Assembly.

4: Constitution of South Carolina - Wikisource, the free online library

In Convention of the people of the state of South Carolina, by their representatives, held in the city of Charleston, on Monday the 12th day of May, and continued by divers adjournments to Friday, the 23d day of May, Anno Domini , and in the 12th year of the independence of the United States of America.

He became a major in a regiment that was sent to Boston in an effort to reduce the hostilities against the British government there. In Butler married a wealthy woman from South Carolina and resigned his military commission in order to take up the life of a southern planter. When the Revolution broke out, Butler was a staunch patriot. He served in the state assembly in and the following year again donned a uniform as an adjutant general in the South Carolina militia. Despite his aristocratic background, Butler became a spokesman for and champion of the backcountry farmers against his own planter class. He lost much of his property and wealth in the war but continued to serve his adopted state, sitting as a delegate to the Confederation Congress and to the Philadelphia convention. There he attracted attention in his powdered wig and his coat trimmed in gold lace—and his readiness to remind the gathering of his noble birth. The nationalists welcomed him, however, as he was a vocal supporter of strong government and a key figure in the nationalist caucus. At the same time, he defended the interests of southern slaveholders like himself. Butler served on the critical Committee on Postponed Matters. He served in the U. Senate from to , but his voting record did not mark him as a loyal Federalist or a convert to the newer Jeffersonian party. He showed the same independent bent when he returned briefly to the Senate in to fill out an unexpired term. In his last years, Butler moved to Philadelphia presumably to be near a married daughter there. Unlike many wealthy young men, Pinckney did not attend college but received all his education and his legal training in his home city of Charleston. Late in the war, Pinckney enlisted in the militia. He rose to the rank of lieutenant and served during the siege of Savannah. When Charleston fell, the young officer was captured and remained a British prisoner until the summer of . Meanwhile, Pinckney had begun a political career, serving in the Continental Congress from to and later in the Confederation Congress. He also served several terms in his state legislature. A nationalist, he wanted the government to be strong enough to insure American rights to navigate the Mississippi. At the Philadelphia convention, Pinckney commanded notice. He was ambitious, bold, an excellent speaker, and a key member of the nationalist caucus, although his inflated claims that he had submitted a draft of a plan for the government that was the real basis for the Constitution are unfounded. After the convention he rose rapidly on the South Carolina political scene. He became governor in , an office he held until , and in he chaired the state constitutional convention. At first a Federalist, Pinckney slowly began to shift his allegiances. He opposed the Jay Treaty and began to align himself with the backcountry farmers who were the heart of the Democratic-Republican Party in his state. Senate with the backing of the Democratic-Republicans. As a reward, President Jefferson appointed Pinckney minister to Spain. When he returned from Europe, he took over the reins of the Democratic-Republican Party in his home state. He served a third term as governor from to . In he reentered national politics as a member of Congress, but poor health forced him to retire from political life in .

Charles Cotesworth Pinckney — The eldest son and heir of a prominent planter, lawyer, and political figure and a remarkable mother, the agriculturalist Eliza Lucas Pinckney, Pinckney had every advantage educationally and financially. After he was accepted to the English bar in , he spent almost a year touring Europe and studying with leading European scientists. After his travels Pinckney returned to South Carolina to set up his legal practice. He was immediately elected to the provincial assembly, where he supported the growing opposition movement against Great Britain. When war broke out, he joined the First South Carolina Regiment as a captain and rose rapidly to the rank of colonel. He saw combat in the defense of Charleston and in the Battles of Brandywine and Germantown. When Charleston fell in , he, like Pierce Butler, was taken prisoner by the British. He was not released until . Like his cousin, Pinckney was a leader at the Constitutional Convention and a strong advocate for a powerful national government. After the Constitution was ratified, he became a loyal Federalist, although he refused several national appointments, including secretary of war and a place on the Supreme Court bench. In Pinckney did agree to serve as minister

to France, but the revolutionary leaders of that country refused to receive him. He was one of the American ministers who rejected French efforts to bribe them during what became known as the XYZ affair. Pinckney returned to America in and was appointed a major general in command of U. Following the defeat, Pinckney returned to South Carolina and his legal practice. He continued to serve in his state legislature and to participate in philanthropic activities. He was a charter member of the board of trustees of South Carolina College later the University of South Carolina , head of the Charleston Library Society, and a prominent member of the Society of the Cincinnati. John Rutledge –” Born into a large family of Irish immigrants, Rutledge received his early education from his physician father. He returned soon afterward to his native Charleston, married, and began a successful legal career. He made his fortune, however, from his plantations and slaves. By Rutledge had won a seat in the provincial assembly and remained in this legislative body until independence was declared. There he earned a reputation as one of the greatest orators of his day. As tensions increased between the colonies and Great Britain, Rutledge defended American rights but worked for a peaceful resolution of differences. In he was a delegate to the Continental Congress, and there, too, he pursued a moderate course. Although a patriot, Rutledge was a political conservative, resigning his position in the state legislature when democratic revisions of the state constitution were passed. His views did not prevent his election to the governorship in . When Charleston was taken by the British in , Rutledge suffered severe financial losses. His extensive property holdings were confiscated, and Rutledge was forced to flee to North Carolina. He never recovered his fortune. Rutledge served in the Continental Congress from to and then returned to state offices. At the Philadelphia convention, he was a moderate nationalist, speaking frequently on issues and serving on several important committees. His deepest concern at the convention was the protection of southern interests. President Washington appointed Rutledge as an associate justice of the U. Supreme Court, but he left that bench in to become chief justice of the South Carolina Supreme Court. Washington again called upon him to serve on the U. Court in , this time to replace John Jay as chief justice. His appointment was not confirmed by the Federalist-dominated Senate, however, due in part to his vocal opposition to the Jay Treaty of and in part to signs of mental illness brought on by the death of his wife. The rejection led Rutledge to retire from public life. The delegate biographies are excerpted with the generous permission of Carol Berkin, author of *A Brilliant Solution: Inventing the American Constitution* Harcourt. Sign up for our email newsletter Sign Up.

5: South Carolina - National Constitution Center

This constitution was framed by the "Provincial Congress", of South Carolina and adopted March 26, It was not submitted to the people for ratification. Back.

Visit Website Did you know? George Washington was initially reluctant to attend the Constitutional Convention. Visit Website Soon after America won its independence from Great Britain with its victory in the American Revolution, it became increasingly evident that the young republic needed a stronger central government in order to remain stable. In 1787, Alexander Hamilton, a lawyer and politician from New York, called for a constitutional convention to discuss the matter. The Confederation Congress, which in February 1787 endorsed the idea, invited all 13 states to send delegates to a meeting in Philadelphia. There were 55 delegates in attendance, representing all 13 states except Rhode Island, which refused to send representatives because it did not want a powerful central government interfering in its economic business. Many had served in the Continental Army, colonial legislatures or the Continental Congress known as the Congress of the Confederation as of 1787. In terms of religious affiliation, most were Protestants. Eight delegates were signers of the Declaration of Independence, while six had signed the Articles of Confederation. Political leaders not in attendance at the convention included Thomas Jefferson and John Adams, who were serving as U. John Jay, Samuel Adams and John Hancock were also absent from the convention. Reporters and other visitors were barred from the convention sessions, which were held in secret to avoid outside pressures. Debating the Constitution The delegates had been tasked by Congress with amending the Articles of Confederation; however, they soon began deliberating proposals for an entirely new form of government. After intensive debate, which continued throughout the summer of 1787 and at times threatened to derail the proceedings, they developed a plan that established three branches of national government—executive, legislative and judicial. A system of checks and balances was put into place so that no single branch would have too much authority. The specific powers and responsibilities of each branch were also laid out. Among the more contentious issues was the question of state representation in the national legislature. Delegates from larger states wanted population to determine how many representatives a state could send to Congress, while small states called for equal representation. The issue was resolved by the Connecticut Compromise, which proposed a bicameral legislature with proportional representation of the states in the lower house House of Representatives and equal representation in the upper house Senate. Another controversial topic was slavery. For the purposes of taxation and determining how many representatives a state could send to Congress, it was decided that slaves would be counted as three-fifths of a person. On September 17, George Washington was the first to sign the document. Of the 55 delegates, a total of 39 signed; some had already left Philadelphia, and three—George Mason and Edmund Randolph of Virginia, and Elbridge Gerry of Massachusetts—refused to approve the document. In order for the Constitution to become law, it then had to be ratified by nine of the 13 states. James Madison and Alexander Hamilton, with assistance from John Jay, wrote a series of essays to persuade people to ratify the Constitution. People who supported the Constitution became known as Federalists, while those opposed it because they thought it gave too much power to the national government were called Anti-Federalists. Beginning on December 7, 1787, five states—Delaware, Pennsylvania, New Jersey, Georgia and Connecticut—ratified the Constitution in quick succession. However, other states, especially Massachusetts, opposed the document, as it failed to reserve undelegated powers to the states and lacked constitutional protection of basic political rights, such as freedom of speech, religion and the press. In February 1788, a compromise was reached under which Massachusetts and other states would agree to ratify the document with the assurance that amendments would be immediately proposed. The Constitution was thus narrowly ratified in Massachusetts, followed by Maryland and South Carolina. On June 21, 1788, New Hampshire became the ninth state to ratify the document, and it was subsequently agreed that government under the U. Constitution would begin on March 4, 1789. On February 2, 1789, the U. Supreme Court held its first session, marking the date when the government was fully operative. Rhode Island, the last holdout of the original 13 states, finally ratified the Constitution on May 29, 1790. House of Representatives, introduced 19 amendments to the

Constitution. On September 25, 1791, Congress adopted 12 of the amendments and sent them to the states for ratification. Ten of these amendments, known collectively as the Bill of Rights, were ratified and became part of the Constitution on December 10, 1791. The Bill of Rights guarantees individuals certain basic protections as citizens, including freedom of speech, religion and the press; the right to bear and keep arms; the right to peaceably assemble; protection from unreasonable search and seizure; and the right to a speedy and public trial by an impartial jury. The most recent amendment to the Constitution, Article XXVII, which deals with congressional pay raises, was proposed in 1992 and ratified in 1993. Through all the changes, the Constitution has endured and adapted. However, as Benjamin Franklin said on the closing day of the convention in 1787: "We start our free trial today."

6: Constitution of South Carolina - Wikipedia

The South Carolina Constitution is the governing document of the state of South Carolina.. Features. The South Carolina Constitution describes the structure and function of the state's government.

Constitution of South Carolina Whereas the constitution or form of government agreed to and resolved upon by the freemen of this country, met in congress, the twenty-sixth day of March, one thousand seven hundred and: It therefore becomes absolutely necessary to frame a constitution suitable to that great event. Be it therefore constituted and enacted, by his excellency Rawlins Lowndes, esq. That the following articles, agreed upon by the freemen of this State, now met in general assembly, be deemed and held the constitution and form of government of the said State, unless altered by the legislative authority thereof, which constitution or form of government shall immediately take place and be in force from the passing of this act, excepting such parts as are hereafter mentioned and specified. That the style of this country be hereafter the State of South Carolina. That the legislative authority be vested in a general assembly, to consist of two distinct bodies, a senate and house of representatives, but that the legislature of this State, as established by the constitution or form of government passed the twenty-sixth of March, one thousand and seven hundred and seventy-six, shall continue and be in full force until the twenty-ninth day of November ensuing. That as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the senate and house of representatives thereafter, to be elected by virtue of this constitution, they shall jointly in the house of representatives choose by ballot from among themselves or from the people at large a governor and commander-in-chief, a lieutenant-governor, both to continue for two years, and a privy council, all of the Protestant religion, and till such choice shall be made the former president or governor and commander-in-chief, and vice-president or lieutenant-governor, as the case may be, and privy council, shall continue to act as such. That a member of the senate or house of representatives, being chosen and acting as governor and commander-in-chief or lieutenant-governor, shall vacate his seat, and another person shall be elected in his room. That every person who shall be elected governor and commander-in-chief of the State, or lieutenant-governor, or a member of the privy council, shall be qualified as forthwith; that is to say, the governor and lieutenant-governor shall have been residents in this State for ten years, and the members of the privy council five years, preceding their said election, and shall have in this State a settled plantation or freehold in their and each of their own right of the value of at least ten thousand pounds currency, clear of debt, and on being elected they shall respectively take an oath of qualification in the house of representatives. That no future governor and commander-in-chief who shall serve for two years shall be eligible to serve in the said office after the expiration of the said term until the full end and term of four Years. That no person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, except in the militia, either in this or any other State, or under the authority of the Continental Congress, at one and the same time. That in case of the impeachment of the governor and commander-in-chief, or his removal from office, death, resignation, or absence from the State, the lieutenant-governor shall succeed to his office, and the privy council shall choose out of their own body a lieutenant-governor of the State. And in case of the impeachment of the lieutenant-governor, or his removal from office death, resignation, or absence from the State, one of the privy council to be chosen by themselves, shall succeed to his office until a nomination to those offices respectively, by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent was appointed. That the privy council shall consist of the lieutenant-governor for the time being, and eight other members, five of whom shall be a quorum to be chosen as before directed; four to serve for two years, and four for one year, and at the expiration of one year four others shall be chosen in the room of the last four, to serve for two years, and all future members of the privy council shall thenceforward be elected to serve two years, whereby there will be a new election every Year for half the privy council, and a constant rotation established; but no member of the privy council who shall serve for two years shall be eligible to serve therein after the expiration of the said term until the full end and term of four

years: Provided always, That no officer of the army or navy in the service of the continent or this State, nor judge of any of the courts of law, shall be eligible, nor shall the father, son, or brother to the governor for the time being be elected in the privy council during his administration. A member of the senate and house of representatives being chosen of the privy council, shall not thereby lose his seat in the senate or house of representatives, unless he be elected lieutenant-governor, in which case he shall, and another person shall be chosen in his stead. The privy council is to advise the governor and commander-in-chief when required, but he shall not be bound to consult them unless directed by law. If a member of the privy council shall die or depart this State during the recess of the general assembly, the privy council shall choose another to act in his room, until a nomination by the senate and house of representatives shall take place. The clerk of the privy council shall keep a regular journal of all their proceedings, in which shall be entered the yeas and nays on every question, and the opinion, with the reasons at large, of any member who desires it; which journal shall be laid before the legislature when required by either house. That in case of the absence from the seat of government or sickness of the governor and lieutenant-governor, any one of the privy council may be empowered by the governor, under his hand and seal, to act in his room, but such appointment shall not vacate his seat in the senate, house of representatives, or privy council. That the executive authority be vested in the governor and commander-in-chief, in manner herein mentioned XII. Not less than thirteen members shall be a quorum to do business but the president or any three members may adjourn from day to day. No person who resides in the parish or district for which he is elected shall take his seat in the senate, unless he possess a settled estate and freehold in his own right in the said parish or district of the value of two thousand pounds currency at least, clear of debt; and no non-resident shall be eligible to a seat in the said senate unless he is owner of a settled estate and freehold in his own right, in the parish or district where he is elected, of the value of seven thousand pounds currency at least, also clear of debt. That on the last Monday in November next and the day following, and on the same days of every second year thereafter, members of the house of representatives shall be chosen, to meet on the first Monday in January then next, at the seat of Government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the governor and commander-in-chief for the time being may, by proclamation, with the advice and consent of the privy council, appoint a more secure-and convenient place of meeting, and to continue for two years from the said last Monday in November. And the election of the said members shall be conducted as near as may be agreeable to the directions of the present or any future election act or acts, and where there are no churches or church-wardens in a district or parish, the house of representatives, at some convenient time before their expiration, shall appoint places of election and persons to receive votes and make returns. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion, and hath been a resident in this State for three years previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the election act, and construed to mean clear of debt. But no non-resident shall be eligible to a seat in the house of representatives unless he is owner of a settled estate and freehold in his own right of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected. That if any parish or district neglects or refuses to elect members, or if the members chosen do not meet in general assembly, those who do meet shall have the powers of the general assembly. Not less than sixty-nine members shall make a house of representatives to do business, but the speaker or any seven members may adjourn from day to day. That at the expiration of seven Years after the passing of this constitution, and at the end of every fourteen years thereafter, the representation of the whole State shall be proportioned in the most equal and just manner according to the particular and comparative strength and taxable property of the different parts of the same regard being always had to the number of white inhabitants and such taxable property. That all money bills for the support of government shall originate in the house of representatives, and shall not be altered or amended by the senate, but may be rejected by them, and that no money be drawn out of the public treasury but by the legislative authority of the State. All other bills and ordinances may take rise in the senate or house of representatives, and be altered, amended, or rejected by either. And the senate and house of representatives,

respectively, shall enjoy all other privileges Which have at any time been claimed or exercised by the commons house of assembly. That neither the senate nor house of representatives shall have power to adjourn themselves for any longer time than three days, without the mutual consent of both. The governor and commander-in-chief shall have no power to adjourn, prorogue, or dissolve them, but may, if necessary, by and with the advice and consent of the privy council, convene them before the time to which they shall stand adjourned. And where a bill hath been rejected by either house, it shall not be brought in again that session, without leave of the house, and a notice of six days being previously given. That if any parish or district shall neglect to elect a member or members on the day of election, or in case any person chosen a member of either house shall refuse to qualify and take his seat as such, or die, or depart the State, the senate or house of representatives, as the case may be, shall appoint proper days for electing a member or members in such cases respectively. That if any member of the senate or house of representatives shall accept any place of emolument, or any commission, except in the militia or commission of the peace, and except as is excepted in the tenth article, he shall vacate his seat, and there shall thereupon be a new election; but he shall not be disqualified from serving upon being reelected, unless he is appointed secretary of the State, a commissioner of the treasury, an officer of the customs, register of mesne conveyances, a clerk of either of the courts of justice, sheriff, powder reviewer, clerk of the senate, house of representatives, or privy council, surveyor-general, or commissary of military stores, which officers are hereby declared disqualified from being members either of the senate or house of representatives. And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function, therefore no minister of the gospel or public preacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as governor, lieutenant-governor, a member of the senate, house of representatives, or privy council in this State. That the delegates to represent this State in the Congress of the United States be chosen annually by the senate and house of representatives jointly, by ballot, in the house of representatives, and nothing contained in this constitution shall be construed to extend to vacate the seat of any member who is or may be a delegate from this State to Congress as such. That the form of impeaching all officers of the State for mal and corrupt conduct in their respective offices, not amenable to any other jurisdiction, be vested in the house of representatives. But that it shall always be necessary that two-third parts of the members present do consent to and agree in such impeachment. That the senators and such of the judges of this State as are not members of the house of representatives, be a court for the trial of impeachments, under such regulations as the legislature shall establish, and that previous to the trial of every impeachment, the members of the said court shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence, and no judgment of the said court, except judgment of acquittal, shall be valid, unless it shall be assented to by two-third parts of the members then present, and on every trial, as well on impeachments as others, the party accused shall be allowed counsel. That the lieutenant-governor of the State and a majority of the privy council for the time being shall, until otherwise altered by the legislature, exercise the powers of a court of chancery, and there shall be ordinaries appointed in the several districts of this State, to be chosen by the senate and house of representatives jointly by ballot, in the house of representatives, who shall, within their respective districts, exercise the powers heretofore exercised by the ordinary, and until such appointment is made the present ordinary in Charleston shall continue to exercise that office as heretofore. That the jurisdiction of the court of admiralty be confined to maritime causes. That justices of the peace shall be nominated by the senate and house of representatives jointly, and commissioned by the governor and commander-in-chief during pleasure. They shall be entitled to receive the fees heretofore established by law; and not acting in the magistracy, they shall not be entitled to the privileges allowed them by law. That all other judicial officers shall be chosen by ballot jointly by the senate and house of representatives, and, except the judges of the court of chancery, commissioned by the governor and commander-in-chief during good behavior, but shall be removed on address of the senate and house of representatives. That the sheriffs, qualified as by law directed, shall be chosen in like manner by the senate and house of representatives, when the governor, lieutenant-governor, and privy council are chosen, and commissioned by the governor and

commander-in-chief, for two years, and shall give security as required by law, before they enter on the execution of their office. No sheriff who shall have served for two years shall be eligible to serve in the said office after the expiration of the said term, until the full end and term of four years, but shall continue in office until such choice be made; nor shall any person be eligible as sheriff in any district unless he shall have resided therein for two years previous to the election. That two commissioners of the treasury, the secretary of the State, the register of mesne conveyances in each district, attorney-general, surveyor-general, powder-receiver, collectors and comptrollers of the customs and waiters, be chosen in like manner by the senate and house of representatives jointly, by ballot, in the house of representatives, and commissioned by the governor and commander-in-chief, for two years; that none of the said officers, respectively, who shall have served for four years, shall be eligible to serve in the said offices after the expiration of the said term, until the full end and term of four years, but shall continue in office until a new choice be made: Provided, That nothing herein contained shall extend to the several persons appointed to the above offices respectively, under the late constitution; and that the present and all future commissioners of the treasury, and powder-receivers, shall each give bond with approved security agreeable to law. That all the officers in the army and navy of this State, of and above the rank of captain, shall be chosen by the senate and house of representatives jointly, by ballot in the house of representatives, and commissioned by the governor and commander-in-chief, and that all other officers in the army and navy of this State shall be commissioned by the governor and commander-in-chief. That in case of vacancy in any of the offices above directed to be filled by the senate and house of representatives, the governor and commander-in-chief, with the advice and consent of the privy council, may appoint others in their stead, until there shall be an election by the senate and house of representatives to fill those vacancies respectively XXXII. That the governor and commander-in-chief, with the advice and consent of the privy council, may appoint during pleasure, until otherwise directed by law, all other necessary officers, except such as are now by law directed to be otherwise chosen. That the governor and commander-in-chief shall have no power to commence war, or conclude peace, or enter into any final treaty without the consent of the senate and house of representatives. That the resolutions of the late congress of this State, and all laws now of force here, and not hereby altered, shall so continue until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration. That the governor and commander-in-chief for the time being, by and with the advice and consent of the privy council, may lay embargoes or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the general assembly. That all persons who shall be chosen and appointed to any office or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath: And I do swear [or affirm, as the case may be] that I will, to the utmost of my power, support, maintain, and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants, and adherents, and will serve the said State, in the office of , with fidelity and honor, and according to the best of my skill and understanding: So help me God. That adequate yearly salaries be allowed to the public officers of this State, and be fixed by law. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves In a society for the purposes of religious worship, they shall, on complying with the terms hereinafter mentioned, be, and be constituted a church, and

be esteemed and regarded in law as of the established religion of the State, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement for union of men upon presence of religion shall entitle them to be incorporated and esteemed as a church of the established religion of this State: That there is one eternal God, and a future state of rewards and punishments. That God is publicly to be worshipped. That the Christian religion is the true religion 4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth. And that every inhabitant of this State, when called to make an appeal to God as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And that the people of this State may forever enjoy the right of electing their own pastors or clergy, and at the same time that the State may have sufficient security for the due discharge of the pastoral office, by those who shall be admitted to be clergymen, no person shall officiate as minister of any established church who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the said majority, to choose and procure a minister for them; nor until the minister so chosen and appointed shall have made and subscribed to the following declaration, over and above the aforesaid five articles, viz: No person shall disturb or molest any religious assembly; nor shall use any reproachful, reviling, or abusive language against any church, that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. No person shall speak anything in their religious assembly irreverently or seditiously of the government of this State. No person shall, by law, be obliged to pay towards the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support. But the churches, chapels, parsonages, globes, and all other property now belonging to any societies of the Church of England, or any other religious societies, shall remain and be secured to them forever. The poor shall be supported, and elections managed in the accustomed manner, until laws shall be provided to adjust those matters in the most equitable way. That the whole State shall, as soon as proper laws can be passed for these purposes, be divided into districts and counties, and county courts established. That the penal laws, as heretofore used, shall be reformed, and punishments made in some cases less sanguinary, and in general more proportionate to the crime. That no freeman of this State be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land. That the military be subordinate to the civil power of the State. That the liberty of the press be inviolably preserved. That no part of this constitution shall be altered without notice being previously given of ninety days, nor shall any part of the same be changed without the consent of a majority of the members of the senate and house of representatives. That the senate and house of representatives shall not proceed to the election of a governor or lieutenant-governor, until there be a majority of both houses present. In the council-chamber, the 19th day of March,

7: Constitution for the United States - We the People

The state constitution for South Carolina was revolutionary because it embodied many democratic principles absent from previous constitutions. The new document provided for population alone, rather than wealth or the combination of wealth and population, as the basis for House representation.

Written by Cole Blease Graham, Jr. Although revised several times until abandoned in 1790, the Fundamental Constitutions framed the colony as a social hierarchy, encouraging new settlement based on landownership and a provision for religious freedom. The result was the Fundamental Constitutions. It also inspired the colonial Commons House of Assembly, which became the significant governing body of the colony. South Carolina adopted its first state constitution in 1776. Since then, it has adopted six more: South Carolina became a free and independent state on March 26, 1776, more than three months before the Declaration of Independence. The Provincial Congress dissolved into a General Assembly with a popularly elected lower house, which then elected thirteen of its members to an upper house. Political power stayed firmly in legislative hands and with lowcountry legislators. The upcountry area had a large, white population but was permitted to elect only 64 of the members of the General Assembly. The Anglican Church was disestablished, and the upper house became the popularly elected S. The representation imbalance in the legislature was adjusted so that the upcountry share approached forty percent. In 1786 the General Assembly relocated the capital from Charleston to Columbia, symbolizing increased statewide unity. The following year the General Assembly banned the importation of new slaves. With pressure from the upcountry for increased representation and the new atmosphere under the United States Constitution, a new state constitution emerged, this time from a convention of elected delegates. In the legislative session the General Assembly ratified the third state constitution, and it remained in force until 1877. The constitution of 1790 continued the legislative dominance of lowcountry planters by apportioning representation on the basis of wealth. The legislatively elected governor had no veto power. House member had to own five hundred acres of land and ten slaves in his district. Senators had to own twice as much. Voting was limited to white males, each of whom could vote in any district where he owned fifty acres of land or a lot in town, or in his residential district if he paid three shillings sterling tax there. The power of the legislature was virtually complete over all matters of government in South Carolina. The General Assembly made all of the laws and elected holders of all major offices, including the governor, presidential electors, U. An amendment to the constitution in 1795 gave upcountry white males control of the lower house by a sixteen-vote majority. Under terms of the Compromise of 1793, each election district would have one senator, except for Charleston with two. Despite the changes, the values of the planter elite continued to prevail since plantation agriculture continued to spread into the upcountry. This expansion added to the harmony of political and economic opinion in South Carolina that would eventually support secession. The Secession Convention first met in Columbia in December and then moved to Charleston, where it adopted and signed the Ordinance of Secession on December 17, 1862. The convention also made some changes in the wording of the constitution to accommodate withdrawal from the federal Union, but it changed little else. Under the constitution of 1877, the General Assembly continued to elect the governor. A new state constitution was required for readmission to the Union after the Civil War. President Andrew Johnson appointed a provisional governor, Benjamin F. Perry, to register eligible voters adult males who had taken an oath of allegiance to the United States to elect delegates to a state constitutional convention. Each parish and district elected as many delegates as it had members in the lower house. By not counting senators, Perry tried to advance population-based equity at the convention. The new constitution of 1877 was ratified on September 27, 1877, by the convention rather than by popular vote. It perpetuated the values of the pre-Civil War elite and adopted only limited democratic reforms. The constitutional convention created closer parity between the upcountry and the lowcountry by replacing parishes with more uniformly defined election districts. Each district was given one senator, except Charleston with two. House of Representatives was apportioned on the basis of white population and wealth measured by taxes paid on property based on current values rather than outdated ones. The constitution made only limited moves toward democracy. Legislators continued to elect presidential electors, but the governor was now

popularly elected to a four-year term and granted veto power. Property qualifications for office holding were abolished, but the civil rights of former slaves were not satisfactorily defined. Qualified blacks were still not eligible to vote. Under authority of the congressional Reconstruction Acts, a state constitutional convention met in Charleston on January 14, 1868. Under federal military supervision, African American men voted in South Carolina for the first time in the election for delegates, and three-fifths of the total were black. Many whites refused to participate in the ratification election. The new constitution remains the only whole constitution to be submitted directly to the popular electorate for approval. The United States Congress ratified it on April 16, 1868.

The constitution was revolutionary because it embodied many democratic principles absent from previous constitutions. The new document provided for population alone, rather than wealth or the combination of wealth and population, as the basis for House representation. It also continued popular election of the governor. The popularly elected governor was given a veto that required a two-thirds vote of the General Assembly to override. A two-thirds legislative vote was also required to issue any bonded debt. In an additional amendment required that two-thirds of the voters confirm an increase in the general obligation debt of the state. Although not implemented until decades later, the constitution mandated that the schools should operate for at least six months each year and that all children had to attend school at least twenty-four months four academic years as soon as enough facilities were available. Provisions for the deaf and blind were also ordered. Schools were financed by a poll tax, and an amendment added a property tax to increase support for public education. Maintenance of the state university was made mandatory, and the creation of a normal school and an agricultural college were also required. The status of the newly freed slaves was also solidified in the constitution. Race was abolished as a limit on male suffrage. Disfranchisement could be only for murder, robbery, and dueling. The Black Codes that had flourished under the constitution of 1865 were overturned. There was no provision against interracial marriage, and all the public schools were open to all races. Stirrings that led to the constitutional convention of 1868 began in the 1850s with agricultural and labor groups. The constitution was adopted by a convention and not submitted to a popular referendum. Under the new constitutional authority, the Black Codes would reemerge as Jim Crow laws in forms subtle enough to avoid immediate conflict with the Fifteenth Amendment to the U.S. Poor whites and conservative aristocrats also feared the political manipulation of the large African American majority vote by planters, professional men, and business leaders. The key to disfranchising African Americans was the new suffrage clause in the constitution. Even if a black male voter owned enough property, the constitutional literacy tests could be used by local, white voting registrars to disqualify him. Literacy tests could be used to exclude uncooperative poor whites also. The poll tax was not abolished until 1901, and unregulated local voter registration continued until passage of the federal Voting Rights Act in 1965. The South Carolina tradition of legislative control of local government, as old as colonial times, was also continued. The constitution made no provision for locally elected county governing bodies. The legislative delegation from each county became the county governing board. Despite the preoccupation with race, many of the reform-oriented features of the constitution were retained. However, the practical side of the revisions was that the executive department remained split into many offices, including popularly elected state agency heads. The formal powers of the governor were generally restrained, especially by limits to a two-year term with potential for only one reelection. As early as the 1890s, the professor David D. Wallace questioned whether the constitution needed replacement. By the middle of the twentieth century, criticism of the constitution has become more extensive. For example, the constitution contained amendments, most of which dealt with bonded debt limits for local governments, especially school districts. It was not until 1901 that a constitutional amendment to change the bonded debt of a county could be voted on just within the county and not statewide. South Carolina had the ninth-longest constitution in the country in 1901. The constitution was cluttered with decisions just as easily made and changed by statute. Many citizens and organized groups had recommended constitutional revision, but this was without practical results before the 1950s. A study committee called the West Committee was created by the General Assembly in 1955 to evaluate the need for revision. In the course of its work, the committee focused on each section of the document, painstakingly reviewed each one, and made a specific evaluation to carry over or delete a section. For a section that was to be carried over, the report recommended any needed revisions. The committee also drafted and made the case

for some new sections in the constitution. It proposed seventeen new articles to the General Assembly to be considered through an article-by-article amendment process aligned with the original seventeen articles in the constitution. The plan was to complete the article-by-article revision in committee and submit all seventeen articles at the same time in the general election. Each proposed article had first to be authorized by a two-thirds vote of the S. House and Senate and then approved by a majority of general election voters. The revised article then had to be ratified again by the General Assembly before it was finally included in the constitution. The date of ratification was the effective date for the new amendment. The hope for complete revision in one general election was not achieved. Five revised articles were approved by voters in and ratified in . Since then, developments have gone more slowly.

8: South Carolina's Ratification - The U.S. Constitution Online - www.enganchecubano.com

This constitution was framed by the general assembly of South Carolina, by which it was passed as an " act " March 19, , although it did not go into effect until November, It was soon afterwards declared by the supreme court of South Carolina that both the constitution of and the constitution of were simply acts of the.

Whereas the constitution or form of government agreed to and resolved upon by the freemen of this country, met in congress, the twenty-sixth day of March, one thousand seven hundred and: It therefore becomes absolutely necessary to frame a constitution suitable to that great event. Be it therefore constituted and enacted, by his excellency Rawlins Lowndes, esq. That the following articles, agreed upon by the freemen of this State, now met in general assembly, be deemed and held the constitution and form of government of the said State, unless altered by the legislative authority thereof, which constitution or form of government shall immediately take place and be in force from the passing of this act, excepting such parts as are hereafter mentioned and specified. That the style of this country be hereafter the State of South Carolina. That the legislative authority be vested in a general assembly, to consist of two distinct bodies, a senate and house of representatives, but that the legislature of this State, as established by the constitution or form of government passed the twenty-sixth of March, one thousand and seven hundred and seventy-six , shall continue and be in full force until the twenty-ninth day of November ensuing. That as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the senate and house of representatives thereafter, to be elected by virtue of this constitution, they shall jointly in the house of representatives choose by ballot from among themselves or from the people at large a governor and commander-in-chief, a lieutenant-governor, both to continue for two years, and a privy council, all of the Protestant religion, and till such choice shall be made the former president or governor and commander-in-chief, and vice-president or lieutenant-governor, as the case may be, and privy council, shall continue to act as such. That a member of the senate or house of representatives, being chosen and acting as governor and commander-in-chief or lieutenant-governor, shall vacate his seat, and another person shall be elected in his room. That every person who shall be elected governor and commander-in-chief of the State, or lieutenant-governor, or a member of the privy council, shall be qualified as forthwith; that is to say, the governor and lieutenant-governor shall have been residents in this State for ten years, and the members of the privy council five years, preceding their said election, and shall have in this State a settled plantation or freehold in their and each of their own right of the value of at least ten thousand pounds currency, clear of debt, and on being elected they shall respectively take an oath of qualification in the house of representatives. That no future governor and commander-in-chief who shall serve for two years shall be eligible to serve in the said office after the expiration of the said term until the full end and term of four Years. That no person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, except in the militia, either in this or any other State, or under the authority of the Continental Congress, at one and the same time. That in case of the impeachment of the governor and commander-in-chief, or his removal from office, death, resignation, or absence from the State, the lieutenant-governor shall succeed to his office, and the privy council shall choose out of their own body a lieutenant-governor of the State. And in case of the impeachment of the lieutenant-governor, or his removal from office death, resignation, or absence from the State, one of the privy council to be chosen by themselves, shall succeed to his office until a nomination to those offices respectively, by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent was appointed. That the privy council shall consist of the lieutenant-governor for the time being, and eight other members, five of whom shall be a quorum to be chosen as before directed; four to serve for two years, and four for one year, and at the expiration of one year four others shall be chosen in the room of the last four, to serve for two years, and all future members of the privy council shall thenceforward be elected to serve two years, whereby there will be a new election every Year for half the privy council, and a constant rotation established; but no member of the privy council who shall serve for two years shall be eligible to serve therein after the expiration of the said

term until the full end and term of four years: Provided always, That no officer of the army or navy in the service of the continent or this State, nor judge of any of the courts of law, shall be eligible, nor shall the father, son, or brother to the governor for the time being be elected in the privy council during his administration. A member of the senate and house of representatives being chosen of the privy council, shall not thereby lose his seat in the senate or house of representatives, unless he be elected lieutenant-governor, in which case he shall, and another person shall be chosen in his stead. The privy council is to advise the governor and commander-in-chief when required, but he shall not be bound to consult them unless directed by law. If a member of the privy council shall die or depart this State during the recess of the general assembly, the privy council shall choose another to act in his room, until a nomination by the senate and house of representatives shall take place. The clerk of the privy council shall keep a regular journal of all their proceedings, in which shall be entered the yeas and nays on every question, and the opinion, with the reasons at large, of any member who desires it; which journal shall be laid before the legislature when required by either house. That in case of the absence from the seat of government or sickness of the governor and lieutenant-governor, any one of the privy council may be empowered by the governor, under his hand and seal, to act in his room, but such appointment shall not vacate his seat in the senate, house of representatives, or privy council. That the executive authority be vested in the governor and commander-in-chief, in manner herein mentioned XII. Not less than thirteen members shall be a quorum to do business but the president or any three members may adjourn from day to day. No person who resides in the parish or district for which he is elected shall take his seat in the senate, unless he possess a settled estate and freehold in his own right in the said parish or district of the value of two thousand pounds currency at least, clear of debt; and no non-resident shall be eligible to a seat in the said senate unless he is owner of a settled estate and freehold in his own right, in the parish or district where he is elected, of the value of seven thousand pounds currency at least, also clear of debt. That on the last Monday in November next and the day following, and on the same days of every second year thereafter, members of the house of representatives shall be chosen, to meet on the first Monday in January then next, at the seat of Government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the governor and commander-in-chief for the time being may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting, and to continue for two years from the said last Monday in November. And the election of the said members shall be conducted as near as may be agreeable to the directions of the present or any future election act or acts, and where there are no churches or church-wardens in a district or parish, the house of representatives, at some convenient time before their expiration, shall appoint places of election and persons to receive votes and make returns. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion, and hath been a resident in this State for three years previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the election act, and construed to mean clear of debt. But no non-resident shall be eligible to a seat in the house of representatives unless he is owner of a settled estate and freehold in his own right of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected. That if any parish or district neglects or refuses to elect members, or if the members chosen do not meet in general assembly, those who do meet shall have the powers of the general assembly. Not less than sixty-nine members shall make a house of representatives to do business, but the speaker or any seven members may adjourn from day to day. That at the expiration of seven Years after the passing of this constitution, and at the end of every fourteen years thereafter, the representation of the whole State shall be proportioned in the most equal and just manner according to the particular and comparative strength and taxable property of the different parts of the same regard being always had to the number of white inhabitants and such taxable property. That all money bills for the support of government shall originate in the house of representatives, and shall not be altered or amended by the senate, but may be rejected by them, and that no money be drawn out of the public treasury but by the legislative authority of the State. All other bills and ordinances may take rise in the senate or house of representatives, and be altered, amended, or rejected by

either. And the senate and house of representatives, respectively, shall enjoy all other privileges Which have at any time been claimed or exercised by the commons house of assembly. That neither the senate nor house of representatives shall have power to adjourn themselves for any longer time than three days, without the mutual consent of both. The governor and commander-in-chief shall have no power to adjourn, prorogue, or dissolve them, but may, if necessary, by and with the advice and consent of the privy council, convene them before the time to which they shall stand adjourned. And where a bill hath been rejected by either house, it shall not be brought in again that session, without leave of the house, and a notice of six days being previously given. That if any parish or district shall neglect to elect a member or members on the day of election, or in case any person chosen a member of either house shall refuse to qualify and take his seat as such, or die, or depart the State, the senate or house of representatives, as the case may be, shall appoint proper days for electing a member or members in such cases respectively. That if any member of the senate or house of representatives shall accept any place of emolument, or any commission, except in the militia or commission of the peace, and except as is excepted in the tenth article, he shall vacate his seat, and there shall thereupon be a new election; but he shall not be disqualified from serving upon being reelected, unless he is appointed secretary of the State, a commissioner of the treasury, an officer of the customs, register of mesne conveyances, a clerk of either of the courts of justice, sheriff, powder reviewer, clerk of the senate, house of representatives, or privy council, surveyor-general, or commissary of military stores, which officers are hereby declared disqualified from being members either of the senate or house of representatives. And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function, therefore no minister of the gospel or public preacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as governor, lieutenant-governor, a member of the senate, house of representatives, or privy council in this State. That the delegates to represent this State in the Congress of the United States be chosen annually by the senate and house of representatives jointly, by ballot, in the house of representatives, and nothing contained in this constitution shall be construed to extend to vacate the seat of any member who is or may be a delegate from this State to Congress as such. That the form of impeaching all officers of the State for mal and corrupt conduct in their respective offices, not amenable to any other jurisdiction, be vested in the house of representatives. But that it shall always be necessary that two-third parts of the members present do consent to and agree in such impeachment. That the senators and such of the judges of this State as are not members of the house of representatives, be a court for the trial of impeachments, under such regulations as the legislature shall establish, and that previous to the trial of every impeachment, the members of the said court shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence, and no judgment of the said court, except judgment of acquittal, shall be valid, unless it shall be assented to by two-third parts of the members then present, and on every trial, as well on impeachments as others, the party accused shall be allowed counsel. That the lieutenant-governor of the State and a majority of the privy council for the time being shall, until otherwise altered by the legislature, exercise the powers of a court of chancery, and there shall be ordinaries appointed in the several districts of this State, to be chosen by the senate and house of representatives jointly by ballot, in the house of representatives, who shall, within their respective districts, exercise the powers heretofore exercised by the ordinary, and until such appointment is made the present ordinary in Charleston shall continue to exercise that office as heretofore. That the jurisdiction of the court of admiralty be confined to maritime causes. That justices of the peace shall be nominated by the senate and house of representatives jointly, and commissioned by the governor and commander-in-chief during pleasure. They shall be entitled to receive the fees heretofore established by law; and not acting in the magistracy, they shall not be entitled to the privileges allowed them by law. That all other judicial officers shall be chosen by ballot jointly by the senate and house of representatives, and, except the judges of the court of chancery, commissioned by the governor and commander-in-chief during good behavior, but shall be removed on address of the senate and house of representatives. That the sheriffs, qualified as by law directed, shall be chosen in like manner by the senate and house of representatives, when the governor, lieutenant-governor, and privy council are chosen, and commissioned by the governor and

commander-in-chief, for two years, and shall give security as required by law, before they enter on the execution of their office. No sheriff who shall have served for two years shall be eligible to serve in the said office after the expiration of the said term, until the full end and term of four years, but shall continue in office until such choice be made; nor shall any person be eligible as sheriff in any district unless he shall have resided therein for two years previous to the election. That two commissioners of the treasury, the secretary of the State, the register of mesne conveyances in each district, attorney-general, surveyor-general, powder-receiver, collectors and comptrollers of the customs and waiters, be chosen in like manner by the senate and house of representatives jointly, by ballot, in the house of representatives, and commissioned by the governor and commander-in-chief, for two years; that none of the said officers, respectively, who shall have served for four years, shall be eligible to serve in the said offices after the expiration of the said term, until the full end and term of four years, but shall continue in office until a new choice be made: Provided, That nothing herein contained shall extend to the several persons appointed to the above offices respectively, under the late constitution; and that the present and all future commissioners of the treasury, and powder-receivers, shall each give bond with approved security agreeable to law. That all the officers in the army and navy of this State, of and above the rank of captain, shall be chosen by the senate and house of representatives jointly, by ballot in the house of representatives, and commissioned by the governor and commander-in-chief, and that all other officers in the army and navy of this State shall be commissioned by the governor and commander-in-chief. That in case of vacancy in any of the offices above directed to be filled by the senate and house of representatives, the governor and commander-in-chief, with the advice and consent of the privy council, may appoint others in their stead, until there shall be an election by the senate and house of representatives to fill those vacancies respectively XXXII. That the governor and commander-in-chief, with the advice and consent of the privy council, may appoint during pleasure, until otherwise directed by law, all other necessary officers, except such as are now by law directed to be otherwise chosen. That the governor and commander-in-chief shall have no power to commence war, or conclude peace, or enter into any final treaty without the consent of the senate and house of representatives. That the resolutions of the late congress of this State, and all laws now of force here, and not hereby altered, shall so continue until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration. That the governor and commander-in-chief for the time being, by and with the advice and consent of the privy council, may lay embargoes or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the general assembly. That all persons who shall be chosen and appointed to any office or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath: And I do swear [or affirm, as the case may be] that I will, to the utmost of my power, support, maintain, and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants, and adherents, and will serve the said State, in the office of , with fidelity and honor, and according to the best of my skill and understanding: So help me God. That adequate yearly salaries be allowed to the public officers of this State, and be fixed by law. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves In a society for the purposes of religious worship, they shall, on complying with the terms hereinafter mentioned, be, and be constituted a church, and

be esteemed and regarded in law as of the established religion of the State, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement for union of men upon presence of religion shall entitle them to be incorporated and esteemed as a church of the established religion of this State: That there is one eternal God, and a future state of rewards and punishments. That God is publicly to be worshipped. That the Christian religion is the true religion 4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth. And that every inhabitant of this State, when called to make an appeal to God as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And that the people of this State may forever enjoy the right of electing their own pastors or clergy, and at the same time that the State may have sufficient security for the due discharge of the pastoral office, by those who shall be admitted to be clergymen, no person shall officiate as minister of any established church who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the said majority, to choose and procure a minister for them; nor until the minister so chosen and appointed shall have made and subscribed to the following declaration, over and above the aforesaid five articles, viz: No person shall disturb or molest any religious assembly; nor shall use any reproachful, reviling, or abusive language against any church, that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. No person whatsoever shall speak anything in their religious assembly irreverently or seditiously of the government of this State. No person shall, by law, be obliged to pay towards the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support. But the churches, chapels, parsonages, globes, and all other property now belonging to any societies of the Church of England, or any other religious societies, shall remain and be secured to them forever. The poor shall be supported, and elections managed in the accustomed manner, until laws shall be provided to adjust those matters in the most equitable way. That the whole State shall, as soon as proper laws can be passed for these purposes, be divided into districts and counties, and county courts established. That the penal laws, as heretofore used, shall be reformed, and punishments made in some cases less sanguinary, and in general more proportionate to the crime. That no freeman of this State be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land. That the military be subordinate to the civil power of the State. That the liberty of the press be inviolably preserved. That no part of this constitution shall be altered without notice being previously given of ninety days, nor shall any part of the same be changed without the consent of a majority of the members of the senate and house of representatives. That the senate and house of representatives shall not proceed to the election of a governor or lieutenant-governor, until there be a majority of both houses present. In the council-chamber, the 19th day of March,

9: What Was in the Fundamental Constitution of Carolina? | Synonym

South Carolina Constitution Notes [edit] ^ Mattie Erma E. Parker, Apr. , The First Fundamental Constitutions of Carolina, The South Carolina Historical Magazine, The South Carolina Historical Society, pp.

Changes to the statutes enacted by the General Assembly, which will convene in January , will be incorporated as soon as possible. Some changes enacted by the General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, or changes which may have been enacted since the Regular Session or which took effect after this database was prepared and users rely on the data entirely at their own risk. The General Assembly of this State may enact local or special laws concerning the laying out, opening, altering or working roads or highways, and concerning the providing for the age at which citizens shall be subject to road duty, and concerning drainage. The electors of Charleston County are granted powers to adopt, revise, and amend from time to time a home rule charter. The charter may provide for the consolidation of any and all units of government located in Charleston County and may provide for the consolidation of any and all of the governmental and corporate functions now or hereafter vested in Charleston County, municipal corporations, special districts, townships, school districts, and any other political entities located within the county. The government created by the charter shall have all the powers and rights possessed by the various political entities prior to the approval of the charter, shall acquire any additional powers granted to such units of government by the State, and shall be recognized by the State as a legal political entity, and shall be a body politic and corporate and a political subdivision of the State of South Carolina. Before becoming effective, the charter and any revisions thereof and amendments thereto, shall be approved by a majority of the qualified electors of Charleston County voting in an election in which the charter or such revisions or amendments are submitted to the qualified electors of Charleston County; provided, that in the initial election on the question of whether or not the charter shall become effective, the charter must be approved a by a majority of all of the voting electors of all incorporated cities, towns and townships, whose votes shall be counted in one group, and b by a majority of all of the voting electors of the unincorporated territory of the county where votes shall be counted in another group, and failing such approval the home rule charter shall fail. The General Assembly shall provide for such elections by law which shall require adequate public hearings prior thereto. The home rule charter consolidating and regulating governments in Charleston County shall be prepared by a charter commission created in a manner designated by law; provided, that not less than seventy-five percent of the membership of the charter commission shall consist of persons representing defined districts on a population basis. The law creating the charter commission shall provide for financial support needed by the charter commission. The charter shall provide for the election of a governing body from specially defined districts, or from the area at large, or a combination of both. The charter shall provide for the organization of government, the enactment of ordinances protecting the health, safety, morals, and general welfare of the area governed by the charter, and the selection of administrative officials except those whose election is provided for elsewhere in this Constitution who shall continue to be so elected. The charter may provide for districts within the county for the imposition of taxes, licenses, service charges, fees, and other revenues, for the incurring of bonded indebtedness, and the providing of services. The charter shall provide for the protection of the creditors and contractual obligations of any governmental unit which may be merged or consolidated by the charter. The governmental unit created by the charter may issue general obligation bonds upon approval of at least three fifths of the governing body or upon the approval of a majority of the qualified electors of the district or area upon which the taxes are to be imposed voting in an election on the question of issuing such bonds; and incur other forms of indebtedness now or hereafter authorized by the General Assembly for the governments existing prior to consolidation or for the government created under the charter. The charter shall provide for a system of courts inferior to circuit courts which may hear cases arising from the ordinances enacted by the government established under the charter and exercise all powers now or hereafter granted to magistrates, municipal, or inferior courts by the Constitution and laws of the State. Except as provided in this section, the

charter shall not conflict with the Constitution of South Carolina or general State-wide laws. Upon and after the effective date of the charter, the General Assembly shall have no power to enact local or special laws relating to Charleston County and any and all existing local or special laws relating to Charleston County may be modified or nullified by the governing body. The restrictions and limitations of Article VIII, Section 7 and Article X, Section 5 of the South Carolina Constitution relating to the incurring of bonded debt shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article X, Section 5, of the South Carolina Constitution requiring uniformity of taxes in respect to persons and property within the jurisdiction of the body imposing the same shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article X, Section 5 and Article X, Section 6 of the South Carolina Constitution relating to the purposes for which taxes may be levied and bonds issued shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article II, Section 13 of the South Carolina Constitution relating to special election for bonding municipalities shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article V, Sections 20 and 21 of the South Carolina Constitution relating to magistrates shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article VII, Section 11, of the South Carolina Constitution relating to township government shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. The restrictions and limitations of Article VIII, Section 1 of the South Carolina Constitution relating to organizations and classification of municipal corporations shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

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