

# The Constitution of the State of South Carolina

The Delegates of the People of the State of South Carolina in General Convention met at session and establish this Constitution for its Government.

## Article I

Section 1. The Legislative Authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen by the People every second year, by the Citizens of this State, qualified as in this Constitution is provided.

Section 3. The several Election Districts in this State shall elect the following Number for Representatives, viz.

Christ Church	Three Members	Winyaw, not including any part of All Saints	Three Members	Abbeville	One Member
John Berkeley	Three Members	Kingston, not including any part of All Saints	Two Members	Edgefield	One Member
St. Andrew	Three Members	Williamsburgh	Two Members	Charlottesville, including the Fork between Broad and Saluda Rivers	Three Members
St. George, Dorchester	Three Members	Liberty	Two Members	Lawson	Three Members
St. James, Goose Creek	Three Members	Northborough	Two Members	Union	Two Members
St. Thomas and St. Dennis	Three Members	Charlestown	Two Members	Spawton	Two Members
St. Paul	Three Members	Darlington	Two Members	Greenville	Two Members
St. Bartholomew	Three Members	York	Three Members	Rowland	Three Members
St. James, Lancaster	Three Members	Charleston	Two Members	St. Matthews	Two Members
St. John, Colleton	Three Members	Fairfield	Two Members	Orange	Two Members
St. Stephen	Three Members	Richland	Two Members	Winters, including the District between Savannah River and the North Fork of Ogeechee	Three Members
St. Helena	Three Members	Lancaster	Two Members	Face Both	Three Members
St. Luke	Three Members	Henlow	Two Members		
Prince William	Three Members	Clarendon	Two Members		
St. Peter	Three Members				

Section 4. Every free white Male of the age of twenty one years, being a Citizen of this State and having resided therein for one year previous to the day of Election, and who hath a Freehold of fifty Acres of Land, or a Town Lot of which he hath been legally seized and possessed at least six Months before such Election, or not having such Freehold or Town Lot hath been a Resident in the Election District in which he offers to give his Vote, six Months before the said Election, and hath paid a Tax the preceding year of three shillings Sterling towards the support of this Government, shall have a right to vote for a Member or Members to serve in either Branch of the Legislature for the Election District in which he holds such Property, or is a resident.

Section 5. The returning Officer or any other person present, entitled to vote, may require any person who shall offer his Vote at an Election to produce a Certificate of his Citizenship, and Receipt from the Tax Collector of his having paid a Tax, in which case he may refuse to vote, or to swear or affirm that he is duly qualified to vote agreeable to this Constitution.

Section 6. No Person shall be eligible to a Seat in the House of Representatives unless he is a free white Male, of the age of twenty one years and hath been a Citizen and Resident in this State two years previous to his Election. If a Resident in the Election District he shall not be eligible for a Seat in the House of Representatives unless he be legally seized and possessed of a settled Freehold Estate of five hundred Acres of Land and Ten Acres, or of a Real Estate of the value of one hundred and fifty pounds Sterling clear of Debt. If a non-resident he shall be legally seized and possessed of a settled Freehold Estate of the value of five hundred Acres of Land and Ten Acres, or of a Real Estate of the value of one hundred and fifty pounds Sterling clear of Debt.

Section 7. The Senate shall be composed of Members to be chosen for four years in the following proportions by the Citizens of this State qualified to elect Members to the House of Representatives at the same time in the same manner, and at the same places, where they shall vote for Representatives, viz.

Christ Church, incl. St. Philip & St. Michael	Two Members	St. Helena	One Member	Abbeville	One Member
Christ Church	One Member	St. Luke	One Member	Edgefield	One Member
John Berkeley	One Member	Prince William	One Member	Charlottesville, including the Fork between Broad and Saluda Rivers	One Member
St. Andrew	One Member	St. Paul	One Member	Lawson	One Member
St. George	One Member	All Saints	One Member	Union	One Member
St. James, Goose Creek	One Member	Winyaw and Williamsburgh	One Member	Spawton	One Member
St. Thomas and St. Dennis	One Member	Liberty and Kingston	One Member	Greenville	One Member
St. Paul	One Member	Northborough, Charlestown & Darlington	Two Members	Rowland	One Member
St. Bartholomew	One Member	York	One Member	St. Matthews and Orange	One Member
St. James, Lancaster	One Member	Richland, Richland and Charleston	One Member	Winters, including the District between Savannah River and the North Fork of Ogeechee	One Member
St. John, Colleton	One Member	Lancaster and Rowland	One Member	Face Both	One Member
St. Stephen	One Member	Clarendon and Clarendon	One Member		



### Article III

Section 1. The Judicial Power shall be vested in such superior and inferior Courts of Law and Equity, as the Legislature shall from time to time direct and establish.  
Section 2. The Judges of said Courts shall have their Commissions during good behaviour, and the Judges of the Superior Courts shall at stated times receive a compensation for their services, which shall neither be increased nor diminished during their continuance in office, but they shall receive no other emolument of office, neither in this State, nor in any other State, nor in any other Power.  
Section 3. The Trial of all Crimes shall be the sole of both Branches and all Prosecutions shall be carried on in both Branches and by the Authority of the State of both Carolina and conclude against the State and South of the State.

### Article IV

All Persons who shall be chosen or appointed to any office of Profit or Trust, before entering on the execution thereof shall take the following Oath: "I do swear or affirm that I am not qualified according to the Constitution of this State to be chosen or appointed to the office to which I have been appointed and will to the best of my abilities discharge the Duties thereof and preserve, protect and defend the Constitution of this State, as if the United States had been." This Oath shall be taken before the Governor or some other Person authorized by the Legislature to administer the Oath.

### Article V

Section 1. The House of Representatives shall have the sole Power of impeaching, but no impeachment shall be made until by the concurrence of two thirds of the House of Representatives.  
Section 2. All Impeachments shall be tried by the Senate when sitting for that purpose, the Senators shall be on oath or affirmation, and no Person shall be convicted without the concurrence of two thirds of the Members present.

Section 3. The Governor, Lieutenant Governor, and all the Civil Officers, shall be liable to impeachment for any Misconduct in office, but Judgment in such cases shall not extend further than removal from office and disqualification to hold any office of Honor, Profit, or Trust, under this State, the Party convicted shall nevertheless be liable to indictment, trial, Judgment and punishment as in Law made.

### Article VI

Section 1. The Judges of the Superior Courts, Commissioners of the Treasury, Secretary of the State, and Surveyor General shall be elected by joint ballot of both Branches in the House of Representatives for the term of four years, and shall not be again eligible for four years after the term for which they shall have been elected.  
Section 2. The Lieutenant Governor, and all the Civil Officers, shall hold their offices for four years and not be again eligible for four years after the term for which they shall have been elected.

Section 3. All Commissions shall be in the Name and by the Authority of the State of South Carolina, and be sealed with the Seal of the State, and signed by the Governor.

### Article VII

All Laws of force at the passing of this Constitution shall continue until altered or repealed by the Legislature, except where they are temporary, in which case they shall expire at the time respectively limited for their duration, if not continued by act of the Legislature.

### Article VIII

Section 1. The free exercise and enjoyment of religious profession and worship without discrimination or preference, shall forever hereafter be secured within this State to all Mankind, provided that the safety of the State requires hereby, and shall not be construed as to excuse Acts of licentiousness or practices inconsistent with the Peace or Safety of this State.

Section 2. The Rights of Conscience, Immunities and Estates of both civil and religious, and of Corporate Bodies shall remain as if the Constitution of this State had not been altered or amended.

### Article IX

Section 1. All Powers originally vested in the People, and all free Governments are founded on their Authority, and are instituted for their Peace, Safety, and Happiness.  
Section 2. No Freeman of this State shall be taken or imprisoned, or deprived of his Freedom, Liberty, or Privilege, or outlawed, or exiled, or in any manner destroyed, or deprived of his Estate, Liberty, or Property, without the Judgment of his Peers, or by the Law of the Land, or shall any Bill of Attainder, or Bill of Exile, or Law impairing the Obligation of Contract be passed by the Legislature of this State.

Section 3. The Military shall be subordinate to the Civil Power.

Section 4. No Soldier or Sailor shall be required, nor excessive fines imposed, nor cruel Punishments inflicted.

Section 5. The Legislature shall not grant any Title of Nobility or Honorary distinction, nor create any office, the Appointment to which shall be for any longer term than during good behavior.

Section 6. No Title of Nobility or Honorary distinction shall be granted to any Person, and the Liberty of the Press shall be forever inviolably preserved.

### Article X

Section 1. The Officers of the Treasury shall be in future conducted by two Members one of whom shall hold his office and reside at Columbia, the other shall hold his office and reside at Charleston.

Section 2. The Secretary of State and Surveyor General shall hold their Offices both at Columbia and at Charleston. They shall reside at one Place, and their Deputies at the other.

Section 3. At the Conclusion of the Circuit, the Judges shall meet and sit at Columbia for the purpose of hearing all Actions which may be made for redress of wrongs, and such other business as may be submitted to them. From Columbia they shall proceed to Charleston and thence to other Places, and determine all such Actions for redress of wrongs, and such other business as may be submitted to them.

### Article XI

Section 1. The Governor shall always reside during the sitting of the Legislature at the Place where the Session may be held, and at all other times when convened by the Legislature, he shall reside at the Place where the Session may be held.

Section 2. The Legislature shall, as soon as may be convenient, pass Laws for the abolition of the Rights of Primogeniture, and for giving an equitable distribution of the Real Estate of this State.

DONE in Convention, at Columbia the third day of June in the year of our Lord one thousand seven hundred and Ninety, and in the fourteenth year of the Independence of the United States of America.

By the unanimous order of the Convention.

Charles Pinckney, President.

Arthur John Sanford Duck,

Secretary.

State of South Carolina  
Notary Public Office

I Peter Fremantle Notary of the State of South Carolina do hereby certify that the foregoing is a true copy of the Constitution of the said State taken from the original now remaining of record in the Secretary's Office in Charleston.  
Given under my hand this 20 day of August 1890.

Peter Fremantle

*Alonzo Sandford Part. Secretary.*

I Peter Foreman Secretary of the State of South Carolina do hereby certify the foregoing to be true Copies of the Minutes annexed to the Constitution of the said State, compared with the Original now remaining of Record in the Secretarys Office  
Columbia this 24<sup>th</sup> Day of June 1790

State of South Carolina

The Officers, &  
 By His Excellency's Command  
 Peter Trenchard  
 Secretary.