



South Carolina.

In a Congress begun and holden at Charles-Town on Wednesday the first day of November, One thousand seven hundred and seventy five, and continued by divers adjournings To Tuesday the Twentieth sixth day of March, One thousand seven hundred and seventy six?

A Constitution or Form of Government agreed To and Resolved upon by the Representatives of South-Carolina.

Whereas the British Parliament claiming of late Years a Right, to bind the North American Colonies by Law in all Cases whatsoever, have Enacted Statutes for raising a Revenue in those Colonies and disposing of such Revenue, as they thought proper without the consent, and against the will of the Colonists. And Whereas it appearing to them that (they not being represented in Parliament) such claim was altogether unconstitutional, and if admitted would at once, reduce them, from the rank of Freemen to a State of the most abject Slavery, the said Colonies were therefore severally remonstrated against the passing, and petitioned for the repeal of those Acts, but in vain. And Whereas the said claim being persisted in, other unconstitutional and oppressive Statutes have been since enacted by which the powers of Admiralty Courts in the Colonies are extended beyond their ancient limits, and Jurisdiction is given to such Courts in Cases similar to those, which in Great Britain are triable by Jury — Persons are liable to be sent to and tried in Great Britain for an Offence created and made capital by one of those Statutes, though committed in the Colonies — The Harbour of Boston was blocked up — People indicted for Murder in the Massachusetts Bay, may at the will of a Governor be sent for Trial, to any other Colony or even to Great Britain — The chartered Constitution of Government in that Colony is materially altered — The English laws and a free Government, to which the Inhabitants of Quebec were entitled by the Kings Royal Proclamation, are abolished; and French Laws are restored: The Roman Catholic Religion (although before tolerated and freely exercised there) and an absolute Government are established in that Province, and its limits, extended through a vast tract of Country, so as to border on the free Protestant English settlements with design of using a whole People differing in Religious Principles from the neighbouring Colonies, and subject to arbitrary power, as fit Instruments to over-awe and subdue the Colonies. And Whereas the Delegates of all the Colonies on this Continent from Nova-Scotia To Georgia assembled in a General Congress at Philadelphia in the most dutiful manner layed their Complaints at the foot of the Throne, and humbly implored their Sovereign that his Royal authority and interposition might be used, for their relief from the Grievances occasioned by those Statutes, and assured his Majesty that harmony between Great Britain and America, ardently desired by the latter would be thereby immediately restored, and that the Colonists confided in the magnanimity and Justice of the King and Parliament for redress of the many other Grievances under which they laboured. And Whereas these Complaints being wholly disregarded, Statutes still more cruel than those above-mentioned have been enacted prohibiting the intercourse of the Colonies with each other, restricting their Trade and depriving many thousands of the

means of Subsistance by restraining them from Fishing on the American coast. And Whereas large Fleets and Armies having been sent to America in order to enforce the execution of those laws, and to compel an absolute and implicit submission to the Will of a corrupt and despotick administration, and, in consequence thereof, Hostilities having been commenced in the Massachusetts Bay by the troops under Command of General Gage whereby a number of peaceable, helpless and unarmed People were wantonly robbed and Murdered, and there being just reason to apprehend, that like Hostilities would be committed in all the other Colonies. The Colonists were therefore driven to the necessity of taking up Arms, to repel force by force, and to defend themselves and their properties against lawless Invasions and depredations — Nevertheless the Delegates of the said Colonies assembled in another Congress at Philadelphia anxious to procure a Reconciliation with Great Britain upon just and constitutional principles, supplicated his Majesty to direct some mode by which the united applications of his faithful Colonists might be improved into a happy and permanent reconciliation; That in the mean time measures might be taken for preventing the further destruction of their lives, and that such Statutes as immediately distressed any of the Colonists might be repealed. And Whereas instead of obtaining that Justice, to which the Colonists were and are of right intitled, the unnatural Civil War, into which they were thus precipitated and are involved, hath been prosecuted with unremitted violence, and the Governors and others bearing the Royal Commission in the Colonies, having broken the most solemn promises and engagements and violated every obligation of Honour, Justice and Humanity, have caused the persons of divers good People to be seized and imprisoned, and their properties to be faceably taken and detained, or destroyed, without any Crime or forfeiture — excited Domestic Insurrections — proclaimed Freedom to servants and Slaves — enticed or stolen them from, and armed them against their Masters — instigated and encouraged the Indian Nations to war against the Colonies — distressed with the Law of the Land, and substituted the Law-Martial in its Stead — Killed many of the Colonists — burned several Towns and threatened to burn the rest And daily endeavour by a Conduct which has sullied the British Arms, and would disgrace even Savage Nations, to effect the ruin and destruction of the Colonies. And Whereas a Statute hath been lately passed whereby under pretence that the said Colonies are in open Rebellion, all Trade and Commerce whatsoever with them is prohibited — Vessels belonging to their Inhabitants trading in, to, or from the said Colonies with the Cargoes and Effects on board such Vessels are made lawful prize, and their Masters and Crews of such Vessels are subjected by force to act on board the King's Ships against their Country and dearest friends — and all Seizures and detentions or destruction of the persons and properties of the Colonists which have at any time been made or committed for withstanding or surpreising the said pretended, Rebellion, and which shall be made in pursuance of the said act, or for the service of the Public are justified, and persons suing for damages, in such Cases, are on failing in their Suits subjected to payment of very heavy expences. And Whereas large reinforcements of troops and Ships have been ordered and are daily expected in America for carrying on War against each of the United Colonies by the most vigorous exertions. — And Whereas in consequence of a Plan recommended by the Governors, and which seems to have been concerted between them and their Ministerial Masters, to withdraw the usual Officers and thereby loosen the Bands of Government and create anarchy and confusion in the Colonies. — Lord William Campbell late Governor on the fifteenth day of September last dissolved the General Assembly of this Colony, and no other hath been since called, although by Law the sitting and holding of General Assemblies cannot be intermitted above six Months — And having used his utmost Efforts to destroy the lives, liberties and properties of the good people here whom by the duty of his Station he was bound to protect, withdrew himself from the Colony and carried off the Great Seal and the Royal Instructions for Governors. And Whereas the Judges of the Courts of Law here, have refused to exercise their respective functions, so that it is become indispensably necessary that during the present situation of American Affairs and until an accommodation of the unhappy differences between Great Britain and America can be obtained, (An event which though traduced and resisted as Rebels we still earnestly desire) some mode should be established by common Consent, and for the good of the People — The Origin and end of all Government — for regulating the Internal Policy of this Colony. — The Congress being vested with powers competent for the purpose, and having fully deliberated touching the premises Do therefore Resolve —

1. That

- 1.st That this Congress being a full and free Representation of the People of this Colony, shall henceforth be deemed and called the General Assembly of South Carolina, and as such shall continue until the fourth first day of October next and no longer.
- 2.^d That the General Assembly shall out of their own body, elect by Ballot, a legislative Council to consist of thirteen Members (seven of whom shall be a Quorum) and to continue for the same time as the General Assembly.
- 3.^d That the General Assembly and the said legislative Council shall jointly choose by Ballot from among themselves, or from the People at large, a President and Commander in Chief, and a Vice President of the Colony.
- 4.th That a member of the General Assembly, being chosen and acting as President and Commander in Chief or Vice President, or one of the legislative Council, shall vacate his seat in the General Assembly, and another Person shall be elected in his room; And if, one of the legislative Council is chosen President and Commander in Chief or Vice President he shall lose his seat, and another Person shall be elected in his Stead.
- 5.th That there be a Privy Council, whereof the Vice President of the Colony shall of course be a Member and President of the Privy Council, and that six other Members be chosen, by Ballot, Three by the General Assembly, and three by the legislative Council: *Provided* always, that no Officer in the Army or Navy in the Service of the Continent or of this Colony shall be eligible. And a Member of the General Assembly or of the legislative Council being chosen of the Privy Council, shall not thereby lose his seat in the General Assembly, or legislative Council, unless he be elected Vice President of the Colony, in which case he shall, and another Person shall be chosen in his Stead — The Privy Council (of which four to be a Quorum) to advise the President and Commander in Chief when required, but he shall not be bound to consult them, unless in Cases aforementioned.
- 6.th That the qualifications of the President and Commander in Chief and Vice President of the Colony, and Members of the legislative and Privy Council, shall be the same as Members of General Assembly, and on being elected they shall take an Oath of Qualification in the General Assembly.
- 7.th That the legislative Authority be vested in the President and Commander in Chief, the General Assembly and legislative Council. All Money Bills for the support of public Government shall originate in the General Assembly and shall not be altered or amended by the legislative Council, but may be rejected by them. All other Bills and Ordinances may take rise in the General Assembly or legislative Council, and be altered, amended or rejected by either. Bills having passed the General Assembly and legislative Council, may be rejected or rejected by the President and Commander in Chief; Having received his Assent, they shall have all the force and validity of an Act of General Assembly of this Colony. And the General Assembly and legislative Council respectively shall enjoy all other Privileges which have at any time been claimed or exercised by the Commons House of Assembly, but the legislative Council shall have no Power of expelling their own Members.
- 8.th That the General Assembly and legislative Council may adjourn themselves respectively, and the President and Commander in Chief shall have no Power to adjourn, prorogue or dissolve them — but may, if necessary call them before the time to which they shall stand adjourned. And where a Bill has been rejected, it may, on a Meeting, after an Adjournment for not less than three days of the General Assembly and legislative Council be brought in again.
- 9.th That the General Assembly and the legislative Council shall each choose their respective Speakers and their own Officers without Control.
- 10.th That if a member of the General Assembly or of the legislative Council shall accept any place of ennoblement or any Commission except in the Militia, he shall vacate his seat, and there shall thereupon be a new Election, but he shall not be disqualified from serving upon being re-elected.
- 11.th That on the last Monday in October next and the day following, and on the same days of every second Year thereafter, Members of the General Assembly shall be chosen. To meet on the first Monday in December then next, and continue for two Years from the said last Monday in October. (The General Assembly to consist of the same number of Members as this Congress does, each Parish and District having the same Representation as at present (viz.^t) The Parishes of St. Philip and St. Michael, Charles Town, and

Thirty Members; The Parish of Christ Church, Six Members; The Parish of St. John in Berkeley County, Six members; The Parish of St. Andrew, Six Members; The Parish of St. George Inchester, Six Members — The Parish of St. James Goose Creek, Six members — The Parish of St. Thomas and St. Dennis, Six Members — The Parish of St. Paul, Six Members — The Parish of St. Bartholomew, Six Members — The Parish of St. Helena, Six Members — The Parish of St. James Slater, Six members — The Parish of Prince George Wingaw, Six Members — The Parish of Prince Frederick, Six Members — The Parish of St. John in Calleton County, Six members — The Parish of St. Peter, Six Members — The Parish of Prince William, Six Members — The Parish of St. Stephen, Six Members — The District to the Eastward of Wateree River, Ten Members — The District of Ninety Six, Ten Members — The District of Santee-Yotha, Six members — The District between Broad and Saludy Rivers, in three divisions (vizt.) The lower District, four Members — The Little River District four Members — The upper or partisan District, four Members — The District between Broad and Catawba Rivers Ten Members — The District called the new acquisition, Ten Members — The Parish of St. Matthew, Six Members — The Parish of St. David, Six Members — The District between Savannah River and the North fork of Edisto, Six members. All the Election of the said Members shall be conducted as near as may be agreeable to the directions of the Election act, and where there are no Churches or Church Wards in a District or Parish, the General Assembly at some convenient time before their expiration, shall appoint places of Election, and Persons to receive Votes and make returns. — The Qualification of Electors shall be the same as required by law. — but Persons, having property which according to the rate of the last preceding Tax, is taxable at the sums mentioned in the Election act, shall be intitled to vote, though it was not actually taxed, having the other qualifications mentioned in that act: Electors shall take an Oath of immovable qualification, if required by the returning Officer — The Qualification of the Elected to be the same as mentioned in the Election act, and construed to mean clear of Debt.

12. 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 a General Assembly — not less than fifty nine Members shall make a Quorum to do business, but the Speaker or any seven Members may adjourn from day to day.

13.th That as soon as may be, after the first meeting of the General Assembly, a President and Commander in Chief, a Vice President of the Colony and of Privy Council shall be chosen in manner and for the Time above mentioned, and till such Choice shall be made, the former President, Commander in Chief and Vice President of the Colony, and Privy Council shall continue to act as such.

14. That in case of the Death of the President and Commander in Chief or his absence from the Colony, the Vice President of the Colony shall succeed to his Office, and the Privy Council shall choose out of their own Body a Vice President of the Colony. And, in case of the death of the Vice President of the Colony or his absence from the Colony, one of the Privy Council (to be chosen by themselves) shall succeed to his Office, until a nomination to those Offices respectively by the General Assembly and Legislative Council for the same remainder of the Time, for which the Officer so dying or being absent was appointed.

15.th That the Delegates of this Colony, in the Continental Congress be chosen by the General Assembly and Legislative Council jointly by Ballot in the General Assembly.

16.th That the Vice President of the Colony and the Privy Council or the Vice President and a majority of the Privy Council for the time being shall exercise the powers of a Court of Chancery, and there shall be an Ordinary, who shall exercise the powers heretofore exercised by that Officer in this Colony.

17.th That the Jurisdiction of the Court of Admiralty be confined to Maritime Causes.

18.th That all suits and Process, depending in any Courts of Law or Equity may if either party shall be so inclined be proceeded in and continued to a final ending without being obliged to commence de novo — and the Judges of the Courts of Law shall cause Jury-Lists to be made and Jurors to be summoned, as near as may be according to the directions of the acts of the General Assembly in such Cases Provided.

19.th That Justices of the Peace shall be nominated by the General Assembly and Commissioned by the President and Commander in Chief during pleasure: They shall not.

- not be entitled to fees except in prosecutions for felony, and not acting in the Magistracy shall not be entitled to the Privileges allowed to them by Law.
- 20.th That all other Judicial Officers shall be chosen by Ballot jointly by the General Assembly and legislative Council, and except the Judges of the Court of Chancery, be commissioned by the President and Commander in Chief during good behaviour, but shall be removed on Address of the General Assembly and legislative Council.
- 21.st That Sheriffs, qualified as by Law directed shall be chosen in like manner by the General Assembly and legislative Council, and commissioned by the President and Commander in Chief for two Years only.
- 22.nd That the Commissioners of the Treasury - the Secretary of the Colony - Register of Wills & Conveyances - Attorney General and Powder Receiver, be chosen by the General Assembly and legislative Council jointly by Ballot and commissioned by the President and Commander in Chief during good behaviour, but shall be removed on Address of the General Assembly and legislative Council.
- 23.rd That all Field Officers in the Army and all Captains in the Navy, shall be by the General Assembly and legislative Council chosen jointly by Ballot, and commissioned by the President and Commander in Chief, and that all other Officers in the Army or Navy shall be commissioned by the President and Commander in Chief.
- 24.th That in case of Vacancy in any of the Offices above directed to be filled by the General Assembly and legislative Council, the President 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 General Assembly and legislative Council to fill those vacancies respectively.
- 25.th That the President and Commander in Chief with the Advice and Consent of the Privy Council may appoint during pleasure, until otherwise directed by Resolution of the General Assembly and legislative Council all other necessary Officers, except such as are by Law directed to be otherwise chosen.
- 26.th That the President and Commander in Chief shall have no Power to make War or Peace, or enter into any final Treaty without the Consent of the General Assembly and legislative Council.
- 27.th 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 the General Assembly shall refuse to qualify and take his Seat as such, or die or depart the Colony, the said General Assembly shall appoint proper days for electing a Member or Members of the said General Assembly in such Cases respectively. And on the death of a Member of the legislative or Privy Council, another Member shall be chosen in his room in the manner above mentioned for the election of Members of the Legislative and Privy Council respectively.
- 28.th That the Resolutions of the Continental Congress, now of force in this Colony, shall so continue until altered or revoked by them.
- 29.th That the Resolutions of this or any former Congress of this Colony, and all Laws now of force here (and not hereby altered) shall so continue until altered or repealed by the Legislature of this Colony, unless where they are temporary, in which case, they shall expire at the times respectively limited for their Duration.
- 30.th That the executive Authority be vested in the President and Commander in Chief, limited and restrained as aforesaid.
- 31.st That the President and Commander in Chief, Vice President of the Colony and Privy Council respectively, shall have the same Personal Privileges as are allowed by Act of Assembly to the Governor, Lieutenant Governor and Privy Council.
- 32.nd That all persons now in Office shall hold their Commissions until there shall be a new appointment in manner above directed, at which time all Commissions not derived from Authority of the Congress of this Colony, shall cease and be void.
- 33.rd That all persons who shall be chosen and appointed to any Office or to any place of trust, before entering upon the execution of Office, shall take the following Oath.

I A.B. do swear that I will to the utmost of my Power, Support maintain and defend the Constitution of South Carolina as established by Congress on the twenty sixth day of March One thousand seven hundred and seventy six, until an accommodation of the differences between Great Britain and America shall take place, or I shall be released from this Oath by the legislative authority of the said Colony. So help me God. And all such Persons shall also take an Oath of Office.

34th That the following yearly salaries be allowed to the Public Officers, undermentioned.

The President and Commander in Chief Three thousand Pounds.— The Chief Justice and the Assistant Judges the salaries respectively established.— The Attorney General Two thousand one hundred Pounds in lieu of all charges against the public for fees upon Criminal, ordinary One thousand Pounds.— The three Commissioners of the Treasury Two thousand Pounds each; and all other Public Officers salaries as are allowed such Officers respectively by Act of Assembly.

Attested
D. J. P. Smith, Secretary.

By Order of the Council
Wm. H. Drayton.
Secy.