

At a General Assembly begun and holden at Charleston on Monday the fifth day of January in the year of our Lord one thousand seven hundred and seventy eight and from thence continued by divers adjournments to the nineteenth day of March in the year of our Lord one thousand seven hundred and seventy eight.

## An Act for establishing the Constitution of the State of South Carolina—

Whereas the Constitution or form of Government agreed to and Resolved upon by the free-men of this Country met in Congress the twenty sixth day of March one thousand seven hundred and seventy six was temporary only, and suited to the situation of their public affairs at that period looking forward to an accommodation with Great Britain an event then desired AND WHEREAS the united Colonies of America have been since constituted Independent States and the political connection heretofore subsisting between them and Great Britain entirely dissolved by the declaration of the Honourable the Continental Congress dated the fourth day of July one thousand seven hundred and seventy six for the many great and weighty reasons therein particularly set forth It therefore becomes absolutely necessary to frame a Constitution suitable to that great event. BE it therefore CONSTITUTED and ENACTED by His Excellency Pauline Lowndes Esquire President and Commander in Chief in and over the State of South Carolina by the Honourable the Legislative Council and General Assembly and by the authority of the same That the following articles agreed upon by the free-men 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 of force from the passing of this act, excepting such parts as are hereafter mentioned and specified. 1. That the Title of this Country be hereafter the State of South Carolina. — 2. 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 seven hundred and seventy six shall continue and be in full force until the twenty ninth day of November next ensuing. — 3. 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. — 4. 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. 5. 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 followeth (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 preceeding their said Election and shall have in this State a settled plantation or free hold 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. — 6. 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. 7. 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. 8. 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. 9. 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 thence forward be elected to serve for two years whereby there will be a new Election every year for half of 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 or 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. - 10.<sup>th</sup> That in case of the absence from the seat of Government or sickness of the Governor and the 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. - 11.<sup>th</sup> That the Executive authority be vested in the Governor and Commander in Chief in manner herein mentioned. - 12.<sup>th</sup> That each Parish and District throughout this State shall on the last Monday in November next and the day following and on the same days of every second year thereafter elect by Ballot one Member of the Senate (except the District of Saint Philip and Saint Michael's Parishes Charles Town) which shall elect two Members and except also the District between broad and Saludy Rivers in three divisions (viz.<sup>t</sup>) the lower district, little river district and upper or Spartan District, each of which said divisions shall elect one Member and except the parishes of Saint Matthew and Orange, which shall elect one Member, And also except the Parishes of Prince George and All-Saints which shall elect one Member. And the election of Senators for such Parishes respectively, shall, until otherwise altered by the Legislature be at the Parish of Prince George for the said Parish, and the Parish of All-Saints, and at the Parish of Saint Matthew for that Parish and the Parish of Orange, 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 that no person shall be eligible to a seat in the said Senate unless he be of the Protestant Religion and hath attained the age of thirty years and hath been a resident in this State at least five years, 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 possesses a settled Estate and free hold 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 free hold 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. - 13.<sup>th</sup> 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. Each Parish and District within this State shall send members to the General Assembly in the following proportions (that is to say) The Parish of Saint Philip and Saint Michael (Charles Town) thirty members, The Parish of Christ Church six members, The Parish of Saint John in Berkeley County six members, The Parish of Saint Andrew six members The Parish of Saint George Dorchester six members, The Parish of Saint James Goose Creek six members. The Parish of Saint Thomas and Saint Dennis six members The Parish of Saint Paul six members The Parish of Saint Bartholomew six members - The Parish of Saint Helena six members - The Parish of Saint James Santee six members - The Parish of Prince George Winyaw four members, The Parish of All-Saints two members - The Parish of Prince Frederick six members The Parish of Saint John in Colleton County six members The Parish of Saint Peter six members - The Parish of Prince William six members - The Parish of Saint Stephen six members. The District to the Eastward of Wateree River ten members - The District of Ninety six ten members, The District of Saxe-Gotha six members, The District between broad and Saludy Rivers in three divisions (viz.<sup>t</sup>) The lower district four members - The little river District six members - The upper or Spartan District four members - The District between broad and Catawba Rivers ten members - The District called the new acquisition ten members - The Parish of Saint Matthew three members - The Parish of Orange three members - The Parish of Saint David six members - The District between Savannah River and the North fork of Edisto six members - 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 - The qualification of Electors shall be - That every free white man and no other person who acknowledges the being of a God and believes in a future State of rewards and punishments and who has attained to the age of one and twenty years and hath been a resident and an Inhabitant in this State for the space of one whole year before the day appointed for the election (he offers to give his vote at) and hath a free hold at least of fifty acres of land or a Town lot and hath been legally seized - and possessed of the same at least six months previous to such Election or hath paid a tax the preceding year or was taxable the present year at least six months previous to the said Election in a sum equal to the Tax on fifty acres of land to the support of this Government shall be



be deemed a person qualified to vote for and shall be capable of electing a Representative or Representatives to serve as a member or members in the Senate and House of Representatives for the Parish or District where he actually is a resident or in any other Parish or District in this State where he hath the like free-hold. 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 free-hold 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.

14.<sup>th</sup> 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. — 15.<sup>th</sup> 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. — 16.<sup>th</sup> 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 Acts and Ordinances having passed the General Assembly shall have the great seal affixed to them by a joint Committee of both Houses who shall wait upon the Governor to receive and return the seal and shall then be signed by the president of the Senate and Speaker of the House of Representatives in the Senate House and shall thenceforth have the force and validity of a law and be lodged in the Secretarys Office 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 — 17.<sup>th</sup> 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. — 18.<sup>th</sup> That the Senate and House of Representatives shall each choose their respective Officers by Ballot without control and that during a recess the president of the Senate and Speaker of the House of Representatives shall issue writs for filling up vacancies occasioned by death in their respective Houses giving at least three weeks and not more than thirty five days previous notice of the time appointed for the election. — 19.<sup>th</sup> That if any Parish or District shall neglect <sup>to elect</sup> 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.

20.<sup>th</sup> 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 accept 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 re-elected 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-receiver, 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. — 21.<sup>th</sup> 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 or a Member of the Senate House of Representatives or Privy Council in this State. — 22.<sup>nd</sup> 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. — 23.<sup>rd</sup> 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



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. — 24<sup>th</sup> 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 in 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 Charles Town shall continue to exercise that office as heretofore. — 25<sup>th</sup> That the Jurisdiction of the Court of Admiralty be confined to Maritime Causes. — 26<sup>th</sup> 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 intitled to the privileges allowed to them by Law. — 27<sup>th</sup> 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 behaviour but shall be removed on Address of the Senate and House of Representatives. — 28<sup>th</sup> 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. — 29<sup>th</sup> 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. — 30<sup>th</sup> 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. — 31<sup>th</sup> 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. — 32<sup>th</sup> 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. — 33<sup>th</sup> 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. — 34<sup>th</sup> That the Resolutions of the late Congresses 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. — 35<sup>th</sup> 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. — 36<sup>th</sup> 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. I A. B. Do acknowledge the State of South Carolina to be free independent and sovereign State and that the people thereof owe no allegiance or obedience to George the third King of Great Britain and I do renounce refuse and abjure any allegiance or obedience to him 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 ~~minister~~ with fidelity and Honour and according to the best of my skill and understanding — So help me God. — 37<sup>th</sup> That adequate yearly salaries be allowed to the Public Officers of this State and be fixed by Law. — 38<sup>th</sup> 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 purposes of religious worship shall still continue to incorporate,



incorporate and hold the religious property now in their possession — and that when ever 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 herein after 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 intitled 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 or union of men upon pretence of Religion shall intitle them to be incorporated and esteemed as a Church of the established religion of this State. *FIRST*, That there is one eternal God and a future State of rewards and punishments. — *SECOND*, That God is publicly to be worshipped. *THIRD*, That the Christian Religion is the true Religion. *FOURTH*, That the Holy Scriptures of the old and new Testament are of divine inspiration and are the rule of faith and Practice. *FIFTH*, That it is lawful and the duty of every man being thereunto called by those that govern to bear witness to Truth, 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 for ever enjoy the right of electing their 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 Clergy-men. — 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 chuse 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<sup>t</sup>) That he is determined by Gods grace out of the Holy Scriptures to instruct the people committed to his charge and to teach nothing (as required of necessity to eternal salvation) but that which he shall be persuaded may be concluded and proved from the Scriptures that he will use both public and private admonitions as well to the sick as to the whole within his cure as need shall require and occasion shall be given and that he will be diligent in prayers and in reading of the Holy Scriptures and in such studies as help to the knowledge of the same that he will be diligent to frame and fashion his own self and his family according to the doctrine of Christ and to make both himself and them as much as in him lieth wholesome examples and patterns to the flock of Christ that he will maintain and set forwards as much as he can quietness peace and love among all people and especially among those that are or shall be committed to his charge — 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 assest to. — no person whatsoever shall speak any thing 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 Glebes and all other property now belonging to any Societies of the Church of England or any other religious Society shall remain and be secured to them for ever. — 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. — 39<sup>th</sup> That the whole State shall as soon as proper laws can be passed for those purposes be divided into districts and Counties and County Courts established. — 40<sup>th</sup> 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. 41<sup>st</sup> That no freeman of this State be taken or imprisoned or dispossessed of his free hold liberties or privileges or outlawed or 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. — 42<sup>d</sup> That the military be subordinate to the civil power of the State. — 43<sup>d</sup> That the liberty of the press be inviolably preserved. — 44<sup>th</sup> That no part of this Constitution shall be altered without a notice of ninety days being previously given 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. — 45<sup>th</sup> 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 19<sup>th</sup> day of March 1778.

Assented To. Raw. Loredes.

W. Bee

Speaker of the General Assembly

Hugh Rutledge

Speaker of the legislative Council



An Act for establishing  
the Constitution  
of the State of  
South Carolina.

10 March 1778

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