

## South Carolina.

In a Congress began and holden at Charleston on Wednesday the first day of November, One thousand seven hundred and seventy five, and continued by divers adjournings to Tuesday the twenty-ninth day of March, One thousand seven hundred and seventy six.

### A Constitution or Form of Government agreed to and Revolved upon by the Representatives of South Carolina.

Whereas the British Parliament claiming a Right to tax 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 in appearing to them that (they not being represented in Parliament), such Claims and Allegations unconstitutional, and if admitted would at once, reduce them from the Rank of free Citizens to a State of the most abject Slavery, the said Colonists therefor solemnly resolved against the passing, and fulfilling of the said Acts, but in vain. And Whereas, since a Claim being permitted in other unaccountable 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 held in Great Britain for an offence created and made capital by one of those Statutes, though committed in the Colonies. The Habeas Corpus Act was blocked up. Rights enjoyed for many Years at the Day of Freedom in the Colonies, may at the will of a Governor be sent for trial, to any other City or even foreign Britain. The chartered Constitution of Government in many Colonies is unconstitutionally altered. The English Laws and a few Statutes, for which the Parliament of Great Britain were inserted by the Kings Royal Proclamations, are abolished, and new Laws are added: The Roman Catholic Religion (although before tolerated and freely exercised there) and an absolute Government are established in their Province, and the Limits extended through a vast tract of Country, so as to border on the free Protestant English Colonies with design of using a whole People differing in Religion, Principles from the neighbouring Colonies, and subject to arbitrary Power, as if such Colonies were once and subject to the Colonies. And Whereas the Delegates of all the Colonies on this Continent from a Free State to convene in a general Congress at Philadelphia in the most tumultuous manner have their Complaints at the feet of the Queen, and humbly implore their Sovereign that his Royal authority and interposition might be used in this matter, from the Grievances occasioned by these Statutes, and advised that a Treaty for Commerce between Great Britain and America, already entered by the latter would be thereby immediately suffered, and that in Criminally confined in the Magnanimity and Justice of thinking and the Interest in order of the many other Grievances under which they laboured. And Whereas these Complaints being wholly disregarded whatever else may ensue than that above mentioned have been enacted. Forbidding the interference of the Executive with such Cases, withdrawing their Force and depriving many thousands of the

means of subordination by retaining them from such by the American Court. And whereas large States and Provinces having been sent to America, in order to enforce the execution of those laws, and to compel an absolute and implicit subjection to the Will of a corrupt and unprincipled Administration, and in consequence thereof, rebellions having been commenced in the West-India Islands for the Repeal under various pretences of several just Grievances a number of peaceable, happy and unwarlike People were wantonly robbed and murdered, and there being just reason to apprehend, that like Disorders would be committed in all the other Colonies. The Colonists were therefore driven to the necessity of taking up Arms, to resist force by force, and to defend themselves and their properties against Lawless Soldiers and Depredations. Nevertheless the Delegates of the said Colonies assembled in another Congress at Philadelphia resolved in another Congress at Philadelphia to procure subordination with Great Britain upon just and constitutional principles, supplied her 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 Ministers as immediately destroyed any of the Colonists might be expelled. And whereas instead of obtaining that Justice, to which the Colonists were and are of Right entitled, the unauthorised Civil War, into which they were thus precipitated and are involved hath been prosecuted without warrant or evidence, and the Governor and others bearing the Royal Commission in the Colonies, having broken the most solemn promises and engagements and incurred every obligation of Honour, Justice and Humanity, have caused the persons of diverse good People to be seized and imprisoned, and their properties to be forcibly taken and detained, or destroyed, without any Crime or Just Cause. seized Dutch and American Vessels, prohibited Freedom of Trade and Navigation, raised a Trade Tax upon them, and denied them against their Wishes, investigated and encouraged the Indian Nations to rise against the Colonies, dispersed with the Law of the Land, and substituted a new Law that is its Head, killed many of the Colonists, forced several Towns and threatened to burn the rest, had daily intercourse by a Conduct which has polluted the British Arms, and would disgrace ever brave Nations, to effect the ruin and destruction of the Colonies. And whereas a multitude hath been lately papered whereby under pretence that the said Colonies are in open Rebellion, all Trade and Commerce whatsoever with them is prohibited, Vessels belonging to their Colonies having a Right to sail from the said Colonies with the Cargo and Effects aboard such Vessels are made liable to seizure, their Merchants and Crews of such Vessels are subjected by force to act against the Rights of their Country and dearest friends, and all Services and Duties or destruction of the persons and possessions of the Colonists which have at any time been made or committed for withstanding or impeding the said prohibited, Rebellions, 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 or failing in their Suits subjected to payment of every heavy expence. And whereas large reinforcements of Troops and Ships have been sent and are daily expected in America for carrying on War against such of the said Colonies by the most rigorous exertions. And whereas it is the consequence of a Peace recommended by the Generals, and which seems to have been concerted between them, and their several Princes, to withdraw the usual Officers and thereby leave the Boards of Government and execute directly and completely in the Colonies. Lord Mordaunt Campbell late Governor of the Kingdom of Scotland last dissolved the General Assembly of the Colony, and no other hath since since called, although by Law the sitting and holding of General Assemblies cannot be interrupted above six calendar Months. And during said his utmost Efforts to reduce 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 omitted of the Great Seal and the Royal Instructions to the Governor. And whereas the Judges of the Courts of Law here, have refused to execute their respective functions, so that it is become indispensably necessary that during the present absence of American Officers and with an acknowledgment of the unhappy differences between Great Britain and America are to be retained, (as a great which, though haduced and heered as it is, we still cannot devise) some mode should be established by common Consent and for the good of the People. The origin and end of all Government, for regularising the several Parts of this Colony. The Congress being retired with Powers committed for the purpose, and having fully deliberated resolved the premises. Do therefore Resolve

- 1.<sup>st</sup> That the Congress being a just and free representation of the People of this Colony, shall hereafter be termed and called the General Assembly of South Carolina, and so styled, until the twenty first Day of October next and so on forever.
- 2.<sup>d</sup> That the General Assembly shall sit at their own Chace, and by Ballot a legislative Council to consist of twelve Members (seven of whom shall be a quorum) and to continue for the same time as the General Assembly.
- 3.<sup>d</sup> That the General Assembly and the said legislative Council shall jointly elect one 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.<sup>th</sup> 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 not be his Seat in the General Assembly, and another Person shall be elected in his stead, 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.<sup>th</sup> That there be a Privy Council, whereof the Vice President of the Colony shall be chosen to be a Member, and President of the Privy Council, and that the 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 a Member 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.<sup>th</sup> 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 the General Assembly, and in being elected they shall take an Oath of Qualification in the General Assembly.
- 7.<sup>th</sup> That the legislative Authority be vested in the President and Commander in Chief, the General Assembly and legislative Council. All Money raised in this Colony or in any 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 Powers and Privileges may be raised 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 Maturity of Law as if the 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 asserted by the Congress or House of Assembly, but the legislative Council shall have no Power of acquiescing their own Resolves.
- 8.<sup>th</sup> 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 second, or after an adjournment for not less than three days of the General Assembly and legislative Council be brought in again.
- 9.<sup>th</sup> That the General Assembly and the legislative Council shall each choose three respective Speakers and their own Officers and a Chief Clerk.
- 10.<sup>th</sup> That if a Member of the General Assembly or of the legislative Council shall accept any place of Emolument in any Commission except in the Militia, he shall cease to sit, and his Seat shall thereupon be a new Election, but he shall not be disqualified from serving again being re-elected.
- 11.<sup>th</sup> That on the last Monday in October next and the next following, and on the same days of every second Year hereafter, Members of the General Assembly shall be chosen to meet on the first Wednesday in December then next, and so on until the next Session from the said last Monday in October. The General Assembly to consist of the same number of People as this Congress were, each Person and District having the same Representation as at present (viz<sup>t</sup>.) The Parishes of St. Philip's and St. Michael, Charleston, and



- 20<sup>th</sup> That all other Judicial Officers shall holden by Ballot jointly by the General Assembly and legislative Council, and except the Judges of the Court of Chancery, Commissioners of the Revenue and Commander in Chief during good behaviour, but shall be removed, on address of the General Assembly and legislative Council.
- 21<sup>st</sup> That the Sheriff, 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<sup>nd</sup> That the Commissioners of the Treasury, the Secretary of the Army, Register of the Court of Chancery, & Attorney General and Proctor 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<sup>rd</sup> That all other Officers in the Army and all Expresses in the Army, 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<sup>th</sup> 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 address by the General Assembly and legislative Council to fill those Vacancies respectively.
- 25<sup>th</sup> 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<sup>th</sup> That the President and Commander in Chief shall have no power to make War or Peace, or enter into any such Treaty without the consent of the General Assembly and legislative Council.
- 27<sup>th</sup> That if any Parish or District shall neglect to elect a Member or Members in the Day of Election, or if one or more persons chosen a Member of the General Assembly shall refuse to qualify and to take the Oath as such, or die or depart the Colony, the said General Assembly shall appoint proper persons for electing a Member or Members of the said General Assembly in such Cases respectively, and in the death of a Member of the legislative or Privy Council, another Member shall be chosen in the same manner as above directed for the election of Members of the legislative and Privy Council respectively.
- 28<sup>th</sup> That the Resolutions of the Continental Congress, now in force in this Colony, shall so continue until altered or revoked by them.
- 29<sup>th</sup> That the Resolutions of this or any former Congress of this Colony, and all Laws now in force here, (and not hereby altered or repealed) continue until altered or repealed by the Legislature of this Colony, unless where they are temporary, in which case, they shall expire at the time respectively limited for their Duration.
- 30<sup>th</sup> That the executive authority be vested in the President and Commander in Chief limited and restrained as aforesaid.
- 31<sup>st</sup> That the President and Commander in Chief Vice President of the Colony and Privy Council respectively, shall have the usual personal Privileges as were allowed by Act of Assembly to the Governor, Lieutenant Governor and Privy Council.
- 32<sup>nd</sup> That all Powers 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<sup>rd</sup> That all persons who shall be chosen and appointed to any Office in to any place of trust, before entering upon the execution of Office shall take the following Oath.

I, A. B. do declare that I will to the utmost of my Power, support maintain and defend the Constitution of this Colony as established by Congress in the Twenty sixth Day of March One thousand seven hundred and seventy six, used as an instrument of the difference between Great Britain and America, and take there, as shall be released from this Oath by the legislative authority of the said Colony. AD. DC. MDC. LXXVI. And all such persons shall also take an Oath of Office.

24. That the following sums be allowed to the Public Officers, as hereinafter directed.

- The Treasurer and Comptroller in Six Thousand Pounds.— To the Governor and the Justices of the Supreme Court respectively.
- The Attorney General Two thousand one hundred Pounds in lieu of all charges against the Public for fees upon Commission, ordinary and extraordinary.
- The three Clerks of the Secretary Two thousand Pounds each; and all other Public Officers as Salaries as are allowed such Officers respectively by Act of Assembly.

Attest  
J. M. Thomas, Secretary

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