This is to certify that this Constitution was adopted by a majority of votes by the Constitutional Convention of the State of South Carolina assembled under the Reconstruction Acts of Congress, and which was held at Charleston, beginning on the fourteenth day of January and ending on the seventeenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight, and in the ninety-second year of the sovereignty and independence of the United States of America, and was ratified by the votes of a majority of the qualified electors of the State at an election which was held on the fourteenth, fifteenth and sixteenth days of April in the same year.
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We, the People of the State of South Carolina, in Convention assembled, Grateful to Almighty God for this opportunity deliberately and peaceably of entering into an explicit and solemn compact with each other, and forming a new Constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the people in all that pertains to their freedom, safety and tranquillity, and implored the direction of the Great Legislator of the Universe, do agree upon, ordain and establish the following

DECLARATION OF RIGHTS AND FORM OF GOVERNMENT AS THE CONSTITUTION OF THE COMMONWEALTH OF SOUTH CAROLINA.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All men are born free and equal—endowed by their Creator with certain inalienable rights, among which are the rights of men, enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

Section 2. Slavery shall never exist in this State; neither shall involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

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SECTION 3. 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 in such manner as they may deem expedient, when the public good demands.

SECTION 4. Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force.

SECTION 5. This State shall ever remain a member of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve the said Union shall be resisted with the whole power of the State.

SECTION 6. The right of the people peaceably to assemble to consult for the common good, and to petition the Government, or any department thereof, shall never be abridged.

SECTION 7. All persons may freely speak, write and publish their sentiments on any subject, being responsible for the abuse of that right; and no laws shall be enacted to restrain or abridge the liberty of speech or of the press.

SECTION 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall be the judges of the law and the facts.

SECTION 9. No person shall be deprived of the right to worship God according to the dictates of his own conscience: Provided, That the liberty of conscience hereby declared shall not justify...
practices inconsistent with the peace and moral safety of society.

Section 10. No form of religion shall be established by law; but it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceful enjoyment of its own mode of worship.

Section 11. The right of trial by jury shall remain inviolate.

Section 12. No person shall be disqualified as a witness, or be prevented from acquiring, holding and transmitting property, or be hindered in acquiring education, or be liable to any other punishment for any offense, or be subjected in law to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances.

Section 13. No person shall be held to answer for any crime or offense until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defense by himself or by his counsel, or by both, as he may elect.

Section 14. No person shall be arrested, imprisoned, deprived or dispossessed of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land. And the General Assembly shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished
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but by virtue of a law already established, or promul-
gated prior to the offense, and legally applied.

Section 15. All Courts shall be public, and every
person, for any injury that he may receive in
his lands, goods, person or reputation, shall
have remedy by due course of law, and justice admin-
istered without unnecessary delay.

Section 16. All persons shall, before conviction, be
bailable by sufficient sureties, except for capital
offenses when the proof is evident or the presump-
tion great; and excessive bail shall not, in any case, be
required, nor corporal punishment inflicted.

Section 17. The privilege of the writ of habeas cor-
pus shall not be suspended, except when, in
case of insurrection, rebellion or invasion, the
public safety may require it.

Section 18. No person, after having been once
acquitted by a jury, shall again, for the same
offense, be put in jeopardy of his life or
liberty.

Section 19. All offenses less than felony, and in
which the punishment does not exceed a fine
of one hundred dollars, or imprisonment for thirty
days, shall be tried summarily before a Justice of the
Peace, or other officer authorized by law, on informa-
tion under oath, without indictment or intervention of
a Grand Jury, saving to the defendant the right of
appeal; and no person shall be held to answer for any
higher crime or offense unless on presentment of a
Grand Jury, except in cases arising in the land and
naval service, or in the militia when in actual service in
time of war or public danger.

Section 20. No person shall be imprisoned for debt,
except in cases of fraud; and a reasonable
amount of property, as a homestead, shall be
exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such obligations as are provided for in this Constitution.

Section 21. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be enacted; and no conviction shall work corruption of blood or forfeiture of estate.

Section 22. All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers, or possessions. *All search warrants* shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest one or more suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws.

Section 23. Private property shall not be taken or applied for public use, or for the use of corporations, or for private use, without the consent of the owner or a just compensation being made therefor: *Provided, however, That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations, turnouts, etc.; but a just compensation shall, in all cases, be first made to the owner.*

Section 24. The power of suspending the laws, or the execution of the laws, shall never be exercised but by the General Assembly, or by authority derived therefrom, to be exercised in such particular cases only as the General Assembly shall expressly provide for.

Citation: Constitutional Convention (1868). **Article 1.** Constitution of 1868. S 131081. South Carolina Department of Archives and History, Columbia, South Carolina. Online at http://www.teachingushistory.org/tTrove/1868Constitution.htm
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Section 25. 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 army or navy of the United States, and except the militia in actual service, but by authority of the General Assembly.

Section 26. In the government of this Commonwealth, 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.

Section 27. The General Assembly ought frequently to assemble for the redress of grievances, and for making new laws, as the common good may require.

Section 28. The people have a right to keep and bear arms for the common defense. As in times of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the General Assembly. The military power ought always to be held in an exact subordination to the civil authority and be governed by it.

Section 29. In time of peace no soldier shall be quartered in any house without the consent of the owner; and in time of war such quarters shall not be made but in a manner prescribed by law.

Section 30. No person who conscientiously scruples to bear arms shall be compelled so to do, but he shall pay an equivalent for personal service.

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SECTION 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

SECTION 32. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created the appointment to which shall be for a longer time than good behavior. After the adoption of this Constitution, any person who shall fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

SECTION 33. The right of suffrage shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

SECTION 34. Representation shall be apportioned according to population, and no person in this State shall be disfranchised or deprived of any of the rights or privileges now enjoyed, except by the law of the land or the judgment of his peers.

SECTION 35. Temporary absence from the State shall not forfeit a residence once obtained.

SECTION 36. All property subject to taxation shall be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, liberty and property, according to standing laws. He should, therefore, contribute his share to the expense of his protection, and give his personal service when necessary.