

THE STATE CONSTITUTION OF SOUTH CAROLINA. THE STATE OF SOUTH CAROLINA, at a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the Tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five, and thence continued by divers adjournments to the Fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five. Preamble We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same. ARTICLE I DECLARATION OF RIGHTS SECTION 1. 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. SEC. 2. Representation in the House of Representatives shall be apportioned according to population. SEC. 3. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require. SEC. 4. The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government or any department thereof for a redress of grievances. SEC. 5. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws. SEC. 6. All property subject to taxation shall be taxed in proportion to its value. SEC. 7. No tax, subsidy, charge, impost tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled. SEC. 8. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. SEC. 9. The right of suffrage, as regulated in this Constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct. SEC. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office. SEC. 11. No property qualification, unless prescribed in this Constitution, shall be necessary for an election to or the holding of any office. No person shall be elected or appointed to office in this State for life or during good behavior, but the terms of all officers shall be for some specified period, except Notaries Public and officers in the Militia. Art. SEC. 12. Temporary absence from the State shall not forfeit a residence once obtained. SEC. 13. The power of suspending the laws or the execution of the laws shall only be exercised by the General Assembly or by its authority in particular cases expressly provided for by it. SEC. 14. In the government of this State 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. SEC. 15. All Courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. SEC. 16. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized. SEC. 17. No person shall be held to answer for any crime where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days, with or without hard labor, unless on a presentment or indictment of a grand jury of the County where the crime shall have been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall be compelled in any criminal case to be a witness against himself. Private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor. SEC. 18. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury, and to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defence by himself or by his counsel or by both. SEC. 19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, nor shall witnesses be unreasonably detained. Corporal punishment shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the State penitentiary. SEC. 20. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences when the proof is evident or the presumption great. SEC. 21. In all indictments or prosecutions for libel, the truth of the alleged libel may, be given in evidence, and the jury shall be the judges of the law and the facts. SEC. 22. Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except upon testimony of at least two witnesses in the same overt act, or upon confession in open court. SEC. 23. The privilege of the writ of habeas corpus shall not be suspended unless w. SEC. 24. No person shall be imprisoned for debt except in cases of fraud. SEC. 25. The right of trial by jury shall be preserved inviolate. SEC. 26. A well regulated militia being necessary to the security of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner to be prescribed by law. SEC. 27. No person shall in any case be subject to martial law. SEC. 28. All navigable waters shall forever remain public. SEC. 29. The provisions of the General Assembly shall be taken, deemed and construed to be mandatory on the owners of any merchandise or commodity for the use of the State. SEC. 30. The provisions of the General Assembly shall be taken, deemed and construed to be mandatory on the owners of any merchandise or commodity for the use of the State. SEC. 31. The provisions of the General Assembly shall be taken, deemed and construed to be mandatory on the owners of any merchandise or commodity for the use of the State. SEC. 32. The provisions of the General Assembly shall be taken, deemed and construed to be mandatory on the owners of any merchandise or commodity for the use of the State. SEC. 33. The provisions of the General Assembly shall be taken, deemed and construed to be mandatory on the owners of any merchandise or commodity for the use of the State. SEC. 34. 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