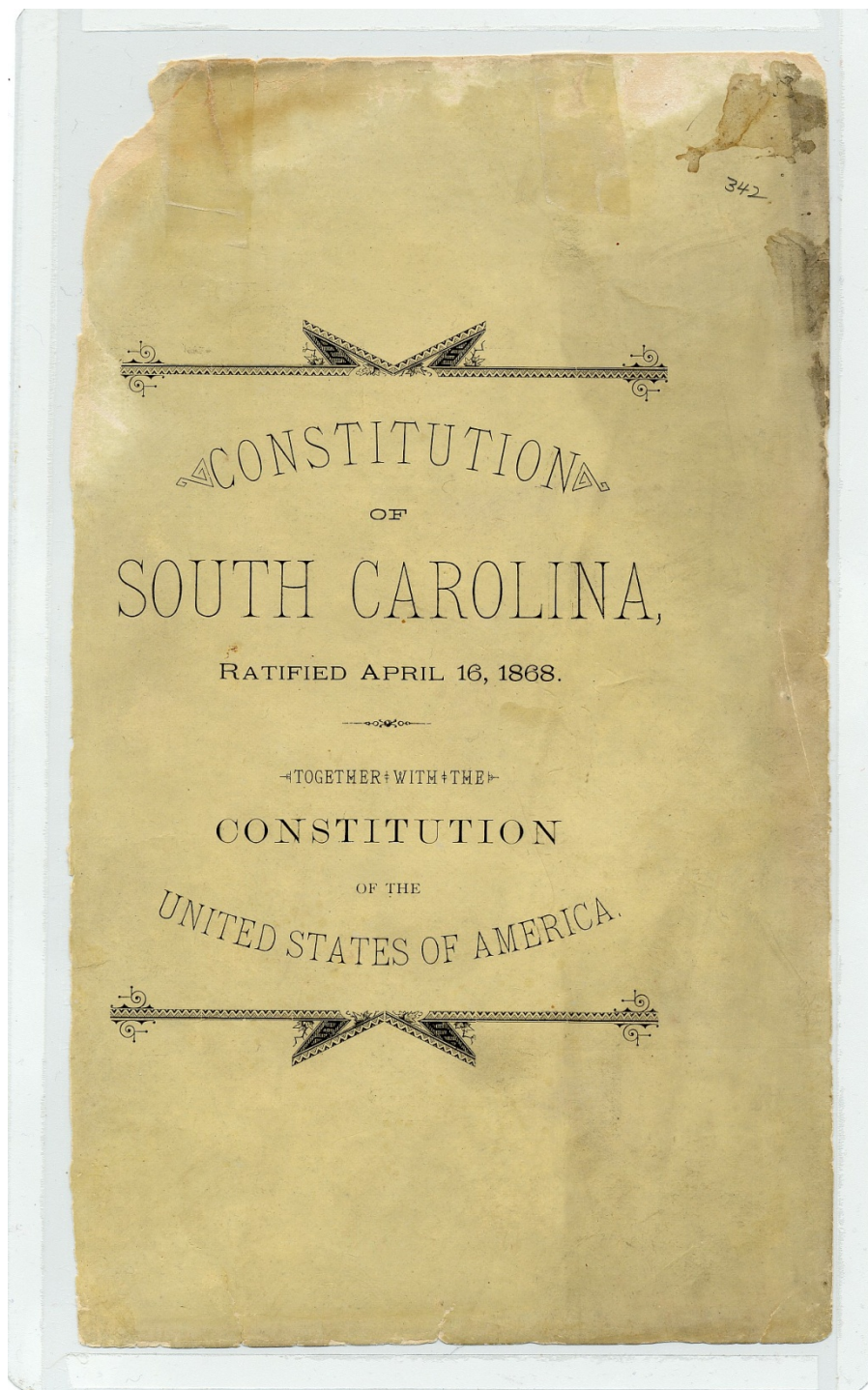


Citation: Constitutional Convention (1868). Constitution of 1868. **Article 10.** S 131081. South Carolina Department of Archives and History, Columbia, South Carolina. Online at <http://www.teachingushistory.org/tTrove/1868Constitution.htm>



of municipal corporations shall be taxed for the payment of debts contracted under authority of law.

SECTION 9. The General Assembly shall provide for ^{Incorporations.} the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

SECTION 10. No scrip, certificate or other evidence of ^{Evidences of State indebtedness.} State indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

SECTION 11. An accurate statement of the receipts ^{Receipts and expenditures.} and expenditures of the public money shall be published, with the laws of each regular session of the General Assembly, in such manner as may by law be directed.

SECTION 12. No money shall be drawn from the ^{Drafts on the Treasury.} Treasury but in pursuance of appropriations made by law.

SECTION 13. The fiscal year shall commence on the ^{Fiscal year.} first day of November in each year.

SECTION 14. Any debt contracted by the State shall ^{State bonds.} be by loan on State bonds, of amounts not less than fifty dollars each, on interest, payable within twenty years after the final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SECTION 15. Suitable laws shall be passed by the ^{State, County and School funds.} General Assembly for the safe keeping, transfer and disbursement of the State, County and school funds; and all officers and other

persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer, and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: *Provided, however,* That the General Assembly, by a two-third vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

SECTION 16. No debt contracted by this State in behalf of the late rebellion, in whole or in part, ^{Rebel debts.} shall ever be paid.*

ARTICLE 10.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent of Edu- ^{Superintendent of Education.} cation, who shall be elected by the qualified electors of the State in such manner and at such time as the other State officers are elected: his powers, duties, term of office and compensation shall be defined by the General Assembly.

SECTION 2. There shall be elected biennially in each County, by the qualified electors thereof, one ^{School Commissioners.} School Commissioner, said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be Chairman. The powers, duties and compensation of the members of said Board shall be determined by law.

*Additional Section added by amendment: see page 55.

SECTION 3. The General Assembly shall, as soon as ^{Free schools.} practicable after the adoption of this Constitution, provide for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable School Districts. There shall be kept open at least six months in each year one or more schools in each School District.

SECTION 4. It shall be the duty of the General Assembly to provide for the compulsory ^{Compulsory attendance.} attendance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months at least: *Provided*, That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

SECTION 5. The General Assembly shall levy, at each ^{School tax.} regular session after the adoption of this Constitution, an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this Section. The school tax shall be distributed among the several School Districts of the State, in proportion to the respective number of pupils attending the public

schools. No religious sect or sects shall have exclusive right to, or control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.*

SECTION 6. Within five years after the first regular session of the General Assembly following ^{Normal School.} the adoption of this Constitution, it shall be the duty of the General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

SECTION 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other ^{Blind, deaf and dumb.} benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

SECTION 8. Provisions shall be made by law, as soon as practicable, for the establishment and ^{Reform School.} maintenance of a State Reform School for juvenile offenders.

SECTION 9. The General Assembly shall provide for the maintenance of the State University, and, ^{State University.} as soon as practicable, provide for the establishment of an Agricultural College, and shall ^{Agricultural College.} appropriate the land given to this State, for the support of such a college, by the Act of Congress, passed July second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purpose, for the support and maintenance of such college, and may make the same a branch of the State Univer-

*Amended: see page 52.

sity for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith.

SECTION 10. All the public schools, colleges and universities of this State supported in whole or in part by the public funds shall be free and open to all the children and youths of the State, without regard to race or color.

SECTION 11. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State school fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

ARTICLE 11.

CHARITABLE AND PENAL INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, deaf and dumb and the poor shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may enact.

SECTION 2. The Directors of the Penitentiary shall be elected or appointed as the General Assembly may direct.

SECTION 3. The Directors of the benevolent and other State institutions, such as may be hereafter created, shall be appointed by the Governor, by and with the consent of the Senate; and upon all nominations made by the Governor the question shall be taken by yeas and nays and entered upon the Journals.

SECTION 4. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid until the next session of the General Assembly and until a successor or successors shall be appointed and confirmed.

SECTION 5. The respective Counties of this State shall make such provision as may be determined by law for all those inhabitants who, by reason of age and infirmities or misfortunes, may have a claim upon the sympathy and aid of society.

SECTION 6. The physician of the Lunatic Asylum, who shall be Superintendent of the same, shall be appointed by the Governor, with the advice and consent of the Senate. All other necessary officers and employees shall be appointed by the Governor.

ARTICLE 12.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws; but all such laws may from time to time be altered or repealed.

SECTION 2. The property of corporations now existing or hereafter created shall be subject to taxation, except in cases otherwise provided for in this Constitution.