

T H E  
U N I T E D S T A T E S  
M A G A Z I N E :

*Wm. B. Loomis*  
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R E P O S I T O R Y

O F

H I S T O R Y, P O L I T I C S

A N D

L I T E R A T U R E.

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V O L U M E I.

FOR THE YEAR, 1779.

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P H I L A D E L P H I A ;

PRINTED AND SOLD BY FRANCIS BAILEY, IN FRONT-STREET.

# P R E F A C E.

*T*HE Preface of a publication means the same with the exordium of an oration, which is to conciliate the minds of the audience, and, in the words of Cicero, to render them teachable, attentive, benevolent§. We are so happy in assurances of good-will from the Public, that on this occasion, it will not be necessary to detain them with any great compliment and ceremony of this nature. They are themselves well pleased with our attempt (in the language of figure) to paint the graces on the front of war, and invite the mules to our country. They will be indulgent to the infancy and progress of the work; and if there are deficiencies, they will be disposed to forgive them, until full age shall have supplied every want, and brought it to perfection.

We are indeed happy to find a young and rising people so disposed to wish well to the labours of these men, who make it their study to contribute to the entertainment, and to raise the credit of the age in which they live, by useful works of literature, that are the solace, and at the same time the ornament, of human nature. For what is man without taste, and the acquirements of genius? A: Ovaran-Outan, with the human shape, and the soul of a beast.

It was the language of our enemies at the commencement of the debate between America and what is called the mother-country, that in righteous judgment for our wickedness, it would be well to leave us to that independency which we seemed to affect, and to suffer us to sink down to so many Ovaran-Outans of the wood, lost to the light of science which, from the other side of the Atlantic, had just begun to break upon us. They have been made to see, and even to confess the vanity of this kind of auguration. The British officers who are, some of them, men of understanding, on perusal of our pamphlets

§ Reddere auditorem, docilem, attentum, benevolum.

pamphlets in the course of the debate, and the essays and dissertations in the news-papers, have been forced to acknowledge, not without chagrin, that the rebels, as they are pleased to call us, had some d-mn'd good writers on their side the question, and that we had fought them no less successfully with the pen than with the sword. We hope to convince them yet more fully, that we are able to cultivate the belles lettres, even disconnected with Great-Britain; and that liberty is of so noble and energetic quality, as even from the bosom of a war to call forth the powers of human genius, in every course of literary fame and improvement.

It is our only doubt, that in this undertaking, the public will not sufficiently attend to the expences of the press; and from this circumstance will be disposed to complain that our publication is too highly rated. We shall in this case pray them to consider, that there is scarcely an article of commerce that is not thirty times the price it was formerly; and that from the great quantity of currency in circulation, they themselves can more easily command thirty prices now, than one price formerly; and therefore our publication will demonstrably be lower, and more convenient for the public to receive it, than any thing of this kind ever was at any former period.

These things premised and understood, we shall go on in good humour with the purchaser; and it will not be the fault of our intention, if we do not continue in good humour with him, as long as we shall publish the Magazine.

T H E

# United States Magazine,

A  
R E P O S I T O R Y  
O F

History, Politics, and Literature.

FOR SEPTEMBER, 1779.

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Printed and Sold by FRANCIS BAILEY, in Market-Street

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T H E

*United States Magazine,*

FOR SEPTEMBER, 1779.

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*By J. Bloomfield*

POLITICAL DISCOURSE, No. 10. Containing some thoughts on the advantages of American Independence.

Written for a day of thanksgiving, April ---- 1778.

---- Neither were thankful §.

**T**HIS was a charge brought against the Heathen world, who, though they had continually before their eyes the glorious fabric of the universe, and the visible marks of Deity every where imprest upon it; yet unattentive to all the marks of wisdom, and all this beauty and magnificence of structure, they were not disposed to acknowledge the divine Architect, or to give him glory. It is true they not unfrequently offered up a hecatomb of oxen to him whom they called the *very Great Jove*; but at the same time they paid him no regard as a god of holiness, and delighting in obedience as the best sacrifice.

Now, you are not to suppose that these heathens were inhabitants of the planet Mercury, who, by their near approach to

the region of the sun, drew unusual heat, and became fiery and malignant in their natures. No, they were men of the same origin, and inhabited the same globe with ourselves. They were of the same nature, and what is said of them may in some degree be said of us; for though we see every day the power, and taste every day the bounty of the Deity, yet we are disposed to withhold that tribute of gratitude and love which is justly due.---- That we may avoid the charge brought against the heathen world, I must beg leave to make it my address to the people of America that we be *thankful*; which on various accounts has become our duty.

1. Because we enjoy a happy soil, and a happy climate. Our soil is stored peculiarly with every mine and mineral necessary for the use; or medicinal for the health of men. It abounds with every herb salutary to the human taste or grateful to the smell. It is fruitful of every grain answering profusely the labour of the husbandmen. It is crowned with shady woods, and groves of every kind of trees. It is watered abundantly with streams and stream-lets,

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§ Rom. i. 21.

lets, from the huge bay, and the navigable river, to the small Brook that issues from the mountain.

Our climate is of the finest and most serene temperature. It extends from that region where the cold begins to be intense, to that where the heats begin to be the cause of autumnal fevers. We are sheltered, on the west, by a high chain of mountains running far in length, and breaking the cold winds which else blowing over a vast tract of country, might more than check the principles of vegetation. We are fanned, in the summer season of the year, by the pleasant gales that blow from the Atlantic ocean.

Hence it is, that pestilential diseases are unknown amongst us, and the plague makes not its inroad through America. Hence it is that the date of life is prolonged to a great maturity of years; and that old age is attended with unusual health and serenity of countenance. We enjoy, indeed, a happy soil, and a happy climate.

We shall be sensible of this, if we compare our situation with that of many others in the different quarters of the world. The soil of Switzerland is barren rock, which liberty itself can scarcely make to smile. The clime of the United Netherlands is foggy, and the fever dwells forever in their veins. The African is scorched with the sun and the burning sands. The Norwegian, the Dane, the Swede, the Russian, and the Tartar, contend with fierce storms and continual snows.

2. We enjoy liberty, which is valuable, because, like the elastic spring of a machine, it sets

in motion every power of the human soul: It gives scope to every exertion of the ingenuity of man. A sense that he is free gives the husbandman to plant his grounds, and to lay out the plan of his improvements for succeeding years. He knows his buildings and possessions are his own, and he shall in his old age, enjoy that which marks the taste and attention of his earlier years. A sense that he is free gives an edge to the invention of the citizen, exciting him to produce something excellent amongst a people that are capable of judging of excellence, and willing to reward it. He becomes doubly sedulous in a free state, where the increase of population, and the consequent wants of society institute a general demand of his manufactures. A sense that he is free gives the trader to venture on the main, and to bring to his own shores all that is valuable in the produce or improvements of the most distant countries. A sense that he is free gives the student to sit up late, and trim the midnight lamp, because he knows that his genius and learning shall be honoured; and that not a flatterer or debauchee, dependent on the great, but the virtuous and wise, shall be advanced to office in the commonwealth.

Liberty is, indeed, a valuable blessing; and we shall be sensible of this, if we take a view of Turkey, Persia, and India, and other countries which are deprived of it. A few naked families starving on the uncultivated soil, with an insulting basha standing over them, is the miserable picture.

The blessing of liberty God hath given to America. He hath established

established an independent empire, and hath made us the first sons and daughters of that empire. From this time we shall be conspicuous to posterity. A thousand years hence they shall hear of us, as those who blossomed early in their history: As those who were happy in emerging from the inroad of oppression, and aspiring to life and liberty: as those who were illustrious in handing down to them the same invaluable privilege.

We enjoy liberty, and, I trust, a spirit to preserve it. The spirit of liberty burns high in the breast of every American. It burns high in the breasts of some distinguished patriots. It flames in the soul of a —, a —, a —, a Livingston.

We are happy in many noble characters, the assertors, and guardians of liberty. Amongst these the great and excellent Washington shines with a peculiar brightness. Rome, when she called in her Cæsar to defend her against Pompey, found a tyrant in her captain: Britain, when she commissioned her Cromwell to act against the claim of an arbitrary tyrant, found an usurper in her general. But who is there who ever saw vanity, or feared ambition in a Washington. Yet so rare is the virtue of true patriotism, that few have been found who have not mixed the fire of ambition with it.

3. We are happy on this continent, in being free from church as well as state tyranny. I mean that dominion which superstition hath in all ages endeavoured to establish over the consciences of men. We are likewise in a great measure free

from that implacable bigotry which is elsewhere so much to be found among the different denominations of the Christian world. Amongst Americans we hear little of that fury and antipathy of churchman against presbyterian, and presbyterian against churchman, which has disgraced the history of Britain, and many parts of Europe in the past centuries. Debates of this nature are agitated only amongst some individuals, whose hearts are better than their heads, and whose ignorance abounds more than their devotion. —

*The rest is wanting.*

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*An ACT for establishing the Constitution of the State of South Carolina, passed the 19th day of March, 1778.*

WHEREAS the Constitution or Form of Government agreed to and resolved upon by the freemen of this country, met in congress the 26th day of March, 1776, 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 connexion heretofore subsisting between them and Great-Britain entirely dissolved, by the declaration of the honourable the Continental Congress, dated the 4th day of July, 1776, for the many great and weighty reasons therein particularly set forth; it therefore becomes absolutely necessary to frame a constitution

stitution suitable to that great event: Be it therefore constituted and enacted, by his Excellency Rawlins Lowndes, Esq. 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 freemen of this state, now met in general assembly, be deemed and held the constitution and form of government of the said states, 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 stile 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 26th of March, 1776, shall continue and be in full force, until the 29th 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 hereafter, 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, preceding their said election, and shall have in this state a settled plantation or freehold, 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,



sion, 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 the 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 thenceforward 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 of 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. That in case of the absence from the seat of government, or sickness of the governor

nor

nor 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. That the executive authority be vested in the governor and commander in chief, in manner herein mentioned.

12. 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 St. Philip and St. Michael's parishes, Charlestown, which shall elect two members, and except also the district between Broad and Saludy rivers, in three divisions, viz. the Lower district, Little River district, and Upper or Spartan district, each of which said division shall elect one member; and except the parishes of St. Mathew 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 St. Mathew for that parish and the parish of Orange; to meet on the first Monday in January then next, at the seat of the government, unless the casualties of war or contagious disorders should ren-

der it unsafe to meet there; in which case the governor or 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 freehold, 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 freehold, 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. 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 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,

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 St. Philip and St. Michael, Charlestown, thirty members.

The parish of Christ-Church, six members.

The parish of St. John, in Berkeley county, six members.

The parish of St. Andrew, six members.

The parish of St. George, Dorchester, six members.

The parish of St. James, Goose-Creek, six members.

The parish of St. Thomas and St. Dennis, six members.

The parish of St. Paul, six members.

The parish of St. Bartholomew, six members.

The parish of St. Helena, six members.

The parish of St. James, Santee, six members.

The parish of prince George, Winyah, four members.

The parish of All-saints, two members.

The parish of prince Frederic, six members.

The parish of St. John, in Colletown county, six members.

The parish of St. Peter, six members.

The parish of Prince William, six members.

The parish of St. 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.

The Lower district, four members.

The Little River district, four 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 St. Matthew, three members.

The parish of Orange, three members.

The parish of St. 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 churchwardens in a district or parish, the house of representatives, at some convenient time before their expiration, shall appoint places of elections, and persons to receive votes and make returns. The qualifications 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

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 freehold 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 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 is actually a resident, or in any other parish or district, in this state, where he hath the like freehold. 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 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 freehold, 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. 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 power 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. 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. 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  
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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 secretary's 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. 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. That the senate and house of representatives shall each chuse their respective officers by ballot, without controul. 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. That if any parish or district shall neglect to elect 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. 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 except 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. 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, a member of the senate,

house of representatives, or privy council in this state.

22. 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. 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, and truly and impartially to try and determine the charge in question, according to evidence. And no judgment of the said court, except 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. 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 Charlestown, shall continue to exercise that office as heretofore.

25. That the jurisdiction of the court of admiralty be confined to maritime causes.

26. 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 intitled 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. 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. That the sheriff, 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

cil 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 shall 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. That two commissioners of the treasury, the secretary of the state, the registers of the 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. 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. That in case of vacancy, in any of the offices above directed to be fulfilled 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. 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. 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. That the resolutions of the late congresses of this state, and all laws now in force here (and not hereby altered) shall so continue, until altered or repealed by the legislature of this state,

state, unless where they are temporary, in which case they shall expire, at the times respectively limited for their duration.

35. 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. 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 a 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*  
*with fidelity and honor, and according to the best of my skill and understanding. So help me God.*

37. That adequate yearly salaries be allowed to the public officers of this state, and be fixed by law.

38. 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 publickly 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 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 incorporate, and hold the religious property now in their possession. And that, whenever 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 hereinafter 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



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 intitle 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 publickly 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 own 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 clergymen; 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 choose 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.

*That he is determined, by God's 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 scripture; that he will use both public and private admonitions, as well to the sick as to the whole, within his care, 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  
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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 assent to. No person whatsoever shall speak anything, 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 societies, 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. 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. 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. That no freeman of this state be taken, or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or proper-

ty, but by the judgment of his peers, or by the law of the land.

42. That the military be subordinate to the civil power of the state.

43. That the liberty of the press be inviolably preserved.

44. 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. 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 19th day of March, 1778.*

Assented to,

RAWLINS LOWNDES.

THOMAS BEE, Speaker  
of the Gen. Assembly.

HUGH RUTLEDGE, Speaker  
of the Legislative Council.

In the General Assembly, the  
19th day of March, 1778.

*Published by order of the House,*

PETER TIMOTHY,  
Clerk of Gen. Assembly.

*Mathematical Question.*

How may a meridian line be drawn, on a horizontal plane, from solar morning or evening shadows, only independent of concentric circles, magnetism, hour of day, calculation, or astronomy.

*The*