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CONSTITUTION OF 1877.

Preamble.

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty we, the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.

ARTICLE I.*Bill of Rights.***SECTION I.**

§ 815. Paragraph I. *Origin and foundation of Government.*—All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times amenable to them.

§ 816. Par. II. *Protection the duty of government.*—Protection to person and property is the paramount duty of government, and shall be impartial and complete.

§ 817. Par. III. *Life, liberty and property.*—No person shall be deprived of life, liberty, or property, except by due process of law.

§ 818. Par. IV. *Right to the Courts.*—No person shall be deprived of the right to prosecute or defend his own cause in any of the Courts of this State, in person, by attorney, or both.

§ 819. Par. V. *Benefit of Counsel, accusation, list of witnesses, compulsory process and trial.*—Every person charged with an offense against the laws of this State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to ob-

tain the testimony of his own witnesses ; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

§ 820. Par. VI. *Crimination of self not compelled*.—No person shall be compelled to give testimony tending in any manner to criminate himself.

§ 821. Par. VII. *Banishment, whipping*.—Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

§ 822. Par. VIII. *Jeopardy of life, etc., more than once, forbidden*.—No person shall be put in jeopardy of life, or liberty, more than once for the same offense, save on his, or her, own motion for a new trial after conviction, or in case of mistrial.

§ 823. Par. IX. *Bail, fines, punishments, arrests*.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted ; nor shall any person be abused in being arrested, while under arrest, or in prison.

§ 824. Par. X. *Costs*.—No person shall be compelled to pay costs, except after conviction on final trial.

§ 825. Par. XI. *Habeas Corpus*.—The writ of habeas corpus shall not be suspended.

§ 826. Par. XII. *Freedom of conscience*.—All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should, in any case, control or interfere with such right of conscience.

§ 827. Par. XIII. *Religious opinions, etc.*—No inhabitants of this State shall be molested in person or property, or prohibited from holding any public office or trust, on account of his religious opinions ; but the right of liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

§ 828. Par. XIV. *Appropriation to sects forbidden*.—No money shall ever be taken from the public treasury, directly or in-

directly in aid of any church, sect, or denomination of religionists, or of any sectarian institution.

§ 829. Par. XV. *Liberty of speech guaranteed.*—No law shall ever be passed to curtail, or restrain, the liberty of speech, or of the press; any person may speak, write and publish his sentiments, on all subjects, being responsible for the abuse of that liberty.

§ 830. Par. XVI. *Searches and warrants.*—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 warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

§ 831. Par. XVII. *Slavery.*—There shall be within the State of Georgia neither slavery or involuntary servitude, save as a punishment for crime after legal conviction thereof.

§ 832. Par. XVIII. *Status of the citizen.*—The social status of the citizen shall never be the subject of legislation.

§ 833. Par. XIX. *Civil authority superior to military.*—The civil authority shall be superior to the military, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except by the civil magistrate, in such manner as may be provided by law.

§ 834. Par. XX. *Contempts.*—The power of the Courts to punish for contempts shall be limited by legislative acts.

§ 835. Par. XXI. *Imprisonment for debt.*—There shall be no imprisonment for debt.

§ 836. Par. XXII. *Arms.*—The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

§ 837. Par. XXIII. *Legislative, judicial and executive separate.*—The legislative, judicial and executive powers shall forever

remain separate and distinct, and no person discharging the duties of one, shall at the same time exercise the functions of either of the others, except as herein provided.

§ 838. Par. XXIV. *Right to assemble and petition.*—The people have the right to assemble peaceably for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance.

§ 839. Par. XXV. *Citizens, protection of.*—All citizens of the United States, resident in this State, are hereby declared citizens of this State; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges and immunities due to such citizenship.

SECTION II.

§ 840. Paragraph I. *Libel; jury in criminal trials.*—In all prosecutions or indictments for libel, the truth may be given in evidence; and the jury in all criminal cases shall be the judges of the law and the facts. The power of the Judges to grant new trials in case of conviction is preserved.

§ 841. Par. II. *Treason.*—Treason against the State of Georgia shall consist in levying war against her, adhering to her enemies, giving them aid and comfort. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or confession in open Court.

§ 842. Par. III. *Conviction.*—No conviction shall work corruption of blood, or forfeiture of estate.

§ 843. Par. IV. *Lotteries.*—All lotteries, and the sale of lottery tickets, are hereby prohibited; and this prohibition shall be enforced by penal laws.

§ 844. Par. V. *Lobbying.*—Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

§ 845. Par. VI. *Fraud; property concealment.*—The General Assembly shall have the power to provide for the punishment of

fraud; and shall provide, by law, for reaching property of the debtor concealed from the creditor.

SECTION III.

§ 846. Paragraph I. *Private ways; just compensation.*—In cases of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken, or damaged, for public purposes, without just and adequate compensation being first paid.

§ 847. Par. II. *Attainder; ex post facto and retroactive laws, etc.*—No bill of attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities, shall be passed.

§ 848. Par. III. *Revocation of grants.*—No grant of special privileges or immunities shall be revoked, except in such manner as to work no injustice to the corporators or creditors of the incorporation.

SECTION IV.

§ 849. Paragraph I. *General laws, and how varied.*—Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights shall be varied in any particular case, by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contracts is capable of such consent.

§ 850. Par. II. *What Acts void.*—Legislative Acts in violation of this Constitution, or the Constitution of the United States are void, and the Judiciary shall so declare them.

SECTION V.

§ 851. Paragraph I. *State rights.*—The people of this State have the inherent, sole and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

§ 852. Par. II. *Enumeration of rights not deny others.*—The enumeration of rights herein contained as a part of this Constitution, shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

ARTICLE II.

Elective Franchise.

SECTION I.

§ 853. Paragraph I. *Ballot.*—In all elections by the people the electors shall vote by ballot.

§ 854. Par. II. *Electors, and oath of.*—Every male citizen of the United States (except as hereinafter provided), twenty-one years of age, who shall have resided in this State one year next preceding the election, and shall have resided six months in the county in which he offers to vote, and shall have paid all taxes which may hereafter be required of him, and which he may have had an opportunity of paying, agreeably to law, except for the year of the election, shall be deemed an elector: *Provided*, that no soldier, sailor or marine in the military or naval service of the United States, shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote who, if challenged, shall refuse to take the following oath, or affirmation: "I do swear (or affirm) that I am twenty-one years of age, have resided in this State one year, and in this county six months, next preceding this election. I have paid all taxes which, since the adoption of the present Constitution of this State, have been required of me previous to this year, and which I have had an opportunity to pay, and I have not voted at this election."

SECTION II.

§ 855. Paragraph I. *Registration; who disfranchised.*—The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote or hold any office, or appointment of honor or trust in this State, to-wit: 1st. Those who shall have been convicted, in any Court of competent jurisdiction, of treason against the State, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpi-

tude, punishable by the laws of this State with imprisonment in the penitentiary, unless such person shall have been pardoned. 2nd. Idiots and insane persons.

SECTION III.

§ 856. Paragraph I. *Privilege of electors.*—Electors shall in all cases except for treason, felony, larceny and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

SECTION IV.

§ 857. Paragraph I. *Holder of public funds.*—No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

§ 858. Par. II. *Duelling.*—No person who, after adoption of this Constitution, being a resident of this State, shall have been convicted of fighting a duel in this State, or convicted of sending or accepting a challenge, or convicted of aiding or abetting such duel, shall hold office in this State, unless he shall have been pardoned; and every such person shall, also, be subject to such punishment as may be prescribed by law.

SECTION V.

§ 859. Paragraph I. *Sale of liquors on election days.*—The General Assembly shall, by law, forbid the sale, distribution, or furnishing of intoxicating drinks within two miles of election precincts on days of election—State, county or municipal—and prescribe punishment for any violation of the same.

SECTION VI.

§ 860. Paragraph I. *Election returns.*—Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and, also for the members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

ARTICLE III.

Legislative Department.

SECTION I.

§ 861. Paragraph I. *Legislative power.*—The legislative power of the State shall be vested in a General Assembly which shall consist of a Senate and House of Representatives.

SECTION II.

§ 862. Paragraph I. *Number of Senators, etc.*—The Senate shall consist of forty-four members. There shall be forty-four Senatorial districts, as now arranged by counties. Each district shall have one Senator.

§ 862a. Paragraph II. (This paragraph consists of a list of the senatorial districts which are composed as in the Constitution of 1868 except that Dodge is added to the fourteenth district; that Oconee and Rockdale are added to the twenty-seventh district; that McDuffie is added to the twenty-ninth district and that Douglas is added to the thirty-sixth district.)

§ 863. Par. III. *Districts, changed, how.*—The General Assembly may change these districts after each census of the United States: Provided, neither the number of districts nor the number of Senators from each district shall be increased.

SECTION III.

§ 864. Paragraph I. *Number of Representatives.*—The House of Representatives, shall consist of one hundred and seventy-five Representatives, apportioned among the several counties as follows:—to-wit: To the six counties having the largest population, viz: Chatham, Richmond, Burke, Houston, Bibb and Fulton, three Representatives, each; to the twenty-six counties having the next largest population, viz: Bartow, Coweta, Decatur, Floyd, Greene, Gwinnett, Harris, Jefferson, Meriwether, Monroe, Muscogee, Newton, Stewart, Sumter, Thomas, Troup, Washington, Hancock, Carroll, Cobb, Jackson, Dougherty, Oglethorpe, Macon, Talbot, and Wilkes, two Representatives, each; and to the remaining one hundred and five counties, one Representative, each.

§ 865. Par. II. *Changed, how.*—The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government, so as to give the six counties having the largest population three Representatives, each; and to the twenty-six counties having the next largest population two Representatives, each; but in no event shall the aggregate number of Representatives be increased.

SECTION IV.

§ 866. Paragraph I. *Term of members.*—The members of the General Assembly shall be elected for two years, and shall serve until their successors are elected.

§ 867. Par. II. *Election, when.*—The first election for member of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially, on that day, until the day of elections is changed by law.

§ 868. Par. III. *Meeting of the General Assembly.*—The first meeting of the General Assembly, after the ratification of this Constitution, shall be on the first Wednesday in November, 1878, and biennially thereafter, on the same day, until the day shall be changed by law. But nothing herein contained shall be construed to prevent the Governor from calling an extra session of the General Assembly before the first Wednesday in November, 1878, if in his opinion, the public good shall require it.

§ 869. Par. IV. *Quorum.*—A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members, as each House may provide.

§ 870. Par. V. *Oath of members.*—Each Senator and Representative, before taking his seat, shall take the following oath, or affirmation, to-wit: "I will support the Constitution of this State and of the United States; and on all questions and measures which may come before me, I will so conduct myself as will, in my judgment, be most conducive to the interests and prosperity of this State."

§ 871. Par. VI. *Sessions, forty days.*—No session of the General Assembly shall continue longer than forty days, unless by a two-thirds' vote of the whole number of each House.

§ 872. Par. VII. *Eligibility; appointments forbidden.*—No person holding a military commission, or other appointment or office, having any emolument or compensation annexed thereto, under this State, or the United States, or either of them, except Justices of the Peace and officers of the militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either house; nor shall any Senator or Representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected.

§ 873. Par. VIII. *Removal vacates.*—The seat of a member of either House shall be vacated on his removal from the district or county from which he was elected.

SECTION V.

§ 874. Paragraph I. *Qualifications of Senators.*—The Senators shall be citizens of the United States, who shall have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the district from which elected.

§ 875. Par. II. *President.*—The presiding officer of the Senate shall be styled the President of the Senate, and shall be elected viva voce from the Senators.

§ 876. Par. III. *Impeachments.*—The Senate shall have the sole power to try impeachments.

§ 877. Par. IV. *Trial of impeachments.*—When sitting for that purpose, the members shall be on oath, or affirmation, and shall be presided over by the Chief Justice, or the presiding Justice of the Supreme Court. Should the Chief Justice, be disqualified, the Senate shall select the Judge of the Supreme Court to preside. No

person shall be convicted without the concurrence of two-thirds of the members present.

§ 878. Par. V. *Judgments in impeachments.*—Judgments, in cases of impeachments, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, within this State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION VI.

§ 879. Paragraph I. *Qualifications of Representatives.*—The Representatives shall be citizens of the United States who have attained the age of twenty-one years, and who shall have been citizens of this State for two years, and for one year residents of the counties from which elected.

§ 880. Par. II. *Speaker.*—The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected viva voce from the body.

§ 881. Par. III. *Power to impeach.*—The House of Representatives shall have the sole power to impeach all persons who shall have been, or may be, in office.

SECTION VII.

§ 882. Paragraph I. *Elections, returns, etc.; disorderly conduct.*—Each House shall be the judge of the election, returns, and qualifications of its members, and shall have the power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled, except by a vote of two-thirds of the House to which he belongs.

§ 883. Par. II. *Contempts, how punished.*—Each House may punish by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence, or who shall rescue, or attempt to rescue, any person arrested by order of either House.

§ 884. Par. III. *Privilege of members.*—The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going thereto or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either House.

§ 885. Par. IV. *Journals.*—Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment.

§ 886. Par. V. *Where kept.*—The original journal shall be preserved, after publication, in the office of the Secretary of State, but there shall be no other record thereof.

§ 887. Par. VI. *Yeas and nays, when taken.*—The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

§ 888. Par. VII. *Bills to be read.*—Every bill, before it shall pass, shall be read three times, and on three separate days, in each House, unless in cases of actual invasion or insurrection.

§ 889. Par. VIII. *One subject matter expressed.*—No law or ordinance shall pass which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

§ 890. Par. IX. *General appropriation bill.*—The general appropriation bill shall embrace nothing except appropriations fixed by previous laws, the ordinary expenses of the Executive, Legislative and Judicial Departments of the Government, payment of the public debt and interest thereon, and the support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

§ 891. Par. X. *Bills for revenue.*—All bills for raising revenue, or appropriating money, shall originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

§ 892. Par. XI. *Public money, how drawn.*—No money shall be drawn from the treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published every three months, and, also, with the laws passed by each session of the General Assembly.

§ 893. Par. XII. *Bills appropriating money.*—No bill or resolution appropriating money shall become a law, unless, upon its passage, the yeas and nays, in each House, are recorded.

§ 894. Par. XIII. *Acts signed, rejected bill.*—All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill, ordinance or resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

§ 895. Par. XIV. *Majority of members to pass bill.*—No bill shall become a law unless it shall receive a majority of the votes of all the members elected to each House of the General Assembly and it shall, in every instance, so appear on the journal.

§ 896. Par. XV. *Local bills.*—All special or local bills shall originate in the House of Representatives. The Speaker of the House of Representatives shall, within five days from the organization of the General Assembly, appoint a committee, consisting of one from each Congressional District, whose duty it shall be to consider, and consolidate all special and local bills, on the same subject, and report the same to the House; and no special or local bills shall be read or considered by the House until the same has been reported by said committee, unless by a two-thirds' vote. And no bills shall be considered or reported to the House, by said committee, unless the same shall have been laid before it within fifteen days after the organization of the General Assembly, except by a two-thirds' vote.

§ 897. Par. XVI. *Notice of intention to ask local legislation necessary.*—No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter, or thing to be affected, may be situated,

which notice shall be given at least thirty days prior to the introduction of such bill into the General Assembly, and in the manner to be prescribed by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such Act shall be passed.

§ 898. Par. XVII. *Statutes and Sections of Code, how amended.*—No law, or section of the Code, shall be amended or repealed by mere reference to its title, or to the number of the section of the Code, but the amending or repealing Act shall distinctly describe the law to be amended or repealed, as well as the alteration to be made.

§ 899. Par. XVIII. *Corporations.*—The General Assembly shall have no power to grant corporate powers and privileges to private companies, except banking, insurance, railroad, canal, navigation, express and telegraph companies; nor to make or change election precincts; nor to establish bridges or ferries; nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the Courts.

§ 900. Par. XIX. *Recognizances.*—The General Assembly shall have no power to relieve principals or securities upon forfeited recognizances, from the payment thereof, either before or after judgment thereon, unless the principal in the recognizance shall have been apprehended and placed in the custody of the proper officer.

§ 901. Par. XX. *Street railways.*—The General Assembly shall not authorize the construction of any street passenger railway within the limits of any incorporated town or city, without the consent of the corporate authorities.

§ 902. Par. XXI. *Yeas and nays to be entered, when.*—Whenever the Constitution requires a vote of two-thirds of either or both Houses for the passing of an Act or resolution, the yeas and nays on the passage thereof shall be entered on the journal.

§ 903. Par. XXII. *Powers of the Legislature.*—The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitu-

tion of the United States, which they shall deem necessary and proper for the welfare of the State.

§ 904. Par. XXIII. *Signature of Governor.*—No provision in this Constitution, for a two-thirds' vote of both houses of the General Assembly, shall be construed to waive the necessity for the signature of the Governor, as in any other case, except in the case of the two-thirds' vote required to override the veto, and in case of prolongation of a session of the General Assembly.

§ 905. Par. XXIV. *Adjournments.*—Neither House shall adjourn for more than three days, or to any other place, without the consent of the other; and in case of a disagreement between the two Houses on a question of adjournment, the Governor may adjourn either or both of them.

SECTION VIII.

§ 906. Paragraph I. *Secretary and clerk.*—The officers of the two Houses, other than the President and Speaker, shall be a Secretary of the Senate and Clerk of the House of Representatives, and such assistants as they may appoint; but the clerical expenses of the Senate shall not exceed sixty dollars per day; for each session, nor those of the House of Representatives seventy dollars per day, for each session. The Secretary of the Senate and Clerk of the House of Representatives shall be required to give bond and security for the faithful discharge of their respective duties.

SECTION IX.

§ 907. Paragraph I. The per diem of members of the General Assembly shall not exceed four dollars; and mileage shall not exceed ten cents for each mile traveled, by the nearest practicable route, in going to, and returning from, the Capitol; but the President of the Senate and the Speaker of the House of Representatives shall each receive not exceeding seven dollars per day.

SECTION X.

§ 908. Paragraph I. All elections by the General Assembly shall be viva voce, and the vote shall appear on the journal of the House of Representatives. When the Senate and the House of

Representatives unite for the purpose of elections, they shall meet in the Representative Hall, and the President of the Senate shall, in such case, preside and declare the result.

SECTION XI.

§ 909. Paragraph I. *Wife's estate*.—All property of the wife at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

SECTION XII.

§ 910. Paragraph I. *Non-resident insurance companies*.—All life insurance companies now doing business in this State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign States, shall show that they have deposited with the Comptroller-General of the State in which they are chartered, or of this State, the Insurance Commissioner, or such other officer as may be authorized to receive it, not less than one hundred thousand dollars, in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy holders.

§ 911. Par. II. *License by Comptroller*.—When such showing is made to the Comptroller-General of the State of Georgia by a proper certificate from the State-official having charge of the funds so deposited, the Comptroller-General of the State of Georgia is authorized to issue to the company making such showing, a license to do business in the State, upon paying the fees required by law.

§ 912. Par. III. *Resident insurance companies*.—All life insurance companies chartered by the State of Georgia, or which may hereafter be chartered by the State, shall, before doing business, deposit with the Comptroller-General of the State of Georgia, or with some strong corporation, which may be approved by said Comptroller-General, one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy holders of the company making such deposit, all interests and dividends arising from such securities to be paid, when due, to the

company so depositing. Any such securities as may be needed or desired by the company may be taken from said Department at any time by replacing them with other securities equally acceptable to the Comptroller-General, whose certificate for the same shall be furnished to the company.

§ 913. Par. IV. *General Assembly to enact laws for people's protection, etc.*—The General Assembly shall, from time to time, enact laws to compel all fire insurance companies doing business in this State, whether chartered by this State or otherwise, to deposit reasonable securities with the Treasurer of the State, to secure the people against loss by the operations of said companies.

§ 914. Par. V. *Reports by insurance companies.*—The General Assembly shall compel all insurance companies in this State, or doing business therein, under proper penalties, to make semi-annual reports to the Governor, and print the same at their own expense, for the information and protection of the people.

ARTICLE IV.

Powers of the General Assembly Over Taxation, Etc.

SECTION I.

§ 915. Paragraph I. *Taxation, a sovereign right.*—The right of taxation is a sovereign right, inalienable, indestructible, is the life of the State, and rightfully belongs to the people in all Republican governments, and neither the General Assembly, nor any, nor all other departments, of the Government established by this Constitution, shall ever have the authority to irrevocably give, grant, limit, or restrain this right; and all laws, grants, contracts, and all other acts whatsoever, by said Government, or any department thereof, to effect any of these purposes, shall be and are hereby, declared to be null and void, for every purpose whatsoever; and said right of taxation shall always be under the complete control of, and revocable by the State, notwithstanding any gift, grant, or contract whatsoever by the General Assembly.

SECTION II.

§ 916. Paragraph I. *Railroad tariffs.*—The power and authority of regulating railroad freights, and passenger tariffs, pre-

venting unjust discriminations and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws, from time to time, to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of this State, and to prohibit said roads from charging other than just and reasonable rates, and enforce the same by adequate penalties.

Atchison, Topeka and Santa Fe R. R. Co. v. Denver and New Orleans R. R. Co., 110 U. S. 667, 679; *Ga. R. R. and Banking Co. v. Smith*, 128 U. S. 174.

§ 917. Par. II. *Right of eminent domain; police power.*—The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals, or the general well-being of the State.

§ 918. Par. III. *Charters revived or amended become subject to this Constitution.*—The General Assembly shall not remit the forfeiture of the charter of any corporation, now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of said corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter and shall bring the same under the provisions of this Constitution: Provided, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

§ 919. Par. IV. *Buying stock, etc., in other corporations; competition.*—The General Assembly of this State shall have no power to authorize any corporation to buy shares, or stock, in any other corporation in this State, or elsewhere, or to make any contract, or agreement whatever, with any such corporation, which may have the effect, or be intended to have the effect, to defeat

or lessen competition in their respective businesses, or to encourage monopoly; and all such contracts and agreements shall be illegal and void.

§ 920. Par. V. *Rebates.*—No railroad company shall give, or pay, any rebate, or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

§ 921. Par. VI. *Obligations of contracts preserved.*—No provision of this Article shall be deemed, held, or taken to impair the obligation of any contract heretofore made by the State of Georgia.

§ 922. Par. VII. *General Assembly to enforce.*—The General Assembly shall enforce the provisions of this Article by appropriate legislation.

ARTICLE V.

Executive Department.

SECTION I.

§ 923. Paragraph I. *Executive department.*—The officers of the executive department shall consist of a Governor, Secretary of State, Comptroller-General and Treasurer.

§ 924. Par. II. *Governor; term of office, salary, etc.*—The executive power shall be vested in a Governor, who shall hold his office during the term of two years, and until his successor shall be chosen and qualified. He shall not be eligible to re-election, after the expiration of a second term, for the period of four years. He shall have a salary of three thousand dollars per annum (until otherwise provided by a law passed by a two-thirds' vote of both branches of the General Assembly), which shall not be increased or diminished during the period for which he shall have been elected; nor shall he receive, within that time, any other emolument from the United States, or either of them, or from any foreign power.

But this reduction of salary shall not apply to the present term of the present Governor.

§ 925. Par. III. *Election for Governor.*—The first election for Governor, under this Constitution, shall be held on the first Wednesday in October, 1880, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place biennially thereafter, on said day, until another date be fixed by the General Assembly. Said election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly, and the electors shall be the same.

§ 926. Par. IV. *Returns of elections.*—The returns of every election of Governor shall be sealed up by the managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to the Secretary of State, who shall, without opening said returns, cause the same to be laid before the Senate on the day after the two Houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives.

§ 927. Par. V. *How published.*—The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and Speaker of the House of Representatives shall open and publish the returns in the presence and under the direction of the General Assembly; and the person having the majority of the whole number of votes, shall be declared duly elected Governor of this State, but if no person shall have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall, immediately, elect a Governor *Viva Voce*; and in all cases of election of a Governor by the General Assembly a majority of the members present shall be necessary to a choice.

§ 928. Par. VI. *Contested elections.*—Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by Law.

§ 929. Par. VII. *Qualifications of Governor.*—No person shall be eligible to the office of Governor who shall not have been a citizen of the United States fifteen years, and a citizen of the State six years, and who shall not have attained the age of thirty years.

§ 930. Par. VIII. *Death, resignation or disability of Governor.*—In case of the death, resignation, or disability of the Governor, the President of the Senate shall exercise the executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation, or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the executive powers of the government until the removal of the disability, or the election and qualification of a Governor.

§ 931. Par. IX. *Unexpired terms.*—The General Assembly shall have power to provide by law, for filling unexpired terms by special elections.

§ 932. Par. X. *Oath of office.*—The Governor shall, before he enters on the duties of his office, take the following oath of affirmation: "I do solemnly swear (or affirm as the case may be) that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my ability, preserve, protect and defend the Constitution thereof, and the Constitution of the United States of America."

§ 933. Par. XI. *Commander-in-Chief.*—The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof.

§ 934. Par. XII. *Reprieves and pardons.*—He shall have the power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part of a sentence for offenses against the State, after conviction, except in cases of treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend the execution of the sentence and report the case to the General Assembly at the next meeting thereof, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant

a further reprieve; he shall at each session of the General Assembly communicate to that body each case of reprieve, pardon or commutation granted, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the reprieve, pardon or commutation, and the reasons for granting the same. He shall take care that the laws are faithfully executed, and shall be a conservator of the peace throughout the State.

§ 935. Par. XIII. *Writs of elections, called session of the Legislature.*—He shall issue writs of election to fill all vacancies that may happen in the Senate or House of Representatives, and shall give the General Assembly from time to time, information of the state of the Commonwealth, and recommending to their consideration such measures as he may deem necessary or expedient. He shall have power to convoke the General Assembly on extraordinary occasions, but no law shall be enacted at called sessions of the General Assembly except such as shall relate to the object stated in his proclamation convening them.

§ 936. Par. XIV. *Filling vacancies.*—When any office shall become vacant, by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is commissioned, agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

§ 937. Par. XV. *Appointments rejected.*—A person once rejected by the Senate shall not be re-appointed by the Governor to the same office during the same session, or the recess thereafter.

§ 938. Par. XVI. *Governor's veto.*—The Governor shall have the revision of all bills passed by the General Assembly, before the same shall become laws, but two-thirds of each House may pass a law, notwithstanding his dissent; and if any bill should not be returned by the Governor within five days (Sunday excepted) after it has been presented to him, the same shall be a law; unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

§ 939. Par. XVII. *Governor must approve.*—Every vote, resolution, or order, to which the concurrence of both Houses may be necessary, except on a question of election, or adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of each House.

§ 940. Par. XVIII. *Information from Different Officers; Treasurer and Comptroller.*—He may require information, in writing from the officers in the executive department on any subject relating to the duties of their respective offices. It shall be the duty of the Governor, quarterly, and oftener if he deems it expedient, to examine, under oath, the Treasurer and Comptroller-General of the State on all matters pertaining to their respective offices, and to inspect and review their books and accounts. The General Assembly shall have authority to provide by law for the suspension of either of said officers from the discharge of the duties of his office, and, also for the appointment of a suitable person to discharge the duties of the same.

§ 941. Par. XIX. *Secretaries.*—The Governor shall have power to appoint his own secretaries, not exceeding two in number, and to provide such other clerical force as may be required in his office, but the total cost for secretaries and clerical force in his office shall not exceed six thousand dollars per annum.

SECTION II.

§ 942. Paragraph I. *Secretary of State, Comptroller and Treasurer, how elected.*—The Secretary of State, Comptroller-General and Treasurer shall be elected by the persons qualified to vote for members of the General Assembly, at the same time and in the same manner as the Governor. The provisions of the Constitution as to the transmission of the returns of elections, counting the vote, declaring the result, deciding when there is no election, and when there is a contested election, applicable to the election of Governor, shall apply to the election of Secretary of State, Comptroller-General and Treasurer; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

§ 943. Par. II. *Treasurer's salary.*—The salary of the Treasurer shall not exceed two thousand dollars per annum. The clerical

expenses of his department shall not exceed sixteen hundred dollars per annum.

§ 944. Par. III. *Salary of Secretary of State.*—The salary of the Secretary of State shall not exceed two thousand dollars per annum, and the clerical expenses of his department shall not exceed one thousand dollars per annum.

§ 945. Par. IV. *Comptroller-General's Salary.*—The salary of the Comptroller-General shall not exceed two thousand dollars per annum. The clerical expenses of his department, including the insurance department and wild land clerk, shall not exceed four thousand dollars per annum; and without said clerk, it shall not exceed three thousand dollars per annum.

§ 946. Par. V. *Profit from use of public money.*—The Treasurer shall not be allowed, directly or indirectly, to receive any fee, interest or reward from any person, bank or corporation for the deposit or use, in any manner, of the public funds; and the General Assembly shall enforce this provision by suitable penalties.

§ 947. Par. VI. *Qualifications.*—No person shall be eligible to the office of Secretary of State, Comptroller-General, or Treasurer, unless he shall have been a citizen of the United States for ten years, and shall have resided in this State for six years next preceding his election, and shall be twenty-five years of age, when elected. All of said officers shall give bond and security, under regulations to be prescribed by law, for the faithful discharge of their duties.

§ 948. Par. VII. *Fees and perquisites denied.*—The Secretary of State, the Comptroller-General, and the Treasurer, shall not be allowed any fee, perquisite, or compensation, other than their salaries, as prescribed by law, except their necessary expenses when absent from the seat of government on business for the State.

SECTION III.

§ 949. Paragraph I. *Great Seal.*—The Great Seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing except by order of the

Governor, or General Assembly, and that now in use shall be the Great Seal of the State until otherwise provided by law.

ARTICLE VI.

Judiciary.

SECTION I.

§ 950. Paragraph I. *Courts enumerated.*—The judicial powers of this State shall be vested in a Supreme Court, Superior Courts, Courts of Ordinary, Justices of the Peace, commissioned Notaries Public, and such other Courts as have been or may be established by law.

SECTION II.

§ 951. Paragraph I. *Supreme Court Judges.*—The Supreme Court shall consist of a Chief Justice and two Associate Justices. A majority of the Court shall constitute a quorum.

§ 952. Par. II. *Governor to designate Judges to preside, when.*—When one or more of the Judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate a Judge, or Judges, of the Superior Courts to preside in said case.

§ 953. Par. III. *Bond holding Judge disqualified, when.*—No Judge of any Court shall preside in any case where the validity of any bond—Federal, State, corporation or municipal—is involved, who holds in his own right, or as the representative of others, any material interest in the class of bonds upon which the question to be decided arises.

§ 954. Par. IV. *Terms of office.*—The Chief Justices and Associate Justices shall hold their offices for six years, and until their successors are qualified. A successor to the incumbent whose term will soonest expire, shall be elected by the General Assembly in 1880; a successor to the incumbent whose term of office is next in duration, shall be elected by the General Assembly in 1882; and a successor to the third incumbent shall be elected by the General Assembly in 1884; but appointments to fill vacancies shall only be for the unexpired term, or until such vacancies are filled by elections, agreeably to the mode pointed out by this Constitution.

§ 955. Par. V. *Jurisdiction*.—The Supreme Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors from the Superior Courts, and from the City Courts of Atlanta and Savannah, and such other like Courts as may be hereafter established in other cities; and shall sit at the seat of government, at such times in each year as shall be prescribed by law, for the trial and determination of writs of error from said Superior and City Courts.

§ 956. Par. VI. *Cases, how disposed of*.—The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.

Allen v. Georgia, 166 U. S. 138.

§ 957. Par. VII. *Judgments may be withheld*.—In any case the Court may, in its discretion, withhold its judgment until the next term after the same is argued.

SECTION III.

§ 958. Paragraph I. *Terms, etc., of Superior Court Judges*.—There shall be a Judge of the Superior Courts for each Judicial Circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law.

§ 959. Par. II. *Elections, when to be made*.—The successors to the present incumbents shall be elected by the General Assembly as follows: To the half (as near as may be) whose commissions are the oldest, in the year 1878; and to the other in the year 1880. All subsequent elections shall be at the session of the General Assembly next preceding the expiration of the terms of incumbents, except elections to fill vacancies. The day of election may be fixed by the General Assembly.

§ 960. Par. III. *Terms begin, when*.—The terms of the Judges, to be elected under the Constitution (except to fill vacancies) shall begin on the first day of January, after their elections. But, if the

time for the meeting of the General Assembly shall be changed, the General Assembly may change the time when the terms of Judges thereafter elected shall begin.

SECTION IV.

§ 961. Paragraph I. *Exclusive jurisdiction.*—The Superior Court shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary; in cases respecting titles to land, and equity cases.

§ 962. Par. II. *Equity may be merged in common law Courts.*—The General Assembly may confer upon the Courts of common law, all the powers heretofore exercised by Courts of equity in this State.

§ 963. Par. III. *General jurisdiction.*—Said Courts shall have jurisdiction in all civil cases, except as hereinafter provided.

§ 964. Par. IV. *Appellate jurisdiction.*—They shall have appellate jurisdiction in all such cases as may be provided by law.

§ 965. Par. V. *Certiorari, mandamus, etc.*—They shall have power to correct errors in inferior judicatories, by writ of certiorari, which shall only issue on the sanction of the Judge; and the said Courts and the judges thereof shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are or may be conferred on them by law.

§ 966. Par. VI. *Appeal from one jury to another.*—The General Assembly may provide for an appeal from one jury, in the Superior and City Courts, to another, and the said Courts may grant new trials on legal grounds.

§ 967. Par. VII. *Judgment by the court.*—The Court shall render judgment without the verdict of a jury, in all civil cases founded on unconditional contracts in writing, where an issuable defense is not filed under oath or affirmation.

§ 968. Par. VIII. *Sessions.*—The Superior Courts shall sit in each county not less than twice in each year, at such times as have been or may be appointed by law.

§ 969. Par. IX. *Presiding Judge disqualified.*—The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding Judge is, from any cause, disqualified.

SECTION V.

§ 970. Paragraph I. *Judges of Superior and City Courts may alternate, when.*—In any county within which there is, or hereafter may be, a City Court, the Judge of said Court, and of the Superior Court, may preside in the Courts of each other in cases where the Judge of either Court is disqualified to preside.

SECTION VI.

§ 971. Paragraph I. *Ordinary, appeals from.*—The powers of a Court of Ordinary, and of probate, shall be vested in an Ordinary for each county, from whose decision there may be an appeal (or, by consent of parties, without a decision), to the Superior Court, under regulations prescribed by law.

§ 972. Par. II. *Powers.*—The Courts of Ordinary shall have such powers in relation to roads, bridges, ferries, public buildings, paupers, County officers, county funds, county taxes, and other county matters as may be conferred on them by law.

§ 973. Par. III. *Term of Office.*—The Ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

SECTION VII.

§ 974. Paragraph I. *Justices, number and term.*—There shall be in each militia district one Justice of the Peace, whose official term except when elected to fill an unexpired term, shall be four years.

§ 975. Par. II. *Jurisdiction.*—Justices of the Peace shall have jurisdiction in all civil cases, arising ex contractu, and in cases of

injuries or damages to personal property, when the principal sum does not exceed one hundred dollars, and shall sit monthly at fixed times and places; but in all cases there may be an appeal to a jury in said Court, or an appeal to the Superior Court, under such regulations as may be prescribed by law.

§ 976. Par. III. *Elections and commissions.*—Justices of the Peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

SECTION VIII.

§ 977. Paragraph I. *Notaries Public, how appointed, etc.*—Commissioned Notaries Public, not to exceed one for each militia district, may be appointed by the Judge of Superior Courts in their respective circuits, upon recommendations of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years, and shall be ex officio Justices of the Peace, and shall be removable on conviction for malpractice in office.

SECTION IX.

§ 978. Paragraph I. *Uniformity provided for.*—The jurisdiction, powers, proceedings and practice of all Courts or officers invested with judicial powers (except City Courts), of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment and decree, by such Courts, severally, shall be uniform. This uniformity must be established by the General Assembly.

SECTION X.

§ 979. Paragraph I. *Attorney-General; election.*—There shall be an Attorney-General of this State, who shall be elected by the people at the same time, for the same term and in the same manner as the Governor.

§ 980. Par. II. *Duties.*—It shall be the duty of the Attorney-General to act as the legal adviser of the Executive Department, to represent the State in the Supreme Court in all capital felonies; and in all civil and criminal cases in any Court when required by

the Governor, and to perform such other services as shall be required of him by law.

SECTION XI.

§ 981. Paragraph I. *Solicitor-General, term.*—There shall be a Solicitor-General for each judicial circuit, whose official term, except when commissioned to fill an unexpired term, shall be four years.

§ 982. Par. II. *Duties.*—It shall be the duty of the Solicitor-General to represent the State in all cases in the Superior Courts of his circuit, and in all cases taken up from his circuit to the Supreme Court, and to perform such other services as shall be required of him by law.

SECTION XII.

§ 983. Paragraph I. *Judges elected by General Assembly; vacancies.*—The Judges of the Supreme and Superior Courts, and Solicitors-General, shall be elected by the General Assembly, in joint session, on such day or days as shall be fixed by joint resolution of both Houses. At the session of the General Assembly which is held next before the expiration of the terms of the present incumbents, as provided in this Constitution, their successors shall be chosen; and the same shall apply to the election of those who shall succeed them. Vacancies occasioned by death, resignation or other cause, shall be filled by appointment of the Governor, until the General Assembly shall convene, when an election shall be held to fill the unexpired portion of the vacant terms.

SECTION XIII.

§ 984. Paragraph I. *Salaries of Judges, etc.*—The Judges of the Supreme Court shall have, out of the treasury of the State, salaries not to exceed three thousand dollars per annum; the Judges of the Superior Courts shall have salaries not to exceed two thousand dollars per annum; the Attorney-General shall have a salary not to exceed two thousand dollars per annum; and the Solicitors-General shall each have salaries not to exceed two hundred and fifty dollars per annum; but the Attorney-General shall not have any fee or perquisite in any cases arising after the adoption of this Constitution; but the provisions of this section shall not affect the salaries of those now in office.

§ 985. Paragraph II. *How salaries may be changed.*—The General Assembly may, at any time, by a two-thirds' vote of each branch, prescribe other and different salaries for any, or all, of the above officers, but no such change shall affect the officers then in commission.

SECTION XIV.

§ 986. Paragraph I. *Qualifications.*—No person shall be Judge of the Supreme or Superior Courts, or Attorney-General, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years; and no person shall be hereafter elected Solicitor-General, unless, at the time of his election, he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

SECTION XV.

§ 987. Paragraph I. *Divorce.*—No total divorce shall be granted, except on the concurrent verdicts of two juries at different terms of the Court.

§ 988. Par. II. *Last jury determines disabilities.*—When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.

SECTION XVI.

§ 989. Paragraph I. *Divorce cases, where brought.*—Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides.

§ 990. Par. II. *Land titles, where tried.*—Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the Superior Court in either county shall have jurisdiction.

§ 991. Par. III. *Equity cases.*—Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

§ 992. Par. IV. *Suits against joint obligors, etc.*—Suits against joint obligors, joint promisors, copartners, or joint trespassers, residing in different counties, may be tried in either county.

§ 993. Par. V. *Suits against maker and indorser, etc.*—Suits against the maker and indorser of promissory notes, or drawer, acceptor and indorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

§ 994. Par. VI. *All other cases.*—All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the Superior Court, where the Judge is satisfied that an impartial jury cannot be obtained in such county.

SECTION XVII.

§ 995. Paragraph I. *Power to change venue.*—The power to change the venue in civil and criminal cases shall be vested in the Superior Courts, to be exercised in such manner as has been, or shall be, provided by law.

SECTION XVIII.

§ 996. Paragraph I. *Trial by jury.*—The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less than five, to constitute a trial or traverse jury in Courts other than the Superior and City Courts.

§ 997. Par. II. *Selection of Jurors.*—The General Assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors.

§ 998. Par. III. *Compensation of jurors.*—It shall be the duty of the General Assembly, by general law, to prescribe the manner of fixing compensation of jurors in all counties in this State.

SECTION XIX.

§ 999. Paragraph I. *Power to create county commissioners.*—The General Assembly shall have power to provide for the creation of county commissioners in such counties as may require them, and to define their duties.

SECTION XX.

§ 1000. Paragraph I. *Power to abolish courts.*—All courts not specially mentioned by name in the first section of this Article, may be abolished in any county, at the discretion of the General Assembly.

SECTION XXI.

§ 1001. Paragraph I. *Costs in Supreme Court.*—The costs in the Supreme Court shall not exceed ten dollars, until otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said Court when the usual pauper oath is filed in the Court below.

ARTICLE VII.

Finance, Taxation and Public Debt.

SECTION I.

§ 1002. Paragraph I. *Taxation, how and for what purposes exercised.*—The powers of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

For the support of the State government and the public institutions.

For educational purposes, in instructing children in the elementary branches of an English education only.

To pay the interest on the public debt.

To pay the principal of the public debt.

To suppress insurrection, to repel invasion, and defend the State in time of war.

To supply the soldiers who lost a limb, or limbs, in the military service of the Confederate States, with substantial artificial limbs during life.

SECTION II.

§ 1003. Paragraph I. *Must be uniform, etc.; dogs.*—All taxation shall be uniform upon the same class of subjects, and ad valorem on all property subject to be taxed within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may, however impose a tax upon such domestic animals as, from their nature and habits, are destructive of other property.

§ 1004. Par. II. *Exemptions.*—The General Assembly may, by law, exempt from taxation, all public property, places or religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus; and all painting and statuary of any company or association, kept in a public hall, and not held as merchandise, or for purpose of sale or gain; Provided, the property so exempted be not used for purposes of private or corporate profit or income.

§ 1005. Par. III. *Poll tax.*—No poll tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually, upon each poll.

§ 1006. Par. IV. *Laws exempting property void.*—All laws exempting property from taxation, other than the property herein enumerated, shall be void.

§ 1007. Par. V. *Tax on corporations.* The power to tax corporations and corporate property, shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SECTION III.

§ 1008. Paragraph. I. *Debts, for what contracted.*—No debts shall be contracted by or on behalf of the State, except to supply casual deficiencies of revenue, to repel invasion, suppress insurrection, and defend the State in time of war, or to pay the existing public debt; but the debt created to supply deficiencies in revenue shall not exceed, in the aggregate, two hundred thousand dollars.

SECTION IV.

§ 1009. Paragraph I. *Form of laws to borrow money.*—All laws authorizing the borrowing of money by or on behalf of the State, shall specify the purposes for which the money is to be used, and the money so obtained shall be used for the purpose specified, and for no other.

SECTION V.

§ 1010. Paragraph I. *State aid forbidden.*—The credit of the State shall not be pledged or loaned to any individual, company, corporation or association, and the State shall not become a joint owner or stockholder in any company, association or corporation.

SECTION VI.

§ 1011. Paragraph I. *Restrictions on counties and cities.*—The General Assembly shall not authorize any county, municipal corporation, or political division of this State, to become a stockholder in any company, corporation, or association, or to appropriate money for, or to loan its credit to, any corporation, company, association, institution, or individual, except for purely charitable purposes. This restriction shall not operate to prevent the support of schools by municipal corporations within their respective limits: Provided, that if any municipal corporation shall offer to the State any property for locating or building a capitol and the State accepts such offer, the corporation may comply with such offer.

§ 1012. Par. II. *Taxing power of counties limited.*—The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes in instructing children in the elementary branches of an English Education only; to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of Courts; to support paupers and pay debts heretofore existing.

SECTION VII.

§ 1013. Paragraph I. *Debts of counties and cities not to exceed seven per cent.*—The debt hereafter incurred by any county,

municipal corporation, or political division of this State, except as in this Constitution provided for, shall not exceed seven per centum of the assessed value of all the taxable property therein, and no such county municipalities, or division, shall incur any new debt, except for a temporary loan or loans to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of taxable property therein, without the assent of two-thirds of the qualified voters thereof, at an election for that purpose, to be held as may be prescribed by law; but any city, the debt of which does not exceed seven per centum of the assessed value of the taxable property at the time of the adoption of this Constitution, may be authorized by law to increase, at any time, the amount of said debt, three per centum upon such assessed valuation.

§ 1014. Par. II. *County and city bonds, how paid.*—Any county, municipal corporation, or political division of this State, which shall incur any bonded indebtedness under the provisions of this Constitution shall, at or before the time of so doing, provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said debt within thirty years from the date of the incurring of said indebtedness.

SECTION VIII.

§ 1015. Paragraph I. *Assumption of debts forbidden.*—The State shall not assume the debt, nor any part thereof, of any county, municipal corporation, or political division of the State, unless such debt shall be contracted to enable the State to repel invasion, suppress insurrection, or defend itself in time of war.

SECTION IX.

§ 1016. Paragraph I. *Profit on public money.*—The receiving, directly or indirectly, by any officer of the State or county, or member or officer of the General Assembly, of any interests, profits or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State or county purposes, shall be deemed a felony, and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

SECTION X.

§ 1017. Paragraph I. *City debts; how incurred.*—Municipal corporations shall not incur any debt until provision therefor shall have been made by the municipal government.

SECTION XI.

§ 1018. Paragraph I. *Certain bonds shall not be paid.*—The General Assembly shall have no authority to appropriate money either directly or indirectly, to pay the whole, or any part, of the principal or interest of the bonds or other obligations, which have been pronounced illegal, null and void, by the General Assembly, and the constitutional amendments ratified by a vote of the people on the first day of May, 1877; nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the late war between the States, nor any of the bonds, notes or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the ratification of a treaty of peace between the United States and the Confederate States; nor shall the General Assembly pass any law, or the Governor, or other State official, enter into any contract or agreement, whereby the State shall be made a party to any suit in any Court of this State, or of the United States, instituted to test the validity of any such bonds or obligations.

SECTION XII.

§ 1019. Paragraph I. *Bonded debt not to increase.*—The bonded debt of the State shall never be increased, except to repel invasion, suppress insurrection, or defend the State in time of war.

SECTION XIII.

§ 1020. Paragraph I. *State's property may be sold to pay bonded debt.*—The proceeds of the sale of the Western and Atlantic, Macon and Brunswick, or other railroads, held by the State, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole, or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatever, so long as the State has any existing bonded debt: Provided, that the proceeds of the sale of the Western & Atlantic railroad shall be

applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

SECTION XIV.

§ 1021. Paragraph I. *Sinking fund*.—The General Assembly shall raise, by taxation, each year, in addition to the sum required to pay the public expenses and interest on the public debt, the sum of one hundred thousand dollars, which shall be held as a sinking fund, to pay off and retire the bonds of the State which have not yet matured, and shall be applied to no other purposes whatever. If the bonds cannot at any time be purchased at or below par, then the sinking fund, herein provided for, may be loaned by the Governor and Treasurer of the State: Provided, the security which shall be demanded for said loan shall consist only of the valid bonds of the State; but this section shall not take effect until the eight per cent. currency bonds, issued under the Act of February the 19th, 1873, shall have been paid.

SECTION XV.

§ 1022. Paragraph I. *Quarterly reports of Comptroller and Treasurer*.—The Comptroller-General and Treasurer shall each make to the Governor a quarterly report of the financial condition of the State, which report shall include a statement of the assets, liabilities and income of the State, and expenditures therefor, for the three months preceding; and it shall be the duty of the Governor to carefully examine the same by himself, or through competent persons connected with his department, and cause an abstract thereof to be published for the information of the people, which abstract shall be indorsed by him as having been examined.

SECTION XVI.

§ 1023. Paragraph I. *Donations forbidden*.—The General Assembly shall not by vote, resolution, or order, grant any donation, or gratuity, in favor of any person, corporation, or association.

§ 1024. Par. II. *Extra compensation forbidden*.—The General Assembly shall not grant or authorize extra compensation to any public officer, agent, or contractor, after the service has been rendered, or the contract entered into.

SECTION XVII.

§ 1025. Paragraph I. *Public printing.*—The office of the State printer shall cease with the expiration of the term of the present incumbent, and the General Assembly shall provide, by law, for letting the public printing to the lowest responsible bidder, or bidders, who shall give adequate and satisfactory security for the faithful performance thereof. No member of the General Assembly, or other public officer, shall be interested, either directly or indirectly, in any such contract.

ARTICLE VIII.

Education.

SECTION I.

§ 1026. Paragraph I. *Common schools.*—There shall be a thorough system of common schools for the education of children in the elementary branches of an English education only, as nearly uniform as practicable, the expense of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races.

Cumming v. Board of Education, 175 U. S. 528.

SECTION II.

§ 1027. Paragraph I. *State School Commissioner.*—There shall be a State School Commissioner, appointed by the Governor, and confirmed by the Senate, whose term of office shall be two years, and until his successor is appointed and qualified. His office shall be at the seat of government, and he shall be paid a salary not to exceed two thousand dollars per annum. The General Assembly may substitute for the State School Commissioner such officer, or officers, as may be deemed necessary to perfect the system of public education.

SECTION III.

§ 1028. Paragraph I. *School fund.*—The poll tax, any educational fund now belonging to the State (except the endowment of, and debt due to, the University of Georgia), a special tax on shows and exhibitions, and on the sale of spirituous and malt

liquors, which the General Assembly is hereby authorized to assess, and the proceeds of any commutation tax for military service, and all taxes that may be assessed on such domestic animals as, from their nature and habits, are destructive to other property, are hereby set apart and devoted for the support of common schools.

SECTION IV.

§ 1029. Paragraph I. *Counties and cities may tax for public schools.*—Authority may be granted to counties, upon the recommendation of two grand juries, and to municipal corporations, upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits, by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county or municipal corporation, and approved by a two-thirds' vote of persons qualified to vote at such election; and the General Assembly may prescribe who shall vote on such questions.

SECTION V.

§ 1030. Paragraph I. *Local schools not affected.*—Existing local school systems shall not be affected by this Constitution. Nothing contained in section first of this Article shall be construed to deprive schools in this State, not common schools, from participating in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

SECTION VI.

§ 1031. Paragraph I. *State University.*—The trustees of the University of Georgia may accept bequests, donations and grants of land, or other property, for the use of said university. In addition to the payment of the annual interest on the debt due by the State to the university, the General Assembly may, from time to time, make such donations thereto as the condition of the treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the treasury will authorize to any college or university (not exceeding one in number) now established, or hereafter to be established, in this State for the education of persons of color.

ARTICLE IX.

Homestead and Exemptions.

SECTION I.

§ 1032. Paragraph I. *Homestead and exemption.*—There shall be exempt from levy and sale, by virtue of any process whatever under the laws of this State, except as hereinafter excepted of the property of every head of a family, or guardian, or trustee of a family of minor children, or every aged or infirm person, or person having the care and support of dependent females of any age, who is not the head of a family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars.

Lockwood *v.* Exchange Bank, 190 U. S. 294.

SECTION II.

§ 1033. Paragraph I. *Protection guaranteed.*—No Court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, execution, or decree, against the property set apart for such purpose, including such improvements as may be made thereon from time to time, except for taxes for the purchase money of the same for labor done thereon, for material furnished therefor, or for the removal of incumbrances thereon.

SECTION III.

§ 1034. Paragraph I. *May be waived, how far; how sold.*—The debtor shall have power to waive or renounce in writing his right to the benefit of the exemption provided for in this Article, except as to wearing apparel, and not exceeding three hundred dollars worth of household and kitchen furniture, and provisions, to be selected by himself and his wife, if any, and he shall not, after it is set apart, alienate or encumber the property, so exempted, but it may be sold by the debtor, and his wife, if any, jointly, with the sanction of the Judge of the Superior Court of the county, where the debtor resides or the land is situated, the proceeds to be reinvested upon the same uses.

Lockwood *v.* Exchange Bank, 190 U. S. 294.

SECTION IV.

§ 1035. Paragraph I. *Setting apart short homestead.*—The General Assembly shall provide, by law, as early as practicable, for

the setting apart and valuation of said property. But nothing in this Article shall be construed to affect or repeal the existing laws for exemption of property from sale, contained in the present Code of this State, in paragraphs 2040 to 2049, inclusive, and the Acts amendatory thereto. It may be optional with the applicant to take either, but not both, of such exemptions.

SECTION V.

§ 1036. Paragraph I. *Short homestead may be waived.*—The debtor shall have authority to waive or renounce in writing his right to the benefit of the exemption provided for in section four, except as is excepted in section three of this Article.

SECTION VI.

§ 1037. Paragraph I. *Supplemental homestead.*—The applicant shall, at any time, have the right to supplement his exemption by adding to an amount already set apart which is less than the whole amount of exemption herein allowed, a sufficiency to make his exemption equal to the whole amount.

SECTION VII.

§ 1038. Paragraph I. *Homesteads heretofore set apart.*—Homesteads and exemptions of personal property which have been heretofore set apart by virtue of the provisions of the existing Constitution of this State, and in accordance with the laws for the enforcement thereof, or which may be hereafter so set apart, at any time, shall be and remain valid as against all debts and liabilities existing at the time of the adoption of this Constitution, to the same extent that they would have been had said existing Constitution not been revised.

SECTION VIII.

§ 1039. Paragraph I. *Vested rights protected.*—Rights which have become vested under previously existing laws shall not be affected by anything herein contained. In all cases in which homesteads have been set apart under the Constitution of 1868, and the laws made in pursuance thereof, and a bona fide sale of such property has been subsequently made, and the full purchase price thereof has been paid, all right of exemption in such property by reason

of its having been so set apart, shall cease in so far as it affects the right of the purchaser. In all such cases where a part only of the purchase price has been paid, such transaction shall be governed by the laws now of force in this State, in so far as they affect the rights of the purchaser, as though said property had not been set apart.

SECTION IX.

§ 1040. Paragraph I. *Sale and reinvestment of homestead.*—Parties who have taken a homestead of realty under the Constitution of eighteen hundred and sixty-eight shall have the right to sell said homestead and reinvest the same, by order of the Judge of the Superior Courts of this State.

ARTICLE X.

Militia.

SECTION I.

§ 1041. Paragraph I. *Organization of militia.*—A well regulated militia being essential to the peace and security of the State, the General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped; and of whom it shall consist.

§ 1042. Par. II. *Volunteers.*—The General Assembly shall have power to authorize the formation of volunteer companies, and to provide for their organization into battalions, regiments, brigades, divisions and corps, with such restrictions as may be prescribed by law, and shall have authority to arm and equip the same.

§ 1043. Par. III. *Pay of militia.*—The officers and men of the militia and volunteer forces shall not be entitled to receive any pay, rations, or emoluments, when not in active service by authority of the State.

ARTICLE XI.

Counties and County Officers.

SECTION I.

§ 1044. Paragraph I. *Counties are corporate bodies.*—Each county shall be a body corporate, with such powers and limitations

as may be prescribed by law. All suits by or against a county, shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided.

§ 1045. Par. II. *New counties not allowed.*—No new county shall be created.

§ 1046. Par. III. *Change of county lines.*—County lines shall not be changed, unless under the operation of a general law for that purpose.

§ 1047. Par. IV. *Change of county sites.*—No county site shall be changed or removed, except by a two-thirds' vote of the qualified voters of the county, voting at an election held for that purpose, and a two-thirds' vote of the General Assembly.

§ 1048. Par. V. *Dissolution of counties.*—Any county may be dissolved and merged with contiguous counties, by a two-thirds' vote of the qualified electors of such county, voting at an election held for that purpose.

SECTION II.

§ 1049. Paragraph I. *County officers.*—The county officers shall be elected by the qualified voters of their respective counties, or districts, and shall hold their offices for two years. They shall be removed on conviction for malpractice in office, and no person shall be eligible to any of the offices referred to in this paragraph, unless he shall have been a resident of the county for two years, and is a qualified voter.

SECTION III.

§ 1050. Paragraph I. *County officers to be uniform.*—Whatever tribunal, or officers, may hereafter be created by the General Assembly for the transaction of county matters, shall be uniform throughout the State, and of the same name, jurisdiction and remedies, except that the General Assembly may provide for the appointment of commissioners of roads and revenue in any county.

SECTION IV.

§ 1051. Paragraph I. *Capital in Atlanta.*—The City of Atlanta shall be the Capital of the State, until changed by the same authority, and in the same way, that is provided for the alteration of this Constitution.

ARTICLE XII.

The Laws of General Operation in Force in This State.

SECTION I.

§ 1052. Paragraph I. *Supreme law, what is.*—The laws of general operation in this State are, first, as the supreme law: The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States.

§ 1053. Par. II. *Second in authority.*—Second. As next in authority thereto: This Constitution.

§ 1054. Par. III. *Third in authority.*—Third. In subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution, and the ordinances of this Convention, shall remain of force until the same are modified or repealed by the General Assembly. The tax acts and appropriation acts passed by the General Assembly of 1877, and approved by the Governor of the State, and not inconsistent with the Constitution, are hereby continued in force until altered by law.

§ 1055. Par. IV. *Local and private acts.*—Local and private acts passed for the benefit of counties, cities, towns, corporations, and private persons, not inconsistent with the supreme law, nor with this Constitution, and which have not expired nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

§ 1056. Par. V. *Vested rights secured.*—All rights, privileges and immunities which may have vested in, or accrued to, any person or persons, or corporations, in his, her or their own right, or in any fiduciary capacity, under, and in virtue of, any Act of the

General Assembly, or any judgment, decree or order, or other proceeding of any Court of competent jurisdiction, in this State, heretofore rendered, shall be held inviolate by all Courts before which they may be brought in question, unless attacked for fraud.

§ 1057. Par. VI. *Acts of Courts confirmed.*—All judgments, decrees, orders, and other proceedings, of the several Courts of this State, heretofore made, within limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversal by motion for a new trial, appeal, bill of review, or other proceeding, in conformity with the law of force when they were made.

§ 1058. Par. VII. *Existing officers.*—The officers of the government now existing shall continue in the exercise of their several functions until their successors are duly elected, or appointed and qualified; but nothing herein is to apply to any officer whose office may be abolished by this Constitution.

§ 1059. Par. VIII. *Ordinances.*—The ordinances of this Convention shall have the force of laws until otherwise provided by the General Assembly, except the ordinances in reference to submitting the homestead and capital question to a vote of the people, which ordinances, after being voted on, shall have the effect of constitutional provisions.

ARTICLE XIII.

Amendments to the Constitution.

SECTION I.

§ 1060. Paragraph I. *Constitution, how amended.*—Any amendment, or amendments, to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each of the two Houses, such proposed amendment, or amendments, shall be entered in their journals, with the yeas and nays taken thereon. And the General Assembly shall cause such amendment, or amendments, to be published in one or more newspapers in each Congressional District for two months previous to the time of holding Article so adopted, by this Convention, shall form a part of the

the next general election, and shall also provide for a submission of such proposed amendment, or amendments, to the people at said next general election, and if the people shall ratify such amendment, or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment, or amendments, shall become a part of this Constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

/ § 1061. Par. II. *Convention, how called.*—No convention of the people shall be called by the General Assembly to revise, amend, or change this Constitution, unless by the concurrence of two-thirds of all the members of each House of the General Assembly. The representation in said convention shall be based on population as near as practicable.

SECTION II.

§ 1062. Paragraph I. *Constitution, how ratified.*—The Constitution shall be submitted for ratification or rejection to the electors of the State, at an election to be held on the first Wednesday in December, one thousand eight hundred and seventy-seven, in the several election districts of this State, at which election every person shall be entitled to vote who is entitled to vote for the members of the General Assembly under the Constitution and laws of force at the date of such election; said election to be held and conducted as is now provided by law for holding elections for members of the General Assembly. All persons voting at said election in favor of adopting the Constitution, shall write or have printed on their ballots the words "For Ratification," and all persons opposed to the adoption of this Constitution, shall write or have printed on their ballots the words "Against Ratification."

§ 1063. Par. II. *Consolidation of votes.*—The votes cast at said election shall be consolidated in each of the counties of this State, as is now required by law in elections for members of the General Assembly, and returns thereof made to the Governor; and should a majority of all the votes cast at said election be in favor of ratification, he shall declare the said Constitution adopted, and make

proclamation of the result of said election by publication in one or more newspapers in each Congressional District of the State, but should a majority of the votes cast be against ratification, he shall in the same manner proclaim the said Constitution rejected.

C. J. Jenkins,
President.

James Cooper Nisbet,
Secretary.

ORDINANCES.

STATE CAPITAL.

§ 1064. Be it ordained by the people of Georgia in Convention assembled:

1st. That the question of the location of the Capital of this State be kept out of the Constitution to be adopted by this Convention.

2nd. That at the first general election hereafter held for the members of the General Assembly, every voter may indorse his ballot "Atlanta" or "Milledgeville," and the one of these places receiving the largest number of votes, shall be the Capital of the State until changed by the same authority and in the same way that may be provided for the alteration of the Constitution that may be adopted by the Convention, whether said Constitution be ratified or rejected. And that every person entitled to vote for members of the General Assembly, under the present Constitution and laws of this State, shall be entitled to vote under this ordinance; and, in the event of the rejection of said Constitution, shall (should) a majority of votes cast be in favor of Milledgeville, then this provision to operate and take effect as an amendment to the present Constitution.

HOMESTEAD.

§ 1065. Be it ordained by the people of Georgia in Convention assembled, and it is hereby ordained by authority of the same:—

1st. That the Article adopted by the Convention on the subject of Homestead and Exemptions shall not form a part of this Constitution, except as hereinafter provided.

2nd. At the election held for the ratification or rejection of this Constitution, it shall be lawful for each voter to have written or printed on his ballot the words "Homestead of 1877," or the words "Homestead of 1868."

3rd. In the event that a majority of the ballots so cast have indorsed upon them the words, "Homestead of 1877," then said

Constitution submitted, if the same is ratified; but in event that said Constitution, so submitted, shall not be ratified, then the Article on Homestead and Exemptions, so adopted as aforesaid by this Convention shall supersede Article Seventh of the Constitution of 1868, on the subject of Homestead and Exemptions, and form a part of this Constitution.

4th. If a majority of the ballots so cast as aforesaid, shall have indorsed upon them the words, "Homestead of 1868," then Article Seventh of the Constitution of 1868, shall supersede the Article on Homestead and Exemption adopted by this Constitution, and shall be incorporated in and form (a part) of the Constitution so submitted and ratified.

JUDICIAL CIRCUITS.

§ 1066. There shall be sixteen Judicial Circuits in this State, and it shall be the duty of the General Assembly to organize and proportion the same in such manner as to equalize the business and labor of the Judges in said several circuits, as far as may be practicable. But the General Assembly shall have power hereafter to reorganize, increase, or diminish the number of circuits: Provided, however, that the circuits shall remain as now organized, until changed by law.

SIGNING AND RATIFICATION.

§ 1067. Be it ordained by the people of Georgia in Convention assembled:

1st. That the Constitution as adopted and revised be enrolled and signed by the officers and members of this Convention.

2nd. That the Governor shall issue his proclamation, ordering an election for members of the General Assembly, and a vote upon the ratification or rejection of this Constitution, as therein provided, and a vote upon the Capital and Homestead questions, as provided by the ordinances of this Convention.

Read and adopted in Convention, August 25th, 1877.

Attest:

C. J. Jenkins,

President Constitutional Convention.

James Cooper Nesbet, Secretary.

§ 1068. *Constitutional Amendment declaring bonds void.*—Neither the General Assembly nor any other authority or officer of

this State, shall ever have the power to pay or recognize as legal, or in any sense, valid or binding upon the State, any direct bonds, or currency bonds, gold bonds, or the State's alleged guaranty or indorsement of any railroad bonds, or any other bonds, guarantees or indorsements heretofore declared to be illegal, fraudulent or void, by Act or Resolution of the Legislature of the State, or that may be declared illegal, fraudulent or void by Act or Resolution of the Legislature originating this amendment, viz: The State gold bonds issued under the Act of October 17th, 1870, in aid of the Brunswick and Albany Railroad Company; the currency bonds issued under the Act of August 27th, 1870; the quarterly gold bonds issued under the Act of Sept. 15th, 1870, which are enumerated in the Act of August 23rd, 1872; the indorsement of the State upon the bonds of the Brunswick and Albany Railroad Company, made under the Act of March 18th, 1869; the indorsement of the State upon the bonds of the Cartersville and Van Wert Railroad Company, and of the Cherokee Railroad Company; the indorsement of the State upon the bonds of the Bainbridge, Cuthbert and Columbus Railroad Company; and all other bonds, guaranties, or indorsements declared illegal, fraudulent, or void, as herein provided. Nor shall any General Assembly ever have power to provide for the re-enforcement of such railroad bonds, or to place the State's guaranty upon the same; or to provide for the indorsement, or guaranty by the State of any new bonds issued in lieu of, or to pay off or retire, such railroad bonds, by any railroad company; or to issue bonds of the State to such railroad companies, or other persons in payment, or in lieu of such indorsed bonds, or other bonds herein declared illegal; or to lend the aid, or credit of the State by any act, resolution, or law, to such railroad companies or to other incorporated companies, or persons, acquiring, or succeeding to the rights and franchises of said companies; or to buy the railroads of such companies; or to submit the question of the ability of the State upon any of the bonds or indorsements upon bonds, or other guaranty herein declared illegal, fraudulent, and void, or upon any claim for money advanced upon said bonds, indorsements, or guaranties, or expended by said companies, or other person in and about the construction of said railroads, to the decision of any Court, tribunal, or person whatever; or to pay, assume, or secure, directly or indirectly, by any act, resolution, or law, any money advanced, or claimed to have been advanced on the bonds, indorsements, or guaranties herein declared invalid.

Cunningham v. Macon & Brunswick Railroad Co., 156 U. S. 400.

GOVERNOR'S PROCLAMATION.

December 21st, 1877.

§ 1069. State of Georgia:

Whereas, a Convention of the people of the State of Georgia, did assemble at the Capital on the eleventh day of July last; and whereas, the said Convention did revise the Constitution of the State and provide that the proposed new Constitution be submitted to the people for ratification or rejection; and whereas, the said Convention, by ordinances, provided that the people should vote separately on the question of the location of the Capitol at Atlanta, or Milledgeville, and also on the adoption of the Homestead of 1868 or the Homestead of 1877;

And whereas, on the first Wednesday in December, the present month, an election was held in conformity with the law prescribed by the Convention, and the vote cast by the citizens of the State was, for Ratification, 110,442 and against Ratification, 40,947, being a majority of 69,495 votes for the ratification of the Constitution. The vote cast for the location of the Capitol was, for Atlanta, 99,147 and for Milledgeville, 55,201, being a majority of 43,946 votes for Atlanta. The votes cast on the adoption of a homestead was, for the Homestead of 1877, 94,722, and for the Homestead of 1868, 52,000, being a majority of 42,722 votes for the Homestead of 1877;

Now, therefore, I, Alfred H. Colquitt, Governor and Commander-in-Chief of the State of Georgia, do issue this, my proclamation, declaring that the Constitution adopted by the Convention at Atlanta, in the year of our Lord one thousand eight hundred and seventy-seven, is ratified by the people of the State of Georgia, and is now the Constitution of the State. Also, that Atlanta is declared to be the Capital of the State of Georgia. And that the article adopted by the Convention on the subject of the Homestead forms a part of the new Constitution.

Given under my hand and the Great Seal of the State, at the Capitol in Atlanta, this twenty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven.

ALFRED H. COLQUITT.

By the Governor:

N. C. Barnett, Secretary of State.

AMENDMENTS TO CONSTITUTION OF 1877.

§ 1070. By an amendment proposed in an Act approved September 24, 1885, and ratified by an election held on the 6th day of October, 1886, Section 7, of Article 3, was amended by striking from said section, Paragraph 15 thereof.

Acts of 1885, p. 33.

§ 1071. By an amendment proposed in Act approved October 19, 1885, and ratified at an election held on the 6th day of October, 1886, Paragraph 1, of Section 1, of Article 7, was amended by adding to said paragraph the following words:

“And to make suitable provision for such Confederate soldiers as may have been permanently injured in such service.”

Acts of 1885, p. 37.

§ 1072. By an amendment proposed in an Act approved November 4, 1889, and ratified at an election held on the first day of October, 1890, Article 7, Section 1, Paragraph 1, as amended by the Act approved October 19, 1885, was amended by adding thereto the following words:

“And for the widows of such Confederate Soldiers as may have died in the service of the Confederate States, or since, from wounds received therein or disease contracted in the service; *provided* That this act shall only apply to such persons as were married at the time of such service, and have remained unmarried since the death of such soldier husband.”

Acts of 1889, p. 39.

§ 1073. By an amendment proposed in an Act approved on Oct. 21, 1890, and ratified at an election held on the 5th day of October, 1892, Article 3, Section 4, Paragraph 3, was amended by striking out the word “biennially,” and inserting in lieu thereof the word “annually.”

Acts of 1890, p. 55.

§ 1074. By an amendment proposed in an Act approved October 21, 1890, and ratified at an election held on the 5th day of October, 1892, Article 2, Section 4, Paragraph 6, was amended by

striking out of said paragraph the words "forty days unless by two-thirds vote of the whole number of each house," and substituting therefor the words "fifty days."

Acts of 1890, p. 56.

§ 1075. By an amendment proposed in an Act approved December 24, 1890, and ratified at an election held on the 5th day of October, 1892, Article 3, Section 7, Paragraph 7, was amended by adding to said paragraph the following words:

"But the first and second reading of each local bill and bank and railroad charter, in each house, shall consist of the reading of the title only, unless said bill is ordered to be engrossed."

Acts of 1890, p. 57.

§ 1076. By an amendment proposed in an Act approved September 19, 1891, and ratified at an election held on the 5th day of October, 1892, Article 3, Section 7, Paragraph 18, was amended, by striking therefrom the following words, after the words "companies," viz: "Except banking, insurance, railroads, canal, navigation, express and telegraph companies, nor," and adding as a substitute for said words, at the end of said paragraph after the word "courts," the following, viz:

"All corporate powers and privileges to banking, insurance, railroads, canal, navigation, express and telegraph companies, shall be issued and granted by the Secretary of State, in such manner as shall be prescribed by law."

Acts of 1890, p. 59.

§ 1077. By an amendment proposed in an act approved on December 19th, 1893, and ratified at an election held on the 3rd day of October, 1894, Paragraph I, of Section I, of Article 7, was amended by inserting after the word "service," and before the word "and," in the thirteenth line, the following words:

"* * * or who by reason of age and poverty, or infirmity and poverty, or blindness and poverty, are unable to provide a living for themselves."

Acts of 1893, p. 19.

§ 1078. By an amendment proposed in an Act approved on December 21, 1893, and ratified at an election held on the 3rd day of October 1894, Article 3, Section 4, Paragraph 3, was amended

by striking out the word "October" therein, and substituting the word "July" so that said paragraph should read as follows:

"The first meeting of the General Assembly after the Ratification of this Constitution shall be on the Fourth Wednesday in July, 1878, and annually thereafter on the same day until the day shall be changed by law."

Acts of 1893, p. 20.

§ 1079. By an amendment proposed in an Act approved on the 18th day of December, 1894, and ratified at an election held on the 7th day of October, 1896, Paragraph 1, of Section 2, of Article 8, was amended by striking out the words "appointed by the governor and confirmed by the senate," and inserting in lieu thereof, the following, to wit:

"* * * elected by the people at the same time and manner as the Governor and State house officers are elected," and by striking out of the third line of said paragraph the word "appointed" and inserting in lieu thereof, the word "elected."

Acts of 1894, p. 34.

§ 1080. By an amendment proposed in an Act approved on the 6th day of December, 1895, and ratified at an election held on the 7th day of October, 1896, Article 6, Section 2, was amended by adding a new paragraph thereto to be known as Paragraph 8, said paragraph to read as follows:

"The Supreme Court shall hereafter consist of a Chief Justice and five associate justices. The court shall have power to hear and determine cases when sitting, either in a body or in two divisions of three judges each, under such regulations as may be prescribed by the General Assembly. A majority of either division shall constitute a quorum for that division. The Chief Justice and the associate justices of the Supreme Court shall hereafter be elected by the people at the same time and in the same manner as the Governor and the State House officers are elected, except that the first election under this amendment shall be held on the third Wednesday in December, 1896, at which time one associate justice shall be elected for a full term of six years, to fill the vacancy occurring on January first, 1897, by the expiration of the term of one of the present incumbents, and three additional associate justices shall be elected for terms expiring respectively, January 1st, 1899, January

1st, 1901, and January 1st, 1903. The persons elected as additional associate justices shall, among themselves, determine by lot which of the three last mentioned terms each shall have, and they shall be commissioned accordingly. After said first election, all terms (except unexpired terms) shall be for six years each. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of said special election shall be made to the Secretary of State."

Acts of 1895, p. 15.

§ 1081. By an amendment proposed in an Act approved on December 21, 1897, and ratified at an election held on the 5th day of October 1898, Paragraph 2, of Section 3, of Article 6, was amended so as to read as follows:

"The successors to the present and subsequent incumbents shall be elected by the electors, entitled to vote for members of the General Assembly of the whole State, at the general election held for such members, next preceding the expiration of their respective terms; provided, That the successors to all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years."

Acts of 1897, p. 16.

§ 1082. By the same Act, and ratified at the same election Paragraph 3, of Section 3, of Article 6, was amended so as to read as follows:

"The terms of the judges to be elected under the Constitution (except to fill vacancies) shall begin on the first day of January after their election. Every vacancy occasioned by death, resignation, or other causes shall be filled by appointments of the Governor until the first day of January, after the General Election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected."

Acts of 1897, p. 16.

§ 1083. By the same Act, and ratified at the same election Paragraph 1, of Section 2, of Article 6, was amended, to read as follows:

"There shall be a Solicitor General for each judicial circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the whole State, qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation or other causes shall be filled by appointment of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected; *provided*, that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years."

Acts of 1897, p. 16.

§ 1084. By an amendment proposed in an Act approved on December 20th, 1899, and ratified at an election held on the 4th day of October, 1900, Article 7, Section 1, Paragraph 1, was amended so as to read as follows:

"To supply the soldiers who lost a limb in the military service of the Confederate States, with substantial artificial limbs, during life; and make suitable provision for such Confederate Soldiers as may have been otherwise disabled or permanently injured in such service, or who may, by reason of age and poverty, or infirmity and poverty, or blindness and poverty, are unable to provide a living for themselves, and for the widows of such Confederate Soldiers as may have died in the service of the Confederate States, or since, from wounds received therein, or disease contracted in the service, or who by reason of age and poverty, or infirmity and poverty, or blindness and poverty, are unable to provide a living for themselves; *Provided*, that the act shall only apply to such widows as were married at the time of such service; and have remained unmarried since the death of such soldier husband."

Acts of 1899, p. 19.

§ 1085. By an amendment proposed in an Act approved on August 17, 1903, and ratified at an election held on the 5th day of October, 1904, Article 7, Section 1, was amended by adding the following paragraph, as paragraph 2, of said section:

“The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasion, suppressing insurrection, or defending the State in time of war shall not exceed five mills on each dollar of the value of the property taxable in the State.”

Acts of 1903, p. 21.

§ 1086. By an amendment proposed in an Act approved on August 17, 1903, and ratified at an election on the 5th day of October, 1904, Article 8, Section 4, Paragraph 1, was amended so as to read as follows:

“Authority may be granted to counties, militia districts, school districts and to municipal corporations, upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county, militia district, school district or municipal corporation, and approved by two-thirds majority of persons voting at such election, and the General Assembly may prescribe who shall vote on such questions.”

Acts of 1903, p. 23.

§ 1087. By an amendment proposed in an Act approved July 19, 1904, and ratified at an election held on the 5th day of October, 1904, Paragraph 2, Section 1, of Article 11, was amended by striking out all of said paragraph and inserting in lieu thereof, the following:

“There shall not be more than one hundred and forty-five counties in this State.”

Acts of 1904, p. 47.

§ 1088. By an Amendment proposed in an Act approved on July 27, 1904, and ratified at an election held on the 5th day of October, 1904, Section 3, of Article 3, was amended by striking

out paragraph one of said Article and Section, and substituting in lieu thereof the following :

"Paragraph I. The House of Representatives shall consist of not more than one hundred and eighty-three (183) Representatives, apportioned among the several counties as follows, viz: Chatham, Bibb, Floyd, Fulton, Richmond and Thomas, three (3) Representatives each; to the twenty-six counties having the next largest population, viz: Bartow, Bullock, Burke, Cobb, Carroll, Coweta, DeKalb, Decatur, Dooly, Elbert, Emanuel, Gwinnett, Hall, Houston, Jackson, Laurens, Lowndes, Meriwether, Monroe, Muscogee, Sumter, Tattnal, Troup, Walton, Washington, and Wilkes, two (2) Representatives each; and to the remaining counties one Representative each."

Acts of 1904, p. 48.

§ 1089. By an amendment proposed in an Act approved on August 22, 1905, and ratified at an election held on the 3rd day of October, 1906, Article 6, Section 3, Paragraph 1, was amended by adding to said paragraph the following:

"The legislature shall have authority to add one or more additional judges of the Superior Court for any judicial circuit in this State, and shall have authority to regulate the manner in which the judges of such circuit shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin, and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit, or to reduce the number of judges in any judicial circuit; *provided*, that at all times there shall be at least one judge in every judicial circuit of this State."

Acts of 1905, p. 66.

§ 1090. By an amendment proposed in an Act approved on July 31, 1906, and ratified at an election held on the 6th day of November, 1906, Paragraph 1, of Section 1, of Article 6, was amended, so as to read as follows:

"The judicial powers of this State, shall be vested in a Supreme Court, a Court of Appeals, superior courts, courts of ordinary,

justices of the peace, commissioned notaries public, and such other courts as have been or may be established by law."

Acts of 1906, p. 24.

§ 1091. By the same Act, Paragraph 5, of Section 2, of Article 6, was amended so as to read as follows:

"The Supreme Court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors in law and equity from the superior courts in all civil cases, whether legal or equitable, originating therein, or carried thereto from the court of ordinary, and in all cases of conviction of a capital felony, and for the determination of questions certified to it by the Court of Appeals; and it shall sit at the seat of government at such times in each year as are or may be prescribed by law, for the trial and determination of writs of error from the superior courts and of questions certified to it as aforesaid. The provisions of this paragraph shall become effective on the first day of January, Anno Domini nineteen hundred and seven, but shall not affect cases which on that date are pending in the Supreme Court, except that cases then pending therein of the kind of which the Court of Appeals has jurisdiction may be transferred by the Supreme Court to the Court of Appeals. Any case thereafter carried to the Supreme Court which is of the class of which the Court of Appeals has jurisdiction may be transferred to the Court of Appeals, under such rules as the Supreme Court may prescribe, until otherwise provided by law; and the Court of Appeals shall try the cases so transferred."

Acts of 1906, p. 24.

§ 1092. By the same Act, Section 2, of Article 6, was amended, by adding to said Section a paragraph, to be known as paragraph 9, to read as follows:

"The Court of Appeals shall, until otherwise provided by law, consist of three judges, of whom two shall constitute a quorum. It shall sit at the seat of government and at such other places as may be prescribed by law. The Governor shall, immediately on the ratification of this amendment, call an election, to be held on Tuesday after the first Monday in November, Anno Domini nineteen hundred and six, at which the judges of the Court of Appeals

shall be elected in the manner in which Justices of the Supreme Court are elected. The returns of said election shall be made to the Secretary of State, and the Secretary of State shall canvass the returns and declare the three persons receiving the greatest number of votes to be elected. The terms of office of the judges then elected shall begin on the first day of January, Anno Domini nineteen hundred and seven, and shall continue respectively two, four and six years and until their successors are qualified. The persons so elected shall, among themselves, determine by lot which of the terms each shall have and they shall be commissioned accordingly by the Governor. All terms of the judges of the Court of Appeals after the expiration of the terms aforesaid (except unexpired terms) shall continue six years and until their successors are qualified. The times and manner of all other elections, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by the laws relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall have jurisdiction for the trial and correction of errors in law and equity from the superior courts in all cases in which such jurisdiction is not conferred by this Constitution on the Supreme Court, and from the city courts of Atlanta and Savannah, and such other cities, and in such other cases as may hereafter be prescribed by law, except that where, in a case pending in the Court of Appeals, a question is raised as to the construction of a provision of the Constitution of this State or of the United States, or as to the constitutionality of an Act of the General Assembly, of this State, and a decision of the question is necessary to the determination of the case. The Court of Appeals shall so certify to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of an equal division of opinion among the Justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The Court of Appeals may at any time certify to the Supreme Court any other question of law concerning which it desires the instruction of the Supreme Court for proper decision; and thereupon the Supreme Court shall give its instruction on the question certified to it, which shall be binding on the Court of Appeals in such case. The manner of certifying

questions to the Supreme Court by the Court of Appeals, and the subsequent proceedings in regard to the same in the Supreme Court, shall be as the Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below, in cases pending in the Court of Appeals, shall result from delay in disposing of questions certified by the Court of Appeals to the Supreme Court. All writs of error in the Court of Appeals when received by its clerk during a term of the court and before the docket of the term is by order of the court closed, shall be entered thereon, and when received at any other time shall be entered on the docket of the next term, and they shall stand for hearing at the term for which they are so entered, under such rules as the court may prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be reporter of the Court of Appeals, until otherwise provided by law. The first term of the Court of Appeals shall be held on the first Monday in January, Anno Domini nineteen hundred and seven. The laws relating to the Supreme Court, as to qualifications and salaries of the judges the designation of other judges to preside when members of the court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the court, the powers, practice, procedure, times of sitting and costs of the court, the publication of reports of cases decided therein, and in all other respects, except as otherwise provided in this Constitution, and until otherwise provided by law, shall apply to the Court of Appeals, so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents."

Acts of 1906, p. 24.

§ 1093. By an amendment proposed in an Act approved on July 31, 1906, and ratified at an election held on the 6th day of November, 1906, Paragraph 2, of Section 1, of Article 11, of the Constitution as amended by the ratification of the amendment proposed in the Act approved July 19, 1904, was amended by adding to said paragraph the following, language:

"Beginning at the point where the south line of land lot No. 167 in the third district of Wilcox county crosses the Alapaha River, and running due east along the south line to the northeast corner of land lot 159 in the third district of Irwin county; thence

north to the northeast corner of land lot 172 in the third district of Wilcox County; thence east to the northeast corner of land lot No. 174 in the third district of Irwin County; thence south to the northeast corner of land lot No. 157 in the third district of Irwin County, and thence east to the northeast corner of land lot 156 in the third district of Irwin County, and thence south to the northeast corner of land lot No. 66 in the third district of Irwin county; thence east to the northeast corner of land lot No. 62 in the third district of Irwin County, and thence south to the northeast corner of land lot No. 32 in the third district of Irwin county; thence east to the southeast corner of land lot No. 233 in the fourth district of Irwin County, and thence north to the southwest corner of land lot No. 206 in the fourth district of Irwin County, and thence east to the southeast corner of land lot No. 39 in the fourth district of Irwin County, and thence north along the east line of land lot No. 39 to the Ocmulgee river, and thence in a westerly direction along the Ocmulgee river to the point where House creek in Wilcox County empties into the Ocmulgee river, and thence in a westerly direction along the said House creek to the point where the said House creek crosses the north line of land lot No. 255 in the third district of Wilcox county, and thence west along the north line of said land lot 255 and the district lines between the first and third districts in the said county of Wilcox to the Alapaha river, and thence in a southerly direction along the said Alapaha river to the starting point. That Fitzgerald shall be the County site of said county. Said county shall be attached to the Third Congressional district and to the Oconee Judicial circuit until another circuit shall be established embracing the present county of Irwin, in which case it shall belong to said new circuit, and shall be attached to the fifteenth State senatorial district. That all legal voters residing in the limits of said county of Ben Hill entitled to vote for members of the General Assembly under the laws of Georgia shall, on the first Tuesday in January, 1907, elect an ordinary, a clerk of the superior court, a sheriff, a coroner, a tax-collector, a tax-receiver, a county surveyor, and a county treasurer and three commissioners of roads and revenues for said county, said election to be held at Fitzgerald, the county site of said county. That the superior courts of said county shall be held on the first Mondays in April and October of each year. The limits of the said county, the congressional and senatorial districts and the judicial circuit to which it

is attached, the time of holding the terms of the superior courts shall be as designated above until changed by law."

Acts of 1906, p. 28.

§ 1094. By an amendment proposed in an Act approved on August 21, 1907, and ratified at an election held on the 7th day of October, 1908, Section 1, of Article 2, was repealed and the following section, consisting of nine paragraphs, was inserted in lieu thereof:

"Section 1. Paragraph 1. After the year 1908 elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

"Par. 2. Every male citizen of this State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people; provided, that no soldier, sailor, or marine in the military or naval services of the United States shall acquire rights of an elector by reason of being stationed on duty in this State.

"Par. 3. To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election, and shall have paid all taxes which may have been required of him since the adoption of the Constitution of Georgia of 1877, that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least six months prior to the election at which he offers to vote, except when such elections are held within six months from the expiration of the time fixed by law for the payment of such taxes.

"Par. 4. Every male citizen of this State shall be entitled to register as an elector and to vote in all elections in said State who is not disqualified under the provisions of Section 2, of Article 2 of this Constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this Section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following subdivisions of this paragraph.

"1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the war with Mexico, or in any war with the Indians, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States or of the State of Georgia in the War between the States, or

"2. All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above, or,

"3. All persons who are of good character and understand the duties and obligations of citizenship under a Republican form of government; or,

"4. All persons who can correctly read in English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars; or,

"5. Any person who is the owner in good faith in his own right of at least forty acres of land situated in this State upon which he resides, or is the owner in good faith in his own right of property, situated in this State and assessed for taxation at the value of \$500.

"Par. 5. The right to register under sub-divisions 1 and 2 of paragraph 4 shall continue only until January 1st, 1915. But the registrars shall prepare a roster of all persons who register under sub-divisions 1 and 2 of paragraph 4, and shall return the same to the clerk's office of the Superior Court of their counties and the clerks of the Superior Court shall send copies of the same to the Secretary of State, and it shall be the duty of these officers to record and permanently preserve these rosters. Any person who has been once registered under either of the sub-divisions 1 or 2 of paragraph 4 shall thereafter be permitted to vote; provided, he meets the requirements of paragraph 2 and 3 of this Section.

"Par. 6. Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the five sub-divisions of paragraph 4, shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under

said sub-divisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of and shall be returned by the registrars to the office of the clerk of the Superior Court to be tried as other appeals.

"Par. 7. Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

"Par. 8. No person shall be allowed to participate in a primary of any political party or a convention of any political party in this State who is not a qualified voter.

"Par. 9. The machinery provided by law for the registration, of force October 1st, 1908, shall be used to carry out the provisions of this Section, except where inconsistent with the same; the legislature may change or amend the registration laws from time to time, but no such change or amendment shall operate to defeat any of the provisions of this Section."

Acts of 1907, p. 47; Acts of 1908, p. 27.

§ 1095. By an amendment proposed in an Act approved on August 6, 1908, and ratified at an election held on the 7th day of October, 1908, Section 3, of Article 3, of the Constitution was amended, by striking out paragraph 1, of said section, as amended by the Act approved July 27, 1908, and substituting in lieu thereof the following:

"Paragraph 1. The House of Representatives shall consist of not more than 184 Representatives, apportioned among the several counties, as follows, to-wit: To the six counties having the largest population, viz., Chatham, Bibb, Floyd, Fulton, Richmond and Thomas, three Representatives each; to the twenty-six counties having the next largest population, viz., Bartow, Bullock, Burke, Cobb, Carroll, Coweta, DeKalb, Decatur, Dooly, Elbert, Emanuel, Gwinnett, Hall, Houston, Jackson, Laurens, Lowndes, Meriwether, Monroe, Muscogee, Sumter, Tatnall, Troup, Walton, Washington and Wilkes, two (2) Representatives each, and to the remaining counties, one Representative each."

Acts of 1908, p. 31.

§ 1096. By an amendment proposed in an Act approved on August 27, 1908, and ratified at an election held on the 7th day of

October, 1908, Section 6, of Article 7, was amended by adding to paragraph 2 of said section, the following words:

“To pay the county police, and to provide for necessary sanitation.”

Acts of 1908, p. 33.

§ 1097. By an amendment proposed in an Act which was passed by the requisite constitutional majority by the General Assembly at the regular session of 1908, and ratified by the people at an election held, on the 7th day of October, 1909, Paragraph 1, Section 1, Article 7, was amended by adding at the end of said paragraph, the following:

“To make provision for the payment of pensions to any ex-Confederate soldier, now resident of this State, who enlisted in the military service of the Confederate States, during the Civil War between the States of the United States, and who performed actual military service in the armies of the Confederate States, or the organized militia of this State, and was honorably discharged therefrom; and to widows, now residents of this State, of ex-Confederate soldiers who enlisted in the military service of this State, or who enlisted in the military service of the Confederate States, and who performed actual service in the armies of the State, or of the organized militia of this State, who died in said military service, or was honorably discharged therefrom; provided, that no person shall be entitled to the provisions of this Constitutional Amendment, the total value of whose property, of every description including money and choses in action, shall exceed fifteen hundred dollars, and provided further, that only those widows who were married to such soldiers or ex-soldiers previous to the year 1870, shall be entitled to the provisions of this Constitutional Amendment. No widow of a soldier killed during the war shall be deprived of her pension by reason of having subsequently married another veteran who is dead, unless she receives a pension on account of being the widow of such second husband.”

Acts of 1908, p. 34.

§ 1098. By an amendment proposed in an Act approved on August 16, 1909, and ratified at an election held on the 5th day of

October, 1910, Paragraph 1, of Section 7, of Article 7, was amended by adding at the end of said paragraph, the following words:

"Except that the city council of Augusta, from time to time as necessary, for the purpose of protection against floods, may incur a bonded indebtedness upon its power producing canal and municipal waterworks, in addition to the debts hereinbefore, in this paragraph allowed to be incurred, to an amount in the aggregate not exceeding fifty per centum of the combined value of such properties the valuation of such properties to be fixed as may be prescribed by law, but said valuation not to exceed a figure five per cent. on which shall represent the net revenue per annum produced by the two such properties together at the time of such valuation, and such indebtedness not to be incurred except with the assent of two thirds of the qualified voters of such city, at an election or elections held for that purpose, to be held as may be now, or may hereafter, prescribed by law for the incurring of new debts by said, the City Council of Augusta."

Acts of 1909, p. 77.

§ 1099. By an amendment proposed in an Act approved on August 3, 1910, and ratified at an election held on the 5th day of October, 1910, Paragraph 1, of Section 13, of Article 6, was amended, by adding to said paragraph, the following words:

"Provided, however, That the counties of Chatham, Fulton, and Richmond shall pay from their respective county treasuries to the Superior Court Judges of the Circuit of which they are a part, and the county of Fulton to the Judge of the Stone Mountain Circuit, or the Judge of such other circuit as may hereafter be required to regularly preside therein, for additional services rendered in the Superior Court of Fulton County, such sums as will, with the salaries paid each Judge from the State Treasury, make a salary of \$5000.00 per annum to each Judge; and said payments are declared to be a part of the Court expenses of such counties, such payments to be made to the Judges now in office as well as their successors."

The Act of the General Assembly of 1904 entitled "An Act to regulate the salaries of Judges of the Superior Courts of all judicial circuits of this State, or that may hereafter have therein a city with a population of not less than 54,000 nor more than 75,000 inhabitants, and for other purposes,—with the Acts of the General

Assembly of 1905 and 1906 amendatory thereof; and also the Act of the General Assembly of 1906, entitled 'An Act to regulate the Compensation of Judges of the Superior Courts for services rendered outside of their own circuits in those Judicial Circuits of the State, having therein a city of not less than 75,000 inhabitants according to the census of 1900, and for other purposes,' which Acts provide for the payment from the treasuries of the counties containing said cities to the Judges aforesaid, a part of their salaries, are ratified, validated, and confirmed as of the dates of said respective enactments."

Acts of 1910, p. 43.

§ 1100. By an amendment proposed in an Act approved August 4, 1910, and ratified at an election held on the 5th day of October, 1910, Paragraph 2, Section 6, Article 7, was amended by striking from said paragraph the following words, "in instructing children in the elementary branches of an English education only," so as to make said paragraph read as follows:

"The General Assembly shall not have the power to delegate to any county the right to levy a tax for any purpose, except for educational purposes, to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of courts; to support paupers, and to pay debts heretofore existing."

Acts of 1910, p. 45.