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Georgia Constitution of 1789

State of Georgia

CONSTITUTION.

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LV. A court-house and jail to be erected at the public expence in each county, Of court-houses and jails. where the present convention or the future legislature shall point out and direct.

LVI. All persons whatever shall have the free exercise of their religion; provided Religious toleration. it be not repugnant to the peace and safety of the state; and shall not, unless by consent, support any teacher, or teachers, except those of their own profession.

LVII. The great seal of this state shall have the following device: on one side a scroll, whereon shall be engraved, "The Constitution of the state of Georgia;" and the motto, "*Pro bono publico*:" on the other side an elegant house, and other buildings; fields of corn, and meadows covered with sheep and cattle; a river running through the same, with a ship under full sail; and the motto, "*Deus nobis hæc otia fecit*." Great seal, its device.

LVIII. No person shall be allowed to plead in the courts of law in this state, except those who are authorized so to do by the House of Assembly; and if any person so authorized shall be found guilty of mal-practice before the House of Assembly, they shall have power to suspend them. This is not intended to exclude any person from that inherent privilege of every freeman, the liberty to plead his own cause. Admission of attorneys.

LIX. Excessive fines shall not be levied, nor excessive bail demanded. Fines and bail not to be excessive.

LX. The principles of the habeas corpus act shall be a part of this constitution. Habeas corpus.

LXI. Freedom of the press, and trial by jury, to remain inviolate for ever. Freedom of the press and trial by jury.

LXII. No clergyman of any denomination shall be allowed a seat in the legislature. Clergy ineligible.

LXIII. No alteration shall be made in this constitution without petitions from a majority of the counties, and the petitions from each county to be signed by a majority of voters in each county within this state; at which time the Assembly shall order a convention to be called for that purpose, specifying the alterations to be made, according to the petitions preferred to the Assembly by the majority of the counties as aforesaid. Constitution, how to be altered.

Done at Savannah, in Convention, the fifth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, and in the first year of the independence of the United States of America.

Georgia.

WE the underwritten delegates from the people, in convention met, do declare, that the following articles shall form the constitution, for the government of this state; and, by virtue of the powers in us vested for that purpose, do hereby ratify and confirm the same.

1789.

CONSTITUTION.

THE CONSTITUTION OF THE STATE OF GEORGIA.

ARTICLE I.

Division and
style of the le-
gislation.

1. The legislative power shall be vested in two separate and distinct branches, to wit, a Senate and House of Representatives, to be styled, "The General Assembly."

Election and
continuance of
the Senate.

2. The Senate shall be elected on the first Monday in October in every third year, until such day of election be altered by law, and shall be composed of one member from each county, chosen by the electors thereof, and shall continue for the term of three years.

Their quali-
fications.

3. No person shall be a member of the Senate, who shall not have attained to the age of twenty-eight years, and who shall not have been nine years an inhabitant of the United States, and three years a citizen of this state, and shall be an inhabitant of that county for which he shall be elected, and have resided therein six months immediately preceding his election, and shall be possessed in his own right of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds.

Election of
president of
Senate.

4. The Senate shall elect by ballot, a president out of their own body.

Senate to try
all impeach-
ments.

5. The Senate shall have solely the power to try all impeachments.

Election and
number of re-
presentatives.

6. The election of members for the House of Representatives, shall be annual, on the first Monday in October, until such day of election be altered by law, and shall be composed of members from each county, in the following proportions; Camden, two; Glynn, two; Liberty, four; Chatham, five; Effingham, two; Burke, four; Richmond, four; Wilkes, five; Washington, two; Greene, two; and Franklin, two.

Their quali-
fications.

7. No person shall be a member of the House of Representatives, who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, and two years an inhabitant of this state, and shall be an inhabitant of that county for which he shall be elected, and have resided therein three months immediately preceding his election, and shall be possessed in his own right of two hundred acres of land, or other property, to the amount of one hundred and fifty pounds.

Election of
speaker and
other officers.

8. The House of Representatives shall choose their speaker and other officers.

The power of
impeachment.

9. They shall have solely the power to impeach all persons who have been, or may be in office.

Disqualifi-
cation.

10. No person holding a military commission, or office of profit, under this or the United States, or either of them, (except justices of the peace and officers of the militia) shall be allowed to take his seat as a member of either branch of the General Assembly; nor shall any senator, or representative be elected to any office of profit, which shall be created during his appointment.

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11. The meeting of the General Assembly shall be annual, on the first Monday in November, until such day of meeting be altered by law. Meeting of the Assembly.

12. One third of the members of each branch, shall have power to proceed to business, but a smaller number may adjourn from day to day, and compel the attendance of their members, in such manner as each house may prescribe. One third may proceed to business.

13. Each house shall be judges of the elections, returns, and qualifications of its own members, with powers to expel, or punish for disorderly behaviour. Judges of its own elections.

14. No senator or representative, shall be liable to be arrested, during his attendance on the General Assembly, or for a reasonable time in going thereto, or returning home, except it be for treason, felony, or breach of the peace. Nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place, elsewhere. Free from arrest.
Freedom of debate.

15. The members of the Senate, and House of Representatives shall take the following oath, or affirmation : Senator's & representative's oath.

'I, A. B. do solemnly swear (or affirm as the case may be) that I have not obtained my election by bribery, or other unlawful means, and that I will give my vote on all questions that may come before me as a senator, or representative, in such a manner, as in my judgment, will best promote the good of this state; and that I will bear true faith and allegiance to the same, and to the utmost of my power, observe, support, and defend the constitution thereof.'

16. The General Assembly shall have power to make all laws and ordinances, which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution. Powers of the Assembly.

17. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to this state ;—when a new county or counties shall be laid off out of any of the present county or counties, such new county or counties shall have their representation apportioned out of the number of the representatives of the county or counties out of which it or they shall be laid out. And when any new county shall be laid off in the vacant territory belonging to the state, such county shall have a number of representatives not exceeding three, to be regulated and determined by the General Assembly. And no money shall be drawn out of the treasury, or from the public funds of this state, except by appropriations made by law. To alter the boundaries of counties and lay out new ones.

18. No clergyman of any denomination shall be a member of the General Assembly. Clergy disqualified.

ARTICLE II.

1. The executive power shall be vested in a governor, who shall hold his office during the term of two years; and shall be elected in the following manner: Governor's power and continuance in office.

2. The House of Representatives shall, on the second day of their making a house, in the first, and in every second year thereafter, vote by ballot for three persons, His election.

and shall make a list containing the names of the persons voted for, and of the number of votes for each person; which list the speaker shall sign in the presence of the house, and deliver it in person to the Senate; and the Senate shall, on the same day, proceed by ballot to elect one of the three persons having the highest number of votes, and the person having a majority of the votes of the senators present shall be the governor.

His qualifications.

3. No person shall be eligible to the office of governor, who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land in his own right, within this state, and other species of property to the amount of one thousand pounds sterling.

President to be governor in case of vacancy.

4. In case of the death, resignation, or disability of the governor, the president of the Senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the General Assembly.

Compensation of the governor.

5. The governor shall at stated times, receive for his services a compensation which shall neither be increased, nor diminished during the period for which he shall be elected; neither shall he receive within that period any other emolument from the United States, or any of them, or from any foreign power. Before he enters on the execution of his office, he shall take the following oath or 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 abilities, preserve, protect, and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws of the same."

His oath.

His title.

6. He shall be commander in chief, in and over the state of Georgia, and of the militia thereof.

Has power to grant pardons, &c.

7. He shall have power to grant reprieves, for offences against the state, except in cases of impeachment, and to grant pardons in all cases, after conviction, except for treason or murder, in which cases he may respite the execution, and make a report thereof to the next General Assembly, by whom a pardon may be granted.

Shall issue writs of election and convene the Assembly.

8. He shall issue writs of election, to fill up all vacancies that may happen in the Senate or House of Representatives, and shall have power to convene the General Assembly, on extraordinary occasions; and shall give them from time to time, information of the state of the republic; and recommend to their consideration such measures as he may deem necessary and expedient.

Shall adjourn the Assembly in case of disagreement between the two houses.

9. In case of disagreement between the Senate and House of Representatives, with respect to the time to which the General Assembly shall adjourn, he may adjourn them to such time as he may think proper.

His legislative powers.

10. He shall have the revision of all bills, passed by both houses, before the same shall become laws; but two thirds of both houses, may pass a law notwithstanding his dissent; and if any bill should not be returned by the governor within five days after it hath been presented to him, the same shall be a law, unless the General Assembly by their adjournment, should prevent its return.

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11. The great seal of the state, shall be deposited in the office of the secretary and ^{Great seal} it shall not be affixed to any instrument of writing without it be by order of the governor, or the General Assembly, and the General Assembly may direct the great seal to be altered.

ARTICLE III.

1. A superior court shall be held in each county twice in every year, in which shall be tried and brought to final decision, all causes civil and criminal, except such as may be subject to a federal court, and such as may by law be referred to inferior jurisdictions. ^{Superior courts inferior courts authorized.}

2. The General Assembly shall point out the mode of correcting errors, and appeals, which shall extend as far as to empower the judges to direct a new trial by a jury within the county where the action originated, which shall be final. ^{Errors and appeals.}

3. Courts-merchant shall be held as heretofore, subject to such regulations as the General Assembly may by law direct. ^{Courts-merchant.}

4. All causes shall be tried in the county where the defendant resides, except in cases of real estate, which shall be tried in the county where such estate lies; and in criminal cases, which shall be tried in the county where the crime shall be committed. ^{Causes where to be tried.}

5. The judges of the superior court, and attorney general, shall have a competent salary established by law, which shall not be increased nor diminished during their continuance in office, and shall hold their commissions during the term of three years. ^{Salary of judges and attorney general. Three years in office.}

ARTICLE IV.

1. The electors of the members of both branches of the General Assembly shall be citizens and inhabitants of this state, and shall have attained to the age of twenty-one years, and have paid tax for the year preceding the election, and shall have resided six months within the county. ^{Qualification of electors.}

2. All elections shall be by ballot, and the House of Representatives in all appointments of state officers shall vote for three persons, and a list of the three persons having the highest number of votes, shall be signed by the speaker and sent to the Senate, which shall, from such list, determine by a majority of their votes the officer elected; except militia officers and the secretaries of the governor, who shall be appointed by the governor alone, under such regulations and restrictions as the General Assembly may prescribe. The General Assembly may vest the appointment of inferior officers, in the governor, the courts of justice, or in such other manner as they may by law establish. ^{Elections to be by ballot. Appointment of state officers. Inferior officers.}

3. Freedom of the press, and trial by jury shall remain inviolate. ^{Freedom of press and trial by jury.}

4. All persons shall be entitled to the benefit of the writ of habeas corpus. ^{Habeas corpus.}

5. All persons shall have the free exercise of religion without being obliged to contribute to the support of any religious profession but their own. ^{Free exercise of religion.}

Estates not to
be entailed.
How distrib-
uted.

6. Estates shall not be entailed, and when a person dies intestate, leaving a wife and children, the wife shall have a child's share, or her dower at her option; if there be no wife, the estate shall be equally divided among the children; and their legal representatives of the first degree; the distribution of all other intestates' estates may be regulated by law.

Constitution,
how to be al-
tered.

7. At the general election for members of Assembly in the year one thousand seven hundred and ninety-four, the electors in each county shall elect three persons to represent them in a convention for the purpose of taking into consideration the alterations necessary to be made in this constitution; who shall meet at such time and place as the General Assembly may appoint, and if two thirds of the whole number shall meet and concur, they shall proceed to agree on such alterations and amendments as they may think proper, provided that after two thirds shall have concurred to proceed to alterations and amendments, a majority shall determine on the particulars of such alterations and amendments.

Time of opera-
tion.

8. This constitution shall take effect and be in full force on the first Monday in October next after the adoption of the same, and the executive shall be authorized to alter the time for the sitting of the superior courts, so that the same may not interfere with the annual elections in the respective counties, or the meeting of the first General Assembly.

Done at Augusta, in Convention, the sixth day of May, in the year of our Lord one thousand seven hundred and eighty-nine, and in the year of the sovereignty and independence of the United States the thirteenth.

WILLIAM GIBBONS, *President, and delegate from Chatham.*

Chatham. } ASA EMANUEL,
JUSTUS H. SCHEUBER.

Liberty. } LACHLAN M'INTOSH.

Effingham. } BENJAMIN LANIER,
JOHN GREEN,
NATHAN BROWNSON.

Glynn. } ALEXANDER BISSETT.

Burke. } DAVID EMANUEL,
HUGH LAWSON,
WILLIAM LITTLE.

Washington. } JARED IRWIN,
JOHN WATTS,
JOSHUA WILLIAMS.

Richmond. } ABRAHAM MARSHALL,
WILLIAM F. BOOKER,
LEONARD MARBURY.

Franklin. } M. WOODS.

Wilkes. } JOHN TALBOT,
JEREMIAH WALKER.

Greene. } JOSEPH CARMICHAEL,
HENRY CARR.

Attest, D. LONGSTREET, *Secretary.*