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State of Georgia

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## CONSTITUTION.

*Candler.* } JOSEPH CLAY, Jun.  
JOHN WEREAT.

*McIntosh.* } FERDINAND ONEAL,  
LACHLAN M'INTOSH,  
HENRY D. STONE.

*Bryan.* } JESSE M'CALL,  
JOHN DAVIES.

*Montgomery.* } HENRY GASTER,  
SOLOMON WOOD,  
WILLIAM NEIL.

*Burke.* } BENJAMIN DAVIES,  
DAVID EMANUEL,  
THOMAS KING.

*Oglethorpe.* } MATTHEW TALBOT,  
EDMUND DANIEL,  
GEORGE SWAIN.

*Elbert.* } SAMUEL HIGGINBOTHAM,  
STEPHEN HEARD,  
WILLIAM BARNETT.

*Richmond.* } JOHN MILTON,  
GEORGE WALKER,  
PHILIP CLAYTON.

*Franklin.* } ABNER FRANKLIN,  
OBADIAH HOOPER,  
THOMAS GILBERT.

*Scriven.* } BENJAMIN LANIER,  
WILLIAM SKINNER,  
P. R. SMITH.

*Glynn.* } JOHN B. JIRARDEAU.

*Warren.* } LEVY PRECITT,  
JOHN COBBS,  
PETER GOODWIN.

*Greene.* } DAVIS GRESHAM,  
PHILIP HUNTER,  
WILLIAM FITZPATRICK.

*Washington.* } JOHN RUTHERFORD,  
GEORGE FRANKLYN,  
REUBEN WILKINSON.

*Hancock.* } PETER BOYLE,  
ANDREW BAXTER,  
HARMAN RUNNELS.

*Liberty.* } JAMES POWELL,  
JACOB WOOD,  
DANIEL STEWART.

*Wilkes.* } BENJAMIN CATCHING,  
SILAS MERCER,  
DAVID CRESWELL.

*Attest,* THOMAS JOHNSON, *Secretary.*

1798.

## THE CONSTITUTION OF THE STATE OF GEORGIA.

## ARTICLE I.

Departments of  
government  
distinct.

1. THE legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted,

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2. 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. Senate and House of Representatives their style.

3. The Senate shall be elected annually on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof. Senate elected annually.

4. No person shall be a senator who shall not have attained to the age of twenty-five years; and have been nine years a citizen of the United States, and three years an inhabitant of this state; and shall have usually resided within the county for which he shall be returned at least one year immediately preceding his election, (except persons who may have been absent on public business of this state, or of the United States;) and is and shall have been possessed in his own right of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall on a reasonable estimation, be fully competent to the discharge of his just debts over and above that sum. Their qualifications.

5. The Senate shall elect by ballot a president out of their own body. Election of president.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted, without the concurrence of two thirds of the members present; judgment in cases of impeachment, 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 subject to indictment, trial, judgment, and punishment according to law. Senate to try all impeachments.

7. The House of Representatives shall be composed of members from all the counties which now are, or hereafter may be included within this state, according to their respective numbers of free white persons, and including three fifths of all the people of colour: the actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct; each county containing three thousand persons, agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand, to three members, and twelve thousand to four members; but each county shall have at least one, and not more than four, members. The representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law—until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives, respectively: Camden, two; Glynn, two; Liberty, three; M'Intosh, two; Bryan, one; Chatham, four; Effingham, two; Scriven, two; Montgomery, two; Burke, three; Bullock, one; Jefferson, three; Lincoln, two; Elbert, three; Jackson, two; Richmond, three; Wilkes, four; Columbia, three; Warren, three; Washington, three; Hancock, four; Greene, three; Oglethorpe, three; and Franklin, two. House of Representatives to be in proportion to the enumeration. Time of election.

8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he Their qualifications.

## CONSTITUTION.

shall be chosen, one year immediately preceding his election (unless he shall have been absent on public business of this state, or of the United States,) and shall be possessed, in his own right of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

Election of  
speaker.

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

Shall impeach.

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

What shall dis-  
qualify a mem-  
ber of either  
house.

11. No person holding any military commission or other appointment having any emolument or compensation annexed thereto, under this state, or the United States, or either of them (except justices of the inferior court, justices of the peace, and officers of the militia) nor any person who has had charge of public monies belonging to the state, unaccounted for and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the General Assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive, within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

Members inca-  
pable of elec-  
tion to office,  
&c.

General Assem-  
bly shall meet  
annually.

12. The meeting of the General Assembly shall be annual on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorized 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.

Each house to  
judge of the e-  
lections, &c. of  
its members.

13. Each house shall be judges of the elections, returns, and qualifications of its own members with powers to expel or punish by censuring, fining, and imprisoning, or either for disorderly behaviour, and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect, by any disorderly or contemptuous behaviour in its presence, or who during session shall threaten harm to the body or estate of any member, for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness in going to, or returning therefrom, or who shall rescue any person arrested by order of either house.

Members free  
from arrest in  
civil cases.

14. No senator or representative shall be liable to be arrested during his attendance on the General Assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except 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; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Freedom of de-  
bate.

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15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment; and the yeas and nays of the members on any question shall, at the desire of any two members, be entered on the journals.

Each house to keep a journal.

16. All bills for raising revenue or appropriating monies shall originate in the House of Representatives; but the Senate shall propose or concur with amendments as in other bills.

Revenue bills

17. Every bill shall be read three times and on three separate days, in each branch of the General Assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the Senate, and speaker in the House of Representatives: no bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two thirds of each branch.

Rules for passing bills.

18. Each senator and representative, before he be permitted to take his seat, shall take an oath or make affirmation that he hath not practised any unlawful means, either directly or indirectly, to procure his election, and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election, and every candidate employing like means and not elected, shall on conviction, be ineligible to hold a seat in either house or to hold any office of honor or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

Members to be sworn.

Canvassing of candidates punished.

19. Every member of the Senate or House of Representatives, shall, before he takes his seat, take the following oath or affirmation, to wit, "I, A. B. do solemnly swear or affirm, (as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that on all questions and measures which may come before me, I will give my vote, and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support and defend the constitution thereof."

The oath of members.

20. No person who hath been, or may be convicted of felony, before any court of this state, or any of the United States, shall be eligible to any office or appointment of honor, profit, or trust, within this state.

General disqualification

21. Neither house, during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the Senate and House of Representatives with respect to their adjournment, the governor may adjourn them.

Adjournment of the legislature.

Powers of the  
General Assembly.

22. 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.

To alter present  
counties and lay  
off new ones.

Declaration of  
the boundary of  
the state.

Proviso.  
The legislature  
authorized to  
sell a certain  
part to the U-  
nited States.

Proviso.

No monopolies  
permitted.

23. 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 the state; but the property of the soil, in a free government, being one of the essential rights of a free people, it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention composed of the immediate representatives of the people, chosen by them to assert their rights, and to revise the powers given by them to the government, and from whose will, all ruling authority of right flows, DO TH assert and declare the boundaries of this state to be as follow: That is to say, the limits, boundaries, jurisdictions and authority, of the state of Georgia, do, and did, and of right ought to extend from the sea, or the mouth of the river Savannah, along the northern branch, or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South Carolina: If the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo, does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Chatahoochee; thence along the middle thereof, to its junction with Flint river, thence straight to the head of St. Mary's river, and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning. Including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights; and also, all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line and within the limits aforesaid, is now, of right the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this state, of and for all or any part of the western territory of this state, laying westward of the river Chatahoochee, on such terms as may be beneficial to both parties; and may procure an extension of settlement; and an extinguishment of Indian claims, in and to the vacant territory of this state, to the east and north of the said river Chatahoochee, to which territory such power or contract or sale, by the legislature, shall not extend: *And provided also*, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals, being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals, or private companies, unless a county or counties shall have been first laid off, including such territory; and the Indian rights shall have been extinguished thereto.

24. The foregoing section of this article having declared the common rights of the free citizens of this state, in and to all the territory without the present temporary boundary line, and within the limits of this state, thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof are become constitutionally void, and justice and good faith require, that the state should not detain a consideration for a contract, which has failed; the legislature at their next session, shall make provision by law, for returning to any person or persons, who has or have *bona fide* deposited monies for such purchases in the treasury of this state: *Provided*, That the same shall not have been drawn therefrom in terms of the act passed the thirteenth of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven: nor shall the monies, paid for such purchases, ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such monies be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same. No money shall be drawn out of the treasury, or from the public funds of this state, except by appropriation made by law, and a regular statement and account of the receipts and expenditures of all public monies, shall be published from time to time. No vote, resolution, law, or order, shall pass the General Assembly, granting a donation or gratuity in favor of any person whatever, but by the concurrence of two thirds of the General Assembly.

Certain purchases constitutionally void.

Consideration money to be returned.

and never to be deemed a part of the public funds.

Donations, how to be granted.

25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration of all free white persons, and people of color, residing therein, distinguishing, in separate columns, the free white persons from persons of color; and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next—the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust reposed in them, and it shall be the duty of the said clerks, to transmit all such returns, under the seal, directed to the speaker of the House of Representatives, at the first session of the legislature thereafter: and it shall be the duty of the General Assembly, at their said first session, to apportion the members of the House of Representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person, whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and every person, occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The General Assembly shall, by law, direct the manner of taking such census or enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout this state, to be aiding and assisting in the true and faithful execution thereof. In case the justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or

The census to be taken

every seven years.

## CONSTITUTION.

enumeration of any county shall not be so taken and returned, then, and in that case, the General Assembly shall apportion the representation of such county, according to the best evidence in their power, relative to its population.

## ARTICLE II.

Governor chosen for two years.

1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified; he shall have a competent salary established by law, which shall not be increased or diminished during the period for which he shall have been elected, neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

By the General Assembly.

2. The governor shall be elected by the General Assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

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 property to the amount of four thousand dollars, and whose estate shall not on a reasonable estimation, be competent to the discharge of his debts, over and above that sum.

Vacancy, how filled.

4. In case of the death or 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.

Governor's oath.

5. The governor shall, before he enters on the duties of his office, 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 thereof."

His style.

6. He shall be commander in chief of the army and navy of this state, and of the militia thereof.

His 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, or to remit any part of a sentence, in all cases after conviction, except for treason or murder, in which cases he may respite the execution, and make report thereof to the next General Assembly, by whom a pardon may be granted.

To issue writs of election, &c.

8. He shall issue writs of election to fill up all vacancies that 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.



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9. When any office shall become vacant by death, resignation or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed, shall continue in office until a successor is appointed agreeably to the mode pointed out by this constitution, or by the legislature. and fill vacancies in office.

10. He shall have the revision of all bills passed in 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, shall prevent its return. His power in making laws.

11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and before it shall take effect, be approved by him, or being disapproved, may be repassed by two thirds of both houses, according to the rules and limitations prescribed in case of a bill. and passing resolutions.

12. There shall be a secretary of the state, a treasurer and a surveyor general, appointed in the same manner, and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary, including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected. Secretary of state, treasurer and surveyor general.

13. The great seal of the state shall be deposited in the office of secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or General Assembly; and the General Assembly shall, at their first session after the rising of this Convention, cause the great seal to be altered by law. Great seal of the state.

to be altered.

14. The governor shall have power to appoint his own secretaries.

Governor to appoint his secretaries.

### ARTICLE III.

1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: *Provided*, that such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellate jurisdiction in such other cases, as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county; and a copy of the petition Judicial power.

Judges of the superior court elected for three years, how removable. Their jurisdiction and powers.

Proviso.

Jurisdiction and power of inferior courts.

and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct: but the legislature may, by law, to which two thirds of each branch may concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

Concurrent jurisdiction may be given to the superior courts.

Courts to sit twice a year.

Judges to have salaries.

2. The judges shall have salaries, adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

State's attorney and solicitors.

To have salaries.

3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two thirds of each branch of the General Assembly. They shall have salaries adequate to their services, established by law, which shall not be increased or diminished during their continuance in office.

Appointment of justices of the inferior courts.

May be compensated.

4. Justices of the inferior courts shall be appointed by the General Assembly, and be commissioned by the governor, and shall hold their commissions during good behaviour, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor, on the address of two thirds of each branch of the General Assembly. They may be compensated for their services, in such manner as the legislature may by law direct.

Justices of the peace.

If their jurisdiction.

5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor, and there shall be two justices of the peace in each captain's district, either or both of whom, shall have power to try all cases of a civil nature, within their district, where the debt or liquidated demand does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behaviour, or until they shall be removed by conviction on indictment in the superior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the address of two thirds of each branch of the legislature.

Court of ordinary.

Appeal to the superior court.

Marriage licenses.

6. The powers of a court of ordinary or register of probates, shall be vested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the General Assembly may by law direct; but the inferior court shall have power to vest the care of the records and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

Mandamus prohibition, &c.

7. The judges of the superior courts, or any one of them, shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying their powers fully into effect.

8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause before any court or tribunal, either by himself or counsel, or both.

Revision of the laws, civil and criminal.

Causes managed with or without counsel.

9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorizing a divorce upon legal principles. And in such cases, two thirds of each branch of the legislature may pass acts of divorce accordingly.

Divorces.

10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behaviour.

Clerks.

11. Sheriffs shall be appointed in such manner as the General Assembly may by law direct, and shall hold their appointments for the term of two years unless sooner removed by sentence on impeachment, or by the governor, on the address of two thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four years; and no county officer after the next election shall be chosen at the time of electing a senator or representative.

Sheriffs.

#### ARTICLE IV.

1. The electors of members of the General Assembly, shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county: *Provided*, that in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat, shall be entitled to their seats.

Qualification of electors.

2. All elections, by the General Assembly, shall be by joint ballot of both branches of the legislature; and when the Senate and House of Representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the Senate shall in such cases preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote viva voce, until the legislature shall otherwise direct.

Elections by the General Assembly to be by joint ballot.

By the people to be viva voce.

3. The general officers of the militia shall be elected by the General Assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless remo-

Militia officers, how elected & commissioned.

## CONSTITUTION.

ved by sentence of a court martial, or by the governor, on the address of two thirds of each branch of the General Assembly.

Persons appointed to fill vacancies.

4. All persons appointed by the legislature to fill vacancies, shall continue in office only so long as to complete the time for which their predecessors were appointed.

Freedom of the press and trial by jury. Expost facto.

5. Freedom of the press and trial by jury, as heretofore used in this state, shall remain inviolate; and no *expost facto* law shall be passed.

Further disqualifications to office.

6. No person, who heretofore hath been, or hereafter may be a collector, or holder of public monies, shall be eligible to any office in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

Debtors insolvent.

7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering, *bona fide*, all his estate real and personal for the use of his creditors, in such manner as shall be hereafter regulated by law.

Former convictions on impeachments annulled.

8. Convictions on impeachments, which have heretofore taken place, are hereby released, and persons lying under such convictions, restored to citizenship.

Habeas corpus.

9. The writ of habeas corpus shall not be suspended unless when in case of rebellion, or invasion, the public safety may require it.

Free exercise of religion.

10. No person within this state, shall upon any pretence, be deprived of the inestimable privilege of worshipping God, in a manner agreeable to his own conscience, nor be compelled to attend any place of worship, contrary to his own faith and judgment, nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state in preference to another, nor shall any person be denied the enjoyment of any civil right merely on account of his religious principles.

Slaves not to be imported, nor to be emancipated, without consent of owners.

11. There shall be no future importation of slaves into this state from Africa, or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of each of their respective owners previous to such emancipation. They shall have no power to prevent emigrants, from either of the United States to this state, from bringing with them such persons as may be deemed slaves, by the laws of any one of the United States.

Punishment for murdering a slave.

12. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident, in giving such slave moderate correction.

13. The arts and sciences shall be promoted in one or more seminaries of learning, and the legislature shall, as soon as conveniently may be, give such further donations and privileges, to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the General Assembly at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Promotion of arts and sciences.

14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superseded, by appointments made in conformity to this constitution: And all laws now in force, shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the General Assembly to pass all necessary laws and regulations, for carrying this constitution into full effect.

Continuance of persons in office.

15. No part of this constitution shall be altered, unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the House of Representatives, and three times in the Senate, on three several days in each house, and agreed to by two thirds of each house respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the General Assembly; and if such alterations, or any of them so proposed, shall be agreed to in their first session thereafter, by two thirds of each branch of the General Assembly, after the same shall have been read three times, on three separate days in each respective house, then, and not otherwise, the same shall become a part of this constitution.

This constitution to be carried into effect by the legislature.

How to be altered.

WE, the underwritten delegates of the people of the state of Georgia, chosen and authorized by them to revise, alter or amend the powers and principles of their government, DO declare, ordain and ratify the several articles and sections contained in the six pages hereunto prefixed, as the constitution of this state; and the same shall be in operation from the date hereof.

**In Testimony whereof,** WE, and each of us respectively, have hereunto set our hands, at Louisville, the seat of government, this thirtieth day of May, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-second year of the independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit, "After the first day of October next."

JARED IRWIN, *President, and delegate from Washington.*

*Bryan.*  
JOSEPH CLAY,  
J. B. MAXWELL,  
JNO. PRAY.

JOHN MORRISON,  
JNO. MILTON.

*Burke.*  
BENJAMIN DAVIS,

*Bullock.*  
JAMES BIRD,  
ANDREW E. WELLS,  
CHARLES M'CALL, Jun.

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*Camden.*

JAMES SEAGROVE,  
THOMAS STAFFORD.

*Chatham.*

JAMES JACKSON,  
JAMES JONES,  
GEORGE JONES.

*Columbia.*

JAMES SIMMS,  
WA. DRANE,  
JAMES M'NEAL.

*Effingham.*

JOHN KING,  
JOHN LONDON,  
THOMAS POLHILL.

*Elbert.*

WILLIAM BARNETT,  
R. HUNT,  
BENJAMIN MOSELY.

*Franklin.*

A. FRANKLIN,  
ROBERT WALTERS,  
THOMAS GILBERT.

*Glynn.*

JOHN BURNETT.  
JOHN COUPER,  
THOMAS SPALDING.

*Greene.*

G. W. FOSTER,  
JONAS FAUCHE,  
JAMES NISBET.

*Hancock.*

CHARLES ABERCROMBIE,  
THOMAS LAMAR,  
MAT. RABUN.

*Jefferson.*

PETER I. CARNES,  
WILLIAM FLEMING,  
R. D. GRAY.

*Jackson.*

GEORGE WILSON,  
JAMES PITTMAN,  
JOSEPH HUMPHRIES.

*Liberty.*

JAMES COCHRAN,  
JAMES POWELL,  
JAMES DUNWODY.

*Lincoln.*

HENRY WARE,  
GIBSON WOOLDRIDGE,  
JARED GROCE.

*M'Intosh.*

JOHN H. M'INTOSH,  
JAMES GIGNILLIAT.

*Montgomery.*

BENJAMIN HARRISON,  
JOHN WATTS,  
JOHN JONES.

*Oglethorpe.*

JNO. LUMPKIN,  
THOMAS DUKE,  
BURWELL POPE.

*Richmond.*

ROBERT WATKINS,  
ABRAHAM JONES.

*Scriven.*

LEWIS LANIER,  
JAMES H. RUTHERFORD,  
JAMES OLIVER.

*Washington.*

JOHN WATT'S,  
GEORGE FRANKLIN.

*Warren.*

JOHN LAWSON,  
ARTHUR FORT,  
W. STITH, Jun.

*Wilkes.*

MAT. FALBERT,  
JESSE MERCER,  
BENJ. TALIAFERRO.

*Attest,* JAMES M. SIMMONS, *Secretary.*