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CONSTITUTION
OF THE
STATE OF GEORGIA



RATIFIED, AUGUST 7, 1945

PROCLAIMED, AUGUST 13, 1945

CONSTITUTION
OF THE
STATE OF GEORGIA



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CONSTITUTION
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STATE OF GEORGIA

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CHRONOLOGICAL LIST OF ORGANIC ACTS AND
STATE CONSTITUTIONS OF GEORGIA

Charter of the Colony of Georgia, 1732.

Grant of George II, King of Great Britain.

Constitution of 1777.

Constitutional Convention, Oct. 1, 1776-Feb. 5, 1777.

Constitution of 1789.

Constitutional Convention, Nov. 4-24, 1788; Jan. 4-20, 1789;
May 4-6, 1789; May (?) -16, 1795.

Constitution of 1798.

Constitutional Convention, May 8-(30?), 1798.

Constitution of 1861.

Constitutional Convention, Jan. 16-March 23, 1861.

Constitution of 1865.

Constitutional Convention, Oct. 25-Nov. 8, 1865.

Constitution of 1868.

Constitutional Convention, Dec. 9, 1867-March 11, 1868.

Constitution of 1877.

Constitutional Convention, July 11, 1877-August 25, 1877.

Constitution of 1945.

Ratified, General Election, August 7, 1945; Governor's Proclamation, August 13, 1945.

A RESOLUTION

Proposing (as one single amendment) to amend the Constitution of the State of Georgia of 1877 and all amendments thereof, by striking in their entirety Article I (Bill of Rights), Article II (Elective Franchise), Article III (Legislative Department), Article IV (Power of the General Assembly Over Taxation), Article V (Executive Department), Article VI (Judiciary), Article VII (Finance, Taxation, and Public Debt), Article VIII (Education), Article IX (Homesteads and Exemptions), Article X (Militia), Article XI (Counties and County Officers), Article XII (The Laws of General Operation in Force in This State), Article XIII (Amendments to the Constitution), and by inserting in lieu thereof, after the Preamble of the Constitution of the State of Georgia of 1877, new Articles as follows: Article I (Bill of Rights), Article II (Elective Franchise), Article III (Legislative Department), Article IV (Public Utilities, Eminent Domain, Police Power, Insurance Companies, Contracts, etc.), Article V (Executive Department), Article VI (Judiciary), Article VII (Finance, Taxation and Public Debt), Article VIII (Education), Article IX (Homesteads and Exemptions), Article X (Militia), Article XI (Counties and Municipal Corporations), Article XII (The Laws of General Operation in Force in This State), Article XIII (Amendments to the Constitution), Article XIV (Merit System), and Article XV (Home Rule); and to provide for the submission of the Amendment so proposed as one Amendment to the qualified voters of the State of Georgia for ratification or rejection at the General Election to be held in August, 1945.

WHEREAS, the purpose of this single amendment is to coordinate the proposed substantial principles of organic law into one subject matter of the Constitution; it being impracticable otherwise than in one subject matter and one amendment to perfect the rearrangement sought; and to render unnecessary the evil consequences of a portion by portion adoption or rejection which would in case of adoption of some portions and rejection of others result in a Constitution lacking correlation.

NOW THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section One

That the Constitution of the State of Georgia of 1877 and all Amendments thereof appearing after the Preamble, be and it is, hereby proposed to be amended as one single amendment by striking therefrom in their entirety Article I (Bill of Rights), Article II (Elective Franchise), Article III (Legislative Department), Article IV (Power of the General Assembly Over Taxation), Article V (Executive Department), Article VI (Judiciary), Article VII (Finance, Taxation, and Public Debt), Article VIII (Education), Article IX (Homesteads and Exemptions) Article X (Militia), Article XI

(Counties and County Officers), Article XII (The Laws of General Operation in Force in This State), Article XIII (Amendments to the Constitution) and inserting in lieu thereof new Articles Numbers I through XV inclusive, so that when so amended, the Constitution of the State of Georgia of 1877 shall read, beginning with the Preamble, as follows:

CONSTITUTION
OF THE
STATE OF GEORGIA

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.

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.

Paragraph II. Protection the duty of government. Protection to person and property is the paramount duty of government, and shall be impartial and complete.

Paragraph III. Life, liberty, and property. No person shall be deprived of life, liberty, or property, except by due process of law.

Paragraph 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.

Paragraph V. Benefit of counsel; accusation; list of witnesses; compulsory process; trial by jury. 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 obtain 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.

Paragraph VI. Crimination of self not compelled. No person shall be compelled to give testimony tending in any manner to criminate himself.

Paragraph VII. Banishment and whipping as punishment for crime. Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

Paragraph VIII. Jeopardy of life or liberty 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.

Paragraph IX. Bail; fines; punishment; arrest, abuse of prisoners. 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.

Paragraph X. Costs. No person shall be compelled to pay costs except after conviction on final trial.

Paragraph XI. Habeas corpus. The writ of Habeas Corpus shall not be suspended.

Paragraph 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.

Paragraph XIII. Religious opinions; liberty of conscience. No inhabitant 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.

Paragraph XIV. Appropriations to churches, sects, etc., forbidden. No money shall ever be taken from the public Treasury, directly, or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.

Paragraph XV. Liberty of speech or of the press 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.

Paragraph XVI. Searches, seizures, 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.

Paragraph XVII. Slavery and involuntary servitude. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

Paragraph XVIII. Status of the citizen. The social status of the citizen shall never be the subject of legislation.

Paragraph 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.

Paragraph XX. Contempts. The power of the Courts to punish for contempt shall be limited by legislative acts.

Paragraph XXI. Imprisonment for debt. There shall be no imprisonment for debt.

Paragraph XXII. Arms, right to keep and bear. 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.

Paragraph XXIII. Legislative, judicial, and executive powers, 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.

Paragraph 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.

Paragraph 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.

Paragraph I. Libel; jury in criminal cases; new 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.

Paragraph 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.

Paragraph III. Conviction, effect of. No conviction shall work corruption of blood, or forfeiture of estate.

Art. 1, Sec. 2, Par. 4

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

Paragraph V. Lobbying, penalties. Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

Paragraph VI. Fraud; concealment of property. 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.

Paragraph I. Private ways; just compensation. In case 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.

Paragraph 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 grant of special privileges or immunities, shall be passed.

Paragraph III. Revocation of tax exemptions. All exemptions from taxation heretofore granted in corporate charters are declared to be henceforth null and void.

SECTION IV.

Paragraph I. General laws; uniform operation; 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 contract, is capable of such consent.

Paragraph II. What acts void. Legislative acts in violation of this Constitution, of the Constitution of the United States, are void, and the Judiciary shall so declare them.

SECTION V.

Paragraph I. State rights. The people of this State have the inherent, sole and exclusive rights 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.

Art. 1, Sec. 5, Par. 2

Paragraph II. Enumeration of rights not denial of 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.

SECTION VI.

Paragraph I. Tidewater titles; confirmed. The Act of the General Assembly approved December 16, 1902, which extends the title of ownership of lands abutting on tidal water to low water mark is hereby ratified and confirmed.

ARTICLE II.

ELECTIVE FRANCHISE

SECTION I.

Paragraph I. Elections by ballot; registration of voters. 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.

Paragraph II. Who shall be an elector entitled to register and vote. Every citizen of this State who is a citizen of the United States, eighteen years old or upwards, not laboring under any of the disabilities named in this Article, and possessing 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 the rights of an elector by reason of being stationed on duty in this State.

Paragraph III. Who entitled to register and vote. 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.

Paragraph IV. Qualifications of electors. Every 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 II of Article II of this Constitution, and who possesses the qualifications prescribed in Paragraphs II and III 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 two following subdivisions of this paragraph.

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

2. All persons who can correctly read in the 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.

Paragraph V. Appeal from decision of registrars. 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 two subdivisions of Paragraph IV 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 subdivisions. 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.

Paragraph VI. Judgment of force pending appeal. Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

SECTION II.

Paragraph I. Registration of electors; 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 turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such persons shall have been pardoned. 2nd. Idiots and insane persons.

SECTION III.

Paragraph I. Privilege of electors from arrest. 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.

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.

SECTION V.

Paragraph I. Sale of liquors on election days. The General Assembly shall by law forbid the sale of intoxicating drinks in this State or any political subdivision thereof on all days for the holding of any election in the area in which such election is held and prescribe punishment for any violation of the same.

SECTION VI.

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

ARTICLE III.

LEGISLATIVE DEPARTMENT

SECTION I.

Paragraph I. Power vested in General Assembly. 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.

Paragraph I. Number of senators and senatorial districts. The Senate shall consist of not more than fifty-four members and there shall be not more than fifty-four Senatorial Districts with one Senator from each District as now constituted, or as hereafter created. The various Senatorial Districts shall be comprised of the counties as now provided, and the General Assembly shall have authority to create, rearrange and change these Districts within the limitation herein stated.

SECTION III.

Paragraph I. Number of representatives. The House of Representatives shall consist of representatives apportioned among the several counties of the State as follows: To the eight counties having the largest population, three representatives each; to the thirty counties having the next largest population, two representatives each; and to the remaining counties, one representative each.

Paragraph II. Apportionment 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 in accordance with the provisions of Paragraph I of Section III of this article.

SECTION IV.

Paragraph I. Term of members. The members of the General Assembly shall be elected for two years, and shall serve until the time fixed by law for the convening of the next General Assembly.

Paragraph II. Election, when. The first election for members of the General Assembly, under this Constitution shall take place on Tuesday after the first Monday in November, 1946, and subsequent elections biennially, on that day, until the day of election is changed by law.

Paragraph III. Meeting of the General Assembly. The General Assembly shall meet in regular session on the second Monday in January 1947, and biennially thereafter on the same day until the date shall be changed by law. By concurrent resolution, adopted by a majority of members elected to both Houses, the General Assembly may adjourn any regular session to such later date as it may fix for reconvening in regular session, but shall remain in regular session no longer than seventy (70) days, in the aggregate, during the term for which the members were elected. If it shall adjourn the first regular session before the expiration of seventy (70) days without fixing a date for reconvening, the General Assembly shall reconvene in regular session on the second Monday in January of the next year unless it shall have adjourned sine die. All business pending in the Senate or House at the adjournment of any regular session may be considered at any later regular session of the same General Assembly as if there had been no adjournment. Nothing herein shall be construed to effect the power of the Governor to convoke the General Assembly in extraordinary session, or the duty of the Governor to convene the General Assembly in extraordinary session upon the certificate of three-fifths of the members elected to the Senate and the House of Representatives, as provided in Article V, Section I, Paragraph XII of this Constitution. If an impeachment trial is pending at the end of any regular or extraordinary session, the Senate may continue in session until such trial is completed. The provisions of Paragraph III, Section IV of Article III of the Constitution which this Constitution supersedes which apply to the meetings of the General Assembly shall continue in force until the second Monday in January, 1947.

Paragraph 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.

Paragraph 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."

Paragraph VI. 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, unless he shall first resign his seat, provided, however, that during the term for which he was elected no Senator or Representative shall be appointed to any civil office which has been created during such term.

Paragraph VII. Removal from district or county, effect of. 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.

Paragraph I. Qualifications of Senators. The Senators shall be citizens of the United States, who 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.

Paragraph II. President. The presiding officer of the Senate shall be styled the President of the Senate. A President Pro Tempore shall be elected viva voce from the Senators and shall act in case of the death, resignation or disability of the President, or in the event of his succession to the executive power.

Paragraph III. Impeachments. The Senate shall have the sole power to try impeachments.

Paragraph 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 a Justice of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

Paragraph V. Judgments in impeachments. Judgments, 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 liable, and subject, to indictment, trial judgment, and punishment, according to law.

SECTION VI.

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.

Paragraph 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.

Paragraph III. Power to impeach. The House of Representatives shall have the sole power to vote impeachment charges against all persons who shall have been or may be in office.

SECTION VII.

Paragraph I. Election, returns, etc.; disorderly conduct. Each House shall be the judge of the election, returns, and qualifications of its members and shall have 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.

Paragraph 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.

Paragraph 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.

Paragraph IV. Journals and acts. Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment. The General Assembly shall provide for the publication of the laws passed by each session.

Paragraph V. Where journals 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.

Paragraph 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.

Paragraph 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, but the first and second reading of each local bill, shall consist of the reading of the title only, unless said bill is ordered to be engrossed.

Paragraph VIII. One subject matter expressed. No law shall pass which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

Paragraph 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 for 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.

Paragraph 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.

Paragraph XI. Public money, how drawn. No money shall be drawn from the Treasury except by appropriation made by law.

Paragraph 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.

Paragraph XIII. Acts signed; rejected bills. All acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill 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.

Paragraph 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.

Paragraph XV. 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 newspaper in which the Sheriff's advertisements for the locality affected are published, once a week for three weeks during a period of sixty days immediately preceding its introduction into the General Assembly. No local or special bill shall become law unless there is attached to and made a part of said bill a copy of said notice certified by the publisher, or accompanied by an affidavit of the author, to the effect that said notice has been published as provided by law. No office to which a person has been elected shall be abolished, nor the term of the office shortened or lengthened by local or special bill during the term for which such person was elected unless the same be approved by the people of the jurisdiction affected in a referendum on the question. Where any local law shall add any member or members to any municipal or county governing authority, the members of which are elected

by the people, such local law must provide that the member or members so added must be elected by a majority vote of the qualified voters of the political subdivision affected.

Paragraph XVI. 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.

Paragraph XVII. Corporate powers, how granted. The General Assembly shall have no power to grant corporate powers and privileges to private companies, 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; it may confer this authority to grant corporate powers and privileges to private companies to the judges of the superior courts of this State in vacation. All corporate powers and privileges to banking, trust, insurance, railroad, 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; and if in any event the Secretary of State should be disqualified to act in any case, then in that event the legislature shall provide by general laws by what person such charter shall be granted.

Paragraph XVIII. 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 officers.

Paragraph XIX. Yeas and nays to be entered, when. Whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of an act or resolution, the yeas and nays on the passage thereof shall be entered on the Journal.

Paragraph XX. Powers of the General Assembly. The General Assembly shall have the power to make all laws consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

Paragraph XXI. 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, to submit constitutional amendments, and in case of prolongation of a session of the General Assembly.

Paragraph XXII. 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 disagreement between the two Houses, on a question of adjournment, the Governor may adjourn either, or both of them.

Paragraph XXIII. Zoning and planning laws. The General Assembly of the State shall have authority to grant the governing authorities of the municipalities and counties authority to pass zoning and planning laws whereby such cities or counties may be zoned or districted for various uses and other or different uses prohibited therein, and regulating the use for which said zones or districts may be set apart, and regulating the plans for development and improvements on real estate therein.

Paragraph XXIV. Civil service — equal preference to veterans. Neither the State of Georgia, nor any political subdivision thereof, shall inaugurate or maintain any civil service scheme of any nature whatever which fails to provide for honorably discharged veterans of any war, and the said State of Georgia, or any political subdivision shall, if a civil service scheme is originated or is already in force, provide equal preferences accorded to such veterans as now exist under Federal Civil Service Laws.

Paragraph XXV. Street Railways. The General Assembly shall not authorize the construction of any street passenger railway, within the limits of any incorporate town or city, without the consent of the Corporate Authorities.

SECTION VIII.

Paragraph I. Officers of the two houses. The officers of the two houses, other than the President of the Senate and Speaker of the House, shall be a President Pro Tempore and Secretary of the Senate and Speaker Pro Tempore and Clerk of the House of Representatives, and such assistants as each House may provide for.

SECTION IX.

Paragraph I. Compensation, expense and mileage. The per diem of members of the General Assembly shall be \$10.00 per day plus the additional sum of \$5.00 per day for maintenance expense; and the mileage shall not exceed 10 cents for each mile traveled by the nearest practical route in going to and returning from the Capitol; but the President Pro Tempore of the Senate, when serving as presiding officer thereof, and the Speaker of the House of Representatives, shall each receive \$15.00 per day as per diem plus the additional sum of \$5.00 per day for maintenance expense.

SECTION X.

Paragraph I. Viva voce vote; place of meeting. 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 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 cases, preside and declare the result.

SECTION XI.

Paragraph I. Salaries of elective officials; how changed. The General Assembly may, at any time, by a majority vote of both branches prescribe other and different salaries for all of the elective officers provided for in this Constitution, but no such change shall affect the officers then in commission.

ARTICLE IV.

PUBLIC UTILITIES, EMINENT DOMAIN, POLICE POWER,
INSURANCE COMPANIES, CONTRACTS, ETC.

SECTION I.

Paragraph I. Public utility tariffs and charges. The power and authority of regulating railroad freight and passenger tariffs and of charges of public utilities for their services, of preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs and of charges of public utilities, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws from time to time, to regulate such tariffs and charges, to prohibit unjust discriminations by the various railroads and public utilities of this State, and to prohibit said railroads and public utilities from charging other than just and reasonable rates and to enforce the same by adequate penalties, provided, nevertheless, that such power and authority shall never be exercised in any way to regulate or fix charges of such public utilities as are or may be owned or operated by any county or municipality of this State; except as provided in this Constitution.

Paragraph II. Rebates. No public utility 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 freight or passage or services furnished, any such payments shall be illegal and void; and these prohibitions shall be enforced by suitable penalties.

SECTION II.

Paragraph I. Right of eminent domain. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking property and franchises, and subjecting them to public use.

Paragraph II. Police power. The exercise of the police power of the State shall never be abridged, nor so construed as to permit the conduct of business in such manner as to infringe the equal rights of others, or the general wellbeing of the State.

SECTION III.

Paragraph I. Charters revived or amended subject to 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 provision of this Constitution.

SECTION IV.

Paragraph I. Contracts to defeat competition. All contracts and agreements, which may have the effect, or be intended to have the effect, to defeat or lessen competition, or to encourage monopoly, shall be illegal and void. The General Assembly of this State shall have no power to authorize any such contract or agreement.

Paragraph II. General Assembly to enforce Article. The General Assembly shall enforce the provisions of this Article by appropriate legislation.

Paragraph III. Public Service Commission as constitutional officers. There shall be a Public Service Commission for the regulation of utilities, vested with the jurisdiction, powers and duties now provided by law or that may hereafter be prescribed by the General Assembly, not inconsistent with other provisions of this Constitution. Such Commission shall consist of five members, who shall be elected by the people. A chairman shall be selected by the members of the Commission from its membership. The first Commission under this amendment shall consist of the commissioners in office at the time of the adoption of this constitutional amendment and they shall serve until December 31 after the general election at which the successor of each member is elected. Thereafter all succeeding terms of members shall be for six years. The qualifications, compensations, filling of vacancies, manner and time of election, power and duties of members of the Commission, including the chairman shall be such as are now or may hereafter be provided by the General Assembly.

SECTION V.

Paragraph I. Wife's separate 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 VI.

Paragraph I. Nonresident 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.

Paragraph II. License by Comptroller General. 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.

Paragraph III. Resident insurance companies; guarantee fund. 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 interest and dividends 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.

Paragraph 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 this State, to secure the people against loss by the operations of said companies.

Paragraph 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 annual reports to the Comptroller General, and print the same at their own expense, for the information and protection of the people.

ARTICLE V.

EXECUTIVE DEPARTMENT

SECTION I.

Paragraph I. Governor; Term of Office; Salary, etc. The executive power shall be vested in a Governor, who shall hold his office during the term of four years, and until his successor shall be chosen and qualified. The Governor serving at the time of the adoption of this Constitution and future Governors shall not be eligible to succeed themselves and shall not be eligible to hold the office until after the expiration of four years from the conclusion of his term of office. He shall have a salary of seven thousand five hundred dollars per annum until January 1, 1947. The salary of the Governor for each year thereafter shall be twelve thousand dollars per annum until otherwise provided by a law passed by a majority 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. The State officers, required by this Constitution to be elected at the same time, for the same term, and in the same manner as the Governor shall also hold office for four years.

Paragraph II. Election for Governor. The first election for Governor, under this Constitution, shall be held on Tuesday after the first Monday in November of 1946, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place quadrennially thereafter, on said date, 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.

Paragraph III. Returns of elections. The returns for 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.

Paragraph IV. How returns 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.

Paragraph V. Contested elections. Contested elections shall be determined by both houses of the General Assembly in such manner as shall be prescribed by law.

Paragraph VI. 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.

Paragraph VII. Lieutenant Governor. Succession to executive power. There shall be a Lieutenant Governor, who shall be elected at the same time, for the same term, and in the same manner as the Governor. He shall be President of the Senate, and shall receive the sum of \$2,000 per annum. In case of the death, resignation, or disability of the Governor, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor until the next general election for members of the General Assembly, at which a successor to the Governor shall be elected for the unexpired term; but if such death, resignation, or disability shall occur within thirty days of the next general election, or if the term will expire within ninety days after the next general election, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor for the unexpired term. If the Lieutenant Governor shall become a candidate for the unexpired term of the Governor, he shall thereby resign his office as Lieutenant Governor, effective upon the qualification of the Governor elected for the unexpired term, and his successor for the unexpired term shall be elected at such election. In case of the death, resignation, or disability of both the Governor and the Lieutenant Governor, the Speaker of the House of Representatives shall exercise the executive power until the removal of the disability or the election and qualification of a Governor at a special election, which shall be held within sixty days from the date on which the Speaker of the House of Representatives shall assume the executive power. A Lieutenant Governor shall be elected at the general election in 1946 and shall qualify at the same time as the Governor. Until the qualification of a Lieutenant Governor the provisions of Article V, Section I, Paragraph VIII of the Constitution of Georgia of 1877 shall remain of full force and effect.

Paragraph VIII. Unexpired terms, filling of. The General Assembly shall have power to provide by law, for filling unexpired terms by special elections, except as provided in this Constitution.

Paragraph IX. Oath of office. 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 ability, preserve, protect, and defend the Constitution thereof, and the Constitution of the United States of America."

Paragraph X. Commander-in-chief. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia thereof.

Paragraph XI. Reprieves and pardons; State Board of Pardons and Paroles. The Governor shall have power to suspend the execution of a sentence of death, after conviction, for offenses against the State, until the State Board of Pardons and Paroles, hereinafter provided, shall have an opportunity of hearing the application of the convicted person for any relief within the power of such Board, or for any other purpose which may be deemed necessary by the Governor. Upon conviction for treason the Governor may only 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. The Governor shall, at each session of the General Assembly, communicate to that body each case of suspension of sentence, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the reprieve or suspension, 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. There shall be a State Board of Pardons and Paroles composed of three members, who shall be appointed by the Governor and confirmed by the Senate. Appointments made at times when the Senate is not in session shall be effective ad interim. The first members shall be appointed for terms of three, five, and seven years, respectively, to be designated by the Governor, and all subsequent appointments shall be for a period of seven years, except in case of an unexpired term. The Governor shall not be a member of the State Board of Pardons and Paroles. The members of the State Board of Pardons and Paroles shall each receive an annual salary of \$5,000.00, payable monthly. The State Board of Pardons and Paroles shall have power to grant reprieves, pardons and paroles, to commute penalties, remove disabilities imposed by law, and may remit any part of a sentence for any offense against the State, after conviction except in cases of treason or impeachment, and except in cases in which the Governor refuses to suspend a sentence of death. Provided that such board shall act on all applications within 90 days from the filing of same, and in all cases a majority shall decide the action of the Board. Except if any member for any cause is unable to serve in any case involving capital punishment, the Governor shall act as the third member of said Board and the action so taken in such instance shall be by unanimous vote. The State Board of Pardons and Paroles shall at each session of the General Assembly communicate to that body in full detail each case of pardon, parole, commutation, removal of disabilities or remission of sentences granted, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the

pardon, parole, commutation, removal of disabilities or remission of sentence and the reasons for granting the same, and the State Board of Pardons and Paroles may make rules and regulations as may be authorized by law. The first Board of Pardons and Paroles under this provision may be those in office under an act of the General Assembly creating such a Board existing at the time of the adoption of this amendment, which, if so existing shall be in lieu of such a Board to be created by the General Assembly subsequent to the adoption of this amendment, and which Board shall have all the rights, privileges, powers, and duties the same as if it was so subsequently created, and the terms of members of such Board shall date from the time specified in the existing Act of the General Assembly. The General Assembly may enact laws in aid of, but not inconsistent with, this amendment.

Paragraph XII. Writs of election; called sessions of the General Assembly. The Governor shall issue writs of election to fill all vacancies that may happen in the Senate and the House of Representatives, and shall give the General Assembly, from time to time, information of the State of the Commonwealth, and recommend to their consideration such measures as he may deem necessary or expedient. The Governor 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; Providing that such called sessions of the General Assembly shall not exceed 70 days in length, unless at the expiration of said period there shall be pending an impeachment trial of some officer of the State Government in which event the General Assembly will be authorized to remain in session until such trial shall have been completed.

Provided, however, that when three-fifths of the members elected to the House of Representatives and three-fifths of the members elected to the Senate shall have certified to the Governor of the State of Georgia that in their opinion an emergency exists in the affairs of the State of Georgia, it shall thereupon be the duty of said Governor and mandatory upon him, within five days from the receipt of such certificate or certificates, to convene said General Assembly in extraordinary session for all purposes; and in the event said Governor shall, within said time, Sundays excluded, fail or refuse to convene said General Assembly as aforesaid, then and in that event said General Assembly may convene itself in extraordinary session, as if convened in regular session, for all purposes, provided that such extraordinary, self convened session shall be limited to a period of 30 days, unless at the expiration of said period, there shall be pending an impeachment trial of some officer of the State Government, in which event the General Assembly shall be authorized to remain in session until such trial shall have been completed.

The members of the General Assembly shall receive the same per diem and mileage during such extraordinary session as is now or may be hereafter provided.

Paragraph XIII. 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.

Paragraph XIV. Appointments rejected. A person once rejected by the Senate, shall not be reappointed by the Governor to the same office during the same session, or the recess thereafter.

Paragraph XV. 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.

Paragraph XVI. Governor to approve resolutions, etc. 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, provided, however, that nothing contained in this Article shall be construed to confer on the Governor the right to veto or enter his disapproval of any proposal made by the General Assembly to amend this Constitution.

Paragraph XVII. Information from officers and employees; suspension of officers. The Governor may require information in writing from Constitutional officers, department heads, and all State employees, on any subject relating to the duties of their respective offices or employment. The General Assembly shall have authority to provide by law for the suspension of any Constitutional officer or department head 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.

SECTION II.

OTHER EXECUTIVE OFFICERS

Paragraph I. Executive Officers, How Elected. The Secretary of State, Attorney General, State School Superintendent, Comptroller General, Treasurer, Commissioner of Agriculture, and Commissioner of Labor 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 the election, counting the votes, declaring the

results, 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 the above named executive officers; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

Paragraph II. Duties, Authority, and Salaries of Other Executive Officers. The General Assembly shall have power to prescribe the duties, authority, and salaries of the executive officers, and to provide help and expenses necessary for the operation of the department of each.

Paragraph III. Profit From Use of Public Money. No State official shall 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.

Paragraph IV. Qualifications. No person shall be eligible to the office of the Secretary of State, Attorney General, State School Superintendent, Comptroller General, Treasurer, Commissioner of Agriculture, and Commissioner of Labor, 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 regulation to be prescribed by law, for the faithful discharge of their duties.

Paragraph V. Fees and Perquisites Denied. No State official named in Paragraph I of this Section shall 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.

Paragraph I. Great seal; what constitutes; custody; when affixed to instruments. 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.

SECTION IV.

Paragraph I. Game and Fish Commission. There is hereby created a State Game and Fish Commission. Said Commission shall consist of one member from each Congressional District in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden. The first members of the Commission shall consist of those in office at the time this Constitution is adopted, with terms provided by law. Thereafter, all succeeding appointments shall be made by the Governor and

Art. 5, Sec. 4, Par. 1

confirmed by the Senate for a term of seven years from the expiration of the previous term. All members of the Commission shall hold office until their successors are appointed and qualified. Vacancies in office shall be filled by appointment of the Governor and submitted to the Senate for confirmation at the next session of the General Assembly after the making of the appointment.

The Commission shall have such powers, authority, duties, and shall receive such compensation and expenses as may be delegated or provided for by the General Assembly.

SECTION V.

STATE BOARD OF CORRECTIONS

Paragraph I. State Board of Corrections; How Composed, Director. There shall be a State Board of Corrections composed of five members in charge of the State Penal System. The Board shall have such jurisdiction, powers, duties and control of the State Penal System and the inmates thereof as shall be provided by law. The Board shall elect a Director of Corrections who shall be the executive officer of the Board. The Board of Corrections shall be appointed by the Governor with the consent of the Senate. The first appointment shall be for terms of one, two, three, four and five years and their successors shall be appointed for terms of five years each. The compensation of the Director and members of the Board shall be fixed by law.

SECTION VI.

STATE DEPARTMENT OF VETERANS SERVICE

Paragraph I. Veterans Service Board; How Composed; Director. There shall be a State Department of Veterans Service and Veterans Service Board composed of seven members, who shall have such control, duties, powers and jurisdiction of the State Department of Veterans Service as shall be provided by law. Said Board shall appoint a director who shall be the executive officer of the Department. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate and all members of the Board and the Director shall be veterans of some war in which the United States has engaged.

The first appointments shall be for terms of one, two, three, four, five, six and seven years. Thereafter all terms and appointments, except in case of vacancy, shall be for seven years. Vacancies shall be filled by appointment of the Governor.

ARTICLE VI.

JUDICIARY

SECTION I.

Paragraph I. Courts Enumerated. 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, Notaries Public who are ex-officio Justices of the Peace, and such other Courts as have been or may be established by law.

SECTION II.

Paragraph I. Supreme Court Justices; Quorum. The Supreme Court shall consist of seven associate justices, who shall from time to time as they may deem proper, elect one of their member as Chief Justice, and one as Presiding Justice; the office of Chief Justice as it has heretofore existed under this Constitution being hereby converted into the office of an associate justice, with the same right of incumbency and the same succession as to terms, as applied to the former office. The Chief Justice so elected by the other Justices shall be the chief presiding and administrative officer of the court, and the Presiding Justice, elected in like manner, shall perform all the duties devolving upon the Chief Justice, when he is absent or disqualified. A majority of the court shall constitute a quorum.

Paragraph II. Court to Designate Judges to Preside, When; Means for Supreme Court to Prevent Delay in Congested Dockets. When one or more of the Justices of the Supreme Court are disqualified from deciding any case by interest or otherwise, the qualified Justices shall designate a judge or judges of the Superior Court to preside in said case, provided, that if all the justices are disqualified, they or a majority of them shall, despite their disqualification, select seven judges of the superior court to preside in the cause, but they shall make such selections by lot and in open court from not less than twelve names of such superior court judges.

Paragraph III. Terms of Office. The Justices aforesaid shall hold their offices for six years, and until their successors are qualified. They shall be elected by the people at the same time and in the same manner as members of the General Assembly; provided, that the successors to the two incumbents whose terms will expire on December 31, 1946, shall be elected for the succeeding terms at the time of electing members of the General Assembly during that year; successors to the two incumbents whose terms will expire on December 31, 1948, shall be elected in like manner during that year; successors to the two incumbents whose terms will expire on December 31, 1950, shall be elected in like manner during that year and provided further that an additional or seventh Justice shall be immediately appointed by the Governor, his tenure under such appointment to expire on December 31, 1946, and his successor for the ensuing regular term of six years to be elected at the time and in the manner aforesaid at such general election to be held during that year; and all terms (except unexpired terms) shall be for six years. 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 his 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 such elections shall be made to the Secretary of State, who shall certify the result to the Governor, and commission shall issue accordingly.

Paragraph IV. Jurisdiction of Supreme Court. The Supreme Court shall have no original jurisdiction but shall be a court alone for the trial and correction of errors of law from the superior courts and the city courts of Atlanta and Savannah, as existed on August 16, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases that involve the construction of the Constitution of the State of Georgia or of the United States, or of treaties between the United States and foreign governments; in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; and, until otherwise provided by law, in all cases respecting title to land; in all equity cases; in all cases which involve the validity of, or the construction of wills; in all cases of conviction of a capital felony; in all habeas corpus cases; in all cases involving extraordinary remedies; in all divorce and alimony cases, and in all cases certified to it by the Court of Appeals for its determination. It shall also be competent for the Supreme Court to require by certiorari or otherwise any case to be certified to the Supreme Court from the Court of Appeals for review and determination with the same power and authority as if the case had been carried by writ of error to the Supreme Court. Any case carried to the Supreme Court or to the Court of Appeals, which belongs to the class of which the other court has jurisdiction, shall, until otherwise provided by law, be transferred to the other court under such rules as the Supreme Court may prescribe, and the cases so transferred shall be heard and determined by the court which has jurisdiction thereof. The General Assembly may provide for carrying cases or certain classes of cases to the Supreme Court and the Court of Appeals from the trial courts otherwise than by writ of error, and may prescribe conditions as to the right of a party litigant to have his case reviewed by the Supreme Court or Court of Appeals. The Supreme Court shall also have jurisdiction of and shall decide cases transferred to it by the Court of Appeals because of an equal division between the judges of that Court when sitting as a body for the determination of cases.

Paragraph V. Cases, how disposed of. The Supreme Court and the Court of Appeals shall dispose of every case at the term for which it is entered on the court's docket for hearing, as provided by Paragraph VIII of this Article and Section, or at the next term. If the plaintiff in error shall not be prepared to prosecute the case at the term for which it is so entered for hearing, unless prevented by providential cause, it shall be stricken from the docket and the judgment below shall stand affirmed. No writ of error shall be dismissed because of delay in transmission of the bill of exceptions and the copy of the record, or either of them, resulting from the default of the clerk or other cause, unless it shall appear that the plaintiff in error or his counsel caused such delay. Nothing herein shall be construed to excuse the clerk for any omission of duty or to relieve him of any liability resulting therefrom.

Paragraph VI. 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.

Paragraph VII. The Supreme Court; how cases to be heard and determined. The Supreme Court shall have power to hear and determine cases when sitting in a body, under such regulations as may be prescribed by it.

Paragraph VIII. Court of Appeals. The Court of Appeals shall consist of the Judges provided therefor by law at the time of the ratification of this amendment, and of such additional Judges as the General Assembly shall from time to time prescribe. All terms of the Judges of the Court of Appeals after the expiration of the terms of the Judges provided for by law at the time of the ratification of this amendment, except unexpired terms, shall continue six years, and until their successors are qualified. The times and manner of electing Judges, 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 of law from the superior courts and from the City Courts of Atlanta and Savannah, as they existed on August 19, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases in which such jurisdiction has not been conferred by this Constitution upon the Supreme Court, and in such other cases as may hereafter be prescribed by law; except that where a case is pending in the Court of Appeals and the Court of Appeals desires instruction from the Supreme Court, it may certify the same 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 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 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 or cases certified from the Court of Appeals to the Supreme Court, or as to which such certificate has been required by the Supreme Court as hereinbefore provided. All writs of error in the Supreme Court or 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 laws relating to the Supreme Court as to qualifications and salaries of 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 or by the laws as to the Court of Appeals at the time of the ratification of this amendment, 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. The Court of Appeals shall have power to hear and determine cases when sitting in a body, except as may be otherwise provided by the General Assembly.

In the event of an equal division of judges on any case when the Court is sitting as a body, the case shall be immediately transferred to the Supreme Court.

SECTION III.

SUPERIOR COURTS

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 for four years, and until his successor is qualified. He may act in other circuits when authorized by law. 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 circuits 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.

Paragraph II. Elections, when to be held. The successors to the present and subsequent incumbents shall be elected by the electors of the whole State entitled to vote for members of the General Assembly, at the general election held for such members, next preceding the expiration of their respective terms.

Paragraph 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. 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.

SECTION IV.

Paragraph I. Exclusive jurisdiction. The Superior Courts 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.

Paragraph 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.

Paragraph III. General jurisdiction. Said Courts shall have jurisdiction in all civil cases, except as hereinafter provided.

Paragraph IV. Appellate jurisdiction. They shall have appellate jurisdiction in all such cases as may be provided by law.

Paragraph 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 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.

Paragraph VI. New trials. The Superior, and City Courts may grant new trials on legal grounds.

Paragraph VII. Judgment of the court. The Court shall render judgment without the verdict of a jury in all civil cases, except actions ex delicto, where no issuable defense is filed except as otherwise provided in this Constitution, and subject to the right of trial by a jury on written demand of either party.

Paragraph 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. The judges of said Courts may, on reasonable notice to the parties, at any time, in vacation, at chambers, hear and determine, by interlocutory or final judgment, any matter or issue, where a jury verdict is not required, or may be waived.

Paragraph 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.

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.

Paragraph I. Appeals from Ordinary. 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.

Paragraph 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.

The Court of Ordinary shall have jurisdiction to issue warrants, try cases, and impose sentences thereon in all misdemeanor cases arising under the Act known as the Georgia State Highway Patrol Act of 1937, and other traffic laws, and in all cases arising under the Compulsory School Attendance law in all counties of this State in which there is no city or county court, provided the defendant waives a jury trial. Like jurisdiction is also conferred upon the judges of the police courts of incorporated cities and municipal court judges for offense arising under the Act known as the Georgia State Highway Patrol Act of 1937, and other traffic laws of the State within their respective jurisdiction.

Paragraph 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.

JUSTICES OF THE PEACE

Paragraph I. Number and Term of Office. 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 for four years: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and of notary public ex-officio justice of the peace in any city of this State having a population of over twenty-thousand, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary, conferring upon such new court or courts or system of courts, when so established, the jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace, together with such additional jurisdiction, either as to amount or subject-matter, as may be provided by law, whereof some other court has not exclusive jurisdiction under this Constitution; together with such provision as to rules and procedure in such courts, and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court, or Court of Appeals, or the Supreme Court, as the General Assembly may, from time to time, in its discretion, provide or author-

ize. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX of Article VI of the Constitution of Georgia: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and notary public ex-officio justice of the peace in any county in this State having within its borders a city having a population of over twenty thousand, and as well in the County of Glynn, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary; or conferring upon existing courts, by extension of their jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace; together with such additional jurisdiction, either as to amount or to subject-matter, as may be provided by law; whereof some other court has not exclusive jurisdiction under this Constitution; together also with such provisions as to rules and procedure in such courts and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the superior court or the Court of Appeals or the Supreme Court as the General Assembly may, from time to time, in its discretion, provide or authorize. The civil court of Fulton County shall have jurisdiction in Fulton County and outside the city limits of Atlanta either concurrently with, or supplemental to, or in lieu of justice courts, as may be now or hereafter provided by law. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX of Article VI of the Constitution of Georgia.

Paragraph II. Jurisdiction. Justices of the peace shall have jurisdiction in all civil cases arising ex contractu and in cases of injury or damage to and conversion of personal property, when the principal sum does not exceed two 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 regulation as may be prescribed by law.

Paragraph 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.

NOTARIES PUBLIC

Paragraph I. Appointment; number; term; removal. Commissioned notaries public, not to exceed one for each militia district, may be appointed by the judges of the superior courts in their respective circuits, upon recommendation 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.

UNIFORMITY OF COURTS

Paragraph I. Uniformity provided for. Except as otherwise provided in this Constitution, 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, and in case of City Courts, may be established by the General Assembly.

SECTION X.

ATTORNEY GENERAL

Paragraph I. Election; term of office. 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.

Paragraph 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.

SOLICITORS GENERAL

Paragraph I. Number; term of office; vacancies. 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 cause shall be filled by appointment of the Governor, until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

Paragraph 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 the Superior Courts of his Circuit to the Supreme Court, and Court of Appeals and to perform such other services as shall be required of him by law.

SECTION XII.

SALARIES OF JUSTICES, JUDGES AND SOLICITORS GENERAL

Paragraph I. Salaries of Justices, Judges and Solicitors General. The Justices of the Supreme Court each shall have out of the treasury

of the State salaries of \$8,000 per annum; the Judges of the Court of Appeals each shall have out of the treasury of the State salaries of \$8,000 per annum, the Judges of the Superior Courts each shall have out of the treasury of the State salaries of \$6,000 per annum and the Solicitors General shall each have out of the treasury of the State a salary of \$250.00 per annum with the right of the General Assembly to authorize any county to supplement the salary of a judge of the Superior Court and Solicitor General of the Judicial Circuit in which such county lies, out of county funds, provided, however, where such salary is, at the time of the adoption of this Constitution, being supplemented out of county funds under existing laws, such laws shall remain in force until altered by the General Assembly. Provided further, that the Board of County Commissioners of Richmond County, or the Ordinary, or such other board or person as may from time to time have charge of the fiscal affairs of said county, shall without further legislative action continue to supplement from said County's treasury, the salary of the Judge of Superior Court of the circuit of which the said County of Richmond is a part, by the sum of Two Thousand (\$2,000) Dollars per annum, which shall be in addition to the amount received by said judge out of the State treasury; and such payments are declared to be a part of the court expenses of said County, and such payment shall be made to the judge now in office during his present or subsequent terms, as well as to his successors, with the authority in the General Assembly to increase such salary from the County treasury as above provided.

Paragraph II. Powers to abolish or reinstate fees of Solicitor General. The General Assembly shall have power, at any time, by a majority vote of each branch, to abolish the fees at present accruing to the office of solicitor general in any particular judicial circuit, and in lieu thereof to prescribe a salary for such office, without regard to the uniformity of such salaries in the various circuits; and shall have the further power to determine what disposition shall be made of the fines, forfeitures and fees accruing to the office of solicitor general in any such judicial circuit where the fees are abolished; and likewise shall have the further power, if it so desires, to abolish such salary and reestablish such fees; but in either event, when so changed, the change shall not become effective until the end of the term to which the solicitor general was elected.

SECTION XIII.

QUALIFICATIONS OF JUSTICES, JUDGES, ETC.

Paragraph I. Age; citizenship; practice of law. No person shall be Justice of the Supreme Court, Court of Appeals, Judge of 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 XIV.

VENUE

Paragraph I. Divorce cases. 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, provided, that any person who has been a resident of any United States Army Post or military reservation within the State of Georgia for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said United States Army Post or military reservation.

Paragraph II. Land titles. 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 of either county shall have jurisdiction.

Paragraph III. Equity cases. Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

Paragraph IV. Suits against joint obligors, co-partners, etc. Suits against joint obligors, joint promissors, co-partners, or joint trespassers, residing in different counties, may be tried in either county.

Paragraph V. Suits against maker, endorser, etc. Suits against the maker and endorser of promissory notes, or drawer, acceptor and endorser 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.

Paragraph 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 Courts where the Judge is satisfied that an impartial jury cannot be obtained in such county.

SECTION XV.

CHANGE OF VENUE

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 XVI.

JURY TRIAL

Paragraph I. Right of trial by jury. The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain

Art. 6, Sec. 16, Par. 1

inviolable, but the General Assembly may prescribe any number, not less than five to constitute a trial, or traverse jury, except in the Superior Court.

Paragraph 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. The General Assembly shall have the power to require jury service of women also, under such regulations as the General Assembly may prescribe.

Paragraph III. Compensation of jurors. It shall be the duty of the General Assembly by general laws to prescribe the manner of fixing compensation of jurors in all counties in this State.

SECTION XVII.

COUNTY COMMISSIONERS

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 XVIII.

WHAT COURTS MAY BE ABOLISHED

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.

Paragraph II. Supreme Court cost. Pauper oath. The cost in the Supreme Court and Court of Appeals shall not exceed \$15.00 until otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said courts when the usual pauper oath is filed in the court below.

ARTICLE VII.

FINANCE, TAXATION AND PUBLIC DEBT.

SECTION I.

POWER OF TAXATION

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

Art. 7, Sec. 1, Par. 1

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 affect 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.

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.

Paragraph II. Taxing power limited.

1. The General Assembly shall not by vote, resolution or order, grant any donation or gratuity in favor of any person, corporation or association.

2. 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.

3. The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasions, suppressing insurrections, or defending the State in time of war, shall not exceed five (5) mills on each dollar of the value of the property taxable in the State.

4. No poll tax shall be levied to exceed one dollar annually upon each poll.

Paragraph III. Uniformity; classification of property. All taxes shall be levied and collected under general laws and for public purposes only. All taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. Classes of subjects for taxation of property shall consist of tangible property and one or more classes of intangible personal property including money. The General Assembly shall have the power to classify property including money for taxation, and to adopt different rates and different methods for different classes of such property.

Paragraph IV. Exemptions from taxation. The General Assembly may, by law, exempt from taxation all public property; places of religious worship or burial; all institutions of purely public charity; all intangible personal property owned by or irrevocably held in trust for the exclusive benefit of, religious, educational and charitable institutions, no part of the net profit from the operation of which can inure to the benefit of any private person; all buildings erected for and used as a college, incorporated academy or other seminary of learning, and also all funds or property held or used as endowment by such colleges, incorporated academies or seminaries of learning, provided the same is not invested in real estate; and provided, further, that said exemptions shall only apply to such colleges, incorporated

academies or other seminaries of learning as are open to the general public; provided further, that all endowments to institutions established for white people shall be limited to white people, and all endowments to institutions established for colored people, shall be limited to colored people; 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 paintings and statuary of any company or association, kept in a public hall and not held as merchandise or for purposes of sale or gain; provided the property so exempted be not used for the purpose of private or corporate profit and income, distributable to shareholders in corporations owning such property or to other owners of such property, and any income from such property is used exclusively for religious, educational and charitable purposes, or for either one or more of such purposes and for the purpose of maintaining and operating such institution; this exemption shall not apply to real estate or buildings other than those used for the operation of such institution and which is rented, leased or otherwise used for the primary purpose of securing an income thereon; and also provided that such donations of property shall not be predicated upon an agreement, contract or otherwise that the donor or donors shall receive or retain any part of the net or gross income of the property. The General Assembly shall further have power to exempt from taxation, farm products, including baled cotton grown in this State and remaining in the hands of the producer, but not longer than for the year next after their production.

All personal clothing, household and kitchen furniture, personal property used and included within the home, domestic animals and tools, and implements of trade of manual laborers, but not including motor vehicles, are exempted from all State, County, Municipal and School District ad valorem taxes, in an amount not to exceed \$300.00 in actual value.

The homestead of each resident of Georgia actually occupied by the owner as a residence and homestead, and only so long as actually occupied by the owner primarily as such, but not to exceed \$2,000.00 of its value, is hereby exempted from all ad valorem taxation for State, county and school purposes, except taxes levied by municipalities for school purposes and except to pay interest on and retire bonded indebtedness, provided, however, should the owner of a dwelling house on a farm, who is already entitled to homestead exemption, participate in the program of rural housing and obtain a new house under contract with the local housing authority, he shall be entitled to receive the same homestead exemption as allowed before making such contract. The General Assembly may from time to time lower said exemption to not less than \$1,250.00. The value of all property in excess of the foregoing exemptions shall remain subject to taxation. Said exemptions shall be returned and claimed in such manner as prescribed by the General Assembly. The exemption herein provided for shall not apply to taxes levied by municipalities.

All cooperative, non-profit, membership corporations organized under the laws of this State for the purpose of engaging in rural electrification, as defined in sub-section 1 of Section 3 of the Act approved March 30, 1937, providing for their incorporation, and all of the real and personal property owned or held by such corporations for such purpose, are hereby exempted from all taxation, state, county, municipal, school district and political or territorial subdivisions of the State having the authority to levy taxes. The exemption herein provided for shall expire December 31, 1961.

There shall be exempt from all ad valorem intangible taxes in this State, the common voting stock of a subsidiary corporation not doing business in this State, if at least ninety per cent of such common voting stock is owned by a Georgia corporation with its principal place of business located in this State and was acquired or is held for the purpose of enabling the parent company to carry on some part of its established line of business through such subsidiary.

All laws exempting property from taxation, other than the property herein enumerated, shall be void.

Paragraph V. Exemptions of certain industries continued. Existing exemptions under the amendment to the Constitution providing for the exemption of certain industries from taxation appearing in Acts of the General Assembly of 1923, extra session, page 67, ratified November 4, 1924, shall continue of force until the expiration of the term for which granted.

SECTION II.

PURPOSES AND METHOD OF TAXATION

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:

1. For the support of the State Government and the public institutions.
2. For educational purposes.
3. To pay the principal and the interest on the public debt, and to provide a sinking fund therefor.
4. To suppress insurrection, to repel invasion, and defend the State in time of war.
5. To make provisions for the payment of pensions to ex-Confederate soldiers and to the widows of Confederate soldiers who were married to such soldiers prior to January 1, 1920, and who are unmarried.
6. To construct and maintain State buildings and a system of State highways, airports, and docks.

7. To make provision for the payment of old-age assistance to aged persons in need, and for the payment of assistance to the needy blind, and to dependent children and other welfare benefits; provided that no person shall be entitled to the assistance herein authorized, who does not qualify for such provisions in every respect, in accordance with enactments of the General Assembly, which may be in force and effect, prescribing the qualifications for beneficiaries hereunder: Provided no indebtedness against the State shall ever be created for the purpose herein stated, in excess of the taxes lawfully levied each fiscal year under Acts of the General Assembly authorized hereunder for such purposes.

8. To advertise and promote the agricultural, industrial, historic, recreational and natural resources of the State of Georgia.

9. For public health purposes.

Paragraph II. Teacher retirement system—taxation for. The powers of taxation may be exercised by the State through the General Assembly and by counties and municipalities, for the purpose of paying pensions and other benefits and costs under a teacher retirement system or systems; provided no indebtedness against the State shall ever be created for the purpose herein stated in excess of the taxes lawfully levied each fiscal year under Acts of the General Assembly authorized hereunder.

Paragraph III. Revenue to be paid into general fund. All money collected from taxes, fees and assessments for State purposes, as authorized by revenue measures enacted by the General Assembly, shall be paid into the General Fund of the State Treasury and shall be appropriated therefrom, as required by this Constitution, for the purposes set out in this Section and for these purposes only.

Paragraph IV. Tax returns of public utilities. The General Assembly may provide for a different method and time of returns, assessments, payment and collection of ad valorem taxes, of public utilities, but not at a greater basis of value or at a higher rate of taxation than other properties.

SECTION III.

STATE DEBT

Paragraph I. Purposes for which contracted. No debt shall be contracted by, or on behalf of, the State, except to supply such temporary deficit as may exist in the treasury in any year for necessary delay in collecting the taxes of that year, 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, five hundred thousand dollars, and any loan made for this purpose shall be repaid out of the taxes levied for the year in which the loan is made. However, said debt may be increased in the sum of three million, five hundred thousand dollars for

Art. 7, Sec. 3, Par. 1

the payment of the public school teachers of the State only. The principal amount borrowed for payment of teachers shall be repaid each year out of the common school appropriation, and the interest paid thereon shall be paid each year out of the general funds of the State.

Paragraph II. Bonded debt increased, when. The bonded debt of the State shall never be increased, except to repel invasion, suppress insurrection or defend the State in time of war.

Paragraph III. Form of laws to borrow money. All laws authorizing the borrowing of money by or on behalf of the State shall specify the purpose for which the money is to be used and the money so obtained shall be used for the purpose specified and for no other.

Paragraph IV. 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 or with, any individual, company, association or corporation.

Paragraph V. Assumption of debts forbidden. The State shall not assume the debt, nor any part thereof, of any county, municipal corporation or political subdivision of the State, unless such debt be contracted to enable the State to repel invasion, suppress insurrection or defend itself in time of war: Provided, however, that the amendment to the Constitution proposed by the General Assembly and set forth in the published Acts of the General Assembly of the year 1931 at page 97, which amendment was ratified on November 8, 1932, and which amendment provided for the assumption by the State, of indebtedness of the several counties of the State, as well as that of the Coastal Highway District, and the assessments made against the counties of said district for the construction and paving of the public roads or highways, including bridges, of the State, under certain conditions and for the issuance of certificates of indebtedness for such indebtedness so assumed, is continued of full force and effect until such indebtedness assumed by the State is paid and such certificates of indebtedness retired.

Paragraph VI. Profit on public money. The receiving, directly or indirectly, by any officer of State or county, or member or officer of the General Assembly of any interest, profits or prerequisites, 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.

Paragraph VII. Certain bonds not to 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 any 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.

Paragraph VIII. Sale of State's property to pay bonded debt. The proceeds of the sale of the Western and Atlantic railroad, 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 whatsoever, so long as the State has any existing bonded debt; provided that the proceeds of the sale of the Western and Atlantic Railroad shall be applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

Paragraph IX. State sinking fund. The General Assembly shall raise by taxation each year, in addition to the sum required to pay the public expenses, such amounts as are necessary to pay the interest on the public debt and the principal of the public debt maturing in such year and to provide a sinking fund to pay off and retire the bonds of the State which have not then matured. The amount of such annual levy shall be determined after consideration of the amount then held in the sinking fund. The taxes levied for such purposes and the said sinking fund, shall be applied to no other purpose whatever. The funds in the said sinking fund may be invested in the bonds of the State, and also in bonds and securities issued by the Federal Government and subsidiaries of the Federal Government, fully guaranteed by that government. If the said bonds are not available for purchase, the funds in the sinking fund may be loaned by the Treasurer of the State, with the approval of the Governor, upon terms to be fixed by such officials and when amply secured by bonds of the State or Federal Government.

SECTION IV.

TAXATION BY COUNTIES

Paragraph I. Taxing power of counties. The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except:

1. To pay the expenses of administration of the county government.
2. To pay the principal and interest of any debt of the county and to provide a sinking fund therefor.

Art. 7, Sec. 4, Par. 1

3. For educational purposes upon property located outside of independent school systems, as provided in Article 8 of this Constitution.

4. To build and repair the public buildings and bridges.

5. To pay the expenses of courts, the maintenance and support of prisoners and to pay sheriffs and coroners and for litigation.

6. To build and maintain a system of county roads.

7. For public health purposes in said county, and for the collection and preservation of records of vital statistics.

8. To pay county police.

9. To support paupers.

10. To pay county agricultural and home demonstration agents.

11. To provide for payment of old age assistance to aged persons in need, and for the payment of assistance to needy blind, and to dependent children and other welfare benefits, provided that no person shall be entitled to the assistance herein authorized who does not qualify for such assistance in every respect, in accordance with enactments of the General Assembly which may be in force and effect prescribing the qualifications for beneficiaries hereunder; provided no indebtedness or liability against the county shall ever be created for the purpose herein stated, in excess of the taxes lawfully levied each fiscal year under acts of the General Assembly authorized hereunder for such purposes.

12. To provide for fire protection of forest lands and for the further conservation of natural resources.

13. To provide medical or other care, and hospitalization, for the indigent sick people of the county.

14. To acquire, improve and maintain airports, public parks, and public libraries.

15. To provide for workmen's compensation and retirement or pension funds for officers and employees.

16. To provide reasonable reserves for public improvements as may be fixed by law.

Paragraph II. Districting of counties. The General Assembly may district the territory of any county, outside the limits of incorporated municipalities, for the purpose of providing systems of waterworks, sewerage, sanitation, and fire protection; and authorize such counties to levy a tax only upon the taxable property in such district for the purpose of constructing and maintaining such improvement.

SECTION V.

Paragraph I. Taxing power and contributions of counties, cities and political division restricted. The General Assembly shall not

authorize any county, municipal corporation or political division of this State, through taxation, contribution or otherwise, 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.

SECTION VI.

Paragraph I. Contracts for use of public facilities. (a) The State, state institutions, any city, town, municipality or county of this State may contract for any period not exceeding fifty years, with each other or with any public agency, public corporation or authority now or hereafter created for the use by such subdivisions or the residents thereof of any facilities or services of the State, state institutions, any city, town, municipality, county, public agency, public corporation or authority, provided such contracts shall deal with such activities and transactions as such subdivisions are by law authorized to undertake.

(b) Any city, town, municipality or county of this State is empowered, in connection with any contracts authorized, by the preceding paragraph, to convey to any public agency, public corporation or authority now or hereafter created, existing facilities operated by such city, town, municipality or county for the benefit of residents of such subdivisions, provided the land, buildings and equipment so conveyed shall not be mortgaged or pledged to secure obligations of any such public agency, public corporation or authority and provided such facilities are to be maintained and operated by such public agency, public corporation or authority for the same purposes for which such facilities were operated by such city, town, municipality or county. Nothing in this section shall restrict the pledging of revenues of such facilities by any public agency, public corporation or authority.

(c) Any city, town, municipality or county of this State, or any combination of the same, may contract with any public agency, public corporation or authority for the care, maintenance and hospitalization of its indigent sick, and may as a part of such contract obligate itself to pay for the cost of acquisition, construction, modernization or repairs of necessary buildings and facilities by such public agency, public corporation or authority, and provide for the payment of such services and the cost to such public agency, public corporations or authority of acquisition, construction, modernization or repair of buildings and facilities from revenues realized by such city, town, municipality or county from any taxes authorized by the Constitution of this State or revenues derived from any other sources.

SECTION VII.

LIMITATION ON COUNTY AND MUNICIPAL DEBTS

Paragraph I. Debts of counties and cities. The debt hereafter incurred by any county, municipal corporation or political division of this State except as in this Constitution provided for, shall never exceed seven per centum of the assessed value of all the taxable property therein, and no such county, municipality 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 the taxable property therein, without the assent of a majority of the qualified voters of the county, municipality or other political subdivision voting in an election for that purpose to be held as prescribed by law; and provided further that all laws, charter provisions and ordinances heretofore passed or enacted providing special registration of the voters of counties, municipal corporations and other political divisions of this State to pass upon the issuance of bonds by such counties, municipal corporations and other political divisions are hereby declared to be null and void; and the General Assembly shall hereafter have no power to pass or enact any law providing for such special registration, but the validity of any and all bond issues by such counties, municipal corporations or other political divisions made prior to January 1, 1945, shall not be affected hereby; provided, that any county or municipality of this State may accept and use funds granted by the Federal Government, or any agency thereof, to aid in financing the cost of architectural, engineering, economic investigations, studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of public works, and where the funds so used for the purposes specified are to be repaid within a period of ten years.

Paragraph II. Levy of taxes to pay bonds. 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.

Paragraph III. Additional debt authorized when. In addition to the debt authorized in Paragraph I of this section, to be created by any county, municipal corporation or political subdivision of this State, a debt may be incurred by any county, municipal corporation or political subdivision of this State, in excess of seven per centum of the assessed value of all the taxable property therein, upon the following conditions: Such additional debt, whether incurred at one or more times, shall not exceed in the aggregate, three per centum of the assessed value of all the taxable property in such county, municipality or political subdivision; such additional debt shall be payable in equal installments within the five years next succeeding the issuance of the evidences of such debt; there shall be levied by the governing authori-

ties of such county, municipality or political subdivision prior to the issuance of such additional debt, a tax upon all of the taxable property within such county, municipality or political subdivision collectable annually, sufficient to pay in full the principal and interest of such additional debt when as due; such tax shall be in addition to and separate from all other taxes levied by such taxing authorities, and the collections from such tax shall be kept separate and shall be held, used and applied solely for the payment of the principal and interest of such additional indebtedness; authority to create such additional indebtedness shall first have been authorized by the General Assembly; the creation of such additional indebtedness shall have been first authorized by a vote of the registered voters of such county, municipality or political subdivision at an election held for such purpose, pursuant to and in accordance with the provisions of this Constitution and of the then existing laws for the creation of a debt by counties, municipal corporations, and political subdivisions of this State, all of which provisions, including those for calling, advertising, holding and determining the result of, such election and the votes necessary to authorize the creation of an indebtedness, are hereby made applicable to an election held for the purpose of authorizing such additional indebtedness.

Paragraph IV. Temporary loans authorized; conditions. In addition to the obligations hereinbefore allowed, each county, municipality and political subdivision of the State authorized to levy taxes, is given the authority to make temporary loans between January 1st and December 31st in each year to pay expenses for such year, upon the following conditions: The aggregate amount of all such loans of such county, municipality or political subdivision outstanding at any one time, shall not exceed seventy-five per centum of the total gross income of such county, municipality or political subdivision, from taxes collected by such county, municipality or political subdivision in the last preceding year. Each such loan shall be payable on or before December 31st of the calendar year in which such loan is made. No loan may be made in any year under the provisions of this paragraph when there is a loan then unpaid which was made in a prior year under the provisions of this paragraph. Each such loan shall be first authorized by resolution fixing the terms of such loan, adopted by a majority vote of the governing body of such county, city or political subdivision, at a meeting legally held, and such resolution shall appear upon the minutes of such meeting. No such county, municipality or subdivision shall incur in any one calendar year, an aggregate of such temporary loans and other contracts or obligations for current expenses, in excess of the total anticipated revenue of such county, municipality or subdivision for such calendar year, or issue in one calendar year notes, warrants or other evidences of such indebtedness in a total amount in excess of such anticipated revenue for such year.

Paragraph V. Revenue anticipation obligations. Revenue anticipation obligations may be issued by any county, municipal corporation or political subdivision of this State, to provide funds for the purchase or construction, in whole or in part, of any revenue-producing

facility which such county, municipal corporation or political subdivision is authorized by the Act of the General Assembly approved March 31, 1937, known as the "The Revenue Certificate Laws of 1937," as amended by the Act approved March 14, 1939, to construct and operate, or to provide funds to extend, repair or improve any such existing facility, and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof. Such revenue anticipation obligations shall be payable, as to principal and interest, only from revenue produced by revenue-producing facilities of the issuing political subdivision, and shall not be deemed debts of, or to create debts against, the issuing political subdivisions within the meaning of this paragraph or any other of this Constitution. This authority shall apply only to revenue anticipation obligations issued to provide funds for the purchase, construction, extension, repair or improvement of such facilities and undertakings as are specifically authorized and enumerated by said Act of 1937, as amended by said Act of 1939; and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof; provided further any revenue certificates issued to buy, construct, extend, operate and maintain gas or electric generating and distribution systems shall, before being undertaken, be authorized by a majority of those voting at an election held for the purpose in the county, municipal corporation or political subdivision affected, and provided further that a majority of the registered voters of such county, municipal corporation or political subdivision affected shall vote in said election, the election for such to be held in the same manner as is used in issuing bonds of such county, municipal corporation or political subdivision and the said elections shall be called and provided for by officers in charge of the fiscal affairs of said county, municipal corporation or political subdivision affected; and no such issuing political subdivision of the State shall exercise the power of taxation for the purpose of paying the principal or interest of any such revenue anticipation obligations or any part thereof.

Provided that after a favorable election has been held as set forth above, if municipalities, counties or other political subdivisions shall purchase, construct, or operate such electric or gas utility plants from the proceeds of said revenue certificates, and extend their services beyond the limits of the county in which the municipality or political subdivision is located, then its services rendered and property located outside said county shall be subject to taxation and regulation as are privately owned and operated utilities.

Paragraph VI. Refunding bonds. The General Assembly is hereby authorized to create a commission and to vest such commission with the power to secure all necessary information and to approve or disapprove the issuance of bonds for the purpose of refunding any bonded indebtedness of any county, municipality or political subdivision of this State issued prior to the adoption of this Constitution, including the authority to approve or disapprove the amount and terms of such refunding bonds, together with such other powers as to the General

Assembly may seem proper, but not in conflict with the provisions of the Constitution. Such refunding bonds shall be authorized only where such county, municipality or political subdivision has not the funds available to meet the payment of outstanding bonded indebtedness through failure to levy and collect the required taxes, or through failure to maintain the required sinking fund for such bonds. The General Assembly may approve the issuance of the said refunding bonds under the conditions stated. Such refunding bonds shall not, together with all other outstanding bonded indebtedness, exceed the limits fixed by this Constitution for the maximum amount of bonded indebtedness which may be issued by such county, municipality or political subdivision and shall be otherwise governed by all of the terms and provisions of this Constitution. No bonds shall be issued under this paragraph to refund any bonds issued after the adoption of this Constitution.

Paragraph VII. Refunding bonds to reduce bonded indebtedness. The General Assembly is further authorized to give to the said Commission the power and authority to approve or disapprove the issuance of bonds to refund any outstanding bonded indebtedness of any county, municipality or political subdivision now or hereafter issued, for the purpose of reducing the amount payable, principal or interest, on such bonded indebtedness, and upon the condition that, the issuance of such refunding bonds will reduce the amounts payable upon such outstanding bonds, principal or interest. Such refunding bonds shall replace such outstanding bonded indebtedness. The said Commission shall have the authority to approve or disapprove the terms of any such proposed refunding bonds. The General Assembly may authorize the issuance of such refunding bonds issued for the said purpose, when approved by the said Commission and authorized by the governing authority of such county, municipality or subdivision, without an election by the qualified voters as otherwise required, but in all other respects such refunding bonds shall comply with the provisions of this Constitution.

SECTION VIII.

Paragraph I. Sinking funds for bonds. All amounts collected from any source for the purpose of paying the principal and interest of any bonded indebtedness of any county, municipality or subdivision and to provide for the retirement of such bonded indebtedness, above the amount needed to pay the principal and interest on such bonded indebtedness due in the year of such collection, shall be placed in a sinking fund to be held and used to pay off the principal and interest of such bonded indebtedness thereafter maturing.

The funds in such sinking fund shall be kept separate and apart from all other moneys of such county, municipality or subdivision, and shall be used for no purpose other than that above stated. The moneys in such sinking fund may be invested and reinvested by the governing authorities of such county, municipality or subdivision or by such other authority as has been created to hold and manage such

sinking fund, in the bonds of such county, municipality or subdivision, and in bonds or obligations of the State of Georgia, of the counties and cities thereof and of the government of the United States, of subsidiary corporations of the Federal Government fully guaranteed by such government, and no other. Any person or persons violating the above provisions, shall be guilty of malpractice in office and shall also be guilty of misdemeanor, and shall be punished, when convicted, as prescribed by law for the punishment of misdemeanors, until the General Assembly shall make other provisions for the violation of the terms of this paragraph.

SECTION IX.

APPROPRIATION CONTROL

Paragraph I. Preparation and submission of General Appropriation Bill. The Governor shall submit to the General Assembly within fifteen days after its organization, a budget message accompanied by a draft of a General Appropriation Bill, which shall provide for the appropriation of the funds necessary to operate all the various departments and agencies, and to meet the current expenses of the State for the ensuing fiscal year.

Paragraph II. Continuation of General Appropriation Act. Each General Appropriation Act, with such amendments as are adopted from time to time, shall continue in force and effect for each fiscal year thereafter until repealed or another General Appropriation Act is adopted; provided, however, that each section of the General Appropriation Act in force and effect on the date of the adoption of this Constitution, of general application and pertaining to the administration, limitation and restriction on the payment of appropriations and each section providing for appropriation of Federal Grants and other continuing appropriations and adjustments on appropriations shall remain in force and effect until specifically and separately repealed by the General Assembly.

Paragraph III. Other or supplementary appropriations. In addition to the appropriations made by the General Appropriation Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary appropriation Acts, provided no such supplementary appropriation shall be available unless there is an unappropriated surplus in the State Treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the General Fund of the State Treasury. Neither House shall pass a Supplementary Appropriation Bill until the General Appropriation Act shall have been finally adopted by both Houses and approved by the Governor.

Paragraph IV. Appropriations to be for specific sums. The appropriation for each department, officer, bureau, board, commission, agency or institution for which an appropriation is made, shall be for a specific sum of money, and no appropriation shall allocate to any object, the proceeds of any particular tax or fund or a part or percentage thereof.

Paragraph V. Appropriations void, when. Any appropriation made in conflict with either of the foregoing provisions shall be void.

SECTION X.

Paragraph I. Existing amendments continued of force. Amendments to the Constitution of the State of Georgia of 1877 in effect at the date of the ratification by the voters of the State, of this Constitution, shall continue of full force and effect after the ratification of this Constitution, where such amendments are of merely local, and not, general application, including the amendments pertaining to the Coastal Highway District of this State. There is also continued under this provision in force and effect, amendments to the Constitution of 1877 applicable to counties and cities having a population in excess of a number stated in such amendments, and amendments applicable to counties having a city wholly or partly therein with a population in excess of, or not less than a number stated in such amendment, and amendments applicable to cities lying in two counties, where such amendments are in force and effect at the time of the ratification of this Constitution. Provided the amendment of Paragraph I of Section II of Article XI of the Constitution of 1877 proposed by Georgia Laws 1943 page 53 and ratified August 3, 1943, authorizing election by the people of the County Board of Education of Spalding County; prescribing rules of eligibility of members of the Board; providing for election by the Board of the County Superintendent of Schools shall not be continued of force.

ARTICLE VIII.

EDUCATION

SECTION I.

Paragraph I. System of common schools; free tuition; separation of races. The provision of an adequate education for the citizens shall be a primary obligation of the State of Georgia, the expense of which shall be provided for by taxation. Separate schools shall be provided for the white and colored races.

SECTION II.

Paragraph I. State Board of Education; method of appointment. There shall be a State Board of Education, composed of one member from each Congressional District in the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate. The Governor shall not be a member of the State Board of Education. The first State Board of Education under this Constitution shall consist of those in office at the time this Constitution is adopted, with the terms provided by law. Thereafter, all succeeding appointments shall be for seven year terms from the expiration of the previous term. Vacancies upon said Board caused by expiration of term of office shall

be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board shall hold office until their successors are appointed and qualified. The members of the State Board of Education shall be citizens of this State who shall have resided in Georgia continuously for at least five years preceding their appointment. No person employed in a professional capacity by a private or public education institution, or by the State Department of Education, shall be eligible for appointment or to serve on said Board. No person who is or has been connected with or employed by a school book publishing concern shall be eligible to membership on the Board, and if any person shall be so connected or employed after becoming a member of the Board, his place shall immediately become vacant. The said State Board of Education shall have such powers and duties as provided by law and existing at the time of the adoption of this Constitution, together with such further powers and duties as may be hereafter provided by law.

SECTION III.

Paragraph I. State School Superintendent; election, term, etc. There shall be a State School Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner and for the same term as that of the Governor. The State School Superintendent shall have such qualifications and shall be paid such compensation as may be fixed by law. No member of said Board shall be eligible for election as State School Superintendent during the time for which he shall have been appointed.

SECTION IV.

Paragraph I. University System of Georgia; Board of Regents. There shall be a Board of Regents of the University System of Georgia, and the government, control, and management of the University System of Georgia and all of its institutions in said system shall be vested in said Board of Regents of the University System of Georgia. Said Board of Regents of the University System of Georgia shall consist of one member from each Congressional District in the State, and five additional members from the State-at-large, appointed by the Governor and confirmed by the Senate. The Governor shall not be a member of the said Board. The first Board of Regents under this Constitution shall consist of those in office at the time this Constitution is adopted, with the terms provided by law. Thereafter all succeeding appointments shall be for seven year terms from the expiration of the previous term. Vacancies upon said Board caused by expiration of term of

office shall be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board of Regents shall hold office until their successors are appointed. The said Board of Regents of the University System of Georgia shall have the powers and duties as provided by law existing at the time of the adoption of this Constitution, together with such further powers and duties as may be hereafter provided by law.

SECTION V.

Paragraph I. County System; Board of Education; election, term, etc. Authority is granted to Counties to establish and maintain public schools within their limits. Each County, exclusive of any independent school system now in existence in a County, shall compose one school district and shall be confined to the control and management of a County Board of Education. The Grand Jury of each County shall select from the citizens of their respective Counties five freeholders, who shall constitute the County Board of Education. Said members shall be elected for the term of five years except that the first election of Board members under this Constitution shall be for such terms that will provide for the expiration of the term of one member of the County Board of Education each year. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the next Grand Jury convenes at which time said Grand Jury shall appoint the successor member of the Board for the unexpired term. The members of the County Board of Education of such County shall be selected from that portion of the County not embraced within the territory of an independent school district.

The General Assembly shall have authority to make provision for local trustees of each school in a county system and confer authority upon them to make recommendations as to budgets and employment of teachers and other authorized employees.

SECTION VI.

Paragraph I. County School Superintendent; election, term, etc. There shall be a County School Superintendent, who shall be the executive officer of the County Board of Education. He shall be elected by the people and his term of office shall be for four years and run concurrently with other county officers. The qualifications and the salary of the County School Superintendent shall be fixed by law.

SECTION VII.

Paragraph I. Independent systems continued; new systems prohibited. Authority is hereby granted to municipal corporations to maintain existing independent school systems, and support the same as authorized by special or general law, and such existing systems may add thereto colleges. No independent school system shall hereafter be established.

SECTION VIII.

Paragraph I. Meetings of Boards of Education. All official meetings of County Boards of Education shall be open to the public.

SECTION IX.

Paragraph I. Contracts for care of pupils. County Boards of Education and independent school systems may contract with each other for the education, transportation, and care of pupils.

SECTION X.

Paragraph I. Certain systems protected. Public schools systems established prior to the adoption of the Constitution of 1877 shall not be affected by this Constitution.

SECTION XI.

Paragraph I. Grants, bequests and donations permitted. The State Board of Education and the Regents of the University System of Georgia may accept bequests, donations and grants of land, or other property, for the use of their respective systems of education.

Paragraph II. Grants, bequests and donations to county Boards of Education and independent school systems. County Boards of Education and independent school systems may accept bequests, donations and grants of land, or other property, for the use of their respective systems of education.

SECTION XII.

Paragraph I. Taxation by counties for education. The fiscal authority of the several Counties shall levy a tax for the support and maintenance of education not less than five mills nor greater than fifteen mills (as recommended by the County Board of Education) upon the dollar of all taxable property in the County located outside independent school systems. The independent school system of Chatham County and the City of Savannah, being co-extensive with said County, the levy of said tax shall be on all property in said County as recommended by the governing body of said system.

ARTICLE IX.

HOMESTEADS AND EXEMPTIONS

SECTION I.

Paragraph I. Amount of homestead and exemptions. There is hereby exempt from levy and sale, by virtue of any process whatever under the laws of this State, 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 head of a family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars; and the General Assembly shall have authority to provide the manner of exempting said property, the sale, alienation and encumbrance thereof, and to provide for the waiver of said exemption by the debtor.

Paragraph II. Homestead and exemption laws continued. The laws now of force with respect to homestead and exemptions shall remain in full force until changed by law.

ARTICLE X.

MILITIA

SECTION I.

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.

Paragraph 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.

Paragraph III. Pay of militia and volunteers. 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 MUNICIPAL CORPORATIONS

SECTION I.

Paragraph I. Counties a corporate body; boundaries. 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.

Paragraph II. Number limited. There shall not be more than one hundred and fifty-nine counties in this State.

Paragraph III. New counties permitted when. No new county shall be created except by the consolidation or merger of existing counties.

Paragraph IV. Consolidation of counties; method. The General Assembly shall have power, with the concurrence of two-thirds of the qualified voters of each of the counties to be affected who participate in elections held for that purpose, to provide for the consolidation of two or more counties into one, or the merger of one or more counties into another, or the division of a county, and the merger of portions thereof into other counties.

Paragraph V. Dissolution of counties; method. Any county may be dissolved and merged with a contiguous county or counties by two-thirds of the qualified voters of each of the counties affected who participate in elections held for that purpose.

Paragraph VI. County governments uniform; exceptions. Whatever tribunal, or officers, may 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 Commissioners of Roads and Revenues in any county, may abolish the office of County Treasurer in any county, may fix the compensation of County Treasurers, and may consolidate the offices of Tax Receiver and Tax Collector in the office of Tax Commissioner, and may fix his compensation, without respect to uniformity.

Paragraph VII. Consolidation of governments; submission to voters. The General Assembly may provide by general law optional systems of consolidated county and municipal government, providing for the organization and the powers and duties of its officers. Such optional systems shall become effective when submitted to the qualified voters of such county and approved by a majority of those voting.

Paragraph VIII. County lines. County lines shall not be changed, unless under the operation of a general law for that purpose.

Paragraph IX. County sites changed; method. 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 by a majority vote of the General Assembly.

SECTION II.

Paragraph I. County officers; election; term; removal; eligibility. The county officers shall be elected by the qualified voters of their

respective counties or districts, and shall hold their office for four years. They shall be removed upon conviction for malpractice in office; and no person shall be eligible for 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.

Paragraph II. Compensation of county officers. County officers may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law.

ARTICLE XII.

THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE

SECTION I.

Paragraph I. Supreme law. 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.

Paragraph II. Second in authority. Second. As next in authority thereto: This Constitution.

Paragraph III. Third in authority. Third. In subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution shall remain of force until the same are modified or repealed by the General Assembly.

Paragraph 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.

Paragraph V. Proceedings of courts confirmed. All judgments, decrees, orders, and other proceedings, of the several courts of this State, heretofore made within the 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 proceedings, in conformity with the law of force when they were made.

Paragraph VI. 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.

ARTICLE XIII.

AMENDMENTS TO THE CONSTITUTION

SECTION I.

Paragraph I. Proposed by General Assembly; submission to people. 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 on their journals, with the yeas and nays taken thereon. 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 the next general election at which election members of the General Assembly are chosen; and if such proposed amendment directly affects only one or more political subdivisions of the State, then it shall also be advertised in the area to be directly affected thereby; 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; provided that if the proposed amendment is not one that directly affects the whole State, but only one or more subdivisions thereof, said amendment shall not become a part of this Constitution unless it receive both a majority of the electors qualified to vote voting thereon in the State as a whole, and also a majority of the electors qualified to vote voting thereon in the particular subdivision of subdivisions affected. 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.

Paragraph 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 members of each house of the General Assembly. The representation in said convention shall be based on population as near as practicable. This Constitution shall not be revised, amended, or changed by the Convention until the proposed revision, amendment, or change has been submitted and ratified by the people in the manner provided for submission and ratification of amendments proposed by the General Assembly.

Paragraph III. Veto not permitted. The Governor shall not have the right to veto any proposal by the General Assembly to amend the Constitution.

ARTICLE XIV.

MERIT SYSTEM

SECTION I.

Paragraph I. State Personnel Board. A non-salaried State Personnel Board comprised of three citizens of this State, of known interest in the improvement of public administration, shall administer a State Merit System under which state personnel shall be selected on a basis of merit, fitness, and efficiency according to law. The members of the State Personnel Board shall be appointed by the Governor with the advice of the Senate. The first members shall be appointed for terms of three, five and seven years, respectively, the terms to be designated by the Governor. All subsequent appointments shall be for a period

of seven years, except unexpired terms. No State official or employee shall be a member of the State Personnel Board.

Paragraph II. Retirement System. Appropriation. The General Assembly is authorized to establish an actuarially sound retirement system for employees under a merit system. Adequate appropriations shall be provided for the operation of a merit system and the State Personnel Board.

ARTICLE XV.

HOME RULE

SECTION I.

Paragraph I. Uniform systems of county and municipal government. The General Assembly shall provide for uniform systems of county and municipal government, and provide for optional plans of both, and shall provide for systems of initiative, referendum and recall in some of the plans for both county and municipal governments. The General Assembly shall provide a method by which a county or municipality may select one of the optional uniform systems or plans or reject any or all proposed systems or plans.

METHOD OF SUBMISSION

SECTION II.

That when this amendment shall have been agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, the same shall be entered on their journals with the "ayes" and "nays" taken thereon and shall be published and submitted to the people for ratification or rejection as one single amendment to the Constitution at the next General Election in August, 1945, as provided by law. Those voting in favor of the ratification of the amendment herein proposed shall have written or printed on their ballots the words "for the amendment revising the Constitution." Those voting against the ratification of the amendment herein proposed shall have written or printed on their ballots the words "against the amendment revising the Constitution." If a majority of those voting vote for the amendment revising the Constitution when the results are certified to the Governor, he shall proclaim the amendment revising the Constitution of 1877 as the revised Constitution of Georgia.

ROY V. HARRIS

Speaker of the House of Representatives

P. T. McCUTCHEN, JR.

Clerk of the House of Representatives

FRANK C. GROSS

President of the Senate

MRS. HENRY W. NEVIN

Secretary of the Senate

Approved:

ELLIS ARNALL, Governor

This 9th day of March, 1945