

1776 Rules and Regulations of the Colony of Georgia

(Note: These rules, adopted by Georgia's Provincial Congress in April 1776, served as a temporary constitution for Georgia's revolutionary government. Based on the concept of popular sovereignty, the rules are considered by some to be Georgia's first constitution.)

Whereas, the unwise and iniquitous system of administration obstinately persisted in by the British Parliament and Ministry against the good people of America hath at length driven the latter to take up arms as their last resource for the preservation of their rights and liberties which God and the Constitution gave them;

And whereas an armed force, with hostile intentions against the people of this province, having lately arrived at Cockspur, his Excellency Sir James Wright, Baronet, and King's Governor of Georgia, in aid of the views of the administration and with a design to add to those inconveniences which necessarily result from a state of confusion, suddenly and unexpectedly carried off the great seal of the Province with him;

And whereas, in consequence of this and other events, doubts have arisen with the several magistrates how far they are authorized to act under the former appointments, and the greatest part of them have absolutely refused to do so, whereby all judicial powers are become totally suspended to the great danger of persons and property;

And whereas, before any general system of government can be concluded upon, it is necessary that application be made to the Continental Congress for their advice and directions upon the same; but, nevertheless, in the present state of things, it is indispensably requisite that some temporary expedient be fallen upon to curb the lawless and protect the peaceable;

This Congress, therefore, as the representatives of the people, with whom all power originates, and for whose benefit all government is intended, deeply impressed with a sense of duty to their constituents, of love to their country, and inviolable attachment to the liberties of America, and seeing how much it will tend to the advantage of each to preserve rules, justice and order, do take upon them for the present, and until the further order of the Continental Congress, or of this, or any future Provincial Congress, to declare, and they accordingly do declare, order, and direct that the following rules and regulations be adopted in this Province—that is to say—

1st. There shall be a President and Commander-in-Chief appointed by ballot in this Congress, for six months, or during the time specified above.

2d. There shall be, in like manner, and for the like time, also a Council of Safety, consisting of thirteen persons, besides the five delegates to the General Congress, appointed to act in the name of a Privy Council to the said President or Commander-in-Chief.

3d. That the President shall be invested with all the executive powers of government not inconsistent with what is hereafter mentioned, but shall be bound to consult and follow the advise of the said Council in all cases whatsoever, and any seven of the said Committee shall be a quorum for the purpose of advising.

4th. That all the laws, whether common or statute, and the acts of Assembly which have formerly been acknowledged to be of force in this Province, and which do not interfere with the proceedings of the Continental or our Provincial Congresses, and also all and singular the resolves and recommendations of the said Continental and Provincial Congress, shall be of full force, validity, and effect until otherwise ordered.

5th. That there shall be a Chief-Justice, and two assistant Judges, an Attorney-General, a Provost-Marshal, and Clerk of the Court of Sessions, appointed by ballot, to serve during the pleasure of the Congress. The

Court of Sessions, or Oyer and Terminer, shall be opened and held on the second Tuesday in June and December, and the former rules and methods of proceedings, as nearly as may be, shall be observed in regard to summoning of juries and all other cases whatsoever.

6th. That the President or Commander-in-Chief, with the advice of the Council as before mentioned, shall appoint magistrates to act during pleasure in the several Parishes throughout this Province, and such magistrates shall conform themselves, as nearly as may be, to the old established forms and methods of proceedings.

7th. That all legislative powers shall be reserved to the Congress, and no person who holds any place of profit, civil or military, shall be eligible as a member either of the Congress or of the Council of Safety.

8th. That the following sums shall be allowed as salaries to the respective officers for and during the time they shall serve, over and besides all such perquisites and fees as have been formerly annexed to the said offices respectively:

To the President and Commander-in-Chief at the rate per annum of Sterling £300

To the Chief Justice £100

To the Attorney-General £25

To the Provost Marsha £60

To the Clerk of Court £50

Source: Walter McElreath, A Treatise on the Constitution of Georgia (Atlanta: Harrison Co., 1912)