

1789 Georgia Constitution

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

ARTICLE I.

Section 1. The legislative power shall be vested in two separate and distinct branches, to wit, a senate and house of representatives, to be styled "The General Assembly."

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

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

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

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

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

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

Section 8. The house of representatives shall choose their speaker and other officers.

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

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

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

Section 12. One-third of the members of each branch shall have power to proceed to business; but a smaller

number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

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

Section 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly or for a reasonable time in going thereto or returning home, except it be for treason, felony or breach of the peace; nor shall any member be liable to answer for anything spoken in debate in either house, in any court or place elsewhere.

Section 15. The members of the senate and house of representatives shall take the following oath or affirmation: "I, AB, do solemnly swear (or affirm, as the case may be) that I have not obtained my election by bribery, or other unlawful means; and that I will give my vote on all questions that may come before me, as a senator, (or representative,) in such manner as, in my judgment will best promote the good of this State; and that I will bear true faith and allegiance to the same, and to the utmost of my power observe, support, and defend the constitution thereof."

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

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

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

ARTICLE II.

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

Section 2. The house of representatives shall, on the second day of their making a house, in the first, and in every second year thereafter, vote by ballot for three persons; and shall make a list containing the names of the persons voted for, and of the number of votes for each person; which list the speaker shall sign in the presence of the house, and deliver it in person to the senate; and the senate shall, on the same day, proceed, by ballot, to elect one of the three persons having the highest number of votes; and the person having a majority of the votes of the senators present shall be the governor.

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

Section 4. In case of the death, resignation, or disability of the governor, the president of the senate shall

exercise the executive powers of government until such disability be removed, or until the next meeting of the General Assembly.

Section 5. The governor shall, at stated times, receive for his service a compensation which shall neither be increased nor diminished during the period for which he shall be elected; neither shall he receive, within that period, any other emolument from the United States, or any of them, or from any foreign power. Before he enters on the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will faithfully execute the office of governor of the State of Georgia, and will, to the best of my abilities, preserve, protect, and defend the said State, and cause justice to be executed in mercy therein, according to the constitution and law of the same."

Section 6. He shall be commander-in-chief in and over the State of Georgia. and of the militia thereof.

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

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

Section 9. In case of a disagreement between the senate and house of representatives, with respect to the time to which the General Assembly shall adjourn, he may adjourn them to such time as he may think proper.

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

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

ARTICLE III.

Section 1. A superior court shall be held in each county twice in every year; in which shall be tried, and brought to final decision, all causes, civil and criminal, except such as may be subject to a Federal court, and such as may, by law, be referred to inferior jurisdiction.

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

Section 3. Courts-martial shall be held as heretofore, subject to such regulations as the General Assembly may by law direct.

Section 4. All causes shall be tried in the county where the defendant resides except in cases of real estate, which shall be tried in the county where the estate lies, and in criminal cases which shall be tried in the county

where the crime shall be committed.

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

ARTICLE IV.

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

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

Section 3. Freedom of the press and trial by jury shall remain inviolate.

Section 4. All persons shall be entitled to the benefit of the writ of habeas corpus.

Section 5. All persons shall have the free exercise of religion, without being obliged to contribute to the support of any religious profession but their own.

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

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

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

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

Wm. Gibbons, President.

D. Longstreet, Secretary.

Amendments to the Constitution of 1789

(Adopted May 16, 1795, by a convention which met at Louisville on the _____ day of May.)

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

Article II. All elections to be made by the General Assembly, shall be by joint ballot of the senate and house of representatives.

Article III. The election of members of the house of representatives shall be annual on the first Monday in November; and shall be composed of members from each county in the following proportion: Camden, two; Glynn, two; Liberty, four; McIntosh, two; Bryan, two; Chatham, four; Effingham, two; Scriven, two; Montgomery, two; Burke, three; Richmond, two; Columbia, two; Wilkes, three; Hancock, three; Washington, three; Warren. three. X

Article IV. At the general election for members of assembly in the year 1797, the electors of the present counties shall elect three persons to represent them in a convention for the purpose of taking into consideration the further alterations and amendments necessary to be made in the constitution, who shall meet at the town of Louisville the second Tuesday in May thereafter; a majority of the said convention shall have power to proceed to, and agree on, such alterations and amendments as they may think proper.

Article V. The meeting of the General Assembly shall be annual on the second Tuesday in January, a majority of whom shall have power to proceed to business.

Article VI. That Louisville be the permanent seat of government; and that the governor, secretary of State, the treasurer, the auditor, and the surveyor-general, remove their offices thereto as soon as may be convenient, previously to the next meeting of the General Assembly.

Article VII. Article of constituted rights annexed to the constitution as amended.

Article VIII. All powers not delegated by the constitution, as amended, are retained by the people.

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