

# 1877 Georgia Constitution (as ratified without subsequent amendments)

Preamble-Article I  
Article II  
Article III  
Article IV  
Article V  
Article VI  
Article VII  
Article VIII  
Article IX  
Article X  
Article XI  
Article XII  
Article XIII (Amendments)  
Ordinances

## 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. 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.

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

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

Par. IV. 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.

Par. V. 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.

Par. VI. No person shall be compelled to give testimony tending in any manner to criminate himself.

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

Par. VIII. 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.

Par. IX. 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.

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

Par. XI. The writ of HABEAS CORPUS shall not be suspended.

Par. XII. 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.

Par. XIII. No inhabitant of the 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.

Par. XIV. 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.

Par. XV. 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.

Par. XVI. 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.

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

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

Par. XIX. 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.

Par. XX. The power of the courts to punish for contempt, shall be limited by legislative acts.

Par. XXI. There shall be no imprisonment for debt.

Par. XXII. 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.

Par. XXIII. 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.

Par. XXIV. 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 [sic].

Par. XXV. 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 citizen ship [sic.].

## SECTION II.

Par. I. 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 cases of conviction, is preserved.

Par. II. 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.

Par. III. No conviction shall work corruption of blood or forfeiture of estate.

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

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

Par. VI. 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. In cases 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.

Par. II. No bill of attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities, shall be passed.

Par. III. No grant of special privileges or immunities shall be revoked, except in such manner as to work no injustice to the corporators or creditors of the incorporation.

## SECTION IV.

Paragraph I. 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.

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

## SECTION V.

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

Par. II. 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.

## ARTICLE II.

### ELECTIVE FRANCHISE.

#### SECTION I.

Paragraph I. In all elections by the people, the electors shall vote by ballot.

Par. II. Every male citizen of the United States, (except as hereinafter provided) twenty-one years of age, who shall have resided in this State one year next preceding the election, and shall have resided six months in the county in which he offers to vote, and shall have paid all taxes which may hereafter be required of him, and which he may have had an opportunity of paying, agreeably to law, except for the year of the election, shall be deemed an elector: Provided, that no soldier, sailor or marine in the military or naval service of the United States, shall acquire the rights of an elector, by reason of being stationed on duty in this State; and no person shall vote who, if challenged, shall refuse to take the following oath, or affirmation: " I do swear (or affirm) that I am twenty-one years of age, have resided in this State one year, and in this county six months, next preceding this election. I have paid all taxes which, since the adoption of the present Constitution of this State, have been required of me previous to this year, and which I have had an opportunity to pay, and I have not voted at this election."

#### SECTION II.

Paragraph I. 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 person shall have been pardoned. 2d. Idiots and insane persons.

#### SECTION III.

Paragraph I. 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. 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.

Par. II. No person who, after the adoption of this Constitution, being a resident of this State, shall have been convicted of fighting a duel in this State, or convicted of sending, or accepting a challenge, or convicted of aiding, or abetting such duel, shall hold office in this State, unless he shall have been pardoned; and every such person shall, also, be subject to such punishment as may be prescribed by law.

#### SECTION V.

Paragraph I. The General Assembly shall, by law, forbid the sale, distribution, or furnishing of intoxicating drinks within two miles of election precincts, on days of election State, county or municipal and prescribe punishment for any violation of the same.

#### SECTION VI.

Paragraph I. Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and, also, for the 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. 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. The Senate shall consist of forty-four members. There shall be forty-four Senatorial Districts, as now arranged by counties. Each District shall have one Senator.

Par. II. The First Senatorial District shall be composed of the counties of Chatham, Bryan and Effingham.

The Second Senatorial District shall be composed of the counties of Liberty, Tatnall and McIntosh.

The Third Senatorial District shall be composed of the counties of Wayne, Pierce and Appling.

The Fourth Senatorial District shall be composed of the counties of Glynn, Camden, and Charlton.

The Fifth Senatorial District shall be composed of the counties of Coffee, Ware, and Clinch.

The Sixth Senatorial District shall be composed of the counties of Echols, Lowndes, and Berrien.

The Seventh Senatorial District shall be composed of the counties of Brooks, Thomas, and Colquitt.

The Eighth Senatorial District shall be composed of the counties of Decatur, Mitchell and Miller.

The Ninth Senatorial District shall be composed of the counties of Early, Calhoun and Baker.

The Tenth Senatorial District shall be composed of the counties of Dougherty, Lee and Worth.

The Eleventh Senatorial District shall be composed of the counties of Clay, Randolph and Terrell.

The Twelfth Senatorial District shall be composed of the counties of Stewart, Webster and Quitman.

The Thirteenth Senatorial District shall be composed of the counties of Sumter, Schley and Macon.

The Fourteenth Senatorial District shall be composed of the counties of Dooly, Wilcox, Pulaski and Dodge.

The Fifteenth Senatorial District shall be composed of the counties of Montgomery, Telfair and Irwin.

The Sixteenth Senatorial District shall be composed of the counties of Laurens, Emanuel and Johnson,

The Seventeenth Senatorial District shall be composed of the counties of Screven, Bulloch and Burke.

The Eighteenth Senatorial District shall be composed of the counties of Richmond, Glasscock and Jefferson.

The Nineteenth Senatorial District shall be composed of the counties of Taliaferro, Greene and Warren.

The Twentieth Senatorial District shall be composed of the counties of Baldwin, Hancock and Washington.

The Twenty-first Senatorial District shall be composed of the counties of Twiggs, Wilkinson and Jones.

The Twenty-second Senatorial District shall be composed of the counties of Bibb, Monroe and Pike.

The Twenty-third Senatorial District shall be composed of the counties of Houston, Crawford and Taylor.

The Twenty-fourth Senatorial District shall be composed of the counties of Muscogee, Marion and Chattahoochee.

The Twenty-fifth Senatorial District shall be composed of the counties of Harris, Upson and Talbot.

The Twenty-sixth Senatorial District shall be composed of the counties of Spalding, Butts and Fayette.

The Twenty-seventh Senatorial District shall be composed of the counties of Newton, Walton, Clarke, Oconee and Rockdale.

The Twenty-eighth Senatorial District shall be composed of the counties of Jasper, Putnam and Morgan.

The Twenty-ninth Senatorial District shall be composed of the counties of Wilkes, Columbia, Lincoln and McDuffie.

The Thirtieth Senatorial District shall be composed of the counties of Oglethorpe, Madison and Elbert.

The Thirty-first Senatorial District shall be composed of the counties of Hart, Habersham and Franklin.

The Thirty-second Senatorial District shall be composed of the counties of White, Dawson and Lumpkin.

The Thirty-third Senatorial District shall be composed of the counties of Hall, Banks and Jackson.

The Thirty-fourth Senatorial District shall be composed of the counties of Gwinnett, DeKalb and Henry.

The Thirty-fifth Senatorial District shall be composed of the counties of Clayton, Cobb and Fulton.

The Thirty-sixth Senatorial District shall be composed of the counties of Campbell, Coweta, Meriwether, Douglass.

The Thirty-seventh Senatorial District shall be composed of the counties of Carroll, Heard and Troup.

The Thirty-eighth Senatorial District shall be composed of the counties of Haralson, Polk and Paulding.

The Thirty-ninth Senatorial District shall be composed of the counties of Milton, Cherokee and Forsyth.

The Fortieth Senatorial District shall be composed of the counties of Union, Towns and Rabun.

The Forty-first Senatorial District shall be composed of the counties of Pickens, Fannin and Gilmer.

The Forty-second Senatorial District shall be composed of the counties of Bartow, Floyd and Chattooga.

The Forty-third Senatorial District shall be composed of the counties of Murray, Gordon and Whitfield.

The Forty-fourth Senatorial District shall be composed of the counties of Walker, Dade and Catoosa.

Par. III. The General Assembly may change these districts after each census of the United States: Provided, That neither the number of Districts nor the number of Senators from each District shall be increased.

### SECTION III.

Paragraph I. The House of Representatives shall consist of one hundred and seventy-five Representatives, apportioned among the several counties as follows, to wit: To the six counties having the largest population, viz: Chatham, Richmond, Burke, Houston, Bibb and Fulton, three Representatives, each; to the twenty-six counties having the next largest population, viz: Bartow, Coweta, Decatur, Floyd, Greene, Gwinnett, Harris, Jefferson, Meriwether, Monroe, Muscogee, Newton, Stewart, Sumter, Thomas, Troup, Washington, Hancock, Carroll, Cobb, Jackson, Dougherty, Oglethorpe, Macon, Talbot and Wilkes, two Representatives, each; and to the remaining one hundred and five counties, one Representative, each.

Par. II. The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government, so as to give to the six counties having the largest population three Representatives, each; and to the twenty-six counties having the next largest population two Representatives, each; but in no event shall the aggregate number of Representatives be increased.

### SECTION IV.

Paragraph I. The members of the General Assembly shall be elected for two years, and shall serve until their successors are elected.

Par. II. The first election for members of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially, on that day, until the day of election is changed by law.

Par. III. The first meeting of the General Assembly, after the ratification of this Constitution, shall be on the first Wednesday in November, 1878, and biennially thereafter, on the same day, until the day shall be changed by law. But nothing herein contained shall be construed to prevent the Governor from calling an extra session of the General Assembly before the first Wednesday in November, 1878, if in his opinion, the public good shall require it.

Par. IV. A majority of each house shall constitute 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.

Par. V. 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.

Par. VI. No session of the General Assembly shall continue longer than forty days, unless by a two-thirds vote of the whole number of each house.

Par. VII. 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.

Par. VIII. 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. 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.

Par. II. The presiding officer of the Senate shall be styled the President of the Senate, and shall be elected viva voce from the Senators.

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

Par. IV. 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 the Judge of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

Par. V. 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. 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.

Par. II. 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.

Par. III. The House of Representatives shall have the sole power to impeach all persons who shall have been, or may be, in office.

## SECTION VII.

Paragraph I. 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.

Par. II. 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.

Par. III. 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.

Par. IV. Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment.

Par. V. The original journal shall be preserved after publication, in the office of the Secretary of State, but there shall be no other record thereof.

Par. VI. The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

Par. VII. 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.

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

Par. IX. 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.

Par. X. 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.

Par. XI. No money shall be drawn from the treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published every three months, and, also, with the laws passed by each session of the General Assembly.

Par. XII. No bill or resolution appropriating money shall become a law unless, upon its passage, the yeas and nays, in each House, are recorded.

Par. XIII. All acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill, ordinance 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.

Par. XIV. 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.

Par. XV. All special or local bills shall originate in the House of Representatives. The Speaker of the House of Representatives shall, within five days from the organization of the General Assembly, appoint a committee, consisting of one from each Congressional District, whose duty it shall be to consider, and consolidate all special and local bills, on the same subject, and report the same to the House; and no special or local bill shall be read or considered by the House until the same has been reported by said committee, unless by a two-thirds vote. And no bill shall be considered or reported to the House, by said committee, unless the same shall have been laid before it within fifteen days after the organization of the General Assembly; except by a two-thirds vote.

Par. XVI. No local or special bill shall be passed, unless notice of the intention to apply therefor [sic] shall have been published in the locality where the matter, or thing to be effected, may be situated, which notice shall be given at least thirty days prior to the introduction of such bill into the General Assembly, and in the manner to be prescribed by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

Par. XVII. 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.

Par. XVIII. The General Assembly shall have no power to grant corporate powers and privileges to private companies, except banking, insurance, railroad, canal, navigation, express and telegraph companies; nor to make or change election precincts; nor to establish bridges or ferries; nor to change names or legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the courts.

Par. XIX. 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 officer.

Par. XX. The General Assembly shall not authorize the construction of any street passenger railway within the limits of any incorporated town or city, without the consent of the corporate authorities.

Par. XXI. Whenever the Constitution requires a vote of two-thirds of either or both houses for the passing of an act or resolution, the yeas and nays on the passage thereof shall be entered on the journal.

Par. XXII. The General Assembly shall have power to make all laws and ordinances 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.

Par. XXIII. 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, and in case of prolongation of a session of the General Assembly.

Par. XXIV. 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.

#### SECTION VIII.

Paragraph I. The officers of the two houses, other than the President and Speaker, shall be a Secretary of the Senate and Clerk of the House of Representatives, and such assistants as they may appoint; but the clerical expenses of the Senate shall not exceed sixty dollars per day, for each session, nor those of the House of Representatives seventy dollars per day, for each session. The Secretary of the Senate, and Clerk of the House of Representatives, shall be required to give bond and security for the faithful discharge of their respective duties.

#### SECTION IX.

Paragraph I. The per diem of members of the General Assembly shall not exceed four dollars; and mileage shall not exceed ten cents for each mile traveled, by the nearest practicable route, in going to, and returning from, the Capital [sic.]; but the President of the Senate and the Speaker of the House of Representatives, shall each receive not exceeding seven dollars per day.

#### SECTION X.

Paragraph I. 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. 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 XII.

Paragraph I. 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.

Par. II. 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 fund 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.

Par. III. 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 arising 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.

Par. IV. 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.

Par. V. The General Assembly shall compel all insurance companies in this State, or doing business therein, under proper penalties, to make semi-annual reports to the Governor, and print the same at their own expense, for the information and protection of the people.

## ARTICLE IV.

### POWER OF THE GENERAL ASSEMBLY OVER TAXATION.

#### SECTION I.

Paragraph I. 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 authority to irrevocably give, grant, limit, or restrain this right; and all laws, grants, contracts, and all other acts, whatsoever [sic], 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.

#### SECTION II.

Paragraph I. The power and authority of regulating railroad freight and passenger tariffs, preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws from time to time, to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of this State, and to prohibit said roads from charging other than just and reasonable rates, and enforce the same by adequate penalties.

Par. II. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

Par. III. 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 provisions of this Constitution: Provided, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

Par. IV. The General Assembly of this State shall have no power to authorize any corporation to buy shares, or stock, in any other corporation in this State, or elsewhere, or to make any contract, or agreement whatever, with any such corporation, which may have the effect, or be intended to have the effect, to defeat or lessen competition in their respective businesses, or to encourage monopoly; and all such contracts and agreements shall be illegal and void.

Par. V. No railroad 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 freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

Par. VI. No provision of this article shall be deemed, held or taken to impair the obligation of any contract heretofore made by the State of Georgia.

Par. VII. The General Assembly shall enforce the provisions of this article by appropriate legislation.  
Par. VII. The General Assembly shall enforce the provisions of this article by appropriate legislation.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

#### SECTION I.

Paragraph I. The officers of the Executive Department shall consist of a Governor, Secretary of State, Comptroller General, and Treasurer.

Par. II. The Executive power shall be vested in a Governor, who shall hold his office during the term of two years, and until his successor shall be chosen and qualified. He shall not be eligible to re-election, after the expiration of a second term, for the period of four years. He shall have a salary of three thousand dollars per annum, (until otherwise provided by a law passed by a two-thirds 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. But this reduction of salary shall not apply to the present term of the present Governor.

Par. III. The first election for Governor, under this Constitution, shall be held on the first Wednesday in October, 1880, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place biennially thereafter, on said day, 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.

Par. IV. 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.

Par. V. The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and the 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.

Par. VI. Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

Par. VII. 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.

Par VIII. In case of the death, resignation, or disability of the Governor, the, President, of the Senate shall exercise the executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the executive powers of the government, until the removal of the disability, or the election and qualification of a Governor.

Par. IX. The General Assembly shall have power to provide by law, for filling unexpired terms by special election.

Par. X. 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.”

Par. XI. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia thereof.

Par. XII. He shall have power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part of a sentence for offenses against the State, after conviction, except in cases of treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he may 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. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, pardon or commutation granted, stating the name of the convict, the offense of which he was convicted, the sentence and its date, the date of the reprieve, pardon or commutation, 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.

Par. XIII. He shall issue writs of election to fill all vacancies that may happen in the Senate or 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. He 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.

Par. XIV. 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 successor is commissioned, agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

Par. XV. A person once rejected by the Senate shall not be re-appointed by the Governor to the same office during the same session, or the recess thereafter.

Par. XVI. 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.

Par. XVII. 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.

Par. XVIII. He may require information, in writing, from the officers in the Executive Department on any subject relating to the duties of their respective offices. It shall be the duty of the Governor, quarterly, and oftener if he deems it expedient, to examine, under oath, the Treasurer and Comptroller General of the State on all matters pertaining to their respective offices, and to inspect and review their books and accounts. The General Assembly shall have authority to provide by law for the suspension of either of said officers 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.

Par. XIX. The Governor shall have power to appoint his own secretaries, not exceeding two in number, and to provide such other clerical force as may be required in his office, but the total cost for secretaries and clerical force in his office shall not exceed six thousand dollars per annum.

## SECTION II.

Paragraph I. The Secretary of State, Comptroller General and Treasurer 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 election, counting the votes, declaring the result, 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 Secretary of State, Comptroller General and Treasurer; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

Par. II. The salary of the Treasurer shall not exceed two thousand dollars per annum. The clerical expenses of his Department shall not exceed sixteen hundred dollars per annum.

Par. III. The salary of the Secretary of State shall not exceed two thousand dollars per annum, and the clerical expenses of his Department shall not exceed one thousand dollars per annum.

Par. IV. The salary of the Comptroller General shall not exceed two thousand dollars per annum. The clerical expenses of his department, including the Insurance Department and Wild Land Clerk, shall not exceed four thousand dollars per annum and without said clerk it shall not exceed three thousand dollars per annum.

Par. V. The Treasurer shall not 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.

Par. VI. No person shall be eligible to the office of Secretary of State, Comptroller General, or Treasurer, 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 regulations to be prescribed by law, for the faithful discharge of their duties.

Par. VII. The Secretary of State, the Comptroller General, and the Treasurer, shall not 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. 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.

## ARTICLE VI.

### JUDICIARY

#### SECTION I.

Paragraph I. The judicial powers of this State shall be vested in a Supreme Court, Superior Courts, Courts of Ordinary, Justices of the Peace, commissioned Notaries Public, and such other courts as have been, or may be, established by law.

#### SECTION II.

Paragraph I. The Supreme Court shall consist of a Chief Justice and two Associate Justices. A majority of the court shall constitute a quorum.

Par. II. When one or more of the judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate a judge, or judges, of the Superior Courts to preside in said case.

Par. III. No judge of any court, shall preside in any case where the validity of any bond—Federal, State, corporation or municipal—is involved, who holds in his own right, or as the representative of others, any material interest in the class of bonds upon which the question to be decided arises.

Par. IV. The Chief Justice and Associate Justices shall hold their offices for six years, and until their successors are qualified. A successor to the incumbent whose term will soonest expire shall be elected by the General Assembly in 1880; a successor to the incumbent whose term of office is next in duration shall be elected by the General Assembly in 1882; and a successor to the third incumbent shall be elected by the General Assembly in 1884; but appointments to fill vacancies shall only be for the unexpired term, or until such vacancies are filled by elections, agreeably to the mode pointed out by this Constitution.

Par. V. The Supreme Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors from the Superior Courts, and from the City Courts of Atlanta and Savannah, and such other like Courts as may be hereafter established in other cities; and shall sit at the seat of government, at such times, in each year, as shall be prescribed by law, for the trial and determination of writs of error from said Superior and City Courts.



Par. VI. The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by Providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.

Par. VII. In any case the Court may, in its discretion, withhold its judgment until the next term after the same is argued.

### SECTION III.

Paragraph I. There shall be a Judge of the Superior Courts for each Judicial Circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law.

Par. II. The successors to the present incumbents shall be elected by the General Assembly as follows: To the half (as near as may be) whose commissions are the oldest, in the year 1878; and to the others in the year 1880. All subsequent elections shall be at the session of the General Assembly next preceding the expiration of the terms of incumbents, except elections to fill vacancies. The day of election may be fixed by the General Assembly.

Par. 3. [sic] 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. But, if the time for the meeting of the General Assembly shall be changed, the General Assembly may change the time when the terms of judges thereafter elected shall begin.

### SECTION IV.

Paragraph I. 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.

Par. II. The General Assembly may confer upon the Courts of Common Law, all the powers heretofore exercised by Courts of Equity in this State.

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

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

Par. V. 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.

Par. VI. The General Assembly may provide for an appeal from one jury, in the Superior and City Courts to another, and the said courts may grant new trials on legal grounds.

Par. VII. The court shall render judgment without the verdict of a jury, in all civil cases founded on unconditional contracts in writing, where an issuable defense is not filed under oath or affirmation.

Par. VIII. 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.

Par. IX. 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. 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. 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.

Par. II. 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.

Paragraph IV. The Ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

#### SECTION VII.

Paragraph I. 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 four years.

Par II. Justices of the Peace shall have jurisdiction in all civil cases, arising ex contractu, and in cases of injuries or damages to personal property when the principal sum does not exceed one 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 regulations as may be prescribed by law.

Par. III. 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.

Paragraph I. 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

Paragraph I. The jurisdiction, powers, proceedings and practice of all courts or officers vested 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.

#### SECTION X.

Paragraph I. 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.

Par. II. It shall be the duty of the Attorney General to act as the legal advisor of the Executive Department, to represent the State in 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.

Paragraph I. There shall be a Solicitor General for each judicial circuit, whose official term, except when commissioned to fill an unexpired term, shall be four years.

Par. II. 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 his circuit to the Supreme Court; and to perform such other services as shall be required of him by law.

#### SECTION XII.

Paragraph I. The Judges of the Supreme and Superior Courts, and Solicitors General, shall be elected by the General Assembly, in joint session, on such day, or days, as shall be fixed by joint resolution of both Houses. At the session of the General Assembly which is held next before the expiration of the terms of the present incumbents, as provided in this Constitution, their successors shall be chosen; and the same shall apply to the election of those who shall succeed them. Vacancies occasioned by death, resignation or other cause, shall be filled by appointment of the Governor, until the General Assembly shall convene, when an election shall be held to fill the unexpired portion of the vacant terms.

#### SECTION XIII.

Paragraph I. The Judges of the Supreme Court shall have, out of the treasury of the State, salaries not to exceed three thousand dollars per annum; the Judges of the Superior Courts shall have salaries not to exceed two thousand dollars per annum; the Attorney General shall have a salary not to exceed two thousand dollars per annum; and the Solicitors General shall each have salaries not to exceed two hundred and fifty dollars per annum; but the Attorney General shall not have any fee or perquisite in any cases arising after the adoption of this Constitution; but the provisions of this section shall not affect the salaries of those now in office.

Par. II. The General Assembly may, at any time, by a two-thirds vote of each branch, prescribe other and different salaries for any, or all, of the above officers, but no such change shall affect the officers then in commission.

#### SECTION XIV.

Paragraph I. No person shall be Judge of the Supreme or 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 XV.

Paragraph I. No total divorce shall be granted, except on the concurrent verdicts of two juries, at different terms of the Court.

Par. II. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.

#### SECTION XVI.

Paragraph I. 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.

Par. II. 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.

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

Par. IV. Suits against joint obligors, joint promissors, copartners, or joint trespassers [sic], residing in different counties, may be tried in either county.

Par. V. 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.

Par. VI. 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 XVII.

Paragraph I. 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 XVIII.

Paragraph I. The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less than five, to constitute a trial or traverse jury in courts other than the Superior and City Courts.

Par. II. 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.

Par. III. 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 XIX.

Paragraph I. 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 XX.

Paragraph I. 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.

## SECTION XXI.

Paragraph I. The costs in the Supreme Court shall not exceed ten dollars, until otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said court when the usual pauper oath is filed in the Court below.

## ARTICLE VII.

### FINANCE, TAXATION AND PUBLIC DEBT.

#### SECTION I.

Paragraph I. The powers of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

For the support of the State government and the public institutions;

For educational purposes, in instructing children in the elementary branches of an English education only;

To pay the interest on the public debt;

To pay the principal of the public debt;

To suppress insurrection, to repel invasion, and defend the State in time of war;

To supply the soldiers who lost a limb, or limbs, in the military service of the Confederate States, with substantial artificial limbs during life.

#### SECTION II.

Paragraph I. All taxation shall be uniform upon the same class of subjects, and ad valorem on all property subject to be taxed, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may, however, impose a tax upon such domestic animals as, from their nature and habits, are destructive of other property.

Par II. 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 buildings erected for and used as a college, incorporated academy, or other seminary of learning; 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 merchandize [sic.], or for purposes of sale or gain: Provided, the property so exempted be not used for purposes of private or corporate profit or income.

Par. III. No poll tax shall be levied except for educational purposes, and such tax shall not exceed one dollar, annually, upon each poll.

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

Par. V. 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.

### SECTION III.

Paragraph I. No debt shall be contracted by, or on behalf of the State, except to supply casual deficiencies of revenue, 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, two hundred thousand dollars.

### SECTION IV.

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

### SECTION V.

Paragraph I. 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 any company, association, or corporation.

### SECTION VI.

Paragraph I. The General Assembly shall not authorize any county, municipal corporation, or political division of this State, 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: Provided, that if any municipal corporation shall offer to the State any property for locating or building a capitol, and the State accepts such offer, the corporation may comply with such offer.

Par. II. The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes in instructing children in the elementary branches of English education only; to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of courts; to support paupers and pay debts heretofore existing.

### SECTION. VII.

Paragraph I. 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 excee [sic] ne-fifth [sic.] of one per centum of the assessed value of taxable property therein, without the assent of two-thirds of the qualified voters thereof, at an election for that purpose, to be held as may be prescribed by law; but any city, the debt of which does not exceed seven per centum of the assessed value of the taxable property at the time of the adoption of this Constitution, may be authorized by law to increase, at any time, the amount of said debt, three per centum upon such assessed valuation.

Par. II. 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.

## SECTION VIII.

Paragraph I. The State shall not assume the debt, nor any part thereof, of any county, municipal corporation, or political division of the State, unless such debt shall be contracted to enable the State to repel invasion, suppress insurrection, or defend itself in time of war.

## SECTION IX.

Paragraph I. The receiving directly or indirectly, by any officer of the State or county, or member or officer of the General Assembly, of any interest, profits, or perquisites, 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.

## SECTION X.

Paragraph I. Municipal corporations shall not incur any debt until provision therefor [sic] shall have been made by the municipal government.

## SECTION XI.

Paragraph I. 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 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.

## SECTION XII.

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

## SECTION XIII.

Paragraph I. The proceeds of the sale of the Western and Atlantic, Macon and Brunswick, or other railroads, held by the State, 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 whatever, 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.

## SECTION XIV.

Paragraph I. The General Assembly shall raise, by taxation, each year, in addition to the sum required to pay the public expenses and interest on the public debt, the sum of one hundred thousand dollars, which shall be held as a sinking fund, to pay off and retire the bonds of the State which have not yet matured, and shall be applied to no other purpose whatever. If the bonds cannot at any time be purchased at or below par, then the

sinking fund herein provided for may be loaned by the Governor and Treasurer of the State; provided, the security which shall be demanded for said loan shall consist only of the valid bonds of the State; but this section shall not take effect until the eight per cent. currency bonds, issued under the Act of February the 19th, 1873, shall have been paid.

#### SECTION XV.

Paragraph I. The Comptroller General and Treasurer shall each make to the Governor a quarterly report of the financial condition of the State, which report shall include a statement of the assets, liabilities and income of the State, and expenditures therefor [sic], for the three months preceding; and it shall be the duty of the Governor to carefully examine the same by himself, or through competent persons connected with his department, and cause an abstract thereof to be published for the information of the people which abstract shall be endorsed by him as having been examined.

#### SECTION XVI.

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

Par. II. 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.

#### SECTION XVII.

Paragraph I. The office of the State Printer shall cease with the expiration of the term of the present incumbent and the General Assembly shall provide, by law, for letting the public printing to the lowest responsible bidder, or bidders, who shall give adequate and satisfactory security for the faithful performance thereof. No member of the General Assembly, or other public officer, shall be interested, either directly or indirectly, in any such contract.

### ARTICLE VIII.

#### EDUCATION.

##### SECTION I.

Paragraph I. There shall be a thorough system of common schools for the education of children in the elementary branches of an English education only, as nearly uniform as practicable, the expenses of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races.

##### SECTION II.

Paragraph I. There shall be a State School Commissioner, appointed by the Governor, and confirmed by the Senate, whose term of office shall be two years, and until his successor is appointed and qualified. His office shall be at the seat of government, and he shall be paid a salary not to exceed two thousand dollars per annum. The General Assembly may substitute for the State School Commissioner such officer, or officers, as may be deemed necessary to perfect the system of public education.

##### SECTION III.



Paragraph I. The poll tax, any educational fund now belonging to the State (except the endowment of, and debt due to, the University of Georgia), a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors—which the General Assembly is hereby authorized to assess—and the proceeds of any commutation tax for military service, and all taxes that may be assessed on such domestic animals as, from their nature and habits, are destructive to other property, are hereby set apart and devoted to the support of common schools.

#### SECTION IV.

Paragraph I. Authority may be granted to counties, upon the recommendation of two grand juries, and to municipal corporations, upon the recommendation of the corporate authority, to establish and maintain public schools in their respective-limits, by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county or municipal corporation, and approved by a two-thirds vote of persons qualified to vote at such election; and the General Assembly may prescribe who shall vote on such question.

#### SECTION V.

Paragraph I. Existing local school systems shall not be affected by this Constitution. Nothing contained in section first of this article shall be construed to deprive schools in this State, not common schools, from participation in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

#### SECTION VI.

Paragraph I. The trustees of the University of Georgia may accept bequests, donations and grants of land, or other property, for the use of said University. In addition to the payment of the annual interest on the debt due by the State to the University, the General Assembly may, from time to time, make such donations thereto as the condition of the Treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the Treasury will authorize to any College or University (not exceeding one in number) now established, or hereafter to be established, in this State for the education of persons of color.

### ARTICLE IX.

#### HOMESTEAD AND EXEMPTIONS.

##### SECTION I.

Paragraph I. There shall be exempt from levy and sale, by virtue of any process whatever, under the laws of this State, except as hereinafter excepted, of 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 the head of a family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars.

##### SECTION II.

Paragraph I. No court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, execution, or decree, against the property set apart for such purpose, including such improvements

as may be made thereon, from time to time, except for taxes, for the purchase money of the same, for labor done thereon, for material furnished therefor [sic], or for the removal of encumbrances thereon.

### SECTION III.

Paragraph I. The debtor shall have power to waive or renounce in writing, his right to the benefit of the exemption provided for in this article, except as to wearing apparel, and not exceeding three hundred dollars worth of household and kitchen furniture, and provisions, to be selected by himself and his wife, if any, and he shall not, after it is set apart, alienate or encumber the property so exempted, but it may be sold by the debtor, and his wife, if any, jointly, with the sanction of the Judge of the Superior Court of the county, where the debtor resides or the land is situated, the proceeds to be reinvested upon the same uses.

### SECTION IV.

Paragraph I. The General Assembly shall provide, by law, as early as practicable, for the setting apart and valuation of said property. But nothing in this article shall be construed to affect or repeal the existing laws for exemption of property from sale, contained in the present Code of this State in paragraphs 2040 to 2049 inclusive, and the acts amendatory thereto. It may be optional with the applicant to take either, but not both, of such exemptions.

### SECTION V.

Paragraph I. The debtor shall have authority to waive or renounce in writing his right to the benefit of the exemption provided for in section four, except as is excepted in section three of this article.

### SECTION VI.

Paragraph 1.[sic.] The applicant shall, at any time, have the right to supplement his exemption by adding to an amount already set apart which is less than the whole amount of exemption herein allowed, a sufficiency to make his exemption equal to the whole amount.

### SECTION VII.

Paragraph I. Homesteads and exemptions of personal property which have been heretofore set apart by virtue of the provisions of the existing Constitution of this State, and in accordance with the laws for the enforcement thereof, or which may be hereafter set apart, at any time, shall be and remain valid as against all debts and liabilities existing at the time of the adoption of this Constitution, to the same extent that they would have been had said existing Constitution not been revised.

### SECTION VII.

Paragraph I. Rights which have become vested under previously existing laws shall not be affected by anything herein contained. In all cases in which homesteads have been set apart under the Constitution of 1868, and the laws made in pursuance thereof, and a bona fide sale of such property has been subsequently made, and the full purchase price thereof has been paid, all right of exemption in such property by reason of its having been so set apart, shall cease in so far as it affects the right of the purchaser. In all such cases where a part only of the purchase price has been paid, such transaction shall be governed by the laws now of force in this State, in so far as they affect the rights of the purchaser, as though said property had not been set apart.

### SECTION IX.

Paragraph I. Parties who have taken a homestead of realty under the Constitution of eighteen hundred and sixty-eight, shall have the right to sell said Homestead and reinvest the same, by order of the judge of the Superior Courts of this State.

## ARTICLE X.

### MILITIA.

#### SECTION I.

Par. I. 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.

Par. II. The General Assembly shall have power to authorize the formation 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.

Par. III. 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 COUNTY OFFICERS.

#### SECTION I.

Paragraph I. 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.

Par. II. No new county shall be created.

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

Par. IV. No county site shall be changed or removed, except by a two-thirds vote by the qualified voters of the county, voting at an election held for that purpose.

Par. V. Any county may be dissolved and merged with contiguous counties, by a two-thirds vote of the qualified electors of such county, voting at an election held for that purpose.

#### SECTION II.

Paragraph I. The county officers shall be elected by the qualified voters of their respective counties, or districts, and shall hold their offices for two years. They shall be removed on conviction for malpractice in office, and no person shall be eligible to 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.

#### SECTION III.

Paragraph I. Whatever tribunal, or officers, may hereafter 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 the appointment of Commissioners of roads and revenue in any county.

## ARTICLE XII.

### THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE.

Paragraph I. 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;

Par. II. Second. As next in authority thereto: This Constitution;

Par. III. Third. In subordination to the foregoing: All laws now in force in the State, not inconsistent with this Constitution, and the ordinances of this Convention, shall remain in force until the same are modified or repealed by the General Assembly. The tax acts and appropriation acts passed by the General Assembly of 1877, and approved by the Governor of the State, and not inconsistent with the Constitution, are hereby continued in force until altered by law.

Par. IV. 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.

Par V. All rights, privileges and immunities which may have vested in, or accrued to, any person or persons, or corporation, in his, her, or their own right, or in any fiduciary capacity, under, and in virtue of, any act of the General Assembly, or any judgment, decree, or order, or other proceeding of court of competent jurisdiction, in this State, heretofore rendered, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

Par. VI. 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 proceeding, in conformity with the law of force when they were made.

Par. VII. 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.

Par. VIII. The ordinances of this convention shall have the force of laws until otherwise provided by the General Assembly, except the ordinances in reference to submitting the homestead and capital question to a vote of the people, which ordinances, after being voted on, shall have the effect of Constitutional provisions.

## ARTICLE XIII.

## AMENDMENTS TO THE CONSTITUTION.

### SECTION I.

Paragraph I. 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. And 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, 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. 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.

Par. II. 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 the members of each house of the General Assembly. The representation in said Convention shall be based on population as near as practicable.

### SECTION II.

Paragraph I. The Constitution shall be submitted for ratification or rejection to the electors of the State, at an election to be held on the first Wednesday in December, one thousand eight hundred and seventy-seven, in the several election districts of this State, at which election every person shall be entitled to vote who is entitled to vote for the members of the General Assembly under the Constitution and laws of force at the date of such election; said election to be held and conducted as is now provided by law for holding elections for members of the General Assembly. All persons voting at said election in favor of adopting the Constitution, shall write or have printed on their ballots the words "For Ratification;" and all persons opposed to the adoption of this Constitution shall write or have printed on their ballots the words "Against Ratification."

Par. II. The votes cast at said election shall be consolidated in each of the counties of this State, as is now required by law in elections for members of the General Assembly, and returns thereof made to the Governor; and should a majority of all the votes cast at said election be in favor of ratification, he shall declare the said Constitution adopted, and make proclamation of the result of said election by publication in one or more newspapers in each Congressional District of the State, but should a majority of the votes cast against ratification, he shall in the same manner proclaim the Constitution rejected.

## ORDINANCES.

### AN ORDINANCE.

Be it ordained by the people of Georgia in Convention Assembled:

1st. That the question of the location of the Capitol of this State be kept out of the constitution to be adopted by the Convention.

2nd. That at the first general election hereafter held for members of the General Assembly every voter may endorse on his ballot "Atlanta" or "Milledgeville," and the one of these places receiving the largest number of

votes shall be the Capital [sic.] of the State until changed by the same authority and in the same way that may be provided for the alteration of the Constitution that may be adopted by the Convention, whether said Constitution be ratified or rejected. And that every person entitled to vote for members of the General Assembly, under the present Constitution and laws of this State, shall be entitled to vote under this ordinance; and, in the event of the rejection of said Constitution, shall (should) a majority of votes cast be in favor of Milledgeville, then this provision to operate and take effect as an amendment to the present Constitution.

#### AN ORDINANCE.

Be it ordained by the people of Georgia, in Convention assembled, and it is hereby ordained by authority of the same:

1st. That the article adopted by this Convention on the subject of homestead and exemptions shall not form a part of this Constitution, except as hereinafter provided.

2nd. At the election held for the ratification or rejection of this Constitution, it shall be lawful for each voter to have written or printed on his ballot the words "Homestead of 1877," or the words "Homestead of 1868."

3d. In the event that a majority of the ballots so cast have endorsed upon them the words, "HOMESTEAD OF 1877," then said article, so adopted by this Convention, shall form a part of the Constitution submitted, if the same is ratified; but in the event that said Constitution, so submitted, shall not be ratified, then the article on homestead and exemptions so adopted as aforesaid by this Convention, shall supersede article seventh of the Constitution of 1868 on the subject of homestead and exemptions, and form a part of this Constitution.

4th. If a majority of the ballots so cast as aforesaid shall have endorsed upon them the words, "Homestead of 1868," then article seventh of the Constitution of 1868 shall supersede the article on homestead and exemptions adopted by this Convention, and shall be incorporated in and form (a part) of the Constitution so submitted and ratified.

Read and adopted in Convention, August 22, 1877.

Attest: C.J. Jenkins,

President, Constitutional Convention.

James Cooper Nisbet, Secretary.

#### AN ORDINANCE.

WHEREAS; a committee has been appointed by this Convention to consider and inquire into the ways and means by which the expenses of this Convention, over and above those provided for by the General Assembly, can be defrayed; and, whereas, the committee are satisfied that a sufficient sum of money for the same can be procured by an ordinance of this Convention; therefore,

Be it ordained by the people of Georgia in Convention assembled, and it is hereby ordained by authority of the same:

That the President of this Convention shall be, and he is hereby, empowered, by authority of this Convention, to negotiate a loan of a sufficient sum of money, at seven per cent. per annum, to defray the residue of the expenses of this Convention not provided for by the act of the General Assembly calling this Convention.

Read and adopted in Convention, August 18, 1877.  
Attest: C.J. Jenkins,  
President, Constitutional Convention.

James Cooper Nisbet, Secretary.

AN ORDINANCE.

Be it ordained by the people of Georgia, in Convention assembled:

1st. That the Constitution as adopted and revised be enrolled and signed by the officers and members of this Convention.

2d. That the Governor shall issue his proclamation, ordering an election for members of the General Assembly, and a vote upon the ratification or rejection of this Constitution, as therein provided, and a vote upon the Capital [sic.] and Homestead questions, as provided by the ordinances of this Convention.

Read and adopted in Convention, August 25th, 1877.  
Attest: C.J. Jenkins,  
President, Constitutional Convention.

James Cooper Nisbet, Secretary.

AN ORDINANCE.

There shall be sixteen Judicial Circuits in this State, and it shall be the duty of the General Assembly to organize and apportion the same in such manner as to equalize the business and labor of the Judges in said several circuits, as far as may be practicable. But the General Assembly shall have the power hereafter to re-organize, increase, or diminish the number of circuits: Provided, however, that the circuits shall remain as now organized until changed by law.

Read and adopted in Convention, August 23d, 1877.  
Attest: C.J. Jenkins,  
President, Constitutional Convention.

James Cooper Nisbet, Secretary.