
 Constitution of the State of Georgia—Preamble.

incorporations, and privileges, and exemptions, good and valid in law, and existing or operative in the city of Savannah and county of Chatham at the time of passing any such Code or system, and not expressly superseded thereby, are hereby expressly saved and confirmed, and the terms and provisions of this Act, shall be construed as though they were part and parcel of such Code or system of laws, in case such Code or system shall be passed as aforesaid.

 II.

CONSTITUTION OF THE STATE OF GEORGIA,

AS ADOPTED BY THE STATE CONVENTION AT ATLANTA, ON THE 11TH DAY OF MARCH,
1868, AND RATIFIED BY THE PEOPLE AT AN ELECTION HELD APRIL 20TH,
21ST, 22D AND 23D, 1868.

 PREAMBLE.

We, the people of Georgia, in order to form a permanent Government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity, acknowledging and invoking the guidance of Almighty God, the author of all good government, do ordain and establish this Constitution for the State of Georgia.

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ARTICLE I.

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§4993. I. *Protection*. Protection to person and property is the paramount duty of government, and shall be impartial and complete.

§4994. II. *Citizens—Legislature to provide laws for their protection*. All persons born, or naturalized, in the United States, and resident in this State are hereby declared citizens of this State, and no laws shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States, or of this State, or deny to any person within its jurisdiction the equal protection of its laws. And it shall be the duty of the General Assembly, by appropriate legislation, to protect every person in the due enjoyment of the rights, privileges and immunities guaranteed in this section.

43 Ga., 422.

§4995. III. *Life, liberty and property*. No person shall be deprived of life, liberty or property, except by due process of law.

8 Ga., 211.

§4996. IV. *Slavery*. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

§4997. V. *Right of the people*. The right of the people to appeal to the Courts, to petition government on all matters, and peaceably to assemble for the consideration of any matter, shall never be impaired.

§4998. VI. *Religious test*. Perfect freedom of religious sentiment shall be and the same is hereby secured, and no inhabitant of this State shall ever be molested in person or property, or prohibited from holding any public office or trust on account of his religious opinion; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the people.

41 Ga., 183.

§4999. VII. *Benefit of counsel, accusation, list of witnesses, compulsory process and trial*. Every person charged with an offense against the laws, 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 attendance of his own witnesses, shall be confronted

Declaration of fundamental principles.

with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

Compulsory process: 10 Ga., 85. "Confronted:" 11 Ga., 353; 19 Ga., 403; 33 Ga., 306.

§5000. VIII. *Jeopardy of life, etc.* 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.

Autrefois acquit or convict: 7 Ga., 422; 14 Ga., 8; 15 Ga., 264; 17 Ga., 439; 26 Ga., 579; 36 Ga., 447; 38 Ga., 187; *Crocker vs. State*, January term, 1873; *O'Neal vs. State*: *Id.* Mistrial: 14 Ga., 426; 23 Ga., 1; 26 Ga., 233; 29 Ga., 681; 33 Ga., 329.

§5001. IX. *Freedom of speech and press.* Freedom of speech and freedom of the press are inherent elements of political liberty. But while every citizen may freely speak, or write, or print on any subject, he shall be responsible for the abuse of the liberty.

§5002. X. *Unreasonable searches.* 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, but upon probable cause, supported by oath, or affirmation, particularly describing the place or places, to be searched, and the person or things, to be seized.

§5003. XI. *Status of the citizen.* The social status of the citizen shall never be the subject of legislation.

§5004. XII. *Opinions.* No person shall be molested for his opinions, or be subject to any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions.

§5005. XIII. *Habeas corpus.* The writ of *habeas corpus* shall not be suspended unless, in case of rebellion or invasion, the public safety may require it.

§5006. XIV. *Arms.* A well regulated militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed; but the General Assembly shall have power to prescribe by law the manner in which arms may be borne.

"Bear arms:" 1 Kelly, 243.

§5007. XV. *Frauds.* The punishment of all frauds shall be provided by law.

§5008. XVI. *Bail, fines and punishment.* 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, whilst under arrest, or in prison.

§5009. XVII. *Contempt of Courts.* The power of the Courts to punish for contempt shall be limited by legislative acts.

§5010. XVIII. *Imprisonment for debt.* There shall be no imprisonment for debt.

41 Ga., 467; 44 Ga., 216.

§5011. XIX. *Libel.* In all prosecutions or indictments for libel, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts.

§5012. XX. *Private ways.* Private ways may be granted upon just compensation being paid by the applicant.

§5013. XXI. *Penalties.* All penalties shall be proportioned to the nature of the offense.

§5014. XXII. *Whipping.* Whipping, as a punishment for crime, is prohibited.

§5015. XXIII. *Lottery.* No lottery shall be authorized, or sale of lottery tickets allowed, in this State, and adequate penalties for such sale shall be provided by law.