

THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

*Ratification of the Constitution by the States*

**GEORGIA**

*Supplemental Documents*



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### Facsimiles

Facsimiles of the following items can be found on the University of Wisconsin Digital Collection website at <https://digital.library.wisc.edu/1711.dl/Constitution>.

1. The Constitution of the State of Georgia, 1777
2. An Act for Opening the Land Office, and for Other Purposes  
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## Introduction

The supplemental documents are intended to provide a fuller documentation and understanding of the debate over the ratification of the Constitution in Georgia than was possible in the printed volume. This supplement contains official documents, letters, and newspaper items which amplify Georgians' concern over their conflict with the Indians and their actions on the Constitution.

Except for some photographic reproductions (facsimiles), the documents consist mostly of literal transcripts. The documents are arranged chronologically except for those on particular subjects which are grouped together. These groupings are:

- The Georgia Assembly Elects Delegates to the Constitutional Convention, 16 January–10 February 1787
- Newspaper Reports of the Election of Convention Delegates, 8–29 December 1787
- The Georgia Assembly Provides for the Expenses of the Convention, 16, 23, 24 January 1788
- Letters from Joseph Clay, Savannah, 4 April–20 August 1788

### Facsimiles

This Supplement contains 6 facsimiles totaling 76 individual pages. These facsimiles provide a visual representation of original documents, some of which were difficult or impossible to transcribe.

References to these facsimiles (including the document number, title, and footnotes) appear in the text portion of the Supplement with an indication to visit the University of Wisconsin Digital Collection's website (<https://digital.library.wisc.edu/1711.dl/Constitution>) to view the documents themselves.

A list of facsimiles can be found at the end of the Table of Contents.

### Appendix

Many newspaper items and pamphlets in the ratification debate had a regional or national circulation. These items are printed in *Commentaries on the Constitution: Public and Private* (CC). The Appendix in this volume lists these *Commentaries* items that were printed or reprinted in Georgia.



## Symbols

### Manuscripts

FC	File Copy
MS	Manuscript
RC	Recipient's Copy
RG	Record Group
Tr	Translation

### Short Titles

Evans Charles Evans, *American Bibliography* (12 vols., Chicago, 1903–1934).

### Cross-references to Volumes of

#### *The Documentary History of the Ratification of the Constitution*

- Mfm References to the supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:Ga. 12.” “Mfm” is also used in the running headers as an aide to the reader, and are especially helpful in multipage documents.
- RCS References to the series of volumes titled *Ratification of the Constitution by the States* are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:Ga., 232.”



# Documents

## 1. The Constitution of the State of Georgia, 1777

- ◆ *To view this document, see Evans 15308, or visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

## 2. An Act for Opening the Land Office, and for Other Purposes therein mentioned, 17 February 1783

- ◆ *To view this document, see Evans 17952, or visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

## 3 A–H. The Georgia Assembly Elects Delegates to the Constitutional Convention 16 January–10 February 1787

### 3-A. *Assembly Proceedings, Tuesday, 16 January*<sup>1</sup>

Sundry Letters from the Governors of other States address[ed] to his Honor the late Governor were read and referred to a special Committee,

Ordered that Mr Seagrove, Mr Cecil and Mr. Weed be that Committee.

### 3-B. *Assembly Proceedings, Tuesday, 23 January*

Mr. Seagrove from the Committee to whom were referred a letter from John Dickinson Esquire Chairman of a Commercial Convention held at Annapolis on the fourteenth of August [1786?] and letters from several Governors of other States, all advising of such Convention,<sup>2</sup> brought in a report, which, being amend[ed] was agreed to, and is as follows.

“Your Committee are of opinion, that, as the Legislature of this State have by their Act of the thirty first of July 1786—Vested Congress with certain powers for the purpose of regulating trade agreeably to their recommendations;<sup>3</sup> nothing further ought to be done until the determination of Congress on that subject be known.”

### 3-C. *Assembly Proceedings, Friday, 26 January*

A Message from his Honor the Governor accompanied with a Letter from the Secretary of Congress of the 14th December and two letters from the Governor of Virginia of the first and Sixth of December, were read, and ordered to be referred to a special Committee, and that Mr. Baldwin Mr. Walt[on?] Mr. Jos: Jackson, Mr. Jos: Habersham and Mr. Osborne, be that Committee.

*3-D. Governor Edmund Randolph to the State Executives, Richmond  
1, 6 December 1786<sup>4</sup>*

[1 December] I feel a peculiar satisfaction in forwarding to your excellcy the inclosed act of our Legislature. As it breathes a spirit truly fœderal, and contains an effort to support our general government which is now reduced to the most awful crisis permit me to solicit your excellencys cooperation at this trying moment

I have the honor &c.

Sent Decr. 2. 1786.

[6 December] My anxiety for the well-being of the fœderal government will not suffer me to risque so important a consideration upon the page of a single letter. Your Excellency will therefore excuse me for again intruding on you with the inclosed Act of our Legislature and repeating the request Urged in my Letter of the 1st instant that you would give a zealous attention to the present American crisis.

The Gentlemen, appointed by Virginia for the Convention at Philadelphia, are General Washington, Mr. Patrick Henry, the late Governor, Mr George Wythe & Mr. John Blair, two of the Judges of the high Court of Chancery, Mr. James Madison junr a member of Congress, Mr. George Mason a member of the Legislature and myself—

*3-E. Assembly Proceedings, Saturday, 3 February*

Mr. James Jackson from the Committee to whom was referred the Letters from the Governor of Virginia respecting the appointment of persons to attend a federal Convention—reported

“A Bill to be entitled An Ordinance for the appointment of deputies from this State for the purpose of revising the federal Constitution,” which was read the first time.

*3-F. Assembly Proceedings, Thursday, 8 February*

The house met agreeably to adjournment

A Bill to be entitled “An Ordinance for the appointment of deputies from this State for the purpose of revising the fœderal Constitution”—was read the Second time—

Ordered that the said bill be sent to the Executive Council for their perusal and advice, & that Mr. Graves & Mr. Patterson be the committee to carry the same—

*3-G. Assembly Proceedings, Friday, 9 February*

The house met agreeably to adjournment

Mr. Wilkinson & Mr. Moore a Committee from the Executive Council returned a bill to be entitled “An Ordinance for the appointment of deputies from this State for the purpose of revising the fœderal Constitution”—without any proposed amendments—

*3-H. Assembly Proceedings, Saturday, 10 February*

The Speaker signed the following Acts viz.

\* \* \* \* \*

“An Ordinance for the appointment of deputies from this State for the purpose of revising the federal Constitution”

1. The Assembly proceedings are taken from the manuscript Journal of the General Assembly in the Georgia Department of Archives and History.

2. Presumably the circular letters from several governors announcing the appointments of delegates to the Annapolis Convention. Also a reference to the report of the Annapolis Convention and the covering letter signed by John Dickinson.

3. A reference to the congressional request of 1784 for a temporary grant of power to regulate trade which was read a third time and passed on 31 July 1786 and signed by the Speaker on 2 August.

4. FC, Executive Letter Book, 1 December 1786–5 December 1788, Virginia State Library.

#### 4. From Alexander McGillivray, Little Talassee, Upper Creeks 20 January 1787<sup>1</sup>

NASSAU (New Providence) March 28.

The following is a copy of a letter from Mr. M’Gillivray, chief of the Creek Indians, to his friend in this town. Our readers are already apprized that Mr. M’Gillivray’s mother is a Creek, and, agreeable to the custom of the Indians, he is therefore deemed one himself. His superior acquirements and eminent abilities have raised him to the first place among his countrymen; what follows will shew the zealous animated part he takes in whatever affects their interests.

“Little Talassee, Upper Creeks, Jan. 20, 1787.

“SIR,

“In return for your friendly communications, it is not often in my power to furnish you with any thing worthy your attention, unless details of our disputes with the Georgians can be deemed so—disputes which, on their parts, are as frivolous as they are vexatious, and which, to all appearances, will not be terminated otherwise than by the sword.

“You have been already made acquainted with the grounds of the differences between us, from a copy of a letter that I wrote in 1784 to Governor Houstoun, and which was published by some friend to my country. Repeated representations have followed that one for years, but without effecting the least change of measures as to the encroachments made upon our hunting grounds by the Georgians. Wearied out with ineffectual attempts to awaken in them a sense of justice and equity, the nation was resolved not to behold with indifference a plan formed to wrest from us the greater part of our most valuable territory. Accordingly in April, 1786, we met in general convention, to deliberate upon what measures we should adopt for frustrating the wicked designs of the Georgians. Finding that moderate ones had been treated with insolent contempt, it was determined to lift the red hatchet, in opposition to insolence and injustice. This was become necessary for personal safety. Parties of Georgians, when employed in marking out their usurpations, uninformedly attacked any of our people who chanced to fall in their way, altho’ peaceably hunting game on our own ground.

“Being influenced by motives of humanity, and unwilling to spread that destruction on their frontiers which the conduct of the Georgians merited, we contented ourselves with sending out parties of warriors to drive from off our Oconee lands all intruders who should be found thereon; and they had orders not to destroy them, nor even to use force in any case wherein personal safety did not render it absolutely necessary. This was in a great measure accomplished; only six persons lost their lives on the part of the Georgians, and these fell victims to their own temerity. This affair, which their iniquitous proceedings had drawn upon them, has been held forth by the Georgians as the most violent, unprovoked outrage that was ever committed, and for which nothing can atone but my life, and the lives of a number of our chiefs.

“In October 1786, the Georgians sent up a talk to the nation, inviting them to a conference to be held at Oconee, and professing an anxious desire to have all differences amicably adjusted. Having good grounds to question the sincerity of these professions, the invitation was not accepted of, and only a few of our people, from motives of curiosity, attended. The event proved the justice of our suspicions. These messengers of peace were attended by 1500 men in arms; and plans of the most atrocious nature against our persons were concerted. These they attempted to effect upon the credulous few of our nation who met them; but the spirited conduct of some of them alarming the Georgians, prevented the accomplishment of their pe[r]fidious designs, and this armed force, which, in the event of their failing in the design of seizing our persons, was to spread devastation and destruction throughout our country, was obliged to retreat precipitately, after having disgraced themselves by an abortive attempt to engage those Indians who met them to murder several innocent traders specified by name, and to procure the assassination of the chiefs who were the supporters of their country, and of course hostile to the Georgians.

“I have reason to believe that in the ensuing spring they will offer some fresh propositions to us. I mean to hold our annual grand convention in April next, when the truce granted the Georgians will expire. Then it will be determined whether hostilities shall commence, or a peace be concluded; and then, sir, you shall again hear from me. I am, &c.

ALEXANDER M’GILLIVRAY.”

1. *Pennsylvania Gazette*, 30 May 1787.

## 5. Philanthropos, *Georgia State Gazette*, 17 March 1787

*Æque pauperibus prodest, locupletibus aequè,  
Æque neglectum pueris senibusque nocebit.*

Hor.

Mr. Printer, This country may be considered as advancing fast to maturity. Like a youth arrived to age we are become our own guardians. Our fortunes are in our own hands, and our success will very much depend upon the conduct we preserve and the character we establish. If we trifle with public business, and neglect our great national interests, we shall be torn to pieces with dissensions

at home, we shall be despised, insulted, and subjected to every kind of loss, and injury by foreign nations.

The first great principle in the composition of national prosperity, is a love of our country. Without this principle, monarchies may indeed exist, but they are very weak and languid: without this principle republics cannot exist at all. This principle is that *virtue* which the great Montesquieu insists upon as so essential to the welfare of a commonwealth. This principle subsisted in its full force in all the free governments that ever flourished on earth. They have all declined and sunk into slavery and ruin, as fast as this principle declined. It should therefore be the great object of every good man to cultivate this principle. But how is this to be effected? *Libertas & natale solum*; freedom and our native soil, doubtless have great attractions. These are vast sources of attachment to our country; but they alone are not sufficient. An opinion of the wisdom and justice of government is also necessary; without this the love of our country will languish. No man, be he native or foreigner, can maintain an entire affection for his country, if her councils are guided by folly or injustice.—Next to the love of liberty in the human breast, may be ranked the desire of acquiring and preserving property. Few men, that have tasted the blessings of civil society, will be contented with the enjoyment of liberty alone, if their property be not also secured to them. Who would labour if he could not enjoy the fruits of his labour? That portion of our property which is necessary to the public service, if it be called for in equal and just proportions, most men will part with cheerfully; but when the hand of power is laid upon the property of individuals, wantonly, needlessly, or in proportions that are manifestly partial and unequal, they will arraign the justice of their country, they will abhor its government, they will desert the public service, they will ever execrate the land of their nativity. Every considerate man will reflect, that fraud naturally leads to violence. That from withholding what is due the transition is very easy to the snatching property out of our possession—That they are the effects of the same principle. Jealousy, uneasiness, and disaffection, will speedily consume the love of our country. That nation will be truly miserable, will be feeble, will be despised by itself and foreigners, where wisdom and justice do not govern, where property is not held sacred. These are undoubtedly solemn truths; and they ought to be seriously considered by us when we are setting out in the career of national independence. We have it in our power to be happy at home, to be respected abroad. But to effect this, it will be very necessary to be attentive to the preservation of public credit, to satisfy the public creditors of every kind, in short, to enable the people to consider their money when deposited in the public funds, as equally safe, or more so, than when it is vested in any species of property. The historian pathetically laments the condition of Rome, when she was declining from her ancient integrity and glory, and verging fast to that horrible destruction, which afterwards overwhelmed her, “That she had come to hold that for honest which was profitable, and that for honorable which was convenient.” Should Georgia become so prostituted and base as to adopt this rule in the management of her public affairs; let it be remembered that we do not possess the stability of ancient establishments to save us from speedy ruin. The people of this country in general wish

to do what is right. They need only be warned, and they will not suffer themselves to be deluded. Some shocks have been given indeed to our old notions of integrity; perhaps they were inevitable. At all events they had better be overlooked. They may be repaired, and public confidence may yet be restored. But it is high time that we set about it. If this subject be much longer neglected, our boasted independence will be but a name. I mean these observations as a prelude to some future remarks on the subject of public credit.

*Augusta, March 6, 1787.*

#### **6. Georgia State Gazette, 21 July 1787**

We hear with great satisfaction, that the Convention for revising the Confederation is now assembled, and doing business at Philadelphia. Among the many important matters to be taken under consideration by that august body, the following are said to be the principles: 1st. That the Thirteen States be divided into three distinct Republics, who ought to league together for their common defence, as so many separate governments, independent of each other. 2dly. If the Thirteen States remain as they are confederated, to lessen their sovereignty, by abolishing their State Legislatures, and leaving the whole laws to be made by the national Congress, Assembly or Parliament. 3dly. The Thirteen States to remain as they are, except that their laws be revised by Congress, so as to make the whole act in conformity as of one, and the Executive Powers of Congress enlarged.— It is much to be wished the latter may be adopted.

#### **7. Governor George Mathews to William Few and William Pierce Augusta, 9 August 1787<sup>1</sup>**

From a wish that you may be informed, and through You the Honble the Congress of the United States, of the situation of this State, with the Creek Indians I do myself the pleasure to enclose you two Talks I have received from that Nation, with my answers thereto from which it appears there is reason to expect this State will be compelled to engage in a War with them, it would ill become a free-people and more particularly those of Georgia to give Satisfaction for the Warriors that have been killed for Murders committed on our peaceable Inhabita[nts] in violation of the most Solemn treaties entered into with us, as this State has experienced many and repeated injuries from that Nation during the late War with Great Britain, such as killing our Inhabitants and plundering us of our property all of which we were willing to sacrifice rather than continue the War a day longer than the United States wished to crown the Union with peace

That you may be as well informed as the nature and Situation of matters will admit, it is needful that I should inform you, that from letters I received from James White esqr Agent for Indian Affairs for the Southern Department dated last March and April, there was some reason to think the Indians were not perfectly for peace, and on his return to the State he informed me that they assured



him that no hostilities should be committed or injury done to this State before August, or until they received an answer from Congress, or him, but in direct Violation of this promise, they did on the 29 day of May in the County of Greene kill and scalp two Men, and carried off a Negro and fourteen horses—a party of Militia crossed the Oconee River in pursuit of the murderers, fell in with some Indians of that Nation and killed twelve, which from the first talk I received appears to be of the lower Towns, and the murderers from the upper Towns, which is the distinction they make, from their Talk I thought we were to have peace, as they remark, it was impossible for us to tell whether it was the Upper or lower Creeks that had done the murder, or been killed by our men. Their Talk of the 27 of July insolently demands the Officer that Commanded the party and as many of his Men to be delivered to them, as will make satisfaction for the twelve Warriors they have lost, candor compels me to say, when I think of this insolent demand, the repeated alarms they have given our frontiers, and the injury the State sustains from them, that I feel my blood run warm in my Veins, and a just impulse to chastise them for their insolence and perfidy. and I think it my indispensable duty if they commit hostilities on this State, to take the most effectual means in my power for the defence of the same, by carrying the War into their Country or such other measures as may be most for the Safety and happiness of the Inhabitants of this Country.

1. FC, Governors' Letterbooks, 1786–89, Georgia Department of Archives and History.

## 8. Governor George Mathews, Proclamation, Augusta, 9 August 1787<sup>1</sup>

GEORGIA.

By the Honorable GEORGE MATHEWS,  
Esq. Captain General, Governor and  
Commander in Chief in and over the said State.  
A Proclamation.

WHEREAS there is just reason to apprehend by dispatches received from the Creek nation, that hostilities will very shortly commence on the part of the Indians, renders it absolutely necessary that the Legislature should be convened, in order to deliberate on measures for the defence of the State: I HAVE THEREFORE thought fit, by and with the advice and consent of the Honorable the Executive Council, to issue this my Proclamation notifying the same, and requiring the attendance of the General Assembly of the said State, at Augusta, on Thursday, the 20th day of September next, for the dispatch of public business.

Given under my Hand and the Great Seal of the said State, at Augusta, this ninth Day of August, in the Year of our Lord One Thousand Seven Hundred and Eighty-Seven, and of our Sovereignty and Independence the Twelfth.

GEORGE MATHEWS.

By His Honor's Command,  
*J. Milton, Sec'y.*

*GOD SAVE THE STATE!*

1. *Georgia State Gazette*, 11 August.

### 9. Georgia State Gazette, 1 September 1787

*Extract of a letter from Philadelphia, July 7.*

In regard to news we have none, much is expected from the result of the Convention, but nothing has as yet transpired nor will any of their proceedings be known to the public before they break up, and perhaps not immediately then, for the greatest secrecy is adhered to by the members of that august body; and what is daily seen in the public prints, is without the least foundation.

### 10. Gazette of the State of Georgia, 20 September 1787

The Federal Convention is not expected to break up 'till the first of next month.

### 11. Georgia State Gazette, 22 September 1787

Thursday last was the day on which the attendance of the General Assembly of this state was required by His Honor the Governor's Proclamation—Yesterday some members met, and recommended to the Honorable the Executive Council *to proclaim the State to be in alarm*:—also to send for absent members.

### 12. General Elijah Clarke to Governor George Mathews, Long Creek 24 September 1787<sup>1</sup>

Your favour of the 19th inst. I have received, and am informed that the arms and ammunition mentioned, have arrived at Washington.

I had certain information that a man was killed on the 14th near Greensborough, by a party of 6 or 7 Indians; and that on the 16th, Colonel Barber, with a small party, was waylaid by 50 or 60 Indians, and wounded, and three of his party killed. This, and the information contained in Mr. Barnard's last letter, and a variety of other accounts equally alarming, determined me to raise what men I could in the course of twenty-four hours, and marched with them to protect the frontiers, in which space of time, I collected 160 men, chiefly volunteers, and proceeded to the place where Colonel Barber had been attacked; there I found the bodies of the three men mentioned above, mangled in a shocking manner, and after I had buried them, proceeded on the trail of the murderers as far as the South fork of the Oakmulgee, where, finding I had no chance of overtaking them, I left it, and went up the said river until I met with a fresh trail of Indians coming in towards our frontier settlements; I immediately turned, and followed this trail until the morning of the 21st, between 11 and 12 o'clock, when I came up with them. They had just crossed a branch called Jack's creek, through a thick cane-brake, and were encamped on cooking on an eminence. My force then consisted of 130 men, 30 having been sent back on account of their horses tired and lost. I drew up my men in three divisions, the right commanded by Colonel Freeman, the left by Major Clarke, and the centre by

myself. Colonel Freeman and Major Clarke were ordered to surround and charge the Indians, which they did with such dexterity and spirit, that they immediately drove them from their encampment back into the cane-brake, where, finding it impossible for them to escape, they obstinately returned our fire until half past four o'clock, when they ceased, except now and then a shot.

During the latter part of the action, they seized every opportunity of escaping by small parties, leaving the rest to shift for themselves. About sunset I thought it most adviseable to draw off, as the men had suffered for want of provision nearly two days, and for want of water during the action, but more particularly to take care of the wounded, which amounted to eleven, and six killed. From every circumstance, I am certain there were not less than 25 Indians killed, and am induced to suppose that, could I have staid all night, I must have found 40 or 50 dead of their wounds by the morning;—in short they were totally defeated, with the loss of their provisions, cloathing, &c.—consisting of the following particulars; 2 guns, 32 brass-kettles, and 87 large packs, containing blankets, matchcoats, boots, mawkasens, tawmahawkes, pipes, upwards of 100 halters and bridles, &c. from all which, I judge their number was fully equal to our's. Colonel Freeman and Major Clarke distinguished themselves, and from the spirit and bravery with which the whole of my little party acted during the action, I do not believe that, had we met them in the open woods, we should have been more than five minutes in giving them a total overthrow.

While I was on this excursion, two skirmishes happened near Greenesborough, in one of which one man was wounded, and in the other six stand of arms lost, being guarded by only two men, while the rest of the party was gathering fodder.

Should there not be a house made, I flatter myself, you will afford the back country all the support in your power. Indeed I cannot proceed much farther without your assistance; the general scarcity of provisions in this part of the State, points out the necessity of supplies from below, indeed men cannot be drawn out without it; the delays that this would occasion, would be fatal to the frontiers. Had I not fallen in with that chosen party of Indians, every circumstance bespeaks their design to distress the back settlers, and I think that Allen's mill, or lower, would by this time have become a frontier settlement; and I am convinced that if the back settlers once break, they will not stop with us.

I have now to beg your attention to the unfortunate wounded, who are at Read's Fort, a Doctor, some wine, tea, coffee and sugar are indispensably necessary.

I shall expect an answer to this as early as possible, and should wish to be informed of the probability of a House being made, if that event should not already have taken place;—I think that the necessity of activity on, and attention to, our frontiers, will prevent my attendance, should the House convene.

1. *Georgia State Gazette*, 29 September 1787. Also printed in the *Gazette of the State of Georgia*, 4 October.

**13. William Pierce to St. George Tucker, New York, 28 September 1787<sup>1</sup>**

You ask me for such information as I can, with propriety, give you, respecting the proceedings of the [Constitutional] Convention. In my letter from Philadelphia, in July last, I informed you that every thing was covered with a veil of secrecy. It is now taken off, and the great work is presented to the public for their consideration. I enclose you a copy of it, with the letter which accompanies the Constitution.

You will probably be surprised at not finding my name affixed to it; and will, no doubt, be desirous of having a reason for it. Know then, Sir, that I was absent in New York on a piece of business so necessary that it became unavoidable. I approve of its principles and would have signed it with all my heart, had I been present. To say, however, that I consider it as perfect, would be to make an acknowledgment immediately opposed to my judgment. Perhaps it is the only one that will suit our present situation. The wisdom of the Convention was equal to something greater; but a variety of local circumstances, the inequality of states, and the dissonant interests of the different parts of the Union, made it impossible to give it any other shape or form.

The great object of this new government is to consolidate the Union, and to give us the appearance and power of a nation. The inconvenience of the different states meeting on the footing of compleat equality, and as so many sovereign powers confederated, has been severely felt by the Union at large; and it is to remedy this evil that something like a national institution has become necessary. The condition of America demands a change; we must sooner or later be convulsed if we do not have some other government than the one under which we at present live. The old Federal Constitution is like a ship bearing under the weight of a tempest; it is trembling, and just on the point of sinking. If we have not another bark to take us up we shall all go down together. There are periods in the existence of a political society that require prompt and decisive measures; I mean that point of time between a people's running into anarchy and an anxious state of the public mind to be rescued from its approaching mischiefs by the intervention of some good and efficient government. That is precisely the situation in which we seem to be placed. A question then arises, Shall we have this government, or shall we run into confusion? It is with the people to decide the alternative.

I am well aware that objections will be made to this new government when examined in the different states; some will oppose it from pride, some from self-interest, some from ignorance, but the greater number will be of that class who will oppose it from a dread of its swallowing up the individuality of the states. Local circumstances will weigh against the general interest, and no respect will be paid to all the parts aggregated which compose the Confederacy. Good as well as bad men will probably unite their interest to oppose it, and some small convulsions may possibly happen in some of the states before it is adopted, but I am certain it is the ark that is to save us. I therefore hope and trust it will be accepted. It is a difficult point to concentrate thirteen different interests so as to give general and complete satisfaction: But as individuals in society (to use an old hackneyed and well-known principle) give up a part of their natural rights

to secure the rest, so the different states should render a portion of their interests to secure the good of the whole. Was this question proposed to each of the states separately, "What kind of government is best calculated for the people of the United States?" there would be as many different opinions as there are different Interests. It would be like the decisions of the seven wise men of Greece, who were called on, at the Court of Periander, to give their sentiments on the nature of a perfect commonwealth.—they all judged differently, but they all judged right, in the view each man had of it.

Many objections have been already started to the Constitution because it was not founded on a Bill of Rights; but I ask how such a thing could have been effected; I believe it would have been difficult in the extreme to have brought the different states to agree in what probably would have been proposed as the very first principle, and that is, "that all men are born equally free and independent." Would a Virginian have accepted it in this form? Would he not have modified some of the expressions in such a manner as to have injured *the strong sense of them*, if not to have buried them altogether in *ambiguity and uncertainty*?

In my judgment, when there are restraints on power, to prevent its invading the positive rights of a people, there is no necessity for any such thing as a Bill of Rights. I conceive civil liberty is sufficiently guarded when personal security, personal liberty, and private property, are made the peculiar care of government. Now the defined powers of each department of the government, and the restraints that naturally follow, will be sufficient to prevent the invasion of either of those rights. Where then can be the necessity for a Bill of Rights? It is with diffidence I start this question; I confess I cannot help doubting the negative quality which it conveys, as some of the greatest men I ever knew have objected to the government for no other reason but because it was not *bottomed with a Bill of Rights*; men whose experience and wisdom are sufficient to give authority and support to almost any opinion they may choose to advance.

I set this down as a truth founded in nature, that a nation habituated to freedom will never remain quiet under an invasion of its liberties. The English history presents us with a proof of this. At the Conquest that nation lost their freedom, but they never were easy or quiet until the true balance between liberty and prerogative was established in the reign of Charles the second. The absolute rights of Englishmen are founded in nature and reason, and are coeval with the English Constitution itself. They were always understood and insisted on by them as well without as with a Bill of Rights. This same spirit was breathed into the Americans, and they still retain it, nor will they, I flatter myself, ever resign it to any power, however plausible it may seem. The Bill of Rights was not introduced into England until the Revolution of 1688, (upwards of 600 years after the Conquest) when the Lords and Commons presented it to the Prince and Princess of Orange. And afterwards, the same rights were asserted in the Act of Settlement at the commencement of the present century, when the Crown was limited to the House of Hanover. It was deemed necessary to introduce such an instrument to satisfy the public mind in England, not as a bottom to the Constitution, but as a prop to it; and hereafter, if the same necessity should exist in America, it

may be done by an act of the Legislature here, so that the Constitution not being founded on a Bill of Rights I conceive will not deprive it at any future time of being propt by one, should it become necessary.

A defect is found by some people in this new Constitution, because it has not provided, except in criminal cases, for Trial by Jury. I ask if the Trial by Jury in civil cases is really and substantially of any security to the liberties of a people. In my idea the opinion of its utility is founded more in prejudice than in reason. I cannot but think that an able Judge is better qualified to decide between man and man than any twelve men possibly can be. The trial by jury appears to me to have been introduced originally to soften some of the rigors of the feudal system, as in all the countries where that strange policy prevailed, they had, according to Blackstone, "a tribunal composed of twelve good men, true *boni homines*, usually the vassals or tenants of the Lord, being the equals or peers of the parties litigant." This style of trial was evidently meant to give the tenants a check upon the enormous power and influence of their respective Lords; and, considered in that point of view, it may be said to be a wise scheme of juridical polity; but applied to us in America, where every man stands upon a footing of independence, and where there is not, and I trust never will be, such an odious inequality between Lord and tenant as marked the times of a Regner or an Egbert, is useless, and I think altogether unnecessary; and, if I was not in the habit of respecting some of the *prejudices* of very sensible men, I should declare it ridiculous. An Englishman to be sure will talk of it in raptures; it is a virtue in him to do so, because it is insisted on in Magna Charta (that favorite instrument of English liberty) as the great bulwark of the nation's happiness. But we in America never were in a situation to feel the same benefits from it that the English nation have. We never had any thing like the Norman trial by battle, nor great Lords presiding at the heads of numerous tribes of tenants whose influence and power we wished to set bounds to.

As to trial by jury in criminal cases, it is right, it is just, perhaps it is indispensable,—the life of a citizen ought not to depend on the fiat of a single person. Prejudice, resentment, and partiality are among the weaknesses of human nature, and are apt to pervert the judgment of the greatest and best of men. The solemnity of the trial by jury is suited to the nature of criminal cases, because, before a man is brought to answer the indictment, the fact or truth of every accusation is inquired into by the Grand Jury, composed of his fellow citizens, and the same truth or fact afterwards (should the Grand Jury find the accusation well founded) is to be confirmed by the unanimous suffrage of twelve good men, "superior to all suspicion." I do not think there can be a greater guard to the liberties of a people than such a mode of trial on the affairs of life and death. But here let it rest.

The most solid objection I think that can be made to any part of the new government is the power which is given to the Executive Department; it appears rather too highly mounted to preserve exactly the equilibrium. The authority which the President holds is as great as that possessed by the King of England. Fleets and armies must support him in it. I confess however that I am at a loss to know whether any government can have sufficient energy to effect its own

ends without the aid of a military power. Some of the greatest men differ in opinion about this point. I will not pretend to decide it.

It requires very little wisdom or foresight to see into the consequences of the government when put compleatly in motion. You will observe that one branch of the Legislature is to come from the People, the other from the several State Legislatures; one is to sympathize with the people at large, the other with the sovereignty of the states, but the suffrages of the two are unequal; the House of Commons will have sixty-five votes, whilst the Senate has only twenty-six. Some of the states will have eight and ten Members in the Lower House, some only two or three, but all will have an equal number in the Senate. The Judicial Power is to extend “to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state and the citizens thereof, and foreign states, citizens, or subjects.” And the President is to be Commander in Chief of the Fleets and Armies of the United States and the Militia of the states when called into the service of the Union. All this taken collectively forms such a power independent of the states as must eventually draw from them all their remaining sovereignty. Whether such a thing is desirable or not let every man appeal to his own judgment to determine. It is clearly my opinion that we had better be consolidated than to remain any longer a confederated republic.

I would say something about the Article of Commerce, but it involves in it so much inquiry and calculation that I will reserve it for another letter. I know the most popular opposition in Virginia will be founded on this head, but I think it can be proven beyond a doubt that a uniform regulation of its principles will secure lasting and equal advantages to every part of the empire. If this right had at first been lodged in the hands of Congress, we should not at this day be in the condition we are.

1. *Gazette of the State of Georgia*, 20 March 1788. The letter was printed under a Virginia dateline with the title “Extract of a letter from the Hon. William Pierce, Esq. to St. George Tucker, Esq. dated New York, Sept. 28, 1787.”

#### 14. James Habersham to John Habersham, Pierces’s, 2 October 1787<sup>1</sup>

We arrived here last Evening, and meant to have set off early this Morg, but it now rains so hard that I fear we shall make but a small days Journey.—however We shall lose as little time as possible, as we understand the Members at Augusta are rather impatient—Genl. [Elijah?] Clarkes Skirmish with the Indians was misrepresented, at least, the Genls. Letter (a Copy of which Col. [Benjamin] Fishburne carries down to be published in the Gazette) gives a very different Acct. of the Matter—<sup>2</sup> It seems Clarke attacked them, killed 25, and wou’d have given them a complete overthrow had not the Indians sheltered themselves in a Cane Brake—Clarke brought of[f] all his wounded which looks well. I need not Enter into particulars as yo’ll no doubt have a Sight of the Genls. Letter—

I will be obliged to you to endeavor to Dispose of the 4 blls Rice, and send me up 20 Dollars by the first Safe oppy.—I wou'd rather the money was lodged at Mr Pierces—as I have been obliged to hire a Horse of the Old Man and have left one wth him to have well fed till I return, so that I can let the Money remain in his hands or order it out as I think proper.—If the reserve shou'd be so low as to admit of the Negroes digging the dirt away from before the Gates of the Saw Mill and clearing away the logs and trash I shou'd be glad to have it done—I shall write you again as soon as I reach Augusta in the Mean time beleive me Dear Brother

1. RC, Sol Feinstone Collection of the American Revolution, American Philosophical Society Library.

2. For Clarke's letter, see Mfm:Ga. 12.

**15. Joseph Habersham to Isabella Habersham, Augusta, 5 October 1787  
(excerpt)<sup>1</sup>**

We got here last Wednesday evening and found about thirty members of the Assembly in town; but not being a sufficient number to form a house, it was agreed upon by all present to meet again on Monday week, by which time it was expected that an additional number of members will then attend to make a house. It is very necessary at this time, as the indians are in the settlements and have drove in all the settlers (a few excepted who are in forts) to this side of Ogeechee. I have no doubt that as soon as a sufficient number of men can be got together they will give them a check. They have already received a pretty severe one from Genl. Clark.

I have been very particular in my letters to my brother John what I would have done on the plantation during my absence, and Mr. Downer will apply to my brother or Mr. Gibbons for directions whenever he is at a loss. . . .

1. Printed: Ulrich B. Phillips, ed., "Some Letters of Joseph Habersham," *Georgia Historical Quarterly*, X (1926), 155.

**16. Joseph Habersham to John Habersham, Augusta, 21 October 1787<sup>1</sup>**

Mr. Long is just setting off for Savannah, and I have only time to inform you that we made a house on Wednesday and the committee on indian affairs reported to the house last evening, which is ordered to be taken up tomorrow. As soon as the business is compleated you shall hear fully from me. Pray make my best respects to Dr. McLeod. I received his letter by Dr. Bond, and will do myself the pleasure of answering it tomorrow by a man who my brother sends down and who will be in very soon after Long.

1. Printed: Ulrich B. Phillips, ed., "Some Letters of Joseph Habersham," *Georgia Historical Quarterly*, X (1926), 156.



**17. Assembly Proceedings, Friday, 26 October 1787<sup>1</sup>**

The House met agreeably to adjournment.

The Speaker laid before the House a letter from Mr. James Jones resigning the appointment of a justice of the peace for the County of Burke; also a letter from Mr. Nathan Brownson resigning his office as a commissioner appointed to fix on a proper place for the seat of government.

Ordered that the resignation of the aforesaid gentlemen to the several offices they were appointed to be accepted.

The House proceeded to the further consideration of the second reading of the bill to be entitled “An Act for suppressing violence of the Indians.”

On a motion by Mr. Jos. Habersham that the following clause be inserted in the said bill: “And be it enacted by the authority aforesaid that it shall and may be lawful for His Honor the Governor and Executive Council for the time being to receive any proposals that may be offered on the part of the said Indians, and if of such a nature to make it necessary to suspend all hostilities with them until the legislature can be called to determine on the said propositions.”

On the question for the amendment aforesaid, the yeas and nays being required are as follow:

Yeas. James Habersham, Jos. Habersham, Thos. Gibbons, Clay, John Jones, Lawson, Rees, Crawford, Sea. Jones, McNiel, Talliaferro, Merriwether, Clark, Graves, Bacon, Dowse, McIver, Osgood, Wood, Lyman, and Walton, 21.

Nays. Howell, Lanier, Jos. Jackson, Lewis, Little, Telfair, Kemp, Few, Saunders, Carr, A. Fort, Talbot, Sullivan, Heard, Seagrove, Watts, O. Fort, Bankston, Runnolds, Carnes, Love, Christmas, Thomas, Greir, Abercrombie, Fitzpatrick, Cessna, 27.

Ordered that the bill to be entitled “An Act for suppressing the violence of the Indians” be sent to the Executive Council for their perusal and advice, and that Mr. Carr and Mr. Thomas be the committee to carry the same.

[At this point the Journal contains the resolutions calling the state Convention. (RCS:Ga. 232–33)].

Mr. Carr from the committee appointed to prepare and bring in a bill to be entitled “An Act to amend some parts of the Act for regulating the Courts of Law” brought in the same which was received and read the first time.

A petition from the inhabitants of the County of Chatham praying that several alterations may take place in the constitution of the state was received and read.

Ordered that the same be filed in the office of the clerk to this House.

The House adjourned till tomorrow morning, 9 o’clock.

1. MS, Journal of the General Assembly, Georgia Department of Archives and History.

**18. Charles Thomson to the Governors of Georgia and North and South Carolina, 27 October 1787<sup>1</sup>**

The United States in Congress Assembled being informed that there is a probability that hostilities may have commenced or are on the eve of commencing between the State of North-Carolina and the Cherokee Nation of Indians, and between the State of Georgia and the creek nation of Indians; and being anxious to restore and preserve peace & harmony between the said States, and the said Indians, have passed the resolutions and instructions which are herewith enclosed.

By these your Excellency will see that the States of North Carolina, South Carolina and Georgia are authorised each to appoint one Commissioner—that the said Commissioners in conjunction with the Superintendent of Indian Affairs for the Southern department or in his absence by themselves, may negotiate a treaty for establishing peace between the United States and the tribes of Indians in the Southern department: and that a sum of money is appropriated for this business.

It now rests with those States to give efficacy to these resolves, and I am persuaded your Excellency will, as far as in your power take the necessary steps for carrying into execution the good intentions of Congress.

P.S. The Instructions are to be considered as private and to be delivered to the Commissioner when chosen, for his Government.

1. FC, RG 360, Papers of the Continental Congress, Item 18, Letter Books of the Secretary of Congress, 1779–89, Letter Book B, 135–36, National Archives.

**19. Gazette of the State of Georgia, 1 November 1787<sup>1</sup>**

The Honourable the House of Assembly of this state, we are informed, have recommended the electing of Delegates to a Convention, for taking under consideration the new Federal Constitution, on the first Tuesday of December next, at the same time that Members are chosen for the General Assembly.

1. Reprinted nineteen times from South Carolina to New Hampshire by 20 December.

**20. Gazette of the State of Georgia, 8 November 1787<sup>1</sup>**

A writer in a late Philadelphia newspaper, under the signature of the CENTINEL, asserts, that “the proposed plan of government has none of the essential requisites of a free government; that it is neither founded on those balancing, restraining powers, recommended by Mr. Adams, and attempted in the British Constitution, or possessed of that responsibility to its constituents which, in *his* opinion, is the only effectual security for the liberties and happiness of the people; but, on the contrary, *that it is the most daring attempt to establish a despotick aristocracy among freemen that the world has ever witnessed.*”

1. Reprinted from the *Maryland Journal*, 16 October.

**21. New York Daily Advertiser, 12 November 1787**

*Extract of a letter from a gentleman in Georgia, to his friend in this city, dated the 18th of October.*

“The Savannah, and Augusta Gazettes will give you the story of the Indian war. What is precisely the state of facts, it is difficult from the present information to determine. The secret, dark, and bloody attack of Indians is commonly so colored by the fright it occasions, that it is difficult to know the truth even from the persons who were present. Their accounts will be so different, that within a few days they circulate, as so many separate and distinct attacks. The four or five which you see mentioned in September, all originate from the killing and scalping the boy and girl on the 17th ult. in the county of Washington.

“The first question is, what was the cause that set them in motion at this time? I find it is very industriously circulated by those who wish to give a bad complexion to every thing that concerns our government, that it originates from the cruel and abusive policy of the state towards them. I have too much confidence in your candor and good sense, to believe you capable of harbouring such public slander without enquiring into the information. If you will give yourself the trouble of examining the different laws and regulations of this state on those subjects, you will find them in general dictated by a very just, and liberal policy towards them, and that measures have invariably been pursued to prevent, as far as possible, all encroachments on the Indian rights. I wish there might not be greater grounds of charge against the United States in their treatment of the Indians northwest of the Ohio.

“The half-breed M’Gillivray, the natural son of a former inhabitant of this state, by an Indian woman, has been attempting, for this year past, to instigate the Upper Creeks to lay claim to part of three of the frontier counties of this state, which are two or three hundred miles distant from their towns, and never were their hunting grounds. These lands were purchased, principally, and a great part of them granted out by Governor Wright, previous to the late war. This was acknowledged, and compleated, as a condition of the peace made with them at the close of the war, in which they had continually born arms against the state. The Indians appeared in general well satisfied; I have myself seen them at treaties, in large collections of the principal men of their nation, at different times for two years afterwards, mark out the established boundary line of our frontier counties, which they appeared in general to acknowledge as the boundary between us and them, and I never heard or knew of any objection to it during that time. M’Gillivray has certainly been using his utmost endeavours, for some time past, to excite an uneasiness among them. I have reason to believe he is connected with some individuals within these states, and that if he can succeed in pushing our inhabitants back to the River Ogeechee, as he says, which will leave our state to be in breadth but about thirty miles, he has already secured to himself the Indians claim, and thus a tract of country which is now the property and support of not less than a thousand families, will belong solely to himself

and his associates, my opinion of him is, that his designs are wicked and unwarrantable, and that the peace and happiness of the Indians is not at all the object.

“The Indians have appeared in general to be very indifferent to his measures, probably some small scalping parties may have come under his influence. I am not certain that our present disturbances arise from any other cause, than that which has been so long known, and so often deplored in every part of America, the impossibility of controlling the crimes and passions of Indians, or of the rude and unmanageable inhabitants of a frontier. The party that killed the young man in Green county in the month of May, appear to have done it for the sake of stealing the Negro who was with him, and that they might escape without being pursued. The neighbours and relations of the young man pursuing the track of the villains, in the height of their rage, unfortunately fell upon a hunting party of Indians who were not concerned in the mischief, and slaughtered a great part of them. This may have been the sole cause of all that has yet happened.

“Revenge, the strong passion of savage nature, is now so much enkindled, that large parties are in motion on both sides. I am not without my fears that the lower towns of the Indians have by this time been attacked and very probably destroyed, which must inevitably bring on a very general Indian war.

“How to prevent such mischief, is a question in which humanity is greatly interested. Mere laws and punishments, in their ordinary administration in civil society, prove entirely ineffectual to the control of such mad, and lawless subjects. Let it be tried in every form, and I scarcely think there are any proper measures of that sort which we have not tried, even to severe corporal punishment, it will be found on trial, that a constant military force, and that only can ever keep peace on the frontiers. These disturbances are commonly brought on by a few individuals, a small well appointed guard would be entirely sufficient to over-awe them on both sides. This measure has long been in contemplation, and at this time I think the peace, policy and reputation of the State, render it indispensably necessary.”

## 22. Jean-Baptiste Petry to Maréchal de Castries, Charleston 16 November 1787 (excerpt)<sup>1</sup>

The Legislature of Georgia, Sir, which is now assembled, has just passed a resolution so that a Convention will be chosen during the first days of the next month in order to take this new constitution into consideration and reject or adopt it *in full or in part*. [It] has set the 4th Tuesday of the following month as the day when the members must assemble in Augusta for this purpose.

\* \* \* \* \*

Georgia, Sir, is in a very critical and alarming situation for her inhabitants. They have left the frontiers in order to withdraw to the interior of the country. The indians have committed murders and depredations twelve leagues from Savannah. Some measures are being taken to protect the City.

The legislature that the Governor of Georgia summoned since last August in order to take measures to repel their violence was only able to assemble on the

20th [18th] of last month. It passed an act which orders that the Creeks be considered outside of the protection of the state and that will permit the Governor and the people to put them to death and to take them anywhere or else to [push] them back within their Limits; it ordered the raising of 3000 men with whom they will form four regiments and it gives each of them 640 acres of land as recompense for their services and it imposed a tax of 6 1/4 per Cent on all properties in order to provide for the expenses of war. The inhabitants can refrain from marching in the militia only by delivering 100 pounds of powder and 200 of lead shot to the public magazines. These vigorous measures will probably [before long?] bring back the peace between this state and the indians, but it will only be durable as long as the government punishes the inhabitants who usurp their country or molest them and shows that it is able to give them satisfaction as well as ask for it. The grand jury of several Counties, in the grievances that it presented at the time of the session of the courts of justice, particularly recommended to the legislature to make the strictest search in order to Discover the instigators of this war and to make examples of them.

1. RC (Tr), Correspondance Politique, États-Unis, Supplement, Vol. IV, ff. 315–17, Archives du Ministère des Affaires Étrangères, Paris, France.

**23. Antoine R. C. M. de la Forest to Comte de Montmorin, New York  
17 November 1787 (excerpt)<sup>1</sup>**

The state of Georgia finds itself in an alarming situation. The Creeks resumed their hostilities a few months ago and they seem determined to make the greatest efforts to destroy all the settlements which were formed in upper Georgia above Augusta. But the great number of emigrants who have been going there for four years from all the other states seems to be adequate to cope with the Indians. The majority of the militia is without weapons and the state is endeavoring to raise four regular regiments of 750 men each. The government of the district of Franklin is making common cause with Georgia on this occasion and has already sent 1,500 men on the march. Congress has granted this latter state some arms and some fieldpieces. It is from the two Floridas that the Creeks draw their arms and munitions and the governor of Georgia has sent commissioners to the Spanish governors to ask them not to give any assistance to their enemies. Some Indian parties have penetrated as far as the surroundings of the port of Sunbury. An attempt on Savannah is feared and they are setting up again the lines which were made by the English around the city.

The federal year expired the fifth of this month. It was a few weeks before Congress found itself with enough states represented to proceed to business. It is not thought that the new delegations will be found in sufficient number here for a few months, because the bonds of federal government are so slack that the states of the Union do not even show eagerness to maintain the shadow of it and they are occupied only with the new Constitution.

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, New York, BI 909, ff. 289–92, Archives Nationales, Paris, France.

**24. Fortunatus Cosby to Garrett Minor, Washington, 3 December 1787<sup>1</sup>**

Your kind favor by Mr H Cosby I received, which, I assure you Sir met with a very greatfull reception—You request I would inform you, on which part of the stage of life I mean to act, tho indeed I am as yet undetermined—I have within a few weeks past quitted, the Washington Academy, and I flatter myself I have obtained a tolerable knowledge in the Latin Language—and should I not this Fall have it in my power to get profitable business I shall return to school, to study the Mathematics and then I have had thoughts of studying the Law. this you will say is presumption, and indeed I am affraid it is, but necessity agreeable to the old Phrase is the Mother of invention—and therefore probably my Vanity will prevail on me to attempt it—Our Country at present is in a very convulsive situation, the Frontiers are all broke and forted in, to avoid the ravages of the Indians, who are now daily committing hostilities, they have killed and wounded a considerable number of the back inhabitants—exclusive of those that were killed & wounded in a late ingagement by Genl. Clark, who obtained a very complete victory at the loss of six killed & eleven wounded, it was thought from the best accounts—as an accurate one could not be ascertained because the Indians were driven into a Cane brake, from whence the[y] could not be routed, and a scarcity of provision and the situation of the wounded obliged us to retreat—that twenty five of the Indians were killed and wounded—Our assembly have resolved, that four Thousand Men be immediately raised for the War, who are to March some time in Jany. to the Creek Nation, and should they not be repulsed, it is said that a Garrison will be kept in that Country—the terms is a bounty six hundred & fifty Acres—The more I see of Georgia the better I like, for if Serenity of Air & fertility of soil render a Country Valuable this can be inferior to none—I think there is too large a proportion of poor land tho it would be incredible to tell a Virginian of its production—No Public alterations of consequence since my last, an Abolition of our Constitution appears to be the general Topic of conversation, of which I hope there is as in all probability, as Petitions have been sent out to the different Counties, for the approbation of Majority, which I hope is nearly ascertained—for too long already have we been groaning under the oppression and grievances, that arise from its absurdity—

My Father desires to know whether you have received the balance due him from his Fathers Estate, and whether you consent it to

1. RC (incomplete), Garrett Minor Papers, Library of Congress.

**25. Svdnor Cosby to Garrett Minor, Wilkes County, 4 December 1787<sup>1</sup>**

Mr. James Nelson being about to go to Hanover—(of which I am only this moment informd) I cannot wholly omit writing, tho in great haste—Our affairs in this Countrey wear a very gloomy aspect, we [are] threatend (I believe I [mentioned] to you before) with war [and] famine—the Indians [are] Committing murders on our frontier almost every day. upwards of 60 persons, among whom are women & children have fell a victim to their barbarity. God only knows where all this will end—we are preparing to go against them as speedy as possible, we have had several fights with them, with very little success, and no great loss—in one action we lost 6 [men] killd dead, & 11 wounded, 2 of [– – –]. We are about 30 or 35 miles within the inhabitants, My Father about 35 or 40, We promise ourselves safety yet but shou'd the Indians make one violent effort more I fear we shall become a frontier what my Father in this case will do, I Know not. Kind Heaven defend him, lull all h[is] [ve]xatious cares to rest—and [may] the remainder of his short [life?] [he]re be spent in content[ment] [p]reparing for a better World. I have not heard from the family very lately. 3 weeks ago they were well—This day is our election. For delegates to Assembly & Convention. this state having recommended to the people, the appointment of three members from each County. to adopt or reject the feodral Constitution—I believe it will be approved—

Pray have you done any thing [with] my claims, I am anxious [– – –]—be so kind as to inform me by the first hand—I must conclude—my very respectfull Compliments. & Kindest Love & best wishes for & to my Cousin Minor & dear family and to every asking friend

[P. S.] pray excuse bad writing I am in much haste—

1. RC, Garrett Minor Papers, Library of Congress. Illegible words in this manuscript have been supplied by the editors whenever possible.

**26. Extract of a Letter from Sunbury, 4 December 1787<sup>1</sup>**

Extract of a letter from a gentleman at Sunbury, in the state of Georgia to his friend in this city, dated Dec. 4.

The Indians have made incursions very near to this settlement. A man was killed at Newport. This so much alarmed the families in the vicinity that they have moved into the interior parts of the settlement. Some families are on Colonel's Island, and some at Sunbury[.] Forts are erected at Canoochee and New Port bridge and other places. We hope our situation is pretty secure, but what will be the issue of this horrid contest, God only knows. The tender mercies of these enemies are cruelty—From their rage and cruelty the good Lord deliver us.—Since you left us in June, but one person has died in this society.

Yesterday the general Election was held here, members for Convention were chosen: they are Col. Maxwell, Col. Elliot, and Mr. James Powell, all in favour of the new Constitution. I doubt not but it will be adopted in this state.

1. *New Haven Gazette*, 24 January 1788.

**27 A–H. Newspaper Reports of the Election of Convention Delegates  
8–29 December 1787**

*27-A. Georgia State Gazette, 8 December*

On Tuesday last the General Election was held throughout this State. The following is the Return for Richmond County:

*For the Convention:*

William Few, James M’Niel, and John Wreat, Esqrs.

*For the General Assembly:*

JAMES M’NIEL,	427
BENJAMIN FEW,	373
JESSE SANDERS,	373
SOLOMON ELLIS,	271
JOHN COBB,	271
WILLIAM F. BOOKER,	259
CHARLES CRAWFORD,	226
JAMES M’FARLAND,	221
JOEL CRAWFORD,	179
THOMAS GLASCOCK,	179

William Barnett, Esq. Sheriff; Nathan Harris, Esq. Clerk; William Few, sen. Esq. Coroner.

*27-B. Charleston Columbian Herald, 10 December*

On the 4th instant, at Savannah, the following gentlemen were elected members of the convention and assembly, for Chatham county.

*Convention.*—William Stephens, J. Habersham and Thomas Gibbons.

*Assembly.*—J. Clay, J. Day, — O’Bryan, Gen. Jackson, William Gibbons, sen. J. Tatnall, — Devaux, J. Habersham, William Houston, Benjamin Fishbourn, — Emanuel, B. Maxwell, Thomas Gibbons, Ja. Habersham. James Bullock, clerk; Gen. Elbert, sheriff.

*27-C. Gazette of the State of Georgia, 13 December*

ELECTIONS on MONDAY the 4th instant.

*For EFFINGHAM COUNTY.*

Jenkin Davis,	}	<i>Members of Convention.</i>
Nathan Brownson,		
Caleb Howell, Esqrs.		



Jenkin Davis, Benjamin Lanier, Nathan Brownson, Daniel Howell, Caleb Howell, John Green, Joseph Jackson, George M'Call, M'Keen Green, Luke Meazel, Esqrs. Thomas Lane, <i>Sheriff</i> . J. G. Neidlinger, <i>Clerk</i> . David Thorn, <i>Coroner</i> .	}	<i>Members of Assembly.</i>
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*For BURKE COUNTY.*

Edward Telfair, George Walton, Henry Todd, Esqrs.	}	<i>Members of Convention.</i>
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Thomas Lewis jun. David Emanuel, Edward Byne, Hugh Lawson, John Powell, John Morrison, John Jones, John Peter Wagnon, Jacob Lewis, Isaac Perry, Esqrs.	}	<i>Members of Assembly.</i>
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*For RICHMOND COUNTY.*

Hon. William Few, John Wreat, James M Neal, Esqrs.	}	<i>Members of Convention.</i>
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James M'Neal, Benjamin Few, Jesse Saunders, John Cobb, Solomon Ellis, William F. Booker, Charles Crawford, James M'Farland, Joel Crawford, Thomas Glascock, Esqrs.	}	<i>Members of Assembly.</i>
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27-D. *Georgia State Gazette, 15 December*

The following gentlemen are appointed in the Convention for this State, and are the names only of those who have come to hand.

*For Washington County.*

Jerad Irvin,  
R. Wilkinson,  
— Rotherford.

*For Greene County.*

— Daniel,  
Robert Christmas,  
— Middleton.

*For Wilkes County.*

George Mathews,  
Florence Sullivan,  
— King.

*For Burke County.*

Edward Telfair,  
Doctor Todd,  
George Walton.

*For Glynn County.*

George Handley,  
Charles Hillery,  
John Milton.

Members of Assembly, returned for Washington county for the ensuing year.

Reubin Wilkinson,  
John Watts,  
— Rotherford,  
Jerard Irvin,  
— Bankston,  
Alexander Irwin,  
Thacker Nevin.

27-E. *Gazette of the State of Georgia, 20 December*

ELECTIONS on MONDAY the 4th instant.

*For LIBERTY COUNTY.*

James Powell,	}	<i>Members of Convention.</i>
John Elliott,		
James Maxwell, Esqrs.		
Josiah Bacon,	}	<i>Members of Assembly.</i>
Thomas Graves,		
James Dunwody,		
James Powell,		
Peter Winn,		
John Hardy,		
Gideon Dowse,		
Thomas Stevens,		
Josiah Osgood,		
Henry Wood,		
James Maxwell,		
John Elliott,		
Elihu Lyman,		
John Lambright,		
Thomas Sumner,		
Ferdinand O'Neal, Esqrs.		
John Dollar, <i>Sheriff.</i>		
John Graves, <i>Clerk,</i>		
John Lawson, <i>Coroner.</i>		

27-F. *New York Daily Advertiser, 26 December*

On the 4th instant, at Savannah, William Stephens, J. Habersham, and Thomas Gibbons, Esqrs. were elected members for Chatham county, to the Convention of the State of Georgia.

27-G. *Gazette of the State of Georgia, 27 December*

ELECTIONS on MONDAY the 4th instant.

*For CAMDEN COUNTY.*

Hon. Henry Osborne, James Seagrove, Jacob Weed, Esqrs.	} <i>Delegates to Convention.</i>
Hon. Henry Osborne, James Seagrove, Jacob Weed, Esqrs. Gen. James Jackson, James Armstrong, John Webb, Nathaniel Ashley, Langley Bryant, Abner Williams, Alexander Young, Esqrs. Wilson Williams, <i>Sheriff.</i> William Neblack, <i>Clerk.</i> James Woodland, <i>Coroner.</i>	} <i>Members of Assembly.</i>

27-H. *Georgia State Gazette, 29 December*

Yesterday twenty-four members of the State Convention met in this town, and being a quorum, proceeded to the choice of a President, when the Honorable JOHN WEREAT, Esq. was elected to that important office.—Mr. Isaac Briggs was appointed Secretary.

Members returned for Liberty County to serve in Convention.

James Powell,  
John Elliott,  
James Maxwell, Esqrs.

Members for the Assembly

Josiah Bacon,  
Thomas Graves,  
James Dunwoody,  
James Powell,  
Peter Winn,  
John Hardy,  
Gideon Dowse,  
Thomas Stevens,  
Josiah Osgood,  
Henry Wood,  
James Maxwell,

John Elliott,  
 Elihu Lyman,  
 John Lambright,  
 Thomas Sumner,  
 Ferdinand O'Neal, Esqrs.  
 John Dollar, *Sheriff*.  
 John Graves, *Clerk*.  
 John Lawson, *Coroner*.

Members returned for Effingham County to serve in Convention.

Jenkin Davis,  
 Nathan Browson,  
 Caleb Howell, Esqrs.

Members for the Assembly.

Jenkin Davis,  
 Benjamin Lanier,  
 Nathan Brownson,  
 Daniel Howell,  
 John Green,  
 Joseph Jackson,  
 George M'Call,  
 M'Keen Green  
 Luke Meazel, Esqrs.  
 Thomas Lane, *Sheriff*.  
 J. G. Neidlinger, *Clerk*.  
 David Thorn, *Coroner*.

## 28. Massachusetts Centinel, 8 December 1787

Georgia having appointed a Convention—*Seven* States have already complied with the recommendation of the Federal Convention.—The New-Hampshire Assembly were to meet last Wednesday, and without doubt the next mail from thence, will bring accounts of the compliance of the *eighth*.

## 29. Louis-Guillaume Otto to Comte de Montmorin, New York 15 December 1787 (excerpt)<sup>1</sup>

News from Georgia, sir, continues to be very alarming. The Creeks carry out unheard of cruelties against the inhabitants. More than half of the militia received orders to begin marching and the state is endeavoring to equip four regiments of 750 men each. 1500 citizens of the small state of Franklin have undertaken to make common cause with the Georgians. The latter sent a commissioner to the Spanish governors to ask them not to give aid to their enemies. This measure is all the more wise as it is only from the two Floridas that the Creeks are able to get their arms and munitions of war. [Alexander] McGillevrai, a violent Royalist, whose goods had been confiscated by the state of Georgia

during the Revolution, is at the head of these savages; he governs them as a sovereign ruler and he combines the education and the knowledge of a man of state with the fearlessness of a savage.

1. RC (Tr), Correspondance Politique, États-Unis, Vol. 32, ff. 411–14, Archives du Ministère des Affaires Étrangères, Paris, France. A longer excerpt is printed in George Bancroft, *History of the Formation of the Constitution of the United States of America* (2 vols., New York, 1882), II, 454–55.

### 30. The Journal of the Convention of the State of Georgia, on the Federal Constitution

◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

### 31. Jean-Baptiste Petry to Comte de Montmorin, Charleston 26 December 1787 (excerpt)<sup>1</sup>

The Governor of Georgia has named, Sir, two commissioners, one to inform the state of Franklin of the measures taken by the Legislature against the indians, to coordinate their plan of attack and to assure her of their friendship; and the other to demand that the Spanish government in Florida furnish the Creeks neither with arms nor with munitions and to make protests about the protection that the inhabitants of West Florida give to the runaway negroes and their refusal to return their property to them.

The current season of the year, Sir, delays the prosecution of the war that Georgia declared against the Creeks. Parties of indians come along from time to time to spread alarm among plantations which are very little distant from the most populated Cities. The greatest part of the inhabitants, principally those who live on the coast, desire peace and hope that the commissioners that Congress, authorized the states of the South to appoint by their resolution of 26 October last, will procure it. They tried to detach Mr Gillevy from the party of the indians: but they did not succeed. They proposed, if he would wish to take an oath of allegiance to the state, to return to him the property confiscated from his father which had not been sold, and to pay him in money for that which had been. He accepted this proposal: but he added the condition to it that he would have the exclusive privilege of commerce with the indians, to which they did not at all want to consent. It seems that he is the chief person concerned in the Florida houses of commerce which traffic with the indians, and that the Spanish government, in order to have a barrier against the establishment of the enterprises of the inhabitants of Georgia and of the western lands on the Mississippi, search for any means to entice and please the Creeks, whether permitting the interloping of the English merchants whom they prefer, or whether furnishing them with arms, powder, and shot in exchange for furs which they transport to Pensacola and St. Augustine.

1. RC (Tr), Correspondance Politique, États-Unis, Supplement, Vol. IV, ff. 318–20, Archives du Ministère des Affaires Étrangères, Paris, France.

### 32. Joseph Habersham to Isabella Habersham, Augusta, 1 January 1788<sup>1</sup>

I wrote to you a few days ago under cover to my brother James which I hope you have received. The business of the Convention will be determined in a few days and I hope the Assembly will not sit as long as it has usually done. upon the whole you may I think expect to see me by the end of this month.

I hope my dr. Bella that before this you have presented me with a new years gift, and that yourself and the young stranger are in good health. I expect in the course of a day or two to see Mr. Clay by whom I hope to receive accounts that all are wel[l] [at?] Bethesda. A letter from my brother Jo[hn] d[at]ed the day after Xmass informs me that you were well on that day (Xmass day). Mr. & Mrs. Rae and their family are well they join in Love to you and wishing you many happy Returns of the day.

[P.S.] Kiss our little folks for me and remember me to all at Bethesda.

1. RC, U. B. Phillips Papers, Yale University Library.

### 33. The Georgia Deed of Ratification, 2 January 1788<sup>1</sup>

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, National Archives.

### 34. President John Wereat to the President of Congress, Augusta 5 January 1788<sup>1</sup>

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

1. RC, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, National Archives.

### 35 A–C. The Georgia Assembly Provides for the Expenses of the Convention 16, 23, 24 January 1788<sup>1</sup>

35-A. *Assembly Proceedings, Wednesday, 16 January*

The house met pursuant to adjournment.

On a motion by Mr. Joseph Habersham the house came to the following Resolution.

Whereas the Convention lately held, have recommended by their resolutions of the 5th: January 1788, that application be made to the Legislature to make provision for the expences attending this Convention and that a Committee be requested to lay before that Hon'ble body an estimate of the same, & the Committee having prepared the same.

Resolved that a Committee consisting of three persons be appointed to examine and report on the said estimate & that Mr. John Powell Mr. Deveaux & Mr. Fort be that Committee.

*35-B. Assembly Proceedings, Wednesday, 23 January*

Mr. John Powell from the Committee to whom was referred An estimate of the expence attending the late Convention brought in a Report.

Ordered that the same do lie on the Table.

*35-C. Assembly Proceedings, Thursday, 24 January*

The house proceeded to take up the report of the Committee to whom was referred An estimate of the Expence attending the late Convention which being amended, was agreed to by the house and is as follows.

That having carefully examined the said Estimate the Committee find an allowance to each member during his attendance, stated at two Dollars per day with the same allowance to such as are not members of the Legislature, for a reasonable time in coming to and returning from the said Convention.

Your Committee also find an allowance of thirty pounds to the Secretary, of three pounds per day to M. Wambersie for the use of his House, of fifty two pounds, ten shillings to M. Smith for printing two hundred Copies of the Journals; Of two Dollars per day and two pounds sixteen shillings and eight pence for fire wood to the door keeper.

These charges amounting in all to two hundred and sixty six pounds—Your Committee conceive to be perfectly consistant with the oeconomy, and therefore recommend that his Honor the Governor be directed to draw on the Treasury in favor of John Wreat Esq. for the said amount, to be paid to the several persons following, in the following proportions

To the Honble	Henry Osborne	9.6.8.
	William Stephens Esq.	8.8.0.
	James Seagrove	7.18.8.
To the Honble	George Mathews	7.0.0.
	Thomas Daniel Esq.	6.1.4.
Florence Sullivan, Jno. King, James Powell, John Milton & Jno. Wreat Esqrs. each the sum of £5.12.	}	28.0.0.
The Honble Edward Telfair, Jno Elliott James Maxwell, Christopher Hillary. & Henry Todd Esqrs—each. £5.2.8.	}	25.13.4.
The Honble George Handley Jos. Habersham The Honble Nathan Brownson, James McNiel, Jacob Weed, Jared Irwin, Jno. Rutherford, Robert Christmas & Robert Middleton Esqrs. each £4.4.	}	37.16.[0]
The Honble Jenkin Davis, & William Few Esqrs—each £2.16	}	5.12.0.
Jno. Gorham		2. 6.8.
Tho. Gibbons & Reubin Wilkinson Esqrs. each. 9/4	}	0.18.8



Isaac Briggs. Esqr	30.0 .0
Emanuel Wamberrie Esqr.	36.0 .0
Jno E. Smith	52.10.0
Peter Farr doorkeeper	8. 8.8
	<hr/>
	£266.00.0

1. MS, Journal of the General Assembly, Georgia Department of Archives and History.

**36. Jean-Baptiste Petry to Comte de Montmorin, Charleston  
30 January 1788 (excerpt)<sup>1</sup>**

Letters from Georgia announce, Sir, that that state sent several dispatches to Congress to ask it for assistance against the indians but that it received in response to them that there was not a sufficient number of members to take a resolution; and that accordingly no help could have been sent; that it could not have raised the men; this added to the animosity of the indians who were preparing for war with a much greater strength than previously.

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, Charleston, BI 372, ff. 261–65, Archives Nationales, Paris, France.

**37. Assembly Proceedings, Thursday, 31 January 1788<sup>1</sup>**

The House proceeded to the appointment of three fit and discreet persons for each County to be *convened at Augusta* by the Executive as soon as may be, after official information is received that nine States have adopted the fœderal constitution, to take under their consideration the alterations and amendments that are necessary to be made in the Constitution of this State, and to arrange, digest, and alter the same, in such manner as in their Judgment will be most consistent with the Interest and safety and best secure the rights and liberties of the Citizens of this State.

And the following persons were named and appointed for the different counties—

For the County of Chatham  
John Houstoun, John Habersham & General Lachlan McIntosh Esquires.

For the County of Burke  
Edward Telfair, George Walton & John Powell Esquires.

For the County of Effingham  
Nathan Brownson, Jenkin Davis and Thomas Lane Esquires.

For the County of Richmond  
Wm. Few, James McNiel, and Charles Crawford Esquires.

For the County of Wilkes  
Arthur Fort, Florence Sullivan & John King Esquires.

For the County of Liberty  
James Dunwoody, Gideon Dowse and James Powell Esquires.

For the County of Glynn  
George Handley, John Milton and Christopher Hillary Esquires.

For the County of Camden  
 Henry Osborne, James Seagrove and John Webb Esquires.  
 For the County of Washington  
 Jared Irwin, John Watts and John Rutherford Esquires.  
 For the County of Franklin  
 Larkin Cleveland, Samuel Gardner and Niel Cleveland Esquires.  
 For the County of Greene  
 Charles Abercrombie, William Greir and Thomas Horton Esquires.

Resolved that the persons attending for the purpose of framing a Plan of a Constitution for the State be entitled to the same allowance as members of the Legislature. And his honor the Governor in Council is hereby authorized to draw in favor of them individually, on the Treasury for such allowance and for any other necessary expense attending the same.

Resolved that in case any persons nominated by this Legislature to report a draft of a Constitution for this State shall decline acting, or if their seats shall become vacant in any other manner, that the Assistant Judges of the Counties where such vacancies shall happen, shall appoint a day for supplying them and shall give twenty days notice of such day, and the Representatives of such County are recommended and directed to convene at any place that may be appointed by the aforesaid Judges and to nominate some person or persons to supply such vacancy or vacancies, and the person or persons chosen by a majority of the said Representatives shall be considered as properly appointed.

1. MS, Journal of the General Assembly, Georgia Department of Archives and History.

### 38. State of Georgia Account with John E. Smith, Printer, 6 February 1788<sup>1</sup>

Draft To John E. Smith

To inserting an order of the Legislature, respecting  
 the calling of a Convention, in No. 57 58, 59, 60, 61, 62 } 5. 17. 0

1. MS, Financial Misc., Telamon Cuyler Collection, University of Georgia Library.

### 39 A–E. Letters from Joseph Clay, Savannah, 4 April–20 August 1788<sup>1</sup>

39-A. *To Isaac Guion, 4 April (excerpt)*

... will the new Constitution go down wh. you—you have no doubt heard we have acceded to it—Our State is much injured by a Warr with the Indians, wch. we have foolishly got int[o].—we are impatiently waiting to hear from the Commission for your State, in order that some steps may be taken in the business—

39-B. *To John Donaldson, 28 May (excerpt)*

... you will doubtless be glad to learn So. Car[olina] has acceded to the New Constitution—I hope we shall soon see a secure & efficient Government established, adequate to all its purposes and w[hich?] we undoubtedly stand in great need of—

39-C. *To Unknown, post-24 May (excerpt)*<sup>2</sup>

... I heartily congratulate you on the accession of So. Carolina to the New Constitution, tho I hope at [the] same time it may be amended before it goes into full operation—but on the acceptance of it in the first [instance?] the most serious consequences depends, & in my opinion [ought?] to be most devoutly to be wished—We have not [been?] much molested by the Indians lately, & from some information we have received we have reason to believe they are disposed to treat with the U.S. on a peace.

39-D. *To James Thompson, Jr., 20 June (excerpt)*

As to the disposal of the lands—at present its not practicable without great loss—they being in little or no demand—we have been lately involved in a War with the Indians on our borders, which has greatly retarded the settlement of many parts of the State, a Treaty is about to be held for the purpose of Establishing peace between them and us, wch. with the probability of our New Constitution soon being carried into effect—I hope will give such a change for the better, as greatly to enhance the price of all our lands & in my opinion greatly impresses the propriety of delaying the Sale of the Lands, at this time—

39-E. *To John Wright Stanly, 20 August (excerpt)*

... tis reported here that your State [North Carolina] has rejected the New Constitution if its true I am sorry for it—I do not like it altogether as it stands but I presume amendments are attainable—and a rejection is very dangerous at home & discredits us abroad. . . .

1. FC, Joseph Clay Letterbook, Georgia Historical Society. All five letters are excerpts.

2. This letter is incomplete, and the date is missing. Since Clay mentions South Carolina ratification, the letter had to be written after 24 May 1788.

#### 40. A Georgia Backwoodman, *Charleston City Gazette*, 24 May 1788<sup>1</sup>

*To the Printers of the DAILY ADVERTISER.*

*Gentlemen,*

The benefits or injuries that may arise in the adoption of the federal constitution, is one of those interesting secrets which nothing but the latent womb of time will bring to a delivery. Mankind are subject to a variety of opinions, which vary with the impressions they receive; and the creator has wisely so ordered it, because were there no difference there would be a mental stagnation, or universal chaos of ideas.

The advantage derived from this rational discord, may be applied with propriety to the arguments made use of *pro.* and *con.* in this state's convention, for the ratification or rejection of the recommendatory articles of the federal constitution, as ability, political ingenuity, and resolution, being opposed to each other on both sides, by their mutual friction produced those sparks of information that might have lain smothered. But it does not follow of course that a

small body of men, moved by congenial impulse, may not produce equal advantage as when a majority decides.

Many references, in the course of debate, having been made to the precipitancy of Georgia's ratification, it may not be improper to remark on the observation. It ought to be considered, that the infantine situation of Georgia makes it more her interest to form a solid compact which will give health and vigor to the extremest parts of the political body than any other state. The imbecility of her situation requires the efficient hand of a powerful government, having grown more grey in political disquietude and calamity than her sister states, altho' she has only the constitutional strength of infancy to support her. They also feel that constant movement in the human mind of providing against future contingent misfortunes, and endeavouring to profit herself by the advantage of melancholy experience. Hence the reason of its supposed precipitate adoption. All men saw no alternative. Every one knew of no other remedy, and there was none but prefigured to himself those convulsive scenes which are too apt to afflict a government whose sinews were not sufficiently strengthened by the maturity of manhood.

The reason why she proposed no amendments was this—that they considered it in the light of a contract upon which no defeazance could operate; or in other words, that it was impossible when the reservation for amendments were for other bodies and a future day, that amendments would be allowable or taken notice of, as the primitive contract was only to be founded on the acceptance of the whole of the federal articles. I have mentioned these thoughts on the subject, not on any defensive principle, but merely to fill up the vacancy of a moment; should it fill up a chasm in any other mind, the end will be answered.

1. Reprinted: *Gazette of the State of Georgia*, 12 June.

#### 41. Pennsylvania Packet, 24 May 1788

A correspondent, who equally desires *the honorable payment of our public debts* and *the adoption of the federal constitution* by every state, observes with great satisfaction, that the state of Georgia have granted thirty millions of acres of land to *the new Confederacy*, provided the adoption of nine states should take place. This is a tract about four times as large as *old Massachusetts*, and at two thirds of a dollar per acre, will sink twenty millions—or about double the sum now unredeemed of continental loan-office certificates. Such is the noble spirit of conciliation, concession, and union now rising in the bosom of Americans. We trust this tribute of respect to *the new Confederacy* will be followed by others equally important at home and abroad.

#### 42. Tullius, *Gazette of the State of Georgia*, 19 June 1788<sup>1</sup>

The two main objects of any people, associated together for their mutual advantage, are, to secure themselves against attacks on their independence from abroad, and to provide the means of obtaining happiness for each individual at home. Public safety is certainly the first consideration; because the wisest insti-

tution of government and laws would be of no consequence, if they were liable to be overturned whenever it might be agreeable to the avarice or ambition of a powerful neighbour to attempt it. Neither would such a form of government as is merely calculated for public defence, without sufficient provision for private happiness, be desirable; that which produces these effects most happily should be sought after. Very often, indeed, the *constitution* of a state contributes little or nothing to the means of safety and happiness, farther than by providing that wise and wholesome laws should be passed to that end. To frame these is the proper business of a legislature, who may model them from time to time, so as to suit them to particular conjunctures and events that cannot be foreseen and guarded against by any human system. Such a legislature should, first, consider what it is that constitutes the safety of the state, and the felicity of the people; secondly, what are the means most proper for attaining them.

It is the universal opinion of all great politicians, confirmed by history and experience, that the strength of every state is founded in the number of its inhabitants, and that its wealth arises from their industry. Countries surrounded by warlike and powerful neighbours must either make themselves strong by the number of their people, or by courting the alliance of more powerful states, which is a very dangerous though sometimes necessary expedient. But where the numbers of people are great, and the laws calculated to increase them, it matters not much as to the extent of territory: or, rather, a small compact state full of people would be more likely to preserve their independence than larger ones, with any thing like the same numbers. In every country there must be a just proportion of the extent of territory to the number of people who are to defend it. Hence it has become the policy of every wise legislature to increase the number of their people, more particularly in infant countries, by every possible expedient. They offer every inducement in their power to the inhabitants of other countries to migrate; and encourage young people to an early marriage. The Roman laws on these two heads are founded upon very refined principles of civil policy. The asylum offered by Romulus to all sorts of men, (for whether they were good or bad they still added to the strength of the state;) the stratagem to obtain wives by the rape of the Sabine women; the laws of Augustus relating to marriage; and the lenity shewn to the conquered in war; are all so many proofs of the high importance that republic deemed population to be of. "It is men," said Augustus to the batchelors, "that constitute a city; it is not houses, porticoes, or public places." So we may say, it is men, and not the extent of territory, that constitutes the glory and safety of a state. One of the complaints made against the King of England in 1776 was, that he had retarded the population of the provinces by raising the conditions of grants of lands, though the legislature of that country, in the preceeding reign, seemed sensible of the advantages derived from an increase of people, when they passed a law that seven years residence in the colonies should *ipso facto* naturalize an alien. But the immediate safety of a nation, founded on their numbers, is not the only good consequence that flows from it; it is equally the source of wealth and plenty. Riches are not indeed the necessary consequence of a great number of people; but though a state may be populous, and not rich, from the sterility of the soil, or tyranny of the govern-

ment, yet no state can be either rich or powerful until it acquires a considerable population. "The annual labor of every nation is the original fund which supplies it with all the necessaries and conveniences of life," says an ingenious writer, in the first page of his book on the wealth of nations. This, it is true, must depend as well upon the manner in which they are employed as on the number of people. But laws ought first to be enacted to procure citizens before it would be necessary to incite them to industry.

As for Georgia it has every motive that any other state can have, and some inducements that no other state ever had, to wish for a great increase of inhabitants. We shall immediately be sensible of this, if we examine the extent of the state, its soil, rivers, and islands, and compare them with the number of people. The most desirable thing that could be for the present proprietors of land would be a sudden influx of people with their property. The price of lands in all countries rises and falls with the increase or decrease of people; so that those who have obtained their lands heretofore at a cheap rate may now obtain treble the original cost. This will be cheap to the purchaser, whose labor will be constantly adding to its value. These lands are now burthensome to the proprietor, by producing nothing to compensate their annual tax. The sale of them would introduce specie into the state, the want of which has occasioned many discouragements to our trade, and induced us to adopt expedients destructive of the morals of the people, and consequently of all faith and confidence. Wilkes county affords a strong instance of the increase of the value of lands by the increase of people by emigration; that county, in about five years, has increased to ten times the number of inhabitants, and the value of lands has risen in proportion. The same cause will produce the same effect on the Oconee, the Alatamaha, the Great and Little Satillas, and St. Mary's rivers; where the lands are a richer soil, with the advantage of an easy and convenient navigation.

But, besides the advantages arising from the increased value of all kinds of property, our situation absolutely requires us to be able to defend ourselves; we are a frontier state; the territories of one of the most jealous, least enlightened, but most powerful, nations of Europe, lie along the whole southern boundary of the state; to the west we are exposed to the most warlike and numerous tribe of Indians eastward of the Mississippi. I look on a war, at some future period, to be the probable consequence of our situation with the first; and peace will scarcely be established with the latter, for any length of time, until Congress get all their lands. Those states that are contiguous to us are not strong enough to be able, if they were willing, to afford us much assistance, on any sudden invasion, so that we must rely on our own efforts, in such cases, till Congress could send us relief, which could not be very speedily. The best foundation, therefore, for security, is in our own numbers, as we have been obliged to prove by experience.

The most effectual method of attaining this desirable object appears to me to be what I presumed to recommend in my last letter, the passing a law for the payment of debts by reasonable times of instalment. The present juncture of affairs is the most favorable that could happen, and I have already given my reason for thinking it will not happen again. The state of South Carolina makes the eighth that has adopted the proposed plan of government. The adoption of

one more state will make it a constitution to those states that have adopted it; not one of them have passed any law to ease the debtor in the mode of payment except South Carolina, and the Instalment Law of that state, from circumstances, will scarcely prove an easement. The hopes of another law to extend the times of instalment has prevented the people from making the first year's payment, and the fear of producing such an extension has prevented the creditor from prosecuting debtors by suit. It is a well known fact that there are an infinite number of planters in that state so deeply involved in debts that they can have no reasonable hope of discharging them, by the produce of their estates, within the time limited by their act of Assembly, in which case they know their property will be sold, probably for a third or fourth of what it cost. This will not discharge them, because, their estates being found insufficient, their bodies will still remain responsible to the creditor for the balance, who would most probably, from a principle of revenge for past delays, exert the greatest rigor, and think it justifiable. The northern states are in the same circumstances of distress, though in a less degree. Now, were we to offer them the rich lands that lie uncultivated in every part of our state, and a short interval for industry to exert itself, it is probable they would not only be able to pay their debts, but acquire wealth. It is not to be supposed they would neglect so favorable an opportunity, but would seize it, as the only source of their salvation. None of the prejudices that formerly prevailed among the people of the different states subsist any longer; it will be matter of very little consequence now to an American citizen whether he fixes his residence in New Hampshire, Georgia, or any other state; in all of them he will find nearly the same government, laws, language, manners, and habits, and the liberty to worship his God as he pleases, without the fear of any disturbance; the only thing that he will consider with attention is which will be most advantageous for the convenience of himself and his family. Georgia, independent of those accidental advantages that such a law would give, possesses all the natural advantages for agriculture and commerce, and in a much greater degree than any other state. If to these we add the security of debtors for a few years, until their industry may have time to retrieve their situation, numbers would immediately flow in upon us from every part of America—men too who are the natives and friends of our country. Such settlers are the persons we ought to wish for; they are not aliens, who, affecting to despise the people of this continent, come to raise contributions upon them, by every method of exaction, and to go away with their wealth, after a few years, to live in splendor in their own country. They will be men who have lost their substance and risked their lives in its defence, and who will be ready to do it again, should the ambition or avarice of any royal tyrant think proper to attack it. Such persons as these are the natural guardians of the independence of America, and I am sorry to find they are most generally the people whose situation requires the measure I have ventured to recommend to save them from destruction.

The lands of Georgia are cheaper and better than the lands of any state in the Union. It has a great many convenient harbors along the coast, islands full of ship timber, several great rivers of easy navigation. It has a back country abounding with a rich upland soil, finely watered, the productions of which may be easily transported by water to market. The prejudices against the climate have

and will continue insensibly to wear away, when they are found on experience to be nothing but prejudices. So that those whose interest may lead them to settle here will have no real or imaginary obstacles in their way. I have been astonished that such a tract of country as that between the rivers Alatamaha and St. Mary, with so many rich islands, on a safe coast, full of commodious harbors and ports, should have remained so long without inhabitants. I attribute it to the successful measures adopted to discourage emigrations since the peace. This is the time for us to correct past errors. I fear, however, we shall do on this occasion what many people do every day, and what weak politicians generally do, deliberate about the utility of their measures till the favorable moment be lost. That which now offers will not admit much time for deliberation, neither can there be occasion, since such a measure is so obviously advantageous, and the means so practicable and certain. I think I might venture to affirm, that, if this law was passed, and one or two others of like tendency, in a few years we should increase our representation in the general government to double the present number; taxes for the support of government would become light by being divided among many people; none of our savage neighbors, either Spaniard or Indian, would dare to insult us; and we should have that weight in the Union to which we are naturally entitled. It is well known the Dutch are discontented with the late revolutions in their republic. The American governments offer them such tempting prospects as will be entirely irresistible to the richest of the Patriots, nearly the same form of government, unbounded freedom in religious matters, the same disposition for trade, in a country so happily situated for it. This state, even in its soil and situation, has a resemblance to their own. But we are not yet known either to the European or American states. It has been suggested by a gentleman of intelligence, that, if [we] were to offer any privileges to Dutch settlers on their first coming over, vast numbers who are now remitting their property to other countries would most probably prefer this state from the nature as well as cheapness of the soil. This is the properest time to consider of such a proposal.

Some persons have imagined that such a law would be necessarily repealed by the adoption of the new government by nine states. I am of a very different opinion. The principles of the Constitution itself are sufficient to enable us to decide the question without going farther. Every part which restrains the power of any state speaks in the future tense: "No state *shall* pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts." The time when no such law shall be passed must be the time of adoption of nine states, when it becomes a law to the states adopting it. To say such laws as may be made *before* nine states have adopted it would be annulled by such adoption would be to say, that all laws heretofore made, emitting bills of credit, or making it a tender, and the several acts of attainder in the different states, are destroyed, and of course all rights derived under those laws, which would be very absurd, and introduce infinite confusion, distress, and a violent change of property. Such a forced construction, so fraught with evil consequences, could never be supported against the plain words of the Constitution itself. The states are precluded from doing a certain thing after a certain event, which of itself is a proof they had a right to do it before and until that event takes place. Neither time nor the nature



of these brief remarks will admit a more minute investigation of this point at present; but I know my opinion agrees with that of some of the ablest lawyers and statesmen that were members of the General Convention, and I think it cannot be shaken by any just construction of the federal legislative or judicatory powers.

These arguments I think will be acknowledged by every thinking man to carry weight with them; if so, whether it be the opinion of the Executive or not that such a law would be salutary, they ought to convene the House of Assembly to consider of it. Should the House reject the measure, still their meeting would be useful at this juncture; but if they do not soon convene, however beneficial such a law might be, it will be too late to remedy the evil. As their meeting, therefore, can, at any rate, do no harm, and may be productive of a great deal of good, I trust they will be called together immediately.

*Savannah, 11th June, 1788.*

1. For an earlier essay by "Tullius," published in the *Gazette of the State of Georgia* on 5 June, see RCS:Ga., 305–9.

#### 43. Executive Council Minutes, 6 October 1788<sup>1</sup>

In Council 6 October 1788

Present His honor the Governor

Benjn. Fishbourn,	William Daniell,	} Esqrs.
James Armstrong,	John Green,	
Niël Cleveland,	Elihu Lyman,	

A letter of the 13 September from the Secy of Congress with an Act of the same enclosed were read notifying to the several States that have ratified the new Constitution to appoint electors and directing proceedings to commence under the said Constitution.

In consequence thereof the Board took under consideration the Resolution of the General Assembly of the 30th and 31 Jany last empowering the Executive to convene the Members nominated and appointed by the said Resolution, at Augusta, to take under consideration the alterations and amendments that are necessary to be made in the Constitution of this State.

It is therefore Ordered That his honor the Governor be requested to issue his Proclamation directing the Members of the said Convention to meet in Augusta on Tuesday the 4th November next in order to carry the aforesd Resolution of the General Assembly into execution.

That the Secretary of the State prepare a Draft of the Proclamation without delay, that the same be published in the Gazettes of this State and that the State Printer Strike off One hundred Copies to be transmitted to the several Counties throughout the State.

Ordered that the aforesaid letter and enclosure be laid before the Legislature at their next Meeting.

1. MS, Minutes of Council, Georgia Department of Archives and History.

#### 44. Governor George Handley, Proclamation, Augusta, 6 October 1788<sup>1</sup>

Georgia

By the honble. George Handley, Esquire, Captain General Governor and Commander in Chief in and over the said State.

A Proclamation.

Whereas several resolutions of the General Assembly passed the thirtieth and thirty-first days of January last wherein the Executive are empowered to convene the Members nominated by the said resolutions, at Augusta, "as soon as may be after official information is received that nine States have adopted the Federal Constitution" And Whereas official information is received from the Congress of the United States, dated the thirteenth day of September last, notifying that the same is adopted: and directed proceedings to commend thereon.

I have therefore agreeably to the said resolutions, and with the advice and consent of the Honorable the Executive Council, thought to issue this my proclamation, requiring the persons so nominated and appointed, to convene in Augusta on Tuesday the fourth day of November next, then and there "to proceed to take under their Consideration the alterations and amendments that are necessary to be made in the Constitution of this State."

Given under my hand and the Great Seal of the said State at Augusta this Sixth day of October in the Year of our Lord one thousand seven hundred and eighty eight and of our Sovereignty and Independence the thirteenth

[Signed:] Geo. Handley

By his Honors Command Jno. Milton Secry.

God Save The State

1. FC, Proclamations, Georgia Department of Archives and History. Published in the *Georgia State Gazette* on 11 October and in the *Gazette of the State of Georgia* on 16 October.

#### 45. Executive Council Minutes, 7 October 1788<sup>1</sup>

In Council, Augusta 7 October 1788

Present His Honor the Governor.

Benjn. Fishbourn,	Elihu Lyman,	} Esquires
John Green,	Niel Cleveland,	
James Armstrong,	William Daniell,	

Four letters dated 15th, 21st, 25th August and 6 September from the Secretary of Congress with sundry enclosures were read &

Ordered To be laid before the Legislature at their next meeting.

Two Letters dated the 12th & 24th of August from Samuel Johnston esqr. President of the Convention of the State of No. Carolina, with sundry enclosures were read &

Ordered To be laid before the Legislature at their next meeting.

A letter dated 26 July from Geo Clinton esqr. President of the Convention of the State of New York with an enclosure were read &

Ordered To be laid before the Legislature at their next meeting.

1. MS, Minutes of Council, Georgia Department of Archives and History.

**46. James Habersham to Richard Furman  
Savannah, 29 December 1788 (excerpt)<sup>1</sup>**

The Indians have proved very troublesome to the Inhabitants of our Southern frontier—that part of the Country having but few Inhabitants, is very Vulnerable, which has led those people to come in small parties and commit depredations—The Savages seem to have changed their mode of warfare—the object now with them appears to be plunder, not blood—they have carried off white Women, & Children, and Negroes—the former they treat cruelly in order to induce their Husbands or friends to release them at a very high ransom which they hold them at.—Our Assembly meets soon, but it is difficult to say what measures they may adopt, but it is to be hoped such as will Contribute to the safety and happiness of this Country—We have great natural Advantages indeed, and we only want peace and a stable good Government to reap the full advantage of them. I shall be glad to hear from you when Convenient, being with sincere regard

1. RC, Richard Furman Papers, Furman University, Greenville, South Carolina.

**47. Governor George Walton to the President of the Convention now in Session  
Augusta, 5 May 1789<sup>1</sup>**

I do myself the Honor to enclose to the Honorable the Convention, the several papers the objects of their resolution of yesterday; and to express my high satisfaction that another [state] Convention has happily met, finally to adopt and ratify the Government. The federal Constitution is now, in all probability, in operation, and the day near at hand when the public Officers of this State will be required to take an oath to support it; and, as there is the most evident clashing between our present [state] Constitution and that, they would be placed in a very awkward situation, unless our Government should be assimilated to the federal one. This will no doubt, point out the necessity of cultivating a harmony and good understanding on the few subjects of your deliberations.

1. FC, Governors' Letterbooks, 1786–89, Georgia Department of Archives and History.

**48. The Constitution of the State of Georgia, 1789**

◆ *To view this document, see Evans 21850, or visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

**49. Governor Edward Telfair to the General Assembly, Augusta, 7 June 1790<sup>1</sup>**

The following message was prepared for the General Assembly  
State-house, Augusta  
7th. June 1790

The Honorable the President of the Senate and the Honorable the Speaker of the House of Representatives

I have the pleasure to inform you, that during your recess, the operations of Government, have met no interruption; measures nevertheless of the highest

magnitude have presented themselves to view; and make it essential in my opinion, that Legislative deliberation be had at this conjuncture.

The arrival of three companies of Federal troops, (without any information relating to negotiations with the Creek Indians) caused an anxiety, for the security of the frontier settlers;—the force being inadequate to defence or offence, increased my difficulties on that head, and being left without active resources, contributed not a little to my uneasiness: I have notwithstanding the satisfaction of informing you that the tribes referred to, have invariably preserved the most amicable disposition—towards the Citizens of this State, ever since I have had the honor to preside.

The Troops that have arrived were unsolicited on my part; because, from the whole conduct of the Indians, nothing can be drawn, that displayed the most distant marks of a renewal of any species of hostilities, on the contrary my information fully evinces, that negotiations properly directed, will bring about an accomodation with them; and, because by Resolutions of the General Assembly of the 26th. of January 1789, it is ordered, “that every means in the power of the State be taken to restore peace and harmony between the Citizens and the Creek Indians,” to this may be added the act of the 24th day of December last “for discharging the State Troops and correspondent therewith, the Communications from the Secretary of War, breathe similar sentiments:—upon taking a review of the transaction in any direction, it will evidently appear, that to support and promote peaceable measures (without the appearance or actual renewal of hostilities) became the indispensable duty of the Executive.

When our local situation with the Creek Indians, and their overtures for accomodation, are properly considered; it will be difficult to reconcile a forbearance from taking steps to continue the Truce until preparations are otherwise made to perfect negotiations of peace; by these means, the idea of a conjunction of the Militia with the Troops will be removed to a distant period:—a measure in my opinion highly interesting, at least, as far as the common safety will by any means admit.

A considerable part of the correspondence carried on, has been of momentous concern to the State, and from the nature of our Government, has at times appeared complicated: I have therefore to wish that a serious review of the same be taken expressing your sense thereon; and if it be found necessary for me to vary my present direction in any particular, it will afford me a pleasure to receive information.

On the 9th. day of February last the State troops were mustered and discharged:—there is due to the late Officers and men Two hundred and twenty three thousand One hundred and forty acres of land: It is now recommended to your consideration, the making appropriations in land for payment, or other adequate provision, by way of compensation.

To accomplish a final adjustment of the accounts of the Departments of the Quarter Master, Commissary and Contractors, and of the arrearages of pay to the Militia, together with a minute inspection into the conduct of Tax Receivers and Collectors, will doubtless become part of your deliberations.

From the deranged state in which I found public affairs, and from the length of time I have been in Office, it cannot be presumed that any accurate statement can at this time be prepared for your consideration; the progress however in arrangements already made, will enable you to comprehend the State finances, so far, as to form some general system for the extinguishment of the local Debt.

There is on this day in the Treasury	£56,702.16.0 3/4			
	£			
Gold and Silver	1	5	2	1/2
Paper medium	1422	0	9	1/4
Anticipated Warrants	8225	8	4	1/4
Governors Warrants	1250	7	11	3/4
Speaker's Do.	710	19	—	
Audited Certificates	9844	13	4	1/4
Funded Certificates, including Interest	2121	15	11	1/2
State Emission	10	8	3	
Gratuitous Certificates	15	—	—	
Treasury Do. issued by S. J Cuthbert	125	9	5	1/4
Do. — by Geo Jones	89	18	1	1/2
Do. — by John Meals	416	3	11	1/2
Final Settlements	32469	5	8	
Amounting to	56702	16	—	3/4

There now remains outstanding Securities of this State as follow—  
(for the redemption of which some general rule is recommended).

	£			
Governor's and Speakers Warrants	11630	7	4	
Paper Medium	23577	19	2	3/4
State Emission of the 9th Feby. 1786	113	17	6	
Audited Certificates	61173	14	7	1/2
Gratuitous Do.	2676	6	3	
Funded Do. including 5 Years interest	53009	19	5	1/4
Treasury Do. issued by Geo. Jones	539	17	4	1/4
Do. — by John Meals	625	7	4	1/2
Certificates issued by the Executive of 1782	1726	18	9	
Amounting to	£155074.	7.	10	1/4

And there is due and owing to the State, by Returns, and estimates the sum of £355468.2—(the documents on which the reports are founded will be laid before you by the proper Officers) leaving a surplus in favor of the State, of the sum of £200393. 14. 1 3/4.

It now clearly appears, that the several denominations of State securities outstanding ought to be placed on the same footing, especially, as you did open a fund, and thereby placed a part of the Debt on interest, while the remaining part of it, stands without that provision which doubtless, the other claimants are equally entitled to:—for remedy whereof, it would be proper to renew the fund, to commence on the first Monday of November next, for the securities that have not as yet been funded.

On the elucidation of the Finances, I shall farther observe, that by a Resolution of the 11th. day of January 1788 “the Treasurer is directed to receive in payment of all obligations, now in his Office, the current money of the State, or any denomination of Audited Claims:” It will therefore be necessary for the guidance of the Executive, that the sense of the General Assembly be fully understood, in what manner, all other payments of debts due or owing to the State are to be made, Taxes excepted.

I have drawn Warrants on the Treasurer (on a distant fund appropriated for that purpose) in favor of several Officers on account of Salaries chargeable to the Civil Establishment, the sum of £262.10.—also the sum of £89.6 to the Contingent Fund,—and Incidental Charges, amounting to £351.16. and also the sum of £32.3 being a special appropriation in favor of Peter Wykoff, to be paid out of any monies in the Treasury, making in all the sum of £383.19.—for which the vouchers and other documents are in Office:

The arrearages due to the late Delegates in Congress, together with what may be due and owing to Officers on Salaries, prior to the present appointments, will require a special appropriation.

The necessary orders have been issued, for carrying into effect the Act for appointing Militia Officers &c but for the want of a proper Executive Officer, whose duty it should be to muster the Militia once in every year and make Returns thereof, the same has not yet been complied with: I have therefore to recommend your vesting power to make such an appointment, together with the necessary provision for services.

The propriety of a revision of the “Act to ascertain the Salaries and fees of public Officers” &c particularly that part which relates to State fees in the Judiciary Department, as well as establishing a fee Bill for all actions at Law, is submitted to consideration.

Edwd. Telfair

The Secretary of the Executive will attend either branch at any time, when they shall please to notify the same with any other communications or correspondence carried on in the Executive Department.

1. MS, Journal of the Proceedings of the Executive Department, Georgia Department of Archives and History.

**50. Georgia House of Representatives to Governor Edward Telfair  
Augusta, 10 June 1790<sup>1</sup>**

To His Excellency Edward Telfair Esqr. Governor and Commander in chief of the State of Georgia.

The Address of the House of Representatives in General Assembly met.

Sir

The House of Representatives have had under consideration the business recommended in your Message and upon which you have requested their sentiments. We are sorry to find that you should be under any concern for the safety of the settlers on the frontiers in consequence of the arrival of the fœderal Troops—And tho unsolicited on the part of your Excellency we cannot but consider that the General Government has consulted the safety and prosperity of the State by sending those troops

The Resolution alluded to by your Excellency of the 26. January 1789 was passed previous to the organization of the fœderal Government, and could only operate until that event took place, when the power of making war and peace—raising and supporting armies—providing for the common defence and general welfare of the United States—entering into Treaties—and regulating commerce with the Indian tribes was vested in Congress—. And therefore any negotiations with the Creeks however amicably they may be disposed, otherwise than thro that channel will be improperly directed

The Act for discharging the State troops was not only expedient but became indispensable, after the State had adopted the foederal Constitution.

We observe with pleasure from the enclosures accompanying your Message that the General Government is disposed to establish a firm peace with the Indians on the basis of Justice and humanity—and we flatter ourselves that such measures have been adopted as will speedily ensure to the State that blessing. Exposed to the depredations of the Indians, and suffering under many other inconveniencies from being a frontier state, it was the policy of Georgia at an early period to adopt the fœderal Government—And we not only find her among the foremost, but Unanimous in acceding to the Confederation anticipating those advantages which would naturally be derived from an efficient General Government, should it become necessary we are well assured that the force of the Union will be so directed as to promote the interest and dignity of the United States.

In our opinion it will be impracticable to accomplish a final settlement of the Accounts of those who have been entrusted with the public monies, as it would necessarily extend the session to an unusual length of time at this inconvenient season of the year: We shall however pay as much attention to that part of your Excellency's Message as relates to the finances of the State as the nature of the business requires and time will admit.

The resolution of the 11th. January 1788, only empowers the Treasurer to receive audited claims in discharge of such obligations as were then in his office; in all other cases payments to the Treasury (except for taxes) cannot in our opinion be received but in the paper Medium of the State, or in specie.

1. MS, Journal of the House of Representatives, Georgia Department of Archives and History.

## Appendix

Items Printed and Reprinted in Georgia Contained in  
*Commentaries on the Constitution: Public and Private, 1787–1788*

### Georgia Newspapers, 1787–1788

*Gazette of the State of Georgia*, Savannah  
*Georgia State Gazette*, Augusta

CC:No.	Item/Georgia Reprints
CC:3-A	The Idea of Separate Confederacies <i>Boston Independent Chronicle</i> , 15 February 1787 <i>Georgia State Gazette</i> , 12 May
CC:3-C	Lycurgus <i>New York Daily Advertiser</i> , 2 April 1787 <i>Georgia State Gazette</i> , 9 June
CC:4	George Washington Circular Letter Providence <i>United States Chronicle</i> , 15 March 1787 <i>Georgia State Gazette</i> , 7, 14 June
CC:5-B	Extract of a letter from Halifax, via St. Johns, dated 8 February 1787 <i>New York Journal</i> , 15 March 1787 <i>Georgia State Gazette</i> , 12 May
CC:7	Providence <i>United States Chronicle</i> , 29 March 1787 <i>Gazette of the State of Georgia</i> , 17 May
CC:13	<i>Newport Herald</i> , 12 April 1787 <i>Georgia State Gazette</i> , 23 June
CC:16-A	John Adams: <i>A Defence of the Constitutions</i> Preface, <i>Massachusetts Gazette</i> , 20 April 1787 <i>Georgia State Gazette</i> , 9 June
CC:18-A	Agrarian Unrest and the Constitution <i>Albany Gazette</i> , 3 May 1787 (not extant) <i>Gazette of the State of Georgia</i> , 14 June (excerpt) <i>Georgia State Gazette</i> , 30 June (excerpt)
CC:18-B	<i>Massachusetts Centinel</i> , 16 May 1787 <i>Gazette of the State of Georgia</i> , 21 June <i>Georgia State Gazette</i> , 7 July



<b>CC:No.</b>	<b>Item/Georgia Reprints</b>
CC:18-C	<i>Massachusetts Centinel</i> , 19 May 1787 <i>Gazette of the State of Georgia</i> , 21 June (paragraph 2) <i>Georgia State Gazette</i> , 7 July (paragraph 2)
CC:18-D	Litchfield, Conn., <i>Weekly Monitor</i> , 21 May 1787 <i>Gazette of the State of Georgia</i> , 12 July
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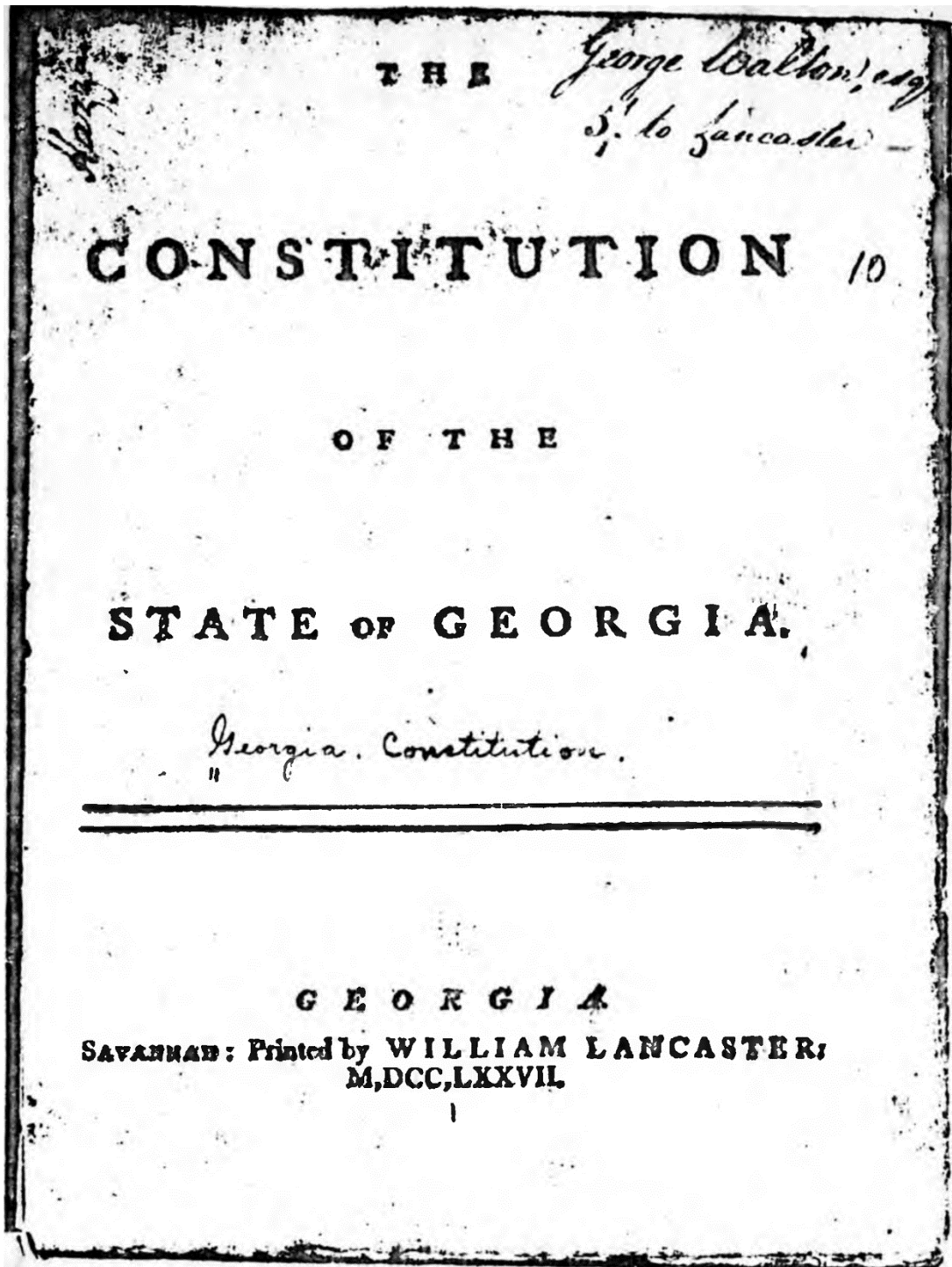
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1. The Constitution of the State of Georgia, 1777.



**GEORGIA****In CONVENTION, JANUARY 24, 1777.****RESOLVED,**

**T**HAT a Committee of seven be appointed by ballot, to reconsider and revise the form of a Constitution, heretofore proposed and reported, for the government of this State; and that they be ballotted for this afternoon.

**JANUARY 24, 1777. P. M.**

The House proceeded to ballot for a Committee to reconsider and revise the form of a Constitution, when it appeared that Messrs. *Butson Gwinnett, William Belcher, Joseph Wood, Josiah Lewis, John Adam Treutlen, Henry Jones, and George Wells,* were duly elected that Committee.

**JANUARY 29, 1777.**

Mr. *Gwinnett*, from the Committee appointed to revise and consider the draught of a Constitution for the government of this State, brought in their report, which was received, and read for the first time.

**JANUARY 30, 1777.**

Read the Constitution the second time, agreeable to the order of the day.

**JANUARY 31, 1777.**

Read the Constitution the third time; and then proceeded to read the same paragraph by paragraph, and made some progress therein.

**Ordered,**

That it be taken into consideration to-morrow morning.

**FEBRUARY 1,**



**FEBRUARY 1, 1777.**

The House proceeded to consider the Constitution paragraph by paragraph, and adjourned its further consideration till Monday morning.

**FEBRUARY 3, 1777.**

The House took the draught of the Constitution into consideration, and after some time spent therein, adjourned till to-morrow morning.

**FEBRUARY 4, 1777.**

The House proceeded to the consideration of the Constitution, and went through the same; which was again read with the amendments.

*Ordered,*

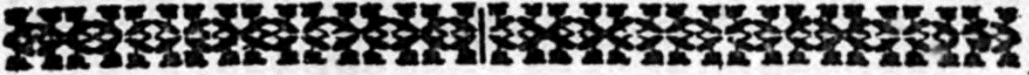
That it be read to-morrow morning, for the last time.

**FEBRUARY 5, 1777.**

Read the Constitution agreeable to the order of the day, when the House *unanimously* agreed to the same; and ordered, that five hundred copies be immediately struck off, with the Act of Distribution, made in the reign of Charles the second, and the Habeas Corpus Act annexed; and that the Committee appointed to bring in the Constitution do superintend the press.

*A true copy from the minutes,*

**EDWARD LANGWORTHY, Secretary.**



**THE CONSTITUTION**  
OF THE  
**STATE OF GEORGIA.**

**W**HEREAS the conduct of the legislature of Great-Britain for many years past, has been so oppressive on the people of America, that of late years, they have plainly declared, and asserted a right to raise taxes upon the people of America, and to make laws to bind them in all cases whatsoever, without their consent; which conduct being repugnant to the common rights of mankind, hath obliged the Americans, as freemen, to oppose such oppressive measures, and to assert the rights and privileges they are intitled to, by the laws of nature and reason; and accordingly it hath been done by the general consent of all the people of the States of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, given by their Representatives met together in General Congress, in the city of Philadelphia.

AND WHEREAS it hath been recommended by the said Congress on the fifteenth of May last, to the respective Assemblies and Conventions of the United States, where no government, sufficient to the exigencies of their affairs, hath been hitherto established, to adopt such government, as may, in the opinion of the Representatives of the people, best conduce to the happiness, and safety of their constituents in particular, and America in general.

AND WHEREAS the Independence of the United States of America has been also declared, on the fourth day of July, one thousand seven hundred and seventy six, by the said Honorable Congress, and all political connection between them, and the Crown of Great-Britain is in consequence thereof dissolved.

W:

[ 2 ]

We therefore the Representatives of the people, from whom all power originates, and for whose benefit all government is intended, by virtue of the power delegated to us, DO ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State.

I. The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

II. The legislature of this State shall be composed of the Representatives of the people, as is herein after pointed out: And the Representatives shall be elected yearly, and every year, on the first Tuesday in December; and the Representatives so elected, shall meet the first Tuesday in January following, at Savannah, or any other place or places, where the House of Assembly for the time being shall direct.

On the first day of the meeting of the Representatives so chosen, they shall proceed to the choice of a Governor, who shall be stiled *Honourable*; and of an Executive Council, by ballot out of their own body; viz. two from each county, except those counties which are not yet entitled to send ten Members. One of each county shall always attend, where the Governor resides, by monthly rotation; unless the Members of each county agree for a longer or shorter period; this is not intended to exclude either Member attending: The remaining number of Representatives shall be called the House of Assembly; and the majority of the Members of the said House shall have power to proceed on business.

III. It shall be an unalterable rule, that the House of Assembly shall expire, and be at an end yearly and every year, on the day preceeding the day of election, mentioned in the foregoing rule.

IV. The representation shall be divided in the following manner, ten Members for each county, as is herein after directed, excepting the county of Liberty, which contains three parishes, and that shall be allowed fourteen.

The Ceded Lands, north of Ogeechee shall be one county, and known by the name or Wilkes.

The parish of St. Paul shall be another county, and known by the name of Richmond.

The parish of St. George shall be another county, and known by the name of Burke.

The parish of St. Matthew, and the upper part of St. Philip, above Cannonchic, shall be another county, and known by the name of Effingham.

The

## [ 3 ]

The parish of Christ Church, and the lower part of St. Philip, below Camouche, shall be another county, and known by the name of Chatham.

The parishes of St. John, St. Andrew, and St. James, shall be another county, and known by the name of Liberty.

The parishes of St. David and St. Patrick shall be another county, and known by the name of Glyn.

The parishes of St. Thomas and St. Mary shall be another county, and known by the name of Camden.

The port and town of Savannah shall be allowed four Members to represent their trade.

The port and town of Sunbury shall be allowed two Members to represent their trade.

V The two counties of Glyn and Camden shall have one Representative each, and also they, and all other counties that may hereafter be laid out by the House of Assembly, shall be under the following regulations, viz. at their first institution, each county shall have one Member, provided the inhabitants of the said county shall have ten electors; and if thirty, they shall have two; if forty, three; if sixty, four; if eighty, six; if an hundred and upwards, ten; at which time two Executive Counsellors shall be chosen from them, as is directed for the other counties.

VI. The Representatives shall be chosen out of the residents in each county, who shall have resided, at least twelve months in this State, and three months in the county, where they shall be elected; except the freeholders of the counties of Glyn and Camden, who are in a state of alarm, and who shall have the liberty of choosing one Member each, as specified in the articles of this Constitution, in any other county, until they have residents, sufficient to qualify them for more: And they shall be of the protestant religion, and of the age of twenty-one years, and shall be possessed in their own right of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds.

VII. The House of Assembly shall have power to make such laws, and regulations, as may be conducive to the good order and well being of the State; provided such laws and regulations be not repugnant to the true intent and meaning of any rule or regulation, contained in this Constitution.

The House of Assembly shall also have power to repeal all laws, and ordinances, they find injurious to the people: And the House shall chuse  
its

## [ 4 ]

its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for supplying intermediate vacancies, and shall have power of adjournment to any time, or times within the year.

VIII. All laws and ordinances shall be three times read, and each reading shall be on different and separate days, except in cases of great necessity, and danger; and all laws and ordinances shall be sent to the Executive Council, after the second reading, for their perusal and advice.

IX. All male white inhabitants, of the age of twenty one years, and possessed in his own right, of ten pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident six months in this State, shall have a right to vote at all elections for Representatives, or any other officers, herein agreed to be chosen by the people at large; and every person having a right to vote at any election, shall vote by ballot personally.

X. No officer whatever shall serve any process, or give any other hinderance to any person intitled to vote, either in going to the place of election, or during the time of the said election, or on their returning home from such election; nor shall any military officer, or soldier, appear at any election in a military character, to the intent that all elections may be free and open.

XI. No person shall be entitled to more than one vote, which shall be given in the county where such person resides, except as before excepted; nor shall any person, who holds any title of nobility, be entitled to a vote, or be capable of serving as a Representative, or hold any post of honour, profit or trust, in this State, whilst such person claims his title of nobility; but if the person shall give up such distinction, in the manner, as may be directed by any future legislature, then, and in such case, he shall be entitled to a vote, and represent, as before directed; and enjoy all the other benefits of a free citizen.

XII. Every person absenting himself from an election, and shall neglect to give in his, or their ballot, at such election, shall be subject to a penalty not exceeding five pounds; the mode of recovery, and also the appropriation thereof, to be pointed out, and directed by act of the legislature, provided nevertheless, that a reasonable excuse shall be admitted.

XIII. The manner of electing Representatives shall be by ballot, and shall be taken by two or more justices of the peace, in each county, who shall provide a convenient box for receiving the said ballots; and on  
closing

[ 5 ]

closing the poll, the ballots shall be compared in public, with the list of voters, that have been taken, and the majority immediately declared; a certificate of the same being given to the persons elected, and also a certificate returned to the House of Representatives.

XIV. Every person entitled to vote shall take the following oath, or affirmation, if required, viz.

*I A. B. do voluntarily and solemnly swear, or affirm, as the case may be, that I do owe true allegiance to this State, and will support the Constitution thereof. So help me God.*

XV. Any five of the Representatives elected, as before directed, being met, shall have power to administer the following oath, to each other; and they or any other Member, being so sworn, shall in the House administer the oath, to all other Members that attend, in order to qualify them to take their seats, viz.

*I A. B. do solemnly swear, that I will bear true allegiance to the State of Georgia, and will truly perform the trust reposed in me; and that I will execute the same to the best of my knowledge, for the benefit of this State, and the support of the Constitution thereof; and that I have obtained my election, without fraud or bribe whatever. So help me God.*

XVI. The Continental Delegates shall be appointed annually by ballot, and shall have a right to sit, debate and vote, in the House of Assembly, and be deemed a part thereof; subject however to the regulations contained in the twelfth article of the confederation of the United States.

XVII. No person bearing any post or profit under this State, or any person bearing any military commission, under this, or any other State, or States, except officers of the militia, shall be elected a Representative. And if any Representative shall be appointed to any place of profit, or military commission, which he shall accept, his seat shall immediately become vacant, and he shall be incapable of re-election, whilst holding such office.

By this article, it is not to be understood, that the office of a Justice of the Peace is a post of profit.

XVIII. No person shall hold more than one office of profit, under this State, at one and the same time.

XIX. The Governor shall, with the advice of the Executive Council, exercise the executive powers of government, according to the laws of this State, and the Constitution thereof; save only in the case of pardons,  
and

[ 6 ]

and remission of fines, which he shall in no instance grant; but he may relieve a criminal, or suspend a fine, until the meeting of the Assembly, who may determine therein, as they shall judge fit.

XX. The Governor, with the advice of the Executive Council, shall have power to call the House of Assembly together, upon any emergency, before the time which they stand adjourned to.

XXI. The Governor, with the advice of the Executive Council, shall fill up all intermediate vacancies, that shall happen in offices, till the next general election: And all commissions civil and military shall be issued by the Governor, under his hand, and the great seal of the State.

XXII. The Governor may preside in the Executive Council at all times, except when they are taking into consideration, and perusing the laws and ordinances, offered to them by the House of Assembly.

XXIII. The Governor shall be chosen annually by ballot, and shall not be eligible to the said office, for more than one year out of three, nor shall he hold any military commission, under any other State or States.

The Governor shall reside at such place as the House of Assembly for the time being shall appoint.

XXIV. The Governor's oath.

*I A. B. elected Governor of the State of Georgia, by the Representatives thereof, do solemnly promise and swear, that I will, during the term of my appointment, to the best of my skill and judgement, execute the said office faithfully, and conscientiously, according to law, without favour, affection, or partiality; that I will, to the utmost of my power, support, maintain, and defend the State of Georgia, and the Constitution of the same; and use my utmost endeavours to protect the people thereof, in the secure enjoyment of all their rights, franchises and privileges; and that the laws and ordinances of the State be duly observed, and that law and justice in mercy be executed in all judgments. And I do further solemnly promise and swear, that I will, peaceably and quietly resign the government, to which I have been elected, at the period to which my continuance in the said office is limited by the Constitution: And lastly I do also solemnly swear, that I have not accepted of the Government, whereunto I am elected, contrary to the articles of this Constitution. So help me God.*

This oath to be administered to him by the Speaker of the Assembly.

The same oath to be administered by the Speaker to the President of the Council.

No person shall be eligible to the office of Governor, who has not resided three years in this State. XXV.

**XXV.** The Executive Council shall meet the day after their election, and proceed to the choice of a President out of their own body---they shall have power to appoint their own officers, and settle their own rules of proceedings.

The Council shall always vote by counties, and not individually.

**XXVI.** Every Counsellor, being present, shall have power of entering his protest against any measures in Council, he has not consented to; provided he does it within three days.

**XXVII.** During the sitting of the Assembly the whole of the Executive Council shall attend, unless prevented by sickness, or some other urgent necessity; and in that case, a majority of the Council shall make a board, to examine the laws and ordinances sent them by the House of Assembly; and all laws and ordinances sent to the Council shall be returned in five days after, with their remarks thereon.

**XXVIII.** A Committee from the Council sent with any proposed amendments to any law, or ordinance, shall deliver their reasons for such proposed amendments, sitting and covered; the whole House at that time, except the Speaker, uncovered.

**XXIX.** The President of the Executive Council, in the absence or sickness of the Governor, shall exercise all the powers of the Governor.

**XXX.** When any affair that requires secrecy shall be laid before the Governor, and the Executive Council, it shall be the duty of the Governor; and he is hereby obliged to administer the following oath, viz.

*I A. B. do solemnly swear, that any business that shall be at this time communicated to the Council, I will not, in any manner whatever, either by speaking, writing, or otherwise reveal the same, to any person whatever, until leave given by the Council, or when called upon by the House of Assembly; and all this I swear without any reservation whatever. So help me God.*

And the same oath shall be administered to the Secretary, and other officers, necessary to carry the business into execution.

**XXXI.** The Executive power shall exist, till renewed, as pointed out by the rules of this Constitution.

**XXXII.** In all transactions between the Legislative and Executive Bodies, the same shall be communicated by message, to be delivered from the Legislative Body to the Governor, or Executive Council, by a Committee. And from the Governor, to the House of Assembly, by the Secretary of the Council, and from the Executive Council, by a Committee of the said Council.

**XXXIII.**



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**XXXIII.** The Governor, for the time being, shall be Captain General, and Commander in Chief, over all the militia, and other military and naval forces belonging to this State.

**XXXIV.** All militia commissions shall specify, that the person commissioned shall continue during good behaviour.

**XXXV.** Every county in this State, that has, or hereafter may have, two hundred and fifty men, and upwards, liable to bear arms, shall be formed into a battalion; and when they become too numerous for one battalion, they shall be formed into more, by bill of the legislature; and those counties that have a less number than two hundred and fifty, shall be formed into independent companies.

**XXXVI.** There shall be established in each county a court, to be called a Superiour Court, to be held twice in each year, on the first Tuesday in March, in the county of Chatham.

The second Tuesday in March, in the county of Effingham.

The third Tuesday in March, in the county of Burke.

The fourth Tuesday in March, in the county of Richmond,

The next Tuesday in the county of Wilkes.

And Tuesday fortnight, in the county of Liberty.

The next Tuesday, in the county of Glyn.

The next Tuesday, in the county of Camden.

The like Courts to commence in October, and continue as above.

**XXXVII.** All causes and matters of dispute, between any parties, residing in the same county, to be tried within the county.

**XXXVIII.** All matters in dispute between contending parties, residing in different counties, shall be tried in the county where the defendant resides; except in cases of real estates, which shall be tried in the county where such real estate lies.

**XXXIX.** All matters of breach of the peace, felony, murder, and treason against the State, to be tried in the county, where the crime was committed. All matters of dispute, both civil and criminal, in any county, where there is not a sufficient number of inhabitants, to form a court, shall be tried in the next adjacent county, where a court is held.

**XL.** All causes of what nature soever, shall be tried in the Superiour Court, except as hereafter mentioned; which court shall consist of the Chief Justice, and three or more of the Justices residing in the county; in case of the absence of the Chief Justice, the senior Justice on the bench shall

shall act as Chief-Justice, with the Clerk of the county, Attorney for the State, Sheriff, Coroner, Constable, and the Jurors. And in case of the absence of any of the aforementioned officers, the Justices on the bench to appoint others in their room *pro tempore*. And if any plaintiff or defendant in civil causes shall be dissatisfied with the determination of the Jury, then, and in that case, they shall be at liberty within three days, to enter an appeal from that verdict; and demand a new trial by a special Jury, to be nominated as follows, viz. each party plaintiff and defendant shall chuse six, six more names shall be taken indifferently out of a box provided for that purpose, the whole eighteen to be summoned, and their names to be put together into the box, and the first twelve that are drawn out, being present, shall be the special Jury to try the cause, and from which there shall be no appeal.

XLII. The Jury shall be judges of law, as well as of fact, and shall not be allowed to bring in a special verdict; but if all, or any of the Jury, have any doubts concerning points of law, they shall apply to the bench, who shall each of them in rotation give their opinion.

XLIII. The Jury shall be sworn to bring in a verdict according to law, and the opinion they entertain of the evidence; provided it be not repugnant to the rules and regulations, contained in this Constitution.

XLIV. The special Jury shall be sworn to bring in a verdict, according to law, and the opinion they entertain of the evidence; provided it be not repugnant to justice, equity, and conscience, and the rules and regulations contained in this Constitution, of which they shall judge.

XLV. Captures both by sea and land, to be tried in the county, where such shall be carried in; a special court to be called by the Chief-Justice, or in his absence, by the then senior justice in the said county, upon application of the captors, or claimants, which cause shall be determined within the space of ten days. The mode of proceeding and appeal shall be the same; as in the Superiour Courts; unless after the second trial, an appeal is made to the Continental Congress; and the distance of time, between the first and second trial, shall not exceed fourteen days: And all maritime causes to be tried in like manner.

XLVI. No Grand-Jury shall consist of less than eighteen; and twelve may find a bill.

XLVII. That the Court of Conscience be continued as heretofore practised, and that the jurisdiction thereof be extended to try causes, not amounting to more than ten pounds.

XLVIII

**XLVII.** All executions exceeding five pounds, except in the case of a court merchant, shall be stayed, until the first Monday in March; provided security be given for debts and costs.

**XLVIII.** All the costs attending any action in the Superior Court shall not exceed the sum of three pounds, and that no cause be allowed to depend in the Superior Court longer than two terms.

**XLIX.** Every officer of the State shall be liable to be called to account by the House of Assembly.

**L.** Every county shall keep the public records, belonging to the same; and authenticated copies of the several records, now in the possession of this State, shall be made out, and deposited in that county, to which they belong.

**LI.** Estates shall not be entailed, and when a person dies intestate, his or her estate shall be divided equally among their children; the widow shall have a child's share, or her dower, at her option; all other intestate estates shall be divided, according to the Act of Distribution, made in the reign of Charles the second, unless otherwise altered by any future Act of the Legislature.

**LII.** A register of probates shall be appointed by the legislature in every county, for proving wills, and granting letters of administration.

**LIII.** All civil officers in each county shall be annually elected, on the day of the general election, except justices of the peace, and registers of probates, who shall be appointed by the House of Assembly.

**LIV.** Schools shall be erected in each county, and supported at the general expence of the State, as the legislature shall hereafter point out.

**LV.** A court-house and goal shall be erected at the public expence in each county, where the present Convention, or the future legislature, shall point out and direct.

**LVI.** All persons whatever shall have the free exercise of their religion; provided it be not repugnant to the peace, and safety of the State; and shall not, unless by consent, support any teacher, or teachers, except those of their own profession.

**LVII.** The great seal of this State shall have the following device; on one side a schroll, whereon shall be engraved, the Constitution of the State of Georgia, and the motto, *pro bono publico*;---on the other side, an elegant house, and other buildings, fields of corn, and meadows covered with sheep and cattle; a river running through the same

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same, with a ship under full sail, and the motto; *Deus nobis bac Otia fecit.*

**LVIII.** No person shall be allowed to plead in the Courts of Law, in this State, except those who are authorized so to do, by the House of Assembly; and if any person so authorized shall be found guilty of malpractice before the House of Assembly, they shall have power to suspend them. This is not intended to exclude any person from that inherent privilege of every *freeman*, the liberty to plead his own cause.

**LIX.** Excessive fines shall not be levied, nor excessive bail demanded:

**LX.** The principles of the Habeas Corpus Act, shall be part of this Constitution.

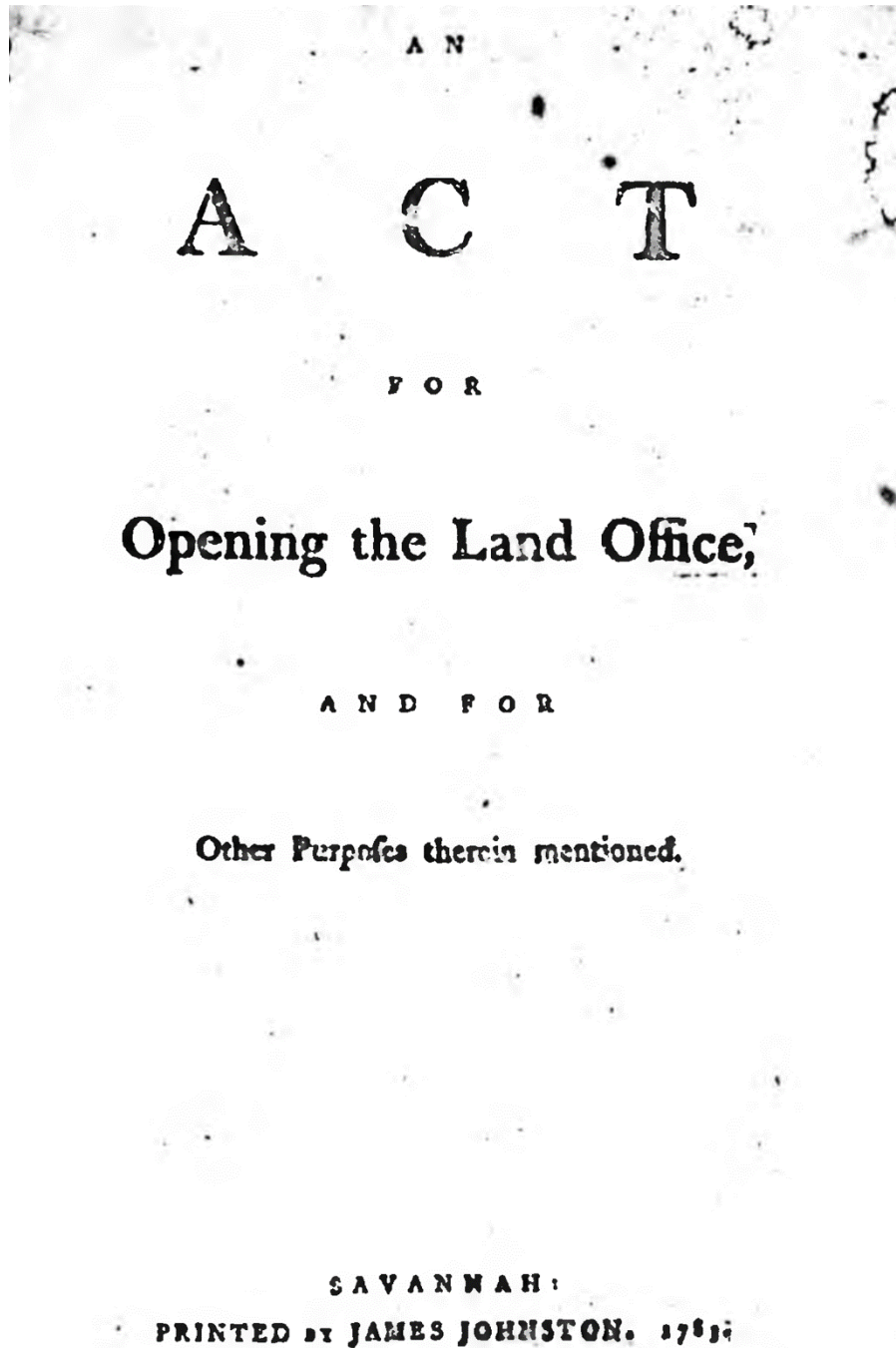
**LXI.** Freedom of the press, and trial by Jury, to remain inviolate *for ever.*

**LXII.** No Clergyman, of any denomination shall be allowed a seat in the legislature.

**LXIII.** No alteration shall be made in this Constitution without petitions from a majority of the counties, and the petitions from each county to be signed by a majority of voters in each County within this State. At which time the Assembly shall order a Convention to be called for that purpose, specifying the alterations to be made, according to the petitions preferred to the Assembly by the majority of the counties as aforesaid.



**2. An Act for Opening the Land Office, and for Other Purposes therein mentioned,  
17 February 1783.**



# A N · A C T

*For opening the Land Office, and for other Purposes therein mentioned.*

**W**HIEREAS it will tend much to the benefit and advantage of this State that the unlocated lands within the same be granted out, and that all due encouragement be given to the immediate settlement thereof: *Be it therefore Enacted*, by the Representatives of the Freemen of the State of Georgia, in General Assembly met, and by the authority of the same, That, from and immediately after the passing of this Act, the Land Office shall, and the same is hereby declared to be opened, and all and every person and persons applying for land, agreeable to the terms herein after mentioned, shall be entitled to a grant of the same, that is to say: Each master or head of a family shall be allowed, as his own head right, and without any other or further charges than the office and surveying fees, two hundred acres; and such person shall also be permitted to purchase at the rate of fifty acres for each and every head right in his family, on the following terms, that is to say: One shilling *per* acre for the first hundred acres, and one shilling and sixpence *per* acre for the second hundred acres, two shillings *per* acre for the third hundred acres, and two shillings and sixpence *per* acre for the fourth hundred acres, and so on in the same progression according to the number of head rights in such family; provided the quantity of land granted and sold to any one person shall not exceed one thousand acres, and that such person do live on and cultivate a part of the said land twelve months before he or she shall be entitled to a grant for the same; and also further provided that such person hath not heretofore received the head right for which he or she then applies, either under the present or former government within this State.

And whereas this State hath made engagements to the soldiery, and other troops, which in justice they ought to fulfil, *be it therefore Enacted*, That, in case any officer or soldier, or other person claiming under such engagements as aforesaid, shall produce a certificate from his Honour the Governor for the time being, that a tract or tracts of land is or are due to him, that then such officer, soldier, or other person, shall be entitled to a warrant and grant for any unlocated lands (agreeable to the quantity contained in his certificate) within this State.

*And be it further Enacted*, That every person applying by head rights as aforesaid shall, previous to his obtaining a grant for his land, or having it in his power to dispose of the same, (otherwise than by will) settle and improve a part of such tract or tracts as he may obtain a warrant and survey of for the space of twelve months as aforesaid, and shall actually cultivate and clear at the rate of three acres at least for every hundred acres of the said land.

*And be it further Enacted*, That there shall be a surveyor general for the State, and also a surveyor for each county, annually chosen by the Legislature, and such county surveyors so elected shall have power to appoint one or more assistants, if necessary; and the aforesaid county surveyor, or his assistant or assistants, are hereby authorized to lay out

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intent and meaning of this act, they the said justices, or a majority of them, shall order warrants to issue, and the same shall be signed by the senior justice then present, and attested by the clerk, commanding and requiring the county surveyor to lay out and admeasure such tract and tracts of land, within their respective counties, as they shall think fit to grant, under the terms and directions contained in this law.

*And be it further Enacted,* That all and every person and persons, before he, she, or they, shall obtain a warrant or warrants for any land within this State, shall on oath declare, before the said justices holding a court as aforesaid, that he, she, or they, hath or have not taken up or obtained land in this State for the head rights, or any of them, at that time applied for; and also that he, she, or they, doth or do not hold, nor have had granted, under the present or former government, to him, her, or them, on head rights as aforesaid, any quantity of land exceeding one thousand acres, nor more land than, together with what is at that time applied for, will make a quantity exceeding one thousand acres; and such person or persons shall also, at the same time, produce a certificate, signed by two or more justices of the county he, she, or they, last recited in, or such other credentials as will satisfy the court of the honesty and integrity of the person or persons so applying, and thereafter the said warrant shall issue, signed and attested as aforesaid, and run in the following form:

By the Court of Justices of the County of

*To A. B. County Surveyor for the said County.*

YOU are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto C. D. a tract of land, which shall contain \_\_\_\_\_ acres in the said county of \_\_\_\_\_ (here describe the buttings and boundings of the land as particularly as may be) taking especial care that the same has not heretofore been laid out to any other person or persons; and you are hereby also directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general, within the term of three months from this date. Given under my hand, as senior justice of the said court, this \_\_\_\_\_ day of \_\_\_\_\_

*And be it further Enacted,* That the clerk of the said court of justices shall keep a regular book of entries of all applications made and warrants issued, specifying the buttings and boundings of the lands contained in the same; and the several county surveyors shall, previous to their entering on the execution of their office, take and subscribe the following oath before two or more of the justices of the county to which they respectively belong: "I A. B. do solemnly swear that I will, to the best of my skill and knowledge, discharge the duty of surveyor for the county of \_\_\_\_\_ and that I will not admeasure, survey, or lay out, or knowingly admit of or cause to be admeasured, surveyed, or laid out, any land, without a warrant first obtained for that purpose;" and such county surveyors respectively shall give bond, with approved security, in the penal sum of five hundred pounds specie, to his Honour the Governor for the time being, conditioned for the good behaviour in office, and true performance of the trust reposed in such surveyor, which said bond shall be taken in and by the first court of justices which shall convene and sit after the appointment of such county surveyors respectively, and the same shall be immediately transmitted to his Honour the Governor, liable to be put in suit in case of any misbehaviour in the said county surveyor; and it shall be a part of the duty of such county surveyors, punctually to observe and carry into execution all such

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and survey, to any person or persons who shall apply, all such lands as he, she, or they, may have obtained a warrant for: and the said county surveyor is hereby required to keep an office in that part of the county where the superior court is holden, in which said office shall be recorded all such plats or surveys, belonging to such county, as shall be made, within two months from the date of the warrant; and the said county surveyor shall also transmit to the surveyor general a fair copy of the same, together with the warrant, within three months from the date of the latter; and the surveyor general shall record such plat in his office, and when and as soon as the full consideration money for the said land, (if granted on purchase as aforesaid) together with office fees, shall be paid, the said surveyor general shall record such plat in his office, and pass the original into the Secretary's Office, for a grant thereof to be made out and signed by the Governor, or in his absence by the President for the time being, when the party shall be entitled thereto under the terms aforesaid; and the said grant, when signed as aforesaid, shall be returned into the Secretary's Office, to be there sealed with the great seal and registered, and thereafter the same shall be transmitted to its proper county, and lodged in the office of the county surveyor to be there recorded, and then delivered out to the grantee: *Provided always*, that, in case the consideration money for any lands granted on purchase shall not be paid into the Treasury, and a certificate thereof lodged with the surveyor general, (which shall be the proper mode of paying all purchase monies for lands granted under this act) and also all office fees paid within twelve months from the date of the warrant, then, and in such case, the land mentioned and contained therein shall be deemed lapsed, and liable to be granted out to any other person who shall apply for and prove rights agreeable to this law for the same: *And also provided*, in case any caveat shall be entered against the passing of any grant, that then the signing and sealing of the same shall be stayed until the determination of the caveat.

*And be it further Enacted*, That all caveats against the passing of grants shall be entered in the office of the county surveyor where the land lies, who shall give notice thereof by advertisement, in the most publick place of the said county, at least thirty days before a final determination is had on such caveat; and the manner of trying such caveats shall be as follows; the justices of the county, or any three or more of them, shall, on the day succeeding the day on which they meet for the purpose of granting warrants for land, cause to be drawn and summoned out of the by-standers (being freeholders within this state) a jury of twelve men, who, being duly sworn to try the matter according to law and equity, shall immediately proceed to try and give their verdict thereon, which shall be final and conclusive; and the said county surveyors shall, once in every month, when they respectively transmit to the surveyor general fair copies of plats, together with warrants as before directed, also transmit and send to the said surveyor general a regular account of all caveats depending or determined in their respective counties, in order that the same may from time to time be laid before the Honourable the Governor and Executive Council, as a guide in respect to the signing of grants.

*And be it further Enacted*, That a majority of justices belonging to each county shall be empowered, and they are hereby required, on the first Monday in each month, and for as many days immediately following as they shall find it necessary, to hold a court, at the place where the superior courts of such county are usually held, for the purpose of receiving applications for lands; and according to justice, and the true



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orders and instructions as they shall from time to time receive from the surveyor general, and to swear, or cause to be sworn, all wagon carriers within their respective counties.

*And be it further Enacted,* That all warrants heretofore (that is to say since the Revolution) obtained for vacant land, and surveys that have been made, in consequence of such warrants, within the present temporary boundary line between the white inhabitants of this state and the Indians, shall be delivered in to the court of justices of the county where such land lies, who shall make such order to the county surveyor, respecting the same, as the nature of the case may require, and as to justice shall appertain; and it shall be a standing rule with the said court of justices and county surveyors, and all others concerned in the execution of this law, that, in all and every case where any person or persons whatsoever, or his legal representative or representatives, (being at this time a free citizen or citizens of America) was or were, on the twenty-ninth day of December, in the year of our Lord one thousand seven hundred and seventy-eight, entitled, by any law or order of the present government, to a grant of lands already run and located by such person or persons, that, in all and every such case, the said grant shall now actually pass, and be signed and sealed, without any further or other additional charges or incumbrances (in consequence of this law) upon the same, except office fees.

And whereas, in the year of our Lord one thousand seven hundred and seventy-eight, there was issued, by the authority of this state, a proclamation, inviting settlers to migrate into the same, in consequence whereof many persons did actually come into the state, and sit down on pieces or parcels of vacant land, for which they meant to apply for grants under the terms of the said proclamation, but, by reason of the confusions which have since taken place, they the said persons have not been able as yet to obtain or take out such grants, *be it therefore Enacted,* That, in all and every case where it shall appear that any person or persons is or are really and *bona fide* entitled, under the terms of the said proclamation, to any grant or grants whereon he, she, or they, have fixed some mark of possession, within the present temporary division line between the white inhabitants and the Indians, he, she, or they, so entitled as aforesaid, or his, her, or their, legal representative or representatives, shall have the preference, on application for the said land, to all and every other person or persons whatsoever, and there shall not be any other or further charge (except office fees) on the said land than was to have been paid on the same at the time such person or persons took possession thereof as aforesaid, any thing in this act contained to the contrary thereof in anywise notwithstanding.

*And be it further Enacted,* That all surveys which have or may have been made, or lines run, by any means, or under any pretence whatsoever, beyond the present temporary line within this state between the white inhabitants and the Indians belonging to the same, or on any part of the lands not already laid out into counties, but allowed to remain as hunting ground for the Indians at present, shall, and the same is and are hereby declared to be null and void, to all intents and purposes, as though such surveys or lines had never been made; and all and every person and persons whatsoever, who shall hereafter survey, or assist in surveying, or procure to be surveyed and marked with lines, any of the lands above described, whereon the Indians are allowed to hunt for their support, or who shall obtain, or attempt to obtain, a grant for the same, before such lands are taken within the boundary of the white inhabitants of this state, and the mode of grant-

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ing such lands so to be taken in be agreed and determined on by the Legislature, and published by proclamation, all and every such person and persons shall forfeit and pay a penalty of twenty shillings for every acre of land he, she, or they, shall so run, or attempt to run, or obtain, or attempt to obtain, a grant for, which said penalty shall be recovered in any court of record, or conscience, (according to the amount thereof) within this state, and shall be for the use of any person or persons who will inform of and sue for the same, either by way of information or action; and if the person or persons against whom a judgment shall be obtained for any penalty as aforesaid shall be unable to pay the same, or will not produce property whereon the sheriff may levy to the amount thereof, he, she, or they, shall be liable, and the justices of the county where such cause shall be tried shall order him, her, or them, into close confinement, without bail or mainprise, for the space of two days, for every twenty shillings the said penalty so recovered as aforesaid shall consist of, and which shall remain unpaid out of the property of the said delinquent.

*And be it further Enacted,* That the following shall be the form of grants of lands within this state:

G E O R G I A.

*By the Honourable A. B. Esquire, Captain General, Governor, and Commander in Chief, in and over the said State.*

To all to whom these Presents shall come, greeting.

KNOW YE, That, in pursuance of the act for opening the Land Office, and by virtue of the powers in me vested, I have, by and with the advice and consent of the Honourable the Executive Council, given and granted, and, by these presents, in the name and behalf of the said state, do give and grant unto C. D. his heirs and assigns, forever, all that tract or parcel of land, containing \_\_\_\_\_ acres, situate, lying, and being, in the county of \_\_\_\_\_ in the said state, and burting and bounding \_\_\_\_\_ having such shape, form, and marks, as appear by a plat of the same hereunto annexed; together with all and singular the rights, members, and appurtenances thereof, whatsoever, to the said tract or parcel of land belonging, or in anywise appertaining; and also all the estate, right, title, interest, claim, and demand, of the state aforesaid, of, in, to, or out of, the same; TO HAVE AND TO HOLD the said tract or parcel of land, and all and singular the premises aforesaid, with their and every of their rights, members, and appurtenances, unto the said C. D. his heirs and assigns, to his and their own proper use and behoof forever, in fee simple. Given under my hand in Council, and the great seal of the said state, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand seven hundred and \_\_\_\_\_ and in the \_\_\_\_\_ year of American Independence.

Signed by his Honour the Governor in Council.

E. F. Clk. Council.

the \_\_\_\_\_ day of \_\_\_\_\_ 17 \_\_\_\_\_

And whereas it may so happen that persons emigrating from elsewhere, and disposed to settle in this state, may not be sufficiently acquainted with the limits and boundaries of the same, and surveyors may wilfully or ignorantly commit mistakes in the running of lines, unless the said limits and boundaries be made known to them; in order, therefore, to inform and encourage all persons disposed to migrate into this state, to prevent mistakes, and to remove every pretence for fraud in surveyors and others intrusted with the execution of this law, *Be it Enacted, Ordained, and Declared,* by the authority aforesaid, That

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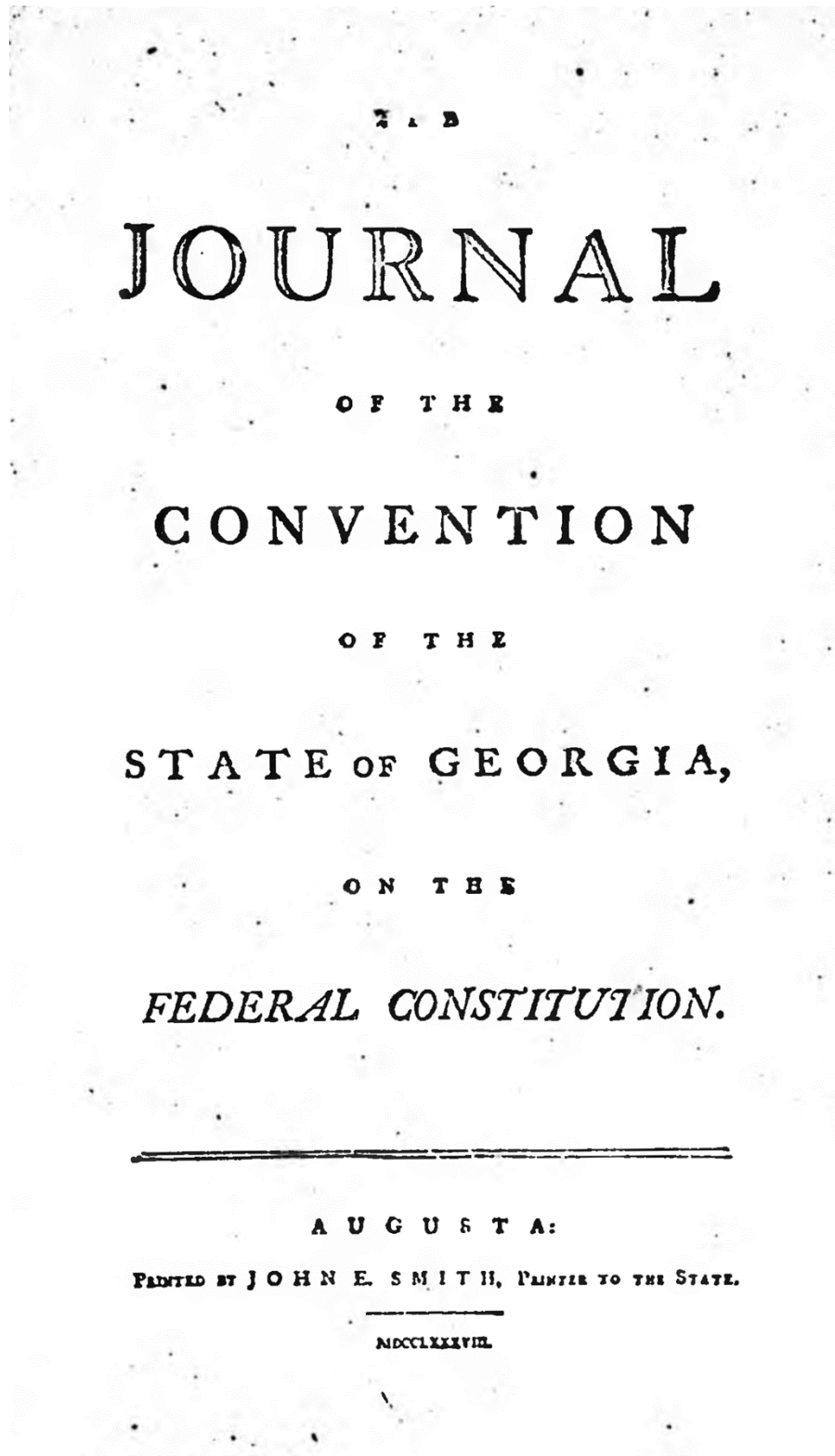
the limits, boundaries, jurisdiction, and authority, of the state of Georgia, do and did, and of right ought to extend from the mouth of the river Savannah, along the north side thereof, and up the most northern stream or fork of the said river to its head or source; from thence in a due west course to the river Mississippi, and down the said stream of the Mississippi to the latitude thirty-one degrees north; from thence in a due east course to the river Apalachicola or Chatahoocches; and from the fork of the said river Apalachicola, where Chatahoocches and Flint rivers meet, in a direct line to the head or source of the southernmost stream of the river Saint Mary; and along the course of the said river Saint Mary to the Atlantick Ocean; and from thence to the mouth or inlet of the river Savannah; including and comprehending all the lands and waters within the said limits, boundaries, and jurisdictional right, and also all the islands within twenty leagues of the sea coast; and all justices of the peace, surveyors, militia and other officers, and persons of any description or denomination whatsoever, are hereby enjoined and required, and fully authorized and empowered, to hold and consider the said limits, boundaries, and jurisdictional right, above mentioned, expressed, and described, as the true and just limits, boundaries, and jurisdiction, of the sovereign and independent state of Georgia, as secured to the inhabitants and free citizens thereof by their charter, guaranteed as well by the Articles of Confederation as by the Treaty of Alliance with his Most Christian Majesty: *Provided nevertheless*, that nothing herein before contained shall extend, or be construed to extend, to authorize or empower any surveyor, or other person or persons whatsoever, to survey, run, or make lines, upon the lands before described as being allowed to the Indians for hunting ground, or any part or parcel thereof, before or until permission for that purpose shall be granted by the Legislature, and made known by proclamation.

*And be it further Enacted*, That the surveyor general, and all county surveyors, shall, as nearly as may be, be governed and directed in the execution of all warrants, and in making their surveys, by the known rules, laws, and customs, of this state, in regard to such business, in so far as the same may be made to consist with this law, the revolution in government, and the true interest of the republick, as shall from time to time be expressed by its Legislature or Executive Body.

*By Order of the House,*  
N. W. JONES, Speaker.

*Enacted, February 17th, 1783.*

30. The Journal of the Convention of the State of Georgia, on the Federal Constitution.



JOURNAL

OF THE

CONVENTION

OF THE

STATE OF GEORGIA,

ON THE

*FEDERAL CONSTITUTION.*

---

AUGUSTA:

PRINTED BY JOHN E. SMITH, PRINTER TO THE STATE.

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MDCCLXXXVIII

STATE OF GEORGIA,  
AUGUSTA.

TUESDAY, December 25, 1787.

**W**HEREAS the General Assembly of the said State did, on the 26th day of October, 1787, in pursuance of the recommendation of Congress, come to the following Resolutions, viz.

• WHEREAS the United States in Congress assembled, on Friday, the 28th day of September, 1787, having received the Report of the Convention lately assembled at Philadelphia, did Resolve unanimously, "That the said Report, with the Resolutions and Letter accompanying the same, be transmitted to the several Legislatures, in order to be presented to a Convention of Delegates chosen in each State by the People thereof, in conformity to the wishes of the Convention made and provided in that case." Therefore

• Resolved, That a Convention be elected on the day of the next General Election, and in the same manner as Representatives are elected, and that the said Convention consist of not more than three Members from each county.

• Resolved, That the said Convention shall meet at Augusta on the fourth Tuesday in December next, and as soon thereafter as may be convenient proceed to consider the said Report, Letter, and Resolutions, and to adopt or reject any part or parts thereof.

• Resolved, That any Member of the Executive Council, or of the Legislature, or other person holding any office of honor or profit under this State, may be elected a Member of the said Convention.

• Resolved, That one third of the said Members may adjourn from day to day, and a majority be passed in business.

The following Gentlemen attended as Members of the Convention, from the counties:

Clatham,	Mr. Stephens,	Liberty,	Mr. Powell,
Lake,	Mr. Telford,	Chatham,	{ Mr. Handley,
	{ Mr. Matthews,		{ Mr. Dalton.
Wilkes,	{ Mr. Sullivan,		
	{ Mr. Long,		

The Members present requested Mr. Isaac Briggs to act as Secretary *pro tempore*.

Adjourned till to-morrow morning 11 o'Clock.

*Wednesday*

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**W E D N E S D A Y, December 26, 1787.**

Present, from

<p><i>Chatbam,</i> { Mr. Stephens,  <i>Burke,</i> { Mr. Telfair,  <i>Richmond,</i> { Mr. Todd,  <i>Wilkes,</i> { Mr. Wreath,                { Mr. Sullivan,                { Mr. King,</p>	<p><i>Liberty,</i> {                {  <i>Glynn,</i> {</p>	<p>{ Mr. Powell,  { Mr. Elliott,  { Mr. Maxwell,  { Mr. Handley,  { Mr. Hillary,  { Mr. Milton,</p>
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Adjourned till to-morrow morning 10 o'Clock.

**T H U R S D A Y, December 27, 1787.**

Present, from

<p><i>Wilkes,</i> { Mr. Mathews,                { Mr. King,</p>	<p><i>Glynn,</i> {</p>	<p>{ Mr. Handley,  { Mr. Milton,</p>
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Adjourned till to-morrow morning 11 o'Clock.

**F R I D A Y, December 28, 1787.**

In Convention, present from

<p><i>Chatbam,</i> { Mr. Stephens,                { Mr. Habersham,  <i>Efingbam,</i> { Mr. Brownson,  <i>Burke,</i> { Mr. Telfair,                { Mr. Todd,                { Mr. Few,  <i>Richmond,</i> { Mr. M'Neil,                { Mr. Wreath,                { Mr. Mathews,  <i>Wilkes,</i> { Mr. Sullivan,                { Mr. King,</p>	<p><i>Liberty,</i> {                {  <i>Glynn,</i> {                {  <i>Camden,</i> {                {  <i>Washington,</i> {                {  <i>Greene,</i> {</p>	<p>{ Mr. Powell,  { Mr. Elliott,  { Mr. Maxwell,  { Mr. Handley,  { Mr. Hillary,  { Mr. Milton,  { Mr. Osborne,  { Mr. Weed,  { Mr. Irwin,  { Mr. Rutherford,  { Mr. Christmas,  { Mr. Daniell,  { Mr. Middleton,</p>
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The Gentlemen present, having appointed *John Wreath*, Esq. Chairman, produced their several credentials, which were received, read, and ordered to be filed.

The Convention proceeded to the appointment of its Officers; whereupon,

The Honorable **JOHN WREATH**, Esquire, was elected President, *Mr. Isaac Briggs* was unanimously appointed Secretary, and *Peter Farr* Door-keeper.

On motion of *Mr. Osborne*, seconded by *Mr. Brownson*,

Ordered, That *Mr. Telfair*, *Mr. Osborne*, and *Mr. Stephens* be a Committee to prepare and report Rules for the government of this Convention.

On motion of *Mr. Osborne*, seconded by *Mr. Milton*,

Ordered, That *Mr. Milton*, *Mr. Powell*, and *Mr. Weed* be a Committee to wait on his Honor the Governor, and request that he will be pleased to direct the proper Officers to lay before this Convention the proposed Federal Constitution, together with the annexed Letter and

Resolu-

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Resolutions; the Resolutions of Congress, and of the late General Assembly respecting the same.

Adjourned till to-morrow morning 10 o'Clock.

*S A T U R D A Y, December 29, 1787.*

In Convention, present the Honorable *John Wreath*, Esquire, President, and from

<i>Chatbam,</i>	{ Mr. Stephens,	<i>Glynn,</i>	{ Mr. Handley,
	{ Mr. Habersham,		{ Mr. Hillary,
<i>Effingham,</i>	{ Mr. Brownson,		{ Mr. Milton,
	{ Mr. Telfair,	<i>Camden,</i>	{ Mr. Osborne,
<i>Burke,</i>	{ Mr. Todd,		{ Mr. Weed,
	{ Mr. Few,	<i>Washington,</i>	{ Mr. Irwin,
<i>Richmond,</i>	{ Mr. McNeil,		{ Mr. Futherford,
	{ Mr. Mathews,	<i>Greene,</i>	{ Mr. Christmas,
<i>Wilkes,</i>	{ Mr. Sullivan,		{ Mr. Daniell,
	{ Mr. King,		{ Mr. Middleton,
	{ Mr. Powell,		
<i>Liberty,</i>	{ Mr. Elliott,		
	{ Mr. Maxwell,		

The Committee appointed to prepare and report Rules for the government of this Convention, reported the same; which, after some amendments, were agreed to and ordered to be engrossed.

The Committee appointed to wait on his Honor the Governor for the purpose of obtaining the papers necessary to be laid before this Convention, produced the proposed Federal Constitution, together with the annexed Letter and Resolutions; the Resolution of Congress, and those of the Legislature of this State, respecting the same; which were received and read.

On motion of Mr. Sullivan, seconded by Mr. King:

The Convention proceeded to consider by paragraphs the proposed Federal Constitution; and having gone through the same,

Adjourned till Monday morning 10 o'Clock.

*M O N D A Y, December 31, 1787.*

In Convention, present the Honorable *John Wreath*, Esquire, President, and from

<i>Chatbam,</i>	{ Stephens,	<i>Glynn,</i>	{ Mr. Handley,
	{ Mr. Habersham,		{ Mr. Hillary,
<i>Effingham,</i>	{ Mr. Davis,		{ Mr. Milton,
	{ Mr. Brownson,	<i>Camden,</i>	{ Mr. Osborne,
<i>Burke,</i>	{ Mr. Telfair,		{ Mr. Seagrove,
	{ Mr. Todd,	<i>Washington,</i>	{ Mr. Weed,
<i>Richmond,</i>	{ Mr. Few,		{ Mr. Irwin,
	{ Mr. McNeil,	<i>Greene,</i>	{ Mr. Rutherford,
	{ Mr. Mathews,		{ Mr. Christmas,
<i>Wilkes,</i>	{ Mr. Sullivan,		{ Mr. Daniell,
	{ Mr. King,		{ Mr. Middleton,
	{ Mr. Powell,		
<i>Liberty,</i>	{ Mr. Elliott,		
	{ Mr. Maxwell,		

T E T

On motion of Mr. Hillary, seconded by Mr. Weed,  
Resolved unanimously, That the proposed Federal Constitution be now  
adopted; and that Mr. Stephens, Mr. Osborne, and Mr. Sullivan be a  
Committee to prepare and report the form of a deed of ratification.

The Committee appointed to prepare and report the form of a deed  
of ratification, reported the same, which was agreed to, and ordered  
to be engrossed.

Adjourned till to-morrow morning 10 o'Clock.

T U E S D A Y, January 1, 1788.

In Convention, present: the same as yesterday.

Two copies of the deed of ratification, ordered yesterday to be en-  
grossed, were compared with the original. And

On motion of Mr. Telfair, seconded by Mr. Few,

Resolved, That the report of the Committee, appointed to prepare  
the form of a deed of ratification, be reconsidered: Whereupon

Ordered, That the same be recommitted; and that the Committee  
be directed to insert therein the proposed Federal Constitution, the Res-  
olution of Congress, and the Resolutions of the Legislature of this State,  
taken thereon.

Adjourned till to-morrow morning 10 o'Clock.

W E D N E S D A Y, January 2, 1788.

In Convention, present the same as yesterday.

A motion was made by Mr. Osborne, seconded by Mr. King,

That the order of yesterday be reconsidered; and on the question to  
agree to this, the yeas and nays being required by Mr. Osborne, Mr.  
Handley, and Mr. Todd, are as follow,

<p style="text-align: center;">Y    N    A</p> <p>Mr. Stephens, Mr. Habersham, Mr. Davis, Mr. Todd, Mr. McNeill, Mr. Matthews, Mr. Sullivan, Mr. King, Mr. Powell, Mr. Elliott,</p>	<p>Mr. Maxwell, Mr. Handley, Mr. Hillary, Mr. Killeen, Mr. Osborne, Mr. Seagraves, Mr. Weed, Mr. Irwin, Mr. Christman, Mr. Middleton,</p>
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<p style="text-align: center;">Y    N    A</p> <p>Mr. Brownson, Mr. Telfair, Mr. Few,</p>	<p>Mr. Elbertson, Mr. Daniel,</p>
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So it was resolved in the affirmative.

On motion of Mr. Osborne, seconded by Mr. King.

Rebbit



*Resolved,* That the form of the ratification be in the words following, and that the same be signed by all the Members present, to wit,

**STATE of GEORGIA.**  
**IN CONVENTION.**

*Wednesday, January 2, 1788.*

**WE**, the Delegates of the people of the State of Georgia in Convention met, having taken into our serious consideration the Federal Constitution, agreed upon and proposed by the Deputies of the United States, in General Convention, held in the city of Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, **HAVE** assented to, ratified and adopted, and by these presents **DO**, in virtue of the powers and authority to US given by the people of the said State for that purpose, for, and in behalf of ourselves and our constituents, fully and entirely assent to, ratify and adopt the said Constitution, which is hereunto annexed under the great seal of the said State.

*DONE, in Convention, at Augusta in the said State, on the second Day of January, in the Year of our Lord one Thousand Seven Hundred and Eighty-eight, and of the Independence of the United States the Twelfth. In WITNESS whereof we have hereunto subscribed our names.*

**JOHN WEREAT, President,**  
*and Delegate for the County of Richmond.*

W. Stephens,	} <i>Chatham,</i>	Geo. Handley,	} <i>Glynn,</i>
Joseph Habersham,		Chris. Hillary,	
Jenkin Davis,	} <i>Effingham,</i>	J. Milton,	} <i>Candler,</i>
N. Brownson,		Henry Osborne,	
Edwd. Telfair,	} <i>Burke,</i>	James Seagrave,	} <i>Washington,</i>
H. Todd,		Jacob Weed,	
William Few,	} <i>Richmond,</i>	Jared Irwin,	} <i>Greene,</i>
James M <sup>r</sup> Neill,		John Rutherford,	
Geo. Mathews,	} <i>Wilkes,</i>	Rob <sup>t</sup> . Christmas,	} <i>Liberty,</i>
Flore <sup>s</sup> . Sullivan,		Thomas Daniell,	
John King,	} <i>Liberty,</i>	R. Middleton,	
Jas. Powell,			
John Elliott,			
James Maxwell,			
<i>Attest.</i>			

**ISAAC BRIGGS, Secretary**

*Ordered,* That Mr. Osborne, Mr. Sullivan, and Mr. Powell be a Committee to see the Great Seal affixed to the said Constitution and Ratification; and that the same be recorded and deposited in the Office of the Secretary of the State.

On the report of the Committee, consisting of Mr. Stephens, Mr. Osborne,

Osborne and Mr. Sullivan, to whom was referred their report of yesterday,

Resolved, That the same be agreed to and sent to Congress in the words following, *to wit,*

## STATE of GEORGIA. IN CONVENTION.

Wednesday, January 2, 1788.

To all to whom these presents shall come, GREETINGS

WHEREAS the Form of a Constitution for the government of the United States of America, w.s. on the seventeenth day of September, one thousand seven hundred and eighty-seven, agreed upon and reported to Congress by the Deputies of the said United States convened in Philadelphia, which said Constitution is written in the words following, *to wit,*

WE, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

### ARTICLE I.

#### SECT. I.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate, and House of Representatives.

#### SECT. II.

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years,

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years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

S E C T. III.

The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the senate, but shall have no vote unless they be equally divided.

The senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

S E C T. IV.

The times, places and manner of holding elections for senators and repre-

representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECT. V.

Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECT. VI.

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace; be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States; which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

#### SECT. VII.

All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments to other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections,

## [ 11 ]

to the other house; by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in the manner as if he had signed it; unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

## S E C T. VIII

The Congress shall have power

To lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices, and post-roads:

To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district,

tract, (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

#### S E C T. IX.

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the *cessus* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

#### S E C T. X.

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

#### ART. II.

## ARTICLE II

## SECT. I.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the senate. The President of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the senate shall chuse from them by ballot the Vice-President.

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution; shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period

for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

### SECT. II.

The President shall be Commander in Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

### SECT. III.

He shall from time to time give to the Congress information of the State of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

### SECT. IV.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

### SECT. I.

The judicial power of the United States shall be vested in one Supreme court, and in such inferior courts as the Congress may from time



to time ordain and establish. The judges both of the supreme and inferior court, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

### S E C T. II.

The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### S E C T. III.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## A R T I C L E IV.

### S E C T. I.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state, and the Congress may by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

### S E C T. II.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

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No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

## S E C T. III.

New States may be admitted by the Congress into this union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

## S E C T. VI.

The United States shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## A R T I C L E V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## A R T I C L E VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## A R T. VII.

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## ARTICLE VII.

The Ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

*DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our Names.*

GEORGE WASHINGTON, *President,*  
And Deputy from Virginia,

<i>New-Hampshire,</i>	{ John Langdon, Nicholas Gilman,
<i>Massachusetts,</i>	{ Nathaniel Gorham, Rufus King,
<i>Connecticut,</i>	{ William Samuel Johnson, Roger Sherman,
<i>New-York,</i>	{ Alexander Hamilton, William Livingston,
<i>New-Jersey,</i>	{ David Brearly, William Paterson, Jonathan Dayton, Benjamin Franklin, Thomas Mifflin, Robert Morris,
<i>Pennsylvania,</i>	{ George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris, George Read, Gunning Bedford, junior,
<i>Delaware,</i>	{ John Dickinson, Richard Bassett, Jacob Broome,
<i>Maryland,</i>	{ James M. Henry, Daniel of St. Tho. Jenifer, Daniel Carroll,
<i>Virginia,</i>	{ John Blair, James Madison, junior, William Blount,
<i>North-Carolina,</i>	{ Richard Dobbs Spaight, Hugh Williamson, John Rutledge,
<i>South-Carolina,</i>	{ Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler,
<i>Georgia,</i>	{ William Few, Abraham Baldwin.

WILLIAM JACKSON, *Secretary.*

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AND

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**AND WHEREAS** the United States in Congress assembled did, on the twenty-eight day of September, one thousand seven hundred and eighty-seven.

*Resolved unanimously.* That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case

**AND WHEREAS** the legislature of the state of Georgia did, on the twenty-third day of October, one thousand seven hundred and eighty-seven, in pursuance of the above recited resolution of Congress,

*Resolve,* That a Convention be elected on the day of the next general election, and in the same manner as representatives are elected; and that the said Convention consist of not more than three members from each county: And that the said Convention should meet at Augusta on the fourth Tuesday in December then next, and as soon thereafter as convenient, proceed to consider the said report, resolutions and letter, and to adopt or reject any part or the whole thereof.

**NOW KNOW YE,** That **WE,** the Delegates of the people of the state of Georgia in Convention met, pursuant to the resolutions of the legislature aforesaid, having taken into our serious consideration the said Constitution, **HAVE** assented to, ratified and adopted, and by these presents **DO** in virtue of the powers and authority to **US** given by the people of the said state for that purpose, for, and in behalf of ourselves and our constituents, fully and entirely assent to, ratify and adopt the said Constitution.

*DONE, in Convention, at Augusta in the said State, on the second Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-eight, and of the Independence of the United States the Twelfth. In WITNESS whereof we have hereunto subscribed our names.*

**JOHN WEREAT, President,**  
and Delegate for the County of Richmond

W. Stephens,	} <i>Chatham,</i>	Geo. Handley,	} <i>Glynn,</i>
Joseph Habersham,		Chris. Hillary,	
Jenkin Davis,	} <i>Effingham,</i>	J. Milton,	} <i>Camden,</i>
N. Brownson,		Henry Osborne,	
Edwd. Telfair,	} <i>Burke,</i>	James Seagrave,	} <i>Washington,</i>
H. Todd,		Jacob Weed,	
William Few,	} <i>Richmond,</i>	Jared Lewis,	} <i>Greene,</i>
James M'Neil,		John Rutherford,	
Geo. Matthews,	} <i>Wilkes,</i>	Robt. Christmas,	} <i>Liberty,</i>
Flores. Sullivan,		Thomas Daniell,	
John King,	} <i>Liberty,</i>	E. Middleton,	
Jos. Powell,			
John Elliott,			
James Maxwell,			

**ISAAC BRIGGS, Secretary,**

Adjourned till Saturday morning 10 o'Clock,

**SATUR:**

SATURDAY, January 5, 1788.

In Convention, present the Honorable John Wreath, Esquire, President, and from,

<i>Chatham,</i>	{ Mr. Stephens, Mr. Habersham, Mr. Gibbons,	<i>Glynn,</i>	{ Mr. Hillary, Mr. Milton,
<i>Effingham,</i>	{ Mr. Davis, Mr. Brownson,	<i>Camden,</i>	{ Mr. Osborne, Mr. Seagrave, Mr. Weed,
<i>Burke,</i>	Mr. Telfair,	<i>Washington,</i>	{ Mr. Irwin, Mr. Wilkinson, Mr. Rutledge,
<i>Richmond,</i>	Mr. McNeil,	<i>Greene,</i>	{ Mr. Christman, Mr. Daniell, Mr. Middleton,
<i>Wilkes,</i>	{ Mr. Mathews, Mr. Sullivan, Mr. King,	<i>Franklin,</i>	Mr. Gorham.
<i>Liberty,</i>	{ Mr. Powell, Mr. Elliott, Mr. Maxwell,		

On motion of Mr. Osborne, seconded by Mr. Stephens,

*Ordered,* That Mr. Osborne, Mr. Stephens and Mr. Habersham be a committee to prepare and report a letter from this Convention to his Excellency the President of Congress, to accompany the ratification of the Federal Constitution.

On the report of the committee, appointed to prepare a letter to his Excellency the President of Congress, the same was agreed to, as follows:

*In CONVENTION, Augusta, 5th January, 1788.*

S I R,

WE have the honor to transmit, to the United States in Congress assembled, the ratification of the Federal Constitution by the State of Georgia.

We hope that the ready compliance of this State with the recommendations of Congress and of the late national Convention, will tend not only to consolidate the Union, but promote the happiness of our common country.

With great respect, we have the honor to be,

S I R,

Your Excellency's obedient servants,

JOHN WREATH, *President,*

*By unanimous order of the Convention of the State of Georgia.*

*His Excellency  
the President of Congress.*

*Resolved,* That the Secretary be directed, when the President shall have

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have signed the Journal, to lodge it, and the other papers of this Convention, with the Honorable the Executive,

*Resolved*, That application be made to the Legislature to make provision for the expences attending this Convention; and that Mr. Habersham, Mr. King and Mr. Telfair be requested to lay before that Honorable Body, an estimate of the same.

*Resolved*, That the Journal be published; and that the Printer be directed to strike off two hundred copies, to be delivered to the Executive.

*Resolved unanimously*, That the thanks of this Convention be presented to the President, for his able and impartial conduct in the Chair.

*By Order of the Convention,*

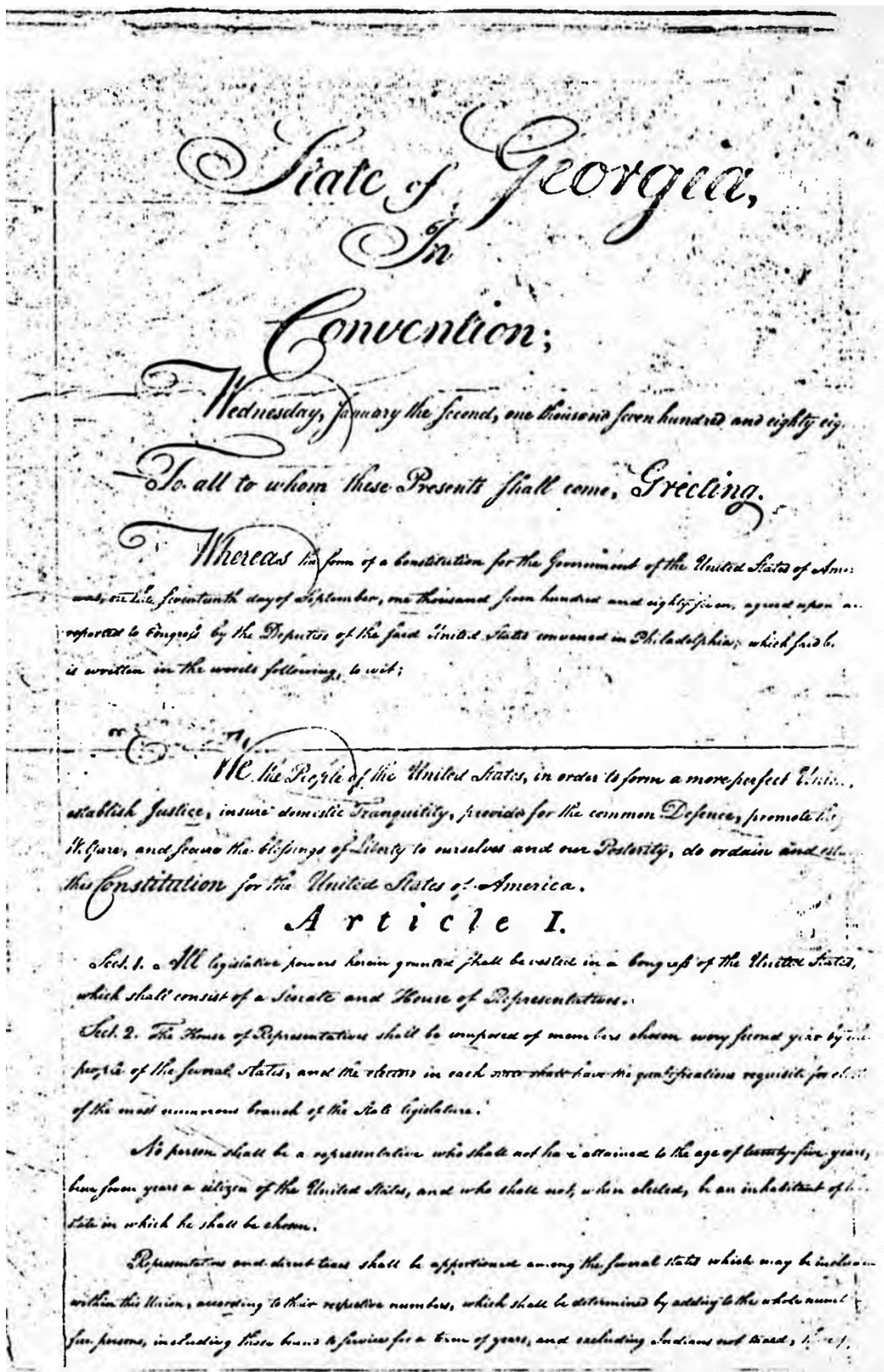
JOHN WEREAT, *President.*

*Attest.*

ISAAC BRIGGS, *Secretary.*

The Convention then dissolved.



33. The Georgia Deed of Ratification, 2 January 1788.<sup>1</sup>

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, National Archives.

of the persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts five, Rhode Island and Pennsylvania three, Connecticut five, New York six, New Jersey four, Maryland six, Delaware one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Art. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Art. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law make or alter such regulations, except as to the places of choosing Senators.



Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

Art. 8. The Congress shall have power To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracy and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: — And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Art. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Art. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journals.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Art. 6. The Senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same, and for any speech or debate in either house; they shall not be questioned in any other place.

No Senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Art. 7. All bills for raising revenue shall originate in the house of representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

or duty may be imposed on such importations, not exceeding ten dollars for each person.

The privilege of the writ of Habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No title of attainder, or ex post facto law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles imported from any State: no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince or foreign State.

Section 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and controul of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## Article II.

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, he shall hold office.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves: and they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole

number

number of electors appointed; and if there be more than one who have such majority; and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been seven years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

Art. 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

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The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next Session.

Sec 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec 4. The President, vice-president and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### Article III.

Sec 1. The judicial power of the United States, shall be vested in one supreme court, and such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; <sup>to all cases of admiralty and maritime jurisdiction;</sup> to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Sec 3.

*Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*

*The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.*

### Article IV.

*Sec. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State: and the Congress may by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

*Sec. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.*

*A person charged in any State with treason, felony, or other crime, who shall flee from justice, or be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.*

*No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.*

*Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.*

*The Congress shall have power to dispose of and make all useful rules and regulations respect the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*

*Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.*

### Article V.

*The Congress, when two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the second section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.*

### Article VI.

*All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.*

*This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.*

The speakers and representatives before mentioned, and the members of the several States, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification in any office or public trust under the United States.

Article VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the thirtieth day of September, in the year of our Lord one thousand seven hundred and eighty-eight, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

George Washington, President, and Deputee from Virginia.

- New Hampshire } John Langdon.
- } Nicholas Gilman.
- Massachusetts } Nathaniel Gorham.
- } Rufus King.
- Connecticut } William S. Johnson.
- } Roger Sherman.
- New York } Alexander Hamilton.
- New Jersey } William Livingston.
- } David Livingston.
- } William Livingston.
- } Jonathan Dayton.
- Pennsylvania } Benjamin Franklin.
- } Thomas Mifflin.
- } Robert Morris.
- } E. Clymer.
- } Thomas Fitzgibbon.
- } David Soper.
- } James Wilson.
- } Gouverneur Morris.
- Delaware } George Read, Gunning Bedford, Junior.
- } John Dickinson, Richard Basset, Jacob Passon.
- Maryland } James M. Henry.
- } Daniel of St. Thomas Jenifer.
- } Daniel Carroll.
- Virginia } John Blair, James Madison Junior.
- North Carolina } William Blount.
- } Richard Dobbs Spaight.
- } Hugh Williamson.
- South Carolina } John Rutledge, Charles C. Pinckney.
- } Charles Pinckney, Pierce Butler.
- Georgia } William Few, Abraham Baldwin.
- } Wm. William Few, Secy

And

And Whereas the United States in Congress assembled did, on the twenty-eighth day of September, one thousand seven hundred and eighty-seven, Resolve unanimously, That the said Report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of Delegates chosen in each State by the Delegates thereof, in conformity to the Rules of the Convention made and provided in that case.

And Whereas the Legislature of the State of Georgia did, on the twenty-sixth day of said October, one thousand seven hundred and eighty-seven, in pursuance of the above recited resolution of Congress, That a convention be elected on the day of the next general election, and in the same manner as representatives are elected; and that the said Convention consist of not more than one Delegate from each County: And that the said Convention should meet at Augusta, on the fourth of November then next, and at term thereafter as convenient, proceed to consider the said Report, and resolutions, and to adopt or reject any part of the whole thereof.

Now Know Ye, That We, the Delegates of the People of the State of Georgia in Convention met, pursuant to the Resolutions of the Legislature aforesaid, having taken our solemn consideration the said Constitution, do hereby assent to, ratify and adopt, and by these our Do. in virtue of the powers and authority so to us given by the People of the said State for that purpose and in behalf of ourselves and our constituents, fully and entirely assent to, ratify and adopt the said Constitution.

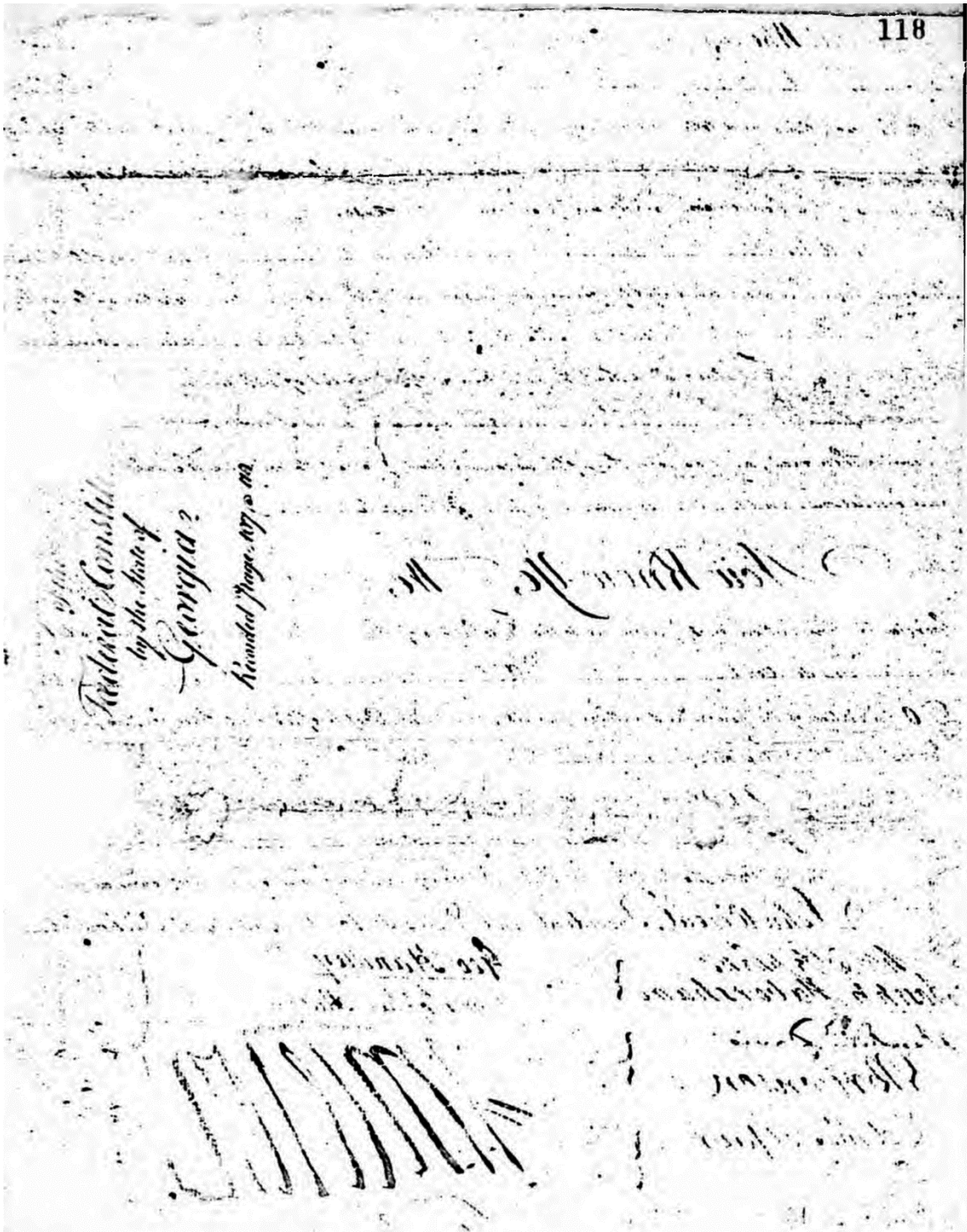
Done in Convention, at Augusta in the said State, on this and day of the year of our Lord one thousand seven hundred and eighty-eight, and of the Independence of the United States the twelfth. In Witness whereof we have hereunto subscribed our names.

I John Wreck, President and Delegate for the County of Richmond.

John Wreck, Secretary

Joseph Watersham	Richmond	Geo Standley	
Andrew Davis	Waynes	Christopher Sully	
Abner Brownson	Waynes	[Signature]	
Edw. Gelpair	Waynes		
H. Ford	Waynes		
William Ford	Waynes	Henry Boone	Camden
James McNeill	Waynes	James Hagrove	
Geo Matthews	Waynes	John Hill	Washington
John McCowan	Waynes	John Moore	
John Spring	Waynes	John Smith	
John Smith	Waynes	Thomas Daniell	Greene
John Elliott	Waynes	Williston	
James Maxwell	Waynes		





34. President John Wreath to the President of Congress, Augusta, 5 January 1788.<sup>1</sup>

In Convention, Augusta 5<sup>th</sup> January 1788

Sir,

We have the honor to transmit to the United States in Congress Assembled the ratification of the Federal Constitution by the State of Georgia.

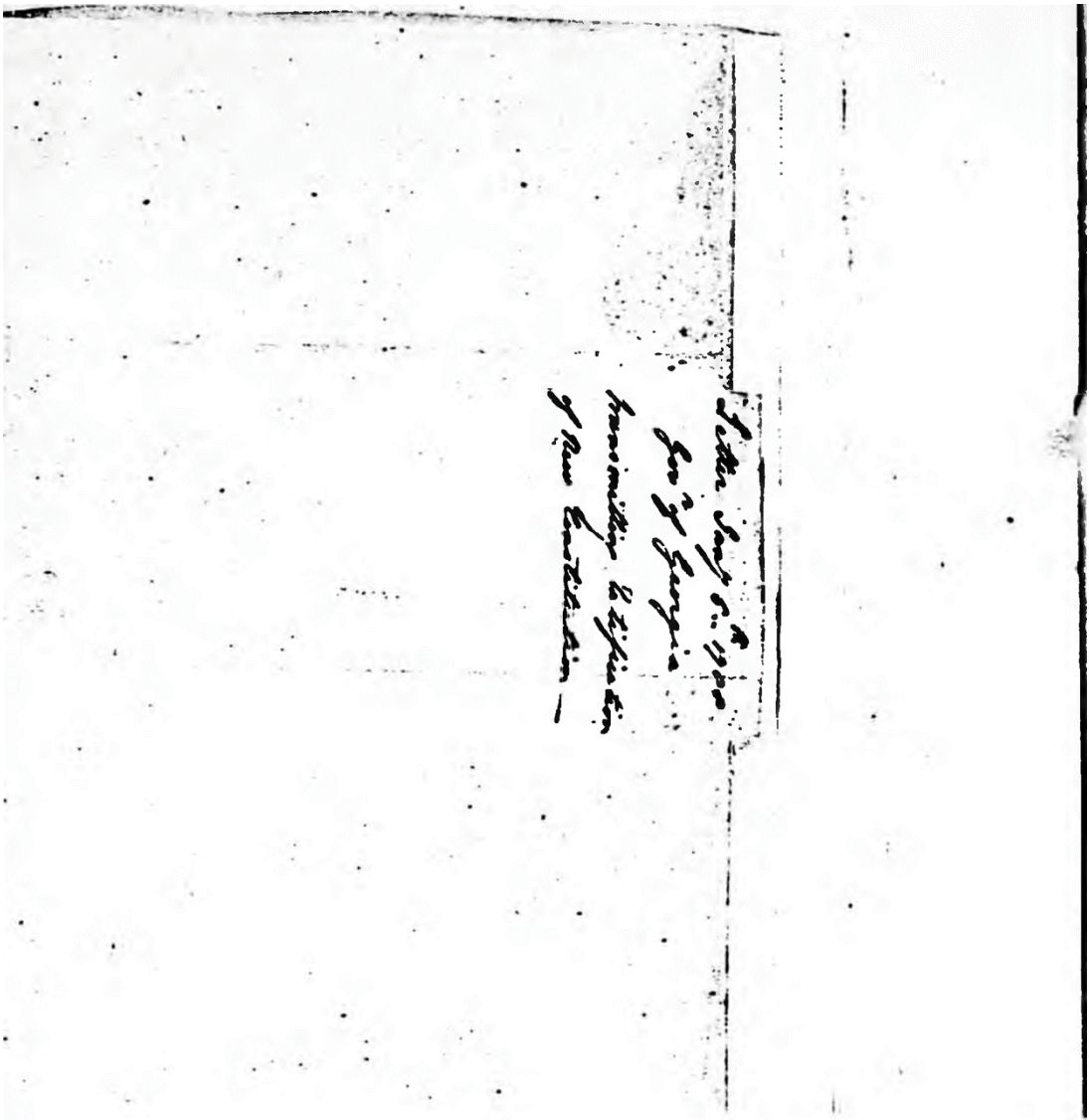
We hope that the ready compliance of this State with the recommendations of Congress and of the late National Convention, will tend not only to consolidate the Union, but promote the happiness of our common Country.

With great respect  
we have the honor to be,  
Sir,  
Your Excellency's  
Obedient Servants,

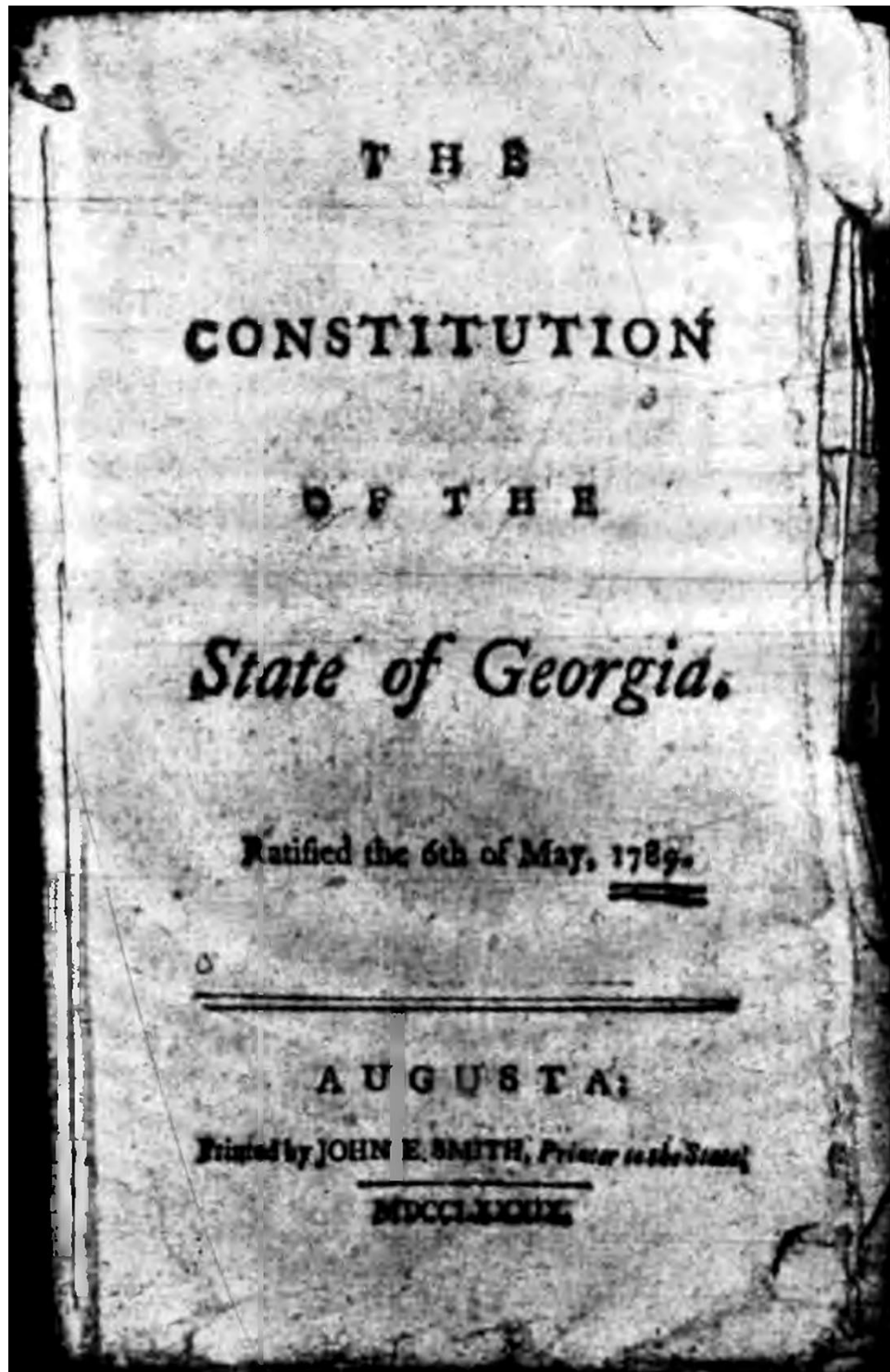
John Wreath, President.  
By unanimous order of the Convention of  
the State of Georgia.

His Excellency, The President of Congress.

1. RC, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787-92, National Archives.



48. The Constitution of the State of Georgia, 1789.



The following are the framers of, and subscribers to, the Constitution, agreed to and proposed at Augusta, the twenty-fourth day of November, 1788.

GEORGE HANDLEY, *President,*  
and Member for Glynn.

Joseph Clay, *Jud.*

Matthew M'Allister,

N. Brownson,

Thomas Lane,

Edward Telfair,

Geo. Walton,

W. Few,

James M'Niel,

Charles Crawford,

Arthur Fort,

Florence Sullivan,

John King,

John Milton,

Christopher Hillary,

Henry Osborne,

James Armstrong,

Nathaniel Pennington,

Jared Irwin,

John Waite,

John Rutherford,

Samuel Gardner,

H. Cleveland,

M. Woods,

Charles Abercrombie,

William Greer,

Thos. Houghton,

Chatham

Effingham

Burke

Richmond

Wilkes

Glynn

Candler

Washington

Frasler

Greene

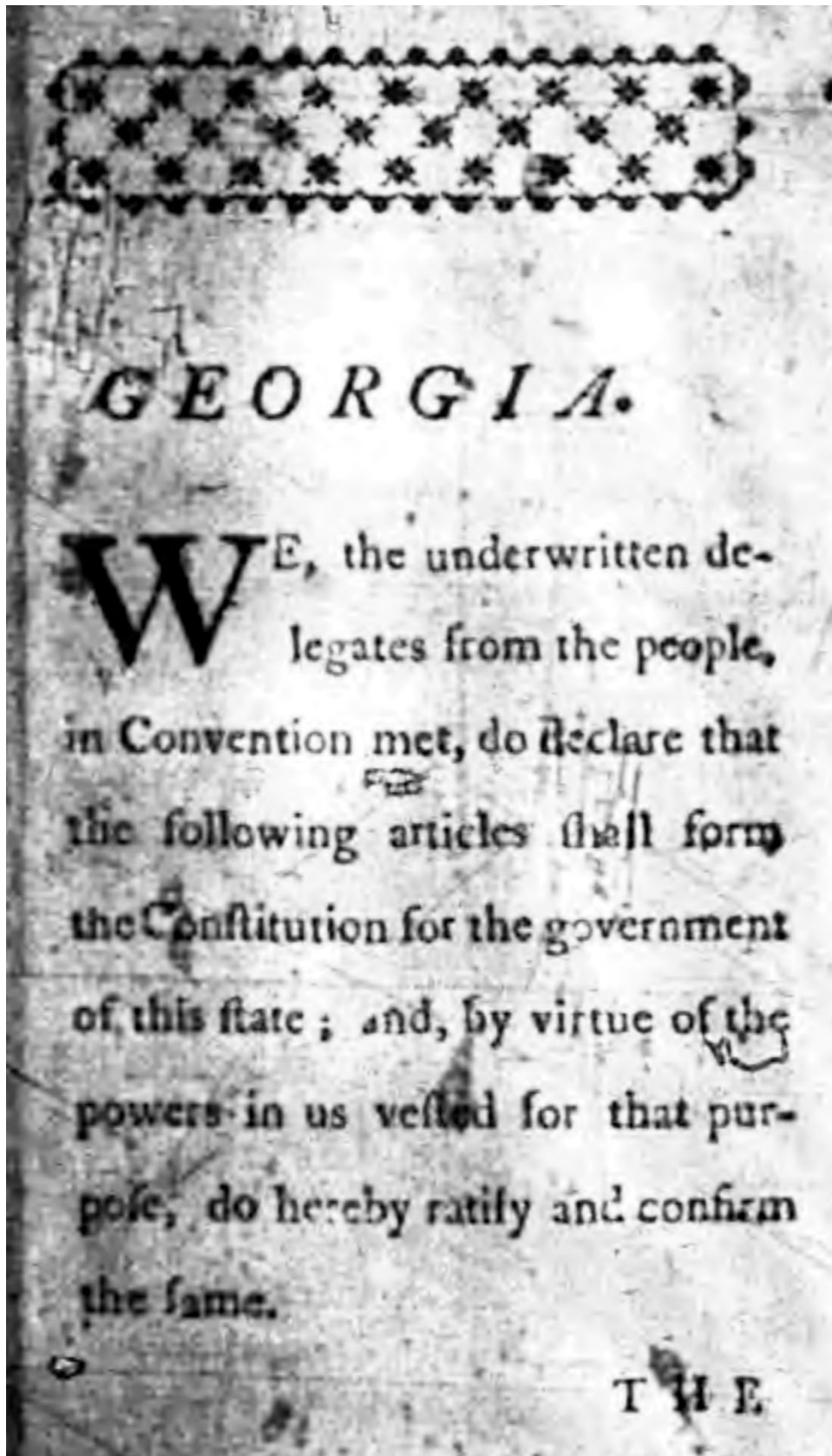
JAMES M. SIMMONS, *Sec'y.*

The following are the persons who met in Convention in January last, and proposed the several alterations, which formed the objects of deliberation of the Convention which adopted and ratified this Constitution.

**HENRY OSBORNE, President,**  
*and Delegates from Camden.*

Thomas Stafford,	} Camden,
George Handley,	
F O'Neal,	
John M'Queen,	} Liberty.
James Gunn,	
Thomas Gibbons,	} Chatham
AG Emanuel,	
Benj Lanier,	
J. Green,	} Effingham.
O. Bowen,	
Thos. Lewis,	} Burke.
David Emanuel,	
W. Smith, jun.	
W. Smith,	} Richmond.
John Wrenn,	
Geo. Mathews,	
James Williams,	} Wilkes.
Elijah Clarke,	
R Wilkison,	} Washington.
Col. Williams,	
Abm. Barnett,	
Davis Gresham,	} Greene.
Wm. Fitzpatrick,	
John Gresham,	} Franklin.
N. Cleveland,	
M. Woods,	

**DANIEL LONGSTREET, Sec'y.**



1789  
THE  
CONSTITUTION  
OF THE  
STATE OF GEORGIA

---

ARTICLE I

*Sect. 1.* **T**HE legislative power shall be vested in two separate and distinct branches, to wit, a Senate and House of Representatives, to be stiled "the General Assembly."

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



[ 8 ]

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

*Sect. VII.* No person shall be a member of the House of Representatives, who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, and two years an inhabitant of this state, and shall be an inhabitant of that county for which he shall be elected, and have resided therein three months immediately preceding his election:

[ 7 ]  
continue for the term of three years.

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

*Sect. IV.* The Senate shall elect, by ballot, a President out of their own body.

*Sect. V.* The Senate shall have solely the power to try all impeachments.

*Sect. VI.*

[ 10 ]

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

*Sect. XII.* One-third of the members, of each branch, shall have power to proceed to business, but a smaller number may adjourn from day to day, and compel the attendance of their members, in such manner as each House may prescribe.

*Sect. XIII.* Each House shall be judges of the elections, returns, and qualifications of its own members; with powers to expel, or punish for disorderly behaviour.

*Sect. XIV.* No Senator or Representative shall be liable to be arrested during his attendance on the General Assembly, or for a reasonable time in going thereto, or returning home, except it be for treason,

[ 2 ]  
election: and shall be possessed, in his own right, of two hundred acres of land, or other property to the amount of one hundred and fifty pounds.

*Sect. VIII.* The House of Representatives shall chuse their Speaker, and other officers.

*Sect. IX.* They shall have solely the power to impeach all persons who have been, or may be in office.

*Sect. X.* No person holding a military commission, or office of profit, under this, or the United States, or either of them, (except justices of the peace, and officers of the militia,) shall be allowed to take his seat as a member of either branch of the General Assembly: Nor shall any Senator, or Representative, be elected to any office of profit, which shall be created during his appointment.

B

*Sect. XI.*

§ 11 3  
treason, felony, or breach of the  
peace: Nor shall any member be  
liable to answer for any thing  
spoken in debate, in either House,  
in any Court, or place elsewhere.

SECT XV. The members of the  
Senate and House of Representa-  
tives shall take the following oath  
or affirmation:

" I A. B. do solemnly swear,  
(or affirm as the case may be,) that  
I have not obtained my election by  
bribery, or other unlawful means;  
and that I will give my vote on all  
questions that may come before me,  
as a Senator, or Representative, in  
such manner; as, in my judgment,  
will best promote the good of this  
state; and that I will bear true  
faith and allegiance to the same,  
and, to the utmost of my power,  
observe, support, and defend the  
Constitution thereof."

SECT. XVI. The General As-  
sembly

sembly shall have power to make all laws and ordinances which they shall deem necessary, and proper for the good of the state, which shall not be repugnant to this constitution.

*Sec. XVII.* They shall have power to alter the boundaries of the present counties, and to lay off new ones; as well out of the counties already laid off, as out of the other territory belonging to the state. When a new county, or counties, shall be laid off out of any of the present county or counties, such new county or counties shall have their representation apportioned out of the number of the Representatives of the county or counties out of which it or they shall be laid out; and when any new county shall be laid off in the vacant territory belonging to the state, such county shall have a number  
ber

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ber

[ 14 ]

aining the names of the persons voted for, and of the number of votes for each person; which list the Speaker shall sign in the presence of the House, and deliver it in person to the Senate: And the Senate shall, on the same day, proceed by ballot to elect one of the three persons having the highest number of votes; and the person having a majority of the votes of the Senators present, shall be the Governor.

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



[ 15 ]

*Sec. IV.* In case of the death, resignation, or disability, of the Governor, the President of the Senate shall exercise the Executive powers of Government, until such disability be removed, or until the next meeting of the General Assembly.

*Sec. V.* The Governor shall, at stated times, receive, for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall be elected; neither shall he receive, within that period, any other emolument from the United States, or any of them, or from any foreign power.—Before he enters on the execution of his office, he shall take the following oath, or affirmation:

“ I do solemnly swear, (or affirm as the case may be,) that I will faithfully execute the office of Governor of the State of Georgia,  
and

[ 16 ]  
and will, to the best of my abilities, preserve, protect and defend the said state, and cause justice to be executed in mercy therein, according to the Constitution and laws of the same."

*Sec. VI.* He shall be Commander in Chief in and over the state of Georgia; and of the militia thereof.

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

*Sec. VIII.* He shall issue writs of election to fill up all vacancies that happen in the Senate or House of Representatives; and shall have power

power to convene the General Assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic; and recommend to their considerations such measures as he may deem necessary and expedient.

*Sect. IX.* In case of disagreement between the Senate and House of Representatives, with respect to the time to which the General Assembly shall adjourn, he may adjourn them to such time as he may think proper.

*Sect. X.* He shall have the revision of all bills passed by both Houses before the same shall become laws; but two-thirds of both Houses may pass a law notwithstanding his dissent; and if any bill should not be returned by the Governor within five days after it hath been presented to him, the

C

same

And shall be a law, unless the General Assembly by their adjournment shall prevent its return.

*Sec. XI.* The Great Seal of the State shall be deposited in the office of the Secretary, and it shall not be affixed to any instrument of writing without it be by order of the Governor or the General Assembly; and the General Assembly may direct the Great Seal to be altered.

### A R T I C L E III.

*Sec. I.* A Superior Court shall be held in each county twice in every year, in which shall be tried and brought to final decision, all causes civil and criminal; except such as may be subject to a Federal Court, and such as may by law be referred to inferior jurisdictions.

*Sec. II.* The General Assembly shall point out the mode of correcting

141  
shall hold their commissions during  
the term of three years.

#### ARTICLE IV.

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

*Sect. II.* All elections shall be by ballot, and the House of Representatives, in all appointments of state officers, shall vote for three persons, and a list of the three persons, having the highest number of votes, shall be signed by the Speaker, and sent to the Senate; which shall, from such list, determine, by a majority of their votes, the officer elected;

[ 10 ]  
recting errors and appeals; which shall extend as far as to empower the Judges to direct a new trial by jury within the county where the action originated, which shall be final.

Sec. III. Courts-merchant shall be held as heretofore, subject to such regulations as the General Assembly may by law direct.

Sec. IV. All causes shall be tried in the county where the defendant resides; except in cases of real estate, which shall be tried in the county where such estate lies; and in criminal cases, which shall be tried in the county where the crime shall be committed.

Sec. V. The Judges of the Superior Court, and Attorney-General, shall have a competent salary established by law, which shall not be increased nor diminished during their continuance in office; and shall

estate, leaving a wife and children, the wife shall have a child's share, or her dower, at her option; if there be no wife, the estate shall be equally divided among the children, and their legal representatives of the first degree. The distribution of all other intestate estates may be regulated by law.

*Sec. VII.* At the general election for members of Assembly, in the year one thousand, seven hundred and ninety-four, the electors in each county shall elect three persons to represent them in a convention, for the purpose of taking into consideration the alterations necessary to be made in this Constitution; who shall meet at such time and place as the General Assembly may appoint; and if two-thirds of the whole number shall meet and concur, they shall proceed to agree on such alterations and amendments;

lected; except militia officers, and the secretaries of the Governor, who shall be appointed by the Governor alone, under such regulations and restrictions as the General Assembly may prescribe. The General Assembly may vest the appointment of interior officers in the Governor, the Courts of Justice, or in such other manner, as they may by law establish.

*Sect. III.* Freedom of the press, and trial by jury, shall remain inviolate.

*Sect. IV.* All persons shall be entitled to the benefit of the writ of *Habeas Corpus*.

*Sect. V.* All persons shall have the free exercise of religion; without being obliged to contribute to the support of any religious profession but their own.

*Sect. VI.* Estates shall not be es-  
tailed; and when a person dies in-  
testate,



[ 23 ]

ments, as they may think proper; *Provided*, That after two-thirds shall have concurred to proceed to alterations and amendments, a majority shall determine on the particulars of such alterations and amendments.

*Sec. VIII.* This Constitution shall take effect, and be in full force, on the first Monday in October, next after the adoption of the same; and the Executive shall be authorized to alter the time for the sitting of the Superior Courts, so that the same may not interfere with the annual elections in the respective counties, or the meeting of the first General Assembly.

Done at Augusta in Convention,  
the sixth day of May, in the  
year of our Lord one thousand,  
seven hundred and eighty-  
nine, and in the year of so-  
vereignty

Sovereignty and independence  
of the United States the thir-  
teenth.

WILLIAM GIBBONS, *President*  
*and Delegate from Chatham.*

Afa Emanuel,	} Chatham
Justus H. Scheuber,	
Benjamin Lanier,	
John Green,	} Effingham
Nathan Brownson,	
David Emanuel,	} Burke
Hugh Lawson,	
William Little,	
Abraham Marshall,	} Richmond
William F. Bouquet,	
Leonard Marbury,	} Wilkes
John Talbot,	
Jeremiah Walker,	
Lauchlan McIntosh,	} Liberty
Alexander Biddart,	
Jared Irwin,	} Glynn
John Watts,	
Joshua Williams,	
Middleton Wood,	} Washington
Joseph Carmichael,	
Henry Katz,	} Franklin
	} Grant

D. LONGSTREET, Sec'y

